

TUESDAY, APRIL 24, 2018

2:26 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 Monday, April 23rd.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move to dispense with the further reading of the Journal of Monday, April 23rd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker, colleagues. Before I give our schedule for the day, let me note that on this day in 1962, the word -- or the initials "M.I.T." became the first television image transmitted by communication satellite. The transmission was delivered from MIT, Massachusetts Institute of Technology's Lincoln Laboratory Station in Camp Parks, California to Millstone Hill in Westford, Massachusetts, 2,700 miles away. And if they can only see now the images that are flashed by satellite on television today. What a difference that would be.

And, "Did you know," under the heading of that, the oldest Santa Claus School is located in Albion, New York? Albion sits within the 139th Assembly District which belongs to the -- our dear colleague, Mr. Hawley, who is not here to hear this great introduction. The -- Charles Howard became well-known and sought after in his community for his ability to portray Santa Claus. He then opened a school, the Charles W. Howard Santa Claus School, in 1937 where people to this day can learn the methods and philosophies of portraying Kris Kringle. Howard became so well-known at being Santa that from 1948 to 1965, he could be seen as Jolly Old St. Nick

in the Macy's Thanksgiving Day Parade in New York City.

So, this will be a jolly day, as well, I am certain, and let me give an outline of our work for the day. Members have on their desks a main Calendar, as well as a debate list. After introductions and housekeeping, and I note there are a number of introductions today - we're joined by people from all over the State - once we've done that we will continue our consent of the new bills on the Calendar, beginning with Calendar No. 744, which people will find on page 80 of the Calendar. We will also be taking up bills from the debate list, including our Earth Day Package, and we will be calling the following Committees off the floor, so if you're a member of any of these Committees, please pay special attention to the announcements from the desk for the call of these Committees: Aging, Consumer Affairs, Election Law, Labor and Tourism. Majority members should note that there will be the need for a Democratic Conference at the conclusion of our Session today and, as always, I will consult with my colleagues and friends on the Minority side throughout the day to see if they have any Conference needs.

So, with that, Mr. Speaker, any housekeeping you have would be appropriate to take up at this time, as well as introductions.

ACTING SPEAKER AUBRY: No housekeeping, Mr. Morelle, but we will go directly to introductions.

And for that purpose, Mr. Brindisi.

MR. BRINDISI: Thank you, Mr. Speaker. I rise

today for purposes of an introduction, a very special introduction for me. And, as you know, Mr. Speaker this week, many school-aged children are on spring break and while many children get to go to Disney World or Myrtle Beach or some sun in the fun -- fun in the sun location, my children get to spend their spring break at the most exciting destination, Albany, New York.

(Applause)

So with me today in the Chamber, Mr. Speaker, are my children, Lily Brindisi and Anthony Brindisi. And we are joined by several guests in the rear of the Chamber: My lovely wife, Erica, is here with us today, as well as several of my children's friends. We're joined by Danielle Marino and her children, Anthony, Joey, Christopher and Isabella; Cindy Hudson and her daughter, Arianna; Janet Martinez and her children, Joshua and Ashley. Mr. Speaker, this is the best spring break they're ever going to have --

(Laughter)

-- so please give them a warm introduction, sir.

(Applause)

ACTING SPEAKER AUBRY: On behalf of your father, Assemblyman Brindisi, the Speaker and all the members, we welcome this quite distinguished group here to the floor of the Assembly. As family, you are always welcome here; you always have the privileges of the floor. You have brought quite a bit of sunshine yourselves to these Chambers. Thank you for coming. We hope you enjoy this time with us and with your dad. You certainly have made

him happy, and that's always good for us. Thank you all so very much for being here, and to the Brindisi family.

(Applause)

Mr. Cusick for an introduction.

MR. CUSICK: Thank you. Thank you, Mr. Speaker.

Mr. Speaker, earlier this month this House passed a privileged resolution commending the New York State AOH and New York State LAOH in commending them for honoring the 1918 Freedom Mandate. The 1918 Freedom Mandate is in remembrance of the 1918 Democratic Election which ratified the April 24th, 2016 Easter proclamation and created the Free Irish Parliament that now exists. In 2016, Mr. Speaker, we had a resolution honoring the Easter Rising. Today, we want to recognize the -- the members of the AOH and the Ladies AOH for honoring the 1918 Freedom Mandate.

So, Mr. Speaker, I'd like to ask you to welcome the New York State President of the AOH, Mr. Victor Vogel.

(Applause)

The New York State Ladies AOH President,
Jacqueline Clute.

(Applause)

The New York State AOH Freedom for All Ireland Committee Chairman, Mr. Martin Galvin.

(Applause)

The New York State Ladies AOH Freedom for All Ireland Committee Chairwoman, Dolores Desch.

(Applause)

Mr. Speaker, on behalf of the members of the American-Irish legislators here in the State Capitol, I'd like to ask you to welcome the members of the New York State AOH and Ladies AOH and offer them all the privileges of the House. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: And Ms. Nolan for a (sic) additional recognition.

MS. NOLAN: Thank you, Mr. Speaker, and my colleagues. I really appreciate everything that was just said about this wonderful organization, but it's a particularly happy day for me, first-time visit to Albany, my wonderful cousin, Bob Nolan, who is the President of the Bronx County AOH for the last five years, a member of our City's Health and Hospital Corporation and even after 30 years, he retired from the Bronx Borough President's Office, he's active, as I said, in Health and Hospitals, but also as the President of a senior center and he's just -- in addition to talking just as fast as I do, loves politics, loves his family and, yet, even with all that, it's his first-time visit to Albany. So please, colleagues, extend a warm welcome to him. I'm so happy he's here today, made my day.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Cusick, Ms. Nolan, Mr. Dinowitz, Ms. Melissa Miller, Mr. Finch and all the Irish-American legislators, the Speaker and all the legislators, we welcome this extraordinary group here to the New

York State Assembly. We extend to you the privileges of the floor. This is the People's House and your celebration of freedom in Ireland is a -- synonyms with the freedom that we enjoy here in the United States. We treasure it, as I'm sure you treasure yours. Thank you so much for being here and we're honored to have you. Thank you.

(Applause)

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker.

Today, I'm very pleased to welcome the Varsity Boys Basketball Team from Mohonasen High School in my hometown of Rotterdam. This Mohonasen Warriors team excelled during the 2017-2018 season, with many players winning numerous awards for their dedication and perseverance. They began their season winning the Kirvin Cup. They also prevailed to become the 2018 New York State Public High School Athletic Association Section II, Class A Champions. The team captured the 2018 Regional Title before advancing to the State Final 4. Duncan Tallman was named Section 2 Class A Tournament MVP, and Avery Deas was named the all -- to the All Tournament Team.

In true Warrior spirit, they fought their way to victory while showing good sportsmanship throughout. These young men have made our community very proud not only for their achievements on the court, but also in the classroom. As student athletes, they have shown that teamwork and dedication are the keys to success. The team is led by Head Coach Joshua Peck and Assistant Coaches Tom --

Tom Geddes, Graham Macbeth, Kyle Kauffman, Ray Kearney and Patrick Petty. Mr. Speaker, I'm so very pleased to have them in the Chamber joining us today to congratulate them and thank them for inspiring our community and future students at Mohonasen. If you would please welcome them to the Chamber and extend to them all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Santabarbara, the Speaker and all the members, we welcome this extraordinary basketball team here to the New York State Assembly. We extend to you the privileges of the floor. We hope that your success in basketball is going to lead to greater success in your lives, whether you continue that effort in basketball into the college years or even beyond, remember that winning is something that becomes a part of our lives no matter how we engage in that. And so, we're proud of you. We're proud of your coaches and the families that have supported you. Please know that you're always welcome here and continue your good work in school. Thank you so very much.

(Applause)

Mr. Finch.

MR. FINCH: Mr. Speaker, for a purpose of an introduction. Many of -- colleagues, many of you have noticed some facsimiles of gravestones that have been in the Concourse on the way from our offices in the LOB to over here, and they represent many young adults who have died from heroin overdoses. And we have here with us this afternoon two gentlemen who lost their children to

an overdose. One is Kevin Jones; his daughter, Jessica, a graduate of SUNY Cortland, summa cum laude, died of an overdose of heroin. Nick Campagnola also died of an overdose of heroin. One hundred and seventy two people die every day from heroin overdoses. Cayuga County, the county -- one of the counties I represent has had 40 deaths from heroin overdose. Seventy-nine thousand people live in our county, one of the small ones; we've had 40 deaths in the last two years. A real, true crisis.

So, we have Mr. Jones with us who founded a group call HEAL, it's Heroin Epidemic Action League, and it's spreading across the straight -- State. He's a great advocate, along with Mr. Campagnola for their -- for their children and for having their children represent something to do some good that came out of a terrible tragedy. So please welcome them. They're here today. Look at the pictures on those gravestones. They're all vibrant, healthy young adults. They're all deceased and there's many, many more every day that die from this terrible disease, and it is a disease. Mr. Speaker, the gentlemen are back there. Please give them every cordiality of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Finch, the Speaker and all the members, we welcome you here to the New York State Assembly. We commend you on the work that you're doing to save other -- other's lives from this terrible epidemic. We hope that everything that is possible to be done will be done on your behalf and with you, and many of us are reminded of our own

days as we face the challenges that you're facing now. Thank you so very much. Continue that work and know that you are always in our hearts. Thank you.

(Applause)

Ms. Woerner for an introduction.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for purposes of an introduction. I am joined today in the Chamber by two young women, Kiera Myer (phonetic) - stand up - and Mia Hayes (phonetic). Kiera and Mia are student leaders from the Maple Avenue Middle School in Saratoga Springs. They were instrumental in organizing their school's March 14th Walkout in response to the Parkland Shooting, and they are here today to get an inside view on how government works. At least one of them has an interest in government, and I'm certainly, after having spent a few hours with them, I'm hoping I'm ready to retire before they're ready to run.

(Laughter)

So, Mr. Speaker, if you will kindly afford them the cordialities of the House, it would be something much appreciated.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Woerner, the Speaker and all the members, we welcome these two activists here to the New York State Assembly. We extend to you the privileges of the floor, hoping that you will continue that activism in your lives and continue to work to make this society a better and safer place. Thank you so very much.

(Applause)

Mr. Hawley for an introduction.

MR. HAWLEY: Thank you, Mr. Speaker. As a proud veteran and a member of the Veterans' Affairs Committee that is Chaired by the great Michael DenDekker who's not in the House, I see -- someplace he is. There he is, standing right there. It gives me great pleasure to announce that a great veterans' services officer from Western New York is here with us today. He's a veteran himself, of course, served in Afghanistan and was in the same Platoon as Senator Rob Ort. So, I'd like you to give all the cordialities of the floor to a great veteran and a veterans' services officer, as well, in Orleans County, Earl Schmidt. Thanks so much.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Hawley and Mr. DenDekker, who's in the corner, we welcome you here, sir, to the New York State Assembly. We extend to you the privileges of the floor. This is the People's House and we are so proud of the service that you have provided to our country and the service you are now providing to those who return to us from combat. Thank you so very much. Continue that great work.

(Applause)

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to interrupt our proceedings for an introduction. It is my privilege to introduce the Reverend Dr. Katrina Foster who is an outdoor enthusiast and, more importantly, serves our communities.

She was the Chair of the Lutheran HIV/AIDS Education and Prevention Task Force. In 2010, she served Incarnation in St. Michael's Lutheran Church on the East End of Long Island. Pastor Foster was also a member of the Bridgehampton Fire Department, serving as a member of the Fire Police and Department Chaplain. In 2015, Pastor Foster began serving St. John's Lutheran Church in Greenpoint, Brooklyn and essentially saved it from closing its doors. So, if you'd please extend the cordialities of the House to the Reverend Dr. Katrina Foster. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of -- on behalf of Ms. Seawright and Mr. Lentol, the Speaker and all the members, Pastor, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We hope that you continue the great work that you're doing in New York City and you're particularly blessed because you're here on Ms. Seawright's birthday, so this has got to be an auspicious occasion for both of you. Thank you so very much, and welcome.

(Applause)

Ms. Jenne.

MS. JENNE: Thank you, Mr. Speaker. I rise for the purposes of an introduction, as well. Joining us here in the Gallery are two constituents of mine, Mary Hamilton and her grandson, Gabriel Rutherford. They are from Waddington, New York. They're standing. Gabriel will be participating in the National Speech and Debate Competition later on this year, a national competition, and he

is choosing to spend part of his spring break watching us instead of being on a beach somewhere. So, clearly his priorities are in the right place. So, I just want to -- to ask you to extend all the cordialities of this House to Mr. Rutherford, as well as to his wonderful grandmother who is making sure that he can come here and engage in activities here at the Capitol. And he hopes also to be active in government and politics someday. So, I'm in the same position as my colleague, Ms. Woerner, on the other side of the Chamber, who have such wonderfully-talented young people in their area that hopefully we have moved on to greener pastures by the time they're able to run for office. So, thank you, Mr. Speaker for -- for making them welcome today.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Jenne, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the aerial privileges of the floor. We hope that you have enjoyed this day and will continue your interest in government, and I think next year maybe you can go to the southern shores and enjoy yourself. Thank you so very much for being here.

(Applause)

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. As we get ready to take up a resolution recognizing Organ and Tissue Donor Awareness Month and Donate Life Month, one of my constituents, Mr. Donald Whiting, is joining us, and he's a testament

to how organ donation is truly the Gift of Life.

In June, 2015 Donald collapsed at the gym and was rushed to St. Peter's Hospital here in Albany where he had two heart attacks that left him in a coma. When he came out of the coma, Donald -- Donald was told that he was lucky to be alive, but he still had a -- a long way to go. His heart was so damaged that it wouldn't be able to pump blood on its own. Donald would need a heart transplant, and it was especially scary as a single father. After three weeks at St. Peter's, Donald was stable enough to be transferred to Boston where he received an LVAD, Left Ventricular Assist Device, to help his heart and keep him alive. He was told by two hospitals due to the LVAD that his blood -- and his blood type that he may have to wait up to five years for a new heart, if it ever came. Fortunately, a third hospital put Donald on their transplant list and he was able to secure a new heart after three months. Thanks to that brave donor, Donald could raise his ten-year-old daughter today and guide her into adulthood.

Mr. Speaker, he is here today and I ask that you welcome him to the Chamber and extend to him all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Santabarbara, the Speaker and all the members, Donald, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Thank you for, you know, being here, because that is not always a given, and I understand that as well as

anybody. Thank you again so much, and we appreciate your effort and your time. Thank you.

(Applause)

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Thank you for allowing me to interrupt the proceedings for the purpose of an introduction. Joining me in the back of the Chambers from my home district in Corning are two students and an advisor from the Corning-Painted Post High School: Mike Simons, he's the yearbook and media advisor; Mina Theramuti (phonetic) is a senior at Corning-Painted Post High School; and Lauren Thomas (phonetic) is a junior at Corning-Painted Post High School. Their yearbook is called the Tessarae Yearbook.

The reason they're here today is they're up here visiting the Capitol to advocate and educate on behalf of student journalists and student journalists' rights in this State. They've been doing a great job of -- of making myself aware. They met with my colleague and friend, Assemblywoman Lupardo, and just up here talking to people about an important issue to them that they brought to my attention a long time ago. These -- when you see young people like this that have such a passion, it makes me feel good about the future of our State; young people want to get involved and make a difference. So, if you could just welcome them for their journey here and extend the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf

of Mr. Palmesano, the Speaker and all the members, we welcome you here to the New York State Assembly. We salute you both young journalists and your advisor, thank you for continuing your work in this area and advocating for other students who may be so interested in that important fourth estate that we protect in this country. Thank you so very much.

(Applause)

Mr. Thiele for an introduction.

MR. THIELE: Thank you, Mr. Speaker. I have a group from Long Island that is just entering the Chamber now. Actually, they are more than a group. They are individuals who really are the descendents of the first inhabitants of Long Island, members of Long Island's indigenous people. Members of the Long -- of the Montauk Indian Nation and they are here today to advocate -- you know, we're certainly not allowed to talk about issues and what they're advocating for, and I'm not going to do that today, but what makes this group unusual is they're here to advocate not on an issue, but about recognition about their -- of their very existence.

So, it is my pleasure to welcome them here today and I know that they've had a very fruitful day in the Capitol. We are joined by Sandy Brewster-Walker (phonetic), Roneyse Bun (phonetic), Vicky Lewis (phonetic), Mandy Miller-Jackson (phonetic), Denise Jackson-Shephard (phonetic), Albert Miller, Jr. (phonetic), Terry Cauldwell-O'Neil (phonetic) and Latent Delgado (phonetic). And, finally, by an advisor of theirs who is not a member of the

Montauk Indian Nation, but has been a great friend to the Montauk indigenous people on Long Island. He is also my former college history professor at South Hampton College at Long Island University, Professor John Strong. I wish that you would welcome them to the changer -- the Chamber and extend to them all the courtesies of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Thiele, the Speaker and all the members, we welcome members of the Montauk Tribe here and your advisor. We extend to you the privileges of the floor. We hope that your time in Albany has been fruitful and we salute you, that you continue to defend and represent your own heritage. Thank you so very much.

(Applause)

And now, Mr. Morelle.

MR. MORELLE: Why thank you, sir. If we could go to page 3, the resolutions, and begin with Assembly Resolution No. 1035 by Mr. Thiele, and I understand each of the succeeding resolutions people wish to be heard on them.

ACTING SPEAKER AUBRY: Certainly.

The Clerk will read.

THE CLERK: Assembly Resolution No. 1035, Mr. Thiele. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 9, 2018 as Dragonfly Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all

those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1036, Mrs. Barrett. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2018 as Lyme Disease Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Mrs. Barrett on the resolution, but I would like a little quiet in the Chamber so that we may hear the speakers on the resolution. Staff in the back, folks. Shh.

Proceed, Mrs. Barrett.

MRS. BARRETT: Thank you, Mr. Speaker and thank you, colleagues. It's that time of year again, Lyme Disease Awareness Month. I would say that Lyme Disease is the first public health epidemic of climate change, plaguing hundreds of thousands of people each year in all of our districts. Because global average temperatures are rising, ticks are becoming active and dangerous weeks earlier and staying out later during their season, during the typical seasons and this has led many experts, particularly Rick Ostfeld from the Cary Institute who's doing the tick study to suggest that Lyme Disease Awareness Month should actually be moved to April, which is why we wanted to be sure and pass this resolution right now.

Since the 1990s, the number of Lyme Disease cases has doubled, and in that same period, the number of counties identified as high risk for Lyme has increased by more than 320

percent. Habitat fragmentation, over-exploitation of resources and climate change are contributing factors to explosion in tick populations, and New York State is ranked third highest in the country for infection -- infection rates of Lyme Disease. My two counties, Columbia and Dutchess, have among the highest rates of Lyme and tick-borne diseases in the entire country and, as a result, almost everyone in our region knows someone whose been touched by one of these diseases.

And to understand how frustrating this can be, ticks and -- Lyme and tick-borne disease need to be receiving more attention because funding, for example, of Zika Virus is over \$1 billion, but Lyme Disease receives less than \$30 million, yet it's the largest of the vector-borne diseases. It's critically important for the public to be made aware through education campaigns and to recognize the environmental, as well as the medical implications of this. Our office and others in this Chamber have introduced bills to address this, and we will continue to fight to make sure that we champion progressive policies and ensure that New York State makes available the most current and the most progressive information available for access to education, diagnosis and treatment in this Lyme and tick-borne crisis. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs. Barrett.

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

THE CLERK: Assembly Resolution No. 1037, Mr. Walter. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2018 as Esophageal Cancer Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. Walter on the resolution.

MR. WALTER: Thank you, Mr. Speaker, for the opportunity to talk on this resolution. Four years ago I first sponsored this resolution at the request of a constituent, Mrs. Ruth Lipsitz. Her husband, Gregg, had recently been diagnosed with Esophageal Cancer and Ruth made it her mission to raise awareness of this terrible disease. Esophageal Cancer is curable if detected early enough. Sadly, Gregg's was not and he lost his battle this past September 26th, 2017. I ask that you keep the Lipsitz family, Ruth, their sons, Daniel, Joseph and Max and the entire Lipsitz family in your thoughts and prayers, and we hope that through the efforts like this resolution we can raise awareness of Esophageal Cancer and save lives through early detection. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 1038, Mr. Ortiz. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2018 as Organ and Tissue Donor Awareness Month in the State of New York, in conjunction with the observance

of National Donation -- Donate Life Month.

ACTING SPEAKER AUBRY: Mr. Ortiz on the resolution.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to speak on this resolution. I would like to thank my colleague Assemblyman Phil Palmesano for the longer he'll be working with me on this particular issue. And also, I would like to mention the name of Richard (sic) Conte, former Assemblymember Richard (sic) Conte who happened to be my neighbor when I first came here to the New York State Assembly in 1995 on the fourth floor. When I first met Mr. Conte, Rest in Peace, I find out that we had something in common, not that we was Italian, but that we had somebody who needed a kidney transplant. And he was on the waiting list for a kidney transplant while my mother was also a recipient of a kidney transplant. My mother in 1993 received a kidney transplant from my sister, Nancy, and at that point in 1992, she received a second kidney transplant from my brother with the same name like me, Felix. At the same token, Mr. Speaker, this has been an issue that has been in my family for many, many, many years about tackling the issue of organ donation.

In 1970, my grandmother who happened to come from Puerto Rico to New York looking for -- also for a transplant because she -- her heart was in a very bad condition. So, she received what they called a metallic transplant, which was waiting to receive a transplant from someone who will be donated. Took about two years

for her to get the first transplant back in 1972. So, currently, Mr. Speaker, we have so many people in (sic) the waiting list and I hope that as we bring awareness about this important issue that is -- that makes New York to be the last out of the 50 States on organ donation, and we have 10,000 people in (sic) the waiting list as we speak, and we have 10 people who die every day as a result that they cannot receive an organ donation. So, I am -- encourage my colleagues to continue to please put in their newsletter that it is important for people when they register to drive that they go to the DMV, that they will become organ donors; that when they register for voter registration, that they become to be organ donor. That we can open our office at least for one day to bring awareness about this important issue.

And I would say lastly that - and I say this every time that I speak on the floor - you know, I also have my own son who are (sic) on the waiting list now for seven years waiting for a heart transplant. His heart sometimes go up and down. He is not one of those candidates that they can put a defibrillator on it so -- so he has to hang in there very tight. So I do hope that every single one of us will be able to send a clear message to our constituents and to those people that we can recruit to be become organ donor. Therefore, Mr. Speaker, I will be voting in the affirmative on this resolution and I hope that my colleagues will do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

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

I, too, lend my voice to support this resolution. It's been a privilege to work with my friend and colleague, Mr. Ortiz, over the past several years to bring this resolution to the floor. You know, from -- and Mr. Ortiz mentioned this, you know, from 1992 to 2012 our former colleague, Jim Conte, used to introduce and lead this resolution on the floor. As Mr. Ortiz mentioned, Jim was a two-time kidney transplant recipient, a great human being and a staunch and tireless advocate when it came to the issue of promoting organ donation in our State. He sat right here in front of me where Mr. Goodell is sitting. You know, unfortunately, we lost Mr. Conte in October 2012, and although his passing left a hole in the heart of this Chamber, his memory still lives in this Chamber, especially when we talk about this very important issue.

And, you know, it's incumbent upon each and every one of us to carry on that mission and message because it literally saves lives and improves the quality of life of so many individuals. When Jim Conte used to speak about this issue, he used to speak about it with emotion, with passion and with facts. Let's just talk about some of the facts, the startling facts, the statistics that we have here in New York when we talk about organ donation.

Right now in New York, we have nearly 9,500 New Yorkers waiting for an organ transplant; 1,700 have been waiting for more than five years. There are 52 registries across this State. New York is rated number 51 out of 52, we are only ahead of Puerto Rico. We have the third highest need for organ transplants, but the second

worst registry in the country. The national average for organ donation is 54 percent. The State of Montana is number one at 92 percent. The State of New York is 51 at 30 percent. Last year, we had nearly 450 men, women and children die waiting for a life-saving organ transplant. The good news, though, is one person, one person who donates at the time of their death can save up to eight lives and impact the lives of 75 others. I want to repeat that statistic again: One person who donates at the time of their death can save up to eight lives and impact up to 75 others.

You know, there are so many personal stories about this around the Chamber, past and present members. I just want to talk about a couple past members who were here. Assemblyman Bill Hoyt died on the Assembly floor waiting for a heart transplant and no one knew until that day. Our former Assemblyman Richard Brodsky, his daughter, Willie, received a kidney from his wife. You heard Mr. Ortiz talk about his personal experiences, so many have talked about their personal experiences. Andy Goodell, his daughter donated to a high school classmate. Michael Fitzpatrick's Chief-of-Staff donated to a complete stranger. For me, the story comes close to me because of my sister, Teresa, who was a two-time organ transplant recipient. She was a juvenile diabetic, a disease that ravaged her body over her years. The first time she received a transplant was in 2000 from the kindness of a stranger and in 2006, I had the privilege to donate a kidney to my sister, Teresa. Unfortunately, in 2013 my sister passed away, not from the complications to the kidney, but from the complications to the

diabetes. But what it showed me, Mr. Speaker and my colleagues, is the impact that organ donation can have on a family. It saves lives and it can impact the quality of life. You know, I realized, though, she was the lucky one. She had two transplants. I didn't know how bad the numbers were in New York until I came up here.

We can make a difference with this issue. I know some people don't even want to think about this issue because you're really thinking about your own death and I understand that, but think about it from this perspective. What if your husband or wife, mother or father or God forbid your son or daughter were in need of a life-saving organ transplant and then you just heard those statistics that we talked about, 51 out of 52; 30 percent registration rate. We can and we must do better.

But we have made progress, my friends and my colleagues. Two years ago when we talked about this issue, it wasn't 30 percent, it was 23 percent. Two years when we talked about this issue it wasn't almost 9,500 people, it was over 10,000. It's because of actions we're taking in this Chamber, it's because of things we're doing back home to promote awareness, whether it's passage of Lauren's Law. A couple years ago we passed a registry to allow 16-and 17-year-olds to register, and probably one of the most transformational things we've done, last year the online registry became active where now people with a few clicks of a button can go on and sign up to give the Gift of Life.

But there's more we need to do. You received a

packet in your offices through e-mail about social media, media packets, things you can do to promote organ donation. You can send out e-mails. You can use your mailings to get information out there, post a link on your website. We passed a lot of laws in this bill -- in this Chamber, but not all of them deal with saving lives. This can save lives, but it takes a commitment on our end and a dedication on our -- our -- our end. Individually, no one can do as much as Jim Conte did in this Chamber, but collectively we can do so much more. So, let's continue to bring awareness and education on this very, very important issue because it saves lives and it's the right thing to do. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

Mr. Brabenec for the purposes of a (sic) introduction.

MR. BRABENEC: Good afternoon, Mr. Speaker. I am honored to have with us here today a group of 30 young American students here from the Greenwood Lake Middle School in Greenwood Lake, New York, if you guys could stand up. They're here to visit the Capitol to see how government works. Many are here for the very first time so please, Mr. Speaker, welcome them to Albany and give them a hearty welcome.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Brabenec, the Speaker and all the members, we welcome you here to the New York State Assembly, this bright class of students.

We hope that this is the first of many trips that you will share with us. This is the People's House. This is where Democracy will preside in our State. Thank you so very much for being here. Continue that learning experience. Thank you.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker, for allowing me to introduce a very distinguished group of individuals who have joined us the -- as guests of Mr. Miller, Ms. Nolan, Mr. Barnwell, Mr. DenDekker, yourself, Mr. Dilan and I understand all of the Queens Delegation. We have representatives from the Nepalese community who are here in the Chamber today. They are from various groups, the Nepalese Society, the Himalayan Credit Union and the Himalayan Rotary Club. And they've stopped by and we're delighted to have all them. And I want to acknowledge a couple of their leaders, Dr. Tara Niraula, Mohan Gyawali Chhetri, Sailesh Shrestha, Man B Rana Magar and BR Lama, who are leaders of these groups and we are delighted to have them with us to observe the proceedings and to enjoy hopefully the discussion that will ensue in the next few minutes. So, if you'd please extend all the cordialities of the House to this fine group.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Miller, myself, Mr. DenDekker, Mr. Barnwell, Ms. Nolan and the entire Queens Delegation, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to

you the privileges of the floor. We are so happy that you have been able to join us here today, hope that this is the first of many trips, hope that your efforts here in Albany today will be fruitful. We thank you for coming and we're always pleased to have you. See the joy in our faces that you have joined us on this great day. Thank you.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, sir. If we could now turn our attention to page 80 of the main Calendar, I'd like to begin with Calendar No. 744 by Mr. Bronson.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08344, Calendar No. 744, Bronson, Blake. An act to amend the Executive Law, in relation to requiring the collection of certain demographic information by certain State agencies, boards and commissions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08687-A, Calendar No. 745, Otis, McDonald, Brabenec. An act to amend the Criminal Procedure Law, in relation to the definition of an accusatory instrument.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08723-A, Calendar No. 746, Jones, D'Urso, Blankenbush, McDonald, Gottfried, Mosley, Montesano, Lawrence, Crouch, Blake, Jenne. An act to amend the Executive Law, in relation to designating Chazy Lake as an inland

waterway for the purposes of waterfront revitalization.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. This is going to be a twofer. First of all, this is our first vote of the day so, ladies and gentlemen, please cast your votes. And as an extra special bonus, those of you on the Consumer Affairs Committee can join Mr. Titone after you've voted the first vote of the day and head to the Speaker's Conference Room for Consumer Affairs. How's that for efficiency, sir?

ACTING SPEAKER AUBRY: You're knocking 'em dead, Mr. Morelle.

(Laughter)

First vote of the day, members. And Consumer Affairs, please vote then go to the Speaker's Conference Room. If you are in the sound of our voice not yet in the Chamber, proceed here expeditiously.

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, for allowing this brief interruption to acknowledge some guests of Mr. Rodriguez. We are joined by the Financial Services Institute, members Michelle Carroll Foster, Frank Tauches, George Brown and Jim Davos. The institute is a member organization which is comprised of individuals who are financial advisors and broker dealers, and they are working on a number of initiatives, particularly around financial literacy and elder abuse. They've stopped by the Chamber today to observe the proceedings and, hopefully, be educated on our process and the Legislative process. If you'd please extend all the privileges of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Rodriguez, the Speaker and all the members, we welcome these three gentlemen and lady here to the New York State Assembly. We extend to you the privileges of the floor, hope you enjoy our proceedings and thank you for coming here to Albany and sharing your expertise with us and helping those who need the assistance that you provide. Thank you so very much. Always be welcome and come back. Thank you.

(Applause)

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. I have the pleasure of introducing some very special guests of our colleague, Mr. Palmesano. He has also arranged for the great trip to Albany for his kids that are on spring break this week. Joining us today are Phil's

wife, Laura, his daughter, Leah, who's 15 and a sophomore in high school, and his son, Sam, who's 13 and in seventh grade. If you can extend to them the privileges of the floor and welcome them, I'd appreciate it. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of your father, the Speaker and all the members, we welcome you here as family to the New York State Assembly. As family, you are always -- have the privileges of the floor. We appreciate that you've taken this time to come and share with your husband and your dad the experiences that we have here in Albany. What joy! Thank you so very much for coming.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A08747, Calendar No. 747, Englebright, Weprin. An act to amend Chapter 464 of the Laws of 2016 relating to creating the New York State Ocean Acidification Task Force, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. Before we continue on, could you please ask members of the Aging Committee to meet with the Chair, Ms. Lupardo, in the Speaker's Conference Room; Aging.

ACTING SPEAKER AUBRY: Aging Committee, Ms. Lupardo, Speaker's Conference Room. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A08766-A, Calendar No. 748, Galef, Schimminger, Mosley, Cook, Gunther, Morinello, Lawrence, Errigo, B. Miller, Raia, Montesano, Giglio, Hawley, Crouch, Ortiz, DenDekker. An act to amend the Public Authorities Law, in relation to the ceremonial designation of the "Bear Mountain Bridge" as the "Purple Heart Veterans Memorial Bridge."

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.)

The bill is laid aside.

THE CLERK: Assembly No. A08789, Calendar No. 749, Hunter, Stirpe. An act to amend the Executive Law, in relation to designating Ley Creek and Butternut Creek as inland waterways.

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.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08921, Calendar No.

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ACTING SPEAKER PICHARDO: Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Sorry for that, Mary-Anne.

ACTING SPEAKER PICHARDO: No worries.

MR. MORELLE: What I'd like to do, Mr. Speaker, is first of all, I ask folks -- I know this is a sort of a festive atmosphere here today. We're always happy to have that in the People's House, but we have a number of important bills to take up so we'd ask people to try to keep it down to a low roar.

And with that, let me give you, Mr. Speaker, the next three bills I'd like to take up in this order, part of our Earth Day Package: First of all, begin with Calendar No. 131 by Ms. Fahy which is on page 17 of the main Calendar, follow that with Calendar No. 140 on page 18, that's by Mrs. Peoples-Stokes, and then this grouping, I'd like to conclude with Calendar No. 443 by Mr. Englebright which can be found on page 54 of the main Calendar.

ACTING SPEAKER PICHARDO: Thank you, Mr. Morelle.

The Clerk will read.

THE CLERK: Assembly No. A01773, Calendar No. 131, Fahy, Steck, Ortiz, Galef, Brindisi, Mosley, Barrett, Gottfried, Skoufis, Stirpe, L. Rosenthal, Otis, Dinowitz, Thiele, Hunter, Colton, Sepulveda, Skartados, Williams. An act to amend the Navigation Law, in relation to financial responsibility for the liability of a major facility or vessel.

ACTING SPEAKER PICHARDO: An explanation has been requested, Ms. Fahy.

MS. FAHY: This bill would require that an owner/operator of a major facility, in this case, a storage refinery or a major port facility, or deep water port, I should say, have evidence that they would share with the Department of Environmental Conservation, evidence of a financial responsibility should a disaster or a spill occur. Such as -- in this case, they would have to show that they have a surety bond or an insurance type policy to cover that spill or disaster should one happen. And this is in cases where they store petroleum products such as crude oil. The legislation is one I sponsored going back a half dozen years and it was an outgrowth of quite a horrific disaster in Canada, the Lac-Mégantic train disaster that ended up leaving the taxpayers in Canada on the hook for a few billions -- billions of dollars because of that disaster.

And so all this is requiring is that a bulk storage or

related facility show that they have a surety bond or the insurance to address any type of major spill or accident, again, so that the taxpayers would not be left on the hook should an accident occur.

ACTING SPEAKER PICHARDO: Mr. Goodell.

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

ACTING SPEAKER PICHARDO: Will you yield, Ms. Fahy?

MS. FAHY: Sure. Thank you.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Fahy. I note that this bill applies to what's defined as a "major facility."

MS. FAHY: Yes.

MR. GOODELL: And major facilities are defined under Section 172 of the Navigation Law?

MS. FAHY: Yes.

MR. GOODELL: And that would include, but not be limited to any storage or transfer facility used or capable of being used to store, handle, transfer or transport petroleum or petroleum products; is that correct?

MS. FAHY: Yes.

MR. GOODELL: And the definition of a major facility is not defined in terms of the capacity of the facility, correct? It applies to any storage facility.

MS. FAHY: Yes; however we really do mean major in this case because it would to have the above ground or buried storage capacity of 400,000 gallons. So, we really do mean major in this instance.

MR. GOODELL: And where in your bill is the reference to 400,000?

MS. FAHY: My understanding is that it's a part of the definition of -- of major facility.

MR. GOODELL: Under the Navigation Law?

MS. FAHY: Yes. It's further on down from where you were reading earlier, Mr. Goodell.

MR. GOODELL: Well, it references -- it goes on to say, "A vessel would not be considered major facility solely on rendering of care," et cetera, "of assistance, in response to discharge of petroleum. Facilities with a total combined above ground or buried storage capacity of less than 400,000 gallons are not major facilities." In that context, facilities with 400,000 gallons or less; are you aware of how many major facilities there are in New York?

MS. FAHY: Yes. It's 400,000 or more that are major. The one that we're most familiar with in this region is at the Albany Port, the facilities, the storage facilities there. And in this broad region, I think it's the only one and one of only a few Upstate, but that's the one that we used as an example in this -- in this region.

MR. GOODELL: I had received information from the industry indicating that this would apply to upwards of 1,000 small

businesses that meet that definition; is that correct?

MS. FAHY: That is not one that's been shared with me. That seems -- that seems very high, but we would be more than happy to go back and -- and check into that again. Four hundred thousand gallons is a -- is -- meets my definition of "major facility" and as -- as best we know in this broad region; in fact, I think it's one of the few Upstate areas that have this type of major facility. Now, it could apply to a pipeline, but that would have to be, I don't know of any pipeline carrying that -- having that type of storage affiliated with it, nor any type of drilling platform in this -- in this region. A thousand does seem high. We're not familiar.

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

MS. FAHY: Thank you.

ACTING SPEAKER PICHARDO: Thank you.

Read the last section.

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

ACTING SPEAKER PICHARDO: 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. I'd like to ask members of the Election Law Committee to join the Chair, Mr. Lavine, in the Speaker's Conference Room. Election Law, Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Election Law, Speaker's Conference Room. Mr. Lavine is eagerly anticipating your arrival. Thank you. Or he's still sitting in his seat.

The Clerk will read.

THE CLERK: Assembly No. A01862, Calendar No. 140, Peoples-Stokes, L. Rosenthal, Colton, Sepulveda, Otis, Galef, Mosley, Hunter, Gottfried, Thiele, De La Rosa, Williams. An act to amend the Environmental Conservation Law, in relation to high local environmental impact communities.

ACTING SPEAKER PICHARDO: An explanation has been requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker. This bill is a bill that we've actually passed before and what it does is it asks the DEC to provide high impact areas where there may be high impacts of negative environments on people's lives. This bill was passed last year. It was passed in 2010. It was vetoed by the Governor in 2010. At that moment, Mr. Speaker, the Governor did think that he would need to have resources to do that. Being that we are now in 2018, I think that resources are not as needed since our computer capabilities are in such condition that we should be able to push a couple of buttons and get out to locations where people live to

let them know if they're living in high environmental negative impact zones.

ACTING SPEAKER PICHARDO: Mr. Ra.

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

ACTING SPEAKER PICHARDO: Will you yield?

MRS. PEOPLES-STOKES: Of course.

ACTING SPEAKER PICHARDO: She -- the sponsor yields.

MR. RA: So let's start there with what you just mentioned and the previous veto from Governor Paterson. So, is this the exact same bill that was vetoed?

MRS. PEOPLES-STOKES: Yes, sir, it is; this is the exact same bill.

MR. RA: Okay. And you mentioned that concern that was raised in terms of resources for the DEC. I think, obviously, disseminating information is probably easier in terms of, you know, the technology that we -- that we have at our disposal, but what -- I mean, I would assume there still is going to need people with some expertise to be looking at this data. Would that not cause increased costs to the DEC?

MRS. PEOPLES-STOKES: In my estimation, it would not, Mr. Ra. I think, one, we have a very highly qualified staff at DEC to want to understand the negative impacts of environmental hazards in districts and, two, I think we have the computer technology

to put those two things together and come up with a list of where the areas are that are most dangerous to people.

MR. RA: Okay. And then, so they're going to put all this data together and presumably it's going, you know, it's going to be available to people. What is going to happen with the data then? Is there any measures that you foresee that we're going to take actually in -- in response to that data that we've now put together?

MRS. PEOPLES-STOKES: Well, I would hope that DEC would use it to determine their budget strategies on which areas need cleanup the fastest, which areas have more people in them that maybe need to be relocated; in fact, some people upon them understanding the negatives of the environment that they live in, they might want to move.

MR. RA: Okay. Thank you.

Mr. Speaker, on the bill.

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

MR. RA: I -- I -- I think it's -- it's certainly, you know, a good goal to be able to put together this information and let people know and -- and hopefully the Department would then be able to utilize that data in some meaningful way to address the environmental concerns, but -- but I know that many have a few concerns with this bill. Number one, there is still that concern of the DEC having adequate resources. We all know that going back many years now, many of our State agencies have -- have really not experienced any growth in their -- in their budgets and many of them

are starved for resources. And then additionally not knowing exactly what we're going to do with the data could cause some issues. Yeah, there may be people that are looking to move. There may be people that are looking at starting businesses that may say, *You know what? I don't want to -- I don't want to go there*, so it could have a really negative impact to the local economy of an area of the State that's been identified as -- as one of these areas of high environmental impact.

So, I think that it's important that, certainly, we -- we let the public know when there's environmental issues, but I hope that we can address some of those concerns with this bill moving forward. 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. Barron to explain your vote. Please, go ahead. I didn't see your light.

MR. BARRON: That's all right.

I just wanted to support the sponsor of this bill. You know, people don't want to talk about environmental racism that when you look in communities of color we have more bus depots, we have more -- everything you could think of that includes pollutants is in our communities. We have brownfields. We have all of this in our

communities and you're going to talk to me about some money that they don't have to make sure that a community is environmentally safe. In East New York we had to fight against them wanting to bring in a (sic) environmentally hazardous incinerator that would convert wastewood into electricity for some corporation to make millions of dollars, but the emissions on that, high counts of particulate matter, carbon dioxide, all of that would be right next to public housing, right next to daycare centers.

So, this is a very serious bill and for us to get up here and talk about some little pennies that they don't have to save people's lives is absurd. I think the bill is right on target. I think we need to -- and as the sponsor said, there's more technology now to make it less costful to do this. But even if it costs you \$1 million, if it's going to save a life, then it's worth it. And we need to put more worth into people's lives then into money. So, I want to commend the sponsor for this bill and we all should be supporting it.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote and certainly encourage a positive vote on this legislation. I -- I represent a community that lives right in the midst of a former General Motors plant. And when General Motors left this area in Buffalo, New York, DEC knew that they had left PCBs there and, as a matter of fact, they

charged them for it. But they never said anything to the people. They never said anything to the community. And, by the way, it's just now being cleaned up. This is years later. Mr. Speaker, that's not fair and, quite frankly, there's no reason why DEC could not have informed the City of Buffalo, informed the residents who lived across the street from this facility about the fact that there were PCBs there in the ground water. No reason why they couldn't have done that, but they chose not to. That information they had they had to have it on their computer basis and they also had to know the location where it was, and they also had to know that there are people who lived in that community.

And so, Mr. Speaker, I'm just imploring on them.

This -- this has a long-ranging impact, not just on the people who are there, but it has an impact, quite frankly, on our budget because if it's negatively impacting people's health, we pay for that. If it's negatively impacting children's education, we pay for that. At some point, businesses have to be responsible for the problems they create. And secondly, DEC is charged to protect us, that's their job. That's why we have that operation over there. Everybody who works over there is working in our interest to protect us against negatives that are in the environment. If they can't figure out how to do this without additional resources, Mr. Speaker, I think we have a lot more to question than this legislation. With that, I'll vote in the affirmative and encourage my colleagues to do likewise.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes

in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I absolutely agree with the comments of my colleagues, Mrs. Peoples-Stokes, Mr. Barron and others about the need to address areas of high environmental risk. My concern is that this bill only calls for the identification of those areas and does not require any affirmative action to address it. And the concern that I have as a result is that there are many areas of environmental -- high environmental risk in our State that are in lower-income hous -- neighborhoods or industrial neighborhoods and if we publish a list that says these areas have high environmental problems, that list will destroy the property values in that area and will discourage new businesses from coming into those areas and will have an incredible negative impact on those areas.

So, I think my colleagues are absolutely right that we need to aggressively address and resolve environmental issues, but publishing a list without any obligation included in the list to address those creates a lot of lost value for those who live in that area, will discourage anyone from moving into those areas, will discourage business from moving in to those areas and has some very negative unanticipated consequences. That's why I will be voting no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I understand if you're a member of the Tourism Committee that Mr. O'Donnell would like to extend an invitation to the Speaker's Conference Room for the Committee on Tourism, Speaker's Conference Room.

ACTING SPEAKER AUBRY: Mr. O'Donnell invites you to the Speaker's Conference Room. Committee on Tourism, please, now.

The Clerk will read.

THE CLERK: Assembly No. A06279, Calendar No. 443, Englebright, Gottfried, Santabarbara, Ortiz, Dinowitz, Colton, Lifton, Glick, Fahy, Titone, Abinanti, Otis, Jean-Pierre, Lavine, Mosley, Simon, Galef, Jaffee, Cook, Rivera, D'Urso, Hunter, Hooper, Steck, Peoples-Stokes, Sepulveda, Skoufis, Williams, Bichotte, Ramos, Weprin, Titus, Hyndman, Seawright, Lupardo, L. Rosenthal, Barron, Walker, Carroll, Barrett, De La Rosa. Concurrent Resolution of the Senate and Assembly proposing an amendment to Article I of the Constitution, in relation to the right to clean air and water and a healthful environment.

ACTING SPEAKER AUBRY: Mr. Englebright, a (sic) explanation is requested. Shh.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. This is a legislative resolution that is beautiful by its simplicity. It is a

proposed Constitutional amendment to establish a fundamental right and a clean and healthful environment. The language is quite simple: *The environmental rights of each person shall be to a clean air -- to clean air and clean water and a healthful environment.* I'd just like to also mention that this is an important part of the Assembly's Earth Day Package which we're seeing unfolding before us here and I just want to take a moment to thank Speaker Carl Heastie for making sure that we pay attention to the needs of our citizens and their health and the health of the environment on this very special day. And this particular measure is one of several that we're going to have a chance to vote on today out of respect for the people of the State and the environment that supports them.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield --

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright will yield, Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Englebright. You correctly note, of course, that this is a very simply-worded Constitutional amendment that states that people would have a right to clean air and water and a healthful environment. Can you tell us what you mean by "clean" and, for example, we turn on our tap water, we use it to wash, bathe, drink, but our tap water is

certainly not distilled so any tap water in the State of New York has some impurities. What do you mean by "clean?"

MR. ENGLEBRIGHT: Clean basically means that if you are interacting with the environment that you're not being harmed; that if you are consuming water that it does not have poison; if you are breathing air, it is not contaminated and will not have a negative impact on the biology of yourself or your loved ones.

MR. GOODELL: Then by clean do you mean that the water or the product or whatever subject matter is meets current environmental standards as defined by this Legislature or the DEC, the EPA or other regulatory entities?

MR. ENGLEBRIGHT: At the very least, yes, but in a larger sense, this language is meant to reassure each and every citizen of this great State that a part of being a citizen of this State is to know that the Legislature has taken time to place before the voters the very premise of whether or not being healthy is -- is worthy of our attention. I believe that if we are able to place this before the voters that they will answer yes.

MR. GOODELL: Well, as you know, we have a substantial agricultural presence in the State of New York. Successful agricultural practice involves, not surprisingly, the application of fertilizer. It also involves integrated pest management which can involve the application of pesticides, all of which are tightly regulated, the application of pesticides both in quantity and methodology. Does this give a basis for people who move in next to a farm to bring an

action to ban the use of pesticides on the farm for crop protection?

MR. ENGLEBRIGHT: There's no specific leverage provided in that direction by the passage of this measure. This is very clearly a -- a very general premise, but let me just point out as one who grew up on a farm that I greatly respect the tradition of farming. It's something common to each and every community in New York. There is no intent to contradict that tradition or to unhinge the production of food in any way. We only hope that the individuals who are operating the given farm do so in a manner that is conducive to good public health.

MR. GOODELL: I appreciate your farming background and I think you bring a valuable perspective. As you know, though, sometimes those who are on a farm very much appreciate the important role of herbicides, pesticides, fertilizer and other routine activities that are not always understood or appreciated by those who neighbor a farm. And so, we have a lot of dairy farms, for example, in my district. We certainly appreciate having that wholesome milk. Not everyone appreciates living downwind. I just bring that to your attention that what some people perceive as clean air and water may very much depend on their perspective.

But I -- I want to move on. This also talks about healthful environment. As you know, there's been a lot of controversy overtime over whether or not fluoride should be added into drinking water for municipal systems. And at one time, a lot of people argued against it claiming that the addition of this chemical would be

harmful. Others argue that the addition of this artificial chemical - I mean, it's not naturally occurring - this chemical was healthy and would promote better teeth. Does -- can you explain how -- how would this language dealing with a healthful environment play out in all those areas where government has additives, whether it's Vitamin A, government or industry, private sector, whether it's additional vitamins or additional chemicals into our drinking water like flourine -- fluoride; how would this play out?

MR. ENGLEBRIGHT: It doesn't really have any negative impact upon the use of chemicals that are important to our quality of life and to the quality of our health. What healthful means is that we're going to have policies that are conducive to good health. That does not exclude the judicious and appropriate use of chemicals. We're made of chemicals. We live in an environment that is full of chemicals. Simply saying somebody's using chemicals does not disqualify the possibility that they may be using it wisely or overall in a manner that is consistent with a healthful overall environment.

MR. GOODELL: As you know, more recently we've had a lot of controversy over GMOs, genetically modified organisms, GMOs, and we've had a lot of controversy over whether a product should be labeled as "organic." We even have controversy over what that means. Would this Constitutional provision provide a basis for individuals or anyone to say you cannot have GMOs, or you can have GMOs? I mean, keep in mind, on GMOs, some people argue that GMOs are healthful because it's a natural way of combating insect and

disease, others -- and it's an extension of our normal good husbandry. Others argue the opposite. So, doesn't this give an independent judicial platform to address those issues?

MR. ENGLEBRIGHT: I don't believe it does. We consulted with the National Council of State Legislatures. There are six other states that have passed a measure very, very similar to this. We have not seen any notable trend of increased litigation or lawsuits. I'm just not aware that GMOs are within the reach of this particular measure. What this measure is intended to do is set the stage for a general expectation on the part of every citizen that they have as strong a right as the right to free speech to grow up without being injured, without being poisoned, without being contaminated, to have an opportunity to bring their children into the world and know that they, too, will have those same rights.

MR. GOODELL: There is no Constitutional impediment for us as a Legislature to adopt environmental laws on any particular subject, is there?

MR. ENGLEBRIGHT: There is not.

MR. GOODELL: And so, we don't -- so, we don't need this amendment in order to authorize us to act.

MR. ENGLEBRIGHT: This amendment does not negatively impact us in any way; indeed, it does not take away, but rather adds, it adds a context so that when we pass very specific legislation, the context, the larger context, is already well-defined. That's what this does. It enlarges the circle. It does not shrink away

from our ability to do good things for the people who sent us here.

MR. GOODELL: Thank you very much, Mr. Englebright.

On the bill.

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

MR. GOODELL: I certainly appreciate and share Mr. Englebright's desire that our residents have clean air and water and a healthy environment. Nobody in this room disputes that. Now, as my colleague correctly pointed out, we as a Legislature absolutely have the power to regulate in this area. We don't need a Constitutional amendment for us to exercise our discretion to ensure that our residents have a clean and healthy environment. Nor is this amendment needed for our Department of Environmental Conservation or others to enact regulations to ensure that we have clean water and air and a healthy environment.

So, what does this Constitutional amendment do? If we don't need it and the regulatory Bodies don't need it, why should we adopt it? I want to keep everyone mindful that when you put in a Constitutional amendment of this nature, you are shifting power away from the Legislature, away from us, to the Judiciary. And so no longer will the Legislature be solely responsible for ensuring clean air and water. No longer will the DEC and its experts be responsible for ensuring clean air and water, but this would give a Constitutional right to every individual to bring a private right of action against their local

government or against the MTA or against NYSERDA or against their city claiming that whatever the city is doing or the MTA is doing or the City of New York is doing or any local government is doing or any local business or industry is violating their Constitutional right. And that litigation won't be heard here, that will be heard in the courts. It'll be heard by someone ultimately who is not elected, that was appointed in the Court of Appeals.

And so, my friends, if we want to retain the authority to make sure that we have the correct balance, that we want to allow a local government to include fluoride in their water because we've made a determination that the benefits exceed the risks. If we want to make sure that our agricultural community can continue to operate and our business can operate, we should retain that authority and not transfer it to the courts. Since there's no compelling reason to enact this, there's no legal justification as to why we need to enact it, but there's a lot of potential mischief if we just open up the door to anyone with any concept of what might be healthy or not healthy, or whether they think it's clean or clean enough and that's a balancing act that should be done carefully, thoughtfully by the Legislature and those who are -- have the expertise to do so. Thank you, Mr. Speaker.

Thank you, Mr. Sponsor.

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. Cahill to explain his vote.

MR. CAHILL: Thank you, Mr. Speaker. This -- the elegance and simplicity of this measure is exceeded only by its great importance to New Yorkers and to future generations. The air, water and a healthful environment are as fundamental to us as speech, religion, assembly and other basic rights. It's important to make this statement. It's important to amend our Constitution to demonstrate a recognition that while our time here is temporary, maybe even momentary, our obligation to generations to come is permanent. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cahill in the affirmative.

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I just want to add that there is a context of need to reassure the people of the State that this proposed Constitutional amendment is intended to address. That need is defined in the newspapers almost every day: New contamination events, new threats to the public health in places like Hoosick Falls and Newburgh and West Hampton. There's a need to reassure the people that it is their right to know that this is a priority, that the environment itself deserves to have the support of our attention and that the proposed amendment to our Constitution is an initiative that will, I believe, enhance the expectation that the intertwined and mutually-interdependent ideas of environmental

protection and public health are worthy of our collective best efforts and attention. I am pleased to recommend this measure to my colleagues, and I vote yes.

ACTING SPEAKER AUBRY: Mr. Englebright 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. The Labor Committee would conclude our Committee work for the day, so I'd like to ask members of that Committee to join Ms. Titus in the Speaker's Conference Room. Labor in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ms. Titus is in the Speaker's Conference Room momentarily. Please join her.

The Clerk will read.

MR. MORELLE: Actually, Mr. Speaker, let me give you the next several bills that I'd like to ask us to take up.

ACTING SPEAKER AUBRY: Certainly.

MR. MORELLE: Calendar No. 600 by Mr. Englebright, which is on page 71. I'd like to follow that with Calendar No. 766, also by Mr. Englebright, on page 85; then Calendar No. 773 on page 86 by Mr. Englebright and then to complete the grand slam, another Mr. Englebright bill, Calendar No. 774, which is on page 86

of the Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08270-B, Calendar No. 600, Englebright, Lifton, Fahy, Ortiz, Cahill, Walker, Sepulveda, Carroll, L. Rosenthal, Thiele, Jaffee, Simon, Otis, Dinowitz, Williams, Rozic, Abinanti, Mosley, Barrett, Skoufis, Titone, Steck, Galef, Gottfried, Lupardo, Pheffer Amato, De La Rosa, Jean-Pierre, Colton, Pellegrino, Cusick. An act to amend the Environmental Conservation Law, the Public Service Law, the Public Authorities Law, the Labor Law and the Community Risk and Resiliency Act, in relation to establishing the New York State Climate and Community Protection Act.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. This is a measure that follows a request from the Speaker to make our attention to the problems surrounding climate change a priority. We've held a number of hearings. We have, with the Speaker's close assistance, formed a legislative working group on climate change. We've given a great deal of thought to how we, at the State level, can address a global issue, a problem that really crosses state boundaries. And what we have before us now is a measure that we believe might very well serve as a national model. It is a bill that has, in many ways, both the short- and long-term needs of the people of the State in mind.

We know that there are serious problems in the State:

Invasion of pests from the South such as the southern pine beetle, increased storms. The Lone Star State has given us their tick which is bringing disease. We know that extra tropical storms are increasing in voracity and intensity and frequency, and that they are devastating our coast lines and even our Upstate areas, the more remote parts of the State where these storms are causing flooding conditions that are washing houses in some cases off of their foundations and reactivating giant boulders and streams that threaten to crush downstream areas.

These are just some of the examples of what climate change has begun to do to our quality of life and the predictability that we need to have that the future is good. We don't really know that the future is going to be good if we watch all these things and do nothing. And so, we're going to try our very best to address these needs in meaningful ways. To his credit, our Governor has taken this as a major issue and has put forward a number of initiatives at the Executive level. We strongly feel that these are good initiatives that need to be codified into law, and that is what this measure attempts to do.

ACTING SPEAKER AUBRY: Assemblymember Stec.

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. STEC: Thank you, Chairman, and good afternoon. It's Earth Day again, I note, and I appreciate your efforts on the behalf of our environment and enjoyed working with you on a lot of them. With that said, though, I do have some questions about this legislation we've debated it in the past. At the heart of this legislation as I understand it, it sets a timeline and a goal for the reduction of greenhouse carbon gas emissions; is that fair to say?

MR. ENGLEBRIGHT: I believe that is a very succinct and accurate summary.

MR. STEC: Is -- it references as a bench -- benchmark 1990. Why 1990 emissions, and do you know what -- where we, as a percentage of 1990 emissions, do you know what our current emissions are in the State or on the planet?

MR. ENGLEBRIGHT: 1990 is the last good year as a benchmark for data. As -- as we search for an anchor for where to begin to calibrate from, that's a good anchor. We have pretty good data for 1990. Your other -- the other part of your question is where are we now? We're doing a little better, but we don't have precise data at this moment.

MR. STEC: Well, I appreciate that and -- and, honestly, I didn't know the answer. So, let me restate what I was trying to get at, is we don't know right now in 2018 whether we're above or below even 1990. I mean, I would guess that we're greater than 1990 emissions, but are we 110 percent or are we 200 percent? Are you saying that we really don't -- don't know?

MR. ENGLEBRIGHT: Well, part of the purpose of this bill is to help answer that question that you so rightly posed. Part of the purpose of the bill, in a sense, is to recalibrate and remeasure and to have a better understanding of where we are in what is clearly a very dynamic series of processes.

MR. STEC: Now, I --I understand some work has been done here in the State, obviously. There's been the subject of a lot of discussion around the world and, certainly, in -- in national politics, but we've done work. Governor Paterson did in 2009. Governor Cuomo in 2015 directed, you know, marching in this general direction and while I'm sure there are people that would argue whether or not we need to debate whether that is necessary, I'm certainly not going to go there. I'm really look more at the pragmatic where are we and how are we going to get there. And my understanding is a lot of -- of the -- well, let me ask: Do we have the technologies in existence today to get to the stated goal that would become law, if we adopted this, of zero percent of 1990 emissions by the year 2050? I mean how is that even mathematically possible?

MR. ENGLEBRIGHT: To qualify, yes. We're really looking at the anthropogenic emissions, manmade emissions, as the target of this legislative initiative. There are some emissions that are natural. That is not part of the reach. Some of those natural emissions of greenhouse gases are related to the soils. Some are related to herds of cattle, farming activities, those are not within the reach of this bill; however anthropogenic (sic) emissions include such things as heating

and cooling for houses, cars, transportation derived from the combustion of hydrocarbons. That is something that we have the technology for. That is -- all of those are things that we have the ability to actually do something meaningful about. And so, the answer is yes, this is achievable, but not if we just say, *Oh, well*, as a matter of policy and watch things deteriorate.

MR. STEC: Are -- are you concerned at all on the impact that this would have on our State's economy, on the ability of people to find employment, to move an economy forward, to stay here, raise their children, pay their taxes. We're a big tax state.

MR. ENGLEBRIGHT: I am not concerned in the negative. I am concerned that we do this for the positive. I point to the sister State of California that has seen an increase in jobs based upon renewable programs and laws in that state that are in echo of what we're proposing here today. I believe that we will be left out of the renewable revolution if we do not move forward in an aggressive manner and that this measure is an important step in that direction.

MR. STEC: Are you familiar with - I'm sure you must be - and could you perhaps describe the term "carbon leakage" and how that --

MR. ENGLEBRIGHT: Sure.

MR. STEC: -- may play a factor here in what we're doing? Could we be killing the patient with our -- our treatment?

MR. ENGLEBRIGHT: Sure. Well, carbon leakage is a basically the tendency of an industrial concern to say, *Oh, I'm*

being restricted too much locally. I think I'll just go around and -- and buy my energy from a dirty producer that might be in a different State, or certainly farther away, and we have anticipated the need to address that in this measure by not allowing users of electricity to simply bypass or go around and not have to report it and not be held accountable. But carbon leakage is something that is -- to -- it seems to me to be avoided and this bill does address it.

MR. STEC: Would you -- you said previously that this would not impact routine agricultural, you know, operations in our State. Would this be applied to transportation, buses, trucking, personal automotive transportation?

MR. ENGLEBRIGHT: Yes.

MR. STEC: So, we have 19 million --

MR. ENGLEBRIGHT: That's one of the major causes of greenhouse gas emissions is transportation -- transportation-related activities. Absolutely, we do have the ability to do something and I'd like to see us begin by setting a stronger example at the State level. I'd like to see improvements in our mass transit. I'd like to see improvements in the fleet that the State purchases and invests into. I'd like to see us decarbonize our own State fleet and, yes, that -- further to the question you asked a moment ago, do we have the technology or the ability? Absolutely, yes, we do.

MR. STEC: So the long and short of it would be, though, should this bill become law, then by 2050 we would be at zero percent of 1990 emissions which would mean, in effect, there would

be no combustion engines in New York for transportation.

MR. ENGLEBRIGHT: I think that the -- again, let me be clear. This is not targeting any one sector. It is, however, targeting anthropogenic (sic) emissions, not natural emissions and so there will be a still dynamic part of -- our -- our State's environment in which natural greenhouse gas production will be occurring. But for those things that we can control, that we are directly responsible for, most particularly the carbon-based fuel sources, yes, we should be able to achieve that by 2050.

MR. STEC: If I could jump back just a couple quick more questions before I go on the bill. The projected timeline for reducing our emissions against the 1990 amount, which we haven't done any substantial data collection since 1990. So, in 28 years we don't know today if we're at 100 percent or 150 percent or 200 percent of the 1990 emissions, but, yet, this bill would require us to get to 85 percent of the 1990 emissions by the year 2020. So how in two years would we get to 85 percent of the 1990 emissions when we have no idea where we are today compared to the 1990? I mean, that -- you know -- what if we're at 300 percent of the 1990 emissions? I'm not saying that -- that wouldn't say, well, we've got cause for alarm here, but we're talking about putting this into law and if we put -- so, how do you put something into law where you don't if it's even achievable? You know, that's like saying we're going to mandate that we're going to have a perpetual motion vehicle. That technology, it's impossible to get to.

MR. ENGLEBRIGHT: We are pretty ingenious creatures. Some of what will propel us forward is still being invented. We can't talk about that hypothetical nearly as well as we can talk about what is already happening. Tesla has become one of the most valuable corporations in America in a very short number of years simply because they have new technology that makes use of batteries, batteries that can potentially, and in some cases already is, powering homes and air conditioning systems and heating systems are drawing from those same batteries that are in the car that's in the garage. We should believe in ourselves and we should understand where we are.

If we do not use our innate abilities of inventiveness, creativity and urgency, then we will be disappointing the next generation. We will be letting down our children and we will be passing on to them headaches that if we do not address climate change may, indeed, become insolvable. The cost implications are profound. The -- the costs to quality of life are profound and it's within our power to begin the journey that will involve a number of steps, many, many steps involved, but we have a chance to reinforce some of the steps that have already been taken at the Executive level, at the agency level and we can move forward knowing that we're giving hope to our children and our grandchildren.

MR. STEC: Thank you, Chairman. On the bill, please.

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

MR. STEC: Thank you, Mr. Speaker. I certainly

don't doubt the -- the sponsor's intention here with the bill, nor do I doubt his state of need for urgency. What I -- I do have significant issues with is that we are talking about codifying something where we don't know what our current starting point is, we don't know what the technology will be. We know we don't have all the technology to get to our stated goal, and our stated goal is to have absolute zero carbon footprint which to me means we're not going to have any manufacturing, we're not going to have any use of hydrocarbon in the State and while that might be laudable, I don't think it's achievable. And I think that to pass a law that is not achievable or enforceable because it's not achievable, I think -- I think is a fool's errand for a Legislature.

I'd go the step farther to say that while maybe we should be aggressive, I -- I question the -- the targets that we've set for ourselves because we don't even know if they're achievable. So, perhaps a more tightly-worded piece of legislation would be something easier to get your head around. But as written, what this is calling for is in two years, we're going to get to 85 percent of a 28-year-old number that we have no idea where we are today. We don't have the technology to get to zero in 32 years and, at the same time, every business entity in the State -- strike that, not every business entity in the State, certainly many major business and organizations are pointing to this as a job killer, as a State killer; that this will drive people out.

I touched briefly in my questions about carbon

leakage. We are 19 million people out of a seven billion person planet. We are not going to move the needle. I'm all for leading by example. I'm all for trying to show what can be done and there's value in that and I don't doubt that we should do that, but we shouldn't kid ourselves to think that we are going to somehow reinvent industry in New York State and we are going to not see everyone that can push a cart over the State line into New Jersey or Connecticut or Massachusetts or Pennsylvania, or certainly China or India, pick up where we are saying we've -- we've given up, we are not interested in this line of work anymore because we passed a State law that says we're only going to use wind and electric energy.

It's well-intentioned. We have great technology available to us already. We should do that. I don't doubt the need to do something, but this is picking a couple of arbitrary numbers and saying we're going to get to zero. And, to me, that's like saying we're going to invent perpetual motion. It's just, you can't -- you can't divide by zero. You can't get to zero without emptying the State of all -- every use of a -- of a combustion engine and, certainly, any industry at all. So for those reasons, I will be voting against this bill, but I look forward to working with the sponsor towards legislation that is more achievable and realistic in the future. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, will the sponsor yield for some questions, please?

ACTING SPEAKER AUBRY: Mr. Englebright, will

you yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Englebright. I know we've kind of had this song and dance for the past few years and I appreciate it, again, if we could just kind of go through some points for some of the members who might not remember it, because I know it was really riveting for us all. But the first thing I wanted to mention to you and I think hopefully you'll agree with me, obviously when we did talk about policies like this and how much to reduce CO2 emissions or to -- to develop renewable energy, I think we hopefully agree, we all want to see our environment improve. We might have different ways to get there, might have some challenges and questions, but certainly we want to make an effort in the right direction to try to improve our environment and I think this whole Body stands for that; wouldn't you agree?

MR. ENGLEBRIGHT: I would agree. I think that we're in the midst of a debate that is a sign of good mental health on the part of all of us because we're all concerned.

MR. PALMESANO: Thank you. Now, right now within the State, we're in the process of, you know, the whole REV proceedings, Reforming Energy Vision, the clean energy standard that was put in place last year. There's a lot -- a lot of that's still going on. How does that relate to what we're doing there as far as the changes that are being discussed as far as what we have in place and what this

bill is trying to do?

MR. ENGLEBRIGHT: We're, for the most part in this measure, codifying administrative initiatives.

MR. PALMESANO: But isn't it true that the clean energy standard is looking about 50 by 30 as far as having our generation coming from renewables and then also part of that by the same time 2030, to reduce greenhouse gases by 40 percent. So, it'll have about 40 percent reduction where we were in 1990, correct?

MR. ENGLEBRIGHT: Basically correct, and let me just also point out these are, in my opinion, very achievable if we make it a priority. I would just point out that the State has the ability to help set the example. I'd like to see solar on State buildings. I'd like to see the proposed wind farms offshore actually be built. I'd like to see the distributed power model that would have the solar -- small solar driving relatively small motor to pump ground water with its latent heat out of the ground to help address the needs for heating and cooling in individual homes in a distributed power model. All of these were undreamt of 30 years ago, but the scope and reach of where we can go 30 years forward suggests that these concepts and technologies are very achievable and our goals are very achievable in that same timeframe.

MR. PALMESANO: Within that context, wouldn't you omit -- or agree - not omit, but agree - that the per capita carbon dioxide emissions in New York State are probably one of the least carbon-intensive economies we have in the country as of right now

because of the policies that have been implemented on the books?

MR. ENGLEBRIGHT: We are doing better, as I stated earlier, than we have done ever before. And we are at about 4 percent - New York State - of the national output of carbon-based greenhouse gases. We -- we are doing better, but we have to do even more and because we are the Empire State, because we are a trendsetter, we have an additional responsibility and opportunity because we can actually set a new expectation that is something that other states will feel validated by New York's example of.

MR. PALMESANO: You made a good point, Mr. Englebright. You said we're about 4 percent of the -- New York contributes about 4 percent of the total CO2 emissions in the country. My statistics around 3.3 percent, but 4 percent, but also percentages of the world, we're about .5 percent; wouldn't you agree with -- those numbers are pretty accurate?

MR. ENGLEBRIGHT: Those numbers are pretty accurate. Again, I don't think those are numbers that we should be apprehensive about. I say "again" because I've indicated in just a part of our debate a few minutes ago that I think that New York can create jobs around this emerging need and this emerging understanding of what it means to be decarbonizing and making better use of renewable energies. I don't think people are going to flee New York to go to Bangladesh on the global stage. We have a fabulous workforce here. We have a fabulous educational infrastructure that is something that is an enormous asset for the industries and businesses in our State that

have located here because of the quality of our workforce. This bill addresses workforce needs. It addresses, very specifically, communities that, as some of my colleagues have rightly pointed out, have been abused in the past. Environmental injustices that have been imposed are also addressed in this bill. Historical imposition of wrongs are something that we can also simultaneously address as we enter into the new renewable age.

MR. PALMESANO: Sure. And I know you mentioned something about not worrying about people leaving, but would -- obviously you're aware of the statistic that just since 2010, over one million New Yorkers have left the State. You're aware that our property tax burden is 79 percent higher than the national average. You're aware that the business climate in New York is either rated 48th, 49th or 50th in report after report. You're also aware that some of our industries are hurting as -- as a result of that. So, I want to get on to the issue of carbon leakage because we agree that .5 percent of our CO2 emissions is what we face nationally and about 3.3 percent is what our CO2 emissions are across the State. And would you agree with the term -- the terminology with carbon leakage is also -- is a term used to describe the situation that occurs for reasons of costs related to climate policies, businesses were to transfer production to other countries or states that have laxer (sic) constraints on greenhouse gas emissions that leads to an increase in -- in total emissions. And I know you mentioned Bangladesh, but New York State, you know, is a percentage of a -- divided by State population

and as a per capita basis, New York is about nine metric tons per capita. The State of Wyoming is 110 megatons per capita. The State of Texas is 22. Florida, 15. We know people leave New York for Florida to some of these other states, so obviously, carbon leakage is a part of this equation; wouldn't you agree? It has to be part of the equation.

MR. ENGLEBRIGHT: Carbon leakage is one among many variables. Again, we have addressed that. We're holding those who would go around the minimum rules of the road, so-to-speak, going forward will be held accountable. But, again, I would point out this is not a simple one-to-one comparison. Montana is and/or Florida or any of the other states don't hold a candle to the workforce capability of this State because of what we did just two weeks ago. We invested again into the educational infrastructure of New York. It is peerless in the world and that's what draws people here. That's why Wall Street is here. That's why we are the financial capital of the world and will continue to be so as long as we continue to have a balanced investment not only into our energy future, but into our intellectual future.

MR. PALMESANO: Well, I know you said the bill addresses carbon leakage, but when I looked in the bill I think the part I found was on page 10, and I know the section I mentioned was just "minimize leakage", but no explanation of details on what they might do. And I know that many nations have implemented climate reduction policies, but also have taken affirmative steps to mitigate the

carbon leakage by adopting -- adopting specific protections for energy intensive sectors like iron and steel, nonferrous metals, refineries, cement, ply and pulp and paper. Even the State of Washington adopted a specific measure to protect their industries from leakage because they determined that moving just 5 percent of Washington's pulp and paper production would increase the annual GHG, the Greenhouse Gas Emissions, from purchased electricity by 34,000 metric tons.

So, that's where the concern is because I don't see other than "minimize leakage" any specific protections, because we're obviously a heavy manufacturing industry. We've lost a lot of manufacturing jobs over the year, but this is the type of bill that would really make a significant impact given the fact that, you know, we are just a small segment of the overall nationwide and global economy, and that's something I know we talked about before. So, I don't see any specific languages other than "minimize leakage". Are (sic) there something specific in the bill that I'm missing?

MR. ENGLEBRIGHT: Well, you -- you read everything very closely, so I'm not going to characterize you as missing anything, but I will say that the main purpose of the bill is to bring about constructive thought, planning, not to establish in itself at this moment standards, but to strive to make use of data that will enable us to make wise policy determinations. We have, for example, a Climate Council that will be set up of 25 members. They, in turn, will study this matter, consult with the labor components of our State

and together report back to us and give us advice. That's what I mean by thoughtfulness. We are looking for that advice. We're not trying to answer all questions at the outset, but I anticipate that with the good advice of the people who will be appointed that we will be able to answer most or even all of the kinds of questions that you are now posing.

MR. PALMESANO: Thank you, Mr. Englebright, one thing for sure, you're always very thoughtful and considerate with your debate and dialogue and I know your heart's in the right place with this legislation. I know your colleagues are going to be supporting -- or supporting it for the right reasons, but I do have some concerns so I thank you for your time and, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues. I applaud the sponsor of this legislation. We've had this debate and discussion for the past several years. Like I said just a few minutes ago, I know his heart and his intentions are in the right place. I know the members of this Chamber who will be supporting this legislation are supporting it for the right reasons from their prospective, but there are things that we need to point out that we have concerns about. First of all, those opposing this bill - which I will be doing today - are very concerned about the environment, but I think this bill goes a little bit too far. Obviously, if you want to look at it just from the energy side of it. Our taxes, we pay somewhere in the neighborhood of \$1.6- to -- \$1.2- to \$1.6 billion a year in energy taxes

on a yearly basis. To go from -- to 0 percent CO2 emissions just on our own, I used a very bad analogy on the floor last year. I kind of pointed -- called out the last -- the second -- the last row of this Chamber and talking about losing weight, so I'm not going to do that.

I'm only going to give you a different perspective.

We have 150 members in this Chamber. If we take the numbers we agreed about that represents just point -- 3.3 percent of this Chamber that had to take on whether it was a weight loss type of thing or whatever it may be, we'd be just talking about 4.5 -- 4.9 members; so, five members. So, five members in this Chamber would have to take on all the responsibilities and regulations and the challenges that go with this type of policy. If we just look at it globally, .5 percent. So, .75 members or one member, just myself, that'd have to take on all that work. And I certainly could use it, but that's a whole nother issue.

The fact of the matter is this would devastate many industries across this State. It would devastate our farming community, it would devastate our manufacturing community, for sure, high energy users. This would devastate the trucking industry. This bill would drive up costs across the board. This carbon leakage is a real fact. If a business is burdened by cost - it happens all the time - they move and leave the State. They go to neighboring states, 'cause this bill doesn't affect Pennsylvania, it doesn't affect New Jersey, it doesn't affect Texas or Florida. We know people are leaving the State in droves. Just since 2010, we've lost over a million New Yorkers, ladies and gentlemen, who have lost (sic) this area because of the

economic climate, whatever it may be. We're not going to make a difference if we're just constraining ourselves just to us. This needs to be a global policy. I understand people are concerned about the Federal level on different policies so they want to try to do it New York going alone, but we can't do it going alone on a policy like this because it will be devastating. Our people will be leaving, our jobs will be leaving; trucking, cars, whatever it may be.

The other thing I want to point out, and a shout-out to my colleague, Mr. Goodell, I believe this policy's unconstitutional. When you're talking about the inner-state commerce, I don't want to step on his grounds, but that's just what happen. If you want to have an economic development, an energy policy in the State, it needs to be balanced. I support clean energy. We support green energy, but that's not the only equation. It needs to be affordable. It needs to be reliable. Our solar and our wind is great, but it still needs backup or intermittent. It needs those conventional, whether it's natural gas, whether it's nuclear, it needs other sources. We can't do it alone. And it has to be reliable, affordable and clean if we're going to have a balanced approach.

For these reasons, be it the cost, the things that I've mentioned, we are supportive, but for those reasons, I will be voting in the negative and I would urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. COLTON: I would like to commend the sponsor for introducing this measure because we are right now facing an emergency. Every month continually we see examples of extreme weather, unusual weather. The impacts that it has upon all of us, upon all of our families, and when you are facing an emergency, we have the responsibility of coming up with some measures that will deal with that emergency. This bill simply does not lay out goals that have to be met, but it provides a roadmap as to things that we have to do in government in order to deal and meet those goals. It recommends and it sets up a mechanism to consider the various factors that need to be dealt with in order to be able to reach those goals without adversely impacting upon people.

So, it looks at environmental justice issues. It looks at issues in terms of how do we retrain workers who might be displaced from the fuel economy into an economy of renewable energy. It takes into account different councils where there will be public hearings and there will be transparency as we attempt to develop a policy to deal with an emergency that we all face.

Communities are going to be overrun with flooded waters. Not 50 years from now, not 100 years from now, but maybe within as little as five to 10 years from now. We have a responsibility to our children and our grandchildren to act. And the State will not be

able to be the determinate factor in changing greenhouse emissions in the world, but it can be a leader and that's what our challenge is to do. We need to be a leader in encouraging countries, cities, states all over to begin to think about this issue and to think about it in an organized, systematic manner so that we can deal with it. We may not agree on all the specific measures that must be taken, but this bill basically sets a goal and provides a road map as to how we can attempt to reach that goal. It provides a road map of the things that we must consider in order to be able to reach that goal.

I think we have to get there even faster than 2050. I think we're running out of time, but this is an important step in getting attention, in getting a mechanism in place to deal with the crisis of climate change. And, therefore, I support this bill and I think it will put the State on the proper perspective in terms of getting to the goal even faster than this bill proposes.

President Kennedy in 1960 made a challenge to Americans that we put a man on the moon. No one thought that could be really reached at that point. It seemed unthinkable. We need to make a challenge to the world that we have to fully deal with the problem of climate change, and this bill moves us in that direction. So, I think that unless we want to be seen by our children and our grandchildren as having failed to act when there is a real crisis, we need to start and this bill is a good start towards achieving that. So, therefore, I support this bill and I look forward to setting up the mechanisms in order to be able to achieve what seems to be

something that is difficult, but I believe our technology will permit it and our ingenuity will permit it and we need to get started. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- excuse me.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Will the sponsor yield?

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MRS. PEOPLES-STOKES: Mr. Englebright, it's been mentioned by yourself and I believe a couple other speakers that the Environmental Justice Work Group has been added to this bill; is that correct?

MR. ENGLEBRIGHT: That is correct.

MRS. PEOPLES-STOKES: How will that group be established? Who will make those appointments and from what areas of the State will they come?

MR. ENGLEBRIGHT: The appointments will be made by the Governor and the Legislature. People will be appointed from all over the State and there will be a series of hearings that will accompany those appointments.

MRS. PEOPLES-STOKES: Okay. I do recall having

passed the Environmental Justice Group Bill a number of years, even when former Assemblymember Diaz was here and carried the bill, there was always a question about whether or not the Minority would be included, meaning the other side of the aisle. And I want to say that former member Jane Corwin, that was her point that she would always bring up. So at one point, we actually amended my bill to include that. I want to make sure that that's still there in the interest of Ms. Corwin, even though she's not still here.

MR. ENGLEBRIGHT: It is there and we have adopted many of the good ideas of your bill. There's a saying that redundancy is good pedagogy. We are trying to inform our public. Your bill is the model that we have drawn very heavily from and I hope that you understand that is a compliment to the wisdom of your initiative.

MRS. PEOPLES-STOKES: Well, thank you. I want to -- on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I want to commend Mr. Englebright and his team for pulling together this legislation that I personally agree is just critical, that we begin to pull the thought leaders together around this State to figure out how we're going to deal with climate change. I know a lot of people like to think that it's not real and that it's all made up, but it's really real and I've been around here long enough to see some differences in weather that's

almost unnatural and, you know, the work that has to be done is going to require people who both understand the environment, they understand the science of it, they understand its implications on the people who live near water, who don't live near water, people who live near dry country, people who live on farmland, people who live in cities. People who under -- people need to understand all of that and they need to be able to put together a plan that will begin to protect us.

And so, I think it's critical that this bill adds the Environmental Justice piece to it because without doubt, there are numbers of people in this State who already under severe environmental hazards, it's because Environmental Justice has not been considered. And so the fact that it is going to be considered on this, I'm appreciative of. So, I want to thank the sponsor for his work on this legislation and I personally look forward to voting in the affirmative on it.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

To explain her vote, Ms. Lifton.

MS. LIFTON: Thank you, Mr. Speaker. I want to again applaud the sponsor of this important -- this really critically important legislation. As our Federal government moves backwards in dealing with climate change, it behooves state governments around

the country to move more quickly forward. We were told in 1989 or '90 that 350 parts per million of carbon in the atmosphere was the limit. It was the maximum for safety over -- over a Century. But we're now at somewhere between 400 and 410 parts per million. Our scientists are telling us that they are increasingly alarmed and ringing every bell at their disposal.

While we all see and often experience the obvious problems that come with climate change: Flooding, drought, severe storms in ever greater numbers, much of the most insidious harm is practically invisible to most of us. Coral reefs that are badly damaged and dying around the world. The Arctic ice thinning and disappearing. But these things are happening and they are indicators of growing and greater problems ahead. Problems, by the way, that our farmers are increasingly aware of. I was talking to a farmer in my district a month or two ago and he said that last year, many farmers had a very hard time getting out in their fields and planting crops. It was either too wet or too cold or too hot or too dry and our farmers are on the alert and, in fact, farmers can play an important role in -- in working with no till farming and working on carbon intensive farming and still do very well. We met some of those farmers last year at a dinner and they're very pleased with the results they're getting in helping to sequester carbon in the earth.

We need very strong action to combat climate change. It is indeed a crisis and this goal -- this bill will help us get there and it will also create tens of thousands of good jobs in the

process. Thank you, Mr. Speaker. I support this bill and urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Ms. Lifton in the affirmative.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. It is all the years I spent in the Federal courts and having judges tell me that I darn well better be sure that anything I tell them factually, but we hear a lot of things on the floor and sometimes we just don't respond. But I do want to say this. In 2010, New York State's population was 19,390,000 people. The United States Census Bureau tells us that in 2017, our population did not shrink. Our population grew to 19,850,000 people. Now, I appreciate that there are parts of the Upstate region where the economy is so hard hit and people are leaving of necessity and sadly those areas. But New York State's population continues to grow and I strongly suspect that it continues to grow because New York remains the state of upward mobility and it remains the state of upward mobility because of protections for our citizens at a time when, as has been mentioned, the Federal government is withdrawing rules and regulations designed to protect the health of our people, designed to protect our environment. New York State and others states are rising to the occasion.

I think it's a good sign that our population rises. I think that with all our problems, and every state's got problems, we obviously must be doing something right in New York State and I am

very pleased to vote for Mr. Englebright's bill that seeks and strives to protect the lives of our children and our grandchildren and our environment. I will withdraw my request and vote in the affirmative. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you. Thank you, Mr. Speaker. We are again marking Earth Day. We've been marking Earth Day worldwide since 1970. Earth Day was originally devised to raise the consciousness of the world to the need to protect our environment, make environmental protection a political issue. And to some extent, it's worked. Since then we've had the landmark Paris Agreement, which was signed by the United States and China and some 120 countries. And it was estimated that this year over 190 countries hosted demonstrations of support for environmental protection on Earth Day.

But unfortunately not everyone is on board, not everyone understands the importance. On the Federal level, we see the efforts of some to redefine the Environmental Protection Agency from protecting the environment to protecting those who would pillage the environment. And on the State level, we have too many people who talk the talk, but few too -- too few people who would walk the walk. Make no mistake that climate change is the defining issue of the 21st Century. The Wall Street bears and bulls will come

and go time and again, but watch the Arctic polar bears and the Antarctic penguins dying. They are the canary in the coal mine that the human animal is not far behind.

And we need not choose between sustainable environment and sustainable economy; in fact, green is becoming the gold standard, promising new businesses and new jobs, all local. You don't import locally-grown fresh produce. You don't ship in wind and water and sun power in a tanker from the Gulf. Let us remember, we did not inherit this Earth from our grandparents. We borrowed it from our grandchildren. We are trustees with no right to squander, but we're charged with protecting. This legislation sets clear goals and a process to reach those goals. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Sir.

MR. GOODELL: This bill, if implemented as written, to eliminate all greenhouse gases in about 30 years, will have incredible effects on all of our constituents. Twenty-eight percent of greenhouses gases nationwide, according to the 2018 Greenhouse Gas Report from the U.S. EPA, comes from transportation. So, if we're looking at zero, that means none of our constituents will be driving any vehicles that produce any emissions. Now, you might say fine.

We've got the technology. You can buy a Prius or a Telsa (sic) or some other electric vehicle. The only problem with that is all those electric vehicles need electricity. Right now, 28 percent of greenhouse gas production comes from electric generation. This bill calls for 50 percent renewable. That means the other 50 percent is going to have greenhouse gas production. And if you take all the energy needs for our transportation system and put it on the energy grid, you're going to double the amount of energy that we need in the energy grid.

Where are we getting our power now? In my district, we had a coal electric plant and we have a proposal to convert it to natural gas to 98 percent reduction of greenhouse gases, that's great. Half-a-billion dollar investment, 98 percent reduction, wouldn't meet these standards. So, while that plan is shut down, guess where all our greenhouse gas is coming from? And I realize I'm out of time, so I'll make it quickly. It's all coming from out-of-state. So, this has huge ramifications that aren't achievable and will cost a small fortune to each of our residents. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Walter.

MR. WALTER: Thank you, Mr. Speaker, for the opportunity to explain my vote. The last two years I voted no on this bill. I think that it's unrealistic. I don't think we can achieve the goals that are set out, but they're goals. It's something we can strive for and

work towards. I think it does send the right message that we are trying to address climate change. I mean, there's no denying that the weather patterns and the weather are different than they were decades ago.

And there's no denying the greenhouse effect; it's a scientific fact. I don't think we can -- we have to argue that. And I'm a Republican and I'm proud to be a Republican, and we have a long history of strong environmentalists in the Republican party going back to Teddy Roosevelt and George Pataki; *the New York Times* called one of the greatest achievements of his Administration was his environmental record.

So with that in mind and setting the example of this being a goal that we can work towards and sending a message not just to the people of the State, but the people of the nation and the world, I decided that I will vote yes this year on this bill and I thank you for the opportunity to explain my vote.

ACTING SPEAKER AUBRY: Mr. Walter in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09819, Calendar No. 766, Englebright, Pellegrino, D'Urso, Thiele, Otis, Raia, Sepulveda, Ortiz, Aubry, Glick, Dinowitz, Braunstein, Galef, Jaffee, Santabarbara, Zebrowski, Lavine, Jean-Pierre, Colton, Cahill, Arroyo, Wright, Gottfried, Simon, Pichardo, Rivera, Mosley, Williams, L.

Rosenthal, Abinanti, Lifton, Fahy, Titone, Weprin, Skoufis, Steck. An act to amend the Environmental Conservation Law, in relation to prohibiting State authorizations related to certain offshore oil and natural gas production.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Pellegrino to explain her vote.

MS. PELLEGRINO: Thank you, Mr. Speaker. On January 4th, the Federal government announced plans for the expansion of natural and oil drilling through the potential lease of acreage in Federal offshore areas across and throughout the U.S., including New York. I'm proud to stand here today with my colleagues, advocacy groups, constituents, in a bipartisan fashion and repeat what they have been saying since this disastrous idea has been announced: Do not drill in New York.

On Wednesday, February 14th, Chairman Englebright, Assemblymember D'Urso and myself hosted a hearing on Long Island to receive public comment for offshore drilling -- for this offshore drilling proposal. The response was overwhelming. Well over 200 people packed into the auditorium for over six hours to hear testimony, and the response was overwhelming. We spent those hours listening to testimonies, to members in the room and to our

constituents afterwards, and the message was loud and clear. Long Islanders, in fact, all Long Islanders and New Yorkers will not sit idly by while we allow our life to be destroyed.

My district, the 9th Assembly District, encompasses the South Shore of Long Island and we are on the front line of this fight. We are actively working to protect our aquifer against the North Shore Grumman Plume. Our communities were devastated by Hurricane Sandy and five years later, we are still not whole. Are any of us willing to risk our drinking water, our property values, our way of life for some potential oil? I, for one, am not.

Finally, let's take a step back and ask ourselves why the Federal government even proposed this ridiculous plan in the first place. Is the goal of opening our nation's offshore areas to drilling to -- for oil to create lower prices, to create new jobs, to create energy independence? To me the answer to all of these questions seems obvious. Renewable energy. Instead of opening up our shores to offshore drilling, we should be continuing to foster wind energy instead of subsidizing and fostering the fuel industry. We should be incentivizing renewable energy instead of imposing tariffs on solar panels, we should be activating -- actively incentivizing the solar industry.

ACTING SPEAKER AUBRY: Ms. Pellegrino, how do you vote?

MS. PELLEGRINO: I vote proudly in the affirmative.

ACTING SPEAKER AUBRY: Ms. Pellegrino in the affirmative.

MS. PELLEGRINO: Thank you.

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10274, Calendar No. 773, Englebright, Gottfried, Glick, Lifton, Peoples-Stokes, Jaffee, Titone, Thiele, D'Urso, Cahill, Galef, Lavine, Zebrowski, Steck, Seawright, Mosley, Simon, Rivera, Sepulveda, Santabarbara, Pichardo, Otis, Fahy, Colton, Rozic, Weprin, Abinanti. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of chlorpyrifos.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Englebright.

MR. ENGLEBRIGHT: This is an initiative to remove a dangerous poisonous substance from the environment and from causing harm, additional harm, especially to pregnant women and young children. The chemical in this case is related to a dangerous nerve gas that was invented to kill people in World War II. It acts against the nervous system. It is an organic phosphate-based poison that causes severe developmental problems with young children, including hyperactivity and cognitive and motor and attention deficit problems. The name of the chemical is chlorpyrifos -

and say that three times fast and you're doing very well - and it is used extensively to control insects in homes and fields. It used to be used in homes, but that was banned some years ago as a beginning of our better understanding now that this is really a chemical that has no place in our society. This measure will ban it from use in New York.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Englebright?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. GOODELL: Thank you, Mr. Englebright. As I understand, what we're talking about is a pesticide that's designed to kill insects, primarily on agricultural products; is that correct?

MR. ENGLEBRIGHT: That's correct.

MR. GOODELL: And, of course, like any other pesticide it's -- it's not safe to eat, right?

MR. ENGLEBRIGHT: That's also true.

MR. GOODELL: There's been extensive regulation on this since it was first authorized for use in the United States in 1965, and since then it's been eliminated from most homeowner use as you mentioned, with an exception for ant and roach bait traps and fire and ant mound treatments; correct?

MR. ENGLEBRIGHT: Most of those are set outside

of the envelope of the home, and your statement is correct.

MR. GOODELL: Now, there's an extensive amount of evaluation that's being done by the EPA. They did a study in 2012. They did a revised human health risk assessment in 2014. Based on that, they've got a number of comments. They came out with a revised methodology which they then published in 2016. They got a lot of comments on that. They then referred it over to the Federal Insecticide, Fungicide and Rodenticide Act Scientific Advisory Panel which came up with a new approach to evaluate health and safety. Is that an accurate summary of the process that's been used so far?

MR. ENGLEBRIGHT: I don't believe that is accurate. What they found was that there is no safe level, although part of what you've said is true, so I don't mean to overstate my objection. The fact is that as you correctly stated, this chemical does frequently occur in the marketplace on fruits and vegetables, particularly strawberries comes to mind, and residues are ingested frequently inadvertently.

MR. GOODELL: Well, I'm actually looking at the EPA's report on the subject. It was published November 3rd, 2016 and, as you know, they report the 2014 revised HHRA - let me see what that is. The 2014 revised Health -- Human Health Risk Assessment incorporated a finding that the "Psychologically-based pharmacokinetic-pharmacodynamic, or the PBOK-PD model for deriving toxicological points of departure based on a 10 percent red blood cell (RBC)," something or rather indicated that it could be used

safely within certain limits. I'm quoting on page 3 of 41 pages of the report. Then went on to say that in 2016, or '15, they conducted additional health analysis using data on this chemical levels and fetal cord blood utilizing a methodology by the Columbia Center for Children's Environmental Health as a source of a no -- a new PoD for risk assessment and that in 2016, their Scientific Advisory Panel recommended a third approach and based on that analysis by their Scientific Advisory Panel, they did not ban this -- the use of this; is that correct?

MR. ENGLEBRIGHT: They never quite managed to ban it. There are a lot of conflicting studies, many of those offering soothing possibilities for its use, were industry-sponsored and under the Obama Administration, they fell just short of banning this chemical from use.

MR. GOODELL: And so, at this level --

MR. ENGLEBRIGHT: Unfortunately, the EPA under its current leadership has acted rather aggressively to enable its use.

MR. GOODELL: Well, at this point in time, am I correct, the EPA is maintaining its standards in terms of acceptable levels and they are maintaining the current standards in terms of application and things of that nature; correct?

MR. ENGLEBRIGHT: The -- the current Administration has been, in the opinion of many of the environmental watch dogs, has been overtly favorable to the industry that

manufactures this. And there has not been objectivity. There have been people who have been forced to retire from the Agency because they are interested in caution and actually after reviewing the numerous studies believe that it should -- believed that it should have been banned. So, there's a whole churning taking place inside of the Agency and there are still lawsuits pending. Most recently, a court has denied the new Environmental Protection Agency position that this is okay and that called the Agency, EPA, called for dismissal of the case that was rejected. That was in December.

MR. GOODELL: And are you aware that the Scientific Advisory Panel recommend that the Agency use a time weighted average blood concentration of this chemical and consistent with the Columbia -- sorry, Columbia Center for Children's Environmental Health, based on the PBPK model, looking at the expected concentrations from post-application exposure of this chemical for indoor crack and crevice use. In other words, I'm going to try to translate that into layman's English. It appears that the Columbia Center for Children's Environmental Health and the Scientific Advisory Panel for the EPA believe that the highest risk exposure for this chemical is not based on agricultural use, but it's based on post-application exposure on indoor crack and crevice use scenario. And I'm referring to page 4 of 41 of the EPA's report. If that's the case and there's a concern about exposure to children based on its continued use in households for ant and roach control, shouldn't any restriction be focused on that area and not a complete ban on all

agricultural use?

MR. ENGLEBRIGHT: Chlorpyrifos has no safe level. Numerous studies have demonstrated that and in 2014, it was demonstrated further that childhood Autism risks from genetics and adverse neurological disorders are clearly something that will follow exposure. A child with Autism is certainly not a desirable outcome for any family, and we have data that suggests that Autism almost triples for women exposed to chlorpyrifos.

MR. GOODELL: Well, you say no studies, but are you familiar with a study by Dr. Drew which is entitled *Chlorpyrifos: Revised Human Health Risk Assessment for Registration Review*, dated in 2014, or the U.S. EPA Literature Review on Neurodevelopmental Effects of this chemical, or the study by Bohaty and Hetrick entitled *Chlorpyrifos Registration Review Drinking Water Assessment* in 2016, or the follow-up paper, *Chlorpyrifos Issue Paper: Evaluation of Biomonitoring Data from Epidemiology Studies*, and I apologize to all my scientifically-savvy friends for my pronunciations, but I think it's pretty clear that the literature is mixed on this. But let me ask you a more specific question.

MR. ENGLEBRIGHT: Well, before you --

MR. GOODELL: Does the DEC, our own DEC believe that there is absolutely no safe limit and, if so, why haven't they moved to ban it?

MR. ENGLEBRIGHT: Let me -- you've asked a number of questions and rattled off a number of studies. Most of

those studies are industry-sponsored or individuals who have strong financial connection, personal financial connections to the industry. By contrast, let me point out that Dr. Philip Landrigan, the Chair of the Department of Community and Preventive Medicine at Mount Sinai Medical Center has said, and I quote, "Excellent studies conducted by independent scientists have clearly shown that chlorpyrifos, the active ingredient in Dursban, is toxic to the human brain and nervous system, and is especially dangerous to the developing brain of infants," end quote.

MR. GOODELL: Just -- just so we're clear, I would never recommend that anyone drink from the bottle of an insecticide. But all the studies I reported were actually done or sponsored by the Obama Administration. Is it your view that they didn't know what they were talking about either?

MR. ENGLEBRIGHT: I'm not going to characterization any Administration except the present one --

MR. GOODELL: Okay. And --

MR. ENGLEBRIGHT: Which is --

MR. GOODELL: -- then what about the present DEC --

MR. ENGLEBRIGHT: -- which is so completely over the top in favor of the industry, and so completely at odds with the scientific community that it is shocking and alarming.

MR. GOODELL: Well, keep in mind the current Administration is just continuing the standards that were initially set

by the Obama Administration in 2014 --

MR. ENGLEBRIGHT: That's not true --

MR. GOODELL: -- and continued by the Obama Administration --

MR. ENGLEBRIGHT: That's just -- -

MR. GOODELL: -- of 2016 --

MR. ENGLEBRIGHT: That's just not true. I'm sorry.

MR. GOODELL: Well, the Obama Administration was in there in 2014, weren't they?

ACTING SPEAKER AUBRY: Gentlemen --

MR. ENGLEBRIGHT: The Obama Administration

--

ACTING SPEAKER AUBRY: Gentlemen, hi. We will ask and answer, as is our custom. We will not cross conversation, please. Thank you.

MR. GOODELL: Thank you, Mr. Speaker. Last time I checked, the Obama Administration was in charge in 2014 when this was last reviewed and the standards were set and re -- and evaluated by the EPA. But if there's some historic fact that I missed, I would love to go back and relive that time period. But moving on to a question, does our current Administration in the DEC, in New York State, have they banned this? Or are they moving to ban this?

MR. ENGLEBRIGHT: They have not banned it. We certainly hope that they are moving in that direction. Certainly,

passage of this measure will help.

MR. GOODELL: On the -- thank you, Mr. Englebright.

On the bill.

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

MR. GOODELL: This is a pesticide that's been used very effectively for about 60, 70 years now. And during that time period, it has been repeatedly analyzed by both Republican and Democratic national Administrations. Since 1965, you may recall we've had Democrat Presidents, we've had Republican Presidents. This has been repeatedly reviewed and evaluated by both Republican and Democrat Administrations. And during that time period, they have modified and fine-tuned the levels of acceptable utilization. And make no mistake about it, this is an effective insecticide, it kills bugs. Do not use it as a mouthwash.

(Laughter/Applause)

I might point out that Raid that's in every grocery store, you know, just down from the produce aisle, there's Raid, there's Bait. There's all kinds of very poisonous chemicals, none of which should be used for human consumption. That doesn't mean that even though they're all toxic and they have that skull cross-bone on them, in case people don't know what the word "poison" means, it doesn't mean that there isn't a safe and effective level that can be used.

The EPA's own study maximizes the likelihood of exposure by examining what might occur if this insecticide is used indoors, on crack and crevices. That's what the report states. You all have laptops, you can all look it up. And once you read through two pages of unpronounceable scientific jargon, you'll see this phrase, "Crack and crevice". And by the way, that's what we want the EPA to do, right? We want them to evaluate what the maximum likely exposure is. Based on that, they are not at this time proposing the complete elimination, and nor should we.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brian Miller.

MR. B. MILLER: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. B. MILLER: I'm a former apple-grower and stone fruit grower. I've also been a licensed pesticide applicator, both in the private and commercial realm. And, yes, these organic phosphates do kill insects. You know, this is an effective insecticide used worldwide on many crops. You know, as with all pesticides, if used in accordance with the precautionary label, they will be safe to use. What the label explains: Personal protective equipment needs to be used; application rates were also specified; worker reentry period is specified; yearly maximum application rates and time required from application to harvest. These regulations are all put out by the EPA

and the scientific community for proper application, worker protection and the consumers' protection, from time of application to harvest.

And every year, I was tested for exposure for this insecticide. There was a base test taken before we started to apply this insecticide, and there was also a test given again after -- after harvest. If all -- I was never found to have an exposed -- exposed elevation of organophosphate in my bloodstream. I applied the pesticide correctly by the label. These -- these types of insecticides are also immobile in soils, if that's something else we're worried about, and are unlikely to leach into groundwater. So, yes, this is a -- all pesticides are dangerous, but if used in the proper levels and applications, they can be safe.

I believe this is an important insecticide to sustain agriculture in the New York State. I ask that the decisions of the use of these pesticides be left to the review process of the experts in the technical field, not those in the political -- political realm.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker.

You know, and there is a body of information that is what we have accompanying studies on this chemical, and when the only reason it was not banned at the Federal level is because the last Administration didn't have time to complete the next step in the process, in the administrative process, but had already begun that process. And now

we have a complete reversal, totally influenced by the industry. It sends a signal that the states need to act. The EPA has been compromised, but we need to make sure that our children are not. They do not deserve to be compromised.

This chemical is soluble in water. It's found in groundwater, and it persists in the environment. And it occurs on residues of fruits and vegetables even after washing, and even after peeling. An updated Human Health Risk Assessment compiled by the EPA in November last found that health problems were occurring at lower levels of exposure than had previously been believed. This is a dangerous chemical. Infants and children and young girls and women are -- that are exposed to dangerous levels of chlorpyrifos through diet alone are subjected to serious potential harm to their neurological systems. Especially, this is dangerous for young children.

So, this is a question: Do we act in a precautionary manner, knowing that there are other chemicals that are available that are less problematic, less dangerous? I think the answer is yes. I think we do the responsible thing by voting to take action at the State level when, under Scott Pruitt, the Environmental Protection Agency has been compromised, its integrity has been compromised, and it is trying to tell us that science does not matter any longer. That's the context within which we are proposing to act in defense of the health and well-being of the -- of the people of this State.

And it's within that context that I urge my colleagues to vote in support of this measure, because it will protect against harm

to the people who have entrusted us with their votes.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're welcome.

Mr. Goodell for a second time.

MR. GOODELL: Thank you, sir. Just want to set history straight. In 2011, the EPA completed a comprehensive preliminary Human Health Risk Assessment for all uses of this chemical, and did not ban it. That was during the Obama Administration, 2011. In 2012, during the Obama Administration, the EPA -- EPA adjusted the aerial pesticide application rates and created no-spray zones. That was during the Obama Administration. Continuing in the Obama Administration in 2014, the EPA completed a revised Human Health Risk Assessment for all uses, and continued to allow this product to be used. In 2016, still as part of the Obama Administration, they came up with a new approach which raised some questions about its continued effectiveness.

Now, in 2017, that would be the Trump Administration, the EPA reached out to its Scientific Advisory Panel and they recommended a different methodology than either of the two prior utilization methodologies than had been utilized. And that's where we are today.

So, let's not say that the only reason this isn't banned because the Trump Administration is doing a scientific evaluation consistent with the recommendation of its scientific panel. That's just not accurate. And let's keep in mind that our own DEC is not moving

to ban it. Now, why is this important? Because this is very effective in our agricultural fields. And so, the banning of this project (sic) has ramifications all across our State of New York. We have very tight restrictions on how and how much, and based on the current data that has come from both Republican and Democrat Administrations, it's non-partisan, it's scientific, the current standards have been determined to be safe. If our own New York State DEC comes to a different evaluation based on an analysis of the scientific data, then they should come and talk to us if they need additional regulatory authority. I don't think they need any additional regulatory authority.

So, what is certain? What is certain is that banning of this pesticide will have major ramifications to our agricultural industry and is opposed by all the agricultural organizations, whether it's the Farm Bureau, or Turf Association or anyone else. That, we know for a fact. And we know for a fact that this chemical has been authorized for use in accordance with the specifications for decades by Republican and Democrat Administrations.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I want to commend the sponsor of this legislation. Clearly, this is not a subject that's easily understood, but the Chair of our Committee has a background and has learned this field quite well, and has explained quite well, that what we're dealing with here today is a poison. The sole purpose of this poison is to act as a pesticide to disrupt the central nervous system of bugs. And the best that I heard is an argument against it was that some Democratic Administration did not ban it. That perhaps there's some confusion over whether it is or isn't really a serious disruptor in the lives of children. Or that if it's used properly, well then, it's not going to poison everybody. That doesn't convince me that we're wrong in fighting for the lives of kids versus fighting for some poison that makes it easier for farmers to kill bugs. I again commend the Chair of the Committee. I believe this is a very important piece of legislation. It's a forward-looking piece of legislation. We can find other ways, natural ways, to disrupt the -- the bugs that might put spots on our apples, but we have yet figured out a way to stop these substances for affecting the lives of our kids. So I urge my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. While it may be true that when we had a smaller population using certain kinds of chemicals that were discovered to try to deal

with pests may have been a good thing in the short run, but the bugs that get killed are the bugs that used to feed our birds and bats, and the entire natural web is slowly being tattered. And, unfortunately, humans have become the most successful species. We have overpopulated the Earth, we're stressing the Earth, and these neonicotinoid type of chemicals are disrupting the natural order and we are poisoning the Earth. And with that, we were seeing the reduction of those animals and insects that are part of the food chain of which we are at the top. And as we continue to destroy that web beneath us, we will be leading to our own ultimate destruction.

These chemicals persist in the environment. So what started 20 years ago, 50 years ago as not a problem, the cumulative effect is to create a poisonous environment which is, in fact, killing not just pests that we don't want, but insects that are healthy for our environment. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 10276, Calendar No. 774, Englebright, Thiele, Pellegrino, D'Urso, Colton, Weprin, Ramos, L. Rosenthal, Abinanti. An act to amend the Environmental Conservation Law, in relation to the sale or use of nitrogen fertilizer.

ACTING SPEAKER AUBRY: An explanation is

requested, Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker.

We have a real nitrogen problem on Long Island. Excess nitrogen has been proven to contribute to harmful algal blooms in our freshwater bodies and in our saltwater bodies. And we know that fertilizer is an important part of this problem, contributing between 15 and 20 percent of the total land-based nitrogen that is entering into our tidewaters. And because nitrogen is a soluble substance, it is a -- a -- a substance that really is costing us a lot of money now, as well as a degradation of the environment. People don't like to swim -- and recreation is, by the way, our number one industry; they don't like to swim in algal contaminated waters. It compromises our largest industry, which is tourism, and we have spent, for example, \$5 million last year for the creation of Long Island Nitrogen Action Plan, and the State Budget included \$75 million for -- out of the \$2.5 billion Clean Water Infrastructure Act of 2017, just to address nitrogen.

What this bill does is require limits on the amount of soluble nitrogen in fertilizer that is marketed for the Long Island area.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. ENGLEBRIGHT: I yield.

MR. GOODELL: Thank you, Mr. Englebright. A -- a great day for you, I think you're rounding out the most number of bills that we've seen in a long time. My first question is, doesn't the

New York State Nutrient Runoff Law, as contained in Article 17 of the Environmental Conservation Law, authorize the DEC to set standards dealing with nutrients, nitrogen and phosphates?

MR. ENGLEBRIGHT: Not in fertilizer, no.

MR. GOODELL: I thought the New York State Nutrient Runoff Law contained specific restrictions on -- certainly on some fertilizers; correct?

MR. ENGLEBRIGHT: Not to my knowledge.

MR. GOODELL: And correct me if I'm wrong, doesn't the Environmental Conservation Law, Section 17-2105 allow local governments to enact more stringent standards for the application of fertilizer as long as they can demonstrate to the DEC that more stringent standards are necessary?

MR. ENGLEBRIGHT: This bill is modeled on what we did for phosphorus in 2010.

MR. GOODELL: And I appreciate that. But doesn't the Environmental Conservation Law Section 17-2105 allow local governments to enact more stringent standards as long they can demonstrate to the DEC that more stringent standards are necessary?

MR. ENGLEBRIGHT: It is unclear at -- at this particular instant as to whether that is something that is allowable. It's certainly debatable. But also, we're dealing with a need to address all of the numerous communities on Long Island. We have something like 80 villages just in Nassau County.

MR. GOODELL: Well, based on the authority

contained in State law to local governments to enact more stringent standards, isn't it true that both Nassau and Suffolk Counties have enacted local fertilizer laws?

MR. ENGLEBRIGHT: I don't believe so. I am not aware that both counties, or either county, has actually done what you've just suggested.

MR. GOODELL: I see.

MR. ENGLEBRIGHT: For nitrogen.

MR. GOODELL: And is it your belief, then, that the DEC does not have the authority to regulate nitrogen in fertilizers?

MR. ENGLEBRIGHT: We have, in the past, seen the DEC come to the Legislature for authorization that is similar to this.

MR. GOODELL: And is the DEC seeking this authorization?

MR. ENGLEBRIGHT: We have not sought their advice on this at this time. But we have, as I indicated at the top of our conversation, we have a context of environmental degradation with harmful algal blooms and contamination that is related to the degradation of wetlands. The loss of our -- of our tidal wetlands is, in turn, very dangerous to the well-being of our coastal areas during storms, because the root systems have been proven -- of -- of spartina alterniflora have been -- which is saltmarsh cordgrass, have been proven to be weakened by excessive nitrogen in the water. Many of our coastal environments have so much nitrogen that it is

compromising the reproductive potential of bivalves, clams and oysters, compromising local traditional industries. Fishing has been compromised. Algal blooms have, as I indicated, made bathing and recreation untenable. I am pretty sure that the DEC has noticed all these things, just as we elected officials have. And so, I believe that they are going to welcome some help from the legislative side, because this is an issue that is just overwhelming local communities.

MR. GOODELL: Now, this --

MR. ENGLEBRIGHT: And I don't think it makes sense for us to expect all local communities to come up with their own -- their own approach and expect that the industry is going to formulate a whole series of different chemical formulations based upon each local jurisdiction. It makes a lot of sense to have slow-release nitrogen -- excuse me, slow-release nitrogen levels in fertilizer built in, and an overall limit of 12 percent nitrogen by weight, which is what this measure calls for. Because, if we have those factors built in, we will have continued use of fertilizers, but we will also have a ramping down of the damage to the environment and to our economy.

MR. GOODELL: Thank you very much, Mr. Englebright.

On -- on the bill.

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

MR. GOODELL: I certainly appreciate the -- the

comments of my colleague. The interesting thing about this bill is that it restricts the percentage of nitrogen in fertilizer in Nassau and Suffolk Counties to 12 percent. But what it does not address is anything about the application rate. That's like somebody who's drinking, you know, 12 proof beer and just has twice as much than -- or liquor, and just has twice as much than having a higher proof.

So, the -- the irony is that what this does is, if anyone in Nassau County thinks they need more nitrogen, they just put twice as much fertilizer on than they would now. And while I certainly appreciate the desire of my colleague to reduce the utilization or the over-utilization of nitrogen, the best way to do it is through an educational program that helps landowners identify whether they even need it and, if so, how much, and, that they properly apply it.

Many of the commentators on this have pointed out that the largest source of nitrogen on Long Island is not fertilizer, it's malfunctioning septic systems, which is why the Farm Bureau opposes this, the Responsible Industry for Sound Environment, the New York State Agribusiness Association, CropLife America, Scotts Miracle-Gro, the New York Alliance for Environmental Concerns, and others, oppose this bill as not being based on science, as not focusing on this real issue, which is application rate and utilization, and not addressing the primary source of overabundance of nitrogen on Long Island, which is poorly functioning septic systems.

I would also point that not only does the DEC have the authority to regulate this, but as my colleague pointed out, they

haven't asked for this legislation, nor have we consulted with them. So, we have a whole group of experts hired by this Administration with extensive knowledge and ability, and they're not part of their process.

Finally, I would point out that under the Environmental Conservation Law, the two counties, Nassau and Suffolk County, have the authority, should they desire, to regulate fertilizer on their own. And they have, but not in this manner. Which is a reflection -- I think we should have some courtesy and deference to local government and their expertise and their knowledge of what is important and what is the best way to respond to it.

So, while I certainly appreciate my colleague's unquestionable environmental commitment, I don't think this legislation does what we need it to do, nor should we, once again, attempt to preempt both the expertise of the DEC and the authority of our local governments. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Raia.

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

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RAIA: Thank you, Steve. Is there an exempt --

exemption for farm -- farms in this legislation?

MR. ENGLEBRIGHT: Farms are not included, they are exempted.

MR. RAIA: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect December 31st, 2019.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Murray to explain his vote.

MR. MURRAY: Thank you, Mr. Speaker. I'll be brief. This -- this bill goes to show, like many things, you -- you take a -- a problem that seems like it might be simple, and it is a little more complicated than it seems. But I do commend the sponsor, because, you know, we're living this problem on Long Island. In the 3rd Assembly District, right along the Great South Bay, we are living this problem.

So, you know, many times we -- we maybe bypass the good in search of the great; this is good, and this is a good start. It was mentioned that there are other problems. Yes, we need more sewers on Long Island, because the septic problem is a problem. But that doesn't mean that this shouldn't be passed, too. We do need to limit the nitrogen. We do need to place limits, because it's a dual-edge problem. My colleague behind me had mentioned in a

conversation that sometimes the mentality and -- and Andy brought it up, sometimes the mentality is if one bag of fertilizer is good, then five must be great. Well, we do need to educate and change that mentality. No, it's not great. It is bad. It's seeping into the -- the soil. It is affecting our aquifers. But it's also a problem when you have storms, the runoff is also a problem. And, again, my colleague mentioned that on the local level there have been efforts in Suffolk County to deal with the runoff with filters and some of the drains and all, we're just not there yet.

So everyone, I think, is working, we are trying to get on the same page, we are working, and this is a real problem. But I really want to commend the sponsor. This is a good step forward and I'm very proud to vote in the affirmative. Thank you, Steve.

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, Mr. Speaker. Could you please call on Mr. Otis for an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of a (sic) announcement.

You might want to turn your mic on.

MR. OTIS: Following the adjournment of Session today, we will have a Democratic Conference in the Speaker's

Conference Room. Thank you.

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

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I note that we have housekeeping and resolutions, including a resolution that Mr. Pichardo wishes to be heard on. Could we take that up now, sir?

ACTING SPEAKER AUBRY: Certainly. First, the housekeeping.

On a motion by Mr. Lavine, page 37, Calendar No. 306, Bill No. 4014, amendments are received and adopted.

The Clerk will read the title of the Pichardo resolution.

THE CLERK: Assembly Resolution No. 1046, Mr. Pichardo. Legislation Resolution celebrating the life of Sister Charlotte Terrell Sapp, distinguished citizen, religious leader and devoted member of her community.

ACTING SPEAKER AUBRY: Mr. Pichardo on the resolution.

MR. PICHARDO: Well, first of all, thank you, Mr. Speaker and my colleagues, for indulging me on being heard on this resolution. I just want to shine a light a little bit into the life of this wonderful individual and human being, who left us in early January of this year. So, Ms. Sister Charlotte Terrell Sapp, or as I affectionately called her "Ms. Sapp," was a community leader in the West Bronx.

She was a member of the Creston Avenue Baptist Church. She was a devoted member in the community. And what she was really known for is helping organize not only youth organizations in the district, but as well as helping women empower themselves in the West Bronx.

But she was a staple in our community. I had the honor of working with her for a few months, and what I can remember mostly about Charlotte is that, one, she helped organize a local block party in conjunction with Creston Avenue Baptist Church every year in August, where the community came out and did something positive not only for our young people, but as well as our seniors, and all the members of the West Bronx community. Also, while I had the opportunity to work with her, she organized a job fair in my district at that church to help that -- to make sure that my neighbors that I have the honor of representing were able to find gainful employment in and around the district.

But also, she was very passionate and compassionate about young people and helping them find a better way. She helped organize a peace march on International Peace Day last year, which I had the opportunity to participate, along with dozens of community leaders, and we spoke about, you know, peace up, violence down, keeping guns off the streets of our communities that have caused so much devastation not only in the communities that I represent, but across this State.

And, again, she passed away suddenly at the tender age of 50. I know she was called home, and I know she is celebrating

amongst the Heavenly hosts as we take a time and a moment to pause and celebrate her life. And if anything, I would leave you with here today is that when I would -- you know, would go into the office or meet with her at the church, and I would be, you know, ranting and raving about something that she would call either petty or trivial, she'd always tell me, *Victor, remember that God is always in control. Regardless of what happens, whether you're a member of the Assembly or not, whether I have a title or not, or whatever happens in this world, remember that God is in control and he has a plan for all of us.*

And again, to Ms. Sapp, we miss you in the West Bronx. I miss your friendship. I miss your leadership. I miss your counsel. And to her family back home, to her sister Celeste, her daughter Zané and her extended family, I -- I hope to present this resolution to her -- to her family specifically on that block party in August, just to remember the life of someone who dedicated every waking hour in making our community whole.

So, again, I indulge -- I ask my colleagues to support this resolution and support a life who has made an impact and difference in so many.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

We have numerous other fine resolutions, which we

will also take up with one vote.

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

(Whereupon, Assembly Resolution Nos. 1039-1045 and No. 1047 were unanimously approved.)

Mr. Morelle.

MR. MORELLE: Thank you, sir. I now move that the Assembly -- that the Assembly stand adjourned until 10:00 a.m., Wednesday. I will note members, colleagues, that if we're here near 10:00, we can get through our required work in a reasonable period of time. So, with that -- and tomorrow, ladies and gentlemen, is a Session day.

ACTING SPEAKER AUBRY: Ten o'clock in the morning, be here, be early. The Assembly stands adjourned.

(Whereupon, at 6:15 p.m., the Assembly stood adjourned until Wednesday, April 25th at 10:00 a.m., Wednesday being a Session day.)