

FRIDAY, MARCH 30, 2018

3:19 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Thursday, March 29th.

Mr. Morelle.

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

to dispense with the further reading of the Journal of Thursday, March 29th, and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'll give a little outline of our schedule this afternoon in just a minute, but I thought I might take a moment, since we seem to have a few, to note that on this day in 1870, the 15th Amendment of the Constitution was formally adopted, granting African-American men the right to vote. It read: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude."

And under the heading of "Did You Know," did you know that famed baseball player and manager John McGraw was born in Truxton, New York in 1873? Yes, indeed, a New Yorker. Truxton is located in the 126th Assembly District represented by our friend Mr. Finch. With 2,763 wins, McGraw holds the second-most victories in baseball history as a manager. One thing to note, he won three World Series titles as manager with the New York Giants, and also held the record for most ejections as a manager with 132 until recently being passed by Atlanta Braves coach -- manager Bobby Cox. So, he won a lot, he got thrown out of quite a few as well. So there you go.

Hopefully, no one will get thrown out of here today as we move to conclude our very important work. And let me again

thank the members, as I have throughout the week, for their patience. I know there have been long spells of inactivity and, yet, everyone has remained faithful to the cause and hopefully we will work through and complete our work on the 2018-2019 budget before -- before too long, sir.

So, members have on their main desks -- there will be, I'm sure, a number of Calendars to take up and votes to take up as we work to conclude the budget, and I will do that in just a minute. But I understand there's introductions and housekeeping. If there are, this would be the appropriate time to take it up.

ACTING SPEAKER AUBRY: An introduction from Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. I have today with me a great friend of mine, Santos Lopez, and his daughter, Delia. He also has a daughter, Jillian. Santos is a Navy veteran, a hospital man. His wife is actually Jennifer Lopez. And Delia is learning about the New York State government on her vacation here today. Unfortunately, she came not at a great time to see government at its finest. Also, I want to point out that the West Point Paintball Combat Classic is coming up, which Santos pretty much hosts this at the Academy, and he's invited any of our elected officials. If they would like to participate, they can. It's an incredible event. And also, Santos Lopez is also helping me with June 12th, which is going to be Filipino Appreciation Day here in the Capitol. And Usabia Lopez, his grandfather, was one of the original signers of the 1934 Constitution

of the Philippines.

So, with that, Mr. Speaker, if you would give him all the cordialities of the House with his lovely daughter, we'd appreciate that.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. DiPietro, the Speaker and all the members, we welcome the Santos family here to the New York State Assembly. We extend to you the privileges of the floor. We certainly are happy that you could join us. And whether we are at our finest moment or not, this is always an -- an auspicious occasion when we pass a budget. Thank you so very much, and we hope you learn much about it, young lady. Thank you.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker.

Members have on their desks both an A-Calendar and a B-Calendar. I now move to advance both the A- and B-Calendars.

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

Mr. Morelle.

MR. MORELLE: Yes, sir. I'd like to go to that A-Calendar now and take up Rules Report No. 21, a budget bill, which is located on page 3 of the A-Calendar.

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

advanced. Governor's message is at the desk.

(A09507-C) An act to amend the Public Health Law, in relation to rate methodology for capital expenditures to hospitals and residential nursing facilities; to amend the Social Services Law, in relation to standard coverage for physical therapy services under medical assistance for needy persons programs; to direct a review of the feasibility of a burn center in Kings County; and in relation to rates of reimbursement for certain residential health care facilities (Part A); to amend the Public Health Law, in relation to payments to residential health care facilities; to amend the Social Services Law and the Public Health Law, in relation to assisted living program providers licensed in the State; to amend the Social Services Law, in relation to payments for certain medical assistance provided to eligible persons participating in the New York Traumatic Brain Injury Waiver program; to amend the Public Health Law, in relation to limitations on licensed home care service agency contracts and registration of licensed home care services agencies; to amend the Social Services Law, in relation to advertising by fiscal intermediaries; and in relation to Medicaid reimbursement rates for hospice providers (Part B); to amend the Social Services Law and the Public Health Law, in relation to health homes and penalties for managed care providers (Part C); to amend the Social Services Law and the Public Health Law, in relation to drug coverage, updating the professional dispensing fee and copayments; and in relation to the Medicaid drug cap (Part D); intentionally omitted (Part E); intentionally omitted (Part F);

intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend the State Finance Law, in relation to the False Claims Act (Part J); to amend the Public Health Law and the Social Services Law in relation to home care services and direct care costs; and to amend Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to known and projected Department of Health State Fund Medicaid expenditures, in relation to extending the Medicaid global cap (Part K); intentionally omitted (Part L); to amend Chapter 266 of the Laws of 1986, amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to apportioning premium for certain policies; to amend part J of Chapter 63 of the Laws of 2001 amending Chapter 266 of the Laws of 1986, amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, relating to the effectiveness of certain provisions of such chapter, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend part H of Chapter 57 of the Laws of 2017, amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part M); to amend part C of Chapter 57 of the Laws of 2006, establishing a cost of living adjustment for designated human services, in relation to the determination thereof; and to repeal certain provisions thereof relating to eligible programs (Part N); intentionally omitted (Part O);

intentionally omitted (Part P); to amend the Public Health Law, in relation to the Health Care Facility Transformation program (Part Q); intentionally omitted (Part R); intentionally omitted (Subpart A); to amend the Public Health Law and the Mental Hygiene Law, in relation to integrated services (Subpart B); and to amend the Public Health Law, in relation to the definitions of telehealth, and to amend the Social Services Law, in relation to payment for telehealth services and remote patient monitoring and to repeal certain provisions of the Public Health Law relating thereto (Subpart C)(Part S); to amend Chapter 59 of the Laws of 2016, amending the Social Services Law and other laws relating to authorizing the Commissioner of Health to apply Federally-established consumer price index penalties for generic drugs, and authorizing the Commissioner of Health to impose penalties on managed care plans for reporting late or incorrect encounter data, in relation to the effectiveness of certain provisions of such chapter; to amend Chapter 58 of the Laws of 2007, amending the Social Services Law and other laws relating to adjustments of rates, in relation to the effectiveness of certain provisions of such chapter; to amend Chapter 54 of the Laws of 2016, amending part C of Chapter 58 of the Laws of 2005 relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof, in relation to the effectiveness thereof; to amend Chapter 906 of the Laws of 1984, amending the Social Services Law relating to expanding medical assistance eligibility and the scope of services

available to certain persons with disabilities, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2013, amending Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, in relation to rates of payments; to amend the Social Services Law, in relation to agreements with pharmaceutical manufacturers; to amend part B of Chapter 57 of the Laws of 2015, amending the Social Services Law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; and to amend the Public Health Law, in relation to participation and membership in a demonstration period (Part T); to amend part NN of Chapter 58 of the Laws of 2015, amending the Mental Hygiene Law relating to clarifying the authority of the commissioners in the Department of Mental Hygiene to design and implement time-limited demonstration programs, in relation to the effectiveness thereof (Part U); to amend Chapter 62 of the Laws of 2003, amending the Mental Hygiene Law and the State Finance Law relating to the Community Mental Health Support and Workforce Reinvestment program, the membership of subcommittees for mental health of community services boards and the duties of such subcommittees and creating the Community Mental Health and Workforce Reinvestment Account, in relation to extending such provisions relating thereto (Part V); intentionally omitted (Part W); to amend Chapter 111 of the Laws of 2010, amending the Mental Hygiene Law relating to the receipt of Federal and State benefits

received by individuals receiving care in facilities operated by an office of the Department of Mental Hygiene, in relation to the effectiveness thereof (Part X); to amend the Education Law, in relation to persons practicing in certain licensed programs or services who are exempt from practice requirements of professionals licensed by the Department of Education; to amend Chapter 420 of the Laws of 2002, amending the Education Law relating to the profession of social work, in relation to extending the expiration of certain provisions thereof; to amend Chapter 676 of the Laws of 2002, amending the Education Law relating to the practice of psychology, in relation to extending the expiration of certain provisions; and to amend Chapter 130 of the Laws of 2010, amending the Education Law and other laws relating to the registration of entities providing certain professional services and licensure of certain professions, in relation to extending certain provisions thereof (Part Y); to amend the Social Services Law, in relation to adding demonstration waivers to waivers allowable for home and community-based services; to amend the Social Services Law, in relation to adding successor Federal waivers to waivers granted under subsection (c) of section 1915 of the Federal Social Security Law, in relation to nursing facility services; to amend the Social Services Law, in relation to waivers for high quality and integrated care; to amend the Mental Hygiene Law, in relation to adding new and successor Federal waivers to waivers in relation to home and community-based services; to amend part A of Chapter 56 of the Laws of 2013, amending the Social Services Law and other

laws relating to enacting the major components of legislation necessary to implement the Health and Mental Hygiene Budget for the 2013-2014 State Fiscal Year, in relation to the effectiveness of certain provisions thereof; to amend the Public Health Law, in relation to expansion of comprehensive health services plans; to amend Chapter 659 of the Laws of 1997, amending the Public Health Law and other laws relating to creation of continuing care retirement communities, in relation to extending provisions thereof; to amend the Public Health Law, in relation to managed long-term care plans, health and long-term care services and developmental disability individual support and care coordination organizations; to amend Chapter 165 of the Laws of 1991, amending the Public Health Law and other laws relating to establishing payments for medical assistance, in relation to extending the provisions thereof; to amend the Mental Hygiene Law, in relation to reimbursement rates; and to amend Chapter 710 of the Laws of 1988, amending the Social Services Law and the Education Law relating to medical assistance eligibility of certain persons and providing for managed medical care demonstration programs, in relation to extending the provisions thereof (Part Z); to amend part C of Chapter 57 of the Laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to the inclusion and development of certain cost of living adjustments (Part AA); to amend the Public Health Law, in relation to expanding the list of controlled substances (Part BB); to amend the Public Health Law, in relation to inquiries or complaints of professional misconduct

(Part CC); to amend the Education Law, in relation to authorizing a licensed pharmacist to administer influenza vaccine to children between two and 18 years of age pursuant to a non-patient specific regimen; to amend the Public Health Law, in relation to reporting requirements for vaccines administered by pharmacists to individuals less than 19 years of age; to amend Chapter 563 of the Laws of 2008, amending the Education Law and the Public Health Law relating to immunizing agents to be administered to adults by pharmacists, in relation to making the provisions permanent; to amend Chapter 116 of the Laws of 2012, amending the Education Law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents, in relation to making certain provisions permanent; and to amend Chapter 21 of the Laws of 2011, amending the Education Law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, in relation to making certain provisions permanent (Part DD); to amend the Social Services Law, in relation to insurance payments for independent practitioner services for individuals with developmental disabilities (Part EE); to amend the Mental Hygiene Law, in relation to establishing the Office of the Independent Substance Use Disorder and Mental Health Ombudsman (Part FF); to amend the Mental Hygiene Law, in relation to a certified peer recovery advocate services program (Part GG); to amend the Public Health Law, the Executive Law and the Insurance Law, in relation to sexual assault forensic exams; and to repeal certain provisions of the

Public Health Law relating thereto (Part HH); to amend the Mental Hygiene Law, in relation to State-operated individualized residential alternatives; and to amend part Q of Chapter 59 of the Laws of 2016, amending the Mental Hygiene Law relating to the closure or transfer of a State-operated individualized residential alternative, in relation to the effectiveness thereof (Part II); to amend the Mental Hygiene Law, the Public Health Law and the Executive Law, in relation to establishing a training program for first responders for handling emergency situations involving individuals with autism spectrum disorder and other developmental disabilities (Part JJ); to amend the State Finance Law, in relation to requiring bids submitted to the State or any agency or department of the State to contain a certification concerning sexual harassment (Subpart A); to amend the Civil Practice Law and Rules, in relation to prohibiting mandatory arbitration clauses (Subpart B); to amend the Public Officers Law, in relation to reimbursement of funds paid by State agencies, State entities and public entities for the payment of awards adjudicated in sexual harassment claims (Subpart C); to amend the General Obligations Law and the Civil Practice Law and Rules, in relation to nondisclosure agreements (Subpart D); to amend the Labor Law, in relation to the establishment of a model policy regarding the prevention of sexual harassment and a model training program to prevent sexual harassment in the workplace (Subpart E); and to amend the Executive Law, in relation to sexual harassment relating to non-employees (Subpart F) (Part KK); to amend the Public Health Law, in relation to

authorizing a voluntary public water system consolidation study (Part LL); to amend the Public Health Law, in relation to pharmacy audits by pharmacy benefit managers; to amend the Public Health Law, in relation to contracts between pharmacy benefit managers and pharmacies; to amend the Insurance Law, in relation to outpatient treatment; to amend the Public Health Law, in relation to establishing the Children and Recovering Mothers program and a workgroup to study and evaluate barriers and challenges in identifying and treating expectant mothers, newborns and new parents with a substance use disorder; to amend the Public Health Law, in relation to screening students for lead when enrolling in child care, pre-school or kindergarten; to amend the Public Health Law, in relation to the Lead Service Line Replacement Grant program; to direct the New York State Department of Health to conduct a study of the high burden of asthma in the boroughs of Brooklyn and Manhattan in the City of New York; and to amend the Insurance Law, in relation to providing coverage for pasteurized donor human milk (PDHM) (Part MM); and to amend the Public Health Law and the State Finance Law, in relation to enacting the Opioid Stewardship Act; and providing for the repeal of such provisions upon expiration thereof (Part NN).

The Clerk will read.

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

ACTING SPEAKER AUBRY: There is an amendment at the desk from Mr. DiPietro, who will briefly explain the

amendment while the Chair examines it.

MR. DIPIETRO: Mr. Speaker, I offer up the following amendment, waive its reading, move its adoption and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: The Chair has examined your amendment and found it germane to the bill before the House.

On the amendment, Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. The amendment before us, Mr. Speaker, would prohibit the use, with three exceptions, of State Medicaid funds for the payment of abortions. One, where the abortion is necessary to save the life of the mother; two, where the pregnancy is a result of rape; or three, where the pregnancy is a result of incest. In cases of rape or incest, the amendment further provides that certain reporter -- reporting requirements be fulfilled.

Mr. Speaker, I move the amendment and ask for its adoption, please.

ACTING SPEAKER AUBRY: Ms. Glick on the amendment.

MS. GLICK: Thank you, Mr. Speaker. On the amendment. In this instance, the State has determined for many years now that Medicaid provides these resources for women who cannot otherwise afford to exercise their constitutional right to determine when or whether to be a parent. Regardless of whether abortion was

legal or illegal, women of means always had those -- that ability. They could fly to an appropriate location. The State of New York has determined that we will not discriminate against young women and poor women in their ability to exercise their constitutional right to access this medical procedure.

I urge a vote no on this amendment.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. This, ladies and gentlemen, constitutes our first vote of today, so please cast your votes. And people who are not in the Chamber, we'd love to see you please come cast your first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members. Please come to the Chamber and cast your vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill, Mr. Oaks.

MR. OAKS: Thank you. If the Chairwoman would yield, please.

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

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. OAKS: Helene, just a few questions about Medicaid and -- the -- the total cost in this budget to the State for Medicaid this year, do we have those numbers?

MS. WEINSTEIN: Yes. The total Medicaid expenditures are project -- are projected to total \$72.5 billion.

MR. OAKS: And where does that come out in comparison to the Executive's original proposal?

MS. WEINSTEIN: It's -- it's -- oh, yes. It's about \$88 million above the Governor's proposal, reflecting various Medicaid restorations.

MR. OAKS: One -- one of the things -- there were, just in my brief review of it, there were quite a few changes that have been proposed within Medicaid in terms of intentionally, like, omitting some of the MRT proposals. How do we get to the point if we're omitting all those -- which a lot of those were cost savings -- how do we still get to basically being pretty close to what the -- the Governor proposed?

MS. WEINSTEIN: We -- we -- well, first of all, there -- we did find additional savings in some reestimates of Medicaid, but there also were restorations that were agreed to -- restorations from last year's -- that were in last year's budget that were agreed to; some in the pharmacy prescriber prevails restoration, for example. We restored spousal protections for community spouses to prevent impoverishment. We made many changes, many restorations

for -- in the transportation area. So when you start to add up some of -- some of those, we come up with \$148 million in restorations. There's \$30 million in support for safety net hospitals, and \$183 million in offsetting reductions. That's how we stay pretty close to where the Governor was.

MR. OAKS: So, you're confident that those numbers are good. And I -- I know there is a global cap. Are we staying within that as well in these...

MS. WEINSTEIN: Yes, absolutely within the global cap.

MR. OAKS: Certainly for county governments, Medicaid, the local cost to Medicaid, is a major burden, even though we've over the last number of years taken some steps to freeze costs and to limit the costs at first and then to freeze it. But there are some pro -- proposals both in your side of the aisle and on our side of the aisle which would actually have the State move to take away those costs. There have been some estimates, somewhere between 45 and 50 cents of local county tax dollars going for that Medicaid cost. And so, were there discussions about that? You know, is that something that at least was part of the conversation? I know it didn't make it here, but one that we ought to -- or we have a chance to make a difference, hopefully, going forward.

MS. WEINSTEIN: As -- as you and others may recall, in our -- when this issue came up as we were debating our -- our one-House Assembly proposal and we discussed in how --

because of the -- first the takeover of eliminating the cost of counties of just 3 percent year over year, and then several years ago taking all of the costs above that -- that level on behalf of the State, assuming all of those costs we would save the localities approximately \$3 billion cumulatively to enact a proposal that would fully take over the county's share, the locality's share of Medicaid, would be over \$7 billion and it just isn't the -- despite whatever desires exist, there just aren't the finances to be able to do that.

MR. OAKS: My -- my hope would be as -- as we go afford that we might have, you -- you know, that a phase-in of that that doesn't make it quite as burdensome to the State initially, but something where we get to that point. But thank you very much, Chairwoman.

MS. WEINSTEIN: Thank you.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Will the Chairwoman -- well, she's already risen (sic) -- would you yield for a couple of questions?

ACTING SPEAKER AUBRY: Ms. Weinstein --

MS. WEINSTEIN: I'd be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein will yield.

MS. WEINSTEIN: We're trying to move this process along.

MR. RAIA: I'm game on that, although I do have

some questions, so --

MS. WEINSTEIN: No problem.

MR. RAIA: -- I hope you had a good strong cup of coffee.

MS. WEINSTEIN: Not for 30 years.

MR. RAIA: We'll start with the easy -- we'll start with the easy ones and -- and move our way to the more -- the more lengthy ones. Let's talk about the 2 percent reduction in funding for poor-performing -- poor-performing nursing homes. What have we done in that versus the Governor's original proposal? What's the difference? Have we made any changes to the Executive proposal?

MS. WEINSTEIN: So, we do require there to be a -- a waiver for financially-distressed facilities, so the 2 percent will only be -- a penalty will only be assessed against facilities that can handle that within their financial situation.

MR. RAIA: And this is a judgment call solely by the Health Commissioner?

MS. WEINSTEIN: Yes.

MR. RAIA: And what -- what determines what extreme financial distress is? You know, what's -- what's -- my guess is what -- we -- we make those assessed judgment calls all the time here.

MS. WEINSTEIN: Well, we -- we did take out the term of "extreme" --

MR. RAIA: Okay.

MS. WEINSTEIN: -- so that's it's financially distressed, so I think it's -- it's a --

MR. RAIA: It's a step in the right direction.

MS. WEINSTEIN: It's a more helpful situation for facilities in that -- in that situation.

MR. RAIA: All right. Thank you. A step -- a step in the right direction.

Can we talk about LHCSAs, licensed home care service agency contracts?

MS. WEINSTEIN: Yes. Certainly.

MR. RAIA: I know when we were talking about the one-House, I -- I raised some concern with respects to private pay, and as you know, private pay LHCSAs get zero dollars from the government. Are they a part of the moratorium, the two-year moratorium?

MS. WEINSTEIN: Yes, they are.

MR. RAIA: Why?

MS. WEINSTEIN: It -- it is just difficult to separate and -- out the private pay for -- with the Medicaid --

MR. RAIA: Well, I --

MS. WEINSTEIN: Since it's just licensed to operate, it's hard to figure out another source --

MR. RAIA: I -- I -- I get it, but we're telling a business in New York State that gets zero government funds that obviously they're not going to open unless there's a need, and you

want to keep people in their homes as long as possible. And if people have the ability to pay for that service, who are we to tell a business that doesn't get any government funding that, *Sorry, you're out of luck?*

MS. WEINSTEIN: That's -- this is where we landed. You know, these facilities are eligible to apply for -- to serve Medicaid clients.

MR. RAIA: But they don't want to serve Medicaid. They -- they have found out that there's plenty of people out there that will gladly pay for a service without zero government intervention.

MS. WEINSTEIN: You know, in other are -- areas we don't differentiate by -- by pairs, so that's -- this is where we landed.

MR. RAIA: Okay. It's the reason why -- one of the reasons why New York is one of the worst places to do business with.

Moving on, what is the Opioid Steward -- Stewardship Act?

MS. WEINSTEIN: So, this is an alternative to the original proposal of an opioid surcharge, and it will generate \$100 million. There is an assessment based on the volume of business that the manufacturer does in the State, and it will be paid by the entities making the first sale of opi -- opioids into New York State, as I said, based on their volume of chem -- of medicine sold in the prior year.

MR. RAIA: Now, who's paying this? Manufacturers and distributors, right?

MS. WEINSTEIN: Yes.

MR. RAIA: Do you have an estimate on the number of manufacturers and distributors that will be impacted by now -- and -- and an assessment, that's another word for tax, right?

MS. WEINSTEIN: No. We don't have a number on how many manufacturers or distributors will be impacted, but the Executive has -- has estimated that it will generate the \$100 million, projected \$100 million in revenue.

MR. RAIA: So, we don't know how many there are. We don't know how many milligrams they all, you know, will be selling and, yet, somehow we determine there's going to be a \$100 million cash fund out of this?

MS. WEINSTEIN: Right.

MR. RAIA: And if I'm not mistaken, it's no longer first sale, correct? That was taken out?

MS. WEINSTEIN: No, it is -- it is still the first sale. You know just to -- the concept is that we are looking to generate \$100 million, so I couldn't tell you exactly what the number will be on any individual set of volume of sales because the idea is to try and generate that \$100 million. So I think there may be some fluctuation year to year.

MR. RAIA: Now, so you're saying it's still first sale. I'm not so sure that's the case. If that's the case, will individual pharmacies be negatively impacted by this proposal? Because in many instances they could be defined as distributors.

MS. WEINSTEIN: No. It's certainly not the -- not the intention.

MR. RAIA: Well, it's never the intent to do something that we often find ourselves back fixing. Okay, how about this one? Are there any instances in which licensees could be both a manufacturer and a distributor? I can think of a couple.

MS. WEINSTEIN: It -- it, you know, certainly it could be possible.

MR. RAIA: And would they then be stuck paying the tax twice?

MS. WEINSTEIN: Since it's on the first -- the first sale in the State, I think it would be -- I would tell you I would believe that they would not be -- have to pay this assessment twice.

MR. RAIA: But we really don't know.

MS. WEINSTEIN: It's -- it's certainly not the intention.

MR. RAIA: Gotcha. What about mail order?

MS. WEINSTEIN: No. I don't believe so.

MR. RAIA: So, you're telling me a way around -- so a patient that mail orders that might be on maintenance opioids that mail orders it, they're not going to then become the first point of sale?

MS. WEINSTEIN: No, because it's only on distributors -- on manufacturers and distributors.

MR. RAIA: And those distributors that are mailing into the State, we're not going to try and go after them?

MS. WEINSTEIN: And -- and -- and just -- you know, I --I know you haven't asked, but there is a \$1 million penalty if --

MR. RAIA: That's -- I'm getting to that.

MS. WEINSTEIN: Okay.

(Laughter)

Well, let me finish -- I can finish the sentence so we

--

MR. RAIA: Please. Please.

MS. WEINSTEIN: -- don't keep everybody wondering.

MR. RAIA: Thank you.

MS. WEINSTEIN: There's a \$1 million penalty if a manufacturer or distributor passes on those costs to individuals.

MR. RAIA: Well, that's -- ultimately it's \$1 million -- no, up to \$1 million.

MS. WEINSTEIN: Up to \$1 million.

MR. RAIA: It's ideally \$1,000 per day. Now, how on earth are we going to determine whether or not these costs are being turned -- turned up, passed on to the consumer? Because, obviously, costs go up. Certainly even here, you know, every year our -- our costs go up. Business -- the cost of business goes up. So how, in fact, are we going to determine that that increase is not as a result of -- of general business practices and, instead, might be just a way to -- to recoup that tax?

MS. WEINSTEIN: Well, the -- the language does say that the assessment would be prohibited from being passed along to consumers. And as I said, a pen -- financial penalty of roughly \$1 million per -- per incident would be levied for attempting to pass along the cost of the assessment to downstream purposes.

MR. RAIA: But again, who determines that? Who determines that an increase in costs is -- might be business-related versus an increase in a tax that is causing that?

MS. WEINSTEIN: Right. Well, you know, the Department of Health is going to have the oversight, and I think that's something they could determine.

MR. RAIA: That just -- yeah, okay. If you say so. But I'm a little concerned about one government agency determining the profitability of -- of a particular company. So, in order to determine that are businesses that are subject to paying this tax going to now have to justify any increases that they do? In other words, is -- are we now going to be in the business of -- of -- of going through businesses' books to determine whether or not that was a legitimate increase in the cost of doing business?

MS. WEINSTEIN: Well, the companies are required to annually report data on the opioid sales, and I think the Department of Health will examine lots of -- examine this data and look for patterns if -- - if, in fact, they think there are costs being passed on by an individual distributor or manufacturer to consumers.

MR. RAIA: Now, the guesstimate is \$1 million -- or

no, that's the fine, never mind. We're predicting we're going to raise what, how much?

MS. WEINSTEIN: \$100 million.

MR. RAIA: \$100 million. Where's that all -- where's that \$100 million going?

MS. WEINSTEIN: Well, it -- it will be used to help support our OASAS treatment, prevention, recovery services for substance abuse.

MR. RAIA: All of it?

MS. WEINSTEIN: Right. It -- we've increased those services over the last handful of years, so even though the dollars themselves will go into the General Fund, they will be supporting our increase OASAS treatment and prevention services.

MR. RAIA: Oh, boy. That kind of scares me whenever we put something in the General Fund. So, basically, what you're telling me is this is just going to be a swap.

MS. WEINSTEIN: We are adding -- we are adding this -- enacting this assessment so we can have the funds necessary to pay for these treatment services.

MR. RAIA: I -- well, I get that. Well, so let me just get this straight. So we're not sure all \$100 million is going to go to treating the epidemic that we have in opioid abuse? Well, I call it a "pandemic," actually.

MS. WEINSTEIN: Well, by spending this \$100 million on these services, it can free up some --

MR. RAIA: But there's --

MS. WEINSTEIN: -- other dollars.

MR. RAIA: -- if it goes into the General Fund,
there's no -- in other words, this \$100 million's --

MS. WEINSTEIN: It can offset --

MR. RAIA: -- not going into a lockbox, right?

MS. WEINSTEIN: No, but it will -- can be used to
offset current spending on some of these services, so --

MR. RAIA: Well, why are we off --

MS. WEINSTEIN: -- it will be, in fact, dedicated to
these services.

MR. RAIA: Why are we offsetting current services?
Shouldn't we be increasing services?

MS. WEINSTEIN: Right. You know, I mean, this is
the Governor's proposal. This was the agreed-upon end result of the
three-way negotiation.

MR. RAIA: Well, which means if it's an agreed-upon
three-way, then we own it just as much as the Senate and just as much
as the Governor. We could have -- the Senate put forth a proposal that
did away with this. We chose, in this House --

MS. WEINSTEIN: And then -- and then we would
have a -- a -- a deficit that we would not be able to fund --

MR. RAIA: So, therefore --

MS. WEINSTEIN: -- might not be able to fund these
services.

MR. RAIA: -- it is actually a tax. It's not an assessment.

MS. WEINSTEIN: I don't think --

MR. RAIA: Okay.

MS. WEINSTEIN: -- it's an assessment. I don't think others would --

MR. RAIA: A fee is another three-letter word for tax. An assessment's a tax. If you got to pay it, it's a tax. But I -- I -- I understand how -- how we play with words here in the House.

Thank you, Chair --

MS. WEINSTEIN: Sure.

MR. RAIA: I know this is a complex question, and -- and, you know, topic and you've done a wonderful job defending something that -- on the bill, Mr. Speaker -- defending something that I think we're just making it up as we go along. I -- I mean, just my memo explain -- trying to explain this is two pages long, and trying to work this out is going to be impossible. Bottom line is, the assessment's unworkable. It's going to be an impediment to -- to those individuals, whether they be cancer victims, whether they be post-operative. In the end, the patient is going to be paying this, because there is no way that the -- that the Health Department is going to determine what the difference is between a legitimate increase in business costs versus a tax. You know, ultimately, we -- we don't know how many or -- how many manufacturers and distributors we're taking about. We don't know how many -- well, we do that they

employ thousands of people.

Thank you, Mr. Speaker. I'm sure we're going to be revisiting this topic in the years to come.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for a few questions? Will Ms. Weinstein yield?

MS. WEINSTEIN: Pleased to.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you. The questions I'd like to talk to you about have to do with the portion in Part KK, the sexual harassment in the workplace section.

MS. WEINSTEIN: Sure.

MS. WALSH: So, first of all, the -- in subpart C, having to do with the reimbursement of funds paid by State agencies and State entities for the payment of awards adjudicated in sexual harassment claims, would you please clarify that that reimbursement process will only be followed when there's actually been a final adjudication, rather than a settlement of the matter. Is that correct?

MS. WEINSTEIN: Correct.

MS. WALSH: Okay. So, the second question I have for you relates to subpart F, which -- let me get it in front of me -- oh, which talks about non-employees being protected from sexual harassment. Now, it says that non-employees will be protected from sexual harassment, but those protections only run one way, correct?

MS. WEINSTEIN: Can you just clarify what you

mean by -- by "one way"?

MS. WALSH: In other words, if the -- if you have, for example, somebody -- a non-employee who is coming into the workplace to do -- to fix a Xerox machine -- if they still do that anymore -- or bring water into the workplace, and that individual harasses an employee. That is not covered by this language; is that correct?

MS. WEINSTEIN: This would -- for -- you know, I think it may be the reverse of what you're saying.

MS. WALSH: Okay.

MS. WEINSTEIN: This relates to employers or supervisors who should have known that non-employee -- that the non-employee was subjected to sexual harassment. So you're asking if the non-employee is the harasser? Is that --

MS. WALSH: Or is it -- or is it the reverse, where the --

MS. WEINSTEIN: This is where the non-employee is subjected to harassment, that the section relates to.

MS. WALSH: Okay. So, the -- an employee of a company harasses somebody coming into the workplace who is a non-employee --

MS. WEINSTEIN: Correct.

MS. WALSH: That would be covered by this -- by this language.

MS. WEINSTEIN: Yes.

MS. WALSH: Okay. Thank you for that clarification. So, this policy only addresses sexual harassment, though, correct?

MS. WEINSTEIN: Yes, correct.

MS. WALSH: So, other forms of harassment -- age, race, disability, discrimination -- those things fall outside of this policy, correct?

MS. WEINSTEIN: Correct. I mean, clearly, that was something that in our one-House we had tried to get a broader definition, but we agreed for the purposes of this budget to just limit to sexual harassment. I -- I think we'll be trying to address some of those other issues post-budget.

MS. WALSH: Very good.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, madam.

MS. WALSH: As -- as a woman, as an attorney who, in my earlier years of practice, represented women who had been sexually harassed in the workplace, I was very gratified to see this make its way into this bill. I know that we've noticed that a lot of the more policy-substantive provisions were taken out of a number of the bills that we've seen. I'm very grateful to see that this made its way into the final bill. And despite some of the -- the issues and clarifications that you graciously answered which, to me, represent additional room for improvement or movement forward in -- in the coming years, I think that this is an extremely important first step.

And I'm -- I -- I can't guarantee how I'll support the entire bill, but at least as to this portion, I'm very glad for it.

So, thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the Chairwoman yield for one quick question?

ACTING SPEAKER AUBRY: Will you yield?

MS. WEINSTEIN: Surely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you. I -- this is kind of -- it might be an obscure part of the budget, and -- and if you're not sure right away, you know, I'd love to have some follow-up on it later. But I know in -- in the -- in the one-House budgets, the Senate included a provision that would designate emer -- organ donation vehicles as emergency or authorization vehicles. I know our Assembly one-House budget did not include that. The reason I'm asking the question was, do we know if this might be in this bill or would that -- would it might have been in the TED bill or might that be coming further? Is that part of the discussions or is that out all together? And if we don't know, that's fine.

MS. WEINSTEIN: It's not in any -- it's not in any bill that we're working on now. No.

MR. PALMESANO: So, we don't --

MS. WEINSTEIN: It would have been in -- in TED,

which we did last night and --

MR. PALMESANO: So it wasn't in TED. It's not in anywhere else.

MS. WEINSTEIN: No. And it's not anticipated in the -- in the revenue bill.

MR. PALMESANO: Okay, thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, I -- I -- I know this -- probably when we're talking about this budget bill, this might not seem like a big deal or why am I bringing this up. The only reason I'm bringing it up, really, is I know it was part of the Senate one-House bill. You're saying maybe, why -- why are we talking about this? It doesn't seem important. But I guess I would say to the nearly 9,500 New Yorkers right now that are on the organ transplant list or the 1,700 that have been waiting for more than five years for a lifesaving organ transplant, this is a big deal. And to their families. We talk about organ donation a lot in this Chamber, especially next month being Organ Donation Awareness Month, but -- and we talk about the statistics, which are pretty alarming when we look at 52 registries across this country and New York's number 51 out of 52. We're only ahead of Puerto Rico. When we see that we lost nearly 500 New Yorkers last year waiting for lifesaving organ transplant, the fact of the matter is that there's -- we have the third-highest need for organ donation in this -- in this State, but we have the second-worst registry

in the entire country. And when we look at our organ donation rate, we're at 30 percent; the national average is 54 percent. The State of Montana is number one at 90 percent. We have made tremendous progress on this issue, my colleagues. But I guess I would say while I hope -- I know there's legislation separate from the budget to do this, and I hope we can consider this in this House moving forward because it's about saving lives. Again, if -- if that was your family member or your loved one -- think about if your -- your son or your daughter, your mom or your dad, your brother or sister were in need of lifesaving organ transplant and that vehicle, when that organ is -- when those organs are harvested, it's under a very time-critical timeframe to get to where it needs to go to save that life. And if by doing this designation, we can save lives. And if that was one of your loved ones waiting for that lifesaving organ transplant, and that organ transplant couldn't happen because that vehicle didn't get there soon enough, if this emergency designation could happen, that could help save lives. So I hope moving forward we can look at that legislation outside of the budget because at the end of the day, this will save lives and that's a good thing that we can be working on moving forward on such important legislation.

So, thank you to the Chairwoman for her time on this, and that's why I just wanted to highlight this very important issue. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Would the Chair yield?

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Just quickly, because Mr. Raia did a very good job of covering this, but with the Opioid Stewardship. I know we're aware of -- as we've gone through this discussion in the past few months, that this is something that has been looked at a number of different states and different issues have come up with trying to collect this. Are there, you know, any concerns that have come up just in terms of, you know, commerce clause issues, interstate issues when -- because it doesn't seem 100 percent clear exactly at what level this -- this may be taxed because the -- the surcharge is coming on -- you know, it can't be passed on. So, are we really taxing a sale?

MS. WEINSTEIN: Well, I would -- I would say the -- the commerce clause issue, we've done a review and we're satisfied with the constitutionality of what we're planning to enact.

MR. RA: Okay. But am I correct that, you know, we're apportioning this rather than -- rather than taxing an -- an individual sale that's taking place within New York State?

MS. WEINSTEIN: Yes. Yes. We are apportioning it.

MR. RA: Okay. Thank you very much.

MS. WEINSTEIN: Sure.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just briefly. We -- we all know that this is obviously a tremendous issue in our State. We've probably all seen in our districts tragic situations where we've lost young people, older people, anyone from any socioeconomic background. So, obviously, it's something we all take seriously. But at the same time, you know, many very legitimate questions have been relay -- raised with regard to this proposal, and oftentimes they've been somewhat rejected as almost being, you know, insensitive towards the issue, which really isn't the case. We see that, you know, it's important to establish funding for treatment and all the things that we've tried to implement in the last few years to address this problem, but -- but we do have to remember that just because we're getting some funding in here, that doesn't alleviate the need for additional funding to go towards this -- this area. So, just saying, *Okay, we've brought in some money and now we're going to use this towards -- towards treatment* doesn't -- doesn't really, you know, move the ball forward in terms of -- of treatment if we're not using this as additional money rather than just supplanting money that we've put in in the past few years.

Thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, as Chair of the Health Committee, I just want to read into the record a few lines from a side letter relating to this budget bill. It's a

letter sent by Jason Helgerson, the Medicaid Director, that went to me and -- and Senate Health Chair Kemp Hannon. A couple of items I just want to just read into the record and -- and note the whole letter for the record. One paragraph says relating to limiting the number of licensed -- well, limiting managed long-term care eligibility. It says, *The Department -- meaning the Department of Health -- will provide guidance highlighting information about an individual's right -- rights as a nursing home resident in New York State, and nursing home and plan responsibilities per the discussion around permanent placement. In addition, the guidance will address support -- supports for individuals who wish to return to the community at any time to -- to deliver services, facilitate MLTC plan enrollment and coordinate housing and transitional supports.*

And the other paragraph I would like to read deals with -- also with managed long-term care and licensed home care services -- service agencies. And it says that, *The Department will issue guidance to assist both MLTC and LHCSA -- that's L-H-C-S-A -- LHCSAs in minimizing the disruption of care for Medicaid members and the impacted workforce when methodologies are enacted to limit the number of LHCSAs with MLTC plans.* I apologize if that is incomprehensible. It is -- these are -- been examples of English language that are only comprehensible if you already know what they mean. And the people who need to know what they mean, know what they mean. I just wanted to note them here for the record as part of the legislative intent of the Health Budget Bill.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read -- Mr. Goodell.

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

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

MS. WEINSTEIN: Yes.

MR. GOODELL: Thank you, Ms. Weinstein.

MS. WEINSTEIN: Maybe there'll be some (inaudible) afterwards.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Thank you. We have one more bill that's been in print that we're ready to debate that's gone through committee; is that correct?

MS. WEINSTEIN: Actually, two.

MR. GOODELL: Two. And we're waiting for several others, including Capital Projects one, the debt resolutions -- or the debt borrowing one and --

MS. WEINSTEIN: The -- the -- right. The Revenue bill.

MR. GOODELL: So how many do you predict that we are waiting for?

MS. WEINSTEIN: Yes. We're just -- right. There's

-- there's three bills left; the State Operations, Capital and the Revenue bill.

MR. GOODELL: And then probably a Big Ugly that contains everything that's been pulled out?

MS. WEINSTEIN: No, I think the Revenue bill will be what is commonly referred to as the "Big Ugly."

MR. GOODELL: Gotcha. And so, we're waiting for three bills that haven't been printed yet and, therefore, there's three bills we can't vote on yet. And, therefore, even if I talked my entire 32 minutes, I'm not delaying this Body from going home, correct?

(Laughter)

ACTING SPEAKER AUBRY: I think that's 15 minutes two times. Somehow your math got off there.

MR. GOODELL: Plus two minutes on the bill. You know, explaining my vote.

(Laughter)

MS. WEINSTEIN: Explaining your vote. Okay.

ACTING SPEAKER AUBRY: At least we have a break in between.

(Laughter)

MR. GOODELL: You can only hope.

(Laughter)

So, I wanted to ask a little bit about this opioid tax. I -- I -- I think it's not called a tax. It's a -- this is a new term for me, a "stewardship payment."

MS. WEINSTEIN: Yes.

MR. GOODELL: I mean, it's such a great word, stewardship payment. I mean, who's not in favor of stewardship payments, right? Although in common parlance, we'd say "tax." Is there a difference between a stewardship payment and a tax?

MS. WEINSTEIN: This is what we came up with to describe this program, since it's based on a percentage and not a set amount, which probably would be a more normal way that people would think of a tax.

MR. GOODELL: And I applaud your ingenuity in coming up with a new way to describe a fee, tax, assessment, and now a stewardship payment. It makes me feel warm to my heart. But I don't really quite understand how it works, so I was hoping you could explain it. As I understand it, having read the bill, on page 93 -- 92 and 93, we want to raise \$100 million. We want to raise it from those who sell morphine -- morphine milligram equivalents, a new phrase, MME. And so what we're going to do is look at how much they sold last year, right, in 2017?

MS. WEINSTEIN: Yes, correct.

MR. GOODELL: And then we're going to base the \$100 mil (sic) and we're going to allocate it on sales from 2017. Is that correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: So if a company, for example, sold 37 percent of all MMEs in 2017, they're going to get a stewardship

request to contribute \$37 million to our General Fund. Is that correct?

MS. WEINSTEIN: Yes. Yes, I think so.

MR. GOODELL: Isn't there a fundamental Federal constitutional issue when you tax somebody retroactively? I mean, we're sending them a \$37 million bill, in this example, based on their sales not this year, but based on their sales last year. How -- how can we conceivably meet Federal due process standards with a retroactive tax assessment?

MS. WEINSTEIN: Well, it isn't a tax. So -- it's an assessment based on the prior year -- year's sales and, in fact, when you -- in the tax world, obviously, your taxes are due the -- you know, to make that parallel argument, in a tax world, your taxes would be due the -- the following year --

MR. GOODELL: But we paid the tax --

MS. WEINSTEIN: -- but it is an assessment.

MR. GOODELL: We pay the tax the following year, but the tax rate always applies prospectively, it doesn't apply retroactively. The government can't go back and say, *Hey, you know what? You sent us the same amount you told -- we told you to send, you sent us the right amount. Guess what? We changed our minds. Here's a \$37 million bill* or whatever the excess amount. How can we meet due process criteria, Federal due process criteria, which says the government cannot take somebody else's property without due process. Due process, at a minimum, requires advanced notice, not retroactive notice. How can we possibly meet that standard?

MS. WEINSTEIN: They -- well, they -- they are getting notice. We're putting this proposal -- we're enacting this proposal as part of the budget now. There is an appeal process that is included within this proposal. And -- and one issue that hasn't been mentioned, that if opioid use -- abuse in our State decreases, then the amount that -- the total assessment that we're looking to collect will also reduce.

MR. GOODELL: All right. So let's assume we pass this -- because I suspect that might happen, and the Governor signs it -- and using my example, a company had 37 percent of the sales last year, we now send them a bill for \$37 million and they decide, *You know what? I'm not going to do business in New York.* Do they still have to pay the \$37 million?

(Pause)

MS. WEINSTEIN: You know, (pause). Right. We -- we -- we do think they probably would have to pay their fines for not reporting. I'm not sure if you're talking about that they relinquished their license and they no longer --

MR. GOODELL: Sure. Let's assume they say, *Thank you very much, New York. I'm outta here.* They relinquish their license and they're not going to sell any opioids. Do they still have to pay the \$37 million from their sales from last year?

MS. WEINSTEIN: There is a 90-day reporting requirement, and then DOH, on an annual basis, will let them know what their share is.

MR. GOODELL: All right. My question is, do they still have to pay anything after they stop sales, based on their sales from last year?

MS. WEINSTEIN: I think if they -- they do leave the State, however, we may have a -- an inability to collect the monies from them.

MR. GOODELL: Well, I'm not suggesting they went out of business. I'm just saying they quit selling here.

(Pause)

MS. WEINSTEIN: You know, I think if they pull out of the State, totally surrender their license, don't do any business in the State, it would probably be -- I would agree that it would be difficult for us to collect the -- to collect the assessment. But the assessment doesn't go away.

MR. GOODELL: Okay. And then let me ask the flip side of that. So let's say that you're in business and you continue to stay in business in New York State, and your competitor pulls out. So your percentage of sales just went from, say -- I'll pick another number -- 50 percent up to 75 percent. Do you now have to pay \$75 million, regardless of how much additional sales you had, but based on an additional percentage of the market?

MS. WEINSTEIN: Well, if someone totally pulls out of the market and -- and we have reduced sales in our State, then what I had said earlier, the total assessment of \$100 million would likely get reduced if we have less -- less sales in our State. So that -- they might

have, in your scenario, a greater share of the assessment, but the total assessment dollars would be -- it would be a greater share of a lower amount.

MR. GOODELL: Well, I'm looking at page 92, lines 3, 4, 5, it seems to me pretty clear that that's a flat \$100 million that we're collecting. I don't see anything that reduces that \$100 million by actual sales. Is there something I'm missing?

MS. WEINSTEIN: Right. So it is -- so it's \$100 million annually, subject to a downward adjustment pursuant to the subdivision 9 which comes later. So that's what I'm referring to, that that \$100 million can -- can be adjusted downward.

MR. GOODELL: And so, if I'm a -- a -- a manufacturer or distributor, can I then calculate prospectively the percentage of that \$100 million I'm going to be paying so that I can calculate the total cost of providing that pain-relieving drug to New York residents who need it under a prescription?

MS. WEINSTEIN: I'm -- I'm not really sure of the answer, whether that information -- whether the reported data information is public information. Will be public information be ascertainable by the manufacturer or distributor.

MR. GOODELL: I would agree. Which is a real problem if you are in the business world and you can't figure out how much you're going to have to pay, and it depends on how much your competitors are paying, and it all depends on what happened last year, which you won't find out until the next year. That's a very

complicated and very unnerving situation for drug companies that presumably are supplying New York residents with a drug that these residents desperately need to address serious pain issues under close supervision with medical approval, right?

MS. WEINSTEIN: That's correct. That is why we had wanted to have, and the Executive had proposed, a tax -- an opioid tax based on the precise amount of drugs sold, and manufacturers, distributors would have been able to calculate that amount. But our friends across the hall did not want to go in that direction, so this was an alternative way to generate the money, albeit there may be issues with companies trying to determine in advance, particularly in the first year, I -- I would think the advance what their liabilities will be to the State.

MR. GOODELL: Well, sadly -- and I -- I know this may come as a complete shock, but sadly, I have not been invited to share my constitutional perspectives with our friends across the hall.

MS. WEINSTEIN: Such an expert at your -- as yourself, I would have thought you would have been called upon.

MR. GOODELL: You would have thought so --

(Laughter)

-- but perhaps with enough recommendations from here, that they might reconsider that. But getting back to the -- the financing of this. This bill is very clear that an out-of-State manufacturer will get this assessment, which could be up to \$100 million based on sales last year. And this bill is very clear, they're not

supposed to pass that on --

MS. WEINSTEIN: Right.

MR. GOODELL: -- in the prices to New York consumers, correct?

MS. WEINSTEIN: Correct.

MR. GOODELL: Which means, then, that this entire -- let's assume that entire share from that out-of-State manufacturer, what we're really doing is taxing the out-of-State manufacturer, correct?

MS. WEINSTEIN: We are collecting --

MR. GOODELL: I mean, we're not taxing New York State sales because --

MS. WEINSTEIN: We are collecting --

MR. GOODELL: -- you said it can't pass it onto New York residents.

MS. WEINSTEIN: -- we are collecting the assessment from a manufacturer or distributor who chooses to do business in the State.

MR. GOODELL: Now, is there any way for these manufacturers to know what share of the market they had last year or retrospectively? I mean, there -- they don't have this type of proprietary or customer information, do they?

MS. WEINSTEIN: I -- I think it would be tough to know that information, and in this instance or in any kind of a business setting.

MR. GOODELL: All right. So -- but this is an unusual tax because in this case, the manufacturer or distributor is being taxed not based on their sales alone, but based on their competitors' sales, right? So the more successful their competitor is, less competitive or whatever, affects the manufacturer's tax, right?

MS. WEINSTEIN: It -- it does affect how other manufacturers, distributors choose to sell opioids in our State. The amount they choose to -- they choose to sell, they sell, will affect the assessment of -- yes, will affect the assessment of all who choose to distribute these opioids in our State.

MR. GOODELL: I see that I've run out of time, although I -- I don't think any of the additional bills have yet been printed.

MS. WEINSTEIN: But we could use a break, I'm sure.

(Laughter)

MR. GOODELL: But I think --

ACTING SPEAKER AUBRY: Mr. Goodell, we extend to you the courtesy that every member has.

MR. GOODELL: Thank you, sir, but I think that is fine on this bill. Thank you very much --

MS. WEINSTEIN: Thank you, Mr. Goodell.

MR. GOODELL: -- Ms. Weinstein for your comments.

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. DenDekker to explain his vote.

MR. DENDEKKER: Thank you, Mr. Speaker. I just hope that each and every member here will realize that you have constituents that are dying every day from opioid addiction. And if we are going to charge a fee to an opioid manufacturer or someone that's going to distribute the legal opioids in our State, 100 percent of the money that is collected should be used for treatment, and treatment only. It should not be going into our General Fund. We have a responsibility to our constituents and to the residents of the State of New York that if we are going to stand up for children that are dying through opioid addiction, we need to provide more treatment options. Because what is happening is that the opioid manufacturers and the doctors that are prescribing those medicines will get our patients and our children hooked on that, and then when they can't get them anymore legally, they will go to illegal sources and switch over to heroin and other types of fentanyl products that they can purchase in our communities illegally. So, the people that get them addicted, the manufacturers that we're now going to charge a fee to, it's our duty and our responsibility to make sure we protect our children. And I -- I am, for one, very insulted that we are going to collect \$100 million, yet only \$10 million of it is going to go to OASAS, and the other \$90

million is going to go in our General Fund for the good things we have done already, which is horrible. There are very few treatment programs in New York, where most of our children that have insurance are being shipped out to Pennsylvania and Florida, where it costs less to provide treatment so the insurance companies don't have to pay as much money.

I'm insulted that we're doing this, and I will be voting in the affirmative on the bill, but I think it's an embarrassment that we are going to take \$90 million and stick it in the General Fund when it should be used for treatment.

ACTING SPEAKER AUBRY: Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker.

I rise to thank the Speaker and my Assembly colleagues for supporting an initiative in this bill that will establish a tra -- a Statewide training program for law enforcement and first responders to help with interactions in emergency situations involving individuals with autism spectrum and related disorders. With about 1 in 68 children born with autism each year in the United States and more than 3.5 million Americans living with an autism spectrum disorder, it is essential that our first responders have the proper training. And we've all seen how routine encount -- encounters with law enforcement can escalate simply because they're misunderstood. This program will help bring attention to the areas that need specialized training so that officers are prepared -- are prepared when responding. Whether it's helping a family find a missing child or responding to an adult with autism

whose behavior is being misunderstood, recognizing the signs of autism and knowing how to react is important. In emergency situations of all types, helping a firefighter or a paramedic know how to -- how to interact when a child with autism is injured can truly make a big difference.

This training is a valuable resource to those serving in law enforcement, and I'm pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker. I just rise to convey my support and -- and specifically for diversity in medicine, which has been an effort that Member Peoples-Stokes has championed by, in large part. When we think about the data that there actually have been less black male doctors in New York now than there were going back to 1977, it is a reason why this effort has been championed across this State, in which she has led this effort in large part initially in Buffalo and across the State as well. Why is it also critical when we think about the challenges that are happening within our communities. This is one of the ways that can actually break that -- the -- the tide in that aspect. So that is the one thing I want to highlight, that not only to Speaker Heastie and others, I'm grateful that we were able to restore with the efforts on the other side in the Senate of expanding it as well so that more people have a chance to go to medical school and pursue their dreams.

With that, I support this and support this budget.
Thank you.

ACTING SPEAKER JONES: Mr. Blake in the affirmative.

Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker, to explain my vote. I want to echo the sentiments of a colleague a few minutes ago who was appalled at what we're doing when we are literally taxing pain. That's what we're doing. There are people in chronic pain who need help to get through their daily lives. And while there is a provision that says it shouldn't be passed to the consumer, you can bet every penny in your pocket, it will be passed on to the consumers. And many of these consumers have to make a choice of getting their pain medication, paying the taxes on their house, or getting food to eat. And now we're going to tax them even more? And then the real kick in the teeth is that only 10 percent will actually go to fight the opioid epidemic. The rest is basically for a slush fund? You've got to be kidding me.

There is no way I'll be voting for this bill. Thank you.

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

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, sir. Having already advanced the B-Calendar, I'd like to go to that now, and on page 3

take up Rules Report No. 23, a budget bill.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Bill No. A09503-D, Rules Report No. 23, budget bill. An act making appropriations for the support of government. (Aid to Localities Budget)

ACTING SPEAKER AUBRY: Governor's message is at the desk -- excuse me. On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. 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: Yes. If the Chairwoman would yield for some questions, please.

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

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

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. OAKS: Thank you very much. Helene, a few questions related to economic development marketing. Does this budget contain any funding for the Start-Up New York advertising?

MS. WEINSTEIN: Yes. It does have an appropriation for \$44.5 million.

MR. OAKS: Okay. And is that all directed to Start-Up, or is that a part of the -- the overall economic development marketing?

MS. WEINSTEIN: It's for various -- it's basically a -- a lump sum, and it's various uses.

MR. OAKS: Do you know if -- if one of the --

MS. WEINSTEIN: I'm sorry, just if I could just add that 60 percent -- no more than 60 percent of the funds can be used to promote Start-Up New York outside of New York, but it includes some of the projects that would be included is the Global New York, Open for Business and Start-Up New York advertising and promotion campaigns.

MR. OAKS: One of the things -- in recent days, we learned that some of our casinos that are in the -- the State had looked for some possible support. And, in fact, some of that was focused on marketing or information dollars. Are any of these dollars going to that, or is there any other place within the budget that any support for the casinos are included?

MS. WEINSTEIN: No. That is not done here.

MR. OAKS: We've talked on the previous bill some on the opioid crisis. And is there an amount of money within this budget that is dedicated to the heroin epidemic and opioid crisis that we have in the State?

MS. WEINSTEIN: Within this budget there's approximately \$250 million for opioid-related services treatment.

MR. OAKS: I'm sorry. How much again?

MS. WEINSTEIN: \$250 -- approximately \$250 million.

MR. OAKS: And is that similar as -- as it's been before? I know some of the question about the stewardship dollars and where they were going.

MS. WEINSTEIN: It -- it's about a \$15 million increase from where the Governor had -- where the Governor had proposed in his Executive Budget.

MR. OAKS: One of the programs that you and I heard some testimony about at the budget hearings was local county mental health departments and local sheriffs working for some jail-based substance abuse disorder treatment. That was not an initiative in the Governor's initial budget. Did that -- did funding for that program survive in -- in the final budget?

MS. WEINSTEIN: Yes. If you -- yes, it did. If could -- if you would wait a moment, I could tell you the dollar amount.

MR. OAKS: I would -- I would appreciate that. I know they've been asking for a significant number so that it would be Statewide. And so, do we know if this -- is there dollars for demonstration or targeted counties, or is it a Statewide program and how much?

MS. WEINSTEIN: It's -- it's \$3.75- and the locations to be determined at a later date.

MR. OAKS: One of -- I -- I know here in Albany County there's been a program that showed a significant reduction in recidivism rates, and certainly a lot of the people who come in and out of our jails end up being people with substance abuse and, obviously, may end up with -- dealing with some of the heroin and opioid problems. And so certainly, hopefully, this is something that we can have an impact in the State.

Jumping over to some of the area (sic) in Human Services, I had noticed that there's a \$5 million new appropriation in the Office of Children and Family Services for human services organizations, but it's a lump sum. Do we have any idea what those dollars are going to be used for?

MS. WEINSTEIN: I -- I think that later in the year there will -- there will be a resolution that will allocate -- sub-allocate that lump sum --

MR. OAKS: All right --

MS. WEINSTEIN: -- amount to various programs throughout the State.

MR. OAKS: We'll look forward to seeing where those go in. And -- and do you know if there's going to be a (sic) application process or whatever for that, or don't we know yet?

MS. WEINSTEIN: I -- I think we'll be assessing the needs around the -- around the State, take input from members who know their communities, and provide in a resolution ways to service, throughout the State, individuals.

MR. OAKS: Thank you. In -- in the -- there's \$130 million for a Childcare Development Block Grant reauthorization, and a question arises whether that's going to be enough money to cover the cost of new Federal childcare standards.

MS. WEINSTEIN: Yes. Yes. We do -- we do believe so. We allocate up to \$80 million to address the Federal child care compliance standards, as well as have funding for at least \$10 million to supplement local funding for additional child care slots, with the remainder being applied to funding for the new child care market rate which will become effective in October of this year.

MR. OAKS: Seeing as this is the Aid to Localities bill, I can't go through without asking a question that I ask annually. We -- we talked a little bit on -- on the last bill about mandate and -- and Medicaid relief. Do we see anything here where we're providing relief to our local municipalities for mandate relief? Do we -- do we see anything -- I know municipalities ask me regularly, local towns, villages, as well as our counties and schools.

MS. WEINSTEIN: Well, in -- in this budget we have a CHIPS increase of \$55 million. We have child welfare restorations of \$17 million. Community college base aid increase, which I think we discussed earlier, is \$6.3 million and payments to municipalities that host SUNY residential campuses, \$1.1 million.

MR. OAKS: So, we've done some things with dollars that may take some of the burden off. Anything -- excuse me -- on the regulatory side itself, or just lifting some of the

responsibilities that we might just increase the costs due to those extra work we put on our municipalities?

MS. WEINSTEIN: Just to add one to the prior question, we did eliminate the local match for the Community Service Block Grants, but as it relate to regulation, I'm not aware of changes in --

MR. OAKS: And you can bet --

MS. WEINSTEIN: -- regulations in this bill.

MR. OAKS: That change to the local match could make a significant difference as long as, you -- you know, the counties or -- or the municipality are eligible for that. So I'm sure that will be -- will be appreciated.

MS. WEINSTEIN: Yes.

MR. OAKS: But nothing on the other -- on the other side.

MS. WEINSTEIN: No.

MR. OAKS: Let's jump to just in -- in the healthcare. I know that the Governor proposed creating a new Healthcare Shortfall Account of \$1 billion. From what we have so far, we would sense that that's been eliminated -- we know as from the HCRA portion. So, are we no longer expecting to receive the funds through the potential conversion of insurance companies from not-for-profits?

MS. WEINSTEIN: There will be a -- I anticipate there will be a proposal that we'll be able to discuss when we -- that will be contained within the revenue bill.

MR. OAKS: Okay. So later on --

MS. WEINSTEIN: So, I'd prefer to wait until then.

MR. OAKS: So, maybe I will hold my questions about that until then. The Essential Plan, formerly the Basic Health Plan, is part of the ACA that would provide more affordable coverage for low-income families. And this fall, or this past fall, a Presidential Executive Order eliminated the cost-sharing reduction payments which are what New York used to help partially fund the plan. So, how can New York move the Value-Based Payment Quality Improvement Program into the Essential Trust Fund?

MS. WEINSTEIN: Well, the -- in terms of the finances of that, the Governor has -- the Executive, DOB, has figured out how to continue with the essential health coverage without having a cost implication in this budget.

MR. OAKS: Is -- is there a concern -- so if we look at it and say well, what if there's a Federal audit that says that they come to the conclusion that those funds are being used to find room under the Medicaid global cap, and even if there currently is now law against moving those.

MS. WEINSTEIN: We are pretty confident -- or the Executive is pretty confident that there would not be inappropriate use of those dollars, but -- of those Federal dollars, but if there were an audit and it was determined that it was, we would -- obviously there have at times in the past been those kinds of findings, and we would have to address it in a future budget.

MR. OAKS: Thank you very much.

ACTING SPEAKER AUBRY: Mr. Morinello.

MR. MORINELLO: Thank you. Will the sponsor yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Can you use the mic, please, sir?

MR. MORINELLO: I have very few questions. There's a provision in here dealing with Native American casinos and a projected revenue for the host cities, Niagara Falls being one of them, where it states \$11 million. The same issue occurred last year, and the compact issue was not completed nor was it negotiated. At this point, the City of Niagara Falls is behind almost \$22 million. Is there any provisions in this budget to assist the City of Niagara Falls over and above what other cities would have received, based upon a State and Seneca compact dispute?

MS. WEINSTEIN: It's not addressed in the -- we're not addressing it here in the budget. I know that there -- I believe there may be some arbitration going on on that issue as we speak.

MR. MORINELLO: Well, the issue with the arbitration is they haven't even been able to decide on an arbitrator, and we anticipate that's going to be at least another year to two. And at this point, it is putting the City close to bankruptcy. And it's a dispute that Niagara Falls is the victim, but not part of the debate. So

the question again is, is there or has there been any consideration to assist those areas that are suffering because of the State and the sovereign nation having a dispute?

MS. WEINSTEIN: No. As -- as you know, that there have been -- the last three payments have been withheld by the Seneca Nation. So, in -- in -- we don't have -- the easy solution would be for them to provide those funding -- that funding to the State so it can get back to the locality, but in -- at the moment it is still in discussion with an anticipation of being resolved --

MR. MORINELLO: Well, that was the same --

MS. WEINSTEIN: -- in 2019.

MR. MORINELLO: -- answer last year. Has there been any discussion --

MS. WEINSTEIN: But it was a different person giving it to you.

(Laughter)

MR. MORINELLO: I know. I -- I apolo -- I -- but has there been any discussions or can there be discussions to allow the City of Niagara Falls to negotiate on their own so that they don't go into bankruptcy? I mean, we've had two non-native casinos come asking for relief from this Body because their revenues are not as high as they thought they were going to be, yet we have one of our own cities, with our own taxpaying citizens, that are suffering and on the brink of bankruptcy. So the question part of that was, was there any consideration to allow the City to negotiate on their own to be made

whole?

MS. WEINSTEIN: Not as part of this budget.

MR. MORINELLO: Thank you very much.

ACTING SPEAKER AUBRY: Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker. Would the Chairwoman yield for a few questions, please?

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

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. MURRAY: Thank you, Helene. I'd like to turn to page 921 under the section of Department of State and, in particular, the Office for New Americans. The Office for New Americans, it says, is for service and expenses related to programs which assist non-citizens in their attainment of citizenship, including sub-allocation or transfer to any department, agency or public authority. It goes on to say that it's -- it's basically aiding non-citizens to become citizens, which I believe is a -- is a great program. And I believe we're allocating the same as last year, I think \$6.4- and change million. Is that correct?

MS. WEINSTEIN: These funds are in the Department of State. As you say, it's for civil legal services to assist immigrants. Yes, it was proposed by the Governor.

MR. MURRAY: Right. And that portion -- as far as the Office for New Americans, that portion is the \$6.44 million. Is that correct?

MS. WEINSTEIN: Yes.

MR. MURRAY: Now a little further down, there's an additional expenses and services. Similar, is that the portion that is being referred to as the Liberty Defense Project?

MS. WEINSTEIN: Yes. That is correct.

MR. MURRAY: Okay. That's what I thought. Okay. And last year we allocated an extra \$10 million for that, correct?

MS. WEINSTEIN: Yes.

MR. MURRAY: Okay. Now we're reallocating the \$10 million this year. Is that correct?

MS. WEINSTEIN: It's a -- this \$5 million is a new \$5 million. There may be some of that money that's being reappropriated (sic), but the new money is -- is the \$5 million.

MR. MURRAY: Well, right. But I mean, we're -- we're re-appropriating the \$10 million. How much of that is cash? How much of the re-appropriation, how much cash do we have from that re- appropriation?

MS. WEINSTEIN: I'd -- I'd have to get back to you, Mr. Murray, on that.

MR. MURRAY: Okay. But then -- then as you mentioned, we are now appropriating an additional \$5 million.

MS. WEINSTEIN: Correct.

MR. MURRAY: And that would also be for the Liberty Defense Project, correct?

MS. WEINSTEIN: Yes. Correct.

MR. MURRAY: Okay. Now, that project, also what that does is that offers legal services, including a legal defense for illegal immigrants who are being threatened with deportation. Is that correct?

MS. WEINSTEIN: Well, I -- non-citizens are not mentioned in the language, and so it may, in fact, support legal services for undocumented individuals.

MR. MURRAY: Well, yeah. The -- the first portion, the Office for New Americans, the \$6.4-, that is going to many of the services for non-citizens who are becoming citizens. But this additional expense -- and I'll read it-- it says "... services related to programs which assist non-citizens, including sub-allocation, are transferred to any department, agency or public authority, such services shall be limited to legal services, case management, English As a Second Language, job training and placement assistance and post-employment service necessary to ensure job retention." But it does, in fact, say non-citizen, correct? So, for example, an illegal immigrant picked up, going through a possible deportation process, can get legal defense through this fund, correct?

MS. WEINSTEIN: It is possible that an undocumented individual in our State could access services that would be provided through this fund, yes.

MR. MURRAY: Okay. Now, the Governor on March 13th of this year put out a press release regarding the Office for

New Americans and, in fact, specifically mentioned the Liberty Defense Project and said in its first six months of operation, the Liberty Defense Project provided more than 3,000 free and confidential services to individuals needing legal assistance through its network of 47 community-based groups. Do you know, in this bill is there any requirement for making that information available to the taxpayers as to what services are being delivered and to whom?

MS. WEINSTEIN: No.

MR. MURRAY: So, we -- we're -- we're putting \$10 million in last year, we're putting another \$5 million in this year, but we don't know specifically what it's going for.

MS. WEINSTEIN: Well, there -- we list the types of services, as in -- in lots of funding we do for legal services, for civil legal service programs. We list the type of funding that -- services that could be funded through this program, and we have those broad perimeters of new Americans. In my own district, I have many Russian-American immigrants, Caribbean-American immigrants, who are not yet citizens. Chinese-American immigrants who are not yet citizens. I'm sure some of them have availed themselves of these services.

MR. MURRAY: Right. Thank you, Ms. Weinstein.

Mr. Speaker, could I speak on the bill, please?

ACTING SPEAKER AUBRY: You certainly may.
On the bill.

MR. MURRAY: Thank you. So, the -- the concern

that I have is, as -- as my colleague just mentioned, you're correct. There -- there are basically two pots of money that we are allocating with our tax dollars. The first is for the Office of New Americans, which provides services for non-citizens to help them in their transition to becoming citizens and being here legally. But then we've set another pot aside, which is even more money -- \$10 million last year, another \$5 million this year -- and that's for the Liberty Defense Fund. And I just want you to think about the fact that the taxpayers are picking up the -- the bill for both sides here. See, our taxes fund the Justice Department. The Justice Department are the ones taking action to deport those here illegally who have committed crimes and, yet, we are now asking the taxpayers, through this fund, to support the defense of the deportation proceeding. So, we're hitting the taxpayers twice, paying for the legal funds for those here illegally. The Governor is bragging about the fact that we served 3,000 people. Well, that's -- that's terrific, except for one thing: What are the services? What did we provide to them? My concern is this: We have a problem on Long Island with MS-13 and some of the gangs, and many of these gang members are here, in fact, illegally. The police department, we have a task force that's cracked down on them. They've made quite a few arrests. They are making great progress in cracking down on these gangs and capturing these people and then trying to remove them. My concern is, are we using our tax dollars after we've already captured these people that are committing heinous crimes, we're trying to deport them, are we now using our tax dollars

to provide legal services to fight their deportation, to keep them here? We don't know. We have no idea where that money is going because there's no report, there's nothing. In fact, the Governor even said "confidential services." Well, we've had enough of those confidential things. We need a little more sunlight. I think the taxpayers deserve to know where their money is going.

For that reason and many others, I'll be voting against this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Yes. Thank you, Ms. Weinstein. As you know, this budget bill has page after page after page of listings of various not-for-profit organizations and many, many fine, fine not-for-profit organizations are listed. I'm not disparaging any of them. But there's probably thousands listed in this bill, and each one has a line item. And it's all round numbers, \$100,000, a quarter-million, whatever. My -- at the same time, as you know, in the past we've had a number of corruption cases involving non-profits where one of our own elected official, an Assemblymember or a Senator, for example, worked the system and got money directed to a non-profit, and then had a friend or relative running the non-profit, ran

it himself, took the money from the non-profit. And you're probably familiar with the examples, as I am. Assemblyman McLaughlin -- that's Brian McLaughlin -- Senator Gonzalez, Jr., Senator Espada, Senator Huntley. So my question is, have -- is there a restriction in this bill or any other bill that prohibits line item funding to a not-for-profit if that not-for-profit is organized by a member of this Assembly or the Senate or is run by an immediate relative of -- of a member?

MS. WEINSTEIN: I -- I believe so. These -- not contained within the budget, but under control -- these projects are all reviewed. The contracts are reviewed by -- both the Comptroller and the Attorney General will have to sign off on them. And under their rules, the categories that you described are prohibited -- would be prohibited entities to receiving funding.

MR. GOODELL: And as you know, our State Constitution restricts the gifting of any funds with certain enumerated exceptions. Has there been an analysis done of all of these individual line item appropriations to ensure that each and every one of them falls within those enumerated exceptions?

MS. WEINSTEIN: If -- if they have not been previously funded and gone through that review process by the Attorney General and by the Comptroller before monies went -- before contracts would be entered into, in order to release these funds, that -- that process will take place.

MR. GOODELL: I -- I just wanted to follow up just

briefly with a comment of my colleague on page 256, starting on line 32. There's a provision that appropriates \$5 million. It says the funds from this appropriation shall be allocated only pursuant to a plan approved by the Speaker of the Assembly and approved by a resolution of this Legislature. Is there any written plan that has already been developed as to how these funds will be allocated?

MS. WEINSTEIN: Not as -- not as of yet.

MR. GOODELL: And do we anticipate that that plan will be developed in an open, transparent manner with input from members of the Minority as well as the Majority and members of the public?

MS. WEINSTEIN: The resolution will be before the Legislature -- before our very -- before the Ways and Means Committee, and we'll have opportunity to comment on those specifics of those -- that resolution.

MR. GOODELL: And is there any process that's been designated for entities that want to seek some of that \$5 million, or is this something that's just going to come out with a resolution listing the award winners without any application, any public review or any other process?

MS. WEINSTEIN: There's not a -- a formal process, but again, there is consultation with agencies, with groups that provide these services, and with, as I mentioned earlier, with members to -- looking at groups who have previously provided these services to help determine how to allocate these funds which will then, as you

mentioned, be voted upon by both the Assembly and the Senate in our resolution.

MR. GOODELL: Actually, I -- I think it only -- it's only approved by the Assembly, correct?

MS. WEINSTEIN: Assembly, yes --

MR. GOODELL: The resolution's only approved by the Assembly.

MS. WEINSTEIN: (Inaudible) But there -- there will be resolutions -- there will be resolutions that will sub-allocate various aspects of -- of this budget. So, I'm sorry if I misspoke on -- on this specific one.

MR. GOODELL: Thank you very much, and thank you all for your patience and your responses.

On the bill.

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

MR. GOODELL: Thank you, Mr. Speaker. This Body has been roundly criticized by good government groups for -- in the past for what was known as "member items," which was an appropriation that, as you know, was allocated to each of us. We then selected a -- a worthy not-for-profit and directed those funds to those not-for-profits. The good government groups criticized it because they correctly noted it was a way to buy votes using taxpayer money by making sure that those funds went to those organizations that not only did good things, but were appreciative of the support they got

from the member. We formally eliminated, as you know, a few years ago, that concept of member items. And it was roundly applauded. Yet, what we see in this budget is lists of literally hundreds, if not thousands, of individual organizations who got on this list presumably with the backing of some influential member, and it's really a disguised form of member items. But the disguise isn't very -- very convincing because we actually have a \$5 million member item appropriation in this bill for our Speaker. And while I'm sure our Speaker has many, many very valuable and well-meaning not-for-profits, it's not an open process. There's no competitive bidding. There's no opportunity for any transparency. And we don't see the resolution approving the allocation of those funds to the individual entities until it's already been approved behind closed doors. It's a step backwards, and I would hope that in the future we recommend against that. And in the meantime, I hope and trust that the Speaker will consider all the incredibly valuable work done in Minority member districts by equally-qualified entities, and so can share that member item across New York State without regard to political affiliation or geographic location.

With that caveat, thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ryan to explain his vote.

MR. RYAN: Thank you, Mr. Speaker. Two years ago, Neighborhood Legal Services in Buffalo filled out -- out an application with the Office of Court Administration, and they made a mistake in their application. And because of that mistake, they are being docked by the Office of Court Administration fees that were supposed come to them to provide services for homeless youth -- youth eviction, protection in Orders of Protection for victims of domestic violence. We were able to gather together this year to -- to discuss that with the helps of my colleagues Robert Schimming, Crystal Peoples-Stokes, Monica Wallace. We brought this to the attention of the Chairman of the Judiciary Committee, Jeff Dinowitz, and he really dug in on this issue. He listened to how it affected the people of Buffalo. And he and Will Schwartz, we met with OCA and we came up with a fix for how to restore these services to the people of Western New York, and that's contained in this budget item. So, I wanted to thank everyone who gathered together to make this happen. I thank Chairman Dinowitz, who also helped work on this, and of course the Speaker.

So, with that, I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ryan in the affirmative.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker, for

allowing me the opportunity to explain my vote. I just wanted to commend the Speaker and my Senator, Senator LaValle, as well as my colleague on the South Fork for \$175,000 in this budget for the North Fork Mental Health Initiative, which will go toward a program for some mental health services for our students who are struggling with suicidal ideation and all depression issues and all associated types of maladies. So this is a wonderful thing. It's exclusive to my district, so I'm really grateful that we were able to get it in this budget.

I withdraw my request and I vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Palumbo in the affirmative.

Mr. Lalor.

MR. LALOR: Thank you for the opportunity to explain my vote, Mr. Speaker. Over the years, Start-Up New York has become synonymous with Boondoggle. It's not working. We're five years into this program and, yet, we're going to invest more money into it. When we can get Empire State Development to answer questions about -- about the Start-Up New York Program, they say we're changing the perception of New York as a State that's unfriendly to business. But why are we taxing New Yorkers to mislead them? We've done nothing this year. We'll do nothing today. We've done nothing last night to make this State more friendly to business. In fact, we're making it less friendly with some of the new taxes that we're going to be imposing, with the additional spending that we're going to

be imposing, with the absence of unfunded mandate relief on our local governments. And yet, we're buying television time to tell our constituents and the 20 million people in this State that things are getting better when they are not.

For that reason and many others, Mr. Speaker, I'll be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Lalor in the negative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. This year's budget includes a 4.6 percent increase year over year in agriculture funding. Agriculture is our largest industry in New York State and, yet, we only produce enough food in this State to feed 40 percent of our population. The programs in this budget will assist our farmers and our Land Grant University in ensuring that we can make our farms as productive and our yields as high as they can be so that we can continue to provide good, healthy local food for all New Yorkers.

Thank you very much to my colleagues, to Chairman Magee and, of course, to the Speaker for your support of agriculture in New York State.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. There's

been -- we had some comment this afternoon about funding for the Liberty Defense Project. The Liberty Defense Project, which is at about \$5 million this year, funds CARECEN in Hempstead. That's C-A-R-E-C-E-N. It's the Central American Refugee Center. They do great work. And if anyone here wants to know how those dollars are spent, I'd be delighted to take whoever is critical of how those dollars are spent, to this wonderful, wonderful agency.

Now, a question was raised about how do we fund the Justice Department while at the same time funding programs for people who may be here without documentation. I just want to note that in the many years I spent representing people in the State and the Federal courts, there was never a question as to whether someone I was appointed to represent was here with documentation or without documentation. In this budget, we are funding such things as the Asian-American Defense Fund, the Transgender Defense Fund, the Capital Defense Fund for people charged with capital crimes. No one asks are those people here who are being defended here with or without documentation. Our obligation is to pay for law enforcement. Our obligation is, as well, to make sure that the due process rights of everyone who is here on American soil are fully and well-respected. I just wanted to clarify that point.

I will be voting in the affirmative on this particular bill, but I do want to emphasize how important it is that we all remain true to our constitutional obligation to provide defense services for everyone who is in danger of losing property or lives.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Could we go to page 3 of the B-Calendar and take up Rules Report No. 22, a budget bill.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. (A09501)

An explanation has been requested, Ms. Weinstein.

MS. WEINSTEIN: Yes, very briefly. This -- this bill would enact appropriations in support of the Legislature and Judiciary for the State fiscal year of 2018-2019. It includes an All-Funds appropriation of \$3.- (dropped something) -- \$3.3 billion. We almost couldn't finish the budget.

(Laughter)

Enact -- enactment of this legislation is necessary to provide for the operations of the Assembly, Senate and the Unified Court System through this -- this coming year. This is what allows -- pays our -- pays all the staff in here, pays to keep the lights on, pays for the court system to -- to function.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Could you please acknowledge Mr. Otis for an announcement?

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

MR. OTIS: There will be a meeting of the Democratic Conference at 5:45, Daylight Savings Time, in the Speaker's Conference Room.

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

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. We are making progress, although it's slow and steady. We are moving in the right direction. Once the party conference has concluded, we will probably -- well, we're certainly going -- we're going to stand at ease now until the conclusion of party conference or further announcements from the desk.

So, with that, I move to stand in recess.

ACTING SPEAKER AUBRY: Assembly 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, Mr. Speaker. Colleagues, we're continuing to try to make progress here. And with that, members have on their desks a C-Calendar. I now move to advance the C-Calendar.

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

Mr. Morelle.

MR. MORELLE: Yes, sir. If we could turn our attention to page 3 of that C-Calendar and go directly to Rules Report No. 24, a Budget Bill.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09504-D, Rules Report No. 24, Budget Bill. An act making appropriations for the support of government; and to amend a chapter of the Laws of 2018 enacting the Aid to Localities Budget, in relation to the support of government - Capital Projects Budget.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. 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: Yes, if the Chairwoman would yield for
some questions, please?

ACTING SPEAKER AUBRY: Madam Chair, will
you yield?

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

ACTING SPEAKER AUBRY: The Chairwoman
yields.

MR. OAKS: Thank you very much, Helene. I know
we just went through a little bit of this in the Ways and Means
Committee, but just for talking through, I know -- could you just give
us the figures on how much this bill appropriates --

MS. WEINSTEIN: Sure.

MR. OAKS: -- both on the capital side, and because
the education dollars are included in this, as well.

MS. WEINSTEIN: Yes. So, this bill would enact the
Capital Projects bill for the State Fiscal Year '18-'19, includes an All
Funds appropriation of \$50.1 billion, of which \$35.1 billion relates to
education. And in terms of the appropriation, the authorizes -- the bill
authorizes disbursements of up to \$49.4 billion on an All Funds basis
for capital projects, of which \$35.7 billion is related to education.

MR. OAKS: And I know that we've had settlement
dollars available to the State that we've received in -- available to be

used. What is the amount of settlement dollars that are being utilized in the 2018-'19 Budget?

MS. WEINSTEIN: Yes. So, we make no change to the allocation that the Executive provided -- presented to us. It's \$702 million in settlement funds received since last year's enacted budget. To break that down, it's \$383 million for General Fund relief, \$194 million for -- in operating aid, which partially funds our subway action plan, and \$125 million for health care capital grants.

MR. OAKS: And do we have any carryover or un -- you know, set or determined dollars that are settlement dollars that will be able -- could be able to tap yet?

MS. WEINSTEIN: No, we do not.

MR. OAKS: Although we could receive something during the year, obviously for -- for the future.

MS. WEINSTEIN: Right. There's -- there's nothing at the moment.

MR. OAKS: But -- but some of this -- typically, we've tried to use settlement dollars for one-time uses. This year, we're using some of it for general operating dollars or to offset the overall General Fund.

MS. WEINSTEIN: Yes, correct.

MR. OAKS: With the State and Municipal Facilities Fund, you did not provide that -- any money for that, I believe, in your one-House bill. But this bill does provide a sixth year of funding for that, and I believe \$385 million, and then some additional dollars of

\$90 million. Is there a specific purpose or project identified for the -- the new funding or additional funding that we've added, the \$90-?

MS. WEINSTEIN: So, the -- the total is \$490 million. There are not any specific projects, but it is for restoration for infrastructure and construction projects within the State and the Municipal Facilities Program, then there's a long list of eligible entities.

MR. OAKS: You -- you had mentioned -- my figures, I'm looking \$475- or you said four... you said \$490-. Is it \$4-...

MS. WEINSTEIN: I think it's -- I did say \$490-. I think that's a result of several -- several nights of no sleep. So, it is \$475-.

MR. OAKS: I think I'll forgive you if you will when I may not get it right.

One of the -- besides SAM, there've have been other discretionary pots, such as bullet aid, and \$5 million provided for the non-profit human service organizations that we brought up before. Are there any other discretionary pots included throughout the budget?

MS. WEINSTEIN: There are various -- there are various pots of money with designated purposes.

MR. OAKS: Maybe we'll talk about a few of those in a minute. One of the things that I did see that -- that I have some specific interest on, there is targeted, I believe, up to \$45 million for Lake Ontario/St. Lawrence emergency flooding recovery money from

the extensive flooding that was experienced last year. And we had had a bipartisan effort in this House and -- and along with the Senate on working to get dollars there. Just clarification, is this \$45 million in addition to anything else that we made available last year?

MS. WEINSTEIN: Yes, it is. And, actually, it's \$40 million. So we're -- we're each off with a number tonight.

MR. OAKS: All right. Thank you. Now, I -- I feel balanced. Is that, do you feel sufficient -- or feel that this is sufficient resources to meet the needs? We've had several thousand claims that came in, we just -- I -- I want to make sure that what we've done here, what we did before, that we should be able to meet all the claims that the -- the State has promised to pay.

MS. WEINSTEIN: Well, we also have the revenue bill which will be coming, and I believe that we'll be able to have a short conversation at that time with some additional revenues that will be available for -- for Lake -- for Ontario.

MR. OAKS: Thank you. On -- on the economic development side, there is, I see that the budget does contain the Governor's \$300 million proposal for high technology innovation and economic development infrastructure. How is this money different from the Economic Development Fund or the New York Works Economic Development Fund?

MS. WEINSTEIN: It -- it really is just a -- a different name with a different focus.

MR. OAKS: And who will make the determination

on that?

MS. WEINSTEIN: So, it -- \$300 million. ESDC will make the final determinations, and this will be based upon -- in some parts based upon the Regional Economic Development Council's recommendations.

MR. OAKS: One of the things that came up during our discussions at the budget hearings was whether or not some of our institutions of higher learning in the State, either private or public ones, might be able to utilize these resources, as well, if they were developing programs or working in concert and developing the types of -- of technology, high technology that this -- that these dollars would focus on.

MS. WEINSTEIN: There isn't a restriction in this funds, but they are designed for job -- for projects that create or retain jobs and have a private-public partnership.

MR. OAKS: The -- will the Executive, or the Executive with consultation of the -- the Legislature, be making the determinations of who is eligible or not, or --

MS. WEINSTEIN: Again, the ESDC, based upon regional -- the REDC's recommendations. Right. And, you know, I'm -- I'm sure you're -- you're aware, Bob, but perhaps others aren't, that we have a -- the -- it's called CFA, Consolidated Funding Application, so that entities can apply for -- for development grants through that process.

MR. OAKS: I know that we -- there were proposals

of having greater oversight on some of our economic development dollars. It seems here that we have some expansion in those dollars. We had the Comptroller suggesting that he should have more oversight and whatever. Have we done that at all here? And don't you think we -- he should, and we should, have more oversight of those sums of money, especially that aren't targeted to something specific that we know it's going to be spent on?

MS. WEINSTEIN: Yes. We did put that in our one-House, but we are not able to get agreement with the Executive to include it in this bill.

MR. OAKS: Will the Comptroller have any ability to review or audit those programs or funds that might be...

MS. WEINSTEIN: I -- I think they have some limited authority in some situations, I couldn't really delineate which ones at -- at this time.

MR. OAKS: How much funding does the budget include for another round of the REDCs, the Regional Development Economic Development?

MS. WEINSTEIN: \$150 million is for the eighth round.

MR. OAKS: Typically, the Governor waits until late in the year and the regions and all of us, as legislators, are kind of in the dark on who's -- who's going to be receiving any of those dollars, and who is going to be receiving those dollars. Have we, in this budget, changed any of the REDC process to provide greater

transparency in that process?

MS. WEINSTEIN: No, there is not.

MR. OAKS: In the housing area, I know there's \$250 million capital funding. Are there reporting requirements along with -- with that program?

MS. WEINSTEIN: Well, it -- we require -- there's a requirement of a plan to start with, and it's anticipated there will be an Executive Order by the Governor which will outline some of the parameters and more fully discuss how that money would be spent.

MR. OAKS: Do we know how many units or buildings will -- can be expected to be repaired with that \$250 million, or...

MS. WEINSTEIN: We don't know at this -- at this time, but there is an ongoing process to determine the number of buildings and the -- the state of -- the needed repairs based on the state of the situation of predominantly some of the boilers in the various NYCHA developments.

MR. OAKS: Thank you very much for your comments on these issues. I know there's other topics that a few others might want to ask. Thank you.

MS. WEINSTEIN: Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano.

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

ACTING SPEAKER AUBRY: Ms. Weinstein

yields.

MR. MONTESANO: Thank you. Just to follow up a little bit on the Housing Authority.

MS. WEINSTEIN: Yes.

MR. MONTESANO: Because my concern is, I believe it was like two years ago, this House allocated \$100 million to the New York City Housing Authority to clear up some leaking roofs and mold and things of that nature. And there was a big controversy after that because the money was not spent on those repairs, and it was spent on -- on some different issues; some Wi-Fi, some security lights and some other things of that nature. And -- and I heard the answers you gave to my colleague a few minutes ago. But my first question is, are we giving them this \$250 million in a lump sum to spend as they see fit, or are we going to piecemeal the money out based on every project they do when they show documentation that they've performed the project and completed it?

MS. WEINSTEIN: I'll look -- I'll -- I'll go for number two on -- on that one. They -- they will -- they will get it as they -- as they move forward. I would just comment on the -- the \$100 million. I know in my community, and in many others, the residents' associations met with the representatives from the community and -- and with DASNY and -- and the NYCHA officials, and determined how they would best -- what their needs, their high needs were. There -- and security and -- and in my -- in the two developments in my district, security cameras in each of the elevators

was what the residents chose, and I think that happened in a lot of --

MR. MONTESANO: Well --

MS. WEINSTEIN: -- other developments, also.

MR. MONTESANO: And -- and I can understand that. But, you know, when it's represented to us to vote on something, and the money's being allocated because of certain repairs that are necessary, and then we allow them to decide that, *Well we're going to use it for something else* -- like right now, the buildings we're looking at, and, you know, the Governor made his tour and so on and so forth, some of these buildings are in such a horrible state of disrepair, that really people shouldn't be living in there, they're not habitable. So, now, when this money goes out, are they going to say, *Well, you know what? Maybe we don't have to replace the boiler, we could put a Band-Aid on it, and then we'll do something else in the building.* Is that going to be the same case now, or are we going to exercise some more control over how the money is spent?

MS. WEINSTEIN: Second one. In the first instance, the intention was -- in the first set of funding, was to fund projects that, in fact, NYCHA didn't have responsibility to fund. And primarily security-related projects. This -- this set of -- this \$250 million is specifically designed to -- for replacements of boilers to return --

MR. MONTESANO: Okay. Thank you.

MS. WEINSTEIN: -- to make sure that we don't go through another heatless season.

MR. MONTESANO: Thank you.

And if I could just move you along --

MS. WEINSTEIN: Sure.

MR. MONTESANO: -- over to -- we'll switch gears, to go over to Corrections and Community Supervision. The \$92 million, and it includes about \$1 million more than last year, for maintenance and operation of various facilities and systems, including personnel service costs, fringe benefits and indirect costs, is that money being allocated just to New York City, or is that a Statewide expenditure?

(Pause)

MS. WEINSTEIN: Right. I -- I -- you're talking about capital projects, yes?

MR. MONTESANO: Under Public Protection and General Government, there's \$92 million being allocated for Corrections and Community Supervision.

MS. WEINSTEIN: That -- that's repairs and improvements for DOCS' correctional facilities.

MR. MONTESANO: So, that's on a Statewide application?

MS. WEINSTEIN: Yes.

MR. MONTESANO: Okay. And then lastly, if I could just put your attention to Transportation, under Freight Rail, we're allocating \$17.5 million, and \$3 million of that is going to the MTA to upgrade diesel train engines owned by the Long Island

Railroad, and \$1 million for other diesel train engine retrofit uses. My question is focused to the M -- to the Long Island Railroad. In the past years, have we not allocated money to them, almost in the same sums of money, to upgrade their diesel train engines?

MS. WEINSTEIN: Yes, for the -- about for four years --

MR. MONTESANO: And is this just an ongoing project?

MS. WEINSTEIN: Yes. Yes.

MR. MONTESANO: Okay. All right. Thank you very much.

MS. WEINSTEIN: Sure. Always a pleasure.

MR. MONTESANO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Walter.

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

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. WALTER: Great. Thank you, Ms. Weinstein.

MS. WEINSTEIN: Sure.

MR. WALTER: I just want -- page 871 of the bill, the -- the Ranker had mentioned this \$300 million. I'll just note, just to kind of give it some context here, the -- last year, we allocated about \$200 -- a little over \$200 million that's basically been used to assist in some of the failures of the Empire State Development Program, where

they -- places like in the (inaudible), you know, factory that they -- where they pulled out and other places. There's issues with SUNY Poly and some of the lease agreements that they've entered into. Is any of this money going to be used to fix some of the problems that not only we've seen with the Governor's epic corruption within his Economic Development Program, but also the outright failures of it?

MS. WEINSTEIN: It's high-tech money, I guess in theory it could, but it's not -- it's not specifically designated for the purpose that you describe.

MR. WALTER: So, some -- some of the money could go to the SUNY Poly and maybe, you know, some of the leases, that Fuller Road Management, Fort Schuyler have -- have entered into that have basically failed.

MS. WEINSTEIN: In theory, it could, yes.

MR. WALTER: Yes, okay.

Back to -- I want to go over to page... let me see here, where is it... the -- page 653 -- no. Six -- I'm sorry, 655, 654 and 655. There's \$122 million allocated in what's called the "New York State Capital Assistance Program for Transportation, Infrastructure and Economic Development." I don't remember seeing that in the Governor's Executive Budget originally. Is this something new? What's it allocated for? Who will have control over the allocation? That's a multi-part question, but...

(Pause)

MS. WEINSTEIN: So, you're correct, it wasn't in the

original -- the Governor's original Executive Budget. It is -- the infrastructure for roads, bridges, waterlines and aviation and will be designated by the Senate in cooperation with -- with DOB and with their approval.

MR. WALTER: So, this is just a -- only through the Senate, they'll be the only ones appropriating? And it also says an Economic Development Fund, as well.

MS. WEINSTEIN: Correct. Correct.

MR. WALTER: Also, it basically -- it's pretty liberal as far as where the money could -- really no limits as to where it could be transferred, as well.

MS. WEINSTEIN: Yes, you know, I -- I do -- you are correct, but I think that language repeats it itself multiple times throughout the budget, that liberal allocation language.

MR. WALTER: This is just a little extra gravy for the Senate, then, I guess. That really wasn't a question.

(Laughter)

MS. WEINSTEIN: Well... I'm sure there are roads, bridges, waterlines and aviation that are in need of improved infrastructure around the State.

MR. WALTER: And economic development, yes.

Okay. Then, let's just go over to page 928 and talk about the State and municipal -- the SAM grants.

MS. WEINSTEIN: Yes.

MR. WALTER: There is \$385 million, again, in

funds available. Is there any enacting language that would designate how this money would be designated? Other than, you know, the purposes listed here?

MS. WEINSTEIN: So the appropriation is silent on that.

MR. WALTER: Okay. So, is -- do -- is there no indication of whether the Executive, the Senate or the Assembly would be designating the issue -- where these funds might go?

MS. WEINSTEIN: Yes, I -- you know, I think it's a combination of -- of the Houses and -- both Houses, and there's a long list of eligible entities, and there actually are some new entities that are eligible this year.

MR. WALTER: But there's no application process --

MS. WEINSTEIN: No.

MR. WALTER: -- or anything like that spelled out --

MS. WEINSTEIN: Not spelled out -- not spelled out in the bill, Mr. Walter.

MR. WALTER: -- for that \$385 million.

Okay. Thank you very much. I appreciate the answers. Okay. Thank you.

MS. WEINSTEIN: Thank you. Sure.

MR. WALTER: Thank you, on the bill.

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

MR. WALTER: So, let's just go through this again. I

mean, we're talking about \$300 million of undesignated funds that the -- the Governor basically has carte blanche over through his economic development arm. Another \$122 million that, you know, looks like Senate play money that they can do whatever they want with that there's no designations to. And then another \$385 million that's been there for the last few years that both Houses, the Governor can allocate pretty much any way they want. That is really an abusive use of taxpayer dollars, when we don't know where -- gosh, I -- can somebody help me with the math there? \$300-, \$400-, \$500- -- almost \$1 billion of funds, taxpayer dollars, just wherever it wants to go. No oversight, no accountability. And we wonder why there's corruption in this State.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Murray.

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

MS. WEINSTEIN: Yes, Dean.

ACTING SPEAKER AUBRY: The Chair yields.

MR. MURRAY: Thanks, Helene. So, a couple of bills back, the education bill, I had asked about several issues that were not included there, but it looks like they were included here. So I just wanted to go over a couple of them. Overall, the State school aid, that has increased quite a bit.

MS. WEINSTEIN: Yes; \$859 million, yes.

MR. MURRAY: And the bulk of that is the

Foundation Aid, in which every school district saw an increase there, right?

MS. WEINSTEIN: Correct.

MR. MURRAY: Okay. Also wanted to touch on Expense-Based Aid Cap. We rejected that, but then we also did see increases to the Expense-Based Aids, correct?

MS. WEINSTEIN: Yes.

MR. MURRAY: We are on a roll. The 4201 schools as well as the -- the tuition, did we handle the -- the tuition for the 853 Special Acts and 4410s? Did we address that in this?

MS. WEINSTEIN: So, the 4201 schools, we gave a \$2.3 million increase, and the other schools that you mentioned are -- are part of a rate setting process that is outside of the budget.

MR. MURRAY: Okay. And the -- but we also in -- in -- we did do the minimum wage offset for the minimum wage increase, correct?

MS. WEINSTEIN: Yes, I believe it's \$15 million.

MR. MURRAY: Great. Okay. And then I -- I had specifically brought up a couple of things that were not in the other, but it looks like they are in this one, such as funding for gang prevention and education programs; how much did we put in for that?

MS. WEINSTEIN: \$500,000.

MR. MURRAY: Very good. And then BOCES aid and CTE aid, we increased that as well, correct?

MS. WEINSTEIN: We didn't make any changes to

that because it's at its present law levels.

MR. MURRAY: Right. Which -- which actually did increase --

MS. WEINSTEIN: Increase.

MR. MURRAY: -- the bill by about \$22 million, right?

MS. WEINSTEIN: Correct.

MR. MURRAY: Right. Okay. But, did we -- did we address, or will we possibly be addressing in a future bill the -- increasing the salary cap for BOCES employees? Was that addressed here, or could we be picking that up in another one?

MS. WEINSTEIN: We did include that in our one-House, but we were unsuccessful in the three-way negotiation in being able to have that included in the budget.

MR. MURRAY: Okay. But then, finally, as far as library aid, again, good news here, both on the side of library aid, if I'm not mistaken, we -- we restored, and then also increased, correct?

MS. WEINSTEIN: Yes. We -- the numbers in the -- in Library is \$5 million, which is \$1 million over last year; \$20 million for libraries, which is \$10 million in capital, \$10 million over last year.

MR. MURRAY: Very good. Helene, thank you very much. I appreciate all of your -- your answers and your patience with us on this. The reason I brought all that up --

Mr. Speaker, on the bill.

ACTING SPEAKER HEVESI: On the bill, sir.

MR. MURRAY: The reason I brought it all up is that we -- we -- you know, it's easy to sometimes bash some of the bad things in it, but it's also important to bring up some of the good things we were doing. And increasing the library aid as we did, the Foundation Aid, the school funding, I think we did a lot of good things in this bill, and I appreciate all the hard work and effort that was put into this. There were a couple of things that we would like to see as far as -- as we said, addressing -- increasing the salary gap on BOCES employees, and I hope we will continue to work on that. But, overall, I think it was a great job done by all. So, I'll be very pleased to support this bill. Thank you, Mr. Speaker.

ACTING SPEAKER HEVESI: Mr. Goodell.

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

ACTING SPEAKER HEVESI: Does the sponsor yield?

MS. WEINSTEIN: Happy to.

MR. GOODELL: Thank you very much. I just had a couple of quick questions, actually.

MS. WEINSTEIN: Sure.

MR. GOODELL: On the CHIPS program, I -- I saw that we continued the funding at the same level as last year, which was \$438 million, and we also had \$65 million for severe weather recovery for a total of \$5- --

MS. WEINSTEIN: Yes; correct.

MR. GOODELL: -- for a total of \$503 million.

Great program, by the way, and certainly support that funding. My concern on the CHIPS program is, it's my understanding that all of this money is borrowed and has been borrowed for 20 or 30 years now; is that also your understanding?

MS. WEINSTEIN: Yes, it is.

MR. GOODELL: And it's a little bit like a pyramid scheme, we're borrowing every single year for ongoing expenses. Can you give us an idea of what the debt payments are on previous borrowing?

MS. WEINSTEIN: If you could just wait one moment, I'll get that figure for you.

(Pause)

Right. I think, Mr. Goodell, that we can get -- we'll have to get back to you on the -- that exact number.

MR. GOODELL: That's fine. The reason I raise that concern, of course, is, it's my understanding that the amount we pay on -- on debt service on the CHIPS program now exceeds the annual appropriation.

MS. WEINSTEIN: Yes, I -- I've been informed that that is correct, even though I don't have the exact number.

MR. GOODELL: And so, just looking forward, because I'm -- I'm hoping and anticipating you'll be in your current role for sometime, it would make sense, from a financial perspective, for the State to put this on a regular operating basis using operating

funds. Long-term, we'll get more bang for the buck. Obviously, I'm concerned about borrowing for routine expenses.

MS. WEINSTEIN: I -- your concern is duly noted.

MR. GOODELL: I had another question, if I could, on the ski facility upgrades at the Olympic Regional Development Authority.

MS. WEINSTEIN: Yes.

MR. GOODELL: As you know, this is one area where we have a taxpayer checkoff for voluntary contributions. Am I correct that the amount of the taxpayer voluntary contributions to this project run about \$19,000 a year?

MS. WEINSTEIN: I -- I think we might have to defer that -- the answer to that question to -- once we talk about revenue because I need that staff with me to get that information. So we'll have the exact number -- try and have an exact number for you.

MR. GOODELL: Last, the budget, kind of toward the end, on page 970, has a -- appears to be two pots of funds, a "bullet aid" I think is what it's commonly called, \$40 million each: One pot for the Assembly, one pot of funds for the Senate.

MS. WEINSTEIN: Yes.

MR. GOODELL: Can you describe for us what will be the process in the Assembly for the solicitation of proposals, the review of those proposals, the evaluation of those proposals, the criteria that will be used and whether or not there to be any public hearings or Committee hearings or -- or other process in developing

which entities would receive the \$40 million?

MS. WEINSTEIN: I -- that process has not yet been determined.

MR. GOODELL: Well, we have this bullet aid every year. Can you explain what process was used this year for the bullet aid?

MS. WEINSTEIN: After looking at the -- this past year, after looking at school runs, seeing -- looking at data from the schools, from the -- the districts, seeing where there seemed to be some discrepancies, aid was distributed.

MR. GOODELL: This year, going forward, do you anticipate that these funds will be available to school districts in a fair and equitable evaluation on a non-partisan basis?

MS. WEINSTEIN: I -- I'm told that it's a fairly -- that in our House it's fairly transparent, and that there will be a resolution presented. There is opportunity to ask -- ask questions, and for members to -- to vote on that -- that information.

MR. GOODELL: I'm -- I'm aware the final result is subject to a resolution. I -- I just wanted to receive a reassurance that school districts in Republican, Democrat, Independent areas, you know, areas represented by different Assembly members, regardless of political affiliation, will be given a fair and equal evaluation as to the needs for that particular school and the appropriateness of bullet aid for that school.

MS. WEINSTEIN: Well, as I said, the process has

yet to be developed and I, you know, I do think between the Assembly and the Senate, we do have a -- a balance of members who represent districts throughout the -- the State. But as I said, it's still to be determined as we go forward.

MR. GOODELL: All right. Well, hopefully, as this process moves forward, when that resolution is presented and we ask the same questions, the answers will be very forthcoming on how we got there and will reassure everybody that the evaluation was based on the merits and not on just partisan politics. Thank you very much --

MS. WEINSTEIN: Sure.

MR. GOODELL: -- and thank you very much for your work on this budget.

MS. WEINSTEIN: Thank you, Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER HEVESI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HEVESI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. As several of my colleagues said, there are a lot of good stuff in this bill, the restorations of -- of library capital and increases in library capital, a lot of support for -- for our colleges, education support, our 4201 schools and some restorations there. But -- but I -- I want to just make sure I

again mention, and Mr. Murray alluded to this, we have a segment of our school system that is in severe crisis, and if this was taking place in our ordinary public school system, it's something we would never stand for, and I'm talking about our 853 schools and our 4410 pre-school programs. The disparity between what the teachers there are -- are paid as opposed to certified public teachers that go elsewhere in the public school system is \$25,000 to \$30,000. These are the really -- students that have significant needs. And as a result of this, people get other jobs in the public school system and they're gone. And people who need that continuity of having the same teacher to work with them and they're worked with year-round in -- in a lot of these schools, end up with two, three different teachers over the course of a year.

So, I hope that is something we can continue to work on. I know this House, thankfully, provided and really made that a priority in our one-House budget, but I hope we can continue to come together to support those very important schools, that at the end of the day, our public schools, they're servicing students that just can't get the full services they need within our ordinary or our traditional public school system. I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker.
I rise to support the continued investment we're making in

infrastructure with this bill. I'm pleased to see funding for local roads and bridges across the State. Our communities are still facing the challenge of aging infrastructure. As a civil engineer myself, I know that smart investments like this help us get ahead of the problems, to look out for our roads, bridges and water mains, and prevent problems from happening in the first place. This funding will help communities, Upstate communities like the City of Amsterdam in my district build more reliable, safer roads that are critical to ensuring public safety for local residents. Reliable roads and well-maintained bridges are vital to economic development and our way of life in Upstate New York and I'm pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, very briefly. A great many projects at our public higher education institutions are vital to those communities and to ensuring that a high quality education continues to be available at our SUNY and CUNY systems. I'm very pleased to see that we have continued those investments. And I also am very pleased that we have a second round of companion animal shelter matching grant dollars, because those shelters are important across the State, and the first round was incredibly successful. So, it's a good day for our furry friends. And I'm pleased to vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the

affirmative.

Mr. Palmesano.

MR. PALMESANO: Mr. Speaker, just to briefly explain my vote. I just want to, you know, say I think the focus on local infrastructure is an important one. I want to say thanks to my colleagues in this Chamber on both sides of the aisle who recognize and support our -- our CHIPS program, winter recovery funding. You know, to restore the \$65 million that the Executive cut I think was appropriate, but I wish we could have gone further, and we're going to continue to keep going further.

Listen, I know with the new -- the \$1.5 billion for the MTA, and the \$174 million new funding for the action plan, I understand, especially for my colleagues from Downstate, how important the -- the MTA is. It's the lifeblood of Downstate. I just to reiterate, again, that CHIPS program, my colleagues, for some of our Upstate rural communities, is the only funding some of these local communities have for their local infrastructure, for their roads and bridges. And -- and this is a safety issue. How many of us put our kids or grand kids on a school bus every morning, how -- for our first responders going to emergencies, for our economic development, you know, businesses located in towns, cities and villages. Those roads have to be appropriate for tourists or whatever it may be.

But I hope going further we can continue that investment, not just trying to get back to even, and look at that parity between the MTA and our -- and our infrastructure, Upstate roads and

bridges, because that's critically, critically important. And the CHIPS program helps everyone. It helps New York City, it helps Long Island, everyone across the State.

So, again, I wanted to just say thanks for the continued support on this area, for our Upstate roads and bridges, it helps our local property taxpayers. But certainly there's -- I think there's a lot more we can do. Unmet need is significant. There's \$89 billion in unmet needs for our local roads and bridges; \$27 billion just in bridges. You know, and when you think of 87 percent of the roads are owned and maintained by -- 87 percent of the roads are owned and maintained by our localities, 52 percent of the bridges are owned and maintained by our municipalities, 48 percent of the miles driven are driven on our local roads. And let's not forget that as we go forward. Hopefully, the Executive will -- will put that in his budget next time around. But I appreciate the support, but we certainly have a long way to go on this issue. Thank you so much.

ACTING SPEAKER AUBRY: Mr. Palmesano in the affirmative.

Mr. Cymbrowitz to explain his vote.

MR. CYMBROWITZ: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: You're explaining your vote.

MR. CYMBROWITZ: Yes, explaining the bill -- explaining the vote. There's been a lot of discussion recently about

NYCHA facilities and the challenges they're experiencing. As we speak of heating systems and buildings, we must remember the most important part of the conversation - the nearly 400,000 residents that call these developments home. These people are the fabric of the City and its workforce and without them, New York would not be what it is today. This budget includes several initiatives to address recent and long-term infrastructure problems threatening the health and safety of these residents. Over the last several years, the Assembly Majority has led the way in changing the narrative of, "The State has no role here," by securing much-needed funding and resources to help right some of the wrongs that have been done to these residents.

Now, we must demand that all levels of government step up to make sure these housing units remain forever affordable and meet the needs of their occupants. NYCHA and its residents are not a city onto themselves and we must all work together to right the ship with a coordinated and comprehensive response.

ACTING SPEAKER AUBRY: Mr. Cymbrowitz 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. Ladies and gentlemen, I want to, again, underscore how much we appreciate everyone's patience tonight. Let me just try to describe where we are.

We continue to make progress. We have three more bills which we're going to take up tonight which will conclude our work on the 2018-'19 State Budget. We intend to do that this evening, we're on track to do that. We do have, before we conclude, however, probably, certainly have Party Conferences, several Committee meetings, they will produce potentially one or more Calendars which we will take up.

So, what I'm going to ask people to do is to -- I'm going to -- in just a moment, I'm going to call on Mr. Crouch and then I'm going to make a motion to stand at ease, but I would ask people to please either stay in the vicinity. People can certainly go back to the LOB. It will be a little while before we call you back, so it may make some sense to just rest your eyes and just take some time. We will call you back, we'll, obviously, give people enough time to be called back to the Chamber. But I don't want people leaving. We are on course to finish.

I do want to also thank the Minority for their cooperation, they've been terrific in -- in working with us to make sure that these bills are reviewed to -- to their -- so that they're satisfied -- to their satisfaction, and taking time to conference and to work with us on Committees, et cetera. So, we're all working to achieve the same results here, which is to conclude the budget. I would ask you, again, go to the LOB, stay here if you'd like. It's going to take a little time. And I'd just ask for your continued patience. We are going to get done this evening.

With that, I'd like to ask you to call on Mr. Crouch for

the purposes of an announcement.

ACTING SPEAKER AUBRY: Certainly. Mr. Crouch for the purposes of an announcement.

MR. CROUCH: Thank you, Mr. Speaker. If the Republican members would pay attention to their phones, we will be calling for a bill briefing conference a little bit later on. But if you would, certainly as the Majority Leader had said, stay close to the phones and pay attention so we can call you back. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Morelle.

MR. MORELLE: Yes, sir. I now ask the House stand at ease.

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. Colleagues, members will find on their desk a D-Calendar. I now move to advance the D-Calendar.

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

The Clerk will read.

THE CLERK: Assembly No. 10272, Rules Report

No. 25, O'Donnell, Lifton. An act to amend the Penal Law, the Criminal Procedure Law and the Family Court Act, in relation to the possession of weapons by domestic violence offenders; and to repeal certain provisions of the Criminal Procedure Law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mr. O'Donnell, the Senate Bill is before the House. The Senate Bill is advanced. Governor's Message is at -- at the desk. The Clerk will read.

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

ACTING SPEAKER AUBRY: An explanation is requested, Mr. O'Donnell.

MR. O'DONNELL: Thank you. This bill brings together a series of bills that this bill -- that this House passed in the last number of weeks. It primarily has to do with expanding the definition of what a "serious offense" is to include a number of domestic violence offenses. Individuals who are convicted of a serious offense are prohibited from purchasing or possessing firearms. It clarifies the procedure for determining if a potential serious offense crime was committed against a member of the same family or household. It establishes a process for notification to DCJS and the FBI of domestic violence misdemeanor convictions for the purpose of identifying individuals prohibited from purchasing or possessing firearms. It provides that when an Order of Protection is issued, the Court orders surrender of a handgun, the Court shall also order the

surrender of any rifles or shotguns. It clarifies the procedures for an individual to seek return of a surrendered firearm at the termination of the suspension order. It prevents individuals with an outstanding warrant for a felony or serious offense crime from being eligible for a license, and it creates a new requirement that the Court order the surrender of firearms following a felony or serious offense conviction. That is what the bill does.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I know that I and -- and some of my colleagues have great concerns over the breadth of this provision, based on a couple of aspects. First, this bill would trigger the loss of a person's Second Amendment rights for allegations or alleged crimes that most of us would not consider to be a serious offense justifying the loss of your Second Amendment rights. For example, this bill would be triggered by Criminal Tampering in the Third Degree; "A person is guilty of Criminal Tampering in the Third Degree when they tamper with property of another person with intent to cause substantial inconvenience." Let me give you an example. You let the air out of the tire of somebody's car. That's a ground to lose your rights, your Second Amendment rights to have any guns? There's no violence involved at all. It merely created inconvenience. That should not be the grounds for losing your Second Amendment rights.

This is also triggered by Criminal Contempt in the Second Degree. Criminal Contempt in the Second Degree is when you disrupt a court proceeding. So, if there's a court proceeding involving a family member and you disrupt it -- you may even be speaking on behalf of your family member and the court says -- you've all seen those shows, *You be quiet or I'm holding you in contempt*. Yeah, that's Criminal Contempt in the Second and you lose your Second Amendment rights? Or what about being triggered by Criminal Trespass in the Second Degree, where you enter into a fenced yard, if the fenced yard happens to be owned by a family member, you lose your Second Amendment rights. That's what this bill says.

But it goes further than that. It says, you lose your Second Amendments rights if you *attempt* to do any of those. So, you attempted to harass somebody and you were unsuccessful, what, you were going to yell at them, but you dialed the wrong number, or their phone was turned off, and so you lose your Second Amendment rights? You wanted to enter into their backyard over the fence, but you're not physically able to, that's an attempt, so you never left the sidewalk, you lose your Second Amendments rights.

This is a Constitutional right. And we agree, if there's a serious violent offense in the context of a domestic violence, you -- you should be facing the loss of your firearm. But that's not what this bill does. This bill expands it so the minorest, the smallest, the least offense, if it involves a family member, you face losing your

Second Amendment rights. It is way too broad, and that's why I and many of my colleagues will have serious problems trying to support this type of bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Mayer.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. O'Donnell to explain his vote.

MR. O'DONNELL: One-ten in the morning, silence is golden, so I will be as brief as I can. There's nothing about allegations or allegations of conduct, it's about criminal conduct. It's not criminal conduct of a minor nature, it's criminal conduct against a family member. What this bill does is it comports New York law to Federal law without directly referencing it, because I did that last time, and I won't do that again. But the most important thing to realize is our laws have great discretion written into them. They provide a judge with discretion to offer and to give A Certificate of Relief From Civil Disabilities, which means at the time of conviction they could wipe away all of the civil disabilities from said conviction, including this provision. So, if it was a minor thing where somebody was drunk and jumped over a fence and they didn't mean to jump over a fence, there is a mechanism for them to say, *These rules won't apply for this*

conviction.

But those are the one-in-a-million. We all know the facts about domestic violence. We all know the facts about the likelihood that a woman will be harmed or killed because there is a weapon in their home. And that's why the Federal government has taken that action. That's why this State is taking this action, and it is very long overdue. I would like to thank my Speaker for allowing me to have this bill and to defend this bill, and I look forward to passing this bill tonight. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Paulin.

MS. PAULIN: Thank you, Mr. Speaker. I -- I rise because I, too, want to speak about the fact that guns are so lethal in the case of domestic violence, and we have to do everything that we can to be sure that they are taken out of someone's hands when there has been an incidence of domestic violence. And, you know, I was the author of the -- of the bill that conformed the State Law to the Federal law, because we recognized that Federal law -- although the Federal law said that you cannot have a gun, possess a gun, we did not have the conforming State law. And what's in this bill is an extension of that.

So, I -- I believe that we are doing the right thing here. We are allowing judges to require the surrendering of the gun, which is merely a conformance to Federal law. So, I am very proud that my bill has been incorporated into this bill and I withdraw my request to speak and I vote in the positive.

ACTING SPEAKER AUBRY: Ms. Paulin in the affirmative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I rise to explain my vote and also to commend -- I plan to vote in the affirmative, and I want to commend the -- the sponsor and commend the Speaker, as well, for bringing this forward. This is part of what I believe is -- is common sense, and I think gun sense equals common sense, particularly with regard to gun violence where it relates to domestic violence. I think we've learned repeatedly in -- in recent years, let alone recent months that we can no longer have hollow sympathy. We really -- I believe the only downside of this legislation tonight is that it's not part of a much bigger package. So, it is a little bit bittersweet, but I am pleased that we are taking what I think is a major, major step. We know that when a domestic abuser, when -- when there's a gun in the home with domestic abuse, that the victim is five times more likely to end up dead, five times more likely when a gun is in the home. So, in many cases, that means women that are much, much more at risk, women or children. And we see it over and over, I think 16 times just in the -- in 20, 26 domestic homicides in New York.

Again, I believe we need a multi-pronged approach. We've got to close as many loopholes as possible. I'd like to see a lot more done on background checks, on bump stocks, on extreme risk or red flag -- extreme risk protection orders or red flags. But I think this

is a very significant law. I also recognize that repeatedly the research has shown states that have the toughest gun laws have the lowest rates of gun violence. Toughest gun laws, lowest rates of gun violence. So, since Congress has not been acting in -- in an appropriate manner, I'm proud to see that, once again, New York is leading, and that we will move this. I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Castorina to explain his vote.

MR. CASTORINA: Thank you, Mr. Speaker. So, this is how it happens, this is how the Second Amendment gets destroyed in New York at a quarter-after-one in the morning in the middle of a bunch of Budget Bills. That's real nice. Really interesting how that happened.

You know, this bill is unconstitutional. This -- I want to know what happened to the other bill. What happened to the bill that we voted on about a month or so ago that had some real due process provisions in it, the three-day period where you got before a judge? Do you guys remember that one? Because I remember it. I -- I voted for it. I voted in the affirmative on that one. So here, we're going to take away your Second Amendment right under the guise of domestic violence, and we're going to throw due process out the window. Hey, by the way, I have a lot of people in my district that are not only gun owners, but gun collectors. And their collections are worth thousands of dollars, thousands of dollars. Where's the

remuneration clause in this bill that replenishes or provides the value back to the defendant? Hey, another thing, I don't know if any of you practice in the -- in the world of family law, but, have you ever heard the phrase that, *An Order of Protection can be used as a sword instead of a shield*? Because that happens, too.

So, the fact that this is happening right now under these circumstances, outside of the light of day, is shocking, and that's the reason why I vote no.

ACTING SPEAKER AUBRY: Mr. Castorina in the negative.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker. Just one of the problems of the many that are with this bill that I have is, there's nothing in this bill that addresses the ramifications that affects any law enforcement officer. We have thousands and thousands of law enforcement people in this State that as part of their job, must possess and carry a firearm, in many occasions at all times. If they get involved in any of the domestic incidences that are stated in this law, it can cause the loss of their job because without the ability to possess or carry a firearm, they cannot be employed. Now, the incident standing by itself in the normal course of the current statutes wouldn't be enough for them to lose their jobs. But the -- the loss of the possession of their firearm is a detriment to them. And while a judge, which was said earlier, can issue a certificate of relief in civil disabilities, many judges are not going to issue one on a domestic

violence case because none of want to have their name in the newspaper should something go wrong. So, for that reasons (sic) and many others with this bill, I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the negative.

Mr. Murray to explain his vote.

MR. MURRAY: Thank you, Mr. Speaker. Just a couple of points I'd -- I'd like to make on this. First is that a no-vote on this bill does not mean we are arming those who are convicted of domestic violence; in fact, under current law, if you were convicted of a felony or a serious crime, you will have your weapons taken away. So -- so, voting no to this does not do that. Voting yes to this, is, as my colleague so eloquently put it, is basically eroding away at our Second Amendment rights. We're just adding some of the crimes here and calling them serious crimes, like Coercion in the Third Degree, Criminal Trespass in the Second Degree, Criminal Trespass in the Third Degree, which really don't have anything to do with domestic violence.

By the way, one other really important point to point out, many of these crimes that we're talking about here, we're oh so quick to take away our Second Amendments rights, but if they were that serious, why do we want to remove bail from these? So, for these reasons, I'll be voting no. Thank you.

ACTING SPEAKER AUBRY: Mr. Murray in the negative.

Ms. Glick to explain her vote.

MS. GLICK: I am very -- just take a moment to explain my vote. The concern about raising a penalty is such an interesting juxtaposition here today. I don't feel like I'm taking someone's Second Amendment rights away, they will be doing that if they commit a -- an act of domestic violence. So, I feel very comfortable in voting yes for this measure, and I want to thank my friend and the sponsor of the bill.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Lavine to explain his vote.

MR. LAVINE: So, a couple of observations. Thank you. I know that to some people the Heller decision, the Supreme Court decision means that in their heart of hearts, they believe that the Second Amendment provides an absolute right for anyone to possess any kind of a firearm. But it seems to me that if that was true, then we'd have an awfully tough time denying prisoners in maximum security jails their right to a firearm. So, it is obviously a right that is tempered, and Heller even says that. It says it expressly. And I know that it is now about 1:25 in the morning, and it's dark out, and we're going to vote on this -- on this bill, and I'm going to be voting in favor of this bill, and I hope it passes, but my thought is with someone who is the victim of domestic violence at 1:25 in the morning, or 1:45 in the morning, or 2:30 in the morning, or 4:00 in the morning, it is our obligation to protect those people. This bill is quite moderate in its

approach and it is full of due process rights. It certainly comports with each and every Constitutional requirement, notwithstanding the observations of some who do believe that that Second Amendment right is so very, very precious and inviolate.

I am very pleased to vote in the affirmative, and I want to thank the Speaker and I want to thank the sponsor of this bill.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. We have the need to call on Mr. Crouch so that he may make a -- an announcement.

ACTING SPEAKER AUBRY: Mr. Crouch for the purposes of an announcement.

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: Yes, Mr. Speaker. I move that the House stand at ease until the conclusion of Republican conference.

ACTING SPEAKER AUBRY: The House will stand

at ease until the conclusion of that conference. Thank you very much.

(Whereupon, the House stood at ease.)

ACTING SPEAKER AUBRY: The House will come to order.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ladies and gentlemen, members, you all have on your desks an E-Calendar. I now move to advance the E-Calendar.

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

Mr. Morelle.

MR. MORELLE: Yes. Could we go to page 4, directly to Rules Report No. 27, a budget bill.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A9509-C, Rules No. 27, budget bill. An act intentionally omitted (Part A); to amend the Real Property Tax Law, in relation to making the STAR income verification program mandatory; to amend the Tax Law, in relation to the calculation of income for basic STAR purposes; to repeal subparagraphs (v) and (vi) of paragraph (b) of subdivision 4, paragraphs (b) and (c) of subdivision 5 and paragraph (c) of subdivision 6 of Section 425 of the Real Property Tax Law relating to the school tax relief (STAR) exemption; and to repeal Section 171-o of the Tax Law relating to income verification for a city with a population of one million or more (Part B); intentionally omitted (Part

C); intentionally omitted (Part D); to amend the General Municipal Law, the Education Law, the State Finance Law, the Real Property Tax Law and the Tax Law, in relation to making technical corrections to various statutes impacting property taxes; and to repeal subsection (bbb) of Section 606 of the Tax Law, Section 3-d of the General Municipal Law and Section 2023-b of the Education Law, relating thereto (Part E); intentionally omitted (Part F); to amend the Real Property Tax Law, in relation to assessment ceilings; and to amend Chapter 475 of the Laws of 2013, amending the Real Property Tax Law relating to assessment ceilings for local public utility mass real property, in relation to the effectiveness thereof (Part G); to amend the Tax Law and the Administrative Code of the City of New York, in relation to extending the statute of limitations for assessing tax on amended returns (Part H); to amend the Tax Law, in relation to providing for employee wage reporting consistency between the Department of Taxation and Finance and the Department of Labor (Part I); to amend the Tax Law, in relation to sales and compensating use taxes imposed on food and beverages sold by restaurants and similar establishments (Part J); to amend the Tax Law, in relation to allowing sharing with the Comptroller information regarding unwarranted fixed and final debt (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend the Tax Law and the Administrative Code of the City of New York, in relation to the definition of "resident" for tax purposes of the personal income tax (Part O); to amend the Tax Law, in relation to the

Empire State Child Credit (Part P); to amend the Tax Law, in relation to extending the Hire a Veteran credit for an additional two years (Part Q); to amend the Labor Law and the Tax Law, in relation to enhancing the New York Youth Jobs program (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the Tax Law, in relation to exempting from sales and use tax certain veterinary drugs and medicines and removing the refund/credit therefor (Part W); to amend the Tax Law, in relation to providing relief from sales tax liability for certain partners of a limited partnership and members of a limited liability company (Part X); intentionally omitted (Part Y); to amend part A of Chapter 61 of the Laws of 2017, amending the Tax Law relating to the imposition of sales and compensating use taxes in certain counties, in relation to extending the revenue distribution provisions for the additional rates of sales and use tax of Genesee, Monroe, Onondaga and Orange counties (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to adjusting the franchise payment; and to establish an advisory committee to review the structure, operations and funding of equine drug testing and research (Part EE); intentionally omitted (Part FF); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-State thoroughbred races, simulcasting

of races run by out-of-State harness tracks and distributions of wagers; to amend Chapter 281 of the Laws of 1994 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting and Chapter 346 of the Laws of 1990 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to extending certain provisions thereof (Part GG); to amend the State Finance Law, in relation to the Commercial Gaming Revenue Fund; and to repeal subdivision 4 of Section 97-nnnn of the State Finance Law relating to base-year gaming revenue (Part HH); intentionally omitted (Part II); to amend the Tax Law and the Administrative Code of the City of New York, in relation to addressing changes made to the Internal Revenue Code by Public Law 115-97 (Part JJ); to amend the Tax Law, in relation to Federal gross income and Federal deductions allowed pursuant to the Internal Revenue Code; and to amend the Administrative Code of the City of New York, in relation to the taxation of business corporations (Part KK); to amend the State Finance Law, in relation to establishing the Charitable Gifts Trust Fund and the Health Charitable Account, and the Elementary and Secondary Education Charitable Account; provides credits for contributions to Health Research Inc. and University foundations; to amend the Tax Law, in relation to credits for contributions to accounts in the Charitable Gifts Trust Fund; to amend the Education Law and

the General Municipal Law, in relation to authorizing school districts, counties and New York City to establish charitable funds; and to amend the Real Property Tax Law, in relation to authorizing such localities to provide a credit against real property taxes for such contributions (Part LL); to amend the Tax Law and the State Finance Law, in relation to the imposition of an employer compensation expense tax (Part MM); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part NN); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the disposition of net revenue (Part OO); to amend the Public Housing Law and the Tax Law, in relation to the State Low-Income Housing Credit (Part PP); to amend the Tax Law, in relation to extending certain tax rates (Part QQ); to amend the Tax Law, in relation to the credit for rehabilitation of historical properties (Part RR); to amend the Tax Law and the Administrative Code of the City of New York, in relation to the personal income tax on residents of the city of New York (Part SS); to amend the Tax Law, in relation to capital awards to vendor tracks (Part TT); to amend the Vehicle and Traffic Law, in relation to the disposition of certain proceeds collected by the Commissioner of Motor Vehicles; to amend the Transportation Law and the Tax Law, in relation to the disposition of certain fees and assessments; to amend the State Finance Law, in relation to the Special Obligation Reserve and payment account of the Dedicated Highway and Bridge Trust Fund; to amend the Public Authorities Law, in relation to the

Metropolitan Transportation Authority Finance Fund; and to amend the State Finance Law, in relation to the Metropolitan Transportation Authority Financial Assistance Fund; to repeal subdivision 5 of Section 317 of the Vehicle and Traffic Law relating to certain assessments charged and collected by the Commissioner of Motor Vehicles; to repeal subdivision 6 of Section 423-a of the Vehicle and Traffic Law relating to funds collected by the Department of Motor Vehicles from the sale of certain assets; and to repeal subdivision 4 of Section 94 of the Transportation Law relating to certain fees collected by the Commissioner of Transportation (Part UU); to amend the State Finance Law, in relation to the funding of the capital and operating costs of the Metropolitan Transportation Authority New York City Subway Action Plan; and providing for the repeal of certain provisions upon expiration thereof (Part VV); to utilize reserves in the Mortgage Insurance Fund for various housing purposes; and to repeal certain provisions of Part R of Chapter 56 of the Laws of 2017 relating to reserves in the Mortgage Insurance Fund for various housing purposes, relating thereto (Part WW); to amend the Judiciary Law, in relation to the number of Supreme Court justices in certain judicial districts (Part XX); to amend the Social Services Law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part YY); to amend the Social Services Law, in relation to a rental subsidy for public assistance recipients living with HIV/AIDS (Part ZZ); to amend subpart H of part C of Chapter 20 of the Laws of 2015, appropriating money for

certain municipal corporations and school districts, in relation to funding to local government entities from the Urban Development Corporation (Part AAA); to provide for the administration of certain funds and accounts related to the 2018-19 budget and authorizing certain payments and transfers; to amend the State Finance Law, in relation to the School Tax Relief Fund and to payments, transfers and deposits; to amend Chapter 174 of the Laws of 1968 constituting the New York State Urban Development Corporation Act, in relation to funding project costs undertaken by non-public schools; to amend the New York State Urban Development Corporation Act, in relation to funding project costs for certain capital projects; to amend Chapter 389 of the Laws of 1997, relating to the financing of the Correctional Facilities Improvement Fund and the Youth Facility Improvement Fund, in relation to the issuance of bonds; to amend the Private Housing Finance Law, in relation to housing program bonds and notes; to amend Chapter 329 of the Laws of 1991, amending the State Finance Law and other laws relating to the establishment of the Dedicated Highway and Bridge Trust Fund, in relation to the issuance of bonds; to amend the Public Authorities Law, in relation to the issuance of bonds by the Dormitory Authority; to amend Chapter 61 of the Laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 Budget, in relation to issuance of bonds by the Urban Development Corporation; to amend the New York State Urban Development Corporation Act, in relation to the issuance of bonds; to amend the Public Authorities

Law, in relation to the State Environmental infrastructure projects; to amend the New York State Urban Development Corporation Act, in relation to authorizing the Urban Development Corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program and increasing the bonding limit for certain State and municipal facilities; to amend Chapter 81 of the Laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 Budget, in relation to increasing the aggregate amount of bonds to be issued by the New York State Urban Development Corporation; to amend Chapter 59 of the Laws of 2004, authorizing the New York State Urban Development Corporation and the Dormitory Authority of the State of New York to issue bonds or notes, in relation to increasing certain bonds; to amend the Public Authorities Law, in relation to financing of Peace Bridge and transportation capital projects; to amend the Public Authorities Law, in relation to dormitories at certain educational institutions other than State-operated institutions and statutory or contract colleges under the jurisdiction of the State University of New York; to amend the New York State Medical Care Facilities Finance Agency Act, in relation to bonds and mental health facilities improvement notes; to amend Chapter 61 of the Laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 Budget, in relation to increasing the bonding limit for certain public protection facilities; to amend the State Finance Law and the Public Authorities Law, in relation to funding certain capital projects and the

issuance of bonds; to amend Chapter 59 of the Laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 Budget and authorizing certain payments and transfers, in relation to the effectiveness thereof; to amend Chapter 63 of the Laws of 2005, relating to the composition and responsibilities of the New York State Higher Education Capital Matching Grant Board, in relation to increasing the amount of authorized matching capital grants; to amend the Public Authorities Law, in relation to increasing the amount of bonds authorized to be issued; to amend the Facilities Development Corporation Act, in relation to authorizing the issuance of bonds in relation to grants made to voluntary agencies; and providing for the repeal of certain provisions upon expiration thereof (Part BBB); to amend the Education Law, in relation to Contracts for Excellence and the apportionment of public moneys; to amend the Education Law, in relation to the reporting of teacher diversity; to amend the Education Law, in relation to a statement of the total funding allocation; to repeal Section 2590-r-1 of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof; to amend the Education Law, in relation to supplemental public excess cost aid; to amend the Education Law, in relation to defining consumer price index; and to amend the Education Law, in relation to total Foundation Aid; to amend the Education Law, in relation to Building Aid; to amend Section 11 of part YYY of Chapter 59 of the Laws of 2017, amending the Education Law relating to Contracts for Excellence and the apportionment of public moneys,

in relation to the recovery of funds arising from a late final cost report; to amend the Education Law, in relation to full-day kindergarten aid; to amend the Education Law, in relation to academic enhancement aid; to amend the Education Law, in relation to high tax aid; to amend the Education Law, in relation to universal pre-kindergarten aid; to amend the Education Law, in relation to the Statewide Universal Full-Day Pre-kindergarten program; to amend the Education Law, in relation to State aid adjustments; to amend the Education Law, in relation to the Teachers of Tomorrow Teacher Recruitment and Retention program; to amend the Education Law, in relation to class sizes for special classes containing certain students with disabilities; to amend Chapter 756 of the Laws of 1992, relating to funding a program for workforce education conducted by the Consortium for Worker Education in New York City, in relation to reimbursements for the 2018-2019 school year; to amend Chapter 756 of the Laws of 1992, relating to funding a program for workforce education conducted by the Consortium for Worker Education in New York City, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the Education Law, in relation to employment preparation education programs; to amend Chapter 82 of the Laws of 1995, amending the Education Law and certain other laws relating to State aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend Chapter 89 of the Laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East

Ramapo Central School District, in relation to the effectiveness thereof; to amend Chapter 147 of the Laws of 2001, amending the Education Law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend Chapter 169 of the Laws of 1994, relating to certain provisions related to the 1994-95 State Operations, Aid to Localities, Capital Projects and Debt Service budgets, in relation to the expiration of certain provisions; to amend Chapter 425 of the Laws of 2002, amending the Education Law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend Chapter 101 of the Laws of 2003, amending the Education Law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2014, amending the Education Law relating to providing that standardized test scores shall not be included on a student's permanent record, in relation to the expiration of certain provisions; to amend the Education Law, in relation to requiring the Commissioner of Education to include certain information in the official score report of all students; relating to school bus driver training; relating to special apportionment for salary expenses and public pension accruals; relating to suballocations of appropriations; relating to the City School District of the City of Rochester; relating to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet

schools or magnet school programs for the 2017-2018 school year; relating to the support of public libraries; to amend Chapter 121 of the Laws of 1996 relating to authorizing the Roosevelt Union Free School District to finance deficits by the issuance of serial bonds, in relation to certain apportionments; and to amend the Education Law, in relation to Transportation Aid (Part CCC); to amend Chapter 85 of the Laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway Flood Recovery and International Joint Commission Plan 2014 Mitigation Grant program, in relation to utilizing reserves in the Mortgage Insurance Fund for various housing purposes (Part DDD); relating to an online application system for taxpayers to submit claims for reimbursements of certain payments (Part EEE); to amend the State Finance Law, in relation to establishing the Health Care Transformation Fund (Subpart A); and to amend the Public Health Law, in relation to authorizing the Commissioner of Health to redeploy excess reserves of certain not-for-profit managed care organizations; and providing for the repeal of such provisions upon expiration thereof (Subpart B) (Part FFF); to amend the Legislative Law, in relation to extending the expiration of payments to Members of the Assembly serving in a special capacity; and to amend Chapter 141 of the Laws of 1994, amending the Legislative Law and the State Finance Law relating to the operation and administration of the Legislature, in relation to extending such provisions (Part GGG); establishing a compensation committee to determine the appropriate salaries for members of the Legislature and certain other State

officials; and providing for the repeal of such provisions upon the expiration thereof (Part HHH); to amend Chapter 59 of the Laws of 2014, amending the Tax Law relating to a Musical and Theatrical Production Credit, in relation to extending the provisions thereof (Part III); establishing the "Democracy Protection Act"; and to amend the Election Law, in relation to the disclosure of the identities of political committees, persons, organizations, or agents making certain expenditures for political communications (Part JJJ); in relation to establishing the New York City Rikers Island Jail Complex Replacement Act; and providing for the repeal of such provisions upon expiration thereof (Part KKK); in relation to establishing the "New York City Housing Authority Modernization Investment Act"; and providing for the repeal of such provisions upon expiration thereof (Part LLL); to enact the New York Penn Station Redevelopment Act (Part MMM); to amend the Tax Law, in relation to transportation services; to amend the Public Authorities Law, in relation to establishing the New York City Transportation Assistance Fund and the Supplemental Revenue Transparency program; to amend the Vehicle and Traffic Law, in relation to the installation of mobile bus lane photo devices on buses operating on certain rapid transit routes in the borough of Manhattan and the disposition of revenue from fines and penalties collected from the use of such stationary bus lane photo devices; to establish the Metropolitan Transportation Sustainability Advisory Workgroup; and providing for the repeal of certain provisions upon expiration thereof (Part NNN); to amend

Chapter 261 of the Laws of 1988, amending the State Finance Law and other laws relating to the New York State Infrastructure Trust Fund, in relation to the Minority and Women-owned Business Enterprise program (Part OOO); establishing the "New York City Housing Authority Emergency Management Act"; and to amend the Public Housing Law, in relation to the development and execution of a plan to remediate conditions affecting the health and safety of tenants of the New York City Housing Authority (Part PPP); in relation to establishing the "New York city BQE Design-Build act", and providing for the repeal of such provisions upon expiration thereof (Part QQQ); to amend the Civil Service Law, the General Municipal Law and the State Finance Law, in relation to union dues and the duty of fair representation (Part RRR); to amend the Education Law, in relation to substantial equivalence for nonpublic elementary and secondary schools (Part SSS); intentionally omitted (Part TTT); and to amend the Public Health Law, in relation to the Health Care Facility Transformation Program (Part UUU).

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. 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: Yes. If the Chair would please yield for

some questions.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. OAKS: I see that in -- in the budget that the payroll and charitable contribution proposals that the Governor had made earlier have survived, they're now a part of the budget. Do we have confidence and/or do we have a ruling directly from the IRS to give us -- to give us the confidence that -- that this is going to work within the -- the IRS' regulations and that they'll accept this for New York going forward?

MS. WEINSTEIN: We do not have a ruling from the IRS, but we have consulted with many tax experts, including our -- the experts at the State Tax Department, our own staff and various law professors, and we feel that this is within the current parameters of what's allowed for charitable deductions in other instances.

MR. OAKS: Well, one of the things that I noticed is that the -- the employer, if they opt in, will not be able -- they'll have to pay a payroll tax, so that will increase their expenses. But they don't have the -- the ability to reduce any of their employees' salaries.

MS. WEINSTEIN: But the -- the reduction that the -- the payroll tax that the employer pays is a deductible tax on -- on their part.

MR. OAKS: Is it -- does it serve as a credit, then, that the -- that the employer then will not see any reduction in -- in what they'd be paying?

MS. WEINSTEIN: So, you -- you -- you can reduce the salary, but not take it out of the withholding.

MR. OAKS: Okay. I guess I understand that.

MS. WEINSTEIN: In the light of day, we'll discuss it further. It'll be clearer.

MR. OAKS: We -- we -- we can. I -- I guess my sense with it is, what is the encouragement or the incentive to the employer to opt in if, you -- you know, that they're being restricted by that?

MS. WEINSTEIN: In many instances it's to help the employers who are -- the employ -- to be able to retain the employees who are, as New Yorkers, will be hit with the income tax -- without this, would be hit with income taxes that would not be otherwise deductible.

MR. OAKS: One -- one of the other things, just moving to small business tax cuts. I know there were a number of provisions that were suggested. Did anything survive in the small business tax cut area to benefit them?

MS. WEINSTEIN: No.

MR. OAKS: Moving to the Medicaid funding. I know that one of the provisions if we end up losing dollars beyond, I believe, \$850 million, that is what we're anticipating, it would give

some authority to the Director of the Division of the Budget to make cuts. Are there -- does the sole responsibility go to the Director of the Division of the Budget of where those cuts are made and how deep they can be?

MS. WEINSTEIN: So, the DOB would make those adjustments, those cuts first, and then the Legislature has 90 days in which to respond if we -- to readjust the budget.

MR. OAKS: So we could make recommendations to adjust --

MS. WEINSTEIN: We can enact an adjustment -- an adjustment to that.

MR. OAKS: One of the things -- there's the Health -- Health Transformation Account, with an expectation that some of the resources would go to that from the possible sale of some not-for-profit to private healthcare entities. So, with the health care conversions, do we have confidence that now with the way that we've worded it in this budget that we're going to anticipate those types of transformations or -- or changes going forward?

MS. WEINSTEIN: We do.

MR. OAKS: The Financial Plan, I think, suggests we're going to get \$500 million from that. What do we do -- if we don't see in the year '18-'19, how do we make the Financial Plan work if we don't see that money come to us?

MS. WEINSTEIN: Well, it's anticipated that we -- we do anticipate \$750 million over -- per year for four years with

\$500- going towards the -- the Financial Plan.

MR. OAKS: But if the conversion doesn't happen, is there any such provision like we do if the Federal dollars don't come in, then we're -- we're giving the Division of the Budget authority to move ahead or...

MS. WEINSTEIN: If this doesn't happen, we do have a contingency plan of recouping excess reserves.

MR. OAKS: Let me jump to another. Anything in this budget that deals with school safety, school resource officer funding? I know those were some proposals.

MS. WEINSTEIN: No, no.

MR. OAKS: Well, one of the things I did find is people who -- seniors who sign up for the Enhanced Star exemption are going to have to go through a different verification process. And I guess a couple things: One, we're taking that away now on the local control and there's going to be a State process. Rationale behind that taking away the local control on that determination?

MS. WEINSTEIN: We think that the State can do a better job verifying the income. And I think there's \$35 million in savings attached to -- to that.

MR. OAKS: And how much of it -- so we're thinking that \$35 million is going to be saved because we have a whole bunch of people who shouldn't be getting the Enhanced who the debt verification will do. Is all of the \$35 million in savings coming from individuals who are now getting it, or are we getting it from

somewhere else?

MS. WEINSTEIN: We -- we think that about 8 percent of the people who are currently claiming the Enhanced Star deduction should not be, that often the income is too high. So that's how we get to that \$35 million.

MR. OAKS: Thank you. And, finally, the Governor proposed several changes to the MWBE program, including making local governments subject to those quotas. Did that go through in this final bill that we're looking at?

MS. WEINSTEIN: In -- in this bill we have a straight -- just a straight extender.

MR. OAKS: With the way that it is.

MS. WEINSTEIN: The way that it currently is. It's our intention, subsequent to the budget, to -- to look at this issue, continue working and try to pass some legislation to enhance the program and have be -- be able to have more people qualify.

MR. OAKS: Thank you very much.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Will the Chair -- thank you, Mr. Speaker.
Will the Chair yield for one quick question?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: On these, you know, changes with regard to these charitable funds, the payroll tax, all these different things, are we providing funding anywhere in this budget, additional funding for the Department of Tax and Finance? I would assume there's going to be an added burden on them to administer all of these programs.

MS. WEINSTEIN: No. There is not funding, and they did not request funding.

MR. RA: Okay. Thank you.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just -- just quickly. And -- and I'm sure I'm not the only one in this room that this is the case for. I still have constituents who haven't gotten property tax rebate checks from two years ago. So, I think this is a lot that is going to be put on to them, and if we're not providing the resources to make sure that this can be implemented properly, this is something that could cause a lot of problems for many of our constituents. So just something that I think we need to keep in mind. Some of these are obviously substantial changes that will have a tremendous impact on the way some of our local governments operate, and -- and certainly, how businesses operate with regard to our State and their tax structures, as well as individuals. So we better really be prepared to keep that in mind as we move forward with this.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gottfried.

MR. GOTTFRIED: Yes, Mr. Speaker. I want to speak particularly about the section of the bill -- I think it's part MMM -- dealing with the redevelopment of Penn Station. The language says -- talks about the need to redevelop Pennsylvania Station, which happens to be in my district, and it certainly does need an enormous amount of work. But, this legislation has -- is only several hours old. Until this bill was -- showed up in the computer system, members of the general public could not have read a word of it. A project of this importance should not be legislated about with zero public review and zero public discussion and comment, whether the legislation is sweeping or not. And it also should be done -- when you've got a project this important in the middle of a major city -- in this case, the City of New York -- it ought to be undertaken not with a little bit of consultation with the local elected government, but it ought to be done in full partnership with the local elected government. It's an issue that's going to have a lot to do with -- with traffic patterns, pedestrian patterns and whatnot in the Penn Station area. That ought to be done in close harmony and planning with the -- with New York City. This legislation talks about it being entirely a State project, with talking to New York City, sort of, and the community as an afterthought. And that's just wrong. There is real concern that what the Governor has in mind is using the Empire State Development Corporation -- technically called UDC -- to do a lot more than just reconfiguring the inside of the station and adding some entrances and exits, but rather,

that he contemplates using this as an -- as an excuse to do massive real estate development in the area. And, again, that's not right. It's certainly not right to do it through legislation that nobody has ever seen. The Governor talks about wanting, essentially, to give his message about Penn Station an extra boost of having been endorsed by the Legislature. I think it's important to make clear on the record that the fact that this bill has -- has passed the Senate and is about to pass the Assembly does not mean that the Legislature is endorsing the Penn Station language. That language was rejected by the leadership of the Assembly. The Governor decided, along with a couple of other provisions, I gather, to force this language into this bill, knowing that the Legislature had no choice. You know, it was given to us on a take-it-or-leave-it basis, and he knew that we had no choice but to pass the bill. So, it doesn't even constitute the kind of legislative endorsement that he seems to be looking for. It's wrong.

Now, not to keep anybody in suspense. I don't plan to vote no on the overall bill. I plan to vote yes, simply because it's a bill that does a whole a lot more than Penn Station, and I'm not about to vote against all the things that are in this bill. But I do want to make it very clear that this particular section of the bill is utterly wrong. It's wrong on process as to how it got before us, wrong in terms of what it would do in terms of how the project would be planned. I think it is -- has been accurately described as a -- as a power grab in one of the most valuable real estate areas on the planet and doesn't really belong in this legislation.

Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much, Speaker. I had just one question for the sponsor, if she would yield.

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

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

ACTING SPEAKER AUBRY: She -- Ms. Weinstein yields.

MR. GOODELL: And I apologize, the question is just a little bit long. As you know, this bill contains a provision to establish a Legislative Compensation Committee, and pursuant to this legislation, five hand-picked individuals are charged with coming up with a recommendation for salaries. And their recommendations would become automatically valid, and it says with the force and effect of law, and even superseding any inconsistent provisions of law unless the Legislature met and did something contrary. And my concern is that section -- Article 3, Section 6 of our State Constitution says that the compensation of the Legislature shall be quote, "Set by law." Article 3, Section 13 says, "No law shall be enacted except by a bill." Article 4, Section 7 states that the -- I forget what it -- what it is. I -- I think it's the Governor -- yes, the Governor has the right to veto any law. And Article 3, Section 1 is very clear that all of the legislative power rests with the Legislature. I think the court cases have made it absolutely clear that this Legislature, or any Legislature,

cannot delegate to unelected individuals the power to make law. Most assuredly, the power to have a determination supersede laws that we've enacted, and certainly, not the ability to pass a law or a recommendation that has the power of law that's immune from Executive review. With those facts in mind, isn't it true that this compensation committee violates multiple sections of the New York State Constitution?

MS. WEINSTEIN: Well, it's true it's a long question, and -- and my answer will be a lot shorter. No.

(Laughter)

MR. GOODELL: Thank you for that direct answer.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: Good morning!

MEMBERS: Good morning.

MR. BARRON: How are you? There's no secret. You all know I feel that we live under a very racist, misogynistic, xenophobic, paracytic, capitalist system. And it produces in our neighborhoods, our black and brown neighborhoods, high poverty, spiraling unemployment, homelessness, crime. So, our communities count on this Body to have some hope to get out of that. And this bill doesn't do that. Just look what it leaves out. It leaves out bail reform. So did some of the prior bills. It's out. Because in our communities, because of the mass incarceration, we needed bail reform. That's not a part of any of the bills. The DREAM Act is out. The Child Victim (sic) Act is out. When we look at how much is left out, and then when

we look at what's put in -- the Yeshiva schools was a big issue that held up all of this. They should be held to the same standard as every other private school that's getting money from the State, no matter what one Senator says. We should stand strong on those things. So when I looked at this and I said, *Wow, they even have something in it that allows the Governor to say that the local schools have to report to SED and DOB on their budgets, and if he doesn't approve of them, then money can be held up.* That's in this. And most egregious is the Campaign for Fiscal Equity. The Governor should stop lying to this State and telling the people that it was already paid, or that it's "baloney," in his words. The Campaign for Fiscal Equity has not been paid. That debt was \$6 billion. It's now \$4.3 billion. And in this bill, the Governor proposes \$339 million toward it, and we bring it up to \$618 million. And then out of that, \$50 million has to be taken out for community schools. We will never alleviate the debt that's owed to the children of the State. And we have to stand firm on that. We're talking about a budget that's supposed to be for our people. This falls short, it falls short in so many areas. I cannot vote for something that leaves so much out and has so much in that is woefully inadequate, especially around the issue of education.

So I just want to appeal to you once again that when we get to the position that we're in now, no matter what time it is, we have to fight hard for the children who have no voice. And this education budget doesn't do it. We raised it. We said it was going to be a billion. Now it's \$859 million, when the State Board of Regents

said we need \$1.6 billion just to pay the bills. But we're talking about \$859 million, \$618 million toward Campaign for Fiscal Equity, a debt still owed. We have to do better. And this would've been the best time to do it, because the Governor's running. He would've blinked this time if we would've pushed it further.

So I'm not going to vote for this. There's so much in it that I oppose. And I know the hour's late, so I won't drag you through all of it, only to say that this budget is not children-friendly. So I take a stand for the children of this State. They deserve better. I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker, and -- and colleagues. And -- and first I want to thank the Speaker and the leadership, and especially thank the staff for their -- their hours of hard work on tonight, and our constituents that allow us to be here. Mr. Speaker, I -- I arrive from the district that has the second-largest concentration of residents that live in public housing. I arrive from the district that tested positive for lead just this past week. A -- a community, though, that is still positive in spirit where we were able to give 961 turkeys during Thanksgiving regardless of the poverty that exists. A -- a community that like so many others, Mr. Speaker, where let us not forget that more than 400,000 people live in public housing in New York right now. But as a person of Christian faith, I also arrive right now realizing that I do believe that on a Saturday morning 2,000 years ago, a prophecy was fulfilled recognizing that despite the

tough times that come before, better times are possible.

Colleagues, you may not know the name Jeffrey Blyther, but let me very briefly convey who he is. He's 42 years old. He's in a wheelchair. With his son and his daughter and 14 month-old grandson, he lives in the Andrew Jackson Houses in our district, where there are roaches and mold and inhumane conditions. It is unconscionable that any person would live in this space at any time. And when we think about going back to 1934 when public housing was created in New York City, this is not a space that anyone should ever be in. Too often, it feels like people are living in third world conditions rather than what people live in on Third Avenue. But I will be voting for this budget because, finally, we're actually moving forward in a manner that is impacting communities and recognizing how it is critical right now. This is for Danny Barber and Ginny Cruz and Barbara Holmes and Gwen Primess and the countless tenant association presidents that have come before to talk to many of our colleagues, who have been sick and tired, literally, of being sick and tired. We're not happy with a warm blanket. We deserve working boilers. We want a quality of life, not a quantity of lead. We don't want anymore mold, we just want the money so we can actually have elevators that work, once and for all. And we clearly say that your block won't block your blessing and your zip code won't deny your destiny. So we come here right now, recognizing that in the 50th anniversary of Dr. King being taken from us, let us focus on two quotes that he shared that hopefully will resonate with us on why a

budget is so critical.

On March 24th in Harlem in Canaan Baptist Church when he was at the installation ceremony, colleagues of our fellow brother and Alpha Phi Alpha Reverend Wyatt Tee Walker, he said, "I won't want to say don't give up. It may be dark and things may be difficult, storms may be staggering you. Jostling winds of confusion may be around you, but don't give up. Don't give up. Midnight is not here to stay."

We recognize as people of color, we are going through a tough time right now, especially. You can't watch what's going on in this country when it comes to Alton Sterling, and sit quietly. And Stephon Clark and sit quietly. You can't be accepting of what's happening here. But we do say that we turn this pain into promise and the struggle and the self-sufficiency and its poverty to prosperity. It's why we focus on AP exams to be less costly, Mr. Speaker, and diversity in medicine scholarships to be more attainable and My Brother's Keeper to be more accessible and success for our students to be more achievable. But why are we here? Because 50 years ago on April 4th, we lost a dreamer. But let us realize that a dream cannot be denied because you took a dreamer. And my faith remind me that death does not deny the promise. I believe very clearly that Jesus was a man of color who was a refugee, a prisoner, a healer, a miracle worker who suffered due to unjust government officials. But I won't allow us to hold this now because I do believe a budget can turn things around for people.

So I close by saying this: In the words of Dr. King on April 3rd, the night before his life was taken, he gave his incomparable "I've Been to the Mountaintop" speech, which I think resonates on why I'm going to vote for this budget, in particular, when it comes to housing. He said, "Let us rise up tonight with a greater readiness. Let us stand with a greater determination. Let us move in these powerful days, these days of challenge, to make America what it ought to be. We have an opportunity to make a better nation." My colleagues, we have a chance with this budget to help the people that live in public housing, to have a chance to move forward in these better cities and better State. A chance to actually live out the dream of Dr. King.

Let us rise for justice once more, let us rise for opportunity for once more, and I will proudly vote in the affirmative, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. I rise today to explain my vote, because in this budget we have missed two opportunities. The first opportunity that we missed with this budget was the ability to pass any meaningful electoral reforms this year. Our

State has one of the most abysmal track records in voter participation in our nation. And in this age of new activism, it is unfortunate that yet again we were not able to take even the smallest steps towards rectifying that terrible voter participation. We were not able -- we are still one of only 13 states that doesn't have early voting. And that doesn't even address some of the other systematic ways that we make it hard to participate in our democracy year after year, and that needs to stop.

The second thing that we were unable to do this year was to implement a full congestion pricing plan for the City of New York. The New York City subway system is the lifeblood of New York City, and New York City is the lifeblood of this State. And what we have not been able to do is find a way to fully fund that system so that in the years to come, not only is it in good maintenance, but we are able to expand that system and we are able to make sure that that system is a 21st Century system that has modern signals, has modern cars, has substations that provide enough power to the third rail so that we can run enough trains per hour. If we do not do this in the next few years, we will rue the day that we did not tackle this problem now. The current scheme that we have come up with to tax taxi cabs will not do enough. It will not stop congestion in Manhattan. It will not address environmental concerns, and it will not fund the MTA.

But even though I have those two misgivings, this budget does so much. I will be voting in the affirmative --

ACTING SPEAKER AUBRY: Thank you.

MR. CARROLL: -- so I withdraw my request to abstain and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. There are always -- these large bills are the kitchen sink, and if you put your hand in it you might get cut by a knife, or you might actually be able to open the drain and have it all fall out and see exactly what has been stuffed into it. So I am actually pleased that the bill does contain an MTA sustainability fund and a plan to put people in place to review thoroughly the options we have. It also commits capital dollars to a subway repair, and the -- if you don't limit or put a cap on Uber and Lyft, you're never going to deal with congestion. This is a way to raise money, and I'm pleased that we're raising money in this fashion in order to sustain our subways.

I am concerned with a change in Election Law -- in Education Law that could allow a continuation of a less vigorous education for some students. I believe that our State Education Department should and must have oversight to assure that all children have access to an appropriate and equivalent education. And, finally, I want to commend one of my colleagues who discussed in appropriate detail the Penn Station -- the inappropriate Penn Station insertion in this bill. The -- the State has had the authority to deal with Penn Station. The improvements have been slow. But the concern that UDC, an authority that has, in many instances, ridden over the concerns of localities, should not have the ability to go forward

without actual public debate.

So, I withdraw my request. I will vote in the affirmative, and I will look forward to working with my colleague on the Penn Station local participation.

ACTING SPEAKER AUBRY: Thank you.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I think this is a very important moment for us to define the crisis that affects 6 million public transit riders in New York City. The crisis is one that results in 76,000 delays a year, where only 58 percent of the trains arrive to their station on time. And it's impacting the lives of every single New Yorker in a numerous way. It's not just being late for your appointment. It's not just being late for work. It's about the economic impact and how it is slowing down the vitality of New York City. As a (sic) area, we generate over a trillion dollars in gross metropolitan product. That's 9 percent of the GDP of the country. And when the subways are slow, when the buses don't run, when we're not able -- when our commuter lines are not able -- not able to bring people in from the suburbs to their jobs, we are impacting our economic vitality. And by taking a step here today, we're making an adjustment. Now, it is a small step, albeit. \$800 million in what is a \$1 billion problem is only a beginning. But as somebody who introduced the concept of surcharges in 2015, we've come a long way. As somebody who introduced the Move NY plan and looks at how to raise revenues in a

variety of different ways, to be creative and innovative on how we deal with what is a - a -- an existential problem for New York City and our future growth and development. This is an important first step. And instead of thinking about all the things it doesn't do, let's think about the great things that it does. We introduced a lockbox concept -- and I know my colleague Jim Brennan is not with us anymore would be cheering from the rafters to say that you just can't sweep out revenues from the MTA, it has to go towards the subway -- to the subway plan first. We also include dollars there to make sure -- well, we also make sure that there's transparency in a way that directs -- that -- that provides an opportunity to see how that capital dollars are spent. So it's important that we re -- that we realize that this is a step towards fixing something that is clearly broken for the six million New Yorkers that --

ACTING SPEAKER AUBRY: Mr. Rodriguez, how do you vote, please?

MR. RODRIGUEZ: -- rely on us. So I vote in the affirmative --

ACTING SPEAKER AUBRY: Thank you.

MR. RODRIGUEZ: -- and of course, urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Thank you.

Mr. Mosley.

Ladies and gentlemen, two minutes is what you have. Please try and contain yourself.

MR. MOSLEY: Thank you, Mr. Speaker, to explain my vote. First of all, I want to thank our Speaker for his leadership. I want to thank Chairman (sic) Weinstein. I want to thank our Majority Leader, our staff, our colleagues on both sides of the aisle. Earlier this year when we talked about Dr. King's life, we so eloquently waxed upon his accomplishments as he lived here in this earth. We talked about him being a principle leader. And I listened for the first time -- and I didn't say too much on Dr. King's birthday, as we celebrated it earlier this year -- but just as much as his life is a -- was a principle life, so is the document we call our State Budget. It's based on principles. Not merely just dollars and cents, but what is important to us. And what -- how we're going to impact the lives of those we serve throughout our great State.

Now, I applaud the fact that we were able to pass Design-Build. It will impact the lives of those people who live in NYCHA, or BQE, Rikers Island, ELL, the Burn Center in Central Brooklyn. But then we've said so many nos to so many other things. We said no to, again, the DREAM Act. No to making good on CFE. No to criminal justice reform. So, to me, I believe that as much as we have done up until this point, we have so much more to go. But I know that if -- if we have so many nos ahead of us, the one thing I do know is that I know we have the potential to make good on Dr. King's dream, to make good on his principles, to make good on what he set forth for us to do as elected officials, as public servants. And not merely just talk about his life, but to live his life. As leaders, as

residents, as neighbors of our State.

So, again, thank you to the Speaker and all those who are participating in this arduous task of passing this budget on time again. But, again, I want to remind my colleagues, we still have so much more to go. And I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I first want to thank the Speaker, Chair of Ways and Means, and all of my colleagues for really putting effort in this hard-fought bill to make sure it was passed on time. I want to say that I'm happy that we're finally addressing or competing to address the issues around our brothers and sisters living in public housing, and addressing the living conditions that they have suffered for many, many years. I'm also happy that we are addressing ways of finding solutions on how to fix our subways, the mass transportation, but we should be very careful and should have oversight and making sure that the funds that we're trying to raise actually goes to fixing mass transportation. I am disappointed that this budget bill did not include the Childs (sic) Victim Act, electoral reform, criminal justice reform like bail reform. And of course I agree with my colleague, we should be giving more money to Campaign for Fiscal Equity, money that's owed to our children. But I do have to talk -- mention about Minority and Women Business Enterprise. Although I'm happy that

the Minority and Women Business Enterprise was extended -- and I want to thank the Speaker and my colleagues for fighting for that -- I want to make it clear that as per the disparity study, as per the disparity study, it showed that we have over 53 percent of Minority and Women Business Enterprise who are willing and ready and able to work. With that, the MWBE bill should have been extended to five years.

So, again, I appreciate the work and the hard fight that the Speaker and our colleagues have put forth, and with that, I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Rivera.

MR. RIVERA: I know it's very late, Mr. Speaker, but I hope that Denny Farrell is watching us tonight. And I hope that --

(Laughter)

-- as he's watching us that he has seen that Helene Weinstein has taken us from first base to third base, and that when this process is over, we'll be home. Where I want to be, home, by tomorrow.

Mr. Speaker, this past Wednesday, Ron Deutsch from the Fiscal Policy Institute was here with 26 others, civic and religious leaders, and they had a press conference right by the Million Dollar Staircase. And they -- a last minute attempt to hope that we, in this budget, give him the tools to continue to work and provide the services that they need. They represent practically all over the State of

New York.

Now, I know this is not a perfect bill. It's not. If it were, Debbie Glick would be getting up and thanking all of us for finally having a bill that deals with the rights of women. And that's one of the issues that this group came to talk to us about. Their other issue has already been mentioned, is early voting. I can't understand why we did not get something that was not going to cost us anything as early voting now. I -- I guarantee you, early voting or not, let's get ready for 2020 because the lines will be three times as long as they were when we first elected the first African-American into the Presidency. Historical. Well, 2020 will be historical, but I hope that if we don't do that next year, that we do something close to a perfect budget. Give us something to make it perfect. Give us early voting so that we can cut down on the waiting line as people go to vote in 2020.

Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker, to explain my vote. Like many of my colleagues, I am concerned about the inability of the Legislature to have included a congestion pricing plan that would actually provide a sustained means of support for the MTA, for all of the reasons that my colleagues have already explained. I believe it's critical, and I believe it's something that we must be doing. If not this year, that we have to keep working to make sure that that occurs.

I am also similarly concerned about the lack of

election reform and early voting. And the failure to pass the DREAM Act, to do bail reform and the Child Victims Act. It breaks my heart that we haven't been able to include those in the budget. I am very pleased, however, that we have been able to include Design-Build. It's critical to my district and to the economy and the lives of the people in New York that we have Design-Build for the BQE and for NYCHA and for the -- the facilities that will replace Rikers, one of which is also in my district.

And I will be voting in favor of this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I'd like first to start with a thank you to our Speaker and to the staff who literally have worked around the clock for the last several days to bring us to this point and ensure that we will have an on-time budget for the people of the State of New York and that there will be no disruption in the services of the State. Unfortunately, once again, we seem to have proved the wisdom of the adage that, *Those who like sausage and law should not watch either one be made*. But I do think we've come out with a -- a respectful -- respectable and a good end result for the people of the State of New York. But I would be remiss if I did not highlight one item which troubles me quite a bit. We've included in this last document a permission to the Executive Branch to intrude in the budget process of our school districts, which has previously been, and should continue to be, within the sole providence

of the State Education Department. I'm quite troubled that our school districts will now have to report to the Department of Budget on an annual basis what their budgets are, and give the Department of the Budget the opportunity to review these and penalize them if they believe that they haven't complied fully with the disclosure process. Now, that seems pretty simple, but once you allow the Department of Budget to intrude into this process, it's the first step towards full control by the Department of the Budget, and I believe that's improper. It should not be in this budget, and that is something that we were unable to keep out of the budget, and I think it's a -- a -- a defect in the document we have.

But, by and large, I think we've come up with a good end product for the people of the State of New York, so I will vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

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. On the E- Calendar, the final budget bill is Rules Report No. 26 on page 3, if we could take it up now.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09500-D, Rules Report No. 26, budget bill. An act making appropriations for the

support of government; and to amend a chapter of the laws of 2018 enacting the Aid to Localities Budget, in relation to the support of government. (State Operations Budget)

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. 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: Yes. Will the Chairwoman yield for a couple of questions?

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

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

ACTING SPEAKER AUBRY: The Chairwoman yields.

MR. OAKS: Earlier in some of the debate (sic) one of my colleagues, Mr. Ra, raised the issue on concerned about being able to administer in Tax and Finance, within staff, additional responsibilities we were giving them, and this bill, the -- one -- one of the issues is around the Smart Schools Bond Act. And we've all heard -- I'm sure you have -- delays in that, getting those dollars out, many of our schools waiting for those. Have we done anything in this bill to provide more staffing at the Education Department so that the Smart

Schools Bond Act funding can get out in a more quickly basis -- or a more quick basis?

MS. WEINSTEIN: No.

MR. OAKS: So we are left with them not being able to do this.

Another question I had related to the Medical Assistance Administration and the cost for that. When we first started going with that program, we were told that there wouldn't be a cost to the State for that, and yet, each of the years we've seen costs. I believe this year, in this bill, \$134 million to administer that. Is there a time that we can anticipate where that program should be operating within its own resources? This -- the New York State of Health program.

MS. WEINSTEIN: The New York State Health Exchange you're referring to?

MR. OAKS: Yes.

MS. WEINSTEIN: So, the majority of the -- the staff are funded through Federal funds. Through Medicaid (inaudible).

MR. OAKS: But don't we use --

MS. WEINSTEIN: Some portion.

MR. OAKS: A portion of that. Is that \$100 -- so you're saying some of the \$134 million is Federal monies. Do we know how much of it is State dollars?

MS. WEINSTEIN: Some of that certainly -- it certainly is Federal dollars. There are some State dollars. I'm not sure that we can get you that number now, but I certainly would share it

with you after this.

MR. OAKS: Thank you. I appreciate through this process all your answers and appreciate that, finally, this is the last bill that we've reached.

On the bill --

ACTING SPEAKER AUBRY: On the bill, sir.

MR. OAKS: -- Mr. Speaker. I'd started out this whole process. I haven't spoken on the bill, just asked questions as we've gone through. But with a great deal of optimism, I'm sure many of us are relieved to be here passing an on-time budget. But many of us had hoped, I think, when we started in, that this was going to be maybe a first-ever in my experience of having an early budget when you had the convergence of the early -- or the -- the religious holidays. And the spirit of cooperation, I think, between the Minor -- Minority and the Majority from the administrative level to member level, certainly at -- at our committee level and staff level, I do think it's been unprecedented. But I was prepared to consider a budget. I think that it was less filled with policy not really directly related to the finances of the State. Perhaps we did that a -- a little better. But we also considered a budget the most piecemeal I think that it's ever been. We were voting on bills and went deeper into the process, being asked to vote yes or no on bills without -- or while negotiations were still going on, without a final budget. So we really didn't have a full view of what we might have. So for the fifth consec -- consecutive year, we used the Messages to get all the bills. The budget was negotiated, as it

has been, behind closed doors with two or three or four men in the room, and without the presence of the Minority Leaders from either the Senate or the Assembly. And I -- I just think as this budget's being completed, perhaps if a different perspective was in the room or at the table -- Leader Kolb or -- or Leader Stewart-Cousins -- some of the issues that were stumbling blocks that people didn't -- couldn't figure out how to get by, perhaps the perspective might've been there to help us not drag this out to this wee hour of the evening, or morning, and as many days as it took. But in the end, I think the residents of New York State got a more narrow budget. One without enough perspective if we were to include the -- the Minorities, and one, personally, that I felt in the end borrows and spends too much money. And -- and even though we were able to take out a number of the taxes, still, the burden on the taxpayers of New York is -- is significant. And so, a closed process today again leaves us with less than I think the people of New York State deserve. But I appreciate -- again, not all of it is the responsibility of the members of this House, it's the full process. But if there's anything to take away is if we work together, ultimately, we can come up with an end product for the people of the State.

Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lalor.

MR. LALOR: Thank you, Mr. Speaker. Will the sponsor yield for one quick question?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LALOR: Thank you. Looking under the funding for the Division of State Police, and specifically, under the technical police services funding, \$76 million and change is allotted. Is it your understanding that of that \$76 million, \$3.2 million will go towards personnel to support enforcement of the SAFE Act?

MS. WEINSTEIN: Yes, that's correct.

MR. LALOR: Thank you.

ACTING SPEAKER AUBRY: Mr. DiPietro.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. DIPIETRO: Thank you, Ms. Weinstein. Well, for those of us who have been in the Chambers for over 20 straight hours, I think this corrupt dog and pony show can't end soon enough. So if you do the math, I think most of us have been out here 39 out of 43 hours, so that's -- that's a long day for everybody. I commend you, Mrs. (sic) Weinstein, for putting up with everybody. Thank you.

I would like to also go to the SAFE Act, the \$3.2 million, okay?

MS. WEINSTEIN: Yes.

MR. DIPIETRO: Can you tell me the exact number of police officers the Governor has answering to him in that \$3.2 million?

MS. WEINSTEIN: The -- \$1.8 million of that in the Division of State Police is for 27 full-time employees.

MR. DIPIETRO: Did they raise that? Because last year it was approximately 15.

MS. WEINSTEIN: I -- I don't know. It's possible.

MR. DIPIETRO: Okay. So you don't know. Do you know -- do we know who they are?

MS. WEINSTEIN: No.

MR. DIPIETRO: We don't know who they are. Do you know what they do exactly?

MS. WEINSTEIN: I think they administer the database and other -- other re -- requirements of the SAFE Act.

MR. DIPIETRO: Other requirements. When we talk and when I've -- the only reply from the Governor's office is no reply. For five years they've not told me -- given me any information. When I've asked your side of the Conference, I've gotten no response. Is this something that you just heard from the Governor just recently on this?

MS. WEINSTEIN: We -- we haven't had -- had any discussions. I'm giving you the breakdown of -- of the -- how some of that money, that \$3.2, is spent -- is allocated.

(Pause)

MR. DIPIETRO: Do you know what barracks they're at? Are they at a barracks? Are they at a desk job somewhere else? No?

MS. WEINSTEIN: Sorry. I don't have that information available.

MR. DIPIETRO: Do -- do you know what areas of the State, even? Are they distributed evenly around the State? Are they in New York City? Are they -- do you know where they are at?

MS. WEINSTEIN: That -- I assume that the Superintendent of State Police knows where they are, but that's --

MR. DIPIETRO: You won't give up that information.

MS. WEINSTEIN: -- not something that -- that we -- that we're involved in managing.

MR. DIPIETRO: Right. But he won't give up that information. He won't tell us anything about the program, and I've asked for five years if they could give us some information on these -- the secret police that only answer to the Governor. So that's where I'm -- do you know their reporting procedures to the Governor, since they only -- only answer to him?

MS. WEINSTEIN: No, I do not.

MR. DIPIETRO: Okay. Do you know if they get a bonus pay if they arrest any of the Governor's adversaries?

(Laughter)

I mean, we don't -- what I'm getting at -- we don't --

you know, I ask every year -- and you're the first time this year, Ms. Weinstein, but you do have a brain trust there. Could you ask them? I asked them to give me some information. Can you ask if they've asked the Governor? If the Governor -- could you ask them what the Governor said to them this year about it?

MS. WEINSTEIN: The Governor has -- there's not been interaction amongst our staff and the Executive staff about the questions that you are asking.

MR. DIPIETRO: Okay. Well, I ask them every year. No, I -- I -- I know, it's tough, Ms. Weinstein, because I know you don't get the answers and neither do we, and that's very disturbing for all of us.

MS. WEINSTEIN: I haven't asked these questions, so...

MR. DIPIETRO: Okay. Well, I'll -- I won't put the pressure on you to answer them next year, because I'm sure you won't get an answer next year.

So, on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: This is the fifth year I've been asking this question about the \$3.2 million and about what was 15 secret police that only answer to the Governor, and now it might be 27, but we don't know, and I find that very disturbing. When we ask the Governor's office, we get no response. Now, these are paid out of public funds. They work under the guise of the State Police, so they

should be accountable to the public. We should know who they are, what they do. We should know a lot about them when they're receiving public money, but yet, the Governor will not tell us anything about them. We don't know who they are, where they're stationed, what they do, what their job title, what their job description is. And they only answer to the Governor. That's what we do know. And I find that very disturbing that in this State we have a deep State rogue police agency that only answers to the Governor. I hope everybody else finds that disturbing. There's a lot of other questions, but after five years, you would think we would at least get one answer and we've received no answers. It puts a real damper on open government, on the freedom of people in this State to have to look over their shoulder, knowing that there's a force out there that's unaccountable. That, to me, is very disturbing.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

(Cheers)

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will
record the vote.

(The Clerk recorded the vote.)

Mrs. Arroyo to explain her vote.

MRS. ARROYO: Thank you, Mr. Speaker. I want
to take one moment to congratulate and thank the Speaker.

(Applause)

Helene and the staff, Helen (sic), God bless you. You make us feel proud of you.

(Applause)

And I want people in the other side of the -- of the Chambers, thank you for your diplomacy and for the way that we conduct this meeting.

God bless this place, and God bless each one of you.

ACTING SPEAKER AUBRY: Ms. Weinstein.

MS. WEINSTEIN: Thank you, Mr. Speaker. I want to take a moment. This budget process began on January 16th when the Governor presented his budget, and from that time till tonight, the -- we -- we've -- we've gotten to a final product that I think we all can be proud of. But we could not get to this point without the hard work, the dedicated staff that serve our House -- our House, and I want to just take a moment to acknowledge my Counsel, Rich Ancowitz; Blake Washington, the Ways and Means Secretary; Phil Fields, Anthony Rodolakis, the deputies, analysts, all the PC staff who have spent hours and hours and nights without sleep. They're sleep-deprived, though they've been well-hydrated because I make sure I give everybody a bottle of water when they come to -- they -- they come to visit. So they really deserve a round of our applause for all of their work.

(Applause)

And -- and if I could, I would also just like to thank

Mr. Oaks and Mr. -- Mr. Goodell during this -- this process. It's been a very cordial relationship and helpful. And even though it's 5 to 4, I *think* I want to thank the Speaker for giving me this opportunity to represent our House and present our budget.

(Laughter)

Thank you.

(Applause)

Mr. Oaks.

MR. OAKS: Certainly, Mr. Speaker. And just to add to the Chairwoman's comments, there's staff throughout this building who make this all work, and I referenced before my remarks the effort that went together both from floor staff, Michele Pellegrini, from Andy Goodell and Ed Ra. But our amazing Ways and Means staff, who we'd still be waiting if they didn't work their tails off over the last several days. And Becky D'Agati and all of our staff, I'd like to acknowledge as well.

(Applause)

And as you acknowledge Mr. Speaker as he takes the podium, Brian Kolb, our leader, has done a fantastic job as well. And so, thank you for getting to this point, Mr. Speaker.

SPEAKER HEASTIE: Thank you, Mr. Oaks. So, I didn't want to give any speech or remarks, but I -- I do want to thank the wonderful staff on both sides of the aisle. As I said before of members, the last ten days to see the sacrifice that a lot of the staff makes. I -- I went around. They allowed me to take pictures of where

they sleep while they're here for work, and it gave me a greater appreciation of what the staff does for us. But I do want to really highlight two people, one of which -- Helene, when I made the decision to appoint you as Chair of Ways and Means, I couldn't be any prouder than I -- than I am now for the way you have carried yourself.

(Applause)

Particularly with your "Denny-esque" answer to Mr. Goodell with his long question --

(Laughter)

-- you gave him "no." And you did follow instructions well, Mr. Goodell, (inaudible). And to -- I'd really say my partner, one of my closest friends, this will be our last budget with him, as he's going to go on and do greater things. I know we still have a second half of the football game to go with him, but it's going to be very tough for me to not have him in the strategy sessions for -- for the budget. But as I said, I still have him for the second half of the game, but our fabulous Majority Leader, Joe Morelle.

(Applause)

Mr. Morelle.

MR. MORELLE: Well, allow me first to repay the compliment. I couldn't have a better partner but, more importantly, a better friend than the Speaker. I watch you every day, and the extraordinary care you take on behalf of all the members of this Chamber. You did an extraordinary job again with this budget, and I want to congratulate you and have everyone join me in thanking you

for all your hard work and for your dedication to the cause.

(Applause)

SPEAKER HEASTIE: No, no, no. I want us to go home.

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. Thank everyone for your amazing cooperation. I -- I'm sure I join the Speaker and everyone, Mr. Kolb, and everyone in wishing all of you a very blessed holiday.

And with that, I now move that the Assembly stand adjourned until Monday, April 2nd, that being a legislative day. We will reconvene at 2:00 p.m. on April 16th, Monday. Mr. Speaker, colleagues, that's a Session day.

Godspeed.

SPEAKER HEASTIE: The House stands adjourned.

(Whereupon, at 4:00 a.m. on March 31st, the House stood adjourned until Monday, April 2nd, that being a legislative day, and to reconvene on Monday, April 16th at 2:00 p.m., that being a Session day.)