

**SUNDAY, MARCH 31, 2019**

**12:13 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 Saturday, March 30th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of March the 30th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. To my colleagues, staff and guests in the Chambers, Happy Sunday. Today is the last day of March, meaning it is also the last day that we are -- would be officially celebrating Women's History Month; although women have produced the kind of history in this country that should be celebrated yearlong. I do have a quote that I would like to share and it says, *To get a choice -- I get a choice every time I open my mouth: That it can be with civility, it can be with dignity, it can be with grace - or not.* That quote is from Dana Perino. She's a former... press secretary, and a current political commentator. Again, it's Dana Perino. Thank you, Mr. Speaker, for that opportunity to share.

The members should be aware that we do -- we have completed a couple of committee meetings already, so there is a need to advance the A-Calendar, which we will be taking up under debate.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: So, there is a good possibility -- or I should say there is a real possibility that there will be a need for additional conferences during the course of today. But at

this moment, Mr. Speaker, we should take up the -- move forward Calendar A that we just moved forward, on debate by Ms. Weinstein.

Page 13 -- I'm sorry, Mr. Speaker, page 13, Rules Report No. 47, Abbate.

ACTING SPEAKER AUBRY: Page 13, Rules Report No. 47.

The Clerk will read.

THE CLERK: Assembly No. A06965, Rules Report No. 47, Abbate. An act to amend the Executive Law, in relation to the terms and conditions of employment for members of the collective negotiating unit consisting of troopers in the Division of State Police and salary schedules for members of such unit; to amend the State Finance Law, in relation to the Employee Benefit Fund for members of such unit; making an appropriation therefor; and to repeal certain provisions of the Executive Law and the State Finance Law relating thereto (Part A); to amend the Executive Law, in relation to the terms and conditions of employment for members of the collective negotiating unit consisting of commissioned and non-commissioned officers in the Division of State Police and salary schedules for members of such unit; to amend the State Finance Law, in relation to the Employee Benefit Fund for members of such unit; making an appropriation therefor; and to repeal certain provisions of the Executive Law and the State Finance Law relating thereto (Part B); to amend the Civil Service Law and the State Finance Law, in relation to compensation, benefits and other terms and conditions of employment

of certain State officers and employees who are members of the Security Services Collective Negotiating Unit; authorizing funding of joint labor-management committees; implementing an agreement between the State and an employee organization; making an appropriation therefor; and to repeal certain provisions of the Civil Service Law relating thereto (Part C); and to amend the Civil Service Law and the Correction Law, in relation to salaries of certain State officers and employees excluded from collective negotiating units; and making an appropriation for the purpose of effectuating certain provisions thereof (Part D).

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.)

MRS. PEOPLES-STOKES: Members, this is the first vote of many today. If we are in and around the Chambers, if we could come in and cast our votes, it would be greatly appreciated. First vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, members. Please, if you're in your seats, cast your vote. If you are in the sound of our voice, come to the Chamber and vote. It's only the first. Let's get it done.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I want to take this opportunity to, before we go to our next bill, to introduce a guest that we have in the Chambers with us today. His name is Logan Dalmata. Logan is the third-grade son -- there he is over there -- of Chris. Chris is the Operations Manager here, and this is Logan. He's visiting with us, Mr. Speaker. I did make him aware that he picked one of the longest days of Session to come.

(Laughter)

But we're always pleased to have him.

ACTING SPEAKER AUBRY: Certainly. On behalf of the Speaker, all the members, your dad, welcome, Logan, to the New York State Assembly. We extend to you the privileges of the floor. I'm made to understand that you have been on this floor many times helping your dad, but the first time that you've been here when we've been in Session. So, welcome. We hope to see you again and again and again. Thank you, young man.

(Applause)

Maybe the best thing we'll do today.

(Laughter)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Children can always bring out the best in us. So, Mr. Speaker, if we could now move to page 10, Rules Report No. 46, on

debate with Ms. Weinstein.

ACTING SPEAKER AUBRY: Page 10, Rules  
Report No. 46.

The Clerk will read.

THE CLERK: Assembly No. A02008-C, Rules  
Report No. 46, Budget Bill. An act to amend the Public Authorities Law, in relation to clarifying the Dormitory Authority's authorization to finance certain health care facilities (Part A); to amend Chapter 58 of the Laws of 2012 amending the Public Authorities Law relating to authorizing the Dormitory Authority to enter into certain design and construction management agreements, in relation to extending the effectiveness of such authorization (Part B); to amend the Public Authorities Law, in relation to the transfer and conveyance of certain real property (Part C); intentionally omitted (Part D); to amend the Environmental Conservation Law, in relation to waste tire management and recycling fees (Part E); intentionally omitted (Part F); to amend the Environmental Conservation Law, in relation to establishing authority to solicit funds or gifts and enter into public-private partnerships (Part G); to amend the Environmental Conservation Law, the Alcoholic Beverage Control Law and the State Finance Law, in relation to establishing guidelines for bag waste reduction (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the Banking Law, in relation to student loan servicers (Part L); to amend part FF of Chapter 55 of the Laws of 2017 relating to motor vehicles equipped with

autonomous vehicle technology, in relation to the submission of reports and in relation to extending the effectiveness thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend Chapter 21 of the Laws of 2003, amending the Executive Law relating to permitting the Secretary of State to provide special handling for all documents filed or issued by the Division of Corporations and to permit additional levels of such expedited service, in relation to extending the effectiveness thereof (Part R); intentionally omitted (Part S); intentionally omitted (Part T); authorizing utility and cable television assessments to provide funds to the Department of Health from cable television assessment revenues and to the departments of Agriculture and Markets, Environmental Conservation, Office of Parks, Recreation and Historic Preservation, and State from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part U); intentionally omitted (Part V); to authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, as well as the Department of Environmental Conservation's climate change program and the Department of Agriculture and Markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); intentionally omitted (Part X); to amend Chapter 393 of the Laws of 1994, amending the New York State Urban Development Corporation Act, relating to the powers of the New York State Urban

Development Corporation to make loans, in relation to the effectiveness thereof (Part Y); to amend the New York State Urban Development Corporation Act, in relation to extending certain provisions relating to the Empire State Economic Development Fund (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); to amend the Vehicle and Traffic Law, the Public Authorities Law, the Tax Law and the State Finance Law, in relation to providing certain metropolitan transportation commuter district supplemental taxes, surcharges and fees to the Metropolitan Transportation Authority without appropriation (Part FF); intentionally omitted (Part GG); to amend Chapter 929 of the Laws of 1986 amending the Tax Law and other laws relating to the Metropolitan Transportation Authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend the Public Authorities Law, in relation to authorizing the New York Power Authority to develop electric vehicle charging stations (Part KK); to amend the Public Authorities Law, in relation to the provision of renewable power and energy by the Power Authority of the State of New York; and providing for the repeal of certain provisions of such law relating thereto (Part LL); to amend the State Finance Law, in relation to establishing the Parks Retail Stores Fund, and the Golf Fund, as enterprise funds (Part MM); to amend the Public Authorities Law, in relation to allowing the New York State Olympic



Regional Development Authority to enter into contracts or agreements containing indemnity provisions in order to host the 2023 World University Games to be held in Lake Placid, New York (Part NN); intentionally omitted (Part OO); intentionally omitted (Part PP); intentionally omitted (Part QQ); intentionally omitted (Part RR); to amend the Environmental Conservation Law, in relation to the donation of excess food and recycling of food scraps (Part SS); to amend Chapter 123 of the Laws of 2014, amending the Vehicle and Traffic Law, the General Municipal Law, and the Public Officers Law relating to owner liability for failure of operator to comply with traffic-control indications, in relation to extending the provisions thereof; to amend Chapter 101 of the Laws of 2014, amending the Vehicle and Traffic Law, the General Municipal Law, and the Public Officers Law relating to owner liability for failure of operator to comply with traffic-control indications in the City of Mt. Vernon, in relation to extending the effectiveness thereof; to amend Chapter 19 of the Laws of 2009, amending the Vehicle and Traffic Law and other laws relating to adjudications and owner liability for a violation of traffic-control signal indications, in relation to extending the provisions of such Chapter; to amend Chapter 99 of the Laws of 2014, amending the Vehicle and Traffic Law, the General Municipal Law, and the Public Officers Law relating to owner liability for failure of operator to comply with traffic-control indications in the City of New Rochelle, in relation to extending the effectiveness thereof; to amend Chapter 746 of the Laws of 1988, amending the Vehicle and Traffic

Law, the General Municipal Law and the Public Officers Law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; to amend Local Law Number 46 of the City of New York for the year 1989, amending the Administrative Code of the City of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; to amend Chapter 23 of the Laws of 2009, amending the Vehicle and Traffic Law and the Public Officers Law relating to adjudications and owner liability for a violation of traffic-control signal indications, in relation to extending the provisions of such Chapter; to amend Chapter 222 of the Laws of 2015, amending the Vehicle and Traffic Law, the General Municipal Law, and the Public Officers Law relating to owner liability for failure of an operator to comply with traffic-control indications in the City of White Plains, in relation to extending the provisions of such Chapter; and to amend Chapter 20 of the Laws of 2009, amending the Vehicle and Traffic Law, the General Municipal Law, and the Public Officers Law, relating to owner liability for failure of operator to comply with traffic control indications, in relation to extending the provisions thereof; and to amend the Vehicle and Traffic Law, in relation to reporting requirements for traffic-control photo violation monitoring systems (Part TT); and to amend the Public Service Law, in relation to a Westchester County renewable energy and energy efficiency resources program (Part UU),

MR. GOODELL: Lay it aside.

ACTING SPEAKER AUBRY: The bill is laid aside.

(Laughter)

MS. WEINSTEIN: I thought we were having some cooperation.

MR. GOODELL: How about an explanation, please?

(Laughter)

ACTING SPEAKER AUBRY: How -- he developed a sense of humor late in life. Mr....

Ms. Weinstein, an explanation has been requested.

MS. WEINSTEIN: Surely. And I will do a little bit of an explanation as relating to the -- the budget as a whole before we address this specific bill.

So, good afternoon, colleagues. I stood here before you with what feels like an -- an eternity ago presenting our one-House budget resolution, our first step on the journey to pass a budget for this upcoming State fiscal year. Since that time, Speaker Heastie, members, committee chairs and staff have worked to deliver the budget that is before us today. Preparation of this budget has not been easy. We started negotiating from a base where revenue projections had been reduced by \$6 billion between two fiscal years. There were substantial reductions made to Medicaid and to local assistance. This fiscal challenge compelled us to prioritize spending. We first restored cuts to Medicaid and matched last year's increase in Foundation Aid. We then looked to invest in the continuation of programs that have long -- have a long and proven track record.

Initiatives like opportunity and higher education access programs, childcare, facilitated enrollment, school-based health centers, after-school and agricultural programs. We restored funding for the Dwyer Peer Support Project, which enjoys tremendous support in this Body.

Many of the legislative proposals in the Governor's budget, as I mentioned during our one-House debate, were removed and may be taken up in the coming months of Session. Certain provisions remained which required intense deliberations and consensus building. Amongst those that we'll be discussing today and voting on are criminal justice reforms -- long-awaited reforms in discovery, bail, speedy trial; MTA reforms; a system to authorize tolling in the central business district of Manhattan; and a ban on single-use plastic bags. This budget makes the property tax cap permanent. On taxes, the budget continues an enhanced rate -- tax rate on high-income earners and provides for a continued phase-in of the middle class tax cut. It establishes a progressive property tax for higher-end properties in New York City, with revenues supporting transit in the City of New York. The budget would require the taxation of purchases on the internet, leveling the playing field for our local retailers, leveling it, and providing an increased revenue source to State -- to the State and to local governments.

In terms of other actions, the budget provides \$2.3 million to convert reduced price to free lunch; \$10 million for the cost to implement Early Voting; \$14.7 million for poll books and

on-demand printers; and a \$59 million restoration to -- to AIM funding; \$27 million to fund the Senator Joseph [sic] Peralta DREAM Act; \$20 million to continue foreclosure prevention services; and \$20 million for outreach efforts related to the 2020 Census. There is much more in the budget we will be adopting today, and we will discuss those as we go through some of those bills.

My colleagues, I -- I know it's been a long week and we're in for a -- a long day -- and -- and night. So I want to thank all of our -- all of the members on both sides of the -- the aisle for your cooperation and patience in advance of our deliberations today, and I'd be happy to respond to some questions both on this bill and on the -- I assume on the general budget as we move forward today.

ACTING SPEAKER AUBRY: Mr. Barclay.

MR. BARCLAY: Thank you, Mr. Speaker. And I appreciate the Chairwoman's willingness to yield.

Will you yield?

MS. WEINSTEIN: Yes, of course.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. BARCLAY: We had a nice quote from... the Majority Leader, and we have Logan here, I guess as the Speaker said, it's all downhill from there, but...

(Laughter)

Let's hope not. Thank you for laying out -- you laid

out, obviously, the budget, and -- the full budget --

MS. WEINSTEIN: Right.

MR. BARCLAY: We, unfortunately, have not been able to see everything in the full budget, so, we -- I guess we have to trust you, or --

MS. WEINSTEIN: Take my word.

MR. BARCLAY: -- but we'd like to verify --

MS. WEINSTEIN: You --

MR. BARCLAY: We would like to verify.

MS. WEINSTEIN: Before the day and night ends we'll -- we'll see those numbers.

MR. BARCLAY: So, can we -- that's good to hear. Can we go through all -- for the public that doesn't know, we vote on ten budget bills. It's not all contained in one budget bill. Could you go down through each of those ten and just tell us where you are and when we can expect to see maybe the full, complete budget?

MS. WEINSTEIN: Right. So, we have -- we already did debt service. We have Transportation here. We have Education (ELFA) is on the floor. We have Public Protection in this Calendar on the floor. We did report, as you know, from Ways and Means, the Health -- Mental Health. We -- that bill is not live, so we will await a message on that. Local Assistance is printed. The Capital is printed. And -- so, the outstanding is State Ops, Revenue and the Judicial-Legi budget.

MR. BARCLAY: And do you have any idea when

those last three -- are we one minute to midnight, or are we 24 hours to midnight?

MS. WEINSTEIN: I -- they will be --

MR. BARCLAY: In between.

MS. WEINSTEIN: They will be available some -- printed sometime today.

MR. BARCLAY: And they -- is it your understanding that the revenue bill will be what they claim is "The Big Ugly" that everything that doesn't get into these other bills that maybe traditionally would go in those bills are all going to be jammed into the revenue bill?

MS. WEINSTEIN: The revenue bill will contain some of the more difficult issues that we had to deal with in completing this budget, so they will, in fact, be included in -- in the revenue bill.

MR. BARCLAY: All right. Thank you, Helene. You know, one of the challenges -- I mentioned this in Ways and Means, and I think one of the challenges we have on this side is we don't have a full picture. So, even on some of these bills, we might agree with the funding, we might agree with the programs, but we don't know where the funding is coming for those programs, it's hard for us to support them. So, I just want to -- you were kind enough to share some of this information in Ways and Means, and I want to -- maybe you can share with the floor and whoever is --

MS. WEINSTEIN: Sure.

MR. BARCLAY: -- happens to be watching in public. We have, obviously, four major funds that we put in -- in our budget. We have the All Funds, the State Operating Funds, the General Funds and the State Funds.

MS. WEINSTEIN: Correct.

MR. BARCLAY: You shared what those amounts were going to be in each of those. Could -- would you mind doing that for everybody, and then, also, what percentage they are over what the Governor proposed?

MS. WEINSTEIN: Sure. I'd be happy to. So, why don't we start -- we'll start on the bigger number, is our -- the All Funds budget is \$175.39 billion. It's an increase of \$247 million, or .1 percent over the Executive. Then moving to the General Fund, that is \$76.425 billion, an increase of \$197 million, or .3 percent over the Executive. State Operating Funds is \$102.190 billion, it's an increase of \$232 million, or .2 percent over the Executive. And then finally, State Funds is \$113.83 billion, which is an increase of \$247 million, or .2 percent over the Executive.

MR. BARCLAY: So -- I appreciate that. So, we obviously, in each fund are adding more spending. Is it our contention -- then, obviously, as the Governor made a point earlier this year that we had a \$2.3 billion shortfall. Other economists have said it's not that much, but almost everybody says it's less than what we thought we had. I guess we can divine from the tea leaves that obviously there's going to have to be substantial revenue raisers in this, or



enhancements, I think as you labeled them, in this budget?

MS. WEINSTEIN: There are, but in particular, as we'll see in the revenue bill, some of the -- the increases are for the New York City Transit and -- well, the MTA Transit.

MR. BARCLAY: And just to provide clarity for my colleagues, settlement funds, we were able to settle with a lot of financial institutions in the past that raised a substantial amount of money for the State. Are we using those to balance our budget?

MS. WEINSTEIN: We have made no change from the Executive in the use of settlement funds.

MR. BARCLAY: And then one last general question, if you could enlighten me on how much debt is in this budget?

MS. WEINSTEIN: It's -- it's the same as the Executive's proposal, the --

MR. BARCLAY: And what is that?

MS. WEINSTEIN: Just a very small change.

(Pause)

Just -- just over \$7 billion new debt is being issued. But in terms of what is new debt in the budget that's authorized is -- is for poll books and... and then \$100 million as an MTA -- a loan to the MTA that will be paid back.

MR. BARCLAY: And that will be in the revenue bill?

MS. WEINSTEIN: Yes.

MR. BARCLAY: Okay. Thanks. Now, could I -- thank you for the -- answering the general questions. I move to some questions I had on this TED bill. You know, I was reading through these bills, the one thing that struck me was the "sustainable management of food waste." I hadn't seen that before. I -- it was kind of a new idea to me. Has any other state implemented this type of legislation?

Or maybe just back up. Could someone explain the bill briefly, or that proposal in this bill?

MS. WEINSTEIN: So, New York City does have a -- a proposal. In terms of other states, I'm -- I'm not sure. But it -- it does require large-scale food scrap generators to separate as much edible food as possible for donation and separate food scraps for organic recycling if within 25 miles of an organics recycler. We specifically exempt hospitals, nursing homes, adult care facilities, elementary and -- and high -- secondary schools. And "large scale" is defined as generating two tons or more of food waste per -- per week. Because of that standard, most restaurants would be excluded from being required to follow the provisions of the bill, though, obviously, they could participate.

MR. BARCLAY: Any idea of how many food scrap generators there are going to be?

MS. WEINSTEIN: It -- it -- I think it's really going to be hard to figure out that number until we actually start to see --

MR. BARCLAY: And the DEC's going to -- who's

going to do the weigh-in? Self -- self reported --

MS. WEINSTEIN: We will be waiting for DEC to establish rights as to how they're going to calculate it. They're not going to be bringing scales to each establishment.

MR. BARCLAY: I think one of the problems we have, or we often have maybe with some of the bills that are proposed by the Majority is unfunded mandates. We -- we've put a lot of burden not only on our taxpayers, but also on our localities and businesses throughout New York State. It's one of the constant refrains we hear, at least on this side of the aisle. And so the concern we have on this is, you know, what the cost is going to be and who's going to bear the cost. So, if I understand it right, either you've got to donate the edible food scraps, or if you live within -- or you're located within 25 miles of an organic recycler, you've got to take it there. Who pays for that?

MS. WEINSTEIN: Well, I mean -- the generator of the -- of the food scraps --

MR. BARCLAY: Right.

MS. WEINSTEIN: -- would -- would pay for it. And, you know, in terms of -- when you mention mandate, obviously, localities are now paying for this, and the generators of these food scraps are paying for it in terms of their sanitation costs. They're paying commercial facilities, they're paying for the removal of this materials --

MR. BARCLAY: Well --

MS. WEINSTEIN: -- anyway as trash --

MR. BARCLAY: Yeah, if they're separated, that's -- that's a substantial --

MS. WEINSTEIN: And the localities are paying to -- either people paying for the -- in some localities people individually pay for trash, in some localities the municipality is providing the -- the services through tax dollars. So it will certainly --

MR. BARCLAY: So, it's your contention --

MS. WEINSTEIN: -- reduce costs.

MR. BARCLAY: -- that it's going to be cost neutral? Is that your contention?

MS. WEINSTEIN: Yes, that's -- yes, that is what we --

MR. BARCLAY: Okay.

MS. WEINSTEIN: -- believe. It's cost neutral and saves and helps the environment.

MR. BARCLAY: All right. I will come back in a few years and we'll see if that -- if I'm still here, whether that's the case or not. Thank you, Chairwoman.

Switching over to energy, you have a lot of provisions in this bill allowing NYPA to do a number of things. First, charging stations.

MS. WEINSTEIN: Yes.

MR. BARCLAY: And what are the details on that? It -- it's a -- it gives them the ability to put charging stations

throughout the State. How many, how they work, how much can they spend on them?

MS. WEINSTEIN: We don't have the -- I mean, there aren't specific numbers that we require in terms of the number of charging stations this gives them the authority to do --

MR. BARCLAY: Isn't that --

MS. WEINSTEIN: -- this.

MR. BARCLAY: -- a pretty wide open authority? I mean, they could put it on every block. What's...

(Pause)

MS. WEINSTEIN: There is an annual report that's required by -- by NYPA once they start to --

MR. BARCLAY: So, if they go hog-wild, we can -- we'll know about it --

MS. WEINSTEIN: We can always act on it here.

MR. BARCLAY: -- we can pull back. All right.

The transmission siting of wind facilities and building the transmission lines from that, it's a concern where I live, because there are a number of - of wind facilities being proposed there. Would NYPA under that situation still be subject to Article VII siting laws, or are they exempt from that?

MS. WEINSTEIN: No, they would -- they would still be subject to the siting laws.

MR. BARCLAY: And just for clarification, this is -- although I don't know if it says it specifically in the bill, it's really

looking at the offshore wind in Long Island, or is this really applying to anywhere they want to put transmission lines to try to hook up wind power?

MS. WEINSTEIN: Offshore in general.

MR. BARCLAY: But is there any prohibition on them from doing it elsewhere?

(Pause)

MS. WEINSTEIN: Excuse me, one...

Right. I -- I think the only restriction is that they are Federal waters that these are going to be in, and then the energy has to come into New York State --

MR. BARCLAY: Well --

MS. WEINSTEIN: -- that's generated by them.

MR. BARCLAY: Just -- okay. So my question, though, I -- again, this is more my local concern is --

MS. WEINSTEIN: Right.

MR. BARCLAY: -- is the transmission from wind power being done in the North Country. This isn't envisioning NYPA building transmission lines up there, this is envisioning them building transmission lines to get the wind power, electricity, onto the Sound -- or onto the Island, right?

MS. WEINSTEIN: Yes.

MR. BARCLAY: Yes?

MS. WEINSTEIN: Yes.

MR. BARCLAY: Okay. And just, then my final --

just moving over to MWBE. Your bill requires municipalities now to be subject to MWBE?

MS. WEINSTEIN: Yeah. This is just a one-year extender.

MR. BARCLAY: But they are subject to it now.

MS. WEINSTEIN: Yes. Yes.

MR. BARCLAY: Okay. Thank you, Chairwoman. I may come back for my second 15 --

MS. WEINSTEIN: Sure.

MR. BARCLAY: -- but I appreciate your indulgence.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Friend.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. FRIEND: I do have a couple of questions.

MS. WEINSTEIN: Sure.

MR. FRIEND: I'll start out with transparency. And... does this budget still include specific Article VII language to create a

database for deals?

MS. WEINSTEIN: No.

MR. FRIEND: How about, does the budget restore the Comptroller's preaudit authority for State-authorized foundations?

MS. WEINSTEIN: No.

MR. FRIEND: Does the budget contain any meaningful transparency to protect the taxpayers from either the Governor or the Legislature throwing \$25,000-a-plate fundraisers for friends and existing businesses before the State?

MS. WEINSTEIN: There's nothing... there's nothing in this bill that would relate to that.

MR. FRIEND: Would there maybe be something coming up in future bills for a database of deals, or something to provide that oversight?

MS. WEINSTEIN: Not... as it relates to database of deals, not in this budget. But certainly, as I mentioned earlier, there are policy issues that we will continue to discuss as our -- our Session continues.

MR. FRIEND: I just want to point out that according to the Citizens Budget Commission, New York spent \$9.9 billion on State and local economic development efforts in 2018. That was up \$1.4 billion, and 17 percent from \$8.5 billion in 2016. Many of these subsidies came in the form of tax abatements, tax credits, low- or no-interest loans, grants, capital investments. And I believe that these economic development programs and incentives are severely lacking



in oversight and -- and a return on investment. Just in -- in the Southern Tier alone, we have over 5,000 jobs that are ready for somebody to fill those positions. We're not having the Amazons come into our region. We don't have the Buffalo Billion. We don't have the photonics plant that was sold for a dollar up in Onondaga County. But we do have these small businesses that are ready to employ people and put them to work, but we just don't have that ability to bring that money in. If we had this database of deals that kind of make sure that there's more transparency, maybe the money would be spent more -- more effectively.

I'm going to move on to another topic. My colleague just brought up the MWBE. The Governor proposed several changes to the MWBE program, including making local governments subject to MWBE quotas. I realize that this has been intentionally omitted from this portion. Are we still discussing that in a future portion of the bill?

MS. WEINSTEIN: We -- we are discussing the program and changes to the program that the members and organizations within our State have brought up. And as I said earlier, the Legislative Session has -- once we adopt the budget, we still have several months and we anticipate working on that issue as well as others that we have omitted from the budget.

MR. FRIEND: Okay. And do you have references to the 2016 Disparity Study, the data that they used for rolling out the initial plan that the Governor used?

MS. WEINSTEIN: Yeah, the -- you know, it is still in law, the regs are still in law. But as I said, we're -- here we're just doing the one-year extender, and we probably will have some later discussions on this --

MR. FRIEND: Can you just refresh --

MS. WEINSTEIN: -- outside of the budget.

MR. FRIEND: What -- what is the current regulation, then? Is it 30 percent that we have to contract out, or...

MS. WEINSTEIN: Yes. Pursuant to the Executive Order, 30 percent.

MR. FRIEND: Okay. I'm going to go on the bill, but I'm going to ask a couple of more questions, just -- I just have some letters I'd like to read.

MS. WEINSTEIN: Okay.

MR. FRIEND: So, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FRIEND: I have a letter from the International Brotherhood of Electrical Workers. They have a Memorandum in Opposition to the MWBE position that's out there. First off, the 2016 Disparity Study, it is in their position that the methodology of the 2016 Disparity Study is flawed. It fails to take account of the differences in locations of MWBE availability in the regions of Upstate New York, particularly the Southern Tier, the North Country, and Central New York. Any disparity in those regions are due to race-neutral reasons based on demographic populations. This bill would adopt the

conclusions of the 2016 Disparity Study despite current litigation reviewing such methodology.

Their second point, City of Richmond v. J.A. Croson.

The Executive's memo states that this legislation meets the requirements of Croson for an MWBE proposal to not violate the Equal Protection Clause of the 14th Amendment. The International Brotherhood of Electrical Workers disagree with that point. Their claim is this legislation is not a *narrowly-tailored remedy*. It violates Croson's prohibition that a minority entrepreneur from anywhere in the country enjoy an absolute preference over other citizens based solely on their race. We think it is obvious that such a program is not narrowly tailored to remedy the effects of past discrimination.

Their third point, location. Location, location. The Governor's bill specifically removes the criteria of MWBEs located in the region of proposed procurement to availability anywhere inside or outside the State of New York as to whether a waiver shall be granted. It also gives almost absolute discretion to the Director of the MWBE Division to decide what "availability" means. This is unconstitutionally void for vagueness in considering the power of an administrative official and violates Croson.

This is also a major issue in the Southern Tier. We don't have a 30 percent MWBE participation rate in the Southern Tier. The majority of our contractors end up having to go outside of not only our region and spend local tax dollars, State tax dollars either in Syracuse, New York City or even out of State. And at most times, it

delays the rate at which we can get projects done in the Southern Tier.

The International Brotherhood's fourth point: They support the MWBE goals of 2018 A.10713 (Peoples-Stokes)/S.8880 (Sanders) to fund mentor-protege union transition training, surety guarantee and the proposed Blue Ribbon MWBE Commission to commit increased MWBE New York residents in all parts of the State to reflect demographic participation in procurement. And I'm hopeful that that's what you guys are working on and will bring forward in the final project.

A second letter I have on MWBE from a local electrician in the Southern Tier, from Bouille Electric. *Dear Assemblymember Friend: As an electrical contractor, business owner and constituent, I'm writing to urge you to reject the MWBE and workforce participation amendments obtained in Part AA of the Transportation and Economic Development Article VII Budget Bill. When implemented properly, MWBE goals can be a powerful tool in promoting business opportunities for disadvantaged contractors, creating greater economic opportunity, and pools of contractors and workers who reflect the diversity of their communities. Unfortunately, if enacted, the proposals in the Governor's Executive Budget would strip the Legislature of its role in assessing disparity, backdoor the acceptance of a deeply flawed 2016 Disparity Study, and permanently remove the authority of the Legislature to accept approved future disparity studies.*

*As you may be aware, there are major concerns*

*regarding the data and methodology used in the State's 2016 Disparity Study that determined that 53 percent of the State's prime construction contractors and almost 54 percent of the construction subcontractors are MWBE firms, figures that appear to be significantly inflated. Without transparency and legislative oversight, it is nearly impossible to validate the accuracy of the study, which may be used to impose unrealistic and unachievable workforce participation goals in many areas of the State. Compounding those flaws, the proposal would expand the State MWBE program goal to towns, villages, counties and school districts for which any State funding is received. This will likely reduce the local economic benefit of the public work in areas it is needed the most by eliminating my ability -- that is Bouille Electric -- as a local contractor to bid on public work or by forcing me to use non-local contractors, even outside of the State, to attempt to meet participation goals.*

*If I choose to bid on and perform State work, the proposals unfairly adds significant risk for me by creating new crimes or defrauding and/or providing misinformation in regard to MWBE program for utilizing firms that portray themselves as MWBEs, but in reality are not; placing me at the risk of committing a felony, and my company at risk for debarment due solely to the deceptive practices of others.*

*For the reasons noted above, I strongly urge you to reject, as the Legislature did last year, all of the changes contained in Part AA of A.2008-A, and to support a new disparity study and reform*

*the MWBE Program as set forth in an alternative proposal for the improvement and continuation of New York State's MWBE program that was based on legislation introduced last year by Assembly Majority Peoples-Stokes and Senator Sanders.*

*Sincerely, Bouille Electric, Michael Sincock.*

And one final piece I'd like to enter on the MWBE from the Business Council. "Governor's Call for Renewal of MWBE, Article 15(a), Comes with Many Concerns." And this is written by Johnny Evers, Ph.D, Director of Government Affairs at the Business Council. *As part of his Executive Budget Proposal, Governor Cuomo called for the renewal of Article 15(a) of the Executive Law, a law authorizing the State's Minority and Women-Owned Business Enterprise. As the Business Council has consistently stated, we support the State's efforts in promoting minority and women businesses' participation in government contracting. However, we find that there are numerous problems in both the current system and the proposed changes set forth in the Executive Budget.*

*To begin, there are many flaws in the Governor's proposed program, the most glaring problem being the reliance on a flimsy 2016 Disparity Study that implies 53 percent of all construction contractors in the State are MWBE firms - a figure strongly disputed by the industry. The importance of a true and accurate disparity study cannot be emphasized enough.*

*As such, an actual scientific study based on objective facts should be used to justify preference to Minority- and*

*Women-owned Business Enterprises in the awarding of government-let contracts. Without the commissioning of a new study based on such factors, we believe the serious flaws in the 2016 study risk -- subject -- subjecting the entire program to risk under legal challenge.*

*Other concerns with existing law include difficulties in obtaining waivers from the contract-specific MWBE participation targets, a process that our members say is slow and inconsistently applied. Likewise, many contractors have stated that they were unable to obtain a rationale for the MWBE participation target set for specific projects despite repeated requests for such information. The delay in obtaining MWBE certification or re-recertification also needs to be addressed. And these are factors I see quite frequently in the Southern Tier, especially -- specifically in the 124th Assembly District. The Business Council goes on to say, In addition to a lack of transparency in the setting of contract-specific participation targets, there are major concerns in the budget proposal, such as: Deleting the listing of waivers on agency websites; expanding the mandate to localities and granting expanded powers to the Director of the Division of MWBE to conduct State agency audits. The new program would give a 10 percent bid preference to MWBE bidders, a change that is contrary to the State's long-accepted practice of awarding contracts to the lowest responsible bidder. Further, the bill creates new crimes of defrauding and/or providing misinformation in regard to MWBE for purpose of being awarded contract. Violations can be*

*felonies and lead to debarment from State work.*

*In a program that appears similar to Executive Order 162, the bill creates a new "Workforce Diversity Program" to set "aspirational goals" for minorities and women in "each trade, profession and occupation for "each county of the State." "Aspirational goals" would require a breakdown of each trade, profession, occupation and separate levels of participation by male and females in these categories in each contract. The long and convoluted route that a contractor must follow to obtain workforce participation goals within the above job classes and categories is all but unworkable.*

*Generally, the Executive Budget proposal for a new iterations of Executive Law Article 159(a) will create new and significant issues for contractors rather than concentrating on improving the current system and ensuring the timely designations and re-authorizations of State-certified MWBE companies and their entry into the... university -- universe of State contracting. The law increases the arbitrary power of the director of the program while complicating the reporting system requirements of contractors.*

There are, obviously, lots and lots of concerns with the MWBE program within my district. I hear this continually. Based on the disparity study participation rates, the fact that we're spending our State tax dollars out of our locality and even outside the State. So, I'm very hopeful that the program that you bring forward is more in the reflection of what I mentioned with the previous -- with the bills



that have been brought forward.

And would the sponsor yield again?

ACTING SPEAKER AUBRY: Mr. Friend, you have ten seconds. You can come back again --

MR. FRIEND: I will be back, then. Thank you very much.

ACTING SPEAKER AUBRY: You're welcome.

Mr. Brian Miller.

MR. B. MILLER: Thank you, Mr. Speaker. Will the sponsor yield for questions?

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Mrs. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. B. MILLER: I have a few questions here. First is on the plastic bag ban.

MS. WEINSTEIN: Sure.

MR. B. MILLER: In counties and cities that choose to opt into the -- imposing the paper bag fee, stores will be responsible for a lot of administrative and tracking of fees they collect and transmit to the State. Will these stores be reimbursed for these administrative costs?

MS. WEINSTEIN: I mean, we don't in the bill envision the stores being -- being reimbursed. So, you know, we do hope that the stores will aid the State in encouraging the use of -- of

reusable bags.

MR. B. MILLER: Okay. Well, we're asking them to do another service for the State, and we're imposing a five cent... might want to call it a "tax" --

MS. WEINSTEIN: Well --

MR. B. MILLER: -- on this plastic bag --

MS. WEINSTEIN: Right, if a -- if a county, city, opts in. We -- the bill is actually silent on whether or not retailers can charge a fee for bags and retain the -- the monies.

MR. B. MILLER: Okay. So, you're telling me that they won't receive anything for the reporting or -- or anything on this?

MS. WEINSTEIN: We don't -- we don't mandate that they receive a fee. We don't prohibit them, either, from receiving -- from charging a fee.

MR. B. MILLER: Okay. Second question: Will the county and city share go towards providing people with these fees with free reusable bags?

MS. WEINSTEIN: Yes, the -- the local part of the fee, the three -- the three cents --

(Sidebar)

Two -- the two cents, the three goes to the fund.

(Sidebar)

So, of the nickle, three cents goes to the Environmental Protection Fund, two -- two cents goes to the localities that opt in, and it is to encourage the use of reusable bags.

MR. B. MILLER: So, how are these counties and cities expected to get these bags out to the targeted population that they're asked to -- to distribute them to?

MS. WEINSTEIN: Well, we don't dictate how they will use those -- the monies they collect. We would hope that they would be used to both educate the public as well as provide reusable bags, and they have discretion as to how to distribute the bags that they purchase and how to run their informational campaigns.

MR. B. MILLER: So, are these bags for distribution targeted at a certain population throughout the counties or cities, or just broad-based across the whole county --

MS. WEINSTEIN: Well, we encourage the distribution for people on lower income and fixed income so that they will not have to pay the -- the nickel charge each time they shop.

MR. B. MILLER: Okay. Third question here: Sustainable management of food waste. Under this proposal, all large supermarkets, food service businesses, colleges and universities, hotel, food processors, correctional facilities, sports and entertainment venues processing food scraps at the designated threshold will be required to source -- required to source or separate edible foods for donation, and also source separate inedible food scraps from other solid food waste.

MS. WEINSTEIN: Correct.

MR. B. MILLER: They will also be required to find some way to store the -- the not edible food scraps securely on site

until they can be transported to a recycler. Has there been any sort of cost analysis done that would estimate what kind of impact this would have on -- on businesses?

MS. WEINSTEIN: There -- there have been in the past some grants to support refrigeration for these types of -- of food waste, but, you know, again, as -- as I discussed with Mr. Barclay, the -- they're -- they are already -- all of these sites are already disposing of -- of their -- what they were calling "trash" that we're now calling "food waste," and are expending monies on that. So, we don't think that there --- there will be that many additional costs for them to do this.

MR. B. MILLER: But -- but for the bill we're going to be saying that you're going to have to separate the different type of wastes and edible and inedible requirements. So you're also going to have to keep track of how much weight you generate, you know, to -- you know, if you go -- if you go below a certain threshold, it takes you -- it'll take you out of this category of doing this. So, you know, it looks to me that there's going to be a cost to business, there's going to be more employees. And I really wish it was something we took a good look at before we put this out there.

MS. WEINSTEIN: You know, and -- and obviously, you know, we -- we do exempt... requirement of this if you are beyond 25 miles of a -- of a -- of a source center -- of a recovery center.

MR. B. MILLER: That's all I -- I have. Thank you.

MS. WEINSTEIN: Thank you.

ACTING SPEAKER PICHARDO: Mr. Smith.

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

ACTING SPEAKER PICHARDO: Does the Chairwoman yield?

MS. WEINSTEIN: Yes.

MR. SMITH: Okay. Thank you.

ACTING SPEAKER PICHARDO: The Chairwoman yields.

MR. SMITH: Thank you. I have a few questions about the student loan servicing and the servicers in the financial services part. The proposal to regulate and license student loan servicers now includes public post-secondary educational institutions, and also private non-profit post-secondary educational institutions as exempt organizations. Do we know -- could you explain why that those two were added to the list of exempt organizations?

MS. WEINSTEIN: Some of this relates to Federal banks that we can't have jurisdiction over and (pause)... and -- and then we -- we also exempt the colleges and universities that are not themselves services.

MR. SMITH: Okay. And that's actually -- probably rolls into my second question of explaining -- I wanted to know why that the Federal student loan servicers will automatically be deemed by operation of law as having been issued a license by DFS. Is it similar?

MS. WEINSTEIN: Well, we did model this after

other states that have -- that are also taking this position.

MR. SMITH: Okay. And then my last question: What type of an organization would fall under the category of a Federal loan student servicer -- rather, Federal student loan servicer, which does not fall under the category of an exempt organization but does not still require a license?

(Pause)

MS. WEINSTEIN: So, at the -- thank you for your patience --

MR. SMITH: No, thank you.

MS. WEINSTEIN: At the moment, we really don't know of any that fit that category, but it is possible that there will be some, so we want to make sure that we capture them.

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

ACTING SPEAKER PICHARDO: Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker. Would the sponsor yield, please, for a question?

ACTING SPEAKER PICHARDO: Does the Chairwoman yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER PICHARDO: The Chairwoman yields.

MR. MCDONOUGH: Thank you, Helene. I have a

concern that -- and the Governor has said in the past that he's very concerned about limousine safety. Now, as you all know, and I think everybody remembers this, there was a tragic deadly accident not that long ago with a limousine, a stretch limousine, where 20 people were killed. All 20. And the Governor has come out and said that he would do all sorts of things and require more certification of the vehicles, better driver training, requiring seat belts for everybody in there, and additional insurance coverage. And yet I see it says, "intentionally omitted." Can you explain that to me, please?

MS. WEINSTEIN: So, we -- we did lower the fee from the Governor's original proposal, from \$120 to \$85, I believe. And we do have restrictions from U-turns (pause - sidebar)... right.

So, you know, I -- I probably would prefer to have -- if we could have this discussion when we get to the revenue bill because the details are in the revenue bill, not in -- in this bill before us --

MR. MCDONOUGH: There's more detail --

MS. WEINSTEIN: That's one of the issues that was being negotiated.

MR. MCDONOUGH: There's more details in that?

MS. WEINSTEIN: Yes.

MR. MCDONOUGH: All right. Well, I'll --

MS. WEINSTEIN: We can go through this -- it -- it'd be better to go through the specifics once we get to that revenue bill --

MR. MCDONOUGH: Okay.

MS. WEINSTEIN: -- because there's --

MR. MCDONOUGH: I'm sure you recognize how important something like this is, right?

MS. WEINSTEIN: Okay.

MR. MCDONOUGH: Okay. Thank you very much. Thank you, Mr. Speaker. I'll wait for that.

ACTING SPEAKER PICHARDO: Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Will Chairwoman Weinstein yield?

MS. WEINSTEIN: Sure.

ACTING SPEAKER PICHARDO: Does the Chairwoman --

MR. RAIA: Thank you.

ACTING SPEAKER PICHARDO: She yields.

MR. RAIA: I have some questions regarding the plastic ban --

MS. WEINSTEIN: Sure.

MR. RAIA: -- plastic bag ban. This is something that my County of Suffolk has already implemented. I -- I'll start with the basics. Why? Why are we banning plastic and paper bags?

MS. WEINSTEIN: Well, we're not banning -- first, just to clarify, we're not banning paper bags.

MR. RAIA: Okay.

MS. WEINSTEIN: Where -- as relates to paper bags, we are authorizing a county that the city opts in to be able to charge



five cents for the bag with, as I mentioned earlier, some of the money going -- being retained by the locality, three cents -- so, two cents being retained, three cents going to the EPF.

MR. RAIA: Okay. All right. I --

MS. WEINSTEIN: But, the -- you know, the answer as to -- to why, is the -- just the overwhelming amount of plastic waste that we have in our...not just our State, but throughout the -- the world. And plastic does not disintegrate, it just stays in the -- it fills up land -- landfills, it blows -- the bags blow in the -- in the trees. So it --

MR. RAIA: I -- I agree with you. The plastic, bad stuff. My -- my -- my rub, I guess, comes with the paper. And generally, paper bags -- paper bags are usually made of recyclable material already. If you drop them in the water, they disintegrate and dissolve. They break down in landfills. So, I guess I -- I have a concern that we would charge five cents for -- for -- for something that a lot of people feel is -- is being environmentally responsible. That being said, does this law supercede any local law currently in effect?

MS. WEINSTEIN: So, any local law with a fee on plastic bags can continue only until the State law takes effect on March 1st of 2020. And any local law similarly with a fee on paper bags can continue for a year after the county adopts a -- a local law.

MR. RAIA: Okay. So, the fact that my county is already charging five cents for paper and five cents for plastic, they won't have to do anything other than the plastic disappears and hopefully, the stores bring back the paper, because there're not a lot of

stores with -- with paper.

MS. WEINSTEIN: So, I am -- just so you know, in terms of Suffolk County, this starts immediately. It reverses -- when this takes effect, it reverses their current --

MR. RAIA: All right.

MS. WEINSTEIN: -- law.

MR. RAIA: So -- but they don't have to go back, then, and re-implement the five cent fee on paper bags because they already have it?

MS. WEINSTEIN: Yes. That -- if they want to have that five cent fee ---

MR. RAIA: So, they will have to go back and do it --

MS. WEINSTEIN: -- they will have to go back to do that.

MR. RAIA: Okay.

MS. WEINSTEIN: Yes.

MR. RAIA: All right. I see there's a bunch of exemptions. Garment bags is an exemption. What is a *garment bag*?

MS. WEINSTEIN: Well, I don't want to comment on your dry cleaning habits or not, but if you go to a -- you know, when you go to a dry cleaner and you pick up your clothing they put a thin plastic bag on it.

MR. RAIA: Okay. What about bags when you -- when you shop for new clothes and you get bags that you put garments in? Are they exempt?

MS. WEINSTEIN: No.

MR. RAIA: So, strictly garment bags that you get from a dry cleaner are the only ones that are exempt.

MS. WEINSTEIN: Yes.

MR. RAIA: Okay. So, when I go to, you know, Banks to get my suit, I couldn't get -- I'm not allowed to -- to put that in a garment bag or anything like that?

MS. WEINSTEIN: Well, you know, many -- you know, you can have it in a -- many stores currently don't have plastic bags for clothing, but they certainly can have their bags -- garment bags made out of other --

MR. RAIA: Well, I do, I bring that up --

MS. WEINSTEIN: -- fabric.

MR. RAIA: -- because they actually have the garment bag with the hole that goes in the hanger. It's got a zipper, and -- and I use it, actually, to -- to bring my clothes up to -- to Albany every week. That is made out of plastic. So, I'm just wondering if that's exempt. Because technically, that is actually a real garment bag.

MS. WEINSTEIN: Yes, we -- we -- actually, you'll be pleased to know you can continue to have your suits bagged in those garment bags.

MR. RAIA: Thank you. Are there any carve-outs? In other words, anybody that doesn't have to pay this tax?

MS. WEINSTEIN: Yes. People -- WIC and -- and SNAP.

MR. RAIA: Now, why is that?

MS. WEINSTEIN: Well, the -- it has to do with -- they're people who are on... these limited incomes, and we have -- in the prior discussion we talked about the -- the county, the local fee going towards purchase of recyclable bags to assist people in that area --

MR. RAIA: So, we're actually -- we're directing the county or encouraging the county to take that two per -- that two cents, or two percent on a dollar and apply that towards giving reusable bags for people on -- on special programs --

MS. WEINSTEIN: Yes.

MR. RAIA: -- correct?

MS. WEINSTEIN: Yes.

MR. RAIA: Well, at what point, then, does everybody get a reusable bag that they don't need to have... plastic bags as well? And the reason I bring this up is -- is there's countless senior citizens and other individuals on a fixed income that's -- they literally, you know, they can't afford a bag tax either. And my guess is, is, you know, it should apply to everybody. Those --those people that get a plastic bag, maybe they can reuse it. When it comes to recycling, it's something that should apply to everybody.

MS. WEINSTEIN: Well, you know, we -- the -- the counties, localities, run the senior center programs, they certainly can be doing distributions of reusable bags at those locations. I know that that exists today in -- in many places without this -- without the ban on

plastic.

MR. RAIA: Okay. Has there been any thought of -- of supplementing this with a... oh, I don't know, a -- a bill that I happen to have which would give you a dollar-for-dollar tax credit to buy reusable bags?

MS. WEINSTEIN: That was not part of the discussion in -- in this budget.

MR. RAIA: Okay. Thank you.

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BARRON: This budget process, I have grave, grave concerns about the process reaching into these bills and the end product. The process, we thought, would be different. We thought for sure, with the change in the leadership in the Senate and the Majority leadership here in the Assembly, that the end results would be very different, and bills like this and the bills to come -- I certainly thought it would be some difference, even though I had my scepticism at the beginning, when one reporter asked me what did I think about the change. I said, *Don't dance too soon. Wait 'til the budget process before you dance and celebrate about the change in leadership.* And when we went through the process and come up with the end product in these forthcoming bills, including this one, to me, was worse than

what we had in the leadership in the Senate last year. Those numbers will show themselves as we go along.

So, you all know I have a critique of a capitalist two-party system. Although there are other parties, there's two major parties. Well, I'm now no longer calling it a *capitalist two-party system*, I am renaming it a *capitalist one-party system of Republicrats*. Because there was no difference in the end results and it's very serious impact on our people. So, as we go through this budget process, I'm registering a protest vote. I'm voting *no* on every one of these budget bills, even the ones that have some good stuff in it, because the ugliness in it is uglier than ever before. And I know people are going to try to paint it as *some good and some bad and can't get everything you want. This is about compromise, Charles*. My presence here is a compromise. We have to understand that when these budgets don't reflect the real needs of the people of this community -- we have a responsibility for the people of the State, not for a Speaker, not for a head of a Senate, and certainly not for a Governor. But for the people of the State.

So, I'll be voting *no*. And I know you're going to be tired a little later, but stay up, because my real speech is coming for the "Big Ugly."

(Laughter)

It is just too much ugly in that, around education and around so many other things.

But I do want to reflect one thing, and I'll say it later

as well, that the Criminal Justice Reform bill is the highlight of all that's coming forward. There was some good that came out of that.

So, I will be voting *no*. And at some point we have to take a stance and vote *no*, even when they come to us the last minute and say, *Guess what? If you vote no, there'll be no budget.* Here comes the fear tactics, the scare. There'll be no budget. *If you vote no, you know what's going to happen? You know what's going to happen? There's going to be an extender bill that comes from the Governor, and then everything in that extender bill would be what he wants and not what you want, so you better vote yes.* If you vote *no* to the extender bill, by the way, which you can -- and one time there was an extender bill and people made him change some things in his extender bill before you voted for it, so there's always room for change. But if you vote *no* for the extender bill, then guess what happens? The State shuts down. You won't get your check until August. Forget your raise, you won't get your check 'til August. Then some will get up and remind us that there was a time when they voted *no* and that they suffered. So they'll remind you of that and tell you if you vote *no* you're going to suffer like we did years ago when we voted *no*. We suffered. The State suffered. Everybody was in a crises. And that's how they get you to go forward and vote for bills that you know, you know these being bills are not where they're -- they're supposed to be. You know that. And it's not about being for or against a leader, it's about being for the people of this State.

So I'm voting *no* on every last one of them. *No* on the

Commission for Public Financing that's coming up later. We need a commission. We needed a bill and money to it to have it for those who are for that. I'm voting *no* on all of the things that are coming because we should have had more in the revenue package and all of those other packages. This bill would have been better had we done the revenue right. You don't give rich people a break and then say we don't have money to do the things that we want to do. How are we going to have money if you don't raise the tax on the *pied-à-terre* tax and other things? If you don't have money, then you can't pay for the things. So, what -- what you do when we get up? I said, *But I want this, I want a billion dollars for this. How are you going to pay for it, Charles?* Well, I could've paid for it if you all had passed the revenue that you should've passed. So, you get caught into that.

So, I just wanted to let you know, which you probably already knew was coming, that I'm voting *no* on all of these bills, even though there's some good in some of them, because this has to stop. And this was the time to stop it, when you had control of both Houses. And we didn't. On this particular bill here, I'm glad to the sponsor of one of the pieces of this bill. When we're talking about paying five cents more for paper bags, yes, we need to clean the environment up and we need to deal with the plastic and all of that. But as I told the sponsor, I'm concerned about not the bag, but the food that we've got to put in the bag in my neighborhood. The food that we have to put in the bag in my neighborhood needs to be dealt with. And when you have economically-oppressed neighborhoods,



even five cents is another piece of economic strain that they don't need to have, the worry about paying extra money. And then if you put it in the EPA and other places, we've got to hope that it really comes back for recyclable or renewable bags or reusable bags to us. We've got to hope that really happens. And there's no guarantees for that.

So, as we go forward and deal with the budget process, remember, we've got to deal with a greater society, a more egalitarian society, where people are treated fairly and more equally, even if you live in public housing. We need to have more money for NYCHA and the public housing, that we don't have. So, if we don't move toward some kind of systemic change and keep taking these marginal steps, we're going to be in a greater crisis. I was just hearing one of my colleagues talking about MWBEs. Don't even want to do 30 percent with MWBEs. You're lucky we want to be a part of this system. Some people need -- don't even care about the -- some people want to change the whole thing and not be a part of them. How could you talk about a race-neutral process in a racist society? You don't even want to deal with race. It's insane what's going on, and I'm just hoping you, my colleagues, I wanted to hit you early while you're still thinking and up a little bit, because later on you might not hear nothing. So, I just wanted to come before you to say we have to do better, way better. And we can't fall short of the mark for our people. They're counting on you to stand up for your principles. Most of you know this stuff. I've talked -- spoken to many of you and you said this is the ugliest Ugly we've ever had. But you're going to vote yes

anyway and not take a stance and say no to something that's not just, and not have people scare you into thinking you're going to wreck the whole State if you don't vote for something that's not just.

So, I encourage you, vote your principles, vote for your people and vote your conscience. I vote *no* on this bill.

ACTING SPEAKER AUBRY: Mr. Lalor.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LALOR: I had a couple questions about the plastic bag ban.

MS. WEINSTEIN: Sure.

MR. LALOR: Are you familiar with a study from the California University in Loma Linda? It says that 50 percent of reusable bags had bacteria including chloroform in them. Are you familiar with that study?

MS. WEINSTEIN: No.

MR. LALOR: Are you aware that the same study said that 12 percent of reusable bags have E. coli in them?

MS. WEINSTEIN: No.

MR. LALOR: Have you seen the researchers at George Washington University and University of Pennsylvania, they

put out a study after San Francisco banned plastic bags and it said that ER visits for bacteria-related illnesses spiked in San Francisco after the ban. Have you seen that?

MS. WEINSTEIN: I -- no. And I --you know, I -- you're citing studies. I don't know whether they were industry-related studies or sort of public health studies, so without that knowledge I really can't comment on any of that.

MR. LALOR: That's a very good point. I think it might speak to the idea of doing this as a standalone bill versus jamming it into a budget bill. But I'll go on.

Do you know about the United Kingdom government agency study that found that cotton bags have to be used 131 times to yield an environmental benefit?

MS. WEINSTEIN: No.

MR. LALOR: Do we know the average number of times a cotton bag, reusable bag is used in this State?

MS. WEINSTEIN: I don't -- I don't think that we've kept that on that issue.

MR. LALOR: Isn't that the key question, though? It's possible that this -- isn't it possible if it takes 131 uses to get the environmental benefit out of the reusable bag, if say the average is 60 times we're actually encouraging the less-environmentally-friendly policy?

MS. WEINSTEIN: Well, we know that -- we know that plastic does not degrade, and for those of us who are old enough

to remember, and certainly earlier than that, obviously plastic bags weren't around. People did not have plastic bags for their groceries.

MR. LALOR: Are you familiar with the research that says it takes 71 percent less energy to make a plastic bag which, again, speaks to the environmental impact of what this bill is going to do?

MS. WEINSTEIN: I -- I'm not familiar with the studies that you're mentioning.

MR. LALOR: Okay. Do you know what percentage of plastic in the waterways comes from the United States versus other countries?

MS. WEINSTEIN: No. That, certainly, I don't know.

MR. LALOR: Well, there's an article and a study from *Science Magazine*. It says one percent comes from the United States, so New York State is about six percent of the United States. So we're doing this. There's going to be unintended consequences that we can talk about. And what would be the tangible benefit on plastic in the world's waterways in passing this bill here today?

MS. WEINSTEIN: Yeah. You know, it -- it's not just the, you know, the water, you know, the actual appearance in -- in lakes and oceans, but the -- besides they're not degrading in the -- in the landfill. They are being -- animals are and certainly there -- water animals are ingesting these bags. These bags are showing up in our water treat -- water waste treatment centers. They're showing up in lots of places, causing malfunctioning of machinery.

MR. LALOR: Can you speak to the -- any -- is there any metric that says those problems that you indicated will be reduced by a certain amount if we pass this, or we're just hoping for the best?

MS. WEINSTEIN: When they're -- when they're gone we know that we -- they won't be showing up, so that there will be some reduced cost.

MR. LALOR: So they're going to be 100 percent gone when this bill takes effect?

MS. WEINSTEIN: I'm told that within New York State -- in Suffolk County once this -- in the first year this was in effect there was a reduction of 1.2 million -- billion, 1.2 billion bags, and they had a reduction in the amount of damage that they were seeing in these -- in these mechanical systems.

MR. LALOR: Great. Let me shift gears to the five-cent fee on paper bags. Would you describe that fee as progressive or regressive? In other words, if a millionaire goes to the store and he has five paper bags and a person of modest means, a lower middle-class person or a middle-class person, do they pay the same five cents per bag?

MS. WEINSTEIN: It is an optional, not a mandatory fee, and it would be charged to all individuals except for people, who I mentioned earlier, are exempt from that fee who are on low -- who are low-income individuals.

MR. LALOR: So, it could be applied to some New Yorkers as a regressive fee, correct? Not all, but some.

MS. WEINSTEIN: It's -- well, it -- it's an incentive for people to bring their own bags and have reusable -- reusable bags.

MR. LALOR: Which may have E. coli and other bacteria.

MS. WEINSTEIN: Based on the information that you've referred to, but I -- you know, I -- I have not agreed with you that, in fact, that exists.

MR. LALOR: Well, it's not me. It's, you know, universities around the world and researchers around the world. But let me -- let me follow up on the paper bag question. If a county opts in to the paper bag five cents, the money's collected, it comes up to Albany or to the State and some goes back to the county, 40 percent goes back to the county. What is the cost to the State to manage and administrate -- administer this -- this program?

MS. WEINSTEIN: It --

MR. LALOR: I mean, it is the budget, right? We should put a dollar figure on everything.

MS. WEINSTEIN: Right. No. The two percent goes -- the two cents stays in the locality. The three cents is remitted to the State Tax Department. They're known -- and that then goes to the -- distributed to the Environmental Protection Fund. There is no additional administrative costs associated with this.

MR. LALOR: But aren't there going to be State employees that enforce this provision and deal with the cash flow from the stores to the State back to the county?

MS. WEINSTEIN: It's -- it's going to be collected the same way -- on the State level, it's going to be the same as we do sales tax, so they -- they have --

MR. LALOR: No increase in employees? We won't need any new employees?

MS. WEINSTEIN: We don't think so.

MR. LALOR: Are there employees now in the State, Tax and Finance, they're not busy, they're not occupied all day, they have time to handle this other program?

MS. WEINSTEIN: No. All of this is really done -- they're not sitting there -- they're not sitting in Tax and Finance counting out the pennies. They won't be counting the, you know, sitting -- getting those and sitting and rolling the pennies and depositing them. It's all done -- it's really being done electronically and with the supervision of -- of the staff. So I don't -- I don't -- we don't anticipate additional costs.

MR. LALOR: Okay, thank you. I really appreciate it.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LALOR: You know, I think we get the benefits of a plastic bag bill for a few million dollars in public service announcements telling people, *Hey, don't be careless with your plastic bags. If you use them, reuse them a few times, throw them away properly*, and we wouldn't have all these unintended consequences and

we wouldn't have to be heavy-handed as a State where we're reaching down into communities saying, *This is how you have to buy your groceries. This is how you have to carry your groceries home.*

There's a -- there's a much better way, that's one -- one better way. I think we're -- I think we're going to spin our wheels here. I think there is going to be costs to the State. And I'm not convinced there's going to be any positive impact to the environment, and I outlined some really -- really troubling potential negative impacts on the environment.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Regarding this much-talked-about plastic bag ban. You know, based on the questions from my colleague from Suffolk County before and some of the statements by the other members, this provision is just troubling in respect to while I agree with the environmental issue that we should deal with the plastic bag issue. All the exemptions that are provided for in this particular part of the bill, and they're very lengthy, all the exemptions that they provide for. It's like we're not eliminating plastic bags at all. The only plastic bags that seem to be eliminated by this bill are the ones that you actually carry your groceries out of the



supermarket, and that's it. Everything else as far as pharmacies for prescriptions, food storage bags, newspaper deliveries and many other different packaging options are all -- are all exempted under this bill. So what are we really doing? And we're telling the stores to go back and use paper, and if they -- if the person decides to take a paper bag and not a reusable bag they bring from home, it's five cents per bag. So we're imposing a financial hardship on people. It was pointed out before, senior citizens are not exempted from this. Many of the low-income people aren't exempted except if you're on a WIC Program or a SNAP Program. But there are many low-income people that are not able to participate in those programs and still struggle financially with their grocery bills and other types of bills that they have. While I realize that there's different studies out there that talk about the environmental problems with not only the production of the plastic bag, but its disposal, we're also confronted with the same issues with brown paper bags. The manufacturing of the brown paper bag, the harvesting of the trees, the processing of them, the utilization -- the large amounts of utilization of water they take up for their processing, the fuel that's burned for the processing of brown paper bags. And they're not always biodegradable, either, depending on what landfill they wind up in, and they're not always recyclable because companies are not always interested in putting them through the recycling program. So, really, both bags are a potential problem to the environment and have consequences. So, if we're going to address it the right way for environmental issues, let's ban all the bags and make

people come with reusable bags when they go shopping for everything. Whether they're going to the drugstore to pick up a prescription, whether they're going to the dry cleaners. Let's just do it across the board and -- and really have an impact on the environment the right way. But the way we're doing it this way, we're still continuing the use of plastic bags. And I saw some pictures out there for the advertisements from the different public interest groups to support this bill, and they show you like, you know, plastic bags hanging from trees and in the waterways and laying on the floor in the parks. And one of the big exemptions here is plastic carryout bags provided by restaurants, taverns, similar food service establishments to carry out and deliver food. Okay? Well, those are the ones that you commonly find in the park, that wind up everywhere else in trash baskets or loose on the streets. Somebody buys a sandwich from a deli, consumes the sandwich, takes the bag and tosses it. It either goes into a receptacle on the street where it blows out later or they throw it on the street. Generally, people that take plastic bags home from shopping, reuse those bags. They take their lunch to work in that bag and they use it for many other different items to transport their belongings around. So if we're really going to be serious about these environmental issues, let's stop taxing people on the issue. Let's do like we do when you go to Costco, when you go to BJ's or all these big wholesale clubs. They give you nothing to take your belongings out with. You put it in the shopping cart and you go load it into the back of your car. And if you feel like it, you pick up a couple of their

discarded cardboard boxes and you can put a few items in there. A regular thing for me all the time. They don't give you bags. So let's turn around and tell people to go out and get the reusable bags, do all your shopping that way and let's really put an impact on the environment and eliminate the brown paper bags, also.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the Chairwoman yield for some questions, please?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. PALMESANO: Thank you, Madam Chairwoman. A few questions. There's -- there's a couple items when I was looking through that were listed as intentionally omitted, and I just kind of -- my question is, really, are they permanently omitted or are we going to possibly see them or we'll see them later? The first part of the provision I was curious about is the provision that was intentionally omitted on net neutrality.

MS. WEINSTEIN: Yeah. I believe that we'll be not looking at it today, but outside of the budget, having continued discussions.

MR. PALMESANO: Thank you. The other one was relative to the proposal on the climate leadership act which creates a council on climate control.

MS. WEINSTEIN: That we will not be discussing later on today.

MR. PALMESANO: Okay. So that's going to be permanently omitted from the budget?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay. Thank you.

Relative to NYPA - I know we were talking a little earlier about giving them contracts to do renewable projects. Do we have a dollar amount, or can you quantify how much we're talking about, how much money they have allocated? Is it unlimited, or is there a budget for that or no?

(Pause)

MS. WEINSTEIN: So they -- they can finance six projects that are 25 watts, the minimum.

(Pause)

Actually, since it's -- NYPA is off-budget, they do have funds that they would be able to use for these projects.

MR. PALMESANO: Okay. So it's up to their discretion with the funding they have available.

MS. WEINSTEIN: Correct.

MR. PALMESANO: So would it be possible -- we have successful programs that get funded through NYPA like

ReCharge NY which provides low-cost power to manufacturers and businesses so they can help lower their energy costs and be more competitive in the -- in the business climate that we face in New York State and competitively, and has been responsible for thousands of jobs created over the years. Is it not possible that funding for ReCharge NY, the dollars that go for those programs, could be jeopardized if they so choose to fund more of these programs rather than funding ReCharge NY? Is that not possible?

(Pause)

MS. WEINSTEIN: The -- you know -- right. So this is the authorization for NYPA to do these other projects --

MR. PALMESANO: Right.

MS. WEINSTEIN: -- that we spoke of, but not the ReCharge NY. So the trustees will have to determine if there are other resources available to do those other projects, and we wouldn't anticipate the reduction or elimination of the ReCharge NY programs.

MR. PALMESANO: So we don't expect it, but it is possible. If the -- if the funding is there, it is a possibility? That's all I'm asking. They can do whatever they want, basically, right?

MS. WEINSTEIN: It -- this doesn't change what they can do today.

MR. PALMESANO: Okay.

MS. WEINSTEIN: So, you know, they could today rejigger their -- the funds for different programs, so this doesn't change that.

MR. PALMESANO: One other -- one other question. Relative to the Westchester County Renewable Energy Project, do we know how much money is being allocated for that? I know that's being done through NYSERDA. I know NYSERDA's off the books, too, so there's no dollar limit on the amount that would cost and they could spend as much money as they needed to do this Westchester County Renewable Project?

MS. WEINSTEIN: There aren't dollars associated with that that I could describe to you. And, you know, this is -- will be a public process. This is in response to Con Edison's -- I think we discussed this during the one-House --

MR. PALMESANO: Yes.

MS. WEINSTEIN: -- the Con Edison's statement and decision to not do new hook-ups.

MR. PALMESANO: And part of that problem with the not being able to provide the natural gas is because the Administration has single-handedly blocked three interstate wholesale pipeline projects from being developed in the State, which means there is -- there is a demand for a natural gas. We have plenty of supply, it's just that we don't have the infrastructure to get it there. I -- I'm not saying that Westchester doesn't have the retail capacity, but I'm talking about the interstate wholesale capacity is because this Administration has single-handedly blocked interstate pipeline projects from being constructed. That's why we have this, because there's a lack of supply because -- not because of the lack of supply, but because of the

infrastructure not to get there. Is that not correct?

MS. WEINSTEIN: Well, that -- that is not part of the -- the discussion but, you know, clearly, we are trying to move towards renewable energy and saving -- and saving of our -- our resources. So this is a move in that direction.

MR. PALMESANO: The only reason I ask the question is because you said the reason we're doing this is because Con Ed has put the moratorium, and that's the reason the moratorium's in place. I understand the philosophy of many from your side of the aisle as relative to (inaudible) renewables, and I certainly support renewables, but I also believe natural gas should be a part of that portfolio. And the problem is that right now we have that infrastructure problem so we can't get natural gas to get there right now. If the capacity was there, we'd be able to have the natural gas, yes?

MS. WEINSTEIN: All right --

MR. PALMESANO: It's just a yes or no. That's all.

MS. WEINSTEIN: Is that a question?

MR. PALMESANO: Okay. So here's a question. So when -- when -- is it under the common economics when the -- when there's a strong demand but no supply, prices -- cost goes up, generally speaking, doesn't it?

MS. WEINSTEIN: You know -- you know, we do have a goal to try and move towards renewable energy, and this project for Westchester is to meet that -- to move towards that goal.

MR. PALMESANO: So what do we do, we develop these renewable projects in Rochester -- or Westchester, excuse me.

MS. WEINSTEIN: Westchester, right.

MR. PALMESANO: We develop these projects. So what happens on the days when the sun doesn't shine, the wind doesn't blow, then we don't have energy. Then what do we do? Because right now, inter -- it's intermittent energy. You need a conventional backup, and if there's no conventional backup like natural gas, what are you going to do, burn oil?

MS. WEINSTEIN: The -- you know, clearly, this is part of -- this program is to come up with sources of renewable energy, research on storage of -- of renewable energy for some of those days that you -- you mentioned. And, hopefully, this is something that can happen here to -- with -- to help the environment and will be adopted in other communities as well.

MR. PALMESANO: Thank you, Madam Chairwoman, for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Just to kind of just reiterate the -- the conversation I was trying to get at with my colleagues. The reason this project's being developed is because there is a -- the gas, the natural gas that would be able to get there is because this Administration, as he always does because he thinks he knows best, has single-handedly blocked three interstate pipeline projects. There's



also -- there's another pipeline project that's being developed and proposed coming from the City that can have an impact as well that might affect National Grid in development in the City. This is dangerous econ -- energy policy from my perspective. We can develop all these wind projects and solar projects, but if the wind doesn't blow and the sun doesn't shine, then what are you going to do? Because wind and solar is intermittent. You still need backup energy. And if you can't have natural gas, what are you going to do? Continue to burn -- in the City, what are you going to do? Continue to burn oil? I know in the City they're trying to convert from oil to natural gas, but you need to get the natural gas there. What this is is simple economics. When you have an overwhelming supply -- a demand for a product but you don't get -- you don't have the supply and the supply can't get there, that's going to make prices rise for everyone. It's going to make prices rise for low-income residents. It's going to make energy prices rise for senior citizens, for families, for a high-intensive -- high-intensive energy users like our manufacturers, our small businesses, our farmers. This is bad energy policy, ladies and gentlemen. Just like you would invest in your 401(k). You don't just put it all in stocks and bonds and cash. You diversify your portfolio. We should have the same diversification within our energy portfolio. Yes, I support wind and solar and hydro, but I also support natural gas and nuclear. We need a balance in our portfolio. That's what helps stabilize the market, because our energy policy should be a three-legged stool. It shouldn't just be clean. It's got to be clean, it's

got to be affordable and reliable. Wind and solar on their own are not reliable and affordable. We need that balance. That's why I think policies like this -- talking about it here relative to these specific examples is a problem. It's something we should really be looking at, and I know as we look forward to some of these -- of our other clean energy goals, there needs to be a balance in this mechanism because it's going to -- otherwise if we don't, if we're going to try to make this push to 100 percent carbon-free by 2040, that is going to devastate our economy here in this State. I'd love to have that discussion and debate at any time, and I'm sure we will, but I'm glad it's being omitted from this budget. That's a positive sign. I was glad to hear that.

But this is dangerous energy policy, ladies and gentlemen, and that's the concern I have because ultimately, at the end of the day, these higher energy costs are going to be paid by everyone. Yes. Your senior citizens, your families, your small businesses, your manufacturers, your farmers. And for that reason and for a host of other reasons, I'm going to be voting no on this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DENDEKKER: So, several years ago we talked about charging a nickel for a plastic bag. And I'm from the -- a recent retiree of the New York City Department of Sanitation. I believe in

recycling wholeheartedly, and I explained I did not believe that was a good idea. And the reason why I didn't think so is because it was only going to solve 70 percent of the problem. Thirty percent of the problem was still going to be around. Those plastic bags cost approximately 1,000th of a cent, and the store was going to charge a nickel and get to keep the money, and I did not think it was fair that the store should be able to keep a profit on this environmentally-unfriendly product that it was given to the people that were shopping there. And I was told that we had to change people's behavior and that's why we were doing it. I decided to put my own bill in, and my bill said to ban the plastic bags. I thought that was the correct thing to do, and I did not believe that the store should profit from it. I didn't think people should have to pay to change their behavior. Now we have before us in this budget bill a bill to ban plastic bags. I'm very, very happy about that. We will solve the problem and get the environmentally-unfriendly bags out of our environment. However, there's another problem that's now here. We didn't take a very commonsense approach. We now decided to charge five cents for paper bags as an opt-in. And the store doesn't get to keep the money. Now, originally I was against the store getting to keep the money because the bags are only going to cost a 1,000th of a cent and they were going to make a profit off it. Now, unfortunately, we're going to tell them to give out paper bags and they can't charge for it. The paper bags cost substantially more to the business. So now the business is going to have to spend more money to buy paper bags and give them

away, charge a fee, and not be able to recoup any of that money. So they're going to charge us more money for the products in their stores to recoup the amount of money that it's going to cost them to now give us the paper bag. So in theory, those of you who now bring your reusable bag will be paying more for your groceries for the paper bag. That wasn't a really bright idea now, was it? The other bright idea that we decided to do was make it an opt-in where three cents of it will go to the Environmental Fund and two cents would go back to the local municipality to supply reusable bags to the public. The problem about that is being an opt-in now, think about that large business that has maybe stores throughout the State of New York. Now in some counties that opt in, it's going to have to collect five cents. In other counties it's not going to collect anything. But either way, that store is going to have to purchase all these paper bags that it's going to cost them more money and give away for free. Again, we missed the boat. We should've left it the way it was in my bill. We should've charged a fee and let the store keep the money for the additional money that they were going to have to spend for paper. And it should've been a higher fee. Mine was ten cents. The store might've made money, but it would've only made money because it would've had to buy a more expensive product to give us that was better for our environment. I also said that we should make them or advise them or hopefully get them to decide about 100 percent compostable bags made from plant-based materials, which, by the way, only cost approximately 11 cents each. That would've been another option. Or I even like the

idea that one of my other colleagues had; a dollar-for-dollar tax credit for purchasing a reusable bag. But going down the slope that we went just now on creating this opt-in fund is going to be a lawsuit by businesses that are going to say, *How do I collect a fee in one county and not in another county? How do I turn this money over?* It's going to be a nightmare to those stores. It's also going to be a nightmare that they have to spend more money on a product and not get anything in return for it. So the way they're going to pass it on is we are now all going to pay more money. That was the ingeniousness of putting this in the budget as is. I'm going to vote for it because I hate environmentally-unfriendly bags. Everything else that has to do with this thing was done wrong. It should've been taking your time. This could've been done very easily with commonsense approaches. Next time you have questions about recycling, ask someone from the Sanitation Department. They'll tell you how to do it.

When I first came here, I remember saying to myself, *Maybe I'm a little out of my league. Maybe you should be a philosopher or a lawyer to be in this Chamber.* After my first year, I went back to my local sanitation friends and told them, *We need more garbagemen in Albany. They have no idea what they're doing.* And this bill proves it.

ACTING SPEAKER AUBRY: Mr. Manktelow.

Thank you.

MR. MANKTELOW: Thank you, Speaker. Will the sponsor yield -- or will the Chairman yield -- Chairwoman?

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

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Thank you, Chairwoman. Just a couple of quick questions --

MS. WEINSTEIN: Sure.

MR. MANKTELOW: -- on the management of food waste.

MS. WEINSTEIN: Sure.

MR. MANKTELOW: In the bill on Section 27-2201, page 42, line 5, they -- they talk about food processing in there, food processors. Could you define to me what food processors are?

MS. WEINSTEIN: It'll take a minute for me to --

MR. MANKTELOW: Sure.

MS. WEINSTEIN: -- pull up that.

MR. MANKTELOW: Take your time.

(Pause)

MS. WEINSTEIN: So, we don't in this legislation define "food processor." It's a location that can handle the waste that can compost it.

MR. MANKTELOW: So this -- this food processing, this isn't somebody that actually produces food?

MS. WEINSTEIN: No. They get the end -- well, the in-between end product, if you will.

MR. MANKTELOW: Okay. So, I guess one of my

questions is that up in our district and throughout many areas of New York State, we have big egg facilities that process multiple vegetables, apples, milk, stuff like that. Is this going to be covered under that, then?

MS. WEINSTEIN: Are they going to be classified as food processors, or are they going to be required to --

MR. MANKTELOW: Are they going to be required to go along with this bill?

MS. WEINSTEIN: If they have two tons of -- of waste. So, you know, you said apple -- you said apples. So if they have two tons of rotten apples or if they make products with those apples and they have apple cores and apple skins that come out to two -- two tons a week, yes, they would be covered.

MR. MANKTELOW: Okay. Okay. So in our district up -- up in Wayne County, we have the largest apple produce -- processing plant in New York State, probably one of the biggest ones in the United States. Two tons would probably be a by-product every -- every hour there. So this business is going to have to go along and do this, correct?

MS. WEINSTEIN: As -- as long as there's a facility within 25 miles that would be able to process that food waste.

MR. MANKTELOW: Oh, okay. So if there's not a facility within 25 miles, they do not have to do this.

MS. WEINSTEIN: They're not required.

MR. MANKTELOW: Okay. Also, we have a lot of

smaller onion packers, apple packers, potato packers in our area, in our rural areas, as well as farm markets, bigger farm markets. And I know there's times when there's a lot of excess, like, partially bad apples, partially bad onions that goes with -- that was being thrown out. Would they also have to adhere to this as well?

MS. WEINSTEIN: If they -- if they meet the two-ton requirement, yes. And a part of this is to encourage products -- food products that are left over, but not rotten, to be able to be donated, distributed to encourage -- to encourage that reduced waste.

MR. MANKTELOW: Well, a lot -- a lot of these same facilities, these markets and these packers, they already do that when there's excess (inaudible) or maybe not a grade -- grade A, but maybe a grade B. They already do donate to food pantries.

MS. WEINSTEIN: That's great.

MR. MANKTELOW: The Foodlink. So I guess my question is why do we really need to legislate this?

MS. WEINSTEIN: It -- it has to -- both the -- I guess the encouragement of donation for those that are not as -- as -- doing as good work as some of the programs that you discussed, but it's to deal with the waste to make sure that food that is usable is donated or gifted and that -- that the waste materials are composted and not just entering into the general waste stream.

MR. MANKTELOW: So -- so some of these by-products from the manufacturing, say, apple slices, some of those apple slices, we take them back out and spread them over our



agricultural fields. There's an organic matter there. Are we still going to be allowed to do that?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Anything like that?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: So as long as we're using it for a secondary use, we're okay to do it?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Okay. All right. I thank you, Madam, for answering the questions.

MS. WEINSTEIN: Sure.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Okay. As -- as we've talked about here already today, some of these things that we're bringing forward, I just really have big concerns for our small businesses, some of our local smaller businesses that are going to have to deal with this. You know, putting in a refrigeration unit to hold these until they're transported someplace is really going to hurt our small -- our small businesses and our local retailers. And again, I think in all means everybody wants to do the best with their food scraps. I know we do. And I just feel that we should not have to legislate this. I think this is a practice that's being done more known than most people really know, at least out in our rural areas for sure.

And also on the bill, I'd like to just talk a little bit

about the -- the plastic bag ban. A few days ago I was here in Albany, we had a little bit of time to kill and -- pardon me, I can't -- I can't...

ACTING SPEAKER AUBRY: Certainly, Mr. Manktelow. Ladies and gentlemen, shh.

MR. MANKTELOW: Thank you, Mr. Speaker. A few days ago I was sitting in a parking lot at one of the -- the local shopping malls here, and I watched a couple that was in a Chevy pickup roll the window down and they took their bag that their sub came in and threw it out the window, rolled the window back up, shortly after that rolled the window back down. Here came the next bag, the bag that the fries came in. Just threw it all in the parking lot, watched it blow across the parking lot into the storm drain. So -- so really the plastic bags, the issue is not the plastic bag. The issue is us, as a society, taking care of those plastic bags. There's so many people that reuse them in a positive way, and now we're going to ban them? And also, there's a lady that I've got to know here in the Capitol building, out on the Concourse, she's -- I meet with her every morning. I do a few things for her, and she carries probably half of her belongings in plastic bags. If we get rid of these plastic bags, is she going to put them in a paper bag? Is she going to be able to transport them in a rainstorm? It's not the plastic bag. It's the people that throw the plastic bags out the window, down the creek, down the stream, whatever. This is not the answer. And also, most of our local stores -- I'll give you an example, Walmart. If you walk into Walmart you can self-checkout, and in that self-checkout line they've got these spinning

bags where you put your food into the bags, do the next one, they're already on the hooks. If we pass this in New York State, now all of our local businesses, a lot of these Walmarts, a lot of these other businesses, are going to have to change that all over. At the end of the -- at the end of the checkout there's the revolving thing where the -- you put your food in each bag. Now they're going to have to retrofit all that? There's a huge increase of doing something because we, as a society, aren't willing to take care of the plastic bags, and really it's on us. It shouldn't have to be governed by -- by government. So there are good, positive things about these plastic bags. They are better for our environment as far as producing, and if we can just stop throwing them outside, I think that would be a good thing.

I thank you for the time, Speaker, and I thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Schmitt.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein will yield.

MS. WEINSTEIN: Yes, certainly.

MR. SCHMITT: Thank you. So, I know we have a lot of animal lovers here in the Chamber, a lot of dog lovers. My -- my puppy Quincy is sometimes more popular than I back home in the district, which is fine by me. And I see the plastic bag ban, looking at

the bill language there are numerous direct exemptions: Food storage bags, garment bags, bags used to contain newspaper, bags used to contain deli meats and cheeses, bags for uncooked meat, et cetera. But there's no specific exemption for pet waste bags. Is that covered under some other category? Is that something that was maybe forgotten?

MS. WEINSTEIN: It -- there is no -- there's an exemption for bags that are purchased as in bulk. You know, so trash bags are covered and, you know, those little bags or -- I don't know how big your dog is, those bags are covered by the exemption.

MR. SCHMITT: Okay. So any pet waste bag product, even though it's plastic, will still be able to --

MS. WEINSTEIN: Bags that are sold in multiple units are exempted.

MR. SCHMITT: Wonderful. Thank you for clarifying that.

MS. WEINSTEIN: Sure.

MR. SCHMITT: I know bipartisan concern existed out there of what would happen if that were somehow eradicated. So, thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Friend for round two.

MR. FRIEND: Would the Madam Chairwoman yield?

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. FRIEND: Thank you. We'll start out with the plastic ban bag, big topic here.

MS. WEINSTEIN: Would you -- would you let me just clarify for a moment? I know you had a lot of discussion about the -- the --

MR. FRIEND: MWBE? Sure.

MS. WEINSTEIN: -- MWBE. And, in fact, it is not addressed in this budget at all since it doesn't expire till later in the year. So it will be a topic that we'll have an opportunity to discuss at a different time, but it will not be appearing in a later bill.

MR. FRIEND: I appreciate that. The sooner we do it, the better. My district is already suffering for that. Not just my district, but the entire Southern Tier is suffering.

So on to the plastic bag ban. So I realize that if the counties opt into this, is there -- well, actually, let's step back. If the counties already have it, like Suffolk County where they're charging five cents, this bill or this law becomes effect, do they have to give that five cents and split it, or do they get to keep the five cents and charge another five cents?

MS. WEINSTEIN: The Suffolk County law will be superceded by this law.

MR. FRIEND: By the State law.

MS. WEINSTEIN: Yes.

MR. FRIEND: Okay. So in that case the State takes

three cents and the counties take two cents to buy these bags to give to individuals who can't get their own bags. Is that the idea?

MS. WEINSTEIN: Correct.

MR. FRIEND: So, the individuals that are receiving these bags, can they just throw those bags away or do they have to come back with those bags another time, or how does that work?

MS. WEINSTEIN: Well, they're going to be -- they're going to be reusable bags that they will be --

MR. FRIEND: I know. I understand that.

MS. WEINSTEIN: -- that will be shipped to low-income individuals. And as part of that it will be a campaign, educational campaign to use -- to use the reusable bags. I don't think there's going to be any bag police going around to see how many times they use those bags.

MR. FRIEND: But, I mean, the idea is that we're -- now we're kind of up-stepping from a very flimsy plastic bag to a much more durable plastic bag that we're expecting to be reused. And if we're just going to use the counties to continually finance these bags that are going to be continually handed out for free, what's the incentive to bring that bag back? And as my colleague pointed out, are we going to have a disclaimer on that bag that says after you use this bag make sure you wash it when you get home, especially if you have any kind of meat products or any kind of fruits that may be slightly spoiled. We don't want to see a contamination epidemic start occurring on our lower-income fam -- comm -- communities.

MS. WEINSTEIN: Well, there is the encouraged -- there will, in fact, be at some point a limited amount of reusable bags, so it is hoped that people will continue to reuse the bags. And in the interim, I've had an opportunity to look at one of the -- some of the research that our colleague mentioned, and as you say, if you -- if you reuse -- if you wash the -- despite the fact that there's E. coli all over the world we live in, but if you wash -- wash the bags, 99.9 percent of the bacteria -- any bacteria that's in the bags disappears.

MR. FRIEND: Right. I mean, you can go just the opposite. You can be too clean. So you don't want to overclean everything either, but just on the bag we probably need to have a disclaimer at this point to remind people when you get these home, make sure you rinse them out because it is reusable and to bring it back to the store when you're going out.

I'm going to move on to another topic.

MS. WEINSTEIN: Sure.

MR. FRIEND: The sustainable management of food waste. Do we know how many food scrap generators there are in the State?

MS. WEINSTEIN: No. We -- we do not know.

MR. FRIEND: Do we have any idea of how much waste they're going to generate?

MS. WEINSTEIN: How much the food -- the generators, you know, where -- where the food scraps are deposited?

MR. FRIEND: Right. So, I mean, we don't -- right

now we don't have an idea of how many food generators there are or...

MS. WEINSTEIN: No.

MR. FRIEND: Is there, I mean, a projected amount of food?

MS. WEINSTEIN: No, it's --

MR. FRIEND: I mean, you put a two-ton per year --

MS. WEINSTEIN: Two tons per week, not per year.

MR. FRIEND: Per week, per week limit on it. But, I mean, how many people is that going to catch? How many generators will that catch at this point?

MS. WEINSTEIN: That -- we -- we don't know, but we know that it will exclude many of the -- most restaurants that will capture larger venues. And as I said, we exclude hospitals, nursing homes, adult care facilities and, you know, then the other caveat is there has to be within 25 miles of your location a place to deposit these.

MR. FRIEND: So if there isn't a place within 25 miles they'd be exempt?

MS. WEINSTEIN: Correct.

MR. FRIEND: Okay. Would our public and private schools be subject to this provision?

MS. WEINSTEIN: We -- we exempt schools, but not -- elementary and secondary schools are exempt, not colleges, universities. They will participate.

MR. FRIEND: Okay. And then as far as the organic



recyclers are concerned, who permits them? Would that be the local counties, the State -- a State organization?

MS. WEINSTEIN: It would be the State. DEC will -- will permit that.

MR. FRIEND: DEC will permit that?

MS. WEINSTEIN: Yes.

MR. FRIEND: Okay. And then on to the NYPA charging stations. So, the idea is that we're going to go out and create or finance charging stations across the State and use the NYPA funds to do that; is that correct?

MS. WEINSTEIN: Correct.

MR. FRIEND: And will that then be factored into the cost of that electricity that -- that's being used to charge there?

(Pause)

MS. WEINSTEIN: It -- so, it's going to be charging stations available for public use within the NYPA budget. (Inaudible) budget again.

MR. FRIEND: So but then NYPA's going to be using their funds to build these facilities, and will that cost to build them be reclaimed in the price of that electricity that someone's going to plug into to charge their vehicle? Or will we just kind of write that off?

MS. WEINSTEIN: Yeah. So we -- we don't in this legislation address --

MR. FRIEND: Address that? Okay.

MS. WEINSTEIN: -- whether they charge or don't charge for the use of -- of these charging stations. The purpose is to encourage and reduce greenhouse emissions, to reduce carbon in the air and to encourage the -- while there's move to encourage the use of electric vehicles, they need to be -- to have locations where people can actually charge the vehicles.

MR. FRIEND: Right. And that -- that's the only way to encourage that is to have more charging stations. If you don't have them, then it's very difficult to use electric vehicles. It'd be great to see more electric vehicles and green vehicles within our more densely-populated communities. How does it work as far as bringing the electricity to those stations? Is that going to be all wind, water, solar energy that's going to be used to provide there? Is there any way to determine that? Will it be all generated here in New York State?

MS. WEINSTEIN: You know, we don't address how NYPA decides where to locate these charging stations because they are for public -- for public benefit. They may look first to where it is the largest amount of public benefit, but we don't say how you bring electricity. We don't tell them how to build these stations. We don't tell them where to -- how to bring the lines that's --

MR. FRIEND: Because the people that are going to using these electric vehicles are going to be under the belief that they're getting green energy. And that's something that they're going to be proud about in supporting. And if they're going to these charging stations and a large portion of that's coming from coal,

they're going to be pretty upset, I would imagine.

But we can move on to another topic.

MS. WEINSTEIN: Sure.

MR. FRIEND: On to the Westchester County Renewable Energy Project. Is this in response to the natural gas moratorium that's going on in Westchester County?

MS. WEINSTEIN: I -- I -- yes and no. I mean, it's all -- it really is a response to the failure of the county. Up until now could move away from this fossil fuel dependence, and this is a move to help expand the use of -- encourage and expand the use of renewables.

MR. FRIEND: How -- how quickly could we have this project in place and actually have programs and energy in Westchester to be able to support new development?

MS. WEINSTEIN: I couldn't answer you on that, because this is going to be -- the discretion to move in this direction is -- is given to the Public Service Commission and NYSERDA. And so we would encourage them to move as swiftly as possible, but we can't give you a timeframe.

MR. FRIEND: So do we think within the next six months, next year, two years?

MS. WEINSTEIN: I -- I -- it's within their -- it's within the discretion of how they move forward, but the plan is -- I couldn't give you a timeframe.

MR. FRIEND: I mean I have a much quicker

solution for everybody in this Chamber and in the other Chamber. In the 124th Assembly District all across the Southern Tier, we sit above one of the largest natural deposits of natural gas in the country and even in the world. We don't have to frack that with water. We can frack that with compressed gas and you take the entire problem of contaminating water out of the equation. We actually have a permit before the DEC that is waiting to be processed so that we can actually do an exploratory well with compressed gas. That compressed gas could then be used to power Westchester County. But we have not been able to move forward with that. And that would not be hydrofracking. That would be fracking with natural gas which could be reclaimed. You don't have the issue with the brine, you don't have the issue with added chemicals being added, dumped down the well. You don't have the water contamination. But the DEC is not willing to move forward with it because of pressure from the Second Floor. So that would be a very quick solution to Westchester's problem. And again, you're using natural gas, which has a very low CO2 emission rate. It -- it's a win-win for everybody, especially for the Southern Tier which is listed as one of the top two most economically-depressed areas in the entire country. And just looking at a recent report, we see that New York City is just around the corner for having a very similar -- New York City and Long Island for having a very similar situation that Westchester County has of having a moratorium placed on natural gas from their utility companies, not to mention the problems that we're putting on -- on to New England at this point with the brownouts

that they're having.

We can move on to another section. The Consumer Chemical Awareness Act that was intentionally omitted. Now, it's under my --

MS. WEINSTEIN: That was omitted and it's not coming back, so we can move on.

MR. FRIEND: And that's not -- are we going to -- is it coming back later in Session or something?

MS. WEINSTEIN: No, no. So do you have another one?

MR. FRIEND: Well, I'd just like to make a comment on it. Actually, I think that that would be a very useful tool for most of the people in the State, not only the country. The number of chemicals that people have under their kitchen sink is really disgusting. And the fact that people don't know which kind of --

ACTING SPEAKER AUBRY: Mr. -- Mr. Friend, if you are not going to ask a question, you can allow the Chairwoman to sit. She doesn't need to stand during your dissertation.

MR. FRIEND: I'll go on the bill for this. So just a brief dissertation. Again, that unfortunately was one of the portions that I really thought was a great addition, definitely would've been great right here in the budget cycle to be able to push through. The greater amount of chemicals that people are able to access at this point, put under their kitchen sink and have cross-contaminations going on that they're completely unaware of, causing all sorts of

sicknesses within their households, this could've been a nice one-stop shop to say product X and product Y and I put them underneath my sink or in my bathroom and am I okay or not. So maybe that'll come back later in the Session or at another -- another budget cycle. I look forward to that. And I do have one more -- one more question for the Madam Chairwoman if she would mind.

MS. WEINSTEIN: Sure. If you ask me questions, yes.

MR. FRIEND: Part II was initially part of the bill and that was, I believe, intentionally omitted; is that correct?

MS. WEINSTEIN: Yes.

MR. FRIEND: And was this -- it was supposed to increase protection for transportation workers, include increasing penalties for assaults on certain workers, and creating the crime of intrusion into an active work zone. Is that what that piece would've done?

MS. WEINSTEIN: Correct.

MR. FRIEND: Is that coming up later in the budget?

MS. WEINSTEIN: No, it's not.

MR. FRIEND: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FRIEND: I'd like to read into the record again. I have a letter from the CSEA, New York's leading union. This is a letter from Francine Turner, and it says: *Dear Assemblyman Friend:*

*A recent tragedy has highlighted the need for our State to provide increased protections for transportation workers. Working on or near traveled roads is one of the most dangerous environments for CSEA members. Just this week, a CSEA-represented Department of Transportation worker lost his life from injuries sustained when a vehicle collided with a DOT truck in an active work zone. Every day, workers across the State deal with heavy equipment, the elements and hazardous materials to keep our State roadways clean and safe. In addition to the number of hazards of the work itself, road workers are forced to dodge distracted and impaired drivers. Something that must be done to protect the dedicated public employees to make our roads and other transportation infrastructure --*

ACTING SPEAKER AUBRY: Mr. Friend, you can submit that testimony and your time is up for your second. You can submit that to -- to the desk. Thank you.

MR. FRIEND: All right. Thank you.

ACTING SPEAKER AUBRY: Mr. Salka.

MR. SALKA: Thank you, Mr. Speaker. Would the sponsor yield for just a question or two?

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. SALKA: Seeing we're talking about food, I think this bill is a lemon, but we're going to try to make lemonade out of it.

MS. WEINSTEIN: We do actually have some food in the lounge for members that might be hungry.

MR. SALKA: Okay. Great. I'll help myself.

I can see this is actually working out to the advantage of some of my rural communities that are suffering from food deserts right now and how we can develop a distribution system to get these foods to some of our senior citizens that have a hard time getting to the supermarkets in the more populated areas. But like any other bill, the devil's -- the devil's in the details. In regards to the DEC enforcement, has anyone reached out to the DEC on how we're going to go about -- have there been any opinion from the DEC on how we're going to enforce this?

MS. WEINSTEIN: I mean, they would -- DEC will be developing regs after this is enacted, and they'll, depending on the contents of those regs, that'll give some guidance, obviously. But they will enforce the same way they enforce other regulations.

MR. SALKA: So they have made that statement, they have been referred to for this particular bill and we've gotten their input from them on how they would have a plan on how to --

MS. WEINSTEIN: Yes.

MR. SALKA: Okay. Good, good. A couple things here. One of the -- one of the -- for -- for a petition for a waiver, it says the organics recycler does not have sufficient capacity. In what respect are we talking about with sufficient capacity?

MS. WEINSTEIN: I'm sorry. So, you can -- if you



don't have the storage capacity, you can be exempted.

MR. SALKA: So if you don't have the storage capacity for the two tons per week on the average day.

MS. WEINSTEIN: Even though you are within the 25 mile location of a -- of a center.

MR. SALKA: Okay. All right. And also, the unique circumstances of the generator. What would be included in those unique circumstances?

MS. WEINSTEIN: You know, I think that's really just -- unique circumstances would be, you know, again, somewhat related to capacity. But if you have -- if you just like some weeks you're over that amount, just over the amount, some weeks you're under, to not have to have -- you can be exempt from the requirements.

MR. SALKA: Okay, thank you. That's all the questions I have. Thank you very much.

MS. WEINSTEIN: Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you.

On the bill, please.

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

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I wanted to just talk a little bit about this plastic bag ban as well as the

fee on the paper bags. You know, when this proposal first came forward by Mayor de Blasio, you know, the plan was to charge a five-cent tax on plastic bags. And there was a lot of opposition from our constituents, from legislators from both Houses of both parties to such a fee. You know, I, for one, am a law-abiding citizen. I don't litter. I clean up after my dog. And yes, I do so with plastic bags. I also reuse those bags for garbage bags, as do, I assume, many New Yorkers. The -- the Mayor then -- we asked the Mayor to go back to the drawing board, and in comes the Governor who, of course, not to be outdone by the Mayor, says now we're going to have an outright ban on the plastic bags. But -- and I could perhaps accept that, but my issue now is there's going to be a ban on the plastic bags, and then on top of it charge a five-cent tax on all paper bags. Now that's what makes this just a cash grab. Because we're not just doing what the Mayor wanted originally, which was the five-cent fee on the plastic bag. Now we're banning the bags. We're adding an additional fee, making it more difficult for our communities, our senior citizens, our families who have to go to the store, have to buy groceries for their families and, of course, reuse those bags, as I said, for garbage, for picking after the dog and for other things. Now, what makes it even more interesting is this cash grab is going to be going to a fund in which 40 percent of that money will be transferred to the locality. The funds are also going to be used to distribute reusable bags to low-income communities. Yet, we're exempting recipients of SNAP assistance from the fee, the five-cent fee. So for providing the reusable bags, this is truly about

the environment. We want everyone to recycle. We don't want people to be using plastic or paper bags now. Why would be exempting a portion of the population, particularly those that we're going to be doing a concerted effort to distribute reusable bags from this five-cent fee that we are collecting? But when it comes down to it, the real issue here are those individuals that litter. And in New York City in 2016, they decided they were going to decriminalize littering. And so, yes, we have seen an increase in littering in our communities and that is problematic. But we should be enforcing our littering laws. We should be ensuring or making individuals who do litter be part of the solution, require community service. I think that's a big portion of this. Because if it's not the plastic bags that's being littered, it's going to be glass bottles, it's going to be candy wrappers, it's going to be something else. And so I think that we have to go back and really look at the individuals who are littering. Let's crack down on the community. I host so many community cleanups in my district. We clean up wooded areas, the beach. You know, we could use volunteers for this. And if we enforce community service as part of a penalty for those individuals who are littering in our communities, I think that would go a long step in cleaning up our environment, cleaning up our parks and our beaches.

And so, I'm going to be voting against this because, again, it's just a cash grab and I don't support it. I think it's wrong. It's the wrong way to go about this issue, and I think that we should instead look at enforcing littering and punishing those who are

actually the problem.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I think I'm the wrap-up questioner -- I hope so -- on this bill. Would the sponsor yield?

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

MS. WEINSTEIN: Yes, be happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: We've obviously had a lot of discussion on plastic bags. How much revenue is anticipated from this tax?

MS. WEINSTEIN: We -- we really don't have an idea because we don't know who -- what localities are going to opt in to charge the -- the nickel on the -- on the bags. So until we start to see that, we -- we can't really estimate the amount of the dollars.

MR. GOODELL: So is it accurate that there's no appropriation included in this budget?

MS. WEINSTEIN: Right. Right.

MR. GOODELL: I was looking at the definition of "plastic bag." It's on page 8 of the bill on line 42. It says any plastic bag other than exempt bag. Does that mean, then, that a heavy-duty reusable plastic bag, the kind that my wife was able to get at the grocery store, is now banned?

MS. WEINSTEIN: They -- they can't be -- they can't be given out.

MR. GOODELL: It says no person -- no person --

MS. WEINSTEIN: Right.

MR. GOODELL: -- shall distribute --

MS. WEINSTEIN: Right.

MR. GOODELL: -- any plastic carry bags to its customers. So --

MS. WEINSTEIN: Right. But people can purchase them.

MR. GOODELL: Oh, so my local grocery store cannot give heavy-duty reusable plastic bags to encourage customers to come back? They can only sell them?

MS. WEINSTEIN: Correct. They cannot.

MR. GOODELL: Now, a number of counties have gone toward banning plastic bags, is that correct, already?

MS. WEINSTEIN: Yes.

MR. GOODELL: And so counties have the authority to do this on their own if they so desire, without this legislation?

MS. WEINSTEIN: Yes. Yes, they have had the ability.

MR. GOODELL: Switching over to food recycling, if I may.

MS. WEINSTEIN: Sure.

MR. GOODELL: Is there any appropriation in this

year's budget to implement the food recycling program?

MS. WEINSTEIN: No.

MR. GOODELL: Well, if there's no appropriation in the budget for either the food recycling program or the plastic bag program, why is this language in the budget?

MS. WEINSTEIN: The plastic bag language -- the plastic bag will be for counties -- localities that opt in will be having funds go to the EPF. And in terms of the food waste, we're giving -- there are grants that -- that go that are distributed, but there are not additional funds that are included here.

MR. GOODELL: So there is an appropriation related to the food scrap recycling program?

MS. WEINSTEIN: There are -- there are grants in EPF that exist today for those purposes, though it's not -- that already exist relating to food waste.

MR. GOODELL: Is there an appropriation to the Environmental Facilities -- or the Environmental Protection Fund in this budget?

MS. WEINSTEIN: Well, EPF is -- EPF is in the Capital Budget, but it's not directed -- directly tied to -- to this program.

MR. GOODELL: Well, since it's not tied to this program, then my concern is under Article VII, Section 6 of the Constitution that says, "No provision shall be embraced in an appropriation bill submitted by the Governor or in a supplemental

appropriation bill unless it relates specifically to some particular appropriation in the bill, and any such provision shall be limited in its operation to such appropriation." So if there's no designation, doesn't that constitutional language say that this provision is ineffective?

MS. WEINSTEIN: No. Well, you know, once enacted into law, the enforcement of these -- this program, particularly, and also the plastic bag ban will be a -- a State requirement and will result in some State charges to -- and relates to the enforcement.

MR. GOODELL: The requirement for a food generator to transport food scraps to an organic recycler applies if the recycler's within 25 miles, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: Now that we're imposing under this bill a mandate that they take their food scraps to a recycler, is there a corresponding regulation governing how much that food scrap processor can charge, or are we creating a statutory monopoly allowing a food scrap recycler to charge anything they want?

MS. WEINSTEIN: It should be comparable to waste disposal in general. And they can apply for -- if the excess -- for a waiver if there's an excess fee. If it -- if it costs too much -- I'm sorry, if it costs too much money they will not have to -- they can get a waiver to exempt them if they cannot -- if it's much costlier than their -- their normal disposal.

MR. GOODELL: This bill talks about requiring food

processors and others to separate from their excess -- they're required then to take all designated food scraps and separate that from edible food for donation, correct?

MS. WEINSTEIN: Correct.

MR. GOODELL: But there's no requirement in the statutory language that the edible food actually be donated, correct? All it requires is the separation.

MS. WEINSTEIN: It's -- there's encouragement that it be donated, but we don't absolutely require that it be donated.

MR. GOODELL: And since we don't require them to donate it, we don't deal with issues like who pays transportation or liability issues if there's a problem or anything like that, correct?

MS. WEINSTEIN: Right. I -- I believe that we have already addressed the liability issues in prior law, existing law.

MR. GOODELL: Now, the -- the trigger on whether you have to comply is whether you produce more than two tons of food scrap waste per week.

MS. WEINSTEIN: Per week, yes.

MR. GOODELL: There's an annual report required. Is that annual report -- report to be done by location, or can it be done on a company-wide basis? In other words, if a supermarket chain has 100 supermarkets, do they have to turn in 100 annual reports or just one annual report for the chain?

MS. WEINSTEIN: That's something that DEC will decide. We don't prescribe that here.



MR. GOODELL: Well, this is a statutory requirement for an annual report. And my question is how -- what needs to be done to comply with the statutory language specified in this law?

MS. WEINSTEIN: You know, I think some of that will be determined when we -- when we see how much food waste there actually is.

MR. GOODELL: My wife is very conscientious, thankfully, on plastic bags - going back there just for a moment - and we actually recycle almost all the plastic bags except for the ones that we reuse internally. Is there any -- any break on those plastic bags? You can clearly reuse them as often as you want, right?

MS. WEINSTEIN: You can, but they won't be getting new ones to replace the ones that you already have.

MR. GOODELL: And when you reference the word "distributed," when you said no one can distribute a plastic bag if they also collect the tax. When you meant "distributed" you meant distributed for free? I mean, the language just says "distributed."

MS. WEINSTEIN: Right. You -- you can't have -- you can't have plastic bags whether you're charging for them or distributing them, giving them away for free.

MR. GOODELL: But I thought you told me a minute ago that if they charge for a plastic bag that was okay. But if they don't charge, then it's banned?

MS. WEINSTEIN: No. I guess I was talking about

sort of the heavy-duty bags. They can charge for reusable bags, but not plastic bags.

MR. GOODELL: So they can charge for a heavy-duty reusable plastic bag --

MS. WEINSTEIN: Not -- not if it's solely made out of plastic.

MR. GOODELL: Well, as you know, a lot of the multi-use bags are made out of heavy-duty plastic.

MS. WEINSTEIN: No plastic can be distributed.

MR. GOODELL: Not even the heavy-duty multiple -- multi-use bags then, huh?

MS. WEINSTEIN: No.

MR. GOODELL: I see. But you can buy bags made out of other synthetic materials?

MS. WEINSTEIN: Yes.

MR. GOODELL: Gotcha. Thank you very much. Again, I appreciate your comments. Thank you, sir.

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.)

One minute.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. And I just want to make a couple comments regarding the plastic bag ban. And as many have spoken, I am absolutely fine with banning plastic bags. Long overdue. Something my constituents have supported for a long period of time. However, my concern still lies with the proposed fee regarding paper bags and how that fee is split. First of all, the county-by-county approach, in my opinion, is problematic. Our ultimate goal should be to encourage the shopping public to transition to reusable bags, which will lead to a better environment. This approach is uncoordinated at best. It presents a mixed message to the consumer and a major headache for the businesses that operate across multiple county lines. Secondly, the fee going back 60 percent to the State, 40 percent to the counties for a community reusable bag program, although that's admirable in many aspects, it comes at a cost to the retailer who will only pass on that cost to the consumer, the people we represent. But the good news today is that this action does not start until March of next year. It gives us plenty of time to go back, take a look at the fee proposal to enhance it where we put forth a consumer, business and environmentally-friendly program that

encourages reusable bags.

Thank you, and I support this initiative.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I think that we have a great deal to do in our environmental protection. The plastic bag ban is long overdue. I am old enough to remember when we did not have them and people managed to bring string bags or other bags with them. Very popular throughout Europe if anybody has traveled. The -- in addition, we have a problem with plastic waste everywhere. Landfills are filled with them, and the local economy is strangling in trying to deal with this waste. In addition, even if we do not -- are not the majority of the worldwide problem with plastic and plastic bags, there is a problem. When a whale can be examined and have 80 pounds of plastic in its stomach when it has died, that's a problem. And we have to start eliminating plastic in every place we can. And I don't think that paper bags are the whole solution, but they are more environmentally-sound. People just have to change their behavior, and you start by telling them they can't do this anymore. And then maybe they get used to carrying a reusable bag and then they don't even need a paper bag. So this is about changing people's behavior. It'll take too long, in my opinion, but I believe we're going in the right direction. And food waste as it happens, turns out to be the number one environmental

problem. So we have to start to address that.

And I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Buttenschon.

MS. BUTTENSCHON: Thank you, Mr. Speaker. I -- I, too, want to commend the work that was done on this bill and just talk briefly about the food scrapping in regards to my former role as a board member with the food pantries in Utica and throughout the area. We have found that partnerships have been created through our community college, our schools, ensuring that there is food reuse as well as the importance of taking a look at this food that is going to be brought to different facilities and -- and through the compost process, working with everyone.

So, again, thank you, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Buttenschon in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I, too, rise to explain my vote. And while there's much in this bill to be discussed, I, too, want to talk about what -- it's so significant here for the environment, and that is this plastic bag ban that is truly important and will be one of the most important pieces of policy changes we make

here today. While there's been a lot of discussion about it, we cannot deny the statistic that there are 23 billion single-use plastic bags used each year in just New York alone. And the studies are showing that by 2050 if we don't change our behaviors, there'll be more plastic by weight than fish in our oceans. And that's a pretty scary statistic, more plastic than fish in our oceans if we don't change our behaviors by 2050.

This bill is far from perfect. The ban is by far the most important. We ended up with a, in my view, a little bit of a convoluted piece with regard to a fee on paper, but the bottom line is it's a massive step forward. I hope we'll be back at some of these changes. And the good news is at least some of this five-cent fee that is an opt-in for counties - I would have preferred a Statewide policy - but at least initially, this two-cent fee will be used to help distribute reusable bags. Because that's where we need to go. Not with plastic, not with paper bags, but with reusable bags. So, it's -- while I, again, would've liked some of this going back to the stores, because every single paper bag costs five cents for each store, and I think we need to be a little more business-friendly, given that grocers work very much at the margins. At least initially this will be about promoting reusable bags because plastic bags, despite the fact that we talk about reusing them, whether it's for dog waste or -- or in our garbage cans, they are not degradable. At least, studies show five --

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

MS. FAHY: And with that, Mr. Speaker, I rise in support -- in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Ms. Romeo.

MS. ROMEO: Thank you, Mr. --

ACTING SPEAKER AUBRY: Members are reminded, you have two minutes to explain the vote.

MS. ROMEO: Thank you, Mr. Speaker. And I rise to explain my vote, and I will be voting in favor of this legislation today. I think that we are taking a number of important steps towards greater environmental stewardship, and I want to applaud a number of my colleagues here who have spent a lot of years advocating for this. In my part of Upstate New York, in Rochester, New York, we have a number of institutions who have been doing food waste diversion and prevention for a number of years. Rochester Regional Health, which is a hospital which will be excluded from the current proposal, currently has a program that diverts a number of waste. Similarly, so does Wegmans Food Markets, which is one of our largest employers in the region. This program not only helped reduce carbon footprints and diverts a significant amount of organic waste out of our municipal waste streams, but it also is an emerging industry, and that means local jobs. And I think that there is a real potential that with further incentive and further encouragement, empowerment, that this can be a new emerging industry, where not only do we have a positive we are

creating on our environment, but we're also creating opportunities for employment, entrepreneurship, and a number of other things.

I'm proud to cast my vote in favor of this bill. And I really encourage all of my critics -- or "the" critics of this policy, that I think it's time that we need to be brave enough to see the opportunities of our circumstances, not just the challenges. And with that, I vote for the affirmative.

ACTING SPEAKER AUBRY: Ms. Raia -- Romeo in the affirmative.

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. It was mentioned earlier in the debate that we're adopting this without the procurement reforms that have been talked about a lot over the last year. And the fact that we're doing that, given all of the scandal-ridden economic development programs, is -- is, frankly, just absurd. These bills, as we know, were passed in the Senate last year, didn't come for a vote here. There was a little bit of talk of kind of a compromise. But I think given the scandals we have seen, we need to continue to talk about this issue and we need to make sure we restore the authority for the Comptroller's Office to -- to -- to audit these contracts, that we have the database of deals so we have transparency in the public so that the nonsense and the corruption that has gone on is not being allowed to continue. Each day that goes by that we don't make those changes, we're enabling that to continue when we adopt a budget that continues many of these economic development programs, but does not restore



those -- those authorities to make sure that those deals are as transparent as possible and -- and to make sure that there's not insider dealing going on, and to make sure the public knows who's getting these contracts and are able to question why maybe certain entities are getting these contracts.

So, for this and a whole host of other reasons, I'm casting my vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the negative.

Ms. Griffin.

MS. GRIFFIN: Thank you, Mr. Speaker. I just wanted to -- I just wanted to explain my vote on this series of bills. I voted in the affirmative because the -- for the plastic ban. It is ever so important. It is the least that we can possibly do to stop the pollution of plastic bags. Bags have been shipped to China -- our bags have been shipped to China, just because we don't know what to do with them. And there are numerous studies -- anyone who wants to debate it, there are so many studies that I can send you. There is also a film I'd recommend, it's called *Bag It*. And if you see *Bag It* one time, it will tell you and show you why you want to stop polluting everywhere with bags. And even though you might use your bags, a lot of grocery stores recycle the bags, they say, and they have a big box, and there'll be like a thousand bags in them. Do you know what they do? They end up just throwing them away. Sometimes, depending on where you live, they might get recycled, they might get burned or they might get

shipped to China. And if you live on the South Shore of Long Island like I do and go to the beach, you can walk on the beach any day, and bags are everywhere. Because they blow -- it's not just people littering, they just blow -- they fall into the ocean. My son surfs every day. The bags get shredded into little tiny pieces. And then when you go swimming or when there's fish or wild -- you know, anyone in the water, people or fish, they can swallow plastics. So, it's a small thing that we can do, to just go with the ban. I would prefer that paper bags be banned, too. I think an all-out ban is terrific. Ireland is a great example. In six weeks they banned all bags, six weeks, they had 90 percent drop in usage. And what we can do is, the whole idea is bring your own bag. There's a group on Long Island, All Our Energy, they're in the City too, and they go around the country and they advocate for why we need to bring our own bag, not use plastic, not use paper. And once we do that, we'll do -- we'll do one small thing for climate change.

ACTING SPEAKER PICHARDO: Ms. Griffin, how do you vote?

MS. GRIFFIN: I'm voting affirmative. Thank you.

ACTING SPEAKER PICHARDO: Ms. Griffin in the affirmative.

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. This is an historic moment. In the last 40 years we've only taken two steps in a journey to reduce the volume of our waste and to clean up

the environment. Those two steps, of course, are the bottle bill and -- the original bottle bill and the revised bottle bill, which was ten years ago. Today in this bill, we take two more steps in one moment. This is historic. Cleaning up the environment with the plastic bags that are everywhere will help our storm drains to function properly, remove plastic from our waste in the sewer treatment facilities and wastewater, take the bags out of the trees, prevent wildlife death, and clean up the general feeling of place that is our homes. Similarly, food waste, it's 26 percent by itself. That category is 26. Almost a quarter of all of the waste that we produce. A lot of it is just usable again, but throwing away -- this is a step to try to reuse still viable food and also to compost instead of filling up our landfills at the cost of millions of dollars to our taxpayers. This great step would not have been possible without teamwork and cooperation at all levels. I want to thank, especially, Speaker Carl Heastie, but also my colleagues in the Senate, especially Senator Todd Kaminsky, and of course, Governor Cuomo, who helped work through these problems with all of us.

This is a great day for New York, a great day for the the environment. I proudly vote yes.

ACTING SPEAKER PICHARDO: Mr. Englebright in the affirmative.

Mr. Lentol to explain his vote.

MR. LENTOL: Thank you, Mr. Speaker. I grew up at a time when we didn't have plastic bags. As a matter of fact, I can't even remember when they came into being. I do remember watching

*The Graduate* and his being told that he should invest in plastics. But it wasn't 1968, I'm sure it was prior to 1968 that plastic bags came into being.

ACTING SPEAKER PICHARDO: Shh. Gentlemen in the back, please. Members are explaining their vote. Thank you.

MR. LENTOL: Thank you, Mr. Speaker. So, I just want to say that change does come hard, and I didn't know how I was going to vote on this bill because I feel very sad for the seniors who will have it very difficult without being able to carry plastic bags. And I understand the E. coli problem that was explained. But I believe that that can be solved with a little plastic coating in a bag that you can carry and may be able to rinse it out. I'm sure there are going to be more inventions that come about as a result of this ban. But most importantly, Mr. Speaker, I almost cry every time I watch *60 Minutes* and I see a bird lying on the ground with chocolate or -- plastic bags and chocolate mixed with all kinds of food in its stomach, lying there dead. Or a whale strangled in the water, lying on the beach. And for that reason alone, I would vote for this bill. But we know what it does to our communities and the blight that all of this plastic causes around our communities.

So, it is with great respect for the creators of this bill -- I know it's not a perfect bill and we're talking about replacing it with paper bags, but we're giving them an incentive by putting a nickle deposit on it so that we don't have paper anymore --

ACTING SPEAKER PICHARDO: Mr. Lentol, how

do you vote, sir?

MR. LENTOL: And we encourage people, we encourage people to bring their own bags.

So, thank you very much, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Lentol in the affirmative.

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. I rise today to explain my vote, because when I first came to this Assembly over two years ago, one of the first votes that I took was to vote no in overturning the New York City Council's plastic ban, a plastic bag bill. We foolishly did that then. Today we correct that wrong. So I am proud to vote in the affirmative to ban plastic bags and to allow counties to put a fee on paper.

Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Carroll in the affirmative.

Mr. Colton to explain his vote.

MR. COLTON: Thank you, Mr. Speaker. I rise to explain my vote because I think what is happening here is really something historic in terms of New York State and in terms of really the whole country. The amount of damage that plastic has done to our environment is just absolutely unfathomable. We have chosen an approach that I believe is the best approach to take in terms of dealing

with this problem, in terms of the amount of billions of bags of plastic which are basically a petroleum-based product. That in itself raises serious questions in terms of the damage that it does. The fact that it will remain in our environment once it is discarded for a century, it just doesn't disappear. The fact that it kills so many animals. The fact that it presents so many problems in terms of environmental problems and infrastructure problems; being twisted in drains and in wires. We needed to deal with it. And I think by banning it we did it in a way that we provide alternatives so that it does not hurt people. We're not charging them a fee where they're going to be basically financially affected. We're basically saying that plastic bags should not be used. Single-use plastic bags are bad for the environment, bad for the economy, bad for all of us. Instead, what we are doing is, we are providing an alternative, paper bags, and if people choose to use a paper bag, the counties and the cities may opt in and charge a fee of five cents. And the money from that fee goes back into the environment. It goes into the Environmental Protection Fund, part of it, and the rest of it goes into buying reusable bags that can be supplied free to the people who might have an economic problem --

ACTING SPEAKER PICHARDO: Mr. Colton, how do you vote?

MR. COLTON: -- to pay for paper bags. So, that's why I vote in the affirmative and I believe this is a historical environmental measure that has been passed by New York and will do well for many decades to come in terms of our environment, in terms

of our treatment of the economy, not wasting it on petroleum-based materials. And I vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Colton in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. In 1967 Dustin Hoffman was told with no uncertain terms, *Benjamin, the future is plastics*. And we now have a future that is overwhelmed with plastic. I, too, am very proud of voting against the -- the overruling of the City's plastic bag fee two years ago. Because that was the right vote to do -- to make at that time because we really need to reduce plastics in our environment. And so I am very, very happy to be able to vote for this this year, and that we will really make a huge difference in the reduction of plastics. And I also want to just suggest to everybody a great thing to do to give out to -- to folks is a tote bag. And I don't know any senior without a tote bag and I'm sure we're going to see many, many more, and that's what we ought to be fighting for, is tote bags for every senior.

Thank you.

ACTING SPEAKER PICHARDO: Ms. Simon in the affirmative.

Ms. Niou to explain her vote.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to explain my vote. First, I want to thank our Ways and Means Chair for her steadfast work. I want to briefly talk about two parts of

this bill. This bill has a section on student loan servicing licensure and regulation. I want to highlight the importance of the work this measure is doing in regulating and eliminating fraudulent, deceptive, misleading and predatory practices. Student debt loan -- student loan debt remains a tremendous economic burden on our economy, especially for our younger generation. I want to thank especially our Banks Chair on his leadership to regulate this industry, and to look for -- and I look forward to working with him to provide further protections for our consumers.

The second part of the bill I want to talk about is regarding the banning of plastic bags. By passing the plastic ban -- bag ban, New York will be one of two states who progressed towards real climate change mitigation. However, I believe we can and must go further to protect our environment and encourage the ban of all single-use plastics altogether. This is a tremendous step in the right direction, but we must take every measure to mitigate climate change. Our future and the future of the generations to come depend on the actions that we take today. Thank you to our Environmental Conservation Chair for his steadfast guidance on protecting our environment.

I know these two parts of the bill will have a lot of positive effects on all New Yorkers, and for this reason I vote in the affirmative.

ACTING SPEAKER PICHARDO: Ms. Niou in the affirmative.



Mr. Thiele to explain his vote.

MR. THIELE: Thank you, Mr. Speaker, to explain my vote. On this Budget Bill, specifically on the plastic bag ban, first of all, there can be no doubt, it's self-evident, the environmental benefits, the quality of life benefits that come from this particular piece of legislation, particularly with regard to the marine environment. In my district I have more coastline than any other district, more of that marine environment. And I think that's one of the reasons that towns and villages in my district long before this legislation, by local law had already voted and already had instituted bans on plastic bags. And the County of Suffolk, my county, also followed suit with a fee on plastic bags and on paper bags. And the reason why my towns, my villages, my counties did this, is that they hoped that one day it would spur the State of New York to take the -- the action that it's taking today. I should point out that Suffolk County many years ago was the first county also to institute a bottle bill, hoping that the State would -- would take action, and they did.

As far as people's behavior and the adjustment to this -- for this legislation, in my district where there are -- have been bans in place, it was a very, very short period of time before people changed their behavior. I go to the grocery store a couple of times a week, I've got my renew -- my reusable bags, and people quickly adjusted to that. That's what they do, and it was -- there was no great upheaval with regard to that kind of change in behavior.

So, I look forward to the implementation of this

legislation, and I think we will reap the benefits for decades to come.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Thiele in the affirmative.

Mr. Kim to explain his vote.

MR. KIM: Yes, Mr. Speaker. Every year we spend between \$8- to \$10 billion in economic development to corporate incentives and corporate welfare without any oversight, accountability or transparency. The last two years we tried in a one-House bill to put in some database language, as well as some transparency for regional economic development councils, but we did not get there again this year. In places like SolarCity in Buffalo we -- we allocated \$750 million that yielded 600 jobs. That's \$1.25 million per job. We should not be spending \$1.25 million per job of taxpayers' money. Moving forward, I believe we have the appetite in this House and in the Senate to make sure that we have more accountability, transparency and some strong callback languages and say, *If you're not performing, we should get that money back to the State.*

Secondly, we have a student debt crises. In ten years we doubled in student debt in the -- in the State of New York, from \$40 billion to close to \$85 billion. It is a full-blown crisis. I'm -- I am very glad that we took the measure under the guidance of our Chair, Ken Zebrowski, to make sure that we crack down proprietary servers. But we can -- we can go further. We can actually buy, write down, and even cancel some of the student debts. That actually has proven

by a number of economists to have tremendous return on local economies. That actually leads to more job growth. So, you know, this is a good start, but I think we can get -- we can go further, make sure that we can -- we can focus on producing real jobs for the State of New York.

Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Kim in the affirmative.

Mr. Buchwald to explain his vote.

MR. BUCHWALD: Thank you, Mr. Speaker. To explain my vote. I'll be voting in favor of this bill and I want to just comment and just note the words of my colleagues on one portion of the bill that has not been particularly commented on so far. The last part of the bill, Part UU, is -- is a part to amend the Public Service Law in relation to a Westchester County Renewable Energy and Energy Efficiency Resources program. I want to thank my colleagues for having supported the many people in Westchester who are now facing a natural gas moratorium announced just two months before it went into effect. And it was crucial that we demonstrate to the businesses and residents of Westchester that we, as a State, stand with them and to provide this opportunity to promote renewable resources of energy so that we can move Westchester County ahead and make sure the economic growth of our county can move forward is essential. I want to thank the great many colleagues, not just from the Westchester Delegation, but around the State who have been

supportive, making sure that we are helping lead the way. I think it was the Assembly proposing this initiative that helped create a program that's already starting to get implemented, but this legislation today will help make sure that's the case all the more.

Thank you very much, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Buchwald in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. First, I want to talk about the student loan debt issue. It's -- we are living in a crisis moment with student loans in New York State, and I'm glad we're taking a small step to try to resolve it. But we have a huge crisis for students who are being burdened by debt, being abused by the system and being abused by these agencies who say they're going to consolidate and help them. I'm glad we're taking the first step, but we have a long way to go.

Second, on the plastic bag ban, I really appreciate the leadership of the Assembly to move forward on this plastic bag ban. But again, there's so much more we need to do. We're basically penalizing people who go shopping who need a bag, versus people who go to restaurants and can afford to eat out every day, they can get a plastic bag every time you get food delivered to their home, every time they go to a restaurant to pick it up. It is a system that privileges people who are already privileged. So, my hope is that we take this

first step today, but we think about other New Yorkers and think about the issue of plastic bags and take this further.

Finally, on -- on food scraps and New York is not an environmental leader yet. My goal is for us to become one, by thinking about what we do around the State around composting food scraps. This is a clear important first step. But to catch up to states like California, who know the environmental impact that we have, know how important recycling, composting, energy efficiency, solar, wind, power. New York needs be a leader again and I look forward to our Body doing that. I will vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Epstein in the affirmative.

Mr. Raia to explain his vote.

Mr. Raia to explain his vote.

MR. RAIA: Thank you very much. I apologize.

Mr. Speaker, I rise to explain my vote. While the goals -- many of the goals in here are noble ones, I do have some concerns with the plastic bag ban. While it actually -- I'll be the first to admit, I hated Suffolk County's plastic bag ban, but it actually works. It forced me to change my habits, it forced a lot of people. I am concerned about some of the comments that were made earlier, that costs are going to be passed on to the consumer. I am concerned that there is a carveout for individuals. Everybody needs to have buy-in on -- in this. And if it means getting them reusable bags quicker than other people, then let -- let that happen. I'm also

concerned about the... the food waste part. I've been contacted by many hospitals and nursing homes, and they feel that this is going to increase costs of health care.

But my biggest concern are these pesky words that say "intentionally omitted." It's in here probably around 10, 12 times. Things that are supposed to be in this part of the budget that are not. Things like directing the MTA to reform its organizational structure. Increasing transportation worker assault protections. Increasing toll protections. Authorizing local governments to allow certain motorized scooters. Increasing oversight of limousine, buses and livery. Things like offshore drilling prohibition, which I -- I certainly support, but it's intentionally omitted here. Wetland mappings, intentionally omitted. How can we vote on a budget that has so many things that are intentionally omitted? Why? Because it may or may not show up in a Big Ugly or a revenue bill that we haven't even seen yet.

So, for this and many other reasons, I will be casting my -- my vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Raia in the negative.

Mr. Burke to explain his vote.

MR. BURKE: Thank you, Mr. Speaker. I rise to explain my vote and recognize the importance of this historic moment for our State and our environment. And I do so in understanding the -- the historic importance of these Chambers, and some of the people who have worked here. Theodore Roosevelt, a Republican, an

Assemblyman, had this to say: *It is also vandalism wantonly to destroy or to permit the destruction of what is beautiful in nature, whether it be a cliff, a forest or a species of mammal or bird.*

Here in the United States we turn our rivers and streams into sewers and dumping grounds. We pollute the air. We destroy forests and exterminate fishes, birds and mammals. Not to speak of vulgarizing charming landscapes with hideous advertisements. But at last, it looks as if our people are awakening.

Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Burke in the affirmative.

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I would like to explain my vote as it pertains to the banning of plastic bags. I would like to say that two years ago, I was not in favor in -- in the support of taxing our residents on -- a fee for the use of plastic bags, especially when the funds weren't going to anything regarding improving our environment. I did, however, say that I would support a ban on plastic bags altogether, which I think is the real way to change behavior and protecting our environment. I'm happy that the opt-in tax fee on brown paper bags will be going to the Environmental Protection Fund. This is a historic and progressive environmental move for New York State.

So, I vote in favor of this budget, and I'll be voting in

the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Ms. Bichotte in the affirmative.

Mr. Stern to explain his vote.

MR. STERN: Thank you, Mr. Speaker. Before coming here to the State Assembly, I had the privilege of serving as a member of the Suffolk County Legislature. And so, a few years ago I was there to play a role in the debate in passing of our plastic bag bill. At that time, we made the decision as a Body on a bipartisan basis to implement a five-cent fee on the paper and the plastic. And many of our colleagues asked these very same questions that have been raised here today. And a couple of the comments I remember very well. One of the comments was, *Well, if we are truly serious about protecting our environment, why are we charging only five cents for paper or plastic? Why not just a ban on the plastic?* Well, today, we take that very next step, one that had been contemplated in Suffolk at the time. Others would say, *Well, if you're serious about protecting our environment, why is the five cents going to the grocer instead of being allocated towards -- towards environmental protection initiatives?* And we said that while that would be the preferred way to go, we had to put into our bill a reverse preemption clause because at the lower level of government we did not have the legal ability to direct that fee towards environmental initiatives the way this does today. And so, at the time the law that we had passed, which has been a tremendous success locally, was with the idea that this day would



come; that this day would come to take the very next step necessary in protecting our environment.

So, Mr. Speaker, I will be voting in the affirmative because we do need to be serious about taking the next step to protect our environment for now and for generations to come. Thank you.

**ACTING SPEAKER AUBRY:** Mr. Crespo.

**MR. CRESPO:** Thank you, Mr. Speaker. To explain my vote. Listening to so many of the comments in regards to the impact of the part of this budget bill that bans the use of plastic bags, as you can see, I have my two little ones with me this afternoon, and I'm thinking about their -- the impact to their future and other children in my community. I remember my predecessor, now the Bronx Borough President, Ruben Diaz, Jr., working with then-Governor Pataki to clean up vehicles that had been dumped in the Bronx River, and working with local community-based organizations to clean up the waterways around Soundview and Hunts Point. And today, this takes a -- a great step forward in -- in improving our environment, because organizations like Rocking the Boat, the Bronx River Alliance, The POINT and others continue to educate kids around -- in my community around the importance of protecting the environment, protecting marine life and -- and our overall environmental goals and quality of life and health needs in our communities. And the fact is that these plastic bags are now the biggest culprit of that environmental impact. So, banning them is the right thing to do. I believe that the proposal we saw a couple of years ago was not the

right one, not the right approach. This is much better; while not perfect, much better. And for those that would opt in on the fees, so long as that money is being reinvested into our environmental needs and to provide and -- and promote the use of the -- of the reusable bags, that is the best way to go. The people of the Bronx will adjust to this. The people of the Bronx will benefit from this. And the people in my community know that this is about making sure that the future for our children is brighter and healthier. This is a step in the right direction. It is a great day for the State of New York and I'll proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Mr. Sayegh.

MR. SAYEGH: Thank you very much, Mr. Speaker. You know, this is the display of New York State taking the lead on issues from ecology, to the environment, to many issues that impact our lives. And sometimes we may say, well, what -- what does that do? That really sets the stage for the rest of the nation. And I think when our nation goes a certain way, it sets the stage internationally. And I think the ecology and the environment are crucial issues, and the ban on plastic, along with our efforts to promote more renewable energy, is really an acknowledgment that historically we may look at the past and say, *Plastic was the future and gasoline and fuel and fossil oil was the future*, and then we realize -- and -- and the bold moves is a realization at some point that maybe that progress or that

initiative maybe doesn't work as well as it was intended 40 and 50 and 100 years ago. So, I support this proposal and legislation. And I feel that although for many of us there's parts of this legislation that may not be perfect, but I think this sets a policy in motion and allows us, moving forward, to begin to look at fine-tuning this proposal so it becomes better. And as a quick example, a number of years ago when I first went shopping at Costco, and I realized with all the grocery we purchased, you know, that there was no bags to put this grocery in, and we had to utilize boxes. I looked at it as being unusual, how can this happen? And as time went on, we got used to it. It's conditioning that I think we would address and deal with and move on.

So, for that reason, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. I also just wanted to touch on the consumer protection standards and regulations regarding student loans servicers. My colleagues in the Assembly should be proud. We have been at this for a couple of years now and really set the stage in dealing with the protections necessary for borrowers across the State. Particularly my colleagues who spoke earlier and the members of the Banks Committee, who have shown leadership on this, certainly, the Speaker. And I really want to thank the staff who have dealt with a changing Federal regulatory structure

to come up with a process to protect consumers. And I'll be the first one to say that this does not end the student debt problem, this does not end the student loan problem. However, it does, for the first time, give our constituents an ability to appeal to State government so that they are not taken advantage of, so that they are not dealt with in fraudulent ways. Because at least part of the problem is when students are having issues with repaying loans, that they're sometimes steered in a way that actually makes the problem worse. So, for all those borrowers that we have across the State that are dealing with this crushing burden, we need to do more; however, this is the first step in really coming up with a regulatory structure to provide some protections. I want to thank all my colleagues for joining with me in that collaborative process.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for the opportunity to explain my vote. I wanted to just mention a little bit about the plastic bag ban. We recognize that there is -- there are tons of plastic bags that wind up in our ocean and harming all of the wildlife that lives therein. Plastic is not biodegradable, it's photodegradable and it takes about 400 to 1,000 years to break down into toxins. These toxins get into the fish that many of us wind up eating, and it sort of, you know, winds up into our own bodies. And we know that it's harmful not just to the wildlife, not just to our environment, but also to ourselves. While we are doing this, it also

has a major impact on -- speaking in one voice as it relates to natural gas and crude oil, which are two major components that produces plastic. So, I'm glad that we are speaking in one voice; however, we have the environmental campaign and -- and we have a number of other campaigns that are going on here, but the Poor People's Campaign is not necessarily being heard. So, while we look at how this attack can be situated on our seniors and many vulnerable communities such as the community that I represent, who are calling out to me for a lot of support and lot of help with respect to the actual implementation of this particular piece of legislation. So, we'll have to figure out how we get the bags into communities that will need them the most. And I look forward to each and every one of us coming up with an idea and a plan and an initiative that makes the environment for all accessible to all, and so that it is not necessarily a punishment on many disadvantaged -- economically-disadvantaged communities.

I also want to commend the renewable energy opportunities that are in this budget. As you know, we have solarized Brownsville and we -- we put 100 -- over 225 solar panels on many homes within Brownsville community. It's been very helpful, and we look forward to working with each and every one of you on this. Thank you.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We are now going to stay on -- going to page 8, Rules

Report No. 44. Again, on debate, Ms. Weinstein.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02006-C, Rules Report No. 44, Budget Bill. An act intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the Education Law, in relation to residency requirements for the purpose of qualifying for certain scholarships and financial assistance for higher education; and to repeal certain provisions of the Education Law relating thereto (Part D); intentionally omitted (Part E); to amend the State Finance Law, in relation to the Arts Capital Grants Fund (Part F); to utilize reserves in the Mortgage Insurance Fund for various housing purposes and for municipal relief to the City of Albany (Part G); to amend the Social Services Law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto (Part H); to amend the Social Services Law, in relation to Federally-required background clearances for persons working in residential foster care programs (Part I); to amend the Social Services Law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the Family Court Act, the Social

Services Law and the Executive Law, in relation to persons in need of supervision; and to repeal certain provisions of the Family Court Act. relating thereto (Part K); to amend the Social Services Law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); to amend part W of Chapter 54 of the Laws of 2016, amending the Social Services Law relating to the powers and duties of the Commissioner of Social Services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the Executive Law, in relation to preventing discrimination based on lawful source of income in housing (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the Election Law, the Executive Law, the State Finance Law, the Labor Law, the Vehicle and Traffic Law, the Environmental Conservation Law, the Public Health Law, the General Municipal Law, the Military Law, the Domestic Relations Law, the Education Law, the Mental Hygiene Law, the Elder Law, the Social Services Law, the Not-for-Profit Corporation Law, the Real Property Tax Law, the New York State Defense Emergency Act, the Administrative Code of the City of New York, and the New York City Charter, in relation to changing the name of the New York State Division of Veterans'

Affairs to the New York State Division of Veterans' Services; and to amend the Executive Law, in relation to changing the name of the Veterans' Affairs Commission to the Veterans' Services Commission (Part AA); to amend the Education Law, in relation to the Foster Youth College Success Initiative eligibility requirements (Part BB); to amend the Education Law, in relation to authorizing the setting of a reduced rate of tuition at the State University of New York, the City University of New York and community colleges for certain students participating in dual or concurrent enrollment programs (Part CC); to amend the Civil Service Law, in relation to providing that public employers, employee organizations, the State comptroller and the Public Employment Relations Board shall not be liable for and shall have a complete defense to certain claims relating to agency shop fee deductions (Part DD); and authorizing the State University of New York at Albany to lease or contract with certain tenants for the use of space in the Emerging Technology and Entrepreneurship Complex (Part EE)

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Yes, Mr. Speaker. This bill would enact into law major components of legislation that are necessary to implement the State Fiscal Year 2019-'20 budget as it pertains to Education, Labor and Family Assistance budget, often referred to as ELFA. Amongst its provisions are the -- I just want to highlight a couple of the provisions within this bill. We make



amendments to the Joseph [sic] R. Peralta New York State DREAM Act. We reauthorize the -- we -- the childcare -- we made changes to the Childcare Development Block Grant Reauthorization of 2014. We address issues relating to persons in need of supervision - commonly referred to as PINS - and we make some changes as relates to the Janus Act -- Janus Supreme Court case are enacted within this budget. And then I'd be happy to respond to questions regarding specific points that we address in the budget.

ACTING SPEAKER AUBRY: Mr. Barclay.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. BARCLAY: You'll be happy to hear, Chairwoman, that I only have two questions --

MS. WEINSTEIN: Okay.

MR. BARCLAY: -- so, both very brief. School bus cameras. We passed legislation, I think it was just last week on that. I notice that it has been intentionally omitted --

MS. WEINSTEIN: Correct.

MR. BARCLAY: -- is that --

MS. WEINSTEIN: And --

MR. BARCLAY: Why?

MS. WEINSTEIN: Well, because we passed the

legislation.

MR. BARCLAY: But is -- has it passed the Senate and the Governor hasn't signed it?

MS. WEINSTEIN: So, we have not been able to come to an agreement with the Governor on school bus cameras.

MR. BARCLAY: Has the Senate passed it?

MS. WEINSTEIN: I -- I --

MR. BARCLAY: You know, we've got so much --

MS. WEINSTEIN: I really -- we -- we really don't... know the answer. We don't think so --

MR. BARCLAY: Okay.

MS. WEINSTEIN: We've been a little busy.

MR. BARCLAY: Understood. There's a transfer out of the Mortgage Insurance Fund, and it -- it's in the amount of \$5 million for the City of Albany. And I seem to recall --

(Pause)

MS. WEINSTEIN: Yes.

MR. BARCLAY: And we've done another year's -- why Albany versus any other Upstate city?

MS. WEINSTEIN: So, they have a shortfall. We have all of -- we have all of the State-owned lands here that they do not receive property taxes on.

MR. BARCLAY: Okay. Although they have State government here and they receive a lot of benefits for State government being here. There's a lot of other not-for-profits in other

Upstate cities that suffer similar challenges. But, I'll accept that as an explanation. Thank you, Chairwoman.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Barclay.

Mr. Ra.

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

MS. WEINSTEIN: Yes. Sure.

MR. RA: Thank you. Just really one main question. Since this is the ELFA bill, where's the education? There seems to be a lot of stuff omitted, or where are we going to see some of those --

MS. WEINSTEIN: We will see much of -- much of that, which took a lot of time to finally come to agreement, in our revenue bill later today, this evening.

MR. RA: Okay. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Quickly, because I don't want to belabor this point, but we have -- this has become commonplace the last few years that we do ELFA without the education in it. And it -- like points that were raised on the previous bill, we continue to sit here and debate and have to vote on bills without a complete picture of what our entire budget is and -- and what's going on with it. So, just because it's become something we've done in the past, just because it's

-- it's something that makes it a little easier, really isn't a reason to continue to do things in -- in this manner. So, maybe we should, you know, when talking about this process, you know, it's great that the last bill and this bill and the next bill were -- were in by Thursday evening and have had the chance to age, every single bill of a \$170-plus billion budget should see the light of day. The public should have the opportunity to see them. You know, we just had a -- the revenue bill just came out on -- on a Sunday afternoon. It -- it really is -- it's not an excuse to -- to do government this way. It's -- it's just not right for -- for any of our constituents. And I really don't have much more to say than that.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Good -- good afternoon, Ms. Weinstein.

MS. WEINSTEIN: Yes.

MS. WALSH: I have a few questions about the PINS provisions, the reform -- Persons in Need of Supervision provisions.

MS. WEINSTEIN: Correct.

MS. WALSH: Okay. Which is Title XII. So, this --

this section talks about to the extent that funds are available, funding for this program will be given to the highest-need municipality, which shall mean a county or a city with a population of one million or more.

MS. WEINSTEIN: So, this is -- I think you're referring to family support --

MS. WALSH: Yes.

MS. WEINSTEIN: -- systems. So, this would be in addition to -- pre -- pre-detention and post -- oh, in -- I'm sorry, in addition to other diversion services that may already exist.

MS. WALSH: Right. And I'm really familiar from working at Family Court about the PINS process and the -- and the system. The -- the program that this bill encompasses would provide rapid family assessments and screenings, crisis intervention, family mediation and skills building, mental and behavioral health services, including cognitive interventions, case management, respite services, education advocacy and other family support services. And I think all of those sound great. And my question is, why are we limiting those wonderful services to only areas with one million or more in population? Which would omit many different areas of our State that would really benefit from these services.

MS. WEINSTEIN: Any county or locality can -- can opt into it. It's not limited just to the over a million.

MS. WALSH: Oh, okay. I was looking at Section 458-N that seemed to -- seemed to limit it to a population of one million or more. So, could you just clarify? There is an opt-in?

MS. WEINSTEIN: Yes. You know -- so, let me just amplify what I'm saying, is that multiple counties can join together to -- to provide these services and then have one site just so that it doesn't become burdensome on any individual smaller county.

MS. WALSH: So, in other words, multiple communities could aggregate their population --

MS. WEINSTEIN: Correct.

MS. WALSH: -- and then provide those services on a shared basis?

MS. WEINSTEIN: Yes.

MS. WALSH: Great. Thank you very much --

MS. WEINSTEIN: Sure.

MS. WALSH: -- for the clarification.

ACTING SPEAKER AUBRY: Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker. Will the Chairwoman yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. SMITH: Thank you very much. In 2019 it was estimated that New York is home to 2.2 million student loan borrowers. These borrowers hold a cumulative student loan debt of \$73-and-a-half billion, the third highest in any state in the nation. Has anything been done in the budget proposal to address the growing student debt crisis?

(Pause)

MS. WEINSTEIN: Right. Well, not --well, first of all, just -- as you know, we have a lot of programs in our State to assist students, so -- financially so that they're not put in the position of having to have student loans. But we do have basically a counseling program that's available for students that we just added -- that was recently added to the -- the budget to assist students in just making those decisions.

MR. SMITH: Okay. And does the bill do anything with the maximum or minimum awards under the TAP program? Or do we anticipate any increase in the TAP awards?

MS. WEINSTEIN: No, we do not.

MR. SMITH: Okay. All right. Thank you.

My last question: Has the Governor signed the original DREAM Act bill that we debated into law yet?

MS. WEINSTEIN: No.

MR. SMITH: Okay.

MS. WEINSTEIN: We anticipate that bill will -- will be replaced by what we have here.

MR. SMITH: All right. All right. Thank you so much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMITH: All right. Thank you. So, I find it very interesting in this debate, under this bill we're repealing and

replacing the DREAM Act that has not yet been signed into law. So, I find it interesting, only -- only in Albany can we repeal prospectively something that actually is not the law. And under this -- under this provision, I'm very happy to see -- during our previous debate in January, one of the issues that I raised was that students on visas, foreign students on visas studying in the State of New York could potentially be eligible for the TAP awards and tuition assistance. I'm happy to see that this version does amend that and change that and remove that because that didn't make a lot of sense. But I'm not really thrilled, and the people I represent are not happy that there's still no additional time that someone must reside in the State of New York in order to be eligible. So, under -- under the current way that the DREAM Act is -- is set up, someone could live in the State for as few as 30 days, and if they can pass the GED exam, they could be eligible for State financial assistance. Also, when we talk about individuals who are DREAMers, there's still nothing in the new revised version of the DREAM Act that would set an age cap at 21 or anything, or any requirement that someone live in the State of New York for, say, 15 years or ten years or five years to make sure that those are truly the people that we're trying to help. Under this bill, you know, you could have a 45-year-old man who comes to the State of New York, enters the country illegally, and if they could pass the GED exam after 30 days, they could be eligible for financial assistance paid for by New York State taxpayers. So that's something that's still, I think, a concern on this bill. And considering the fact that it repeals and



replaces parts of the DREAM Act, I wish this could be sent back to the Higher Education Committee and gone back to the process, because we haven't -- that bill has not been enacted into law. So, to repeal and replace something that's not the law doesn't make a whole lot of sense to me.

So, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. If the sponsor would yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. WALCZYK: To -- to sort of piggyback on a couple of Ms. Walsh's questions about PINS, I was wondering if you -- when -- when that piece of this bill was written, did you have a certain geographical area in mind in New York State?

MS. WEINSTEIN: It -- it can be done across the State, as -- as I mentioned to Assemblywoman Walsh.

MR. WALCZYK: Yeah, thank you, as -- as -- I appreciate that. And as I read it, it's two or more eligible municipalities within a close geographic proximity to each other. I -- I was wondering, the two counties that I represent, St. Lawrence and Jefferson County, which are -- are pretty large, do you have an idea of the population of either one of those counties?

MS. WEINSTEIN: Right. So, without knowing the population, maybe just to clarify. The counties can combine -- if they don't have the resources, they're -- they're allowed to combine to develop the program. But each county can develop the program independently if they wish to.

MR. WALCZYK: I -- I appreciate that, Madam Chairwoman, and -- and thank you for the time. To -- 114,000 in Jefferson County and 112,000 in St. Lawrence County. And -- and if you're at one end of St. Lawrence County and the other end of Jefferson County, these are two counties that are adjacent, you wouldn't consider yourselves in close proximity. But I think you would find that north of the Thruway, you'd probably have to combine ten counties in order to reach the population requirements.

MS. WEINSTEIN: You know, so, they -- they can each have their -- you know, they -- they can develop their -- their own program. I think the confusion relates to that New York City isn't designated as New York City, it's just on the -- when we talk about a city of a population of one million or more, we're really just talking about New York City.

MR. WALCZYK: Okay --

MS. WEINSTEIN: Perhaps that's some of the confusion.

MR. WALCZYK: Well, I -- I appreciate that and I'll -- I'll move on to another question, if you'll continue to yield.

MS. WEINSTEIN: Sure.

MR. WALCZYK: So, if -- if counties don't opt in or they're not able to create their own program, will this take a -- take a tool away from the Family Court judges who may have used detention in the past as an option?

MS. WEINSTEIN: It -- it won't take something away because it's not something that exists today. It's an additional tool for the Family Court to have.

MR. WALCZYK: So, exactly what -- what are the -- what are the options for, let's say, a student in a high school that's referred to the -- to the system? Or, you know, a child of -- of a single parent who is unruly and is -- is in that area where they're in need -- in need of PINS. Will they have the opportunity to refer to detention?

MS. WEINSTEIN: Right -- right now there are a host of -- of diversion services that can be pre-petitioned, post-petitioned that exist throughout our State.

MR. WALCZYK: But detention is not one of those options?

MS. WEINSTEIN: Once a petition is filed, they can be -- they can, in fact, be detained. Yes.

MR. WALCZYK: Okay. Thank you. I appreciate that.

MS. WEINSTEIN: Sure.

MR. WALCZYK: And if you'd continue to yield, I also have a -- a question about the -- how -- how much money is going to be necessary to bring New York State into full compliance with the

Childcare Development Block Grant moving forward?

MS. WEINSTEIN: Right. So, we provide \$80- -- \$80 million here. But full compliance we believe would be close to \$500 million.

MR. WALCZYK: Okay. I'm -- I'm sorry, I didn't -- I didn't hear that. Could you say that figure again?

MS. WEINSTEIN: We provide eight -- we provide \$80 million to meet the Federally-required health and safety mandates. And I can go through the list of what we're doing, background checks being the --the main one. But we estimate that it -- it would take about \$500 million to fully -- to have -- to fully comply throughout the State.

MR. WALCZYK: Thank you. Do we have any -- any information from OCFS how much additional staff that would -- they would require, and is there an appropriation that would match that requirement?

MS. WEINSTEIN: Which -- for which portion --

MR. WALCZYK: In order to do the actual inspections.

MS. WEINSTEIN: For all of the -- just for the -- for the inspections piece? Because most of the... well, I mean, we have \$31 million that we have for inspections. But I don't know what -- what portion of, you know, what that means in terms of staffing.

MR. WALCZYK: Okay. I -- I see there's also a -- a requirement and this is to come into -- to compliance with the Federal regulations that health care -- or that child care providers will now be

licensing every two years, where they were licensing every four. My question is about the corresponding fee for that license, because --

MS. WEINSTEIN: Right, no --

MR. WALCZYK: -- because we're now --

MS. WEINSTEIN: -- I think it -- it may be the opposite of what you're saying. It's two now, it's going to go to four. So it's going to be expanded. The -- the timeframe is going to be expanded for the --

MR. WALCZYK: That's -- that's not my -- my understanding is that it -- it's currently at every four years and it will be reduced to two.

MS. WEINSTEIN: No.

MR. WALCZYK: Okay. I appreciate the clarification there.

MS. WEINSTEIN: It's going -- it's going to four years.

MR. WALCZYK: So, will the -- will the license fee for our childcare providers be doubling, or will it -- will it maintain -- do we...

MS. WEINSTEIN: We -- we don't -- we don't change the license fee.

MR. WALCZYK: And a -- a final question. What -- what are we doing to help with the costs of those childcare providers? In my district, this has come up time and time again. I view it as one of those bridges out of poverty for a lot of families in the North

Country and across the State. What are we doing in this -- in this budget to assist childcare providers and bring that cost down for families in New York?

MS. WEINSTEIN: So, we do -- we -- we do have \$10 million for additional childcare slots. You know, the \$80 million that I mentioned is for background checks for infant care quality efforts, inspection, training programs, staffing system changes. We do have \$8.7 million for childcare subsidies for people at the 69th percentile.

MR. WALCZYK: I'm sorry, Madam Chair, did you say \$8.7 million for childcare subsidies?

MS. WEINSTEIN: Eight -- \$8.7 million for childcare subsidies for the families. You know, to deal with families who are cared for who are at the 69th percentile of poverty.

MR. WALCZYK: Thank you, Chair. I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: So, in -- in poor and rural Upstate areas, I -- I view childcare as one of those things that is a bridge out of poverty. It is literally one of those chances that constituents have, that small families have to -- to get themselves out of poverty. By supporting this, we can help get them there. But this budget does not go far enough. When we have a \$15 minimum wage that's pressuring down on them, additional staff training time that they'll have to -- have to get in line with. Only an \$8.7 million restoration in childcare

subsidy, which isn't back to the 2016 level. A request for \$2 million for infant and toddler care that's -- looks like it's going to be funded at a lesser level than that. The average family in New York State right now spends \$16,000 a year on childcare, and we definitely need to do more. This bill -- this budget does not go far enough. And I thank you for your time.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker. Will the Chairwoman yield, please?

MS. WEINSTEIN: Yes, be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. MONTESANO: Thank you. Ms. Weinstein, just in two different issues I wanted to ask you some questions about. There's a provision in this bill which authorizes the higher education institutions to set reduced tuition and fees for high school students taking college credits. Could you explain that to me a little bit, please?

MS. WEINSTEIN: Yes. This is something that currently -- currently exists, particularly within the CUNY -- the CUNY system, where students in high school can get credit. Currently, CUNY doesn't charge tuition. There was some question whether they had the -- whether there's the authority for CUNY and SUNY to do this, so we're just expressly giving them the authority to

do this without charging tuition.

MR. MONTESANO: But I know now in -- in the high schools they have the Advanced Placement program and courses, and when the students take these courses and they pass them they can get college credit for that course, but that's taken within their own schools --

MS. WEINSTEIN: Correct.

MR. MONTESANO: -- and it's provided by the school district. So, how does -- how is that --

MS. WEINSTEIN: That -- that's what this is intended to cover.

MR. MONTESANO: Okay. So, you -- so, right now -- who's paying that expense now when they're taking it in their own home school district?

MS. WEINSTEIN: So, it's either the student themselves, the school district or the college may be providing --

MR. MONTESANO: Okay.

MS. WEINSTEIN: -- scholarships.

MR. MONTESANO: And where is the funding going to come from to absorb this cost?

MS. WEINSTEIN: Well, you know, this -- it -- it allows the ability to charge reduced -- reduced tuition or to waive tuition, so it's an optional program. It just, in reality, gives the ability of some of that program that exists today to continue.

MR. MONTESANO: Because the only reason why I



ask, I think it's -- it's great that the high school students are able to take these courses and get a leg up -- have some college credits before they go to college. But there's a cost associated with it. So, right now I know school districts incorporate that in part of their budget. You know, so if they're going to allow these courses to be given and nobody's going to be able to charge for it, you know, there is staff that teaches the courses, there's materials that have to be provided. Who's going to absorb the cost?

MS. WEINSTEIN: Right. This doesn't say that you have to --

MR. MONTESANO: Okay.

MS. WEINSTEIN: -- waive the tuition or reduce the tuition. It just gives the authority to do it. If they can do it within their --- the various budgets, then they -- they have the authority to, in fact, do that.

MR. MONTESANO: Thank you. The next area I want to just move on to is housing. There's a provision in the bill that removes certain requirements for domestic violence victims seeking shelter in a domestic violence shelter. And it says that if they enter the shelter, it -- it changes -- it removes the requirement that if they enter a shelter that they must apply for public assistance, and also something about eliminating the ability of service providers to charge a fee -- a fee for services provided. Could you expand on that a little bit, please?

MS. WEINSTEIN: Sure. I mean, you're -- you're

correct in what the -- obviously, you're correct, Mike, in what the bill does. We were in violation of Federal law regarding domestic violence victims where we had the requirement that they had to -- we required them to apply for public assistance. So, we removed that requirement. It's still hoped that since there are many other services that you can get if you are on public assistance beyond just the shelter, we would hope that domestic violence victims would, in fact -- given the information would, in fact, apply, and certainly we want them to apply and be able to get additional services that they might qualify. But we removed the requirement both for the fees and for the -- having to -- having to apply because the -- as I said, to avoid the -- to come into compliance with Federal law and to --

MR. MONTESANO: So, right now --

MS. WEINSTEIN: -- prevent any penalty from being imposed, financial penalty imposed upon the State.

MR. MONTESANO: So, right now, if someone who's a victim of domestic violence seeks shelter, you know, emergency shelter especially, the shelter provider cannot charge them for their stay there and they don't -- and they can't require -- I mean, under this bill, I should say, I shouldn't say, "currently," -- under this bill, there's no cost to the victim?

MS. WEINSTEIN: Right. So -- correct.

MR. MONTESANO: Okay.

MS. WEINSTEIN: They can't -- they can't charge -- you know, I was getting caught up on the -- the date --

MR. MONTESANO: Right, that's okay.

MS. WEINSTEIN: -- because it's not -- the mandate disappears when we pass --

MR. MONTESANO: Right.

MS. WEINSTEIN: -- this legislation. But there was an administrative memo that went out --

MR. MONTESANO: Okay.

MS. WEINSTEIN: -- that has the shelters currently following the -- what, hopefully, we'll be passing very shortly.

MR. MONTESANO: Very well. Thank you, Chairwoman.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lalor.

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

MS. WEINSTEIN: Sure. Be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LALOR: The last section of this bill, Part DD, I have a couple of questions. Is this -- is this provision included in reaction to the Supreme Court decision in the Janus case from last year?

MS. WEINSTEIN: Yes.

MR. LALOR: And the Janus decision said basically,

if someone who's not a member of a union is forced to pay dues to that union, her First Amendment speech rights are being violated if the union uses that money for political speech? Is that a -- is that a fair reading of the Janus decision?

MS. WEINSTEIN: Yes.

MR. LALOR: And do you agree that whether we like a decision of the Supreme Court, or any court, but especially the Supreme Court, we're bound by it, it's the law of the land?

MS. WEINSTEIN: Uh... yes.

MR. LALOR: So, this bill says, basically, because the powers that be in New York State don't like the Supreme Court decision, a nonunion employee seeking to vindicate her First Amendment rights by bringing a lawsuit against the State or the municipality that she works for for taking dues that the Supreme Court said violated her First Amendment rights, we're saying she doesn't have standing. In other words, she can't bring that suit in a court in New York State. Is that a correct reading of this provision?

MS. WEINSTEIN: Right. You know, so -- I mean, obviously, we're not overruling the Supreme Court ruling decision in Janus, we're just providing some rights to employers -- employees in New York State.

MR. LALOR: How are we providing rights to either employers or employees with this provision?

MS. WEINSTEIN: I mean, what we -- what we're doing is, we're merely allowing these public employee unions to retain

the fees that were collected in the past, which they had anticipated being collected. It doesn't require -- it does not require the fees to be paid in the future. It just require -- it allows them to maintain the current fees that were collected at the time -- within -- within the law of our land.

MR. LALOR: I agree that we are allowing the unions to keep those dues that -- that came in prior to the date outlined in the bill. But aren't we doing one other thing? Aren't we denying standing -- denying the employee the right to his or her day in court?

MS. WEINSTEIN: No, I don't -- I don't believe so. At the time they paid the dues, I don't believe they -- there wasn't an expectation they'd be able to bring an action to recover past dues.

MR. LALOR: But isn't that for the court to decide if -- if -- if a petitioner has standing?

(Pause)

MS. WEINSTEIN: Yeah, you know, I think that there were reasonable expectations from these public employee organizations that these were the amount of dues that they had. They allocated resources, budgeted based on that, and we're just preserving that right.

MR. LALOR: I think that's a very reasonable argument. But why deny the opportunity of the employee to bring the union to court and have them make that very valid argument? Why are we doing that?

MS. WEINSTEIN: No, I -- I don't believe that we're

precluding -- precluding someone from bringing an action --

MR. LALOR: Well, by definition we are. If you take away standing to bring a suit in -- in court, you're denying that.

MS. WEINSTEIN: I don't believe we're changing anything in standing. I -- I think I have a different reading than you do.

MR. LALOR: You have a different reading? *And current or former public employees shall not have standing to pursue these claims or actions.* What -- what is your reading of that?

(Pause)

MS. WEINSTEIN: Right. It -- it's just for the dues collected prior to the court case. So, they can't go backwards. But going forward, we -- from --

MR. LALOR: Is that for us to decide, or is that for a court to decide? I don't know what's right or wrong here. That's for courts to decide, how to interpret that, how to interpret the Supreme Court decision.

Is this what's really going on? We don't like the Janus decision and we're denying the rights of people who might seek to vindicate their First Amendment rights under that decision? Is that really what's going on here? And there's no legal justification for this, especially in a budget?

MS. WEINSTEIN: We think that it's consistent with the Janus case.

MR. LALOR: All right.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LALOR: You know, we can set aside whether we like the Supreme Court decision or any Supreme Court decision. But, this budget bill, for whatever reason, is denying the due process rights of... we don't how many New Yorkers. We might never know how many New Yorkers because they're never going to have their day in court. This budget bill that says even though the highest court in our land said, *Your First Amendment rights have been violated. You can't go to court to vindicate those rights. We're not going to let you set foot in the courtroom.* We are, with this piece of legislation, blocking the courthouse door to New Yorkers, to hardworking public employees. This is un-American. If New York can prevent this petitioner from having her day in court, what other petitioners will be denied access to our courts because their position might be politically unpopular because one side of a debate might be a humongous donor to -- to politicians in this State and around the country? It's a very slippery slope. It's a very dangerous precedent.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Raia.

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

MS. WEINSTEIN: Yes, certainly.

ACTING SPEAKER AUBRY: Ms. Weinstein

yields.

MR. RAIA: Thank you. And you're holding up just marvelous, although we've got a lot longer to go, I presume.

MS. WEINSTEIN: We have a lot -- we have a lot to do.

MR. RAIA: Exactly.

MS. WEINSTEIN: Hopefully people will contain themselves a little.

(Laughter)

MR. RAIA: I'm trying to keep it short, trying to keep it short. But I -- I do have a concern. This is the Education Article VII bill, and as I mentioned earlier, there's those pesky words again "intentionally omitted." And when you intentionally omit education funding, it makes it difficult to vote on a bill when you don't even know what the end product is going to look like. But I do have one concern, and maybe you can shed some light on it.

In both the Senate one-House and the Assembly one-House, I believe there was a provision or a tweak to the formula that would allow school districts facing pending tax certiorari lawsuits that could kind of tap into building aid to help offset the blow. That would've been in here, but since everything's intentionally omitted, can you tell me if that made it into the final budget?

MS. WEINSTEIN: Unfortunately, it did not.

MR. RAIA: It did not. This is not just an issue that affects my district. A number of my colleagues from all over the State



are directly impacted with this. Why was it taken out of -- of the final version of the budget?

MS. WEINSTEIN: We couldn't get -- come to an agreement with the Executive.

MR. RAIA: I have no problem blaming the Governor. He seems to be the reason why we're in this place in the first -- first reason. What happened with the school bus safety cameras that passed this House 146 to 0?

MS. WEINSTEIN: You know, again, we were not able as part of this -- as part of the budget to have an agreement -- to get a three-way agreement, so it'll be an issue we'll be pursuing outside of the budget.

MR. RAIA: Was that the Governor pushing back again? Or was it the Senate?

MS. WEINSTEIN: It -- it's, you know, it is a complicated issue. We all -- as you said, we all did support it here, but there are nuances that we still have to resolve to get a three-way agreement on it.

MR. RAIA: All right. And then again there's those pesky words again, "intentionally omitted." Increasing protections against sexual harassment in the workplace. Why was that intentionally omitted?

MS. WEINSTEIN: You know, I believe that we will be -- post-budget, be looking at trying to get agreement in that issue.

MR. RAIA: I -- I actually agree. Most of this stuff

should be post-budget and not included and we should be discussing it.

And then the last one which certainly is always a big issue, enacting provisions related to rent regulations. What's going on with that?

MS. WEINSTEIN: That -- well, there was no particular proposal in the budget that the Governor presented, and that is an issue -- they don't expire until June, and we'll have opportunity to -- again, a complicated issue we'll have opportunity to explore, negotiate and work on an extension of that before Session ends.

MR. RAIA: Thank you, Chairwoman.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RAIA: Mr. Speaker, I -- my school district Northport, East Northport, school districts Upstate, school districts in Nassau County, school districts in Port Jeff stand on the verge of bankruptcy because of a commitment that LIPA made to these school districts years ago when we dissolved the Long Island Lighting Company. These towns that host power plants, some of which, like the Northport power plant, is 50 years old in its design and one of the most polluting power plants in the country. Residents have to bear that burden. I remember waking up every morning and wiping the soot off of my car. Just imagine what you're breathing 30, 40 years later from a plant that should be extinct or at least repowered. But these communities have shouldered that burden for many, many years,

being told repeatedly that, *As long as you don't unfairly raise the assessment on those power plants, we will not sue you to try and lower our tax bill.* Well, LIPA, the LIPA Board which is primarily controlled by the Governor, has decided to go back on their word, leaving one of my school districts potentially \$56 million in the red. There is no way these school districts and these communities will survive unless we take positive action now. They did everything they were told to do, and now LIPA comes in and says, *Too bad.* Well, you know what? I don't want to see signs hanging on school districts that say "closed for business" or depriving my students of programs that everybody else has because they can no longer afford to do them. The time is now. These -- these districts and -- and local governments are in court right now with literally a gun pointed at their head. And we stand here and we recognized that we should do something about it, both the Senate and the Assembly, and we caved because of the Governor. Well, if we're talking about dealing with policy issues after the budget, I certainly hope this is one of them.

I will be voting no on this bill because it certainly is not ready for prime time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir, and thank you to my colleagues for their comments and questions and to the Chair for her answers. Would the Chair yield for additional questions?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. GOODELL: Thank you, Ms. Weinstein. Touching base on the Family Support Services Program, you've answered some questions. Clearly, our counties can run this program. They can join together in agreements and run it cooperatively. I want to just bring your attention to page 32, line 49 that deals with the funding. And as I read it it says, *To the extent that funds are available for such purposes and specifically appropriate, the Office of Children and Families Services shall distribute funding, quote, "to the highest need municipality, which shall mean a county or a city with a population over one million."* So is it the meaning, then, of this language that the funding -- while the program can be run by anybody, the funding is allocated only to those high-need counties that are defined as counties with a population of over a million?

MS. WEINSTEIN: Right. So we don't -- I'm sorry. We don't provide additional dollars, but they can use existing preventive services dollars if they have for this program.

MR. GOODELL: So for all the rural counties, Upstate counties, Rochester, Buffalo, Syracuse, they can use whatever funds they have existing?

MS. WEINSTEIN: Same with the -- same with the City of New York.

MR. GOODELL: But this additional funding is only

available for the City of New York or other counties with over a million in population?

MS. WEINSTEIN: So the -- the language is -- is here. I think it was originally in anticipation that the other House was going to add some funds that would be directed -- as directed in this budget. Ultimately, that didn't happen so the language remains here. In the future if there are appropriations, that is how they would be spent.

MR. GOODELL: Is there any reason why all the rest of the State was excluded in the event there's additional appropriations?

MS. WEINSTEIN: They're not excluded. There was, I guess -- you know, there had been an intention to fund a program in New York City with supplemental dollars. That didn't happen, so the language remains for this -- these extra family supportive services.

MR. GOODELL: Just a friendly suggestion that to the extent we do appropriate some time in the future supplemental dollars, it sounds like a great program that would benefit not just those large municipalities, but all municipalities. So I would suggest the language might be expanded to include all the State or simply take the language out. Just a suggestion.

MS. WEINSTEIN: Thank you.

MR. GOODELL: Can I -- I'd like to turn to the Lawful Source of Income Nondiscrimination Act. That's on page 41.

MS. WEINSTEIN: Yes.

MR. GOODELL: Now as I understand it, the purpose of this bill -- or this section of the bill, is to say a building owner cannot discriminate in any way against a potential tenant based on the source of their income as long as the income is lawful.

MS. WEINSTEIN: Correct.

MR. GOODELL: But this specifically states including, but not limited to, Section 8 vouchers, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: But you can only have a Section 8 voucher if the building owner has a contract with HUD, a Section 8 contract, correct?

MS. WEINSTEIN: I believe so. The -- the Section 8 voucher is for the individual, and they can -- I -- I don't believe you have to have a separate -- that the housing unit has to have a separate agreement with -- with HUD. They have to meet certain standards in their apartment, but they don't have to have -- they don't have to have a separate agreement.

MR. GOODELL: Well, I actually was involved in this program. I have one single apartment, and I rented it to an individual who asked if I would participate in the Section 8 program. I said yes. I then was presented with a multi-page small-print contract that I had to sign in order for them to be eligible for a Section 8 voucher. Has the program changed since then?

MS. WEINSTEIN: See, my familiarity is -- is

different. That people have -- actually have the Section 8 voucher, they're approved and then they seek an apartment in which to live.

MR. GOODELL: Well, just so we're clear, was it the intent of this language to require a building owner to sign such a contract if such a contract were required?

MS. WEINSTEIN: No. No, it is not.

MR. GOODELL: Okay. And does this require then a building owner to subject the building to a HUD Section 8 inspection?

MS. WEINSTEIN: There is a requirement. There are certain requirements for living standards and maintenance standards if it is -- for someone who is a Section 8 tenant living in an -- in an apartment.

MR. GOODELL: And so the answer would be yes, they would have to subject their apartment to a HUD inspection?

MS. WEINSTEIN: I'm -- I'm not sure how they would do that, but yes, they have to meet certain standards in that apartment.

MR. GOODELL: And would this then require the building owner to make whatever upgrades or recommendations from HUD in order for the tenant to be eligible for Section 8 funding?

MS. WEINSTEIN: No, I don't believe so. I mean, the requirements of Section 8 are basically a habitability -- a habitable apartment. So there shouldn't be extra requirements that a landlord would have to -- would have to undergo, but they would have the

potential of inspections. That -- that part of it is correct.

MR. GOODELL: Looking at page 42, line 9. I understand this bill would now make it illegal to make any written or oral inquiry or record concerning the lawful source of income. Is that correct?

MS. WEINSTEIN: Well, it would say that you can't discriminate based on the source of income.

MR. GOODELL: Well, it says you can't actually make any written or oral inquiry or record regarding it either, correct?

MS. WEINSTEIN: That's -- that's correct.

MR. GOODELL: Now as you know, many building owners are very sensitive to what their tenants might be doing that might impact other tenants. In particular, a building owner, for example, might be hesitant to rent to a tenant that's engaged in illegal drug sales out of their apartment or prostitution or gambling or other illegal activities that might impact negatively not only the building, but the reputation of the building and the land -- and the building owner, but also the tenants. If you cannot inquire as to the source of income, how is a building owner to determine or evaluate whether or not the tenant has lawful income or unlawful income that's being used to pay the rent?

(Pause)

MS. WEINSTEIN: You know, this does not prevent -- I believe this does not prevent the landlord from -- if they -- currently you do a credit check on a tenant before they have them sign



a -- agree to sign a lease. This doesn't change that. It just says you can't discriminate based on that information. So, based on the fact that there's a Section 8 voucher that's going to pay a portion of -- of their rent.

MR. GOODELL: You mentioned a building owner doing a credit report still allowable under this?

MS. WEINSTEIN: Yes.

MR. GOODELL: And can, then, the building owner, based on that credit report, require a higher security deposit if the tenant's credit score is lower? I mean, after all, if their credit score's lower the likelihood they'll default on their rent is higher.

MS. WEINSTEIN: If -- if they could -- regardless of whether it was -- the source of income was Section 8, that that's their normal practice, I don't think it would be -- this would prohibit that.

MR. GOODELL: Very good. Thank you so much for your -- for your responses.

MS. WEINSTEIN: Sure.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. De La Rosa to explain to her vote.

MS. DE LA ROSA: Thank you, Mr. Speaker. I want

to thank Speaker Heastie, Higher Ed Chair Deborah Glick and my colleagues for their steadfast support of immigrant communities in New York State. Immigrants, documented or not, are New Yorkers, and today we will finally see the DREAM Act become reality in our State. This budget includes \$27 million to ensure that immigrant New Yorkers have access to higher education. The DREAM Act is an education equity bill. It's about leveling the playing field for millions of families in New York State. When we open the door to education for one student, we're opening the door of opportunity for millions of families in our State. I want to thank the New York State DREAMers and advocates for following us -- for allowing us to draw inspiration and motivation from their personal struggles. There have been decades of work -- of DREAMers coming up to Albany every single Session to make sure that we could celebrate this moment. And honestly, this moment is long past due. We have a lot more work to do to make sure that we protect immigrants in this State. Let me be clear. It's not just about protection. It's about respect. Respecting those who have built our communities, who have worked, who have built this economy. Who have been brave enough to speak up and loudly in the efforts to redeem fairness in our State.

Thank you for placing your trust in me to bring this home for our Conference, and I proudly cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. De La Cruz [sic]  
in the affirmative.

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to abstain to explain my vote. First of all, I want to thank all of my colleagues in this House, particularly members of the Task Force as well as my colleagues in the Senate, for making sure -- as well as, obviously, the Speaker and the leadership in this House -- just to make sure that immigrants in this State have a better chance and a better opportunity for the future. And I want to make sure that this is stated for the record. That it was this House that carried the water and made sure that the DREAM Act stayed alive in the State. It was this House that made sure that that fight continued on regardless of the circumstances that we found ourselves in. It was this House to make sure that fighting for immigrants were a priority not only for our communities and for our districts, but for the State and this nation. And I have been in this fight myself for probably the better part of a decade, first of all in the Federal level and now to the State level and we were able to pass this and get this over the finish line. But I remind everybody that it was this House, that we made sure to push that the DREAM Act stayed alive, and I ask that my Federal colleagues take heed in the work that we have done today. In the -- in the age of divisiveness and the rhetoric of hate, especially geared towards immigrants, I hope that this will show a new day. That we can work together and make sure that immigrants, like any other New Yorker or any other American, are given the opportunity to succeed and be given a chance to be a part of this great American experiment.

And with that, I will proudly cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Pichardo in the affirmative.

Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker. I rise to thank my colleagues. As many of you know, I grew up as an undocumented New Yorker, and I wasn't lucky enough to be around when the DREAM Act is now becoming law. I had to work two, three jobs. My mother had to work two, three jobs so that I could be here one day as your colleague. And now the DREAMers don't have to go through that anymore. So I want to thank Carmen. I want to thank Senator Sepulveda, and wherever he is up in heaven, Senator Peralta because today we tell DREAMers, *We see you, we love you and we will fight for you.* And now we move on to fight for their parents and driver's licenses for all, because immigrants have made New York what it is today. And today we get to fight and give back to them.

Thank you.

ACTING SPEAKER AUBRY: Ms. Cruz in the affirmative.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. I rise to explain my vote. As I spoke when we debated the DREAM Act before the language changed that the Governor had to make and we had to make in this budget bill, I said that we were opening up the

flood gates and we are going to allow people to come here as a beacon, which we always are, right? We want to invite legal immigrants. Unfortunately, when they're illegal and we assign funding to that, it's not about hate. This is about taking care of our own citizens of New York State that we can't -- we have trouble sending our own students to school. We didn't fully fund the TAP program for our current legal taxpaying students, and now we're opening it up where you can have someone come here and get a GED after being here 30 days and then get free tuition. This is the reason why I have to vote in the negative. And it's -- it's unfortunate, because I think this is just going to -- it's going to be an unfunded mandate.

Thank you.

ACTING SPEAKER AUBRY: Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. I, too, want to speak on behalf of the DREAMers. My Assembly District is almost 60 percent first-generation immigrants. Many of them are documented, some of them are not documented. And we've been fighting this cause since I've been in -- in this House in 2010 and many people before that. So I'm very proud of what we've done in this budget for the immigrant community and for the DREAMers.

I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mr. Schmitt.

MR. SCHMITT: Mr. Speaker, I rise to explain my vote. I'll be voting in the negative. During the debate I was very disappointed to learn that school districts like those that I represent, the North Rockland School District dealing with a significant tax certiorari debt will not receive the relief that they need and deserve. Originally, \$224 million in debt through a tax certiorari debt was placed on the backs of taxpayers in the North Rockland School District equals out to over \$11 million a year. A payment over 30 years will be \$365 million will be spent by the school district to relieve this debt. There seemed to be bipartisan cooperation between both Chambers, but unfortunately, it fell out of this final document. It is unacceptable. We have failed the students of North Rockland, of Long Island and other districts who are facing this burden, and we've failed the taxpayers who are facing this burden as well.

I will be voting in the negative and, again, stress how disappointed bipartisan effort here has fallen out. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker, to explain my vote. I -- I'm so happy that we are finally here to see this DREAM Act pass. I remember a lot of our colleagues that aren't here anymore -- Senator Jose Peralta who was an Assemblymember; Guillermo Linares, who was also an Assemblymember; Francisco Moya; and, of course, our dear friend Marcos Crespo all worked on this important piece of legislation. And we saw it go from a DREAM

fund to a DREAM Act, and it's just so, so great to finally see this piece of legislation not just make it to one House, but to make it into the budget, to pass by both Houses and now to see it reach its fruition. I think it's a -- a very smart investment on the part of the State of New York. We-- we educate children up until a certain age. And then when it comes time for them to move on to get a higher education, we were telling undocumented residents of -- of New York, citizens -- well, residents that live here, our neighbors, we were telling them they don't deserve a higher education. And -- and I'm just -- I'm so pleased to be able to stand here today. And to the family of Jose Peralta, I hope you're watching, and thank you very much for the service of your -- your dad and your spouse and your brother for -- for doing the work that he did for Jackson Heights and East Elmhurst.

Thank you.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote. I am extremely proud of the fact that today we make a dream come true. (Speaking Spanish) If you're bilingually-challenged and did not understand what I just said, I will encourage you to help me get more bilingual education funds in our Foundation Aid. But the reality is this: For those that continue to attempt to portray the DREAM Act as something that takes away from someone else, I speak to New Yorkers across the State to understand that TAP is an

entitlement program. If you qualify, you will get it. The fact that we have now spent millions of dollars to create an Excelsior Program that wasn't meant for struggling part-time students in my community or parents who are forced to go part-time to school, it was meant to support middle-class families. And they deserve it, too. To expand the opportunities for those in suburban communities, not necessarily in the Bronx or my district. It's not CUNY students getting Excelsiors. And I'm proud to support that program, even though it wasn't meant for my kids. But today we do something for DREAMers across the State. They deserve something because they contribute something greater. They contribute to the growth of this State. They contribute to the economies of rural parts of this State, and they are also paying taxes and contributing economically. So making an investment in them, continuing the investment that we already make K through 12, to make sure that they get a college education is the right thing to do for the State of New York. And today, in the memory of Jose Peralta and all those colleagues that have served in this Chamber and in the great leadership of my colleague Carmen De La Rosa, I thank the Speaker. I thank our Higher Education Chair Deborah Glick and Helene Weinstein, our Ways and Means Chair, because today we make a dream come true. (Speaking Spanish)

I proudly vote in the affirmative.

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

(The Clerk announced the results.)



The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We can go to resolutions on page 3, Assembly No. 240 by Mr. Magnarelli.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. 240, Magnarelli.

Concurrent Resolution of the Senate and Assembly opposing the enactment of the State law -- of a State law, pursuant to a Federal mandate, to require the suspension or revocation of the driver's license of any individual convicted of any violation of the Federal Controlled Substances Act or another drug law, regardless of whether the offense is related to the operation of a motor vehicle.

ACTING SPEAKER AUBRY: Mr. Goodell on the resolution, sir.

An explanation is requested.

Mr. Magnarelli.

MR. MAGNARELLI: Yes, Mr. Chairman. This would declare the New York State Legislature's opposition to a law requiring the suspension, revocation or delay in the issuance or reinstatement of a driver's license of a person convicted of violating the Federal Controlled Substances Act or of any drug offense.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. MAGNARELLI: Sure.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. GOODELL: Mr. Magnarelli, under our current law if an individual is convicted of a Federal drug offense in New York, they -- their license can be suspended, correct?

MR. MAGNARELLI: Correct.

MR. GOODELL: And they can also then ask for a Certificate of Relief from Disabilities. Does that enable them to resume driving if it's granted?

MR. MAGNARELLI: I didn't quite hear that. Yes.

MR. GOODELL: And so the purpose of the suspension is to require someone who has been convicted of a drug offense to go through that extra process --

MR. MAGNARELLI: I'm -- I'm having trouble hearing you. I'm sorry.

MR. GOODELL: So, an individual who is convicted of a drug offense --

MR. MAGNARELLI: Yes.

MR. GOODELL: -- in order to get a Certificate of Relief from Disabilities, would then need to establish that their previous drug conviction should not and would not affect their ability to drive safely, correct?

MR. MAGNARELLI: I would imagine so.

MR. GOODELL: So the current process says if

you're convicted of a drug offense, you're presumed not to be a good driver because there's a higher risk that you would be driving while under the influence of a drug unless you establish through the Certificate of Relief process that it's not an issue. Shouldn't we maintain the current process that protects all the other innocent drivers and have that review process in place and make sure that a driver who has been convicted of violating drugs in the past is clean, dry and sober before we put them back on the road again?

MR. MAGNARELLI: Well, I guess there's a number of different ways of looking at that. That could be one, okay? But there's also other organizations that feel that that's not the right thing to do. The American Association of Motor Vehicle Administrators feels that -- showed a report showing that suspending licenses for reasons unrelated to highway safety is ineffective and potentially increases threats to public safety. There's the Prison Policy Initiative, a non-profit group has stated that, *Mandatory driver's license suspensions introduced new legal, economic and social barriers for people reentering society*. So there's a number of things to look at here, and there are also -- you're making the assumption that someone convicted of a drug offense was actually taking the drug. And that may not necessarily be the case.

MR. GOODELL: Agreed. Which is why we have the safety valve in the current law which allows for a Certificate of Relief from Disabilities. My concern, of course, is that, you know, drunk driving or drug driving certainly is a leading cause, if not one of

the highest leading causes, for innocent people being hurt, killed or maimed on our highways. So, don't we want to err on the side of safety for the traveling public?

MR. MAGNARELLI: If you're convicted of DWAI you still have a six-month revocation.

MR. GOODELL: Right.

MR. MAGNARELLI: That's still there.

MR. GOODELL: Right. So my question is, don't we want to err on the side of safety for the traveling public by requiring those who are involved in an illegal drug trade or sales or possession to demonstrate that they're clean, dry and sober before we allow them to drive again on the public highways?

MR. MAGNARELLI: Well, I think you're -- again, you're making an assumption that that is the case. And I'm saying there are other things that may have to be considered or should be considered as well. So we can go back and forth on this all day long. You're saying one thing, I'm saying the other. I think what we're saying is that there are other things that have to be taken into consideration with these laws, and I guess we're going on that side.

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

MR. MAGNARELLI: You're welcome.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the resolution, not a bill.

MR. GOODELL: Thank you.

On the resolution.

ACTING SPEAKER AUBRY: Yes, sir.

MR. GOODELL: Unfortunately, we have literally thousands of innocent New Yorkers every year that are the victims of car accidents where one of the largest contributing causes is the other driver's intoxication or impairment by drugs. The Federal policy started with the assumption that those who have a Federal drug conviction are more likely to be using the drugs or contributing to the use of the drug, which is causing thousands of innocent New Yorkers to be hurt, killed or maimed every year. We have a safety valve in the current system that allows such an individual to apply for relief from disabilities to demonstrate that they are no longer subject to drug addiction and that they can safely drive on our highways. The question before us now is do we err on the side of safety for the innocent public that's on our road, or do we err on the side of letting someone whom we know has been directly involved in illegal drugs to continue to drive without undergoing a review to verify that they are now clean, dry and sober.

I will be erring on the side of safety and, therefore, will not be supporting this resolution. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Magnarelli.

MR. MAGNARELLI: Mr. Chairman, on the bill -- on the resolution.

ACTING SPEAKER AUBRY: On the resolution,

Mr. Magnarelli.

MR. MAGNARELLI: Just two things that I'd like to make sure that I state here before we're finished. Data shows that drivers suspended for traffic safety-related reasons are three times more likely to be involved in a crash than are drivers suspended for non-driving reasons, and that limited resources should be focused on dangerous drivers. Also, just as a matter of fact, 38 to 40 states have done the same thing we're doing today, and no -- and they show no increase in impaired driving. So I just wanted to state that for the record.

Thank you, Mr. Chairman.

ACTING SPEAKER AUBRY: Mr. Barclay.

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

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

MR. MAGNARELLI: Yes.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. BARCLAY: Thank you, Bill. I heard your debate with Mr. Goodell. I believe under -- to get a commercial driver's license you have to be drug tested, correct? And if you fail that drug test you can't have the -- do you agree with that?

MR. MAGNARELLI: Yes.

MR. BARCLAY: But why wouldn't you agree with

that if it's just regular driving? What's the difference between commercial driving under the influence of drugs versus driving a car under the influence of drugs?

MR. MAGNARELLI: Because we're talking about not only driving, we're talking about being convicted of a drug offense that has nothing do with driving.

MR. BARCLAY: Right, but presumably it could. So why Mr. Goodell said the exact thing is we already have the safety valve in there. It's not like someone can't get relief on this.

(Pause)

We can go one step further. How about an airline pilot? Nothing to do with his flying. He hasn't been convicted of a drug crime for taking drugs while he's flying, but he's been convicted of a drug crime. I don't believe he can get a pilot's license. Do you agree with that policy?

MR. MAGNARELLI: I guess the thing that I'm getting confused on with these questions a little bit is the difference between taking the drugs and using the drugs and just being convicted of a crime involving drugs and not taking them.

MR. BARCLAY: So -- understood.

MR. MAGNARELLI: Okay.

MR. BARCLAY: So do you believe if you're convicted of a crime of drugs, something to do with drugs, you should be able to get your commercial driver's license or your airline pilot license?

MR. MAGNARELLI: No, you won't.

MR. BARCLAY: I know you can't, but what's the difference here?

MR. MAGNARELLI: You won't. You still won't.

MR. BARCLAY: I'm missing. My point is why should we allow -- we don't allow them to get a commercial license, don't let them get a pilot's license, but you're saying they should be able to get their driver's license.

Thank you, Mr. Speaker. Thank you, Mr. Magnarelli.

ACTING SPEAKER AUBRY: On the resolution, the Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. On the face of the resolution it gives us the background as to why we're doing this. It indicates that the Secretary of Transportation is required to withhold 8 percent of the State's highway-related funds unless the State does one of two things, which is either an act of law which would require a six-month suspension or revocation of the driver's license of an individual convicted of a drug-related matter, or alternatively, pass a resolution expressing the opposition to the enactment of such law. So what we are doing today is complying with the Federal statute by -- by showing our opposition to this particular law. It has been determined by our Committee and others who have worked with them that this law is unjust. Just because someone is



convicted perhaps of possession of drugs, doesn't mean that they should be denied the right to drive. So what we're doing today is complying with the Federal statute, saying we disagree with this. And I'm expecting that what we're going to do eventually is amend our law to do away with that other requirement which is clearly more in line with the types of things we're trying to do as an Assembly to allow people to fully participate in our community and not have unrealistic restrictions placed on them so that they cannot work in our community, cannot see their families and -- and freely travel in our community.

So I rise to support this resolution, and I commend the sponsor for setting it before us.

ACTING SPEAKER AUBRY: Thank you.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Just to quickly explain my vote. We have two choices: One, pass a -- a -- a piece of legislation that codifies what the Feds want or express our opposition to it. I happen to think we should be doing the opposite and passing a resolution. Whether you're convicted of possession of drugs, but more importantly, selling of drugs. Suffolk County has one of the highest drunk driving, drug driving rates in the State, if not in the country. I don't think people should be rewarded that may have been busted for selling drugs out of their car by giving them their license back. So I would hope we'd take a closer look at this and -- and do the right thing and send a strong message to those that -- that sell drugs, particularly

heroin, that there's going to be more consequences that come than just jail time, potentially.

Thank you. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. For the reasons set efforts by my colleagues, especially most recently from my colleague from Suffolk County, I'll be voting no. And I just -- to address my colleague from Westchester, it's always been the rule in this State and upheld by the courts that a driver's license is a privilege and not a right, and when you're convicted of certain offenses, you lose that privilege to operate a motor vehicle in this State.

Thank you.

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

(The Clerk announced the results.)

The resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now turn our attention to page 4 - we're still on our budget bills -- we're at Rules Report No. 43, and it is on debate by Member Weinstein.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. (A.02005-C)

Mr. Barclay.

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

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

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

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. BARCLAY: Thank you, Helene. Now that we've been at this for several hours, I just wondered if you could give the House an update of where we stand on -- I think when we talked first this morning we still had three -- three bills and we hadn't seen the Aid to Localities yet, but I -- that's -- I think we've seen that. Where are we on the other three? State Ops, Revenue and Leg/Judiciary?

MS. WEINSTEIN: I believe there -- well, I know that the Revenue was printed and State Ops was printed and Legi/Judi was printed.

MR. BARCLAY: Okay.

MS. WEINSTEIN: So I think we are --

MR. BARCLAY: Well you're going to take a break here so we can digest those; is that correct?

MS. WEINSTEIN: I -- I think after we do some of this, depending how fast this goes.

MR. BARCLAY: That's good. That's the right

direction. How about the fact that we're still a little bit in the dark with the financial plan. How do we stand on that? Is that in the works, too?

MS. WEINSTEIN: As we -- as we move along to revenue, we'll be able to address that, and a lot of the intentionally-omitted items that Mr. Raia cared about.

MR. BARCLAY: All right. Thank you, Chairwoman. To move to the specifics on this bill.

MS. WEINSTEIN: Sure.

MR. BARCLAY: AIM funding is a big issue where I live. We've heard a lot about it since the Governor first proposed his cut to aim, and then you'll recall he came out and said, *All right, I'm going to restore AIM, but good news, counties, you can pay for it out of the supposed sales tax, new sales tax revenue you're going to get.* I noticed AIM is not in this bill. Could you provide an update where that stands? I assume we're going to see it in future bills.

MS. WEINSTEIN: It was intentionally omitted from this bill. It will be in the revenue bill, and we have restored the \$59 million that the -- the \$59 million will -- for AIM will be for the towns and villages that are -- were omitted from the Governor's original budget will be provided for.

MR. BARCLAY: And how -- who -- the State's going to pay for that, or is that going to be out of the revenue that the county raises through sales tax?

MS. WEINSTEIN: Well, I'm -- I'm sure we'll have a

further discussion when we get there, but it will be through sales tax revenues that come into the State that will be intercepted and then given to the -- disbursed to the towns and villages.

MR. BARCLAY: Okay, thank you. Similarly, we may have a discussion on this later, real property tax --

MS. WEINSTEIN: Correct.

MR. BARCLAY: -- and making the cap permanent. Again, intentionally omitted.

MS. WEINSTEIN: Yes.

MR. BARCLAY: We're going to see that later in a bill?

MS. WEINSTEIN: Yes. Yes, we will.

MR. BARCLAY: Could you give us a little sneak peek of what we're going to be looking forward to seeing in that? Is it -- is it in there?

MS. WEINSTEIN: I think it's been widely reported that there will be a permanent property tax cap.

MR. BARCLAY: You know, it just leads me to think this budget, for better or worse, is really the Governor's budget. Is there -- is there -- what didn't the Governor get in this budget so far?

MS. WEINSTEIN: There were -- there were a number of places where we amended some of the language that the -- the Governor presented where we restored. We already talked about some of -- the prior two bills, restorations that -- that we made; some of the higher education opportunity programs, reduced lunches. And

as we go forward, even in this bill, there are additions that -- or changes that we made, and there's places where we reduced. Where we omitted intentionally and not returning provisions in the Governor's -- Governor's bill.

MR. BARCLAY: I'll be sure to keep my eyes peeled for those going forward. The last question, and I think my colleagues are going to spend a little more time on it - it's big for us Upstate - the prison closure. There seems to be some confusion around here. This bill allows the Governor, with notice to the Legislature within 60 days, to close two prisons. There's some rumor out there.

MS. WEINSTEIN: Well, it -- it -- we -- we changed it to 90. It's 90 days.

MR. BARCLAY: Excuse me, 90 days.

MS. WEINSTEIN: Two prisons, up to three prisons, and we provide -- we believe this provides a savings of \$22 million in --

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

MS. WEINSTEIN: \$22 million in this year -- this year's budget, and \$35 million in the out years.

MR. BARCLAY: Related to closure.

MS. WEINSTEIN: Related to the closure, yes.

MR. BARCLAY: So how many -- this bill, how many prisons, with notice, can the Governor close?

MS. WEINSTEIN: Two in -- in this bill, two. There actually will be a chapter amendment that will allow for up to three.

MR. BARCLAY: And what's the thinking behind -- I mean, the Governor already has the ability -- he has to give longer notice, I suppose. He already has the ability to close prisons. Why are we speeding up this process?

MS. WEINSTEIN: Well, I -- I think, as you know, luckily, in our State the crime rate has been reducing over the years. The prison population has reduced from its peak in 1999 of 73,000 to approximately 47,000 inmates in 2019. At the moment we have 10,000 vacant beds in -- in our system, which is more than is needed for any kind of emergency situation. So that's -- that's the rationale.

MR. BARCLAY: Thank you, Chairwoman. I think you'll hear some other thoughts on that going forward. Again, my thinking is we have a system in place. There's no need to do legislation to speed the whole process up. Clearly, you have a different viewpoint on that. But thank you very much for your comments on this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. Would the -- would the Madam Chairwoman yield for some questions?

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

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. NORRIS: Madam Chairwoman, I'm going to

focus many of my questions in the portion of this bill that deals with elections.

MS. WEINSTEIN: Okay.

MR. NORRIS: In terms of primary day voting, it's my understanding that there's language contained within this bill that would mandate that voting is from 6:00 a.m. to 9:00 p.m. Statewide.

MS. WEINSTEIN: Yes.

MR. NORRIS: What is the effective date of that implementation?

MS. WEINSTEIN: Yes. So, it's 120 days after the January it becomes law. So, 2020 elections and 2020 -- 120 days after January 1st.

MR. NORRIS: Would that include the Presidential primary next year?

MS. WEINSTEIN: Right. I -- I -- you know, I don't believe we have a primary date set yet, so to be -- to be continued.

MR. NORRIS: Great. Maybe that should be taken into consideration when looking at this language going forward.

MS. WEINSTEIN: Certainly we could.

MR. NORRIS: My question, then, we have passed early voting in New York State, correct?

MS. WEINSTEIN: Yes.

MR. NORRIS: And that will take place starting with this general election --

MS. WEINSTEIN: This election.



MR. NORRIS: -- coming up?

MS. WEINSTEIN: Correct.

MR. NORRIS: Correct? For an eight-day period, from my understanding. Ten days prior to the second day prior to a general election, right?

MS. WEINSTEIN: Actually, I believe it's nine days, but correct, in advance of the election.

MR. NORRIS: Eight or nine. I'll give you that. So it's somewhere in that. So, an individual could go and vote, early voting, somewhere within their county for that period of time.

MS. WEINSTEIN: Yes.

MR. NORRIS: Is it also accurate that we have taken steps to implement No Excuse Absentee Voting by passing the first phase of the Constitutional amendment?

MS. WEINSTEIN: I -- I'm sorry. I was a little distracted.

MR. NORRIS: Have we taken steps, this Body, to vote on a constitutional amendment to allow for No Excuse Absentee voting?

MS. WEINSTEIN: Yes.

MR. NORRIS: Okay.

MS. WEINSTEIN: I mean, we did, though it was just first passage.

MR. NORRIS: That's fair enough. So we've got a -- we've got a two-year period, potentially, for that to be concluded.

MS. WEINSTEIN: Correct.

MR. NORRIS: All right. I understand that in this bill, there is a provision that would allow an employee for three hours of time off to go out and vote in any election.

MS. WEINSTEIN: Correct. It -- it expands from the current two hour -- two hours to three hours.

MR. NORRIS: Two hours to three hours.

MS. WEINSTEIN: Right. It adds an additional hour.

MR. NORRIS: Okay. Time off, does that -- is that paid time off?

MS. WEINSTEIN: I -- I believe we say without loss of pay, so -- so that it's -- that's existing law for the two hours without loss of pay. So we added an additional hour, so that is also without loss of pay, that additional hour.

MR. NORRIS: All right. I just want to be very clear. For all of the small business owners out there in New York State, do they have to pay an employee for three hours of time to go out and vote?

MS. WEINSTEIN: Yes. You know, it doesn't change. So they have to pay currently the two hours, they would have to pay for the three hours.

MR. NORRIS: Okay.

MS. WEINSTEIN: You know, assuming that -- depending in different locations it may not take that long to, you know, to vote. It's -- it's for the intention of voting. It's not a three-

hour paid, you know, paid break time on Election Day.

MR. NORRIS: Okay. It's my understanding that under the current law that if an individual has four hours from the beginning of the polling site, opening at 6:00 a.m., until their shift starts, then that provision would not apply under current law. Or at the end. If there's a four-hour period at the end of the shift and day.

MS. WEINSTEIN: You're correct, but this bill repeals that.

MR. NORRIS: Okay. Now, I just wanted to make sure that this would -- this would -- for the employees would include critical care people who are very important -- nurses, doctors, nursing home people who take care of our elderly.

MS. WEINSTEIN: It -- it doesn't make any distinction between the type of employee.

MR. NORRIS: So -- so everybody. School teachers -- I just want to read off the list -- firefighters, corrections officers, small business owners who may only have two or three employees who work at their place, agricultural workers, farmers. I mentioned teachers. So all these individuals could get up to three hours of paid time off to vote?

MS. WEINSTEIN: Yes, they could get paid -- that paid time off. Again, it's for the purpose of voting. It's not a three-hour vaca -- paid vacation. And so many of the people that -- professions that you described are people who I know are very dedicated, and if they are able to vote without making use of that time

off, they do currently and they will continue to do that without having to make use of this provision. But for some people, they do need this provision of -- of time off.

MR. NORRIS: Yes. Okay. Will there have to be a verification, like a doctor's slip from the election worker for their employer to verify? Is there a provision that -- can the employer ask for a slip, proof?

MS. WEINSTEIN: The current statute doesn't talk to that, and we don't make a change. We don't change the law as regards to that.

MR. NORRIS: I see. Okay. Will this apply for every election?

MS. WEINSTEIN: Yes.

MR. NORRIS: So that would be school board elections?

MS. WEINSTEIN: On school board elections, we might have to check because we're talking about Election Law and we're just not sure. I think -- unfortunately, I'm not sure I'll be able to get you an answer immediately as to whether school board elections are covered or not.

MR. NORRIS: That -- that's fine. Let me just point out a couple more, and when you're doing your research, if someone could let me know from your staff I would appreciate that.

MS. WEINSTEIN: Sure.

MR. NORRIS: Would that include fire district

elections, village elections, primary elections, special elections, library elections, special capital referendums for bonds? This is like, potentially, ten elections.

MS. WEINSTEIN: So we -- we do things that are only covers elections under the Election Law, so that list that you described, would not be included in this provision.

MR. NORRIS: Okay, thank -- thank you very -- so, a special election, though, a primary election, they would be under the Election Law for sure.

MS. WEINSTEIN: Yes, correct.

MR. NORRIS: Okay. Now, would only registered voters be entitled to take this time off?

MS. WEINSTEIN: Yes.

MR. NORRIS: Okay. And will there be -- and I wanted to ask this again on the record, will the employers be able to verify in some way that they're actually a registered voter?

MS. WEINSTEIN: I don't believe that there are provisions that currently exist to -- to that, and they would -- we don't change that in this legislation.

MR. NORRIS: Okay. Will this apply for individuals who may vote by early voting if they want to take three hours to go and early vote?

(Pause)

MS. WEINSTEIN: We do think that it could apply to someone on an early voting day would take the time to go and vote,

early voting.

MR. NORRIS: So it could apply for a early voter to go and vote. What if they changed their mind and they want to go to the voting booth on Election Day? Do they get a -- a double chance to go for three hours of paid time?

MS. WEINSTEIN: You -- you get one three-hour. You get one three-hour.

MR. NORRIS: Okay. All right. One more question on that topic. Would it apply for an absentee voter who wants to get one of those No Excuse Absentee voters in the future -- ballots?

MS. WEINSTEIN: It -- it does not speak to absentee voters, so I would -- my best answer would be that it only covers in-person voting.

MR. NORRIS: Okay. I have another question. Where -- is there anything in this budget that would provide employers with a tax credit for lost wages to allow these voters to go vote during their workday?

MS. WEINSTEIN: The same way that the -- no, the same way that there isn't something that currently exists for the two-hour window.

MR. NORRIS: Is there a sunset provision for this section to allow for the three hours of voting?

MS. WEINSTEIN: No.

MR. NORRIS: Okay. And the reason why I ask if there's a sunset provision is because we have taken actions in this

Body to implement early voting for a period of eight or nine days prior to Election Day, which gives voters ample opportunity to go out during those days to vote. And it also -- we've taken steps -- this one I supported very proudly -- for No Excuse Absentee Voting. So that was the reason why I asked if there was a sunset provision maybe through January of 2021 -- I'm sorry, December of 2021 on this particular topic, but there's not.

MS. WEINSTEIN: There is not, but like any other law in New York State, we can always come back and revisit it if there is a need to.

MR. NORRIS: Great. That's something that maybe you and I can look at together.

Okay. In terms of electronic poll books, I noticed that there's some provisions that will allow for the ability of electronic poll books in the State of New York.

MS. WEINSTEIN: Correct.

MR. NORRIS: Are the local Board of Elections required to have these electronic poll books in their counties?

MS. WEINSTEIN: No, they're not. It's a -- permissive language.

MR. NORRIS: Okay. And in terms of the security of these poll books at the locations, will they be connected to the internet whereas it could be subject to some sort of attack?

MS. WEINSTEIN: They -- the poll books will be -- they will be certified by certified -- approved by the Board of

Elections, and those issues of cyber attack will be addressed in terms of approving individual poll -- electronic poll books.

MR. NORRIS: So when we're voting on this budget - just to be clear - we're going to leave it to the State Board of Elections to determine whether or not these electronic poll books will be connected to the internet?

MS. WEINSTEIN: Right. The Board has to have sufficient security measures. There's rules about that. And it's similar to what we did when we originally -- with the Help America Vote Act, or the HAVA vote -- HAVA Act where the Board determined certain -- gave counties in that instance the review of the machines that are out there, and they gave choice of -- localities a choice of machines, but they're all approved by the Board. The Board has that expertise to make these determinations.

MR. NORRIS: Okay. That -- that would be for, like, the General Election. I just want to point this out on the record. For the early voting sites - and there will be in some counties up to seven of these early voting sites - do you know if those early voting electronic poll books will actually be connected to the internet so when individuals are voting at poll place A, we know they don't go and vote an hour later at poll place B?

MS. WEINSTEIN: There's not a requirement that they be connected. It's possible that they may be, but that would be -- under standards that the State Board would set up to -- that would provide for appropriate security in those polling -- electronic polling



books.

MR. NORRIS: All right. Let's just assume at the polling site the county Board of Elections elects to have electronic polling sites, will there be a backup list of registered voters there in paper form in case there's some sort of an event that causes that poll book to be unused?

MS. WEINSTEIN: We actually -- the language -- excuse me -- the language actually -- the language actually requires some amount of redundancy, so I would assume there would be.

MR. NORRIS: Okay. And then in terms of the type of device that will be used when an individual goes in to sign on an electronic poll book, will it be like when we go to the store and we sign with our credit card?

MS. WEINSTEIN: Most -- most of the existing -- we're not inventing the wheel. These -- these do exist in other states, and that is how they operate.

MR. NORRIS: I see that my time has expired on this round. I may be back. But thank you very much, Madam Chairwoman, for answering my questions.

Thank you, Mr. Chairman.

ACTING SPEAKER BLAKE: Thank you, Mr. Norris.

Mr. Palmesano.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER BLAKE: The Chair yields.

MR. PALMESANO: Thank you, Ms. Weinstein.

First, I know that one of the intentionally-omitted items in the budget, in this budget bill, was relative to special housing units or segregated units in correctional facilities. Is that permanently omitted, or is that something that's going to come back up later on in one of the other budget bills?

MS. WEINSTEIN: We will not be seeing that later on today, tonight.

MR. PALMESANO: Okay, great. I wanted -- a couple of questions that I kind of -- I want to ask you to see if you have any idea, and then I promise I'll get back to why I'm -- I'll bring it back to that point.

MS. WEINSTEIN: Sure.

MR. PALMESANO: But, you would agree that contraband in our -- our correctional facilities is a problem that needs to be addressed with one way or another; wouldn't you agree? Drugs getting into our prisons that inmates are getting their hands on.

MS. WEINSTEIN: You know, I -- I think it's a continuing issue that DOCS addresses on a daily basis.

MR. PALMESANO: Do you know what -- in 2013 how many seized contraband items we had?

MS. WEINSTEIN: No, I -- I couldn't tell you the answer to that question.

MR. PALMESANO: About 2,712. And in 2017 we had 4,124, or 66 percent. Isn't that a significant increase? Would you agree with that? Of drugs being found in our prisons and in inmates' possession is such a -- isn't that -- isn't that a serious issue that we have to address? Wouldn't you agree?

MS. WEINSTEIN: I -- you know, I don't have the luxury of having the data that you're referring to, so I really couldn't comment on it.

MR. PALMESANO: Fair enough. In this budget bill, is there any dollars to help -- help stop the flow of contraband getting into our prisons? Whether it's technology or screening, whether it's the use of more drug dogs or a -- a mail vending program to stop drugs from getting into our facilities. Do we have anything in this budget that will help stop drugs getting into our prisons?

MS. WEINSTEIN: We don't add anything in this budget. There are procedures that DOCS currently has in place to try and identify contraband coming in.

MR. PALMESANO: Yeah, because even -- even according to DOCS' own numbers, the -- the number of positive drug tests happening, in 2017 they did random drug tests to over 84,000 inmates, and 5,500 of them, or 6.51 percent of those, tested positive for drug use in the prisons. So that's a problem. And contraband is getting into our prisons that we need to address. That's why, hopefully -- honestly, we're not seeing any more resources in this budget for that. We see it for other things, but not for this. I think

that's problematic.

Now, this language in this particular bill says up to two prisons. And I know probably when you were negotiating this, you said, *Well, we're going to save a third prison, so we'll give the Governor the two prisons for 90 days instead of making them* -- so you're probably thinking we'll save one prison by doing that negotiation, correct, when you were doing it?

MS. WEINSTEIN: You know, as I mentioned in answering Mr. Barclay, the -- originally the discussion was two prisons.

MR. PALMESANO: Right.

MS. WEINSTEIN: We went to the 90 days instead of the -- it was 60 originally, we added the extra 30 days. Though there is -- we will be seeing a chapter amendment to this in the revenue bill that says up to three, but we've been told that they're looking at two during this year, but wanted the authority for the third.

MR. PALMESANO: So we're basically going to have three prison closures. So, before the --

MS. WEINSTEIN: I just said two. It would give the authority for three, but we've been told two.

MR. PALMESANO: Right. But before the ink was even dried on this, we already gave the Governor what he wanted from the get-go. And instead of giving him -- right now you say -- so now you give him a 90-day window. Wouldn't you admit, when there's a prison closure it's devastating to a local community, for those

people who have to be relocated or lose their jobs, in and of itself, is a devastation to a local community. I know you -- you're going -- people say it's not a jobs program, but you have to admit, when a prison closes in a community, it's devastating to that community. Would you not agree?

MS. WEINSTEIN: There -- we're -- we're being told that there would not be a loss of -- that people -- there would not be a -- a loss of -- of jobs as a result of this, in that people could transfer to other -- other positions. There's a -- a tremendous amount of attrition that happens on an annual basis in the prison -- in the DOCS system, so that --

MR. PALMESANO: But a prison --

MS. WEINSTEIN: People will not lose -- people have opportunities to -- to stay within the DOCS -- as a DOCS employee --

MR. PALMESANO: I understand they always say that no one's going to lose a job. But, a prison closing in a community is devastating to that community, is it not?

MS. WEINSTEIN: Well, there -- there are commitments that when prisons close, the -- they have to look at alternative uses for that facility. And that is what has happened in -- in some other areas.

MR. PALMESANO: Right. I still have a -- a Shock facility in my district from several years ago that they haven't done anything with. They can't do anything with. So, it's devastating to

that community. Can you not agree that a prison closure in a community is devastating to that particular community? "Yes" or "no"?

MS. WEINSTEIN: You know, I think when any employer close -- any employer in a community closes, it's going to impact --

MR. PALMESANO: Exactly.

MS. WEINSTEIN: -- it will have an impact, and then the question is, do we want -- that's why there is a desire to find alternative uses for these -- for these facilities and, you know, understanding that there is an impact in the community.

MR. PALMESANO: So we know the Governor wanted to close three prisons at the beginning. You guys agreed to two at the -- in the middle, and then it was already added up to three. So, instead of a normal process now we have for a prison closure --

MS. WEINSTEIN: Right.

MR. PALMESANO: -- it would be a one-year notification, right? Under current law.

MS. WEINSTEIN: Right.

MR. PALMESANO: But this makes it 90 days. So, now, not only are you disrupting a community by taking away a facility, now, for those families who might not lose a job but might have to move six hours away, instead of having a year to prepare for it, you're saying, *You only have 90 days to prepare for it*. So, not only you -- is it an insult -- is it an insult, you're adding insult to the injury

of the closure and not giving the families the time they need to adjust with that transformation. So, now we're just saying -- giving the Governor exactly what he wanted from the get-go, before the ink even dried on -- on the two, we caved and gave him another prison, in 90 days they could close these things down, which will be devastating to that community, it will be devastating to that family, correct?

Wouldn't you agree that's going to be devastating to that community and devastating to that family, have to deal with that all within a 90-day period rather than a -- at least a year to deal with it, right?

MS. WEINSTEIN: Yes, it's harder, 90 days versus a year. This isn't something new -- new and unique. We have done this before. And, you know, we -- we do know that, you know, that there -- it has an impact. I would agree that not everybody can relocate even if they're given the opportunity to do so, you know. But I would just restate what I said earlier to Mr. Barclay, there are approximately 10,000 empty beds in the New York State prison system, we're paying to keep these facilities open with empty beds. So, we -- you know, we're spending needed State resources on maintaining these empty beds that we don't need. And clearly, the -- the trend is going down --

MR. PALMESANO: Does -- does --

MS. WEINSTEIN: Doing nothing, we'll end up with more empty beds.

MR. PALMESANO: Does this budget do anything to eliminate and end the dangerous practice of double-bunking and double-celling? Because I know you mentioned 10,000 beds, but we

know there's nearly 7,000, right now, active top beds in the system. So, does this budget do anything to eliminate the dangerous practice of double-bunking and double-celling, which we -- we know is inhumane for inmates. It's used in maximum security prisons, it's used in medium security prisons. Is there anything to eliminate the double-bunks and double-cells in this budget present -- proposal or are we just taking the -- the closures and saying, *That's it?*

MS. WEINSTEIN: Right. We -- we think that they -- by the way, we think that they are looking at medium -- medium prisons, which have the most empty beds. And in medium prisons, there are... 3,000 -- right now a total of 3,189 double-bunk beds. And some of the reason why they keep the -- the double-bunk, it's really not a -- a permanent fixture, they -- they want to keep a certain number of beds empty in any given facility -- have -- have a certain number of beds available. As soon as the bed becomes available, the inmate leaves the top bunk, and the top bunk is only on the -- the far end of the dormitory-style prisons.

MR. PALMESANO: Do we know what type of facilities we're looking -- the Governor is looking to close? Maximum security facilities, medium? Shock facilities? Which ones?

MS. WEINSTEIN: We -- we think they're medium, but we haven't -- it hasn't been 100 percent confirmed.

MR. PALMESANO: Okay.

MS. WEINSTEIN: And those are the -- as I said, those are -- they have over -- almost 4,400 empty -- empty beds in



medium facilities in our State.

MR. PALMESANO: I want to ask you another question. Another issue, I talked about the drug use in our prisons, is the violence that's occurred in our prisons. Do you know how much from -- since 2013, when these prison closures have been going pretty -- ongoing, from 2013, what the increase in assaults inmate -- on inmate -- inmate-on-staff assaults has increased from 2013 to 2018?

MS. WEINSTEIN: I don't know that number, but why don't I just talk about this past year. There were 1,033 assaults committed by inmates against staff in -- in 2018. Of that 1,033, 1,019 of them involved no injuries at all. Classification of an assault in prison is different than what most people think of as assault under the general -- under the Penal Law. Thirty-three -- I mean, 303 of -- of those assaults were classified as minor, meaning a scratch or a -- a bruise. An assault can be throwing a cup at a -- a cup at an officer without any -- that's what a lot of, you know -- or touching without injury, and there were only 11 assaults that required actual medical treatment.

MR. PALMESANO: Well, from 2013 to 2018, assaults -- inmate-on-staff assaults have increased from 645 to 973, or over 50 percent. I know you said that, well, that could be somebody throwing a cup. But it can also be an inmate spitting, it can also be an inmate throwing feces on a corrections officer, an inmate exposing themselves. That's the type of thing that happens. Those are assaults that are going on. Also, inmate-on-inmate assaults are up from 767 to

1,164, or up over 50 percent. So, this has all happened since these prison closures have all started and it's created a powderkeg environment in our facilities.

Madam Chairwoman, thank you very much --

MS. WEINSTEIN: Sure.

MR. PALMESANO: -- for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Mr. Speaker, my colleagues, I'm very, very frustrated by this prison closure plan. You know, when I saw there was two prisons and I think -- I can understand the thinking might be, *Well, you know what? We'll save one of the facilities.* But before the ink's even dried on this bill, you already came to this Governor and given him what he wants again, allow for the third prison closure. And instead of allowing -- if you just went through the normal process, at least those families and those communities and those facilities will least have a year to plan for that. A whole year. But now they're going to be told to up and move and relocate in 90 days if they have to go to another facility. This Governor wants to take credit for the number of prisons he's closed during his tenure, but he has failed to take responsibility and credit for the powderkeg environment that he has created in our correctional facilities. I just gave you the statistics from 2013 to 2018. Inmate-on-staff assaults are up over 50 percent. Inmate-on-inmate staff -- inmate-on-inmate assaults are up over 50 percent as well. And then

before we even look to close down one correctional facility, we should be first eliminating the dangerous practice of double-bunking and double-celling inmates. We know there's over thousands of beds and there are 6-, 7,000 double-bunks and double-cells in our facilities. Why not get rid of those first? Because there is a pressure cooker environment going into this -- these facilities. With the policies that this Administration continues to implement with the prison closures, looking to restrict the use of SHUs - Special Housing Units - looking to stop a mail vendor program that stops keeping the drugs from coming into our facilities, not deploying drug dogs in our correctional facilities, reclassification of dangerous prisoners from maximum security facilities to medium security facilities. Drugs are running rampant in our -- in our correctional facilities. It's created a very dangerous environment.

Ladies and gentlemen, I see oftentimes, one of our corrections officers is being assaulted or beaten or spit at or throw -- have feces thrown at them. Stuff like that happens daily in our prisons. And we're not showing them that we have their back. You know, this Body always says they stand up for our unions, well, here we have some unions that are our corrections officers, and instead of at least pushing back on this Administration and saying, *Enough is enough*, we give him a *carte blanche* 90 days to close down any prison he wants. If we could at least would've pushed back and said, *No, we're not going to accept this prison closure*, he still could've done it, but it would've had to take a yearlong process instead of 90 days.

Now, we know when a prison closes in a community, it's -- it's devastating to that local community. It's devastating to that family. Yes, they might have another job available for them, but that job might be six hours away, and they might have to uproot their families and relocate. Ninety days now versus a year? This is an -- this is adding insult to injury to our brave men and women who work in our correctional facilities doing a very dangerous job, my colleagues. I don't understand the rationale behind -- rationale behind it, but this Administration, as much as they want to keep boasting about the prisons they're closing, they have to take ownership with the rise in violence that's going on in our corrections facilities because of the powderkeg dangerous environment they're creating with their policies and with these closures.

For this reason, and for many others, I'm going to be voting no on this bill, and I urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

Would the Chairwoman yield?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Happy to.

MR. MONTESANO: Thank you. I just have

questions in two categories. There's something in the -- in the bill about OGS Emergency Construction Authority. I think it extends the authority of the OGS to perform emergency construction without competitive bidding, and I think it changes the amount. Could you tell us what the current amount is, and what it's changing it to?

MS. WEINSTEIN: It -- it's currently \$600,000, we're changing it to \$1.5 million.

MR. MONTESANO: So, we're -- we're going to allow them to go out and spend money on construction up to \$1.5 million with no competitive bidding?

MS. WEINSTEIN: It -- if there -- if there is an emergency that -- it gets them additional --

MR. MONTESANO: Well, what would constitute an emergency for Office of General Services? That would -- that would require them to spend \$1.5 million.

MS. WEINSTEIN: It could be water damage -- we're talking about prisons -- it could be asbestos abatement that needs to take place in a facility where people are -- people are living. Something that can't -- can't wait to go through the normal... the normal process. I think the ordinary needing of an -- of an emergency repair.

MR. MONTESANO: And how -- and how was this new number of \$1.5 million from \$600,000 determined? Was there a study done? Was there a hearing conducted? Was there a specific request from OGS?

MS. WEINSTEIN: Well, actually, the Governor had asked for \$2 million, and we settled at -- to go up to \$2 million, we settled at the \$1.5- --

MR. MONTESANO: Well, I -- and that I can appreciate. But -- but still, what was the justification for the increase in this amount of money? It had to come from somewhere.

MS. WEINSTEIN: If -- well, the -- they have -- every time they go over this current \$600,000, they have to go back to the Comptroller for additional authority, and this has created --

MR. MONTESANO: But --

MS. WEINSTEIN: -- delays in responding --

MR. MONTESANO: But that gives the --

MS. WEINSTEIN: -- to the emergencies.

MR. MONTESANO: But that's -- but that gives the Comptroller oversight over the expenditure of State funds. So, up to \$600,000 they have a free hand, and then after that, the Comptroller has to stick his nose into it if they're going back for more money. And wouldn't we want the -- the Comptroller to exercise oversight over the spending of our funds?

MS. WEINSTEIN: You know, I'd -- I would just respond that these are emergency -- emergency repairs, and the costs have -- have gone up and there are situations where the added delay would not be beneficial to making the repairs.

MR. MONTESANO: All right. Thank you. And the next category is in Labor. And I know there's being -- some

modifications being made to the Workers' Compensation medical providers.

MS. WEINSTEIN: Yes.

MR. MONTESANO: And we're going to allow some new types of providers to -- to operate under Workers' Compensation.

MS. WEINSTEIN: Correct.

MR. MONTESANO: Could you tell me specifically what those new areas of practice are?

MS. WEINSTEIN: Yes. So, we're going to expand the list of medical professionals authorized to provide medical care and treatment. Providers include acupuncturists, nurse practitioners and licensed clinical social workers.

MR. MONTESANO: Clinical social workers?

(Sidebar)

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

MR. MONTESANO: That's okay. You said clinical social workers?

MS. WEINSTEIN: Licensed clinical social workers, yes.

MR. MONTESANO: Okay. Currently, do we permit psychologists to accept Workers' Compensation?

MS. WEINSTEIN: Yes.

MR. MONTESANO: Okay. And what would be the function of a social worker in a Workers' Compensation case?

MS. WEINSTEIN: If additional behavioral health

services and -- sometimes you can find a social worker where you couldn't find a psychologist. And they're like a nurse practitioner who's less expensive than a physician. A licensed social worker has -- has lower fees than a psychologist.

MR. MONTESANO: Well, it -- it's just -- so, my concern is, we're going to provide services to people with injuries or illnesses that require the services of a licensed practitioner, and we're going to pay for them the Workers' Compensation. I assume, at least from my perspective, we would like them to receive the best care. And it seems like that we watered down that care like -- so, instead of a physician treating them, we encourage a nurse practitioner, or, instead of a psychologist treating them, we go to a social worker. And I just can't, in my mind, understand where a social worker fits in. And especially in the last several years, we've passed legislation in this House to revamp Workers' Compensation so we would bring down the cost to the employers, and -- and I appreciate some of the other practices you're bringing in. You know, acupuncture, they serve a legitimate need in -- in people recovering from certain injuries rather than taking, you know, drugs and stuff of that nature. But, that's just my concern, is that we're going into an area here where we reduce expenses in one area, then go right back and increase them in the other.

MS. WEINSTEIN: Well --

MR. MONTESANO: And thank you. Go ahead, I'm sorry.



MS. WEINSTEIN: Yeah, I was just going to say, it has to be the appropriate treatment and a medical necessity for such treatment. We're not trying to shortchange an injured worker. But if that's what's appropriate and medically necessary, we want to allow that to happen.

MR. MONTESANO: And do I understand correctly that if they're going to have the services of these new providers, that like a prescription or a referral has to be prepared by the physician?

MS. WEINSTEIN: Yes.

MR. MONTESANO: Okay.

MS. WEINSTEIN: Yes, that -- that's true.

MR. MONTESANO: Thank you very much.

MS. WEINSTEIN: Sure.

MR. MONTESANO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would the -- would the Chairwoman mind yielding for a few questions, please?

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. PALUMBO: Thank you, Ms. Weinstein. I just have generally two areas to discuss. And the first one I'd like to discuss is regarding the reduction of one year to now mean 364 days --

MS. WEINSTEIN: Yes.

MR. PALUMBO: -- and -- and as far as our sentencing guidelines are concerned. And I'm assuming, and I'll just cite the section here. It's Title 8 United States Code, Section 1251 regarding Deportation, specifically states in (2)(A)(i), *Any alien who is convicted of a crime involving moral turpitude committed within five years after the date of entry - with some other caveats - and (ii) either is sentenced to confinement or is confined therefore in a prison or correctional institution for one year or longer is deportable.* So, in that regard, is that the reason why we're doing this? Is that basically so illegal immigrants who ultimately have received a misdemeanor conviction up to one year -- or that is actually for a term of one year, we reduce it by a day that might not fit within that statute?

MS. WEINSTEIN: Well, the -- the purpose of our change here is to reduce possible collateral consequences to an individual who is convicted. You mentioned one, there are others. In some states -- a few states restrict voting or deny voting rights based on conviction with a sentence of one year or more. There are also a few states that deny employment or licensure in some professions based on a conviction or offense punishable by one year or more. The -- the point for someone who suffers collateral consequences for a sentence of a year, a crime that has a sentence of a year, can be someone who has never served a day in jail, but because their misdemeanor, the Class A misdemeanor qualified for up to -- qualified for a minimum of a year in jail, they would meet the criteria of the statute you mentioned as well as those that -- that I mentioned. And

particularly since, as we've discussed other times here, there is a disproportionate arrest and conviction of people of color, of lower-income people, and this is a way to...to assist -- assist those people from facing these collateral consequences.

MR. PALUMBO: Understood. And so, in that subsection Part OO, goes further to actually provide a remedial measure for those people that already may have petitions pending in the -- in the district courts or in the immigration courts, that they can actually make a postjudgment motion to be resentenced and have it vacated in light of this -- this current statute, or the effect that this will have. So, it applies retroactively as well. Is that accurate?

(Sidebar)

MS. WEINSTEIN: Yes, you can. I mean, I was just verifying that point. You're -- you're correct that you can apply to -- anybody can apply to have their sentence --

MR. PALUMBO: Reconsidered and get it back on the sentencing calendar. And then the maximum, in the event it was just a sentencing that was vacated, not the conviction, since it would be a Class A misdemeanor or less --

MS. WEINSTEIN: Correct.

MR. PALUMBO: -- the maximum term of jail is 364 days for all --

MS. WEINSTEIN: It -- it still would --

MR. PALUMBO: -- crimes at this point that are misdemeanor or lower.

MS. WEINSTEIN: It wouldn't reduce their -- it wouldn't change the -- what they were convicted of, it would change their sentence.

MR. PALUMBO: Right. It would just vacate the sentence. I think it was under 440 of the Criminal Procedure Law, where 330 is to vacate the conviction, I believe, and 440, that article is for just sentencing issues. So, has that been amended as well to add that to allow that as the vehicle?

MS. WEINSTEIN: Yes, it has.

MR. PALUMBO: Okay. And just one last question on this section. In Part OO, and it's on page... let me take a look, page 51, it's lines 15 through 31, there are -- all that language that's stricken, *that they shall not exceed one year*. And then it also says, *provided, however, a sentence of imprisonment imposed upon a conviction for criminal possession of a weapon in the fourth degree* has certain mandatory minimums, I won't read the whole section. So, it looks as though that has been stricken regarding a sentencing guideline for some weapons convictions. That has not seem to come back with the new language in this budget bill. So, is that now completely repealed?

MS. WEINSTEIN: Yes, that crime is no longer a misdemeanor, it's been elevated. So, that's why it's stricken.

MR. PALUMBO: Criminal possession of a weapon fourth in that subsection, 265.01. I believe this was by way of a plea. So, now -- I'll -- I'll subsequently check that out. But I -- I appreciate the clarification.

Now, could we go to, please, Part... II. This is for the reentry package for formerly-incarcerated individuals.

MS. WEINSTEIN: Yes.

MR. PALUMBO: Now, there is a lot -- there's a handful of information in there, and just one that I'd like to address. It says in -- in Part 2 that there is something called *compassionate parole* for incapacitating medical conditions that can be -- that are exacerbated by age. And I believe it set an age requirement as 55. And then below it, it says these -- all of those sections enumerated in subparts A through P. And I looked through all those, I did not see anything with respect to compassionate parole.

MS. WEINSTEIN: That -- that's one of the sections that's omitted and it's not going to be coming back.

MR. PALUMBO: Oh, okay. So -- so the line that actually says that that section is contained is probably maybe an error that needs to be cleaned up? More of a scrivener's error that it --

MS. WEINSTEIN: Are you talking about one of the the sections that's intentionally omitted?

MR. PALUMBO: No, no. It says right here in Part 2, line 36 -- Part 2, line 39 -- yes, line 39 on page 36, *Finally, this part establishes compassionate parole for incarcerated individuals over the age of 55 who have incapacitating medical conditions exacerbated by age*. And then it goes on to right after -- each component is wholly contained within the subpart identified as subparts A through P.

MS. WEINSTEIN: Right. So -- so the title

remained, but the other part -- the substance of it has been omitted.

MR. PALUMBO: Okay. Great. Is that -- are we going to see that in a subsequent budget bill, or is that -- is that out of the bill --

MS. WEINSTEIN: Oh no, that is not returning.

MR. PALUMBO: Oh, terrific. Thank you.

Just a few quick questions regarding the balance of that section, that there are a number of different licenses now that parolees or people convicted of felonies and criminal offenses are now able to get, and I certainly understand in law the -- the idea is that we certainly want these folks to assimilate back into society. But some of these -- it looks like there are multiple agencies that are able to determine the eligibility. And for example, as far as a driving school position, in subpart I, it says they may employ someone who has been convicted - and I'll get to it specifically if you'd like - but it doesn't indicate who determines the eligibility. So, that's my question with regard to a lot of these. Some of them seem to be, maybe the Secretary of Insurance, or for real estate brokers, there are certain agencies that may have the authority to make this determination whether or not someone's eligible for the license. But in subpart I, it's a short -- it's only about six lines -- *A licensee may employ in connection with a driving school a person who has been convicted of a crime in accordance with Article 23(a) of the Correction Law.* That's it. And my concern with that - while you're conferring - is that, that is any crime -- sex crimes, whatever it may be. And my concern

is it's a driving school, typically it's students and kids, who can make that very, very significant determination as to whether or not this person can make themselves available as a driving school instructor.

MS. WEINSTEIN: It -- there are numerous factors, as -- as you mention. And this is permissible, so still would look at whether a threat to the safety in the community -- or safety to -- threat to safety or to property in the community.

MR. PALUMBO: Certainly. And -- and I saw there were some factors enumerated. So, in subpart I, it could just be the owner of the driving school would have that authority.

MS. WEINSTEIN: Yes.

MR. PALUMBO: See -- and now don't we -- I know we have some bills pending for Statewide situations. But I believe in New York City, aren't you not allowed, as a prospective employer, to ask someone whether or not they've been convicted of a crime or convicted of a felony prior to offering them the job? I know there was something that the Mayor ran on. Or discussed.

MS. WEINSTEIN: No, I -- I believe you -- you can ask about convictions, you can't ask about --

MR. PALUMBO: Arrests.

MS. WEINSTEIN: -- an arrest that didn't result in a conviction.

MR. PALUMBO: Okay. So, in the event -- if this is ultimately going to become law probably some time today or early tomorrow, I just think we should certainly consider that. We're getting

there --

MS. WEINSTEIN: Yeah.

MR. PALUMBO: -- about ten to 6:00 -- that we should certainly consider those ramifications, because I think there may be a back-door situation where we may have a -- all employers in these situations or people who are providing licenses, may have the inability to ask someone properly whether or not they've been convicted of a crime. And so, anyone would basically just be able to force their way in and -- and receive these licenses. And I get it. As I said, we want these people to assimilate into society, I think we all can agree. Just that one wrinkle is that certain people should not be back into society entirely, prior to paying their debt to society.

Now, one last area --

MS. WEINSTEIN: Sure.

MR. PALUMBO: -- please. There are -- there's some exclusion of criminal history on the undisposed cases, and I see others -- we're removing suspensions of driver's licenses, and I know -- and I know it was discussed at the prior resolution. Let me address driver's licenses first. So, now under 510, that -- that area is -- is completely repealed. So if someone's convicted under Article 220 of a drug offense, the court cannot take action on their license?

MS. WEINSTEIN: You're -- this relates to the -- it's just repeals the statute, that resolution that we just adopted.

MR. PALUMBO: Right. And that -- and that resolution covers us because we would lose Federal funding --



MS. WEINSTEIN: Correct.

MR. PALUMBO: -- if we had -- if we repealed that statute? Okay.

MS. WEINSTEIN: Yes.

MR. PALUMBO: See, now, in my experience, the court -- it was always a discretionary position. So, the court no longer has any discretion. They cannot, whether they want to or not, consider taking action against someone's driver's license in the event they're convicted of a drug offense. Is that accurate?

MS. WEINSTEIN: Well, this -- this was a mandatory suspension, so that's what we are eliminating.

MR. PALUMBO: But it was --

MS. WEINSTEIN: It wasn't discretionary.

MR. PALUMBO: Well, there were -- there were compelling circumstances in the old statute that the judge could consider with respect to whether or not the individual needed their license. And there were some compelling situations, in fact, in practice. I've had it happen hundreds of times. And generally, if the person's working and needs to drive, the court would typically take no action, and they would sign the suspension form and sign it and check the box that says *no action*. There's a specific box, at least in Suffolk County, that the court can check.

MS. WEINSTEIN: I'm being told that unless there was a certificate of relief, it was mandatory.

MR. PALUMBO: Okay. I believe that -- hopefully,

that wasn't the genesis of this -- or the need to create this particular piece of legislation. Thank you --

MS. WEINSTEIN: Sure.

MR. PALUMBO: Chairman -- Chairwoman.

On the bill, please, if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALUMBO: Just -- just very briefly -- and I understand that the -- the desire for criminal justice reform in this House -- reform in this House, but I think some of these situations are going to be counterintuitive. When you have, for example -- and I'll just speak very briefly on the reduction of a -- of a year term, of a year sentence now to 364 days. The problem with that is that now you will have by way of the plea process, where someone is charged with a felony, you would typically say, *We'll give you a misdemeanor and a year, because that's -- it's an appropriate sentence, we won't send you Upstate, and you'll have a shot at possibly staying in the country.* Now, you would think that in fact there were no proceedings that will evaluate that individual's particular immigration status, you're now going to have, by -- the plea will be to a felony. And if you read the aggravated felony statutes, which is another mandatory deport situation, you're not -- they're not -- there's almost no discretion. And it's a laundry list that includes almost every single felony in the New York State Penal Law, and otherwise. So, those are -- I think that's going to create an unintended consequence, where you would think that this would go to the benefit of someone who has questionable

immigration status and has a petition pending against them, but when it's a crime of moral turpitude, they actually have an opportunity to evaluate and present a case that they should stay for other reasons. If they're convicted of an aggravated felony, it's not going to go their way.

So, I think that we should vote no on this entire package, most respectfully. I thank you, Mr. Speaker, for your time.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Would Madam Chair yield for some questions?

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. REILLY: I specifically want to discuss Part RR, which is the use of force policy for police officers. In the -- in the legislation it actually states "brandishes." Can you give me the definition of what that -- of "brandish" is intended in the legislation?

MS. WEINSTEIN: It's not defined in -- in statute. It has its plain meaning.

MR. REILLY: I'm sorry.

MS. WEINSTEIN: It is not defined in statute, it has its plain meaning -- meaning.

MR. REILLY: Meaning. Okay. So -- so the plain --

the plain meaning, according to Webster's, right, if -- if you agree please let me know, is *to wave or flourish something as a threat or an anger or excitement*. Would you think that would be the definition in this case?

MS. WEINSTEIN: You know, I -- since this is a reporting statute, DCJS will determine, I would think, the guidance for law enforcement so that they could -- there could be uniform reporting throughout the State.

MR. REILLY: All right. Another definition for "brandish" under the Federal Code is *just having any part of a firearm showing*. Would you agree with that definition as well?

MS. WEINSTEIN: You know, I would just restate that the DCJS will develop the rules and regulations of what should be reported.

MR. REILLY: Okay. So, the reason why I'm asking that is because every time a police officer shows up to a scene responding to a call, according to the definition of the Federal government, in the-- in their code, just the butt of the gun showing out of their holster would constitute brandishing. If you just take it that way. Do you -- do you agree with that?

MS. WEINSTEIN: You know, I -- I would just repeat --

MR. REILLY: Okay.

MS. WEINSTEIN: -- what I said that since --

MR. REILLY: Fair enough.

MS. WEINSTEIN: You know, it's going to be a reporting statute, so the agency will help determine that to provide the guidance for our law enforcement officers around the State.

MR. REILLY: Fair enough. So, like I've spoken several times on other bills in the past, over the past few weeks, one thing I want to point out is I think when we write legislation or introduce legislation and we don't define the words we're using, the transition to the street is much different than what we intend here. So, would you agree with that?

MS. WEINSTEIN: Perhaps. But, you know, again, I'll -- I'll just go, you know, back to it's a reporting statute and there -- there'll be guidance issued on that.

MR. REILLY: Okay. Are you familiar with the continuum of force in law enforcement?

MS. WEINSTEIN: I mean, I guess you're -- you're referring to the, you know, the principle of using the least -- least force necessary in a situation?

MR. REILLY: Yes. So, if I may, I'll -- can I explain a little bit about it?

MS. WEINSTEIN: Please do.

MR. REILLY: With a question as a follow up. *Continuum of force* is just a mere presence in uniform by a police officer, is the first level of force. Doing a vehicle stop can be continuum of force. If the situation rises -- rises to another level, you can do verbal commands. And then you could use the equipment

that's provided to you as a police officer, whether that be a baton, a handcuff, your actual shield, a firearm. So, would all those things constitute the reporting requirements in this legislation?

MS. WEINSTEIN: Clearly, not. And I would think you -- you would agree, and I go back to all of -- in terms of detail, requirement of what needs to be reported, that DCJS will determine that -- they -- they will determine what needs to be reported with guidance for law enforcement.

MR. REILLY: Well, according to the legislation, there were some parts that were labeled here in the bill. So, it's brandishing a firearm at or in the direction of another person; a TASER; OC spray, otherwise known as *pepper spray* sometimes; using some electronic deployment, which is a new technique in -- in law enforcement, where we try and impact the person's hearing to make them stop doing what they're doing. Also, there's also in this bill, it says *any specific use of a choke hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air*. Are -- are there any other uses of force that DCJS may include in that, do you think?

MS. WEINSTEIN: Well, they -- you know, they also left out the Section F, which engages in contact -- conduct results in the death or serious bodily injury of another person, so --

MR. REILLY: Yes.

MS. WEINSTEIN: -- that could be something that isn't otherwise delineated in -- in the list above.

MR. REILLY: Okay. So, one of my -- one of my instructors in the Academy many years ago when I went through, told me that when we respond to an incident, a 911 call, *Remember, how many times is there a gun when a police officer responds?* Do you know the answer to that?

MS. WEINSTEIN: No, I -- I don't. But I, you know, certainly know that you -- you don't know when you -- when you arrive at a scene, necessarily.

MR. REILLY: Actually, at every incident a police officer responds to, there is a gun --

MS. WEINSTEIN: Oh you --

MR. REILLY: Because that gun --

MS. WEINSTEIN: Your -- your own gun.

MR. REILLY: -- is the weapon of the police officer.

MS. WEINSTEIN: Right.

MR. REILLY: And at any time it can actually become an instrument used by the perpetrator.

MS. WEINSTEIN: Right.

MR. REILLY: Are you aware of how many times firearms have been removed from police officers and used on them?

MS. WEINSTEIN: No, I -- I do not. I did have the pleasure of visiting the new police academy in -- in Queens, and we saw some demonstrations, you know, of that.

MR. REILLY: Did you get to use to the FATS machine? Do you know what the FATS machine is?

MS. WEINSTEIN: I just watched.

MR. REILLY: All right. It's actually, you know, a simulation of --

MS. WEINSTEIN: Right.

MR. REILLY: -- what you would do and respond.

MS. WEINSTEIN: Right --

MR. REILLY: Yeah.

MS. WEINSTEIN: Some -- some of the colleagues there --

MR. REILLY: Yeah.

MS. WEINSTEIN: -- there did. No, it was very -- it was an impressive... impressive visit.

MR. REILLY: Yeah. So, I -- so, getting back to brandishing the firearm --

MS. WEINSTEIN: Right.

MR. REILLY: We're doing a vehicle stop as a police officer, would you think it would have to be required if you're working a midnight tour and you and your partner pull over this vehicle with some occupants that may fit a robbery pattern, and you do not point your firearm at the vehicle or at the individual, but you have the firearm along your -- along your leg as you approach the car, the occupants don't see the firearm, would the police officer be required under this legislation to give the -- and to provide that information as use of force?

MS. WEINSTEIN: You know, I -- I think I'm going



to go back to what I was saying, you know, DCJS is the main law enforcement agency in our State. They are going to be developing the reporting require -- the -- the reporting form, the guidance. So I think, you know, discussing individual type of situations won't -- I don't think will impact my answer. But I would just refer back to the fact that they do training, they develop policies, they know what is happening in the field, so they're -- the forms that they -- the form they develop, the requirements for reporting, I think will fit in with training that officers and practice that officers in our State have.

MR. REILLY: Do we know how many -- how many departments throughout New York State already compiled this information of use of force and made it public?

MS. WEINSTEIN: I -- I couldn't tell you how many do. Some do. You know, clearly, the -- in New York City, which covers a large part of our State's population, there is the requirement for reporting for a stop. When there's a stop and frisk situation, they're having -- that's been happening. So it -- it doesn't seem like it's an overly-burdensome task to require.

MR. REILLY: Okay. Are there -- are there any requirements in the legislation to compile and document the use of force or assault committed by perpetrators on police officers?

MS. WEINSTEIN: Not on -- not on this form. But presumably, those situations would be reported as a crime. The -- if a police officer is assaulted.

MR. REILLY: Okay. Well, this -- this legislation

requires that within -- on an annual basis for the -- for the prior year that agencies give this -- give this information to DCJS so they could put it on the website, right. And to give an exact date, location and county where the incident occurred for the prior year. Doesn't -- doesn't -- and I -- as I read correctly, it doesn't require names to be shared --

MS. WEINSTEIN: Correct. No --

MR. REILLY: -- but it -- right?

MS. WEINSTEIN: Yes, correct. Not this --

MR. REILLY: But it can -- but it can -- it can give the exact date and time and county where it occurred. And if we're doing that within a year, it's quite possible that the criminal sanctions or criminal process has not moved forward. Do you believe that this could actually impact criminal proceedings, because we'll be giving information out publicly that is not yet presented in court?

MS. WEINSTEIN: I -- I don't see how it would impact an existing case.

MR. REILLY: It actually states in the legislation that they have to give some -- some background information of the occurrence, exactly how it happened. That may be prejudicial to both the perpetrator and potentially the police officer, if there is a question about whether they were authorized to use that force.

MS. WEINSTEIN: Right, you -- you know, so the -- the notion is not to be able -- not to look and focus in on one individual incident, but to use this collected annual data to look to see

if there are patterns, if there are problems in particular -- in particular areas, particular communities. So, it's not to focus in on one individual incident.

MR. REILLY: I -- I understand that. But are you aware that if they do put that information out into the public realm, on a website, it would be subject to Rosario?

MS. WEINSTEIN: Well, there -- there's no officer's name, it's -- it's just date and -- date and location.

MR. REILLY: Absolutely, I agree with you. I read the legislation, there are no names, there are no date of births, there are no pertinent information to the individual. But there is pertinent information to the type of occurrence, the location where it happened and details of the incident. And, therefore, don't you think that that may be able to identify, if it is a public -- let's just say it's a newsworthy case that's out there, so this could potentially impact criminal proceedings. Don't you think?

MS. WEINSTEIN: I -- I doubt that. And I'm sure as we have the discussion later on about discovery, the changes in discovery, that information, I assume, would already -- already be out there. And as I said that in New York City, the stop and frisk information, which is much more detailed than is required under this proposal, has already been happening and there have not been incidents that I'm aware of because of that.

MR. REILLY: So, based on the information, and -- and I, trust me, I know New York City has been doing this for years,

they don't -- when they put out their information, the NYPD, on their website, it is not from the previous year. It's generally a two- to three-year lag, all right, when it gets publicized. The -- some of the things that we're speaking about today in this legislation has already been document by the NYPD. I just want to share some data. I don't know if you think this is pertinent to what we're trying to do across the State. So, in 2016 there were approximately 35,000 officers in the NYPD. There were 72 intentional firearm discharges by police officers. Seventy-two. There were 32 subjects shot; nine fatally, one including a police officer who was killed by the perpetrator. Tasers had 501 discharges. OC spray, 227 deployments. Ninety-five impact weapons, which are batons. So, do we think that the numbers will be that much greater in the State --

ACTING SPEAKER AUBRY: Mr. Reilly, you have elapsed the first 15.

MR. REILLY: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: If you are interested, you may return.

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

--

ACTING SPEAKER AUBRY: Certainly.

MR. REILLY: -- Ms. Weinstein.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Thank you very much. So, I have kind of a smorgasbord of different areas I want to ask about here --

MS. WEINSTEIN: Good.

MR. RA: -- but I want to start with the sweeps and transfers, which is normally included in this bill. Presumably, we're going to be seeing it somewhere else. Is that correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Do we know what bill that is in?

MS. WEINSTEIN: That -- in the revenue bill --

MR. RA: It's in the revenue bill, okay.

MS. WEINSTEIN: Which is -- which is in print.

MR. RA: Okay. Thank you. All right.

So, Part J, the Nassau County reassessment --

MS. WEINSTEIN: Yes.

MR. RA: I know that there was, you know, amendments in the 30 days to that original piece of legislation, but then there was also some proposals in the Senate, and then more recently I heard some rumors back home of different things going on with that. This language is as it was in the one-House and as it was in the 30-day amendment. Is that correct?

MS. WEINSTEIN: Yes. Yes, that is correct.

MR. RA: Okay. Is there anything else is this bill or

anything else that we expect to see related to the Nassau reassessment?

MS. WEINSTEIN: No. No.

MR. RA: Okay.

MS. WEINSTEIN: It will not reappear in the revenue bill.

MR. RA: Okay. That's good to hear. So, just -- just with regard to this, though, you know, as many of us back in Nassau have been looking at this, and, you know, this process has been going on and there's been a lot of news coverage of it and a lot of concern from -- from our residents. And in doing some research as this has been coming up, we've seen that there are some examples of -- of these type of exemptions being -- being put forth. I think the most recent ones we did in the -- in this Legislature for a couple of towns in Westchester County, but they were much more limited in that they -- they only applied if you -- you were going up by a certain amount. Is there a reason why this is such an expansive phase-in that is across the board, whether you're going up or down, as opposed to doing something more in line with what's been done previously?

MS. WEINSTEIN: This is what the county requested. They're doing -- there's a major reassessment happening, and this is the -- what they asked -- they asked for to help address the concerns of their citizens.

MR. RA: Okay. But in this language, it's just -- across the board there's going to be five years, and if you're going -- if you're going up in your taxes, it's going to go up over five years, if

your taxes are going down, it's going to go down over five years, correct?

MS. WEINSTEIN: I -- I believe it's only -- we'll take another look at it, but I believe it only does the smoothing going up, that it doesn't extend to the five years going down. Do you want to wait a moment and let me just verify?

MR. RA: Sure. No, because that would be a change from what we were told previously.

MS. WEINSTEIN: Well, I'm -- I'm told that if you're taxes go down, it -- this section does not impact.

MR. RA: If you're taxes are being reduced, this section --

MS. WEINSTEIN: Reduced. Correct.

MR. RA: Okay. I want to move to Section YY, which we were discussing earlier about the paid time off for elections.

MS. WEINSTEIN: Yes. Sure.

MR. RA: And I know there's a -- a lot of shifting with staff, so I apologize for --

MS. WEINSTEIN: No, no, that's --

MR. RA: -- being all over the map.

MS. WEINSTEIN: That's fine. People need exercise.

MR. RA: So, you know, it was asked earlier about how this was going to work in terms of, you know, being able to verify an employee is, you know, perhaps registered to vote. But, you

know, coming -- we -- we did a first passage of a constitutional amendment that's going to allow for same-day registration. So, presuming a couple of years from now that is implemented, basically, any employee would be eligible, correct? Because they'd be able to just go and say, *Well, I'm not registered now, but I'm going to register today and I'm going to vote.*

MS. WEINSTEIN: Someone could, once that were -- once we were to have second passage, become law, in theory, someone could on election -- on an election day, go register to vote, depending on how that is implemented.

MR. RA: Okay. Now, is there any recourse for -- suppose an employer gives, you know, gives an employee this three hours time off to go vote, and then, you know, they find out they never went to vote. Can they dock their pay?

MS. WEINSTEIN: I -- our language just adds the one day -- I mean, the one hour -- sorry, adds the one hour. If they could under current law recoup the time that was said was going to be for election and it wasn't, then they could with this expansion. We don't change the current law in terms of any kind of recoupment, it's only that we add -- go from two hours to three hours.

MR. RA: See, I -- I know that, you know, that one hour change, I think probably seems like not much to most people, but I think the much more substantial change that's taking place here is getting rid of that exemption that is currently there, where if you have four hours outside of your work time that you can -- that you don't --



you're not eligible for this. So, currently, you know, if you're working until 5:00 and the polls are open till 9:00, the employer is not subject to this. So -- so this isn't just changing the one hour, it really is going to make this applicable to many, many more employers.

MS. WEINSTEIN: Well, you know, certainly you could appreciate a situation where if somebody does get off from work at 5:00 and they have a long commute back to their -- back to their home and they have family responsibilities or other responsibilities, they would not be able to -- to vote, and this will allow them to have the time during -- during their -- the work hour, whether it means coming in late, leaving work early, to be able to -- to travel to vote.

MR. RA: I -- I guess the thing I'm having trouble understanding, though, we -- we heard about all these things when we were talking about early voting. So, now we're going to have early voting, yet we're expanding the amount of time that we -- we're going to give people off during the workday. And I -- to me, I don't -- I don't see --

MS. WEINSTEIN: Some of that may be to make use of the -- of early -- of the early voting, also. It may not just be on...

(Sidebar)

Right. It's not -- it doesn't specify that it's limited to Election Day, so it could be on an early voting day, also. You know, the -- obviously, the -- our goal through the legislation we passed, and through this, is to encourage and provide all opportunities for citizens to be able to exercise their right to vote.

MR. RA: Okay. Thank -- thank you.

Mr. Speaker, on the bill.

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

MR. RA: So, you know, this particular piece of this -- like I mentioned, because of that change with the exemption, it applies to a lot more employers. So if, for instance, schools. So, a school district in a school building, if somebody says they're going to take this time off to vote, now they have to worry about having a sub come in. And, you know, we have, currently, a -- a number of other provisions that they also have to deal with. And many of them are good, they're well-intentioned things, but they're still things that have to be dealt with that essentially become unfunded mandates on -- on the schools. You know, they have, obviously, FMLA under Federal law. There is a requirement that employees be given time off for cancer screenings. Again, a good thing, but, you know, they have to bring in a sub to -- to account for that. There are requirements that they be given three hours to go donate blood. Again, a positive thing, but we're not addressing the cost that that does put on -- on a school district. They're going to have to bring in subs. We're expanding polling hours Upstate. We have early voting. Yet, we are, for some reason, expanding opportunities that people can just, you know, take time during their workday to vote, without dealing with what the cost is going to be, I think particularly on -- on things like our schools, on our small businesses. And, you know, I -- I just -- I don't -- I don't fully see the -- the reason for doing this, given that we've adopted all

these others ways to make people have more opportunities to vote.

The other -- the other thing I wanted to just address for a minute is this use of force policy. And I certainly can't speak to it quite with the level of expertise and detail that my colleague did as a former law enforcement official, but I'm really concerned here that we have all over the State policies in -- within our law enforcement departments on when they are to use force, they go through extensive training, they have their own reporting requirements, and I think what this is going to have the impact of doing is making the job of our police officers more difficult and more dangerous. Because they are going to just have another level of scrutiny. They are under a tremendous level of scrutiny in doing their jobs each and every day. And unfortunately, it's only when something bad happens that we see it in the news, and we don't see the countless times that they show up at a scene, diffuse a situation and avoid a tragic circumstance for themselves, their colleagues in law enforcement, innocent bystanders, and even somebody that they're -- they're coming in to -- to perhaps arrest. So, we shouldn't really be -- be looking to be this expansive in terms of -- in terms of these reporting requirements, because -- because I think it is going to be just another thing that has to be in the back of a mind of that law enforcement officer when they arrive upon a scene. And it -- it really subjects them to -- to more dangers in -- in their day-to-day jobs.

So, you know, this -- this bill has a number of things that are -- that are troubling to me and I'm going to be casting my vote

in the negative. But -- but really one -- one of the main ones is -- is this policy that I think is going -- going to make things more dangerous for our law enforcement officers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lalor.

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

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

MS. WEINSTEIN: Sure. Yeah, I'd be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LALOR: Related to the topic of three hours off, does it apply to full-time and part-time employees?

MS. WEINSTEIN: The law does not distinguish -- I -- I should just say it, because I don't think it's come up in the prior conversations about this section, that there is a requirement of providing two days notice to your employer.

MR. LALOR: But, do you think it will potentially apply to part-time employees? Somebody who works four hours a day, they're going to get three hours off to vote and one hour to work?

MS. WEINSTEIN: You know, the right to vote obviously is a constitutional right. Just because someone is working part-time at one location doesn't mean they're not working part-time at a second job at another location, so the -- the fact that -- that is --

MR. LALOR: You -- you bring up a great point. What if I have two jobs? Does each employer have to give me three hours off?

MS. WEINSTEIN: Well, we -- we encourage people to vote just once, even though sometimes we will kid around and tell them to vote twice. So, you're -- you're only supposed to vote once, so you should only be entitled to have the three hours off to -- to vote once.

MR. LALOR: Is there a mechanism in place that would verify that someone isn't using two employers and getting three hours of time?

MS. WEINSTEIN: No, in the same way there's not some -- some procedure in place to make sure somebody isn't getting -- signing up for a colonoscopy every other week.

MR. LALOR: Interesting -- interesting analogy. Interesting analogy.

(Laughter)

But that leads me to a question: If an employee says two -- two days notice, I -- I need some time to go vote, and they leave for three hours and they don't vote and they're paid those three hours, how is that different than punching in for three hours when you're not working? And should it be prosecutable? Or would it be prosecutable?

MS. WEINSTEIN: I -- I don't believe it's a -- a crime to intend to vote and then decide not to vote. You know, if -- if an

employer were to determine that someone on Election Day took off three hours and didn't and they determined they didn't vote, they certainly could -- I would think they could dock them -- dock them that pay. But this is -- there is no -- no one is going around and checking to see if they actually went to the polling site and -- and voted.

MR. LALOR: Right. But if I have 100 employees and they all get \$15 an hour, which is the minimum wage of some places, that's \$45 times 100 employees. That's big money. Is it on me, the employer, to police whether the people are actually voting?

MS. WEINSTEIN: Well, right now, it is -- as I said, all we are doing is we're basically adding the hours from two hours to three hours. We don't set up a mechanism to follow people to the polls to make sure they're voting.

MR. LALOR: Could I close my hypothetical restaurant on Election Day to avoid this? Any prohibition on that?

MS. WEINSTEIN: If you decide you don't -- if someone decides they don't want their business open on Election Day, that's their, clearly --

MR. LALOR: But here's where it's a logical question. If I have to allow some employees to leave for three hours, now I have to bring in other employees to fill in for them, and they have to get three hours. It seems like never-ending cycle. I might just say, *You know what? I'm going to close.* I want to make sure there's no prohibition on employers closing on Election Day.

MS. WEINSTEIN: So, the -- the current law and then we're adding the extra hour has to do with someone coming in at the beginning of the day --

MR. LALOR: Sure.

MS. WEINSTEIN: -- late -- later, or leaving early --

MR. LALOR: Yes.

MS. WEINSTEIN: You know, again, if you want to close -- if someone wants to close their business, that's their option. We're trying to allow people to have the opportunity to exercise their constitutional right to -- to vote. Polling sites are not on every corner, and often there can be long lines and waits at a -- at a polling site, and many people have obligation -- family obligations, others have second jobs, as I mentioned -- obligations that prevent them from being able to spend the time they're not working waiting at a polling site to vote.

MR. LALOR: Great. Fair enough. And only someone who's a citizen and a registered voter would be eligible for this... what amounts to a benefit. Will the State hold harmless the employer when the noncitizen or nonregistered voter sues the employer for unequal treatment? In other words, some employees are going to have a three-hour paid break, other employees - because they're not a citizen, or because they're not registered to vote are not - that -- that opens Pandora's box of litigation. Will the State -- will the State hold harmless the employer when that happens? Which, in this litigious -- litigious State, it inevitably will.

MS. WEINSTEIN: I -- I don't think there's a equal

protection claim for someone not being -- not getting time off because they're not -- not allowed to -- to vote.

MR. LALOR: Really? If you got three hours off but the guy working next to you didn't get the three hours off, he might be upset. Because -- because of his citizenship status.

MS. WEINSTEIN: Yes, I mean -- you know, we -- there's lots of things in law we have time -- time off for that other people don't have advantage. We have family leave. That doesn't mean that someone who doesn't have a child can say, *I didn't get my family leave because I didn't have a child* --

MR. LALOR: Actually, we just -- actually, we just did that. We -- we expanded family leave to cover people who don't have children, but... So, that -- that kind of does show where we're going with this legislation.

MS. WEINSTEIN: Well -- okay.

MR. LALOR: Let me move on to my next question.

MS. WEINSTEIN: Sure.

MR. LALOR: This is -- this is going to be expensive. Do we know how much it will cost the employers of New York State?

MS. WEINSTEIN: No.

MR. LALOR: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MR. LALOR: Mr. Speaker, a half a dozen of my colleagues, maybe more, have punched so many holes in this piece of legislation, I don't know what's left of it. It doesn't belong in a budget.



It clearly hasn't been thought through. Basic, basic questions of who it applies to and who it doesn't apply to have -- have not been addressed, cannot be addressed. We should pull this out of the budget and maybe debate it as a standalone bill. But we're talking about a \$175 billion budget here, and huge portions of it, including this, have not been thought through. So, I'll -- I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Finch.

MR. FINCH: Will the Chairman [sic] answer a couple of questions?

MS. WEINSTEIN: Sure. I'd be happy to, Gary.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. FINCH: I think we've gone over this so, I don't want to be redundant, but as I understand, there's 45,000 convicts, prisoners, residents - however we choose to call them - in the system. We're talking about corrections now.

MS. WEINSTEIN: Right. I think 47- down from, I believe I said 73- in 1999.

MR. FINCH: Do you know how many have been reclassified, of those, from maximum to medium to -- I guess they have some halfway houses as well.

MS. WEINSTEIN: I -- I really couldn't tell you. I know that DOCS does make transfers for various reasons, and I would tell you we haven't changed -- we haven't -- there's been no transfers that we're aware of that were a result of a prior prison closing, and we

haven't closed any maximum facilities.

MR. FINCH: How many -- how many transfers or reclassifications happened prior to a closing, in anticipation of the closing?

MS. WEINSTEIN: I -- I -- you know, I don't have that information and I don't know that -- that they're -- we're aware that there have -- transfers have been made -- that transfers are made in anticipation of closing of a facility. As I mentioned, max -- max facilities have not been -- have not been closed.

MR. FINCH: Well, there are transfers. I mean, I understand that -- that happens every day of the week and for a multitude of reasons. I'm talking about reclassification specifically for the purpose of taking an inmate and moving him from a max to a medium security.

MS. WEINSTEIN: Are -- are you talking in terms of a closure or just in general?

MR. FINCH: Well, I think in anticipation of closure. I was wondering if that happened.

MS. WEINSTEIN: It hasn't happened because they --

MR. FINCH: To change the census.

MS. WEINSTEIN: Right, no, I understand but I -- I think that -- I don't know if you caught what I said earlier that they haven't closed maximum facilities, only medium facilities. So there wouldn't have been a reclassification from a max to a medium for the

purpose of a -- as a result of proposed closure because that isn't -- those aren't the facilities that are closing, the max are.

MR. FINCH: Are any of those numbers available, or...

MS. WEINSTEIN: Not while we stand here today, but, you know, I'm sure if there is a real int -- you know, if you expressed a real interest, then we'll make sure we get you those numbers after today.

MR. FINCH: How much of a saving are we going to enjoy by closing some of these facilities?

MS. WEINSTEIN: Like \$21.5 million in this budget -- this budget year and then \$35 million in the out year.

MR. FINCH: I think we'd all agree on at least one thing: That prisons are dangerous places to be in, whether you're a convict or a civilian employee or you're a correction officer. And my concern is safety. I mean, we jam -- overcrowd these prisons with double-bunking. We -- we reclassify prisoners and take sometimes dangerous criminals, move them to a medium security, creating a security problem there. That's an issue as well. Would you --

MS. WEINSTEIN: I -- I would respectfully disagree on that. New York State has one of the lower ratios of corrections officers to prisoners, three to one, so we're at a much, much lower ratio than some other states. And as I mentioned, there aren't overcrowding issues, since we have 10,000 empty beds in our system today. So I -- I understand where you're coming from but, you know, I

understand the proposal --

MR. FINCH: Are you aware -- are you aware that Auburn Correctional Facility is in a shut-down position right now because of assaults that are going on in the correctional facility?

MS. WEINSTEIN: Are you talking about like a temporary lockdown that would happen because of an incident?

MR. FINCH: I think multiple, multiple incidents.

MS. WEINSTEIN: Right, but you're saying -- you're not saying a closure. You're saying like a temporary --

MR. FINCH: Shut down. Not -- no. No, Auburn hasn't been closed --

MS. WEINSTEIN: Right. No, you're talking about --

MR. FINCH: -- but there's a shutdown on the facility right now because of multiple assaults. Lockdown.

MS. WEINSTEIN: Right. All right. I'm, not aware that that's happening --

MR. FINCH: I haven't got all the terminology down, but a lockdown.

MS. WEINSTEIN: Right. Right. I'm not aware -- I'm not aware that that's happening currently --

MR. FINCH: That's happened --

MS. WEINSTEIN: -- at Auburn.

MR. FINCH: And -- and the morale within the system right now is probably at an all-time low, from what we hear.

And I get phone calls from COs and civilian employees as well.

MS. WEINSTEIN: Hopefully the pay bill that we -- that we adopted earlier will help with the morale issues.

MR. FINCH: You think so. Thanks.

On the bill.

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FINCH: The prison system is -- is not a place where we concern ourselves about finding a place to work. What we concern ourselves with is the safety of the inmates and the employees who work there. That's important. And one thing we need to avoid is to overcrowd these facilities to the point where we drive people that work within them, the crim -- and also the prisoners for an insurrection. We've gone through that in the past. Auburn has experienced an insurrection. Attica. We don't want to do that again in the interest of saving a few million dollars in a budget of a \$175-plus billion. These things are important. We have employees to protect, and we have a responsibility for the prisoners we protect as well.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Friend.

MR. FRIEND: Thank you, Mr. Speaker. Will the Madam Chairwoman yield?

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: The Chair yields.

MR. FRIEND: All right. On the asset forfeiture. I don't know too much about this, but I just wanted to ask for some clarification. It says that there's going to be an escrow account created for these assets that are forfeited, and it's going to be managed by financial professionals. Who are these professionals going to be? Are they going to be State employees or private? Did we think about using the State Comptroller for that process?

MS. WEINSTEIN: The -- the chief financial officer of the locality.

MR. FRIEND: Okay. All right. And then the other records that have to be maintained. It says that you have to keep records of their -- the defendant's demographic information such as race, ethnicity, age, gender, to ensure that the seizure of assets is being carried out fairly and consistently. How do we determine "fairly and consistently?" Is it a number of arrests and the opportunity to make seizures, or the total number of seizures made?

MS. WEINSTEIN: I -- I think it would look at the -- the -- the seizures -- seizures -- seizures made. It -- it's really for us to better understand how civil asset forfeitures is used in the -- used in the State, then we could -- once we have that information we'll be in a better position to evaluate our forfeiture system, make appropriate changes that might be identified. There was a hearing, a joint hearing between the Judiciary Committee and Codes Committee in 2014, and a lot of problems with our civil forfeiture statute were identified. This legislation addresses many of them.

MR. FRIEND: Okay. So the -- the Legislature would be reviewing it, then, to make recommendations later on. Is that the case?

MS. WEINSTEIN: Yes.

MR. FRIEND: Yes. Okay.

I'd like to move on to the prison closures.

MS. WEINSTEIN: Okay.

MR. FRIEND: As you've already mentioned, we have a number of empty beds that you're claiming at the medium security prisons, in which case you're giving a reason to have these closures take place, but why are we giving the authority to the Governor to reduce from one year to 90 days? Obviously, you probably have in some of these prisons that you want to close down, inmates in those facilities that would need to be relocated, in addition to the staff that need to be relocated. And just to make sure everything's done on a timely, smooth scale to protect both the inmates and the staff, why are -- why are we reducing this timeframe so drastically?

MS. WEINSTEIN: To produce savings this year.

MR. FRIEND: But these are savings at the cost of not only the inmates, the corrections officers, but also the citizens of New York State. That's just not -- that's not a sane measure to go ahead and do, I don't think. But I'll -- I'll leave that. By doing these closures, do you think we're going to have better outcomes for New York State, for our inmates that are in those prisons, or for the

corrections officers that are trying to take care and rehabilitate these inmates?

MS. WEINSTEIN: We're not making changes to programs that are offered within the facilities, so I -- I don't think that it will make a difference.

MR. FRIEND: I mean, you're not making changes to the programs offered, but you're going to -- you're going to increase the population density at -- at the prisons that are going to be remaining. And by doing that increase in population density, you're -- you're increasing the opportunity for violence or for altercations to occur within those facilities. That's a very tense environment that they're all in.

MS. WEINSTEIN: As I mentioned before -- or earlier, we have 10,000 empty beds in our system because our population -- total State population -- prison population has gone from 73,000 in 20 years to 47,000 inmates. We have almost 4,400 minimum -- I mean, medium facility empty beds. So we think that there is the cap -- existing capacity after two prisons are shut, to absorb these additional -- additional prisoners without causing any disruption in -- in the -- any long-term disruption, I would say, in the system.

MR. FRIEND: The rumor is that in the Big Ugly we're going to see a third prison added to this list. But even so, two prisons or three prisons -- so it's going -- it's your idea that we're still going to have room within the prisons, that there won't be



overcrowding going on.

MS. WEINSTEIN: Correct. We do not believe there will be overcrowding as a result of the -- of two prisons closing.

MR. FRIEND: Now, when -- when will this 90 days take effect? I mean, is there an opportunity that the Governor could possibly wait --

(Pause)

Could we be waiting the 270 days and then he announces in the last part of the year that we're going to do this closure and kind of give everybody a timeframe to work this up?

MS. WEINSTEIN: It's anticipated that September 1 -- that September 1 will be the date of closure, so if you go back -- if you went back the three months from that, it would be early June.

MR. FRIEND: June.

MS. WEINSTEIN: That the formal announcement, I would anticipate that we probably would know in advance of that. But the 90 days is the minimum required notice for the Governor.

(Pause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, why do you rise?

MRS. PEOPLES-STOKES: Mr. Speaker, I want to interrupt the proceedings for a minute so that I might lay this aside temporarily so that we can have a conference in the Speaker's Conference Room immediately --

ACTING SPEAKER AUBRY: The bill is laid aside

temporarily.

MRS. PEOPLES-STOKES: When we return -- when we return to Mr. Friend's nine minutes, right where we left off, we will return in just a moment, Mr. Speaker. Speaker's Conference Room right away.

ACTING SPEAKER AUBRY: Conference in the Speaker's Conference Room.

The House will stand at ease.

(Whereupon, the House stood at ease.)

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MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the House back to order?

ACTING SPEAKER AUBRY: The House will come to order.

MRS. PEOPLES-STOKES: Thank you. If you could recognize Mr. Friend --

ACTING SPEAKER AUBRY: Mr. --

MRS. PEOPLES-STOKES: -- so he might complete his questions.

ACTING SPEAKER AUBRY: Certainly.

Mr. Friend.

And you have nine minutes and eight seconds.

MR. FRIEND: Will Madam Chair yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The Chair yields.

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

MR. FRIEND: All right. So, if we could continue on the prison closure.

MS. WEINSTEIN: Sure.

MR. FRIEND: So I was just wondering -- again, looking at better outcomes. Do we have a statement from NYSCOPBA or possibly even PEF on these closures and what their comments are?

MS. WEINSTEIN: I'm --

(Pause)

I -- I have not seen anything. It's possible, you know, maybe you have, but I have not.

MR. FRIEND: Okay. And then for the -- outside the prison closure, again, just looking at -- for the environment within the prisons, have we done anything to put money in the budget for more drug dogs?

MS. WEINSTEIN: No.

MR. FRIEND: Or think about returning back to the central receiving to search contraband so that doesn't get into the prisons?

MS. WEINSTEIN: No.

MR. FRIEND: Okay. I just want to read a comment from one of the correction officers back in January, at the end of January, at the Elmira Correctional Facility. So I'll -- I'll go on the bill

for just a moment.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FRIEND: So at the end of January, an Elmira correction officer was taken to the hospital after an inmate attack. And I just want to read a statement from one of the COs, because we're looking at closing these prisons -- even though there is a population reduction within the prisons, we still have issues with individuals in those prisons possibly because of their past interactions with other individuals or where they come from in the State, the crimes that they may have committed, gangs that they may belong to or other affiliations, they may clash with each -- with one another when we bring them back into close proximity to each other. And this statement says, *Staff attacks continue to be one of the most troubling issues we deal with inside our correctional facilities.* A NYSCOPBA spokesperson said in a statement, *With changes in the disciplinary system, there is no real difference -- no real deterrent for inmates not to brazenly attack staff. In 2018, attacks on staff once again reached record levels. Our members will continue to put -- be put in harm's way unless there are significant repercussions for inmates who continue these unprovoked attacks.*

I just recently had the opportunity to tour a Southport correctional facility to look at the construction that's going on to convert that from a SHU to this general population prison, and again, the stories that I hear just -- again, this isn't something that I've ever grew up with where inmates will take feces in their mouth when they

go into these learning environments, and they'll reach up over the barrier and shoot at each other because it's one way to get back at each other. Again, it's just something that I never would have conceived of doing. But these are things that the inmates have to deal with and the correction officers have to deal with on a daily basis. And again, we need to be looking out for the welfare of everybody in that situation, whether it's the inmates or the correction officers, we want to get everybody back to -- back to their families. And in the case of the inmates, we want to make sure that they're rehabilitated and back and being a productive citizen within our -- our communities.

So, if the Madam Chairperson will yield again?

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

MS. WEINSTEIN: Yes. Sorry, yes.

MR. FRIEND: So I would like to go over to the Shock incarceration portion of the bill.

MS. WEINSTEIN: Sure.

MR. FRIEND: And I -- I want to commend you on opening this program back up. So this -- what I read is that it's going to allow judges to divert individual sentence to burglary in the second degree and robbery in the second degree. At the participating Shock incarceration program, eligible inmates would have to be sentenced to an indeterminate term and be eligible for parole in less than three years, and to have not been previously convicted of a violent felony. How many current openings do we have for individuals in this

program?

MS. WEINSTEIN: I -- I do not know.

MR. FRIEND: Okay. Again, I -- I just want to commend you. This -- this is a very productive program -- and I'm going to go on the bill at this point.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FRIEND: When I was first elected, before redistricting I had the opportunity to represent Schuylar County. Schuylar County at that time had a program called Monterey Shock. That was something that was put into place by Governor Mario Cuomo. And that program was for inmates who were convicted of drug crimes and lesser crimes. But in its 30 years, in more than 30 years that it operated, it had a greater than 93 percent success rate. And what I'm talking about for success -- success rate? We're talking about individuals who had no role models, who were caught up in various gangs -- and I use that term just to refer colloquially as individuals who were not focused and were not productive within their communities and were actually tearing down their communities. And that's all that these individuals had when they were growing up. When they went into Monterey Shock, they saw an entirely new way of life. They were provided with a productive format of lifestyle. Most of these individuals did not have a high school diploma or a GED. The majority of them had drug addictions and drug problems, which is very similar to what we're facing in our community and across our entire State and country at this time period. And in this six- month

program, 93 percent of these individuals got their high school diploma, got off of their drug problem, and did not recommit crimes or be recommitted to the -- to incarceration. To me, that sounds like an overwhelming success, and why the Governor ever shut it down is beyond me. But to see that we're opening this program back up for another class of individuals, I have to thank the Governor for doing that and thank the Legislature for doing that, because this is definitely a very good program to get people back into a reproduct -- into a productive lifestyle, which is what prison is supposed to be about; rehabilitation, not permanent incarceration. Unfortunately, though, just to point out past history - and I don't want to see this repeat itself - Monterey Shock, when it was closed down, still had inmates in that -- in that population. They were minimum security inmates, and what that allowed for is that they were allowed to do outdoor chores, they were allowed to move around through the prison. And at that point, they were doing work for DOCS at some other maximum security prisons. Well, when they closed Monterey Shock down, these inmates were brought to the maximum security prisons and put in a confined area, but they still end up having interaction with those maximum security prisoners. What did that mean? It meant that those maximum security prisoners would then cohort these individuals that were minimum security prisoners to bring contraband into them, and in many cases would threaten their families or other loved ones back home if those minimum security prisoners did not cooperate. I do not want to see that same type of thing happen with this program as we're

going forward, and I hope that we do not allow that to happen. I hope it's as successful as Monterey Shock was. I would like to see Monterey Shock opened back up instead of the idea of any kind of business park because it's out in the middle of nowhere in the Town of Orange, and it would be a great program to fall right back in place.

I thank the Legislature for working on that. I thank the Madam Chairwoman for her time, and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. LiPetri.

MR. LIPETRI: Thank you, Mr. Speaker. That's LiPetri. It's the Italian, you know, that makes it tough. But thank you, Mr. Speaker, I appreciate that. It's LiPetri, it's the Italian. It's difficult. No problems at all.

Will the sponsor yield?

MS. WEINSTEIN: Yes.

MR. LIPETRI: Thank you, Madam Chair. A few questions I have. First off, the DCJS will determine the reporting requirements, correct, for --

MS. WEINSTEIN: Yes.

MR. LIPETRI: -- Part RR of the Use of Force. Is that right?

MS. WEINSTEIN: Yes.

MR. LIPETRI: All right. And the purpose is to report -- this reporting requirement, the purpose is to report to the public what use of force is done where, correct?



MS. WEINSTEIN: Well, it's -- it's not all -- the purpose is not only for the public to see, but the purpose is also to -- for -- to be able to look at this data to be able to determine if there -- if there are patterns that are happening, if there's some action that needs to be taken.

MR. LIPETRI: Correct. In certain -- in certain geographic areas or precincts; is that right?

MS. WEINSTEIN: Yes.

MR. LIPETRI: Yes. Okay.

MS. WEINSTEIN: If certain communities are impacted disproportionately, yes.

MR. LIPETRI: Absolutely. And this ultimately because we want to keep our communities safe; is that right?

MS. WEINSTEIN: Of course, yes.

MR. LIPETRI: All right. Thank you, Madam Chair. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LIPETRI: Thank you, Mr. Speaker. This bill, Part RR, requiring the Use of Force additional reporting requirements does quite the opposite. What we're, in fact, doing is misleading the public and, unfortunately, burdening our law enforcement. So what do I mean by that? Well, right now we have -- specifically, I represent portions of Nassau and Suffolk County, and right now approximately 370 to 400 officers patrol on any given day the geographic area. Now, right now as it stands, they have the use of force -- use of force

reporting requirements. And in Part RR, it now seeks to expand beyond the scope of use of force and now also adds in brandishing or displaying of either certain weapons, tasers, handguns, et cetera. For me, that's problematic. Why? Because ultimately what we want to do is keep our communities safe. And we have expansive, broad reporting requirements that will now take our officers off the streets and behind the desks to now, at any given moment, any point that they brandish a handgun, that they brandish a baton, that they display a pepper spray or perhaps even brandish a TASER, they now have to report on this. What is the reporting requirements? That's a description of events, the age, the sex, the race of all persons engaged in this conduct, and now these officers now have to find out and scout those individuals to meet these reporting requirements. For me, that's just nonsense. What we need is our officers out there defending our communities, defending our families, defending our children. That's what's important to me, and that's what I care about; ensuring that Long Island still has that. And ultimately, when you look at it, if DCJS is the ones that are actually determining these reporting requirements, then why even codify this language in the first place? Food for thought in that respect. If we're going to be balking at our responsibility as legislators to determine the exact language, then why are we passing the baton off to DCJS to do? Meanwhile, our law enforcement sits in limbo, looking at this bill, this language, questioning, *What is this going to mean for us? What will that mean for our day-in and day-out, the men and women that protect our*

*communities, what they're going to have to do?* Now for me, I want to be a representative that actually understands what these officers are going through. And that's why just several weeks ago I decided on a weekend to actually go and be engaged in a ride-along to see what the officers actually go through. And at any given moment -- flashback with me, if you will, to a Saturday night, it's cold, it's dark in communities that are questionable. But the men and women, they go out there. And I was right alongside with them to see exactly what they were going through. And at any given moment, any given moment, that could be their last. So they have to go up to any situation with the caution of what could happen to them. And that means having a weapon prepared just in case they encounter a situation that may ultimately be either harmful or, God willing, fatal. We can't have that. So now, at those moments, where officers, say, approach a home or approach a scene and they have their baton or they have their weapon or even a TASER -- which, mind you, in certain situations can carry a flashlight alongside of it and they simply have for visual aids -- and now that moment they had those tasers out, now it's a reporting requirement they have, thereafter that situation. But they go up and approach the situations not knowing. So those moments when they brandish or display these items, right there you just triggered this reporting requirement. For me, that's nonsensical. I want to push forward commonsense legislation that ultimately provides for the safety of our communities while achieving the very purpose, the very purpose of safety. This legislation does not do that.

I urge my colleagues vote in the negative and I'll be doing such. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Garbarino.

MR. GARBARINO: Thank you very much, Mr. Speaker. Will the Chairwoman yield?

MS. WEINSTEIN: Yes, be happy to.

ACTING SPEAKER AUBRY: The Chairwoman yields.

MR. GARBARINO: I just had a question about Part SS of this -- this bill. It deals with the -- adding the Suffolk County tax map verification fee the county clerks have to charge.

MS. WEINSTEIN: Yes.

MR. GARBARINO: How about you switch out the staff?

MS. WEINSTEIN: Okay. Well, when you ask a question.

MR. GARBARINO: What's the reasoning behind adding this -- this in statute?

(Pause)

MS. WEINSTEIN: So, this was requested by the County. They already are -- are charging a fee, and this would just authorize the fee and to make them comparable to the neighboring county; obviously, Nassau County.

MR. GARBARINO: So, did the County send a

Home Rule request for this?

MS. WEINSTEIN: They -- no, they did not, and it's not needed in this case since it's Statewide.

MR. GARBARINO: I understand it's not needed in -- in -- in the case because it's State Law, but isn't this something -- who did the request come from? Isn't this something we would want a Home Rule on?

MS. WEINSTEIN: There were discussions with the County, and this is something they wanted.

MR. GARBARINO: The County Legislature, the County Executive? I mean, I just was wondering who put the request in. I spoke to a couple county legislators who had no clue that this was going to be in the budget, so I -- I don't believe the County Legislature asked for a Home Rule. I was wondering if maybe it was the County Executive's office.

MS. WEINSTEIN: I believe the -- the County Executive, who made the rounds and made this request.

MR. GARBARINO: Okay. Do you know the history of this fee and how it's gone up?

MS. WEINSTEIN: I mean, other than -- I don't know if there's some backstory that we don't know, but this fee has gone up and other fees have gone up comparably, also.

MR. GARBARINO: Well, back in 2015 -- prior to 2015, there was a tax verification fee of \$60 a document. I think it covers about 38 documents that are recorded with the County. And

then in 2015 it was increased to \$200 for documents dealing with land title, \$300 for documents including mortgages. So -- and this is just for the tax map verification, not -- not the recording of the deed. So, you know, when you record a deed, it could be up to \$550 just to record the deed, \$600 for the mortgage. So isn't it -- doesn't State law say that fees for items like these could be charged only if they're connected with the cost of the service provided? They're only supposed to charge enough to cover the cost.

MS. WEINSTEIN: This simply allows them to set the fee.

MR. GARBARINO: Higher.

MS. WEINSTEIN: Higher.

MR. GARBARINO: No, I understand that. And the reason -- the reason why I'm asking is because currently the department -- the Suffolk County Tax Verification Department, their budget since the fees went up three years ago -- in 2015, their operating budget was \$1.3 million. In 2016 their operating budget was \$1.2 million, and now in 2017 their operating budget was just under \$1.2 million. But, however, they -- they increased -- they started collecting through this new fee \$35 million in revenue. And currently, there is a lawsuit going on challenging the legality of this fee saying that it was a -- it was a backdoor tax. Did the Legislature happen to know this before it was negotiated into the budget?

MS. WEINSTEIN: Staff was aware of this, yes.

MR. GARBARINO: Okay. All right. Thank you.

On the bill.

Thank you, Madam Chairwoman.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GARBARINO: This verification fee was a, like I said, a backdoor tax on Suffolk County homeowners. It's -- there was -- there's a legal challenge currently ongoing to say that these fees should not have been allowed. As everybody knows, under case law only New York State can allow localities to put in new taxes. There was no request here. This is something that the County Executive has asked the Governor to do. So more and more homeowners have to pay extra fees every time they buy a house, they sell a house, they refinance. It adds up to thousands and thousands of dollars that hit -- that hit low-income and middle-income families. This doesn't -- this doesn't hit rich people. Rich people, when they buy property, a lot of the times they buy cash, which means they're not paying the mortgage fee. They're not paying -- they're not filing a mortgage, they're not filing a satisfaction. So this -- this is a fee that is hitting low- and middle-income homeowners, and it's something that I can't support, especially with the current lawsuit going on.

You know, this is a backdoor tax on Suffolk County residents and nothing else. So, I -- I'm going to encourage my colleagues to vote against this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Malliotakis.

MS. MALLIOTAKIS: Will the sponsor yield,

please?

MS. WEINSTEIN: Yes. I've got to find all my notes under all --

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WEINSTEIN: Trying to find my notes. Here we go.

MS. MALLIOTAKIS: Sure. My questions are in regard to Part OO of this budget, the reducing certain -- certain misdemeanor sentences from 365 days to 364 days, and I wanted to ask, what was the reasoning behind this?

MS. WEINSTEIN: Well, we did talk about this earlier, so let me -- you know, as we said -- so as we -- as I said earlier, the -- first of all, there's a minimal fiscal impact overall, though it may result in small savings going forward. But the purpose of the bill is to reduce collateral consequences, in some instances stemming from a sentence of one year or more.

MS. MALLIOTAKIS: And what would that unin -- consequence be?

MS. WEINSTEIN: So as I stated earlier, there -- I'm aware of three possible consequences. Some -- some states, a few states restrict or deny voting rights based on conviction for an offense with a sentence of one year or more.

MS. MALLIOTAKIS: But we don't do that.

MS. WEINSTEIN: No, but -- we don't, but it could be a resident of a -- a different state, or someone could move from this



State and be impacted. A -- a few states expressly deny employment or licensure in some professions based on conviction. And as we -- as we discussed, right now there are actually 50 grounds for deport -- for deportation, and while this bill doesn't eliminate any of these grounds, it does protect certain individuals convicted of a Class A misdemeanor including -- which includes people who may be sentenced -- may not even be sentenced to a single day of jail time, from being automatically deportable without having a hearing. And actually, just as a point of reference only, four percent of those convicted of a Class A misdemeanor offense are actually sentenced to 365 days of jail time. So it doesn't really reduce the amount -- it doesn't change the amount of time that someone would be in jail, but it does remove the potential of a collateral consequence to them.

MS. MALLIOTAKIS: And what -- what type of crimes are we talking about here?

MS. WEINSTEIN: Petty larceny, turnstile jumping is one that comes to mind.

MS. MALLIOTAKIS: And could we be talking about forcible touching?

MS. WEINSTEIN: We don't think that that would apply, but misdemeanor sex crime convictions.

MS. MALLIOTAKIS: Well, forcible touching -- is it all -- is it all Class A misdemeanors?

MS. WEINSTEIN: Correct, in terms of the changing to the 364. But if you wanted to just focus on -- or I think where

you're going is to want to focus on the potential deport -- somebody --

MS. MALLIOTAKIS: Well, I mean, my question is, you know, so a misdemeanor, Class A misdemeanors, I mean, that would include, you know, forcible touching, it would include aggravated harassment. Certain degrees of it. Not all degrees, but certain degrees.

MS. WEINSTEIN: Right.

MS. MALLIOTAKIS: But forcible touching, aggravated harassment, sex abuse, criminal possession of stolen property or weapon, insurance fraud, welfare fraud, ID theft, assault in the third degree, stalking. I mean, so my question would be, why are we going so -- to such extremes as the Legislature to protect individuals who are not only here unlawfully, but are committing these types of crimes on top of it, particularly --

MS. WEINSTEIN: It's -- it's not just people who are here lawfully. We don't change -- it's still --

MS. MALLIOTAKIS: But that was really the impetus behind this, right?

MS. WEINSTEIN: It is -- it is still a Class A misdemeanor.

I just want to say, you know, first, that we're just -- we're still keeping it as a Class A misdemeanor, and it only relates to people who are here legally -- because I know you mentioned -- you said why would we be helping people who are --

MS. MALLIOTAKIS: Okay, so it has -- it will not

have an impact on deportation proceedings. If someone who is in the country unlawfully commits one of these crimes, will it or will it not?

MS. WEINSTEIN: Yes, because they're deportable under other grounds. This -- this relates to the Class A misdemeanor one year -- conviction of one year that -- that -- for a crime that could be up to -- that is one year's --

MS. MALLIOTAKIS: Yes.

MS. WEINSTEIN: -- up to one year -- I'm sorry, it's at one year being one of the factors as a ground for deport -- deportation. But as I mentioned, there -- there are more than 50 grounds that exist. Those underlying crimes, even if the sentence is reduced to 364 days, it just removes that automatic portion of this being, you know, one of the collateral consequences of having that misdemeanor conviction. But it still -- it doesn't prevent those underlying crimes if there's a conviction being looked at as a basis for deportation. It just removes the automatic one-year penalty as being used.

MS. MALLIOTAKIS: Okay. Thank you.

On -- on the bill, please.

ACTING SPEAKER AUBRY: On the bill.

MS. MALLIOTAKIS: Mr. Speaker, I find it extremely problematic that, you know, we're going to such great extents in this Legislature to -- to make life easier for those who are committing crimes. Now, whether it be the bill that we debated earlier which would prevent or prohibit an individual who is a felony drug

offender to have their license, driver's license, suspended; whether it be this legislation that would now reduce the sentencing of misdemeanors of Class A from 365 to 364 just so it doesn't trigger deportation. I mean, these -- look at these crimes: Forcible touching and sex abuse? I mean, why are we going to such lengths to protect individuals who are in this country unlawfully and committing crimes - again, to either other immigrants or our citizenry - I think that is really wrong. And particularly a crime like sex abuse and forcible touching, among the other ones: Aggravated harassment, criminal possession of stolen property, criminal possession of a weapon, insurance fraud, welfare fraud, ID theft, assault, stalking. Next we're going to be taking up a bill that gets rid of bail in our State for 90 percent of individuals who are charged, and not even putting in a provision that would consider an individual's threat to public safety. I mean, are we here to protect law-abiding citizens or are we here to help protect individuals who are committing crimes? I mean, so far in this budget I've seen that the winners are criminals, illegal immigrants, and guess what? U-Haul. Those are the winners in this budget, okay? The losers are the law-abiding citizens who pay us taxes to actually put forth a fiscal document that provides the basic things that government should be providing its citizenry.

And the second thing is, this shouldn't even be in the budget. It has no fiscal ramifications, as -- as the sponsor said. So the idea that were taking up this controversial policy and sneaking it in the budget is, I think, wrong and it's not in the best interest of protecting

the public who elected us to be here.

So I'll be voting no against this bill as well.

ACTING SPEAKER AUBRY: Mr. Norris for a second time.

MR. NORRIS: Thank -- thank you, Mr. Speaker. Would the Madam Chairwoman yield?

ACTING SPEAKER AUBRY: The Chairperson yields.

MR. NORRIS: I just want to go back to the voting section of this bill and ask a few more questions. In terms of early voting, which we've passed earlier on the -- in the year, has there been any funding provided by the State to our counties to fund early voting in the State of New York?

MS. WEINSTEIN: It will be in the approp bill, but it is \$10 million.

MR. NORRIS: Ten -- \$10 million.

MS. WEINSTEIN: Correct.

MR. NORRIS: Now, before, it was my understanding the estimates were up to \$27 million. Did that include a portion of the electronic poll books?

MS. WEINSTEIN: So, there's \$10 million for the operations and then there's \$14.7 million for the poll books and the -- to support the operations of -- of that, so...

MR. NORRIS: Do -- do you know if that's sufficient to cover the cost of the early voting this year on the municipalities?

MS. WEINSTEIN: We -- we believe that that's the minimum amount they need to be able to -- to be able to implement early voting for this year.

MR. NORRIS: Thank you very much for that. In terms of the extending the primary hours for the Upstate counties, is there any money allocated in this budget for that purpose?

MS. WEINSTEIN: So, no, the \$10 million is for the early voting, not for the additional times.

MR. NORRIS: Okay. So, the -- though we're mandating the Upstate counties to provide additional hours, there is no funding in this budget to help them with this unfunded mandate.

MS. WEINSTEIN: Not tied directly to the early voting, but as we'll discuss later on this evening, there are additional sales tax revenues coming to the counties, so we think that there'll be sufficient new revenues to cover any increased costs.

MR. NORRIS: Okay. Very good. If I could just turn to the voter -- in terms of the online voting registration system. Is there sufficient funds allocated to the State Board of Elections budget to operate this platform?

MS. WEINSTEIN: Right. We did -- do re-approp the \$5 million from last year to -- for the staffing at the State Board of Elections to allow for additional costs related to this.

MR. NORRIS: Okay. And in terms of if you want to register online, do you do it through one platform, the State Board of Elections, or could you do that through multiple platforms, like

County Board of Elections?

MS. WEINSTEIN: Well, there is a two-year implementation time before it's effective, so I think some of those issues will be resolved as the State Board moves towards --

MR. NORRIS: Okay.

MS. WEINSTEIN: -- developing the system.

MR. NORRIS: All right. I'd like to turn back to that three hours of voting now, if you would not mind.

MS. WEINSTEIN: Sure.

MR. NORRIS: Is it your -- from discussing this earlier with you, you -- you're saying that we're just extending it from a two- to a three-hour period; is that correct?

MS. WEINSTEIN: Right. That's the allowable time, but it's up to -- it's up to the three hours. It's not that you get a three-hour window. If the polling site is around the corner, or down the -- you know, a few blocks away, you obviously don't need the three hours unless there are long lines. So, it's -- that's the maximum amount of time, but it should be the amount of time actually needed to vote.

MR. NORRIS: Okay. I just want to make it -- make it clear. Is it your understanding - and you've had a lot of information, you've done a great job today by answering all these questions, there's been a tremendous amount of information - but is everyone allowed a two-hour period right now under current law?

MS. WEINSTEIN: Well, the -- the language that we

don't change, we -- we eliminate two -- we say three hours, and then we say take -- in the current law, take off -- so three hours, take off as much -- so much working time as will enable him or her to vote in the election. So, it's not that you get a -- you get this window. But we do remove, as it was discussed earlier, we do remove the current section of law that says that if you do have -- that if you have four consecutive hours of -- of -- of not being at work, that you don't get the benefit of that two-hour timeframe.

MR. NORRIS: Okay. That -- thank you very --

MS. WEINSTEIN: Sure.

MR. NORRIS: -- much, Madam Chairwoman, for that point, because right now, how I interpret the current law is if you have four hours before your shift or four hours after your shift before, you know, the polls open or close, you don't -- you're not entitled to that two hours right now. Would that be your understanding under current law?

MS. WEINSTEIN: Yes. Yes.

MR. NORRIS: Okay. Now, under the revised law, would it be your understanding that every employee, regardless of -- of that time period that we just discussed, would be entitled to three hours of paid time by their employer to vote?

MS. WEINSTEIN: Up to three hours at the beginning of their -- their workday, or at the end of their workday.

MR. NORRIS: Okay. So, it is a significant change because if someone is working, you know, between the hours of 8:00



and 4:00, they still have five hours at their end of the shift to go vote, and they don't have to take the two hours or the three hours to have done that under the current law.

MS. WEINSTEIN: Yes, but as -- as we also discussed, there are people who work multiple jobs, there are people who have family responsibilities, may people -- maybe people work for the State Legislature and their hours change on certain days.

MR. NORRIS: Okay. I have another question about that. So, who makes the determination about the shift before or after, is that the employer or the employee, to when they can go out and vote --

MS. WEINSTEIN: The --

MR. NORRIS: -- during this three-hour period?

MS. WEINSTEIN: The employee's required to give two hours notice, so I would hope that that would be something that could be --

(Sidebar)

Two days notice. Right.

The employee notifies the employer not less than two working days before the day of the election that they require the time off, unless otherwise mutually agreed. Only the beginning or the end of their shift, but there can be some discussion and some agreement to work that out.

MR. NORRIS: Okay. So, we've established that under the proposed law everyone is entitled to, if they elect so, they

have three hours of paid time off at the beginning or the end of their shift.

MS. WEINSTEIN: Up -- up to --

MR. NORRIS: Up to.

MS. WEINSTEIN: -- what's needed to vote.

MR. NORRIS: Okay. I'm sure many people would take the full three hours to do that, but it's "up to". So, if you're operating a manufacturing company with a shift of, let's say, 100 people, theoretically you could have 50 people at the beginning of the shift and 50 people at the end of the shift off, paid by the employer to go out and vote.

MS. WEINSTEIN: I -- I must tell you that I -- we have not heard of problems with the existing law, albeit, and I'll concede that there is that four-hour window that you couldn't (sic) take advantage of, but we have not heard of problems. We don't think that this change will have such a dramatic impact as -- as has been described by many of the members.

MR. NORRIS: And I guess I would just submit to you, Madam Chairwoman, is that because of how the existing law is written, for most shifts, that would work out where they have a four-hour period on either side to make that accommodation.

Now if you, on your own time, go out and do early voting, and then you change your mind, you want to go to the polling site on Election Day, do they get that three paid hours?

MS. WEINSTEIN: Well, you know, as -- as we

joked about that, you know, often someone will say vote -- vote early and often, but you can only vote once in New York State.

MR. NORRIS: Okay.

MS. WEINSTEIN: So, if you voted early voting, you're -- you're -- can't then go and vote on Election Day.

MR. NORRIS: All right. I have another question for you. Now with early voting, which is eight or nine days, with the strong possibility that within two more years we'll have no-excuse absentee voting, why do we need to have three hours of paid time by employers to the employees to vote when we have these other opportunities for individuals in the State of New York to vote? Why do we need to do this? We have two other alternatives that is wide open for them to go vote.

MS. WEINSTEIN: Well, you know, first of all, we don't have that, you know, the sort of no-excuse absentee voting yet, so, obviously, we can see what happens in that regard. People -- we're not saying that if people want to go vote in person, they should be entitled to do that, exercise their Constitutional right to vote without being forced to have to -- once it becomes -- becomes law, vote by absentee. And, as I mentioned, there are people who have lots of responsibilities that prevent them from being able to either do their early voting or vote at -- vote at their -- on a day they would otherwise be working. You know, I think most -- most workers in our State are very conscientious and are not -- are not looking just for time off, they're looking to exercise their right to vote. And there have been

problems where people have not been able to do that, either because of their long commutes or their multiple jobs, their family responsibilities, parental responsibilities, care of -- care of relatives. So, we just want to ensure that all citizens who want to vote have an opportunity to vote.

MR. NORRIS: Thank you very much for answering my questions.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: In terms of the three-hour paid voting, which is a substantial change from the current law, as we discussed earlier with the four hours on either side where you're not allowed the two-hour voting, this is a substantial mandate on all businesses in the State of New York. This is a substantial mandate on all of the municipalities who have workers working on Election Day. And there are alternatives. We have early voting, which is in statute, starting this November for eight days prior to Election Day. It's there. I am hopeful that we will have no-excuse absentee voting. I was very proud to support that first passage of the Constitutional amendment and I hope before 2000 -- the end of 2001 -- 2021, that will be law.

So, I just believe that this is unnecessary with the avenues and the opportunities right now for us to exercise, and proudly exercise our right to vote. And, therefore, I will be voting against this budget bill. Thank you, Mr. Speaker, appreciate the time.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the --  
Madam Chair yield for one last question?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: -- he promises there's  
only one.

MR. REILLY: Only one. I promise.

MS. WEINSTEIN: I hope it's not like one of Mr.  
Goodell's only one questions.

(Laughter)

MR. REILLY: So, the -- the one last question I have  
is, with this legislation and the foreseen 50-A ruling about police  
records being released, if we, as a State and with the Division of  
Criminal Justice, provide this information within a year during the  
proceedings, will this impact potentially providing details of incidents  
that happened with officers while they were dealing with issues  
regarding criminal complaints and personnel issues like civilian  
complaint?

MS. WEINSTEIN: I -- I think this is about data  
collection. The body camera issue is a different issue. Is it -- are you  
talking about body cameras --

MR. REILLY: No, no --

MS. WEINSTEIN: -- or are you talking about

civilian complaints?

MR. REILLY: I'm dealing with releasing police officers' personnel issues --

MS. WEINSTEIN: Oh.

MR. REILLY: -- and if you release this incident, like the use of force, you are, potentially, during an investigation, providing the details of an incident in a location in a county, maybe not identifying the officer by name or the -- the individual subjected to whatever happens in that incident by name, but if it is a newsworthy incident, you would be identifying the officer and the incident by putting it on the website. So, I think this may broaden the horizon of 50-A without us passing that legislation; do you agree?

MS. WEINSTEIN: No, I don't, because, you know, again, I'll go back to the personal information isn't -- isn't there, it's data reporting. If you say it's a public event -- publicized event, the information is already out there without the police reporting.

MR. REILLY: Well -- and I'm sorry, I did say one question, but I do have a follow-up with that, and I apologize.

MS. WEINSTEIN: Okay.

MR. REILLY: When you have a -- a highly-profiled incident and it identifies the specific officer or subject of the incident, whether it's the officer or the perpetrator of the crime, I think we are providing more information than should be legally provided if we have it on a website within a year of the incident. So, do you believe that that may hinder some of our municipalities actually defending

officers, like the New York City Corporation Counsel?

MS. WEINSTEIN: No, I do not believe so.

MR. REILLY: Okay. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So, I think the intent of identifying use of force is a valiant effort in making sure that we're transparent and that we hold our officers accountable, because I will tell you as a member wearing that uniform and holding that shield on my chest, accountability is very important and I should be subject. And when I was wearing that uniform, I was subjected to that accountability. I will say that some of the issues that were raised with this legislation, I do have some concerns. I think that it subjects us to mandating that things are reported within a year when criminal proceedings aren't completed. So, I think that we should really hold back and ensure that we're not subjecting both the defendant and our municipalities to specific requirements when they can jeopardize criminal and civil proceedings. So, I think this is a prime example of us putting the cart before the horse and I urge all my colleagues to please vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, for the opportunity to hopefully wrap up questions on this bill.

Would the sponsor yield?

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WEINSTEIN: Mentioning your name didn't mean you had to stand up and ask.

MR. GOODELL: Oh. I misunderstood.

MS. WEINSTEIN: Okay.

(Laughter)

Sure, I'd be happy to answer.

MR. GOODELL: You know, I'm intrigued about this Election Law three hours off, we've had a lot of discussion on it tonight.

MS. WEINSTEIN: Sure.

MR. GOODELL: Is there any other situation under State law where we require employers to give people time off at employer expense?

MS. WEINSTEIN: We do for medical-related issues; various cancer screenings you're allowed time off.

MR. GOODELL: You're allowed time off, but the law doesn't mandate that the employer give you time off at a certain time during the day or on a particular day, correct?

MS. WEINSTEIN: Right. No, we -- I mean, we -- we don't in those instances because they aren't date specific, but, you know, as we have discussed today, this is -- we're adding the hour to the -- the day, so this mandate already does exist, of two hours and to be paid -- you know, to not lose pay. You can -- you're also allowed time off for -- to do blood donations, you know, as I mentioned, the



medical cancer screenings.

MR. GOODELL: This -- this legislative Body has been very concerned, as you know, on staffing levels. We've passed the Safe Staffing legislation several times that requires a certain level of nursing staffing in emergency rooms and hospitals, or we require the emergency room to be closed, I mean, or not allow new patients to come in. There are other organizations, not just nursing homes and hospitals, but our correctional facilities, for example, where we expect a certain minimum number of staffing. So, tell me, if this goes into effect, how would a hospital or a nursing home comply with safe staffing if up to one-half of their staff could leave at the beginning of the shift or at the end of the shift, the other half at the end of the shift?

MS. WEINSTEIN: Well, you know, as -- as current law, you have to give notice, you can have mutually agreed upon times, there's not the requirement that you have the full amount of -- of time. Many people currently would -- maybe coming in just a little bit late, but there certainly is enough time to -- for, you know, a facility to have advanced notice of someone's -- of -- of staff absence to be able to have a proper scheduling.

MR. GOODELL: Many of our collective bargaining agreements, as you know, require a minimum notice for overtime or additional hours. And some -- some operations actually, by law, limit the number of hours an employee can work, such as semi-truck drivers, right? They're limited to a certain number of hours. Would you envision that this Election Law provision would supercede the

collective bargaining agreements or other requirements so that a [sic] employer such as a hospital could give less notice and still require staff to show up so that they don't shut down their emergency room?

MS. WEINSTEIN: No. You know, I think that something would be negotiated -- you know, in our -- listening to some of the discussion, you'd think that everybody in our State was voting; only if that -- that were true. The idea is to try and encourage more people to vote who have not been able to vote because of barriers of having to go to work and not having enough times.

MR. GOODELL: So, on a typical 9:00 to 5:00, you would typically have three hours before your shift started, four hours after your shift, but you don't think seven hours is enough time to vote outside of your normal shift, a 9:00 to 5:00 shift?

MS. WEINSTEIN: It depends on the situation. And, you know, especially when you were focusing on hospitals, many of -- you know, I think the couple of nurses we have here would attest to the shifts don't necessarily follow this 9:00 to 5:00 situation. So, someone's -- someone's shift may take them past voting hours, or may start at the very beginning. They won't -- you know, again, it is not a full three hours that someone's -- they're entitled up to that amount. It's not a full three hours that someone's given, it relates to where the polling site is, where their home is, where their commute is to work.

MR. GOODELL: I'm going to shift a little bit. We've talked a little bit about reducing the maximum criminal sentence --

MS. WEINSTEIN: Sure.

MR. GOODELL: -- for a Class A misdemeanor for all criminals in the State, because it only applies to people who have been convicted and sentenced to the maximum sentence, correct?

MS. WEINSTEIN: No. It actually applies to anybody who's convicted of a Class A misdemeanor, regardless of the amount of time. I think, if you recall, I said only 4 percent of people convicted of a Class A misdemeanor actually are -- serve --

MR. GOODELL: A full year.

MS. WEINSTEIN: -- are sentenced to serve the full 365 days. So, it's a very small percentage that it would impact in terms of people actually serving time. There are people who are convicted of a Class A misdemeanor who never serve a day -- a day in court -- I mean, a day in jail. So, the -- it will have very little impact on the actual time that people convicted of the crime actually serve, but will help to alleviate some of the collateral consequences that people are facing.

MR. GOODELL: One of the -- one of the collateral consequences you mentioned is that if you are sentenced to the maximum, so we're talking about those 4 percent, and you're here illegally, it has to be both, you're sentenced to the maximum and you're here illegally, it triggers automatic deportation. My question is, why do we have a public --

MS. WEINSTEIN: Can I just -- can I interrupt to correct some -- something?

MR. GOODELL: Certainly. I'm --

MS. WEINSTEIN: It -- it's not -- it doesn't impact people who are here illegally, it is -- it would impact in terms of -- it would impact somebody who would be deportable. So, that's someone who is here legally.

MR. GOODELL: It could affect somebody with a green card.

MS. WEINSTEIN: Correct.

MR. GOODELL: That's your point. Yes. And I would agree. So, here's my question. Why is it that we want to amend the Penal Code for every criminal in the State so that those who are here on a temporary visa, or a green card, can commit a crime against a New Yorker, be sentenced to the maximum sentence, which occurs relatively rarely, why do we want people who are sentenced to the maximum sentence to have the maximum opportunity to stay here? I mean, haven't they kind of, like, violated their social compact if they've committed a crime against a New Yorker while here on a temporary or -- visa, or non-permanent visa?

MS. WEINSTEIN: It's -- well, it -- it's not the time they are sentenced, it's -- the conviction is the A misdemeanor. So, there are 50-some-odd --

MR. GOODELL: No, I understand, but the -- the triggering the automatic deportation, though, is based not just on being convicted of a Class A misdemeanor, it's being sentenced to the maximum. And, by the way, the reason --

MS. WEINSTEIN: No, I -- I think you're wrong.

MR. GOODELL: We can review the Federal law later --

MS. WEINSTEIN: Yeah.

MR. GOODELL: -- but I did it pull it out and review it earlier. And the reason why --

MS. WEINSTEIN: I believe it's a crime that carries a -- a year's sentence.

MR. GOODELL: The reason most people don't get the maximum sentence is because usually they reserve the maximum sentence to somebody who is arrested for a felony and was allowed to plea bargain to a misdemeanor. So what this really does is protect those who are on a temporary visa that were arrested for a felony and plea bargained to a misdemeanor. And, again, I come back to the question, why is it in the best interest of New York State residents that we make it easier for people who are here on a visa, or here illegally, either one, it doesn't matter, who have committed a crime against a New Yorker? Why do we want those people here in New York?

MS. WEINSTEIN: It's people who may be -- who are exposed to potential of a year in jail, and there are -- this would be an automatic, right, this is one of the automatic deportation factors. There are many other factors, and the -- the crime that they committed, that they are convicted of, would be one of the factors to be looked at in terms of deportation.

MR. GOODELL: Thank you very much --

MS. WEINSTEIN: Sure.

MR. GOODELL: -- Ms. Weinstein.

On the bill, sir.

ACTING SPEAKER DENDEKKER: On the bill.

MR. GOODELL: It's amazing, we've just spent several hours debating a budget bill and virtually none of the debate related to the budget, did it? There's virtually no discussion at all about appropriations in this bill. And this is a budget bill. We've lost sight that maybe we ought to have budget items in a budget bill and, if so, we could have, by the way, gone home by noon. But instead, we're debating over whether or not we want to amend the Criminal Law for everyone in the State of New York so that we can allow people who are here on a visa to stay here after they've committed a serious crime against one of our colleagues or one of our neighbors, or one of our constituents. That's our public policy that keeps awake at night, how can we keep criminals who are committing crimes who have been convicted, who have been sentenced to the maximum, here. Because we want them here, apparently.

Now, I love having immigrants here; I think they bring a huge wealth of information and benefit to our State. But it comes with a concomitant, a corresponding commitment, that they comply with the laws; that they don't commit some sex crime against our constituents, that they don't rob one of our constituents, they don't commit crimes against us. I love having people over to my house, but you know what? If they steal -- if they steal the silverware, I'm not

inviting them back. But here we are, we're being asked to amend our entire Criminal Law so that if someone steals your silverware, we won't send them back. We'll make sure they get to stay in our community. I don't think that is a public policy that justifies being put in a budget bill that has nothing to do with the budget that keeps us here for hours.

And we say to all of our employers, we're going to let your employees vote for a couple of weeks before the election, right, early voting, starting ten days before the election, for early voting and for the final voting, we'll give you from 6:00 a.m. to 9:00 p.m., 13 hours. But any one of your employees can come in and say, *Hey, I'd like to take up the three hours at your expense*, that's the employer's expense, *to vote on Election Day*. Right? Right. And if you're running a hospital and you could have up to half your staff take off time, what? You shut down the emergency room? Call up and say, *You know that -- that operation you were planning on, how about we don't schedule it on Election Day because we may not have the staff to make sure you're properly cared for*. And our jails, you say, *Hey guys, I hope you don't mind, but we're going on lockdown for the first three hours of the shift and we're going on lockdown on the last three hours of the shift because we're only going to have half the staff here. But don't worry, we're going to be voting for legislators who'll reduce your sentence by a day so you can stay in the community rather than being deported*. I guess it all makes sense.

I would implore my colleagues, as we look forward to

next year, let's do our best to intentionally omit all those non-budgetary items from the budget. And may I remind my colleagues who are so fortunate to be in the Majority in both Houses, you no longer need to have it in the budget, do you? All you've got to do is agree with the other side what you want to do, and you can pass a stand up -- standalone bill. You no longer need to shove it into the budget to force the Republicans in the Senate to back it because they might otherwise lose some budgetary issue, that's no longer there.

So glad to spend all my time with you tonight.

ACTING SPEAKER DENDEKKER: Mr. Goodell, I am sorry to tell you your time is up.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER DENDEKKER: But you could come back.

Mr. Steck.

MR. STECK: I will address this when I explain my vote, thank you.

ACTING SPEAKER DENDEKKER: Thank you, Mr. Steck.

(Applause)

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)



Mr. Phillip Steck to explain his vote.

MR. STECK: Very briefly, Mr. Speaker. The issue that was being discussed, and while I agree with my colleague that we should not have policy in the budget, the issue that was being discussed is not accurate. A [sic] automatic 365 day crime, even if the person does not receive such a long sentence, would make the person automatically deported. A person can still be deported based on the underlying facts of the case if the person did something particularly heinous, even if they were not automatically deportable. The purpose of the legislation is to prevent people who have committed extremely minor offenses from being deported with no questions asked.

Thank you very much, Mr. Speaker.

ACTING SPEAKER DENDEKKER: Mr. Steck in the affirmative.

Mr. Blake to explain his vote.

MR. BLAKE: Just briefly to explain my vote. You know, first, I will definitely be voting in the affirmative, but I just think, for the record that, colleagues, I would hope that we would not allow race-baiting to continue in this House. We heard rhetoric being conveyed about perpetrators and what would occur if someone -- why would you want to disclose the records. Well, Mr. Speaker and colleagues, not once, but twice in my life, I was a victim of police brutality; once while being an elected official. And the only reason why they let me go of me is because they recognized I was an elected official. The nonsense that's being conveyed that for somehow it's

problematic for information to be shared and then convey again the language of perpetrators is the epitome of race-baiting.

Equally, when having the conversation about why would we want to make it easier for people to vote? Yes, we should be making it easier for someone to vote, to be able to exercise their rights. You're asking the question on why is this relevant to the budget. Not only should we be making it easier for people to be able to stay here and to vote, but obviously if you're spending time and resources and trying to deport people rather than keep people here, there's clear synergy on why it's impacting within the budget.

So, not only will I be voting in the affirmative and I -- and I would ask all our colleagues to do so, but I think the broader concern to me is to continue to listen to intentionally racist discriminatory rhetoric that's being conveyed. Stop the nonsense of conveying that if someone has been a victim of brutality or arrest, that you're a perpetrator, or that you're a thug. Or that something is wrong with you. I will not sit here and listen to this foolishness any longer. I've experienced this and seen this over and over again, and it is unacceptable.

ACTING SPEAKER DENDEKKER: Mr. Raia, why do you rise?

MR. RAIA: I rise because, if I'm not mistaken, I have not heard anybody mention race at all. And for the previous speaker to sit there and talk about the fact that by --

ACTING SPEAKER DENDEKKER: That's not --

Mr. Raia, I'm sorry, that's not a point of personal privilege.

Mr. Blake, continue.

MR. BLAKE: I vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Blake in the affirmative.

Mr. Raia to explain his vote.

MR. RAIA: Thank you, Mr. Speaker. I've sat patiently through this whole debate. And by talking about pure facts, particularly from an individual that has served in the Police Department for many years as a Lieutenant and he's citing facts, as police officers have to do that. That being said, I'm voting against this budget, because, once again, *Mr. Intentionally omitted* is littered throughout this. Aid, aid to municipalities, nowhere to be found. The tax cap -- making the tax cap permanent, nowhere to be found. These are all things that should be in the budget, in this particular budget that we're voting on. Revenge porn, nowhere to be found in this budget. Eliminating the death penalty, nowhere to be found.

It's unfortunate that things that should be in this very budget that we're supposed to be voting on right now are being put off and grouped together in one large "Big Ugly", as it's called, when we don't even know what's in it yet because we haven't briefed it. I will continue to vote no when I see things like *intentionally omitted* in a budget bill that we're supposed to be voting on. Thank you, Mr. Speaker.

ACTING SPEAKER DENDEKKER: Mr. Raia in

the negative.

Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker. You know, as you know, in the past we have discussed a standalone bill regarding the change in the misdemeanor from 365 to 364, it's a bill that I had introduced, and I -- and I'm grateful to the leadership of the Governor, our partners in the State Senate and the leadership here in this House for including it in this budget. To be clear, as one of my colleagues stated, this doesn't prevent automatic deportations. What it does is give our judges more discretion. Those that commit certain crimes would still face those consequences, if merited, but it would allow our court system -- and -- and to the point of whether or not it's relevant to the budget, allowing for more cases that come -- that are potential charges of a Class A misdemeanor to be able to choose a plea agreement, as is often the case with those types of cases, will save our court system significant revenue, it will save significant revenue from our -- our free legal -- legal services. It is a -- it has a direct budgetary consequence while, at the same time, giving our judges more discretion, while at the same time preventing low-level charges, first time offenses from -- from the potential harm of separation of families.

So, there are a number of reasons why that is relevant. And to make sure that those -- for other parts of this budget, to make sure that those who serve the public in any capacity, whether it's us elected officials, or our honorable and -- and -- and police officers, the fact of the matter is anybody who does something they

should not do or abuses the powers of their -- of their charge, of their title, it is imperative for the community to know who is servicing them. And as our communities are demanding more transparency about who we are as elected officials, as we have to declare and make public all records pertaining to our work, so, too, should the police officers who serve. And -- and the vast majority of them do so with great honor. But for those bad apples, as in any other industry, our community deserves to know who they are and what they've done. I'll proudly vote in the affirmative.

ACTING SPEAKER DENDEKKER: Mr. Crespo in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Thank you, Mr. Speaker, to briefly explain my vote. I would like to direct my comments tonight to the brave men and women who work at our State correctional facilities, our corrections officers and other staffs. I'm sorry, because this budget fails you, big time. Our budget should be about saying something and showing that we have your back. Unfortunately, instead, this budget, with these closures, is more like a knife in your back. It's just plain wrong. I just want to say to all of you corrections officers who are out there, thank you for all you do for us to keep us safe. Each and every day you go into a dangerous job and you don't know what to expect, or what's going to happen. And I want you to know, I believe there is a number of good people here in State government that appreciate you and thank you for what you do for us.

But unfortunately and obviously, with this budget and these prisoner -- prison closures, I just don't think there's enough. For that reason, I'm voting in the negative.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Mikulin.

MR. MIKULIN: Thank you, Speaker. I rise to explain my vote. I have two uncles that are retired police officers in New York City. And let me tell you something, these men and women, they give up a lot to serve our communities. We need to be behind them 100 percent. This does not do that. What this does is this has the police officers question whether or not it is that they have to report every interaction that they come into. The police officers are well trained, they know what they're doing and for that reason, I'm going to vote in the negative and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Mikulin in the negative.

Ms. Byrnes.

MS. BYRNES: Thank you, Mr. Speaker. As a former prosecutor and a former judge, I share the sentiments of Mr. Palmesano, as well as my fellow Republicans. And I also stand with law enforcement. And I recently went on a corrections tour of Livingston Correctional Facility. And I saw the double-bunking. I saw the dangers that they deal with every day. I know the need to

have double-bunking eliminated, by instead putting the prisoners who are double-bunked into prisons that are not overcrowded so that everyone can survive that environment and the officers can go home safely and the inmates can also, when they're done with their sentences, go home safely, also. Thank you. I'm voting in the negative.

ACTING SPEAKER AUBRY: Ms. Byrnes in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call on Mr. Crouch for an announcement?

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

MR. CROUCH: Yes. Thank you, Mr. Speaker. There's going to be a Republican Conference in the Parlor at 9:00 sharp.

ACTING SPEAKER AUBRY: Republican Conference in the Parlor, 9:00 p.m. sharp.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: So, Mr. Speaker, if we could call the House to recess and back at the call of the Speaker.

ACTING SPEAKER AUBRY: The House will be at

recess at the call of the Speaker.

(Whereupon, at 8:32 p.m., the House stood in recess until the call of the Speaker.)

\* \* \* \* \*

**A F T E R   T H E   R E C E S S**

**11:45 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to advance the B-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Stokes' [sic] motion, the B-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we will be taking up Rules Report No. 48, a Budget Bill, State Operations, on debate by Ms. Weinstein.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02000-D, Rules Report No. 48, Budget Bill. An act to -- making appropriations for the support of government, State Operations Budget.

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

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

ACTING SPEAKER AUBRY: Read the last section.



THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we  
could now go to Rules Report No. 50, which is also on page 3 of our  
B-Calendar, Aid to Localities.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02003-D, Rules  
Report 50, Budget Bill. An act making appropriations for the support  
of government, Aid to Localities Budget.

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

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

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. GOODELL: Mr. Speaker, would you lay this

bill aside?

ACTING SPEAKER AUBRY: The bill is laid aside.

(Pause)

The Clerk will read.

THE CLERK: Assembly No. A02000-D [sic]  
(A02003-D) Rules Report No. 50, Budget Bill. An act making  
appropriations for the support of government, Aid to Localities  
Budget.

ACTING SPEAKER AUBRY: Governor's Message  
is at the desk.

The Clerk will read.

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

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you  
could ask the House to stand at ease.

ACTING SPEAKER AUBRY: The House will stand  
at ease.

(Whereupon, the House stood at ease.)

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ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. I move that we advance the C-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can go to page 8, Rules Report No. 54, it's a budget bill and there -- I believe there are amendments on your desk.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02009-C, Rules Report No. 54, Budget Bill. An act to amend Part U of Chapter 61 of the Laws of 2011, amending the Real Property Tax Law and other laws relating to establishing standards for electronic tax administration, in relation to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part A); to amend the Economic Development Law, in relation to the Employee Training Incentive Program (Part B); to amend the Tax Law and the Administrative Code of the City of New York, in relation to including in the apportionment fraction receipts constituting net global intangible low-taxed income (Part C); to amend the Tax Law and the Administrative Code of the City of New York, in relation to the

adjusted basis for property used to determine whether a manufacturer is a qualified New York manufacturer (Part D); to amend Part MM of Chapter 59 of the Laws of 2014 amending the Labor Law and the Tax Law relating to the creation of the Workers with Disabilities Tax Credit Program, in relation to extending the effectiveness thereof (Part E); to amend the Tax Law in relation to the inclusion in a decedent's New York gross estate any qualified terminable interest property for which a prior deduction was allowed and certain pre-death gifts (Part F); to amend the Tax Law, in relation to requiring marketplace providers to collect sales tax; and to amend the State Finance Law, in relation to establishing the New York Central Business District Trust Fund (Part G); to amend the Tax Law, in relation to eliminating the reduced tax rates under the sales and use tax with respect to certain gas and electric service; and to repeal certain provisions of the Tax Law and the Administrative Code of the City of New York related thereto (Part H); to amend the Real Property Tax Law, in relation to the determination and use of State equalization rates (Part I); intentionally omitted (Subpart A); to amend the Real Property Tax Law, in relation to authorizing agreements for assessment review services (Subpart B); to amend the Real Property Tax Law, in relation to the training of assessors and county directors of real property tax services (Subpart C); to amend the Real Property Tax Law, in relation to providing certain notifications electronically (Subpart D); to amend the Real Property Tax Law, in relation to the valuation and taxable status dates of special franchise property (Subpart E); and to amend the Real

Property Tax Law, in relation to the reporting requirements of power plants (Subpart F) (Part J); to repeal Section 3-d of the General Municipal Law, relating to certification of compliance with tax levy limit (Part K); to amend the Tax Law, in relation to creating an employer-provided child care credit (Part L); to amend the Tax Law, in relation to including gambling winnings in New York source income and requiring withholding thereon (Part M); to amend the Tax Law, in relation to the Farm Workforce Retention Credit (Part N); to amend the Tax Law, in relation to updating tax preparer penalties; to amend Part N of Chapter 61 of the Laws of 2005, amending the Tax Law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to the effectiveness thereof; and to repeal certain provisions of the Tax Law, relating to tax preparer penalties (Part O); to amend the Tax Law, in relation to extending the top personal income tax rate for five years (Part P); to amend the Tax Law and the Administrative Code of the City of New York, in relation to extending for five years the limitations on itemized deductions for individuals with incomes over one million dollars (Part Q); to amend the Tax Law, in relation to extending the clean heating fuel credit for three years (Part R); to amend subdivision (e) of Section 23 of Part U of Chapter 61 of the Laws of 2011 amending the Real Property Tax Law and other laws relating to establishing standards for electronic tax administration, in relation to extending the provisions thereof (Part S); to amend the Cooperative Corporations Law and the Rural Electric Cooperative

Law, in relation to eliminating certain license fees (Part T); to amend the Tax Law, in relation to a credit for the rehabilitation of historic properties for State owned property leased to private entities (Part U); to amend the Tax Law, in relation to exempting from sales and use tax certain tangible personal property or services (Part V); to amend the Mental Hygiene Law and the Tax Law, in relation to the creation and administration of a tax credit for employment of eligible individuals in recovery from a substance use disorder (Part W); to amend the Tax Law and the Administrative Code of the City of New York, in relation to excluding from entire net income certain contributions to the capital of a corporation (Part X); intentionally omitted (Part Y); to amend the Tax Law, the Administrative Code of the City of New York, and Chapter 369 of the Laws of 2018 amending the Tax Law relating to unrelated business taxable income of a taxpayer, in relation to making technical corrections thereto (Part Z); to amend the Real Property Tax Law, in relation to tax exemptions for energy systems (Part AA); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to pre-employment restrictions for certain prospective employees of the State Gaming Commission (Part BB); intentionally omitted (Part CC); intentionally omitted (Subpart A); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to appointees to the Thoroughbred Breeding and Development Fund (Subpart B); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to acquisition of funds for the Harry M. Zweig Memorial Fund (Subpart C); and to amend the Tax Law, in

relation to the prize payment amounts and revenue distributions of lottery game sales, and use of unclaimed prize funds (Subpart D)(Part DD); to amend the Tax Law, in relation to commissions paid to the operator of a video lottery facility; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part EE); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the deductibility of promotional credits (Part FF); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the operations of Off-track Betting Corporations (Part GG); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-State thoroughbred races, simulcasting of races run by out-of-State harness tracks and distributions of wagers; to amend Chapter 281 of the Laws of 1994 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting and Chapter 346 of the Laws of 1990 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to extending certain provisions thereof (Part HH); intentionally omitted (Part II); to amend Part EE of Chapter 59 of the Laws of 2018, amending the Racing, Pari-mutuel Wagering and Breeding Law, relating to adjusting the franchise payment establishing an advisory committee to review the structure, operations and funding

of equine drug testing and research, in relation to the date of delivery for recommendations; and to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the advisory committee on equine drug testing, and equine lab testing provider restrictions removal (Part JJ); intentionally omitted (Part KK); to amend the Real Property Tax Law and the Tax Law, in relation to the determination of STAR tax savings (Part LL); to amend the Tax Law, in relation to cooperative housing corporation information returns (Part MM); to amend the Tax Law, in relation to making a technical correction to the enhanced real property tax circuit breaker credit (Part NN); to amend the Real Property Law and the Tax Law, in relation to mobile home reporting requirements (Part OO); to amend the Real Property Tax Law and the Tax Law, in relation to eligibility for STAR exemptions and credits (Part PP); to amend the Real Property Tax Law and the Tax Law, in relation to authorizing the disclosure of certain information to assessors (Part QQ); to amend the Real Property Tax Law and the Tax Law, in relation to the income limits for STAR benefits (Part RR); to amend the Real Property Tax Law, in relation to clarifying certain notices on school tax bills (Part SS); to amend the Real Property Tax Law and the Tax Law, in relation to making the STAR program more accessible to taxpayers (Part TT); to amend the Tax Law, in relation to imposing a supplemental tax on vapor products; and to amend the State Finance Law, in relation to adding revenues from the supplemental tax on vapor products to the Health Care Reform Act Resource Fund (Part UU); intentionally omitted (Part VV); to amend



the Tax Law, in relation to imposing a special tax on passenger car rentals outside of the metropolitan commuter transportation district (Part WW); to amend the Tax Law, in relation to imposing a tax on opioids; and to amend Part NN of Chapter 57 of the Laws of 2018, amending the Public Health Law and the State Finance Law, relating to enacting the Opioid Stewardship Act, in relation to the applicability thereof (Part XX); to amend the Tax Law, in relation to the employer compensation expense tax (Part YY); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part ZZ); to amend the Tax Law, in relation to the Empire State Commercial Production Credit (Part AAA); to amend the Tax Law and the Administrative Code of the City of New York, in relation to the taxation of estates and trusts (Part BBB); to amend the Tax Law, in relation to exempting items of food and drink when sold from certain vending machines from the sales and compensating use tax (Part CCC); to amend the Tax Law, in relation to required disclosure on a bill, memorandum, receipt or other statement of price (Part DDD); to amend the Tax Law, in relation to the enforcement of delinquent tax liabilities by means of the suspension of licenses to operate a motor vehicle (Part EEE); to amend the Tax Law, in relation to exempting tangible personal property that becomes a component part of a monument (Part FFF); to amend subpart K of Part II of a chapter of the Laws of 2019 amending the Public Officers Law relating to prohibiting disclosure of law enforcement booking information and photographs, as proposed in

legislative bill numbers S.1505-C and A.2005-C, in relation to booking photographs; and to amend the Public Officers Law, in relation to the arrest or booking photographs of an individual (Part GGG); to amend Part TT of a chapter of the Laws of 2019 relating to the closure of correctional facilities, as proposed in legislative bill numbers S.1505-C and A.2005-C, in relation to increasing the number of correctional facilities which may be closed (Part HHH); to amend the Transportation Law, the Vehicle and Traffic Law and the Insurance Law, in relation to limousine safety (Part III); to amend the Criminal Procedure Law, in relation to the issuance of securing orders and in relation to making conforming changes; and to repeal certain provisions of such law relating thereto (Part JJJ); to amend the Criminal Procedure Law, in relation to time limits for a speedy trial (Part KKK); to amend the Criminal Procedure Law and the Penal Law, in relation to establishing new criminal discovery rules; and to repeal Article 240 of the Criminal Procedure Law relating thereto (Part LLL); to amend the Penal Law, in relation to certain resentencing by operation of law; and to amend the Criminal Procedure Law, in relation to grounds to vacate judgment (Part MMM); to amend Chapter 97 of the Laws of 2011, amending the General Municipal Law and the Education Law relating to establishing limits upon school district and local government tax levies, in relation to making the tax cap permanent (Part NNN); to amend the Tax Law, in relation to amending the real estate transfer tax (Part OOO); to amend the State Finance Law and the Tax Law, in

relation to base level grants for per capita State aid for the support of local government (Part PPP); to amend Part KK of a chapter of the Laws of 2019 directing the Department of Health to conduct a study relating to staffing enhancement and patient safety, as proposed in legislative bill numbers S.1507-C and A.2007-C, in relation to making a technical amendment (Part QQQ); to amend the Highway Law and the Transportation Corporations Law, in relation to granting the Commissioner of Transportation authority to enter into agreements with fiber optic utilities for use and occupancy of the State right of way; and providing for the repeal of such provisions upon expiration thereof (Part RRR); to amend the Tax Law, in relation to extending the Empire State Film Production Credit and Empire State Film Post Production Credit for two years (Part SSS); to provide for the administration of certain funds and accounts related to the 2019-20 Budget, authorizing certain payments and transfers; to amend the New York State Urban Development Corporation Act, in relation to the issuance of certain bonds or notes; to amend Part D of Chapter 389 of the Laws of 1997, relating to the financing of the Correctional Facilities Improvement Fund and the Youth Facility Improvement Fund, in relation to the issuance of certain bonds or notes; to amend the Private Housing Finance Law, in relation to the issuance of bonds or notes; to amend Chapter 329 of the Laws of 1991, amending the State Finance Law and other laws relating to the establishment of the Dedicated Highway and Bridge Trust Fund, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in

relation to the issuance of certain bonds or notes; to amend Part Y of Chapter 61 of the Laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 Budget, in relation to the issuance of certain bonds or notes; to amend Part X of Chapter 59 of the Laws of 2004, authorizing the New York State Urban Development Corporation and the Dormitory Authority of the State of New York to issue bonds or notes, in relation to the issuance of such bonds or notes; to amend Part K of Chapter 81 of the Laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 Budget, in relation to the issuance of certain bonds or notes; to amend Part D of Chapter 389 of the Laws of 1997 relating to the financing of the Correctional Facilities Improvement Fund and the Youth Facility Improvement Fund, in relation to the issuance of certain bonds or notes; to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the issuance of certain bonds or notes; to amend the New York State Urban Development Corporations Act, in relation to the issuance of certain bonds or notes; to amend the Facilities Development Corporation Act, in relation to the Mental Hygiene Facilities Improvement Fund Income Account; and to amend the State Finance Law, in relation to Mental Health Services Fund; and providing for the repeal of certain provisions upon expiration thereof (Part TTT); to amend Part II of a chapter of the Laws of 2019 amending Chapter 141 of the laws of 1994 amending the Legislative Law and the State Finance Law relating to the operation and

administration of the Legislature relating to extending such provisions, as proposed in legislative bill numbers S.1507-C and A.2007-C, in relation to the findings and determinations made by the Compensation Committee (Part UUU); to amend Part E of Chapter 60 of the Laws of 2015, establishing a Commission on Legislative, Judicial and Executive Compensation, and providing for the powers and duties of the Commission and for the dissolution of the Commission, in relation to the powers of the members of the Commission (Part VVV); to amend the Infrastructure Investment Act, in relation to extending the effectiveness thereof; and to amend the Transformational Economic Development Infrastructure and Revitalization Projects Act, in relation to extending the effectiveness thereof (Part WWW); creating a Public Campaign Financing and Election Commission (Part XXX); to amend the Education Law, in relation to contracts for excellence and the apportionment of public moneys; to amend the Education Law, in relation to a statement of the total funding allocation; to amend the Education Law, in relation to Universal Pre-Kindergarten aid; to amend the Education Law, in relation to moneys apportioned for boards of cooperative educational services aidable expenditures; to amend the Education Law, in relation to supplemental public excess cost aid; to amend the Education Law, in relation to academic enhancement aid; to amend the Education Law, in relation to high tax aid; to amend the Education Law, in relation to the Statewide Universal Full-day Pre-Kindergarten Program; to amend the Education Law, in relation to the teachers of Tomorrow Teacher Recruitment and

Retention Program; to amend the Education Law, in relation to class sizes for special classes containing certain students with disabilities; to amend the Education Law, in relation to waivers from duties; to amend the Education Law, in relation to annual teacher and principal evaluations; to amend the Education Law, in relation to the education of homeless children; to amend Chapter 56 of the Laws of 2014, amending the Education Law relating to providing that standardized test scores shall not be included on a student's permanent record, in relation to the effectiveness thereof; to amend the Education Law, in relation to the suspension of pupils; to amend the Education Law, in relation to school safety plans; to amend Chapter 756 of the Laws of 1992, relating to funding a program for work force education conducted by the Consortium for Worker Education in New York city, in relation to reimbursements for the 2019-2020 school year; to amend Chapter 756 of the Laws of 1992, relating to funding a program for work force education conducted by the Consortium for Worker Education in New York City, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the Education Law, in relation to employment education preparation programs; to amend Chapter 82 of the Laws of 1995, amending the Education Law and other laws relating to State aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend Chapter 147 of the Laws of 2001, amending the Education Law relating to conditional appointment of school district, charter

school or BOCES employees, in relation to the effectiveness thereof; to amend Chapter 425 of the Laws of 2002, amending the Education Law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend Chapter 101 of the Laws of 2003, amending the Education Law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend Chapter 91 of the Laws of 2002, amending the Education Law and other laws relating to reorganization of the New York City School Construction Authority, Board of Education and Community Boards, in relation to the effectiveness thereof; to amend Chapter 345 of the Laws of 2009, amending the Education Law and other laws relating to the New York City Board of Education, Chancellor, Community Councils, and Community Superintendents, in relation to the effectiveness thereof; to amend the Education Law, in relation to providing Community Councils with an opportunity to meet candidates for Community Superintendent, to the removal of members of the Board of Education of the City of New York, to establishing a task force on community district education councils, to the qualifications of the Chancellor, and to proposals for school closings or significant changes in utilization; to amend Chapter 472 of the Laws of 1998, amending the Education Law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend Chapter 552 of the Laws of 1995, amending the

Education Law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend Chapter 97 of the Laws of 2011, amending the Education Law relating to census reporting, in relation to the effectiveness thereof; to amend Chapter 89 of the Laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo Central School District, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the City School District of the City of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; to amend Chapter 121 of the Laws of 1996 relating to authorizing the Roosevelt Union Free School District to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend the Education Law, in relation to requiring school districts to conduct building surveys every five years; to amend the Education Law, in relation to additional apportionment of building aid for building condition surveys of school buildings; to amend the Education Law, in relation to building aid for testing and filtering of potable water systems for lead contamination; to amend the Education Law, in relation to inspections of public school buildings; to amend the General Municipal Law, in relation to retirement contribution reserve funds; to repeal subparagraphs 2 and 3 of paragraph a of subdivision 1 of



Section 3609-a of the Education Law, relating to lottery apportionment and lottery textbook apportionment and to repeal a chapter of the Laws of 2019 amending the Education Law relating to State assessments and teacher evaluations, as proposed in legislative bills numbers S. 1262 and A. 783 (Part YYY); to amend the Vehicle and Traffic Law and the Public Authorities Law, in relation to establishing a Central Business District Tolling Program in the City of New York; and to amend the Public Officers Law, in relation to confidentiality of certain public records (Subpart A); to amend the Public Authorities Law, in relation to allowing the assignment, transfer, sharing or consolidating of powers, functions or activities of the Metropolitan Transportation Authority; establishes an Independent Forensic Audit and the Major Construction Review Unit (Subpart B); to amend the Public Authorities Law, in relation to various procurement processes of the Metropolitan Transportation Authority (Subpart C); to amend the Public Authorities Law, in relation to Metropolitan Transportation Authority transit performance metrics (Subpart D); to amend the Public Authorities Law, in relation to the submission of a twenty-year capital needs assessment (Subpart E); and to amend the Tax Law, in relation to a central business district toll credit (Subpart F) (Part ZZZ); and to amend the Public Authorities Law, in relation to voting by members of the New York State Authorities Control Board (Part AAAA).

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

advanced. Governor's Message is at the desk. The Clerk will read.

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

ACTING SPEAKER AUBRY: An explanation is requested.

One minute. We have an amendment at the desk. Ms. Malliotakis to briefly explain the amendment while the Chair examines it.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I offer the following amendment, waive its reading and move for its immediate adoption and ask for the opportunity to explain it.

ACTING SPEAKER AUBRY: Proceed.

MS. MALLIOTAKIS: This amendment would make an addition to the existing language in the budget bill. As you know, Governor Cuomo had said if there was no property tax permanent extension, he would make no deal. And what we did see is that the property tax cap was extended; however, New York City was left out of it. So while other municipalities around the State are going to be protected with a 2 percent property tax cap, New York City, unfortunately, will be excluded and this is problematic because New York City has seen a 44 percent increase in the property tax levy over the last five years. It is affecting homeowners, it is affecting renters alike. Many of you know, if you're from New York City, you visit New York City, there are many empty storefronts. Businesses are closing. We are seeing an issue with low- and middle-income

communities seeing a sharp increase in the property taxes, and we also have a disparity. We do have currently a property tax commission that is examining the disparity portion of why lower- and middle-income communities in our City are paying triple the effective tax rate that more affluent and expensive neighborhoods in New York City pay. But in the meantime, we're still seeing the property tax levy go up every single year, 6, 7, 8 percent.

So, the least we should be doing is providing a cap, or we should be really providing a freeze during the time that the property tax commission is examining the disparity issue, but what I'm putting forward today would provide a 2 percent cap so we are treated and protected like nearly every other municipality in the State. Again, this is something that affects renters and homeowners, everyone across the City of New York is talking about how unaffordable New York City has become, property taxes are probably the number one contributing factor to that. Thank you.

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

On the amendment, 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 amendment is defeated.

On the -- oh, excuse me. We have another

amendment at the desk. There's an amendment at the desk by Mr. Daniel Stec who will briefly explain the amendment while the Chair examines it.

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

ACTING SPEAKER AUBRY: Proceed.

MR. STEC: Thank you, Mr. Speaker. This amendment would strike language and add language to the bill-in-chief to fully restore the cut to aid and incentives to municipalities to last year's level of funding method.

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

MR. STEC: Thank you, Mr. Speaker, to further explain the amendment.

Over 20 years ago, revenue sharing program was created which provided unrestricted aid to municipalities throughout the State. Since the 1989-1990 Budget, revenue sharing was provided as a flat grant based on poverty factors which included reliance on unrestricted aid, property wealth and income wealth. In the 2005-'06 State Budget, the aid and incentives for municipalities program was created. This program consolidated all the unrestricted municipal aid programs into one flat grant program. For cities, towns and villages, AIM has seen no growth since 2012. Municipalities rely on this

annual State assistance to carry out day-to-day operations, to fund employee's salaries, snow removal, voting, natural disaster relief, among countless other local expenses.

As some local budget negotiations are underway, local officials are left with little choice but to determine how their already over-taxed residents will front the bill for this loss in State assistance. And in today's tax cap environment, taking away this aid and then suggesting that the solution to this problem is to take sales tax money from the counties to make these towns and villages whole is to literally take money from one pocket of the taxpayer and put it in the other pocket of the same taxpayer. It's not right. We should restore this funding the way it's been done for the past many years. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra on the amendment.

MR. RA: Thank you, Mr. Speaker, just on the amendment. This, you know, this budget we're -- we're talking about, you know, a lot of different taxes and things of that nature, and our towns and villages all over the State, but certainly for myself on Long Island, Long Island's losing about \$15 million in AIM funding. Towns and villages that I represent, portions of -- alone are basically \$8 million. And to say we're restoring it by basically taking money from our local counties really doesn't make any sense. And if you go back to the reason for -- supposedly for doing these cuts, it made up less than a 2 percent portion of -- of the local village governments.

Well, part of that is that this funding has been flat for many years. So, it became a smaller and smaller portion of the local government's funding, and now we're using that as a justification to -- to take it away.

So, at the end of the day, it ends up being potentially a cash flow problem for those towns and villages that are losing the AIM funding, and essentially a mandate, a new unfunded mandate on our counties. So, I would urge those to support this -- this amendment. Thank you.

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 amendment is defeated.

On the bill.

An explanation was requested.

Ms. Weinstein.

MS. WEINSTEIN: Briefly, this bill, commonly referred to as the revenue bill, enacts into law major components of legislation which are necessary to implement the State Fiscal Plan for the 2019-2020 State Fiscal Year. It also includes a number of proposals. I can just run through a couple of the highlights in this bill.

We require -- require sales tax to be collected from marketplace providers and establishes certain distribution

requirements. We discontinued the energy service, ESCO, sales tax exemption. We extend the current personal income tax rates and charitable donation limits for five years. We expand the current historic rehabilitation credit; make various changes to real property tax and STAR Program administration; make various changes to gaming provisions, including lottery, casino, OTB and VLTs. We eliminate the annual growth in STAR exemption benefits and maintain the growth rate in the STAR Credit Program. We lower the basic STAR Exemption Program income limit to \$250,000 from \$500,000. We impose a 20 percent tax on vapor products; expand the supplemental auto rental surcharge -- surcharge that the Governor had in his budget. We establish an excise tax on opioids; extend the Film Production Credit and modify the Commercial Production Credit. We limit disclosure of booking information; make changes to improve limousine safety; modify and limit the cash bail system; implement speedy trial reforms; reform of the criminal justice process and implement a funding system for -- we have reforms of the MTA and the funding system for the MTA.

Be happy to respond to specific questions on any of these topics --

ACTING SPEAKER AUBRY: Mr. Barclay.

MS. WEINSTEIN: -- and others.

MR. BARCLAY: Thank you, Mr. Speaker, and thank you, Madam Chairwoman, for yielding. I assume you'll yield?

MS. WEINSTEIN: Yes, of course.

MR. BARCLAY: Thank you. I have some specific questions on a number of pieces of the bill, but as we talked about in Ways and Means, I wanted to give the Body a full understanding of the revenue raises that you have posed in this bill. And I was a little confused in Ways and Means, and I didn't follow up, but I want to follow up. If you can tell me, how much does this bill raise taxes this year?

MS. WEINSTEIN: So from baseline projections, the budget reflects an increase of \$919 million in 2019-2020, and that would become \$4 billion in 2020-'21. The majority of the increase is not the result of tax increases, but rather the extension of the high income -- personal income tax of 8.82 surcharge, that's \$771 million in 2019 and \$3.6 billion in 2020. The other -- the majority of the remaining increases related to sales tax conformity proposals.

What we didn't -- what we didn't mention in Ways and Means are the increases that the new taxes that are going directly to the MTA and are not on budget, so why don't I just --

MR. BARCLAY: Appreciate that, because that's where my numbers didn't match up with your numbers, so...

MS. WEINSTEIN: Sure. So, the major new revenue proposal in the Budget is a progressive -- there's two. There's a progressive mansion tax and a real estate transfer tax. The proposal is dedicated to the MTA and would provide \$243 million in the -- this current fiscal year, and \$378 million in Fiscal Year 2020-'21.

MR. BARCLAY: So just on some specifics on the,



for instance, the high earners, I think you called it, tax, the extension.

MS. WEINSTEIN: Correct.

MR. BARCLAY: In the past that's been called the millionaire's tax, but obviously, I assume you call it is the high earners tax because it covers people, not just millionaires, but people that make less than \$1 million, correct?

MS. WEINSTEIN: Yes, and we had a, you know, a millionaire's-plus tax that was in our one-House that unfortunately did not make it into the negotiated budget.

MR. BARCLAY: So how much income do you have to earn when you get hit with that surcharge, or "millionaire's tax" so-called.

MS. WEINSTEIN: So, it's \$1.1 million for single filers. So, in fact, \$1.1 million for single filers, \$2.2 million for married filing jointly filers, and \$1.6 million for head of household filers. You know, so it is -- it is a millionaire's tax, but it wasn't what we would have -- were commonly referring to as the "millionaire's tax."

MR. BARCLAY: All right, understood; my mistake. Just generally, is there any tax that was proposed in the Executive Budget that the Assembly Majority or both Houses rejected?

MS. WEINSTEIN: You know, there -- I guess, the marijuana tax was an out year tax.

MR. BARCLAY: Fair enough.

MS. WEINSTEIN: You know, I didn't mention,

when we talked about the taxes, the surcharge on rental cars which in New York City is currently 5 percent, that we're going to 6 percent and will now be instituted -- established in Upstate New York. We're speeding up the effective date to June 1, and that will generate funds for Upstate transit.

MR. BARCLAY: The -- that's for Upstate transit and then, is any of that money going for the MTA counties? Is that going to MTA?

MS. WEINSTEIN: Yes, the Downstate region does go to the MTA.

MR. BARCLAY: And then with the sales tax expansion, expanding the Internet sales tax from marketplace providers.

MS. WEINSTEIN: Correct.

MR. BARCLAY: Some of that money is going to go into a lockbox for the MTA, so-called "lockbox"?

MS. WEINSTEIN: The New York City share of the Internet sales tax is estimated to be \$170 million. It will go to the lockbox for MTA revenue, and the State share of that Internet sales for New York City, which is \$150 million, will also go towards the lockbox for MTA revenue.

MR. BARCLAY: Not the Internet sales tax, any State sales tax, correct?

MS. WEINSTEIN: No, the Internet sales tax.

MR. BARCLAY: All right. Okay. Thank you, on

the revenue. I just want to talk about some specific questions I had on the -- on the bill.

MS. WEINSTEIN: Sure.

MR. BARCLAY: There's some contingency language, one, in the Medicaid funding contingency language, there's financial plan funding contingency language. I know the Governor proposed these in his Executive Budget. Did this bill make any changes to his proposals?

MS. WEINSTEIN: No.

MR. BARCLAY: Very good. The -- you have some sweeps and transfers in this bill. I note that you're transferring, if I'm correct, up to \$20 million from NYPA; is that correct?

MS. WEINSTEIN: Yes. I mean, this is something we do every -- it is something we do every year.

MR. BARCLAY: I understand that, but we also authorize NYPA to put charging stations around the State, I think to help build and finance transmission lines, and also to build renewable resources. Will you feel confident that even sweeping out some of the money from them, they're going to have the money to be able to do everything that we're requiring them to do?

MS. WEINSTEIN: Yes, we do.

MR. BARCLAY: Is -- the Governor, in the past, has tried to switch some of the STAR exemption benefits over to make them tax credits. I think he did it maybe two years ago where he was trying to do it for people that bought, you know, recently bought their

house. It looks like this effort is continuing under this piece of legislation. Could you enlighten the Body of exactly what this proposal's about?

MS. WEINSTEIN: The -- I think I did kind of briefly before, but why don't we just focus on STAR. So, the basic STAR exemption income limit will be lowered from \$500,000 to \$250,000 beginning this year. It will reduce General Fund spending by \$125 million. The people in the \$250- to \$500,000 income range who will no longer be eligible for basic STAR exemption can -- will be able to avoid economic -- adverse economic impacts by switching to the STAR Credit Program where the income level remains at the \$500,000 level.

MR. BARCLAY: Does it seem odd to you that we're switching it to the credit? I mean, it's all eventually going to be an expense to the State; granted, one's going to be an appropriation and one's going to be through a credit. Why are we doing this?

(Pause)

MS. WEINSTEIN: This is to help meet the 2 percent -- 2 percent savings which gives a little more flexibility, then, in order to do some spending.

MR. BARCLAY: That's my understanding, too. So, you wouldn't necessarily consider this a gimmick, though, would you? A budget gimmick?

MS. WEINSTEIN: It's probably one of many contained that we will be discussing or have been discussing.

MR. BARCLAY: I understand that, and I appreciate you didn't have it in the one-House, correct, you only -- this is a Governor's proposal?

MS. WEINSTEIN: Correct, correct.

MR. BARCLAY: So, I'll give you a little kudos for that.

All right, thank you, Madam Chairwoman. I may come back for 15 later.

MS. WEINSTEIN: Sure.

MR. BARCLAY: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

MS. WEINSTEIN: Yes, be happy to.

MR. RA: So, public financing.

MS. WEINSTEIN: Yes.

MR. RA: Which is Part XXX. Some might find that appropriate, or obscene, or I don't know, but...

(Laughter)

So, we've -- we've gotten on the road before of doing commissions and we've had varying results from that. So, I mean, I think the first question is -- is why another commission? Why -- why seat our authority to -- to an unelected commission to do something that should be within the purview of the Legislature?

MS. WEINSTEIN: It is complicated -- a complicated issue and we like to have the experts look at this without the -- we like to have the experts work on this, hold the hearings and make their -- make their recommendations without the specter of politics over them.

MR. RA: Okay. Now you're saying having experts work on it. Are there any qualifications in this bill that -- of who qualifies to be appointed to it? I don't -- I don't see any.

MS. WEINSTEIN: No. There aren't specific -- specific reference to the qualification of the individuals. We certainly have faith in the appointing authorities, the Leaders, the Governor, to appoint people who have the expertise.

MR. RA: Okay. Now, in terms of those appointments. I -- perhaps you can enlighten me what the justification would be for doing the appointments in the matter. I know we've done all kinds of task forces and commissions and all kinds of things, but we're talking about a group of people that are going to be authorized to make potentially major changes that affect campaign finance and campaigns and we're going to be doing it by a very partisan commission. There's no requirements that people be appointed of different political parties or anything of that nature here, correct?

MS. WEINSTEIN: No, but the appointing authorities represent different political parties.

MR. RA: Yes, but it's not a truly bipartisan commission when it's overwhelmingly slanted to one political party. Unlike, you know, our State Board of Elections, we make sure

everything's bipartisan across the board, just like our local Boards of Elections. So, what is the justification for giving so little representation from the two legislative Minorities?

MS. WEINSTEIN: The majority of -- we often have appointments where the Majorities of each House have a larger number of appointments than the Minorities, it happens that this year there are Democrats in the Senate, also. In prior years when we had commissions, it would've been the Majority of Republicans who were making those appointments. The decision to do the commission is irrespective of who.

Is leading which House.

MR. RA: I didn't agree with doing it that way then, either, but the problem here is you're talking about a commission that is going to make decisions affecting how political campaigns are run and it's going to be done by a Body that is overwhelmingly partisan to one political party with no -- no provisions mandating that people get appointed that are of different political parties or anything of that nature. And my understanding, and I know one of the models that, perhaps, is I'm sure going to be looked at by this commission is -- is New York City. Does -- their Campaign Finance Board that oversees the system has that type of requirement, does it not, that some of the appointments that are made by political leaders have to be made of people that are of different political parties?

MS. WEINSTEIN: That may well be the recommendation that comes from this Body. This isn't a Body that's --

you mentioned Board of Elections, that's reviewing petitions. This isn't a Body that's going to make determinations and be the administrator of the program. It's a Body that's going to recommend and changes to the -- recommend a system for public financing of campaigns and recommend the administration of that system and may very well be that their recommendation for the administration will reflect what you're saying is an even split of equal representation of various political parties on that.

MR. RA: Okay. So another question that then comes up. Once they make these recommendations, they're going to have the full force of the law unless the Legislature comes back and rejects them. Would we have to reject them fully? Could we amend what they do? How does that part work?

MS. WEINSTEIN: Sure. We can modify -- we certainly can modify during the timeframe before it would become effective.

MR. RA: Okay. Now, this same question I think came to mind after the paid commission last fall. What did we actually modify at that point, because their -- technically their recommendations have the force of law, but they're not in statute anymore. So, how does that work? What would we actually modify?

MS. WEINSTEIN: We would modify the proposal. If we don't modify the proposal, it would, in fact, have the effect of law.

MR. RA: But there won't be any section of law that



we -- that will be there for us to modify. That's what I don't understand, how we can modify a section of law that won't exist.

MS. WEINSTEIN: We would, you know, there would be recommendations that would come to us from this commission. We would then be able to do a bill -- if we wanted to, in fact, modify it, we would be able to then do legislation that would modify it.

MR. RA: Okay. Now, when -- when will this system take effect, then, if they recommend going forward with a public financing system? Or really, it's saying they're -- they're going to, it's just, you know, they're going to come up with ratios and things of that nature.

MS. WEINSTEIN: That is one of the factors that we task them to -- to look at.

MR. RA: Okay. What is the cost of -- of this program?

MS. WEINSTEIN: They are -- they are given the direction of developing a program with a maximum \$100 million annual cost.

MR. RA: Okay. And in -- are we making any appropriation in either this bill or any other budget bill for that \$100 million?

MS. WEINSTEIN: No, we are not.

MR. RA: Do we have an idea of where that money is going to come from? There have been past bills with respect to public

financing in the past that identify at least a partial revenue source. Are we identifying any revenue source?

MS. WEINSTEIN: No, we are not, and we are asking the Commission themselves to look at possible revenue and make recommendations for revenue sources.

MR. RA: Okay. Thank you very much.

MS. WEINSTEIN: Sure.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: This is -- I was reading this earlier today and -- and, first and foremost, I don't know if we're ever going to learn our lesson. The people elected us. We all went out last fall, we campaigned, people elected us to come here and make decisions. It's bad enough with some of the way that the process works at budget time and -- and we've given, you know, in past budgets all kinds of new authority to the Governor and things of that nature. Now, we're sending our authority to make legislation to another unelected group of people. That's not what our constituents elected us to do. They elected us to be the State Legislature. They didn't elect whoever gets appointed by this group to be the State Legislature. And we really need to learn our lesson at some point. It's the wrong thing for accountability to the public. It's the wrong thing for -- for making law.

The other part is, as I said, having a commission that is going to make these types of determinations that is this politically slanted -- earlier today I told somebody it was borderline corrupt; I

think I'd take the term "borderline" out. You can't -- to have these recommendations come forth, it's going to be an overwhelmingly Democratic - large D, not small d - process, and they're going to make the recommendations I am sure that will best benefit the "large D" Democratic party. This -- this is the wrong thing to do. There's a reason why when we get into campaigns, there's a reason why our State Board of Elections is completely bipartisan. There's a reason why our local Boards of Elections are completely bipartisan. This is absolutely wrong. It is not a fair thing to do to the voters of this State, and I could not in a million years support it. And, thankfully, there's a million other reasons to vote against this bill.

So, I'm going to be casting my vote in the negative. We need to do better as a State Legislature to take the information -- it's our job to go out and have public hearings on bills. It's our job to take that input from the public and it's our job to come to a determination and do it, by the way, outside of a budget process where we don't have our -- our -- our backs against the wall so that we do it correctly. So, again, I'm going to be casting my vote in the negative and I hope many of you will join me. Thank you.

MS. WALSH: Thank you, Mr. Speaker. Will the Chair yield?

MS. WEINSTEIN: Yes, be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WALSH: Thank you. There's two areas that I'd

like to ask you questions about. One has to do with education, so let's start with that part.

MS. WEINSTEIN: Sure.

MS. WALSH: As you know, there are several school districts that have had extenuating circumstances that have resulted in significant school aid penalties, particularly for the late filing of transportation contracts and final cost reports. Both one-Houses included language that would have provided amnesty for penalties assessed on school districts for both the late filing of transportation contracts and final cost reports. Why did that language ultimately not make it into the final budget?

MS. WEINSTEIN: As you say, we did advance that and, unfortunately, we could not get three-way -- could not get three-way agreement on the forgiveness of the various transportation, as well as other late reporting fines imposed upon school districts.

MS. WALSH: Thank you.

MS. WEINSTEIN: It is our hope that we would advance individual bills on those -- advance individual bills on those matters.

MS. WALSH: Okay. Thank you for that. The -- both one-House budgets also provided language that would have provided school districts with building aid for annual debt service related to a tax certiorari bond. This would have provided much needed relief to certain school districts. Could you speak, please, about why this measure was not included in the final budget either?

MS. WEINSTEIN: Again, we were unable to get three-way agreement on including the adjustments to building aid for debt service.

MS. WALSH: Do you foresee any standalone effort, you know, between post-budget and end of Session to try to address that issue, as well?

MS. WEINSTEIN: We have several months left once -- of Session once this passes and, certainly, it'd be a topic of discussion.

MS. WALSH: Okay. Very good. I would also like to ask you a little bit about the portions of this bill having to do with the direct care workers.

MS. WEINSTEIN: Sure.

MS. WALSH: We -- we are happy to see that there's funding included in the budget for salary supports for direct support workers and professionals; however, we are really disappointed that the amount is less than what was provided in prior years. Why is that, that there's less being provided this year?

MS. WEINSTEIN: I think we're a combination of not having available -- additional available resources and not being able to get an agreement to fund at a higher level than where we are now.

MS. WALSH: Okay.

MS. WEINSTEIN: Despite, you know, a shared concern for the -- for the desire to do so.

MS. WALSH: So in this bill and -- and companion bills, there's only an increase of 2 percent per year instead of the 3.25 percent that was hoped for. Can you explain why you're starting the increase -- the 2 percent increase for this fiscal year in the last quarter?

MS. WEINSTEIN: It -- that -- you know, again, it goes back to our limited resources, but we do -- did want to make the commitment to begin in this fiscal year so we started at the -- the last quarter.

MS. WALSH: Do you have any idea of how many individuals won't get an increase in salary this year as a result of the increase being pushed into January 1st of next year, 2020?

MS. WEINSTEIN: Oh, no. That I really -- I don't think we have those numbers.

MS. WALSH: Okay. All right. Thank you.

MS. WEINSTEIN: Thank you.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. WALSH: On the second point, this issue of direct care workers, it's my opinion that within the context of a \$174 billion budget that there was enough room to be able to follow through on commitments that had been made to direct support professionals over the last couple of years. And one possible place where some money could've been freed up I think would've been, for example, the \$15 million in funding to market the New York State of Health Program on buses and train stations and through commercials. So, I

do believe that that money could have been found. We're very disappointed that it wasn't, and our disappointment won't even approach the disappointment that the people in this very difficult field are going to feel tomorrow when they wake up and they realize that this money isn't in there for them. So, thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would the sponsor yield for a few questions on --

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALUMBO: Thank you. Thank you, Ms. Weinstein. I have some questions on Public Protection.

MS. WEINSTEIN: Depending on the subject matter, I may be differing to --

MR. PALUMBO: I'll confine it to two areas, discovery and bail.

MS. WEINSTEIN: Okay. So, on discovery, Mr. Lentol will be handling discovery -- the questions on the discovery bill that he has sponsored for so many years and our colleague, Assemblywoman Latrice Walker, will be handling questions on the bail bill which she has sponsored which is contained within this bill.

MR. PALUMBO: Terrific. Terrific. Whoever

would like to go first. I'm happy to go either way.

MS. WEINSTEIN: Do you want to start with Mr. Lentol?

MR. PALUMBO: Certainly. Will you yield, Joe, please for a few questions?

MR. LENTOL: Yes, I will, Mr. Speaker.

MR. PALUMBO: Thank you very much. Now, just generally, this has been a long-standing policy debate in this House and is there any reason why that we couldn't hold public hearings and possibly do this outside of the budget, or did this kind of end up on the table as a result of the negotiation process and there was some urge to do it now?

MR. LENTOL: Well, as you know, because you've debated this many times, as have I, it has had a very good public airing already and I think that the people of the State of New York now realize how antiquated and unfair the discovery system is in New York State, especially when one considers that the civil system which doesn't put anybody into jail is so open and free disclosure of information occurs, where it has never occurred in New York State in the criminal law.

MR. PALUMBO: Certainly, Mr. Lentol, and you have been a champion on this issue and I think that this has developed into a very good idea that it's something needed to be done, so I think this is really going in the right direction. There are just a few areas left that we had some concerns with, that I had some concerns with



and I have had some law enforcement agencies indicate their concerns, as well.

MR. LENTOL: Well, I'm happy to help you with them.

MR. PALUMBO: Thank you. Particularly now that this is going to be our new discovery statute. Regarding the general, I guess, generally so my colleagues are aware, the entire Article 240 is gone and we have an entirely -- we have a new 245 Article which covers all of our discovery. So, if it's not addressed here, essentially, all the Criminal Procedure Law relative to discovery is gone, for all intents and purposes.

MR. LENTOL: Yes, but there are some inherent powers in the courts, as you know.

MR. PALUMBO: Certainly. And in that regard, I see that there's some reciprocal discovery that's required from the defendant.

MR. LENTOL: Yes.

MR. PALUMBO: And in Section 245.20, they have some discoverable evidence and I did see that there were some specific requests as far as expert disclosure, that they knew, and some witness disclosure, but it was really regarding statements. Is there anything in this new article that would require an alibi notice? Because, as you recall, under the old statute the prosecutors would make, typically at arraignment, a 250.20 demand as far as alibi notice is concerned -- or 240 or 250, I forget which Article it was, but does

that still exist today, that an alibi notice would need to be provided by the defendant within a fixed period of time?

MR. LENTOL: Well, there's a -- as you know, sir, there's an alibi procedure that already exists in the Criminal Procedure Law, and that stays the same.

MR. PALUMBO: And that stays the same, very good. Thank you. That was a -- that was a concern. And as far as the prosecution's time limits of responding to this discovery, they have 15 calendar days for the automatic discovery, or soon as practicable if there a good faith reasons why not. What's the sanction for their noncompliance with that statute?

MR. LENTOL: Well, the court could, as you know, order disclosure and there could be preclusion if they do not.

MR. PALUMBO: Sure. Are there different levels of sanction, though? Could the court just give an adverse inference and not preclude, or are there different levels that depending on the gravity of the offense that it could be complete preclusion of a witness, or evidence, versus maybe a jury charge indicating that they can make the adverse inference. Is that all available still?

MR. LENTOL: Well, I think it depends on the circumstances. The judge would have the discretion to decide to preclude if they were serious.

MR. PALUMBO: Very good. And regarding the sanctions, I see here that no later than 48 hours prior to the defendant's Grand Jury testimony, all statements, written, recorded and oral

statements must be made by the defendant. If there's a noncompliance situation in that regard and, as you certainly know, from arrest, not arraignment, from arrest to indictment needs to be done within 144 hours. So, for example, on a Monday you have a defendant who gets arrested midday in particular in a place like Suffolk County, which is obviously a large county, 1.5 million people, but they don't typically have -- they wouldn't necessarily have a Grand Jury on the weekend, they'd have to indict that by 5:00 on Friday. So, they'd be under a real tight window to get that discovery to them by Wednesday to get all of that information. So, of course, written statements could be provided, but if there's some sort of a surveillance tape, if that isn't provided in a timely fashion, what would the sanction be if the prosecutor still proceeded with the Grand Jury presentation in order to hold the defendant?

MR. LENTOL: Well, I think that the judge could be wise in his discretion and order a hearing if that information couldn't be disclosed.

MR. PALUMBO: Okay, terrific. So, I just wanted to make sure that for those situations that there may be noncompliance, it's still a discretionary choice by the judge, they could do as little or as severe a sanction as they so choose?

MR. LENTOL: Yes.

MR. PALUMBO: Great.

MR. LENTOL: As you know, maybe from reading this, that we try to give the judge a great deal of discretion over this

and protective orders, as well.

MR. PALUMBO: Excellent.

Now, just two other quick areas, if you don't mind, regarding, it's 245.50, there's certificates of compliance required by the prosecutor. And I have here, this is on page 143 of the bill, line 35, that when they provided the discovery required by Subdivision 1 of Section 245.20 of this Article, *Accepts other items that are subject to the order, it shall serve upon the defendant and file with the court a certificate of compliance stating that after exercising due diligence and making reasonable inquiries to ascertain the existence of material and information subject to discovery, the prosecutor has disclosed and made available all known material and information subject to discovery.* And that, again, if -- if -- is this a sworn statement that the lawyer needs to provide, that the prosecutor would need to provide?

MR. LENTOL: Yes, it could be, but I don't think the statute requires it.

MR. PALUMBO: Okay, good. So -- and that's another one. In the event of noncompliance, that might even open up a prosecutor to possibly a grievance or some other type of sanction against their license if they're obviously making misrepresentation to the court. Was that the logic behind including that provision?

MR. LENTOL: Not necessarily.

MR. PALUMBO: Is there any such requirement for the defendants in their reciprocal discovery?

MR. LENTOL: Yes. I think the court, in its wisdom,

will take a look at it and decide whether or not the defendant should have a discovery of this material and act accordingly.

MR. PALUMBO: Very good. Now, one -- one other issue regarding that reciprocal discovery, that under 245.20, Subdivision 4 --

MR. LENTOL: The idea, Mr. Palumbo, is for the free exchange of information. That's always the thought throughout this discovery process that hasn't existed in our law before.

MR. PALUMBO: And that's why --

MR. LENTOL: So, we're trying to catch up with other states that have done this.

MR. PALUMBO: Certainly, and I think that's why this has been so well received. I do agree, and I just had, as I indicated, I think it's generally really the public or I should say the practitioners have really come around with regard to this idea, that it's certainly in the interest of fairness and fair justice, this was needed. But regarding that one section, that it looks as though the defense witness -- disclosure of a defense witness who testifies to impeach a prosecution witness is not required until after the witness has testified after a trial.

Now, the People at this point have provided all of their witnesses, witness lists long before or certainly at the beginning of trial, if there are any new ones, to prevent unfair surprise. With regard to expert testimony, is there any obligation, because it seems as though that might be a little bit in conflict with the defendant's

obligation for reciprocal rediscovery, that is there any obligation that to provide some sort of an expert witness notice that could have been reasonably ascertained? For example, in an accident case, in a manslaughter case where you're doing accident reconstruction. They know right out of the box that the prosecution is going to present a reconstruction expert and, certainly, provide different empirical data with regard to the impacts and so forth, points of impact. So, that's something that should be reasonably anticipated. Does the defendant have an obligation in a case like I just presented to you to provide that information to the prosecutor?

MR. LENTOL: I think that could be, but remember, there are Constitutional limitations with regard to that, that the court would have to be concerned about, as well as the defendant.

MR. PALUMBO: Certainly, but it looks as though that they typically would, under that previous section for reciprocal discovery, if they had anticipated an expert reasonably, because that's someone that I don't think would -- it would create any issues regarding whether or not their testimony would be admissible or discoverable, just their qualifications and a general statement regarding almost like a 3101 disclosure regarding what they -- what they intend to offer at trial.

MR. LENTOL: Okay.

MR. PALUMBO: Very good. Thank you, Mr. Lentol.

MR. LENTOL: You're welcome.

MR. PALUMBO: Now for round two, how are you, Ms. Walker? Would you mind yielding for a few questions on bail?

MS. WALKER: Absolutely.

MR. PALUMBO: Great. Thank you.

So, I guess I have the same question that I started Mr. Lentol with regarding the fact that this doesn't seem to have any fiscal implications. Is there any reason why we didn't do this particular section of Public Protection in a separate standalone bill with public hearings and so forth?

MS. WALKER: Well, Mr. Palumbo, I beg to differ. This bill does have huge fiscal implications, particularly as it relates to the cost savings that we will be reaping a benefit from with respect to not -- releasing individuals on nonmonetary conditions or releasing them on their own recognizance, as opposed to the expenses of paying for their pretrial detention. However, I'll say that the urgency of the time is right now for us to act, because we know that too many people are languishing in jails and, for instance, Rikers Island and all across our State, who have not been convicted of any crime. And, particularly so when I think about Sandra Blandi -- Sandra Bland, someone who had not been convicted of any crime who committed suicide. And we see too many people fall into this particular situation each and every day --

MR. PALUMBO: Understood.

MS. WALKER: -- so I think that the urgency of the time for us to do this is immediately.

MR. PALUMBO: I got it. Now, would you agree, though, that there is certainly a cost with respect to the nonmonetary bail, supervision of someone who is released under this particular statute, that there are out-of-custody detainee services, maybe through probation, that there's going to be some pretrial release costs that would also be implicated. So, there's a savings on one side, but there are also other costs that might be necessary, as well?

MS. WALKER: Well, absolutely. There are costs associated with it and, in fact, this budget actually deals with those. There are probation services in every county across the State of New York and we are always considering pretrial alternatives to incarceration that we have paid for for many years here. In addition to that, there are a number of cost savings that we are dealing with when we are utilizing these methods as opposed to keeping people contained in jails.

MR. PALUMBO: Very good. Now, regarding the one section that requires local criminal courts to send an appearance reminder and notify the arrestee of their court appearance by text message, telephone call, electronic mail or First-Class Mail. Is that required by the court itself, or can they have another agency assist in that matter? That's really the first aspect of that that I'd like to ask.

MS. WALKER: Well, they are allowed to have another pretrial service agency to do those. But, in fact, Mr. Palumbo, we have already begun utilizing these methods in New York City and they've been working out just fine and have been very successful in



securing a defendant's return to court, just in accordance with New York State principles.

MR. PALUMBO: It looks as though it's a must statute. If the court fails to provide this notification, what is the alternative or what is the sanction? Does that excuse a nonappearance? Are they not authorized to then issue a bench warrant based upon that nonappearance?

MS. WALKER: I'm sorry. If the defendant does not receive the telephone call or the text message, or if the administrative agency refuses to do so, does that require a bench warrant?

MR. PALUMBO: I'm saying a clerical error, because -- is this every court date that the local criminal court must give them a reminder?

MS. WALKER: Well, according to this bill, this is actually what should take place; however just like, you know, your doctor would reach out to you to remind you that you have a doctor's appointment, you appear when you have to, and it's no different here in the circumstance and, in fact, a bench warrant is not issued unless there is a willful disregard for court appearances on a continual basis.

MR. PALUMBO: Very good. We'll meet again.

MS. WALKER: Thank you.

ACTING SPEAKER AUBRY: Good.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the Chair yield?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. REILLY: Thank you, Ms. Weinstein. I have a couple of questions on Public Protection, as well, in regards to the must issue desk appearance tickets by police officers. So, does the desk appearance ticket requirement prevent police officers from taking an individual to the precinct from the location of occurrence?

Oh, I'm sorry; okay, I'm sorry.

MS. WALKER: I'm sorry. Can you repeat your question?

MR. REILLY: Sure. So, does the desk appearance ticket requirement prevent police officers from taking an individual to the precinct from the location of occurrence?

MS. WALKER: No. I believe, you know, most respectfully, that's where the desk is located.

MR. REILLY: Okay. So, what constitutes a reasonable opportunity for a principal to make their verifiable identity known for a desk appearance ticket?

MS. WALKER: Well, you can see what type of ID that an individual has and produce it; in fact, that's what most police officers do in normal identification stops at this moment.

MR. REILLY: Yeah, at this moment if they don't provide ID, they go through the system. They get -- the arrest is

affected, so this --

MS. WALKER: Under the bill, that will continue.

MR. REILLY: I'm sorry. Say --

MS. WALKER: Under this particular bill, that will continue.

MR. REILLY: But, no, it actually -- no, reading it, it says if they can't provide photo ID, it's not required.

MS. WALKER: I'm sorry. An officer is not required to issue an appearance ticket if the person cannot be identified. But it is also worth noting that there are various different forms of identification that can be provided. Some could be government issued, it could be a benefit card that gets issued, but in accordance with principles of community policing, there many instances where a police officer will identify the person who is coming into their jurisdiction and be able to identify them in that way, as well.

MR. REILLY: Well, oftentimes -- and I'll refer back to when I worked in Midtown, in Midtown Manhattan in Midtown North, you know, it was a very -- it was a transient location so we -- oftentimes people that were placed under arrest and brought back to the precinct did not reside or work in the area. So, some officers may not be able to identify them that way. So, the question was, what would constitute giving that principal, that defendant, a reasonable, the reasonable time to identify them?

MS. WALKER: I don't believe that a time period comes into question here, it's whether or not the person can be

identified. If they can be identified, then a desk appearance ticket if, under those particular circumstances, are warranted, will be given at that particular point in time. If the person's identification cannot be assessed at that particular time, the officer's not required to issue a desk appearance ticket.

MR. REILLY: Okay. Still a little fuzzy with the reasonable time, but I can move on. So, if an individual is arrested for shoplifting and during the arrest the individual resists arrest, which are both misdemeanors, would the police officer have to issue a desk appearance ticket even though the conduct is a little more severe than the shoplifting?

MS. WALKER: It would be an appearance ticket in that situation.

MR. REILLY: Wow, okay. So if the person -- and I was reading the bill, the language of the bill and I understood that if the person was intoxicated or, you know, mental health issues, a desk appearance doesn't have to be issued, and also if, of course, driving, any -- any offense where a court can suspend a driver's license, I know that they can't -- the officer wouldn't have to issue a desk appearance ticket. So the question I have is, what would constitute a reasonable effort in that case when the person may be -- may be intoxicated to the point where they can harm themselves. It says before making the arrest, the officer has to make a reasonable effort to get the person the services and issue the DAT.

MS. WALKER: Well, particularly, there is an

interest here in order to not persecute or prosecute individuals based on their mental health condition, or their health condition. So, if there's a circumstance that may be utilized where we can get the individual medical attention, then we believe medical attention is warranted in that particular situation. But you also brought up the situation regarding whether or not someone is Driving While Intoxicated. Of course, if someone is pulled over and charged with that particular offense, we don't want to give them a desk appearance ticket --

MR. REILLY: Oh, no, I --

MS. WALKER: -- at that particular point in time --

MR. REILLY: Definitely.

MS. WALKER: -- so that they could potentially harm someone. So, we have also required -- did not make the requirement that a police officer has to issue a desk appearance ticket in those particular circumstances.

MR. REILLY: Absolutely. I read that, I fully understand that about the driving offense, but my questions hinge on what constitutes a reasonable effort and a reasonable time before the officer can change it from a desk appearance ticket to an actual arrest and the individual get -- the principal goes through the system and goes before the court. That's the issue.

MS. WALKER: Well, I believe that, you know, a reasonable person will be able to ascertain a reasonable time period and a reasonable set of circumstances. And I recognize that all of

those issues will sort of be based on whatever gets presented at that time, and you got to use your best judgment.

MR. REILLY: That's a large grey area, especially when it can wind up leading to lawsuits and accusations of being detained for a longer period of time. So, that's just one of the clarifications that I think should be made.

MS. WALKER: I agree, however, I don't believe that there's any different set of circumstances in this situation and in any particular police encounter where there may be a mental health situation that needs to be assessed, or a health care situation that needs to be assessed. So, this isn't adding any additional requirements on a police officer having to utilize their reasonable sensibilities in order to determine whether or not this is a situation that might warrant them to take an additional step prior to making their assessment as to whether or not to arrest or to issue a desk appearance ticket.

MR. REILLY: Okay, fair enough. Thank you.

I just have some other questions, would the Chair yield?

MS. WEINSTEIN: I'd be happy to.

MR. REILLY: Thank you. I just want to touch on the New York City Mayoral Control of public schools. I see in the bill that we're actually expanding the Panel for Educational Policy to 15 members?

MS. WEINSTEIN: Correct.

MR. REILLY: So, we're adding a -- a -- an appointee

that's elected by the Presidents of the Community Education Councils throughout the City and an additional appointment by the Mayor; that's correct?

MS. WEINSTEIN: Yes.

MR. REILLY: So we gave the Mayor another -- another appointment, and we also -- I see in the legislation that it allows the -- any appointee to still be removed, but it only requires the appointing authority to notify the public within ten days; is that correct?

(Pause)

MS. WEINSTEIN: I'm sorry, I was just looking at what you were talking about, the additional Mayoral appointee to the PEP. Right. So, in terms of the removal of a member from the PEP, we're just talking -- you were asking, so the appointing authority shall provide to the public written notice of the reasons at least ten days in advance of the removal.

MR. REILLY: So is there -- is there any, like, debate about the person being removed, or is it just we're telling you that we're removing them and that's it?

MS. WEINSTEIN: It's the reasons why the person is -- is proposed to be removed.

MR. REILLY: All right. Thank you.

On the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So, on Mayoral Control, this is

presented in this bill and, unfortunately, it's not increasing transparency or accountability. We can pretend that we're adjusting the PEP and it's got some teeth, but unfortunately it doesn't. And, once again, we're just allowing rubber stamps by the PEP for policies where we can have some real checks and balances. It's a missed opportunity and you know what, hopefully we will have some hearings on it, but if we're extending this as is, it falls -- it falls short and we're once again kicking the can down the road. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Raia.

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

MS. WEINSTEIN: Yes, be happy to.

MR. RAIA: Thank you. You're doing a wonderful job. It's been a long day and I won't try to belabor this --

MS. WEINSTEIN: Long day and a long night.

MR. RAIA: I'm going to start off with... well, an interesting question. How is it that we're voting on two chapter amendments from the Health and Mental Hygiene Bill that we haven't even voted on yet?

MS. WEINSTEIN: It -- it just happened that we had the -- we had the Message of Necessity on this bill and not the -- we didn't yet have it on the Mental Health bill --

MR. RAIA: I have no problem blaming the Governor. So, if that's the answer, then I'm good with that.



MS. WEINSTEIN: Yes.

(Laughter)

MR. RAIA: Okay. Thank you.

Tax and regulation of vapor products. Now --

MS. WEINSTEIN: Oh, vapor. Yes.

MR. RAIA: Oh, I'm sorry?

MS. WEINSTEIN: No, sorry. I just didn't hear  
"vapor products."

MR. RAIA: I'm just trying to get --

MS. WEINSTEIN: Vapor products, yes.

MR. RAIA: The thoughts are not moving as quickly  
as they should be at this hour, but we'll get through it.

MS. WEINSTEIN: Not a problem.

MR. RAIA: The tax and regulation of vapor  
products. How -- I've heard this House a number of times discuss the  
importance of -- of protecting young people from getting involved in  
-- in vape products. Some people would say it's an epidemic. I  
certainly don't want to see young people vaping. Why is it that we  
removed every single block, road block to young people starting with  
-- starting to vape? For instance, electronic -- I think the original  
budget had electronic age verification. I know in the Health  
Committee we -- you know, we passed out of the Health Committee  
raising the smoking age from 18 to 21. What's the rationale for -- for  
making it actually, you know, easier for young people to start vaping?

MS. WEINSTEIN: Well, we -- we did pass the

legislation that -- yet to be signed, raising the age from 18 to 21.

MR. RAIA: So that's where -- that's -- so, we're hoping the Governor signs that?

MS. WEINSTEIN: We're assuming that -- yes.

MR. RAIA: Okay. And the electronic age verification, one of the, probably, most useful things to keep young people from vaping?

MS. WEINSTEIN: I believe that will be one of the items that we will look at post -- post-budget.

MR. RAIA: I hope so. Thank you.

Now, the 20 percent supplemental tax on the retail sale of vapor products.

MS. WEINSTEIN: Correct.

MR. RAIA: Where's the revenue going?

MS. WEINSTEIN: It -- it's -- that revenue is not dedicated.

MR. RAIA: It's not dedicated?

MS. WEINSTEIN: So, it's --

MR. RAIA: I -- I thought it was going into the Tobacco Control and Insurance Initiative pool, which is dedicated to HCRA.

MS. WEINSTEIN: Yes. So, right. Yes, correct. It goes to the tobacco tax.

MR. RAIA: My mentor told me never ask a question you don't know the answer to. Okay. So, it is dedicated --

MS. WEINSTEIN: Well, he didn't know about those dry cleaning bags.

(Laughter)

MR. RAIA: So, none of it's going into the General Fund, this is all going into a dedicated fund --

MS. WEINSTEIN: Correct.

MR. RAIA: -- dealing with health care. That's good. Moving on to the excise tax on the sale of opioids.

MS. WEINSTEIN: Okay.

MR. RAIA: Last year -- well, let's see, in December 2018, a Manhattan Federal judge ruled that while the concerns driving New York's decision to adopt the stewardship payment were valid, the means by which the State would extract payments from the companies violated the United States Constitution. Basically, that was a -- a for-sale tax. We've still got a for-sale tax. So, how -- how is this not going to pass -- how is this going to pass constitutional muster?

MS. WEINSTEIN: Well, we -- we do sunset that legislation that's the subject of -- was the subject of litigation. And the issue that the -- the courts found was a problem is removed from this proposal.

MR. RAIA: What is the language that's in the budget that we anticipate will pass constitutional muster?

MS. WEINSTEIN: Well, we removed the language that -- it -- the bill is -- the language is silent as to passing the cost on to the consumer.

MR. RAIA: So, how are we going to prevent the cost from being passed on to the consumer?

MS. WEINSTEIN: Well, we -- we were successful from the -- in removing from the Governor's proposal the express language that would have required the cost to be passed on to the consumer. Instead, we're silent about that.

MR. RAIA: Okay. So, we're kind of rolling the dice again. Are there any carve-outs? Is there anybody exempt from paying the --

MS. WEINSTEIN: Yes --

MR. RAIA: -- opioid -- opioid tax?

MS. WEINSTEIN: Yes. We exclude Hospice and OASAS providers, as well as drugs that are used to treat substance -- substance use disorders.

MR. RAIA: So, patients who have chronic pain and appropriately-prescribed meds from their licensed health care provider, people recovering from surgery, C-section, hip replacements, mastectomies, cancer and chronic pain from debilitating diseases, pharmacists, hospitals, and even the Medicaid program. So, essentially, we're taxing ourselves. Correct?

MS. WEINSTEIN: Yes, you know -- I -- I guess you could say that.

MR. RAIA: Kind of weird, right? So, essentially, this is a sin tax, or I guess we could call it a "pain tax."

On the bill, Mr. Speaker.

MS. WEINSTEIN: Sure.

MR. RAIA: I do -- I will have another question to circle back with, but --

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

MR. RAIA: On the bill. Okay. This is a sin tax on -- on pain, essentially. People that are legitimate users of -- of a health care treatment that's been ordered by a doctor in order -- you know, they're being taxed in order to bridge a revenue shortfall because the court said we couldn't have that money, and now we're making another run at it. It's good that, you know, we're going to try and give that \$100 million to... to OASAS and -- and -- and, you know, try and put that to good use. But carving out certain end users seems to be valuing some people over others, and we're basically saying that their pain is not legitimate. I just want to point out that all pharmacy associations, the Cancer Society, family practitioners, the Medical Society of New York State, senior care associations and Disability Rights Center all oppose this. Because we're -- we're telling people that, *Your pain is not worthy to be exempted from a tax*. I have a problem with that, and I have a feeling this is not going to pass constitutional muster, and it really shouldn't.

Mr. Speaker, will the Chairwoman yield for another quick question?

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

MR. RAIA: Thank you very much. On the commuter tax. How much is it going to cost my constituents to drive

into the -- into Lower Manhattan?

MS. WEINSTEIN: You're talking about congestion pricing?

MR. RAIA: Yeah --

MS. WEINSTEIN: Right. Because you say commuter --

MR. RAIA: Congestion pricing, yes.

MS. WEINSTEIN: Okay. So, in the spirit of having other people who have some expertise in support of the measure answer these questions, I'm -- Assemblywoman Paulin, Chair of our Corporations Committee, will be handling questions regarding the MTA, the congestion plan, so --

MR. RAIA: I'm totally cool with that.

MS. WEINSTEIN: I'll defer to Ms. Paulin.

MR. RAIA: Thank you.

Ms. Paulin, would you yield for a couple of questions?

MS. PAULIN: I -- I'd be happy to. I'm happy to stand up.

(Laughter)

MR. RAIA: I hear you. I always say it's like flying to Japan when we have a budget negotiation. But... So, basic question: How much is this going to cost many of my constituents?

MS. PAULIN: The -- the toll will be determined by the TBTA after they get advice and recommendation from a committee

that they're going to set up called the Transit [sic] Mobility Review Board, and then that recommendation will go back to the TBTA for them to adopt the toll.

MR. RAIA: At what point do we have a say in whether or not we like the dollar amount that they're going to levy?

MS. PAULIN: I guess you have a say right now, Assemblyman.

MR. RAIA: But we don't know how much it's going to cost. I -- I mean, and the --

MS. PAULIN: I --

MR. RAIA: Go ahead.

MS. PAULIN: You know, the -- the cost will be determined on two factors: One, the -- you know, what we do is we essentially say that \$15 billion worth of capital has to be raised for the 2020-24 plan. And congestion in the City of New York in the Central Business District has to be reduced. So, based on those two factors, this advisory board will make a recommendation as to tolls, as to discounts and credits, and the -- because the congestion pricing infrastructure is going to take at least two years to set up, it's hard to make an assessment right now. We do know, however, that groups like Fix New York came up with a plan that was somewhat similar to the one that we're adopting in terms of the... the parameters, where the... you know, where the infrastructure would be installed, and the fact that it would be 60th -- including 60th and below, and they came up with a figure of \$11.52. So, we imagine it's going to be in that

range. But the determination will be decided when it's closer to the time of implementation.

MR. RAIA: So, we have a dollar figure we want to achieve. So, in a perfect world if everybody sees there's now a commuter tax and they decide to jump on a train or carpool or do what have you, and we achieve the goal of congestion pricing and -- and keeping people out of Lower Manhattan, then essentially, some people could be paying a lot more than \$11.50.

MS. PAULIN: Well, we -- we also know that the population in the City has grown, and we would assume that's going to just continue. So we don't really have a -- we don't know what the expectation is. You know, we have two goals. As I said, one goal is to reduce the congestion. We, in fact, in New York are -- is the -- I mean, next to Los Angeles, it's the most congested city in the United States, and maybe the world. And so, the goal is to reduce the number of cars, and the goal is to raise revenue to fix the subways and maintain the commuter rails.

MR. RAIA: Are there any carve-outs, people that -- or groups that are exempt?

MS. PAULIN: There are two groups that are exempt by the law. That's people who are disabled or people who are driving people who are disabled. And the other group is emergency vehicles. And that's defined in the Vehicle and Traffic Law. So -- and I can read them, if you want. Did you want? No? Okay. The other credits and discounts will be determined again by that same subgroup, the



Transit [sic] Mobility Review Board, make recommendations to the TBTA, and then through that same mechanism, those discounts and credits will be established.

MR. RAIA: We're very blessed to have some of the world's best hospitals in that area of Manhattan. I think my mother's actually had over 20 surgeries at the Hospital for Special Surgery. A lot of times people go for surgical procedures, they have to go for follow-up. They certainly can't take a train. You know, heaven forbid a woman that's had a mastectomy certainly doesn't want to be bouncing into people. So, there's nothing for -- for individuals that are coming into the City to obtain the -- the high quality of -- of health care that's offered there?

MS. PAULIN: Again, the Transit [sic] Mobility Review Board is authorized to look at a group of factors, one of which is called "hardships," which I would argue that this would be what you're suggesting would be classified under, and they are -- you know, we give them the authority to come up with the plan of what would be discounted and what would be credited. And there's an application process that the TBTA will have already set up for people with disabilities, and that same application process would be used for whatever -- whatever criteria was recommended from the Transit [sic] Mobility Review Board.

MR. RAIA: Okay. I -- I'm blessed to have an awesome tenant that lives in my house. He's a union steamfitter. Every day he leaves at 5:30 in the morning, comes home 7:30 every

night. He can't take the train because his tools of the trade, he -- he has to keep with him.

(Buzzer)

Thank you, Mr. Speaker. I'll -- I'll circle back.

ACTING SPEAKER AUBRY: Thank you, sir.

MR. RAIA: Or I'll explain my vote. Thank you.

ACTING SPEAKER AUBRY: Mr. Lalor.

MR. LALOR: Thank you, Mr. Speaker. Will the Chairwoman yield?

MS. WEINSTEIN: Yes. Be happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. LALOR: Thank you. I want to talk very quickly about Section SSS of this bill, the film tax credit.

MS. WEINSTEIN: Sure.

MR. LALOR: And in this bill we're extending by two years the film tax credit. So, when will that end now?

MS. WEINSTEIN: 2024.

MR. LALOR: So, five more years at \$420 million?

MS. WEINSTEIN: Yes.

MR. LALOR: So, we're -- we're basically --

MS. WEINSTEIN: But we -- we already -- we're extending it, but it still had two years -- we've already authorized two years, so --

MR. LALOR: Right. So, we're adding \$840 million

--

MS. WEINSTEIN: In the out-years.

MR. LALOR: Correct. And five years times \$420 million, we're over \$2 billion. Why the film industry?

MS. WEINSTEIN: The number -- what has happened since we established this -- this credit is we've had an incredible number of jobs created as a result of this -- this tax -- this tax credit. In Brooklyn, in Queens and the Bronx there are studios that didn't exist before. There's a tremendous amount of economic activity and revenue that's generated by the -- this industry being here in New York, Upstate New York, also. This is an important industry for New York State.

MR. LALOR: Why is the amount \$420 million? It's -- it's a huge amount. It's the biggest tax credit we give. Why -- why that number?

MS. WEINSTEIN: It's -- it's -- as I said, this is a tremendous economic -- the credit brings tremendous economic benefit to all parts of New York State. We get tremendous -- we get a lot of revenue from the employees, as well as all of --

MR. LALOR: Sure.

MS. WEINSTEIN: -- the local impact. And that's a number that we've been able to settle on.

MR. LALOR: Is there a point of diminishing returns? In other words, if we gave them \$300 million instead of

\$420-, we'd have another \$120 million to use for tax relief for other industries, we could use it for teachers, we could use it for all kinds of things.

MS. WEINSTEIN: Well, you know --

MR. LALOR: Would we lose any of this activity if we were still giving away \$300 million? We'd still be the leading state.

MS. WEINSTEIN: As -- as you know, a credit is off of the income, so it's not like we have the dollars to spend. This is a credit off of the income that is generated by this --

MR. LALOR: No. It's on their below-the-line production costs. So, whatever they spend, we give them, in New York City, a 30 percent refundable tax credit. Outside of New York City, we give them a 40 percent refundable tax credit. Which means often their tax liability in New York State is eliminated and we end up cutting them a check. We cut Hollywood filmmakers a check out of the pocket of the taxpayers.

MS. WEINSTEIN: You know, I just want to go back to, we were talking about the impact in -- in the State. It's estimated that the -- this program has generated, I believe since its existence, 200 and -- I'm not sure of the exact timeframe, but 237,500 jobs in the -- in the State.

MR. LALOR: Are those full-time jobs?

MS. WEINSTEIN: Some may be, some -- some aren't --

MR. LALOR: Do we know -- you're -- you're citing a number. Do we know what percentage of them or how many are full-time? How many are year round? How many provide health insurance? Or how many are temporary? It's a big nut, \$420 million. We should know what we're getting for it.

MS. WEINSTEIN: Obviously, some of these... the economic benefit has been \$3.2 billion. The -- the -- some of these -- some of these positions may be full-time, some of them are -- will run, if it's a several-month production, for... if it's one of these --

MR. LALOR: Sure --

MS. WEINSTEIN: -- TV shows, a serial, the shorter period of -- be a limited period of time. If a movie is being filmed, it depends on -- on what's being filmed --

MR. LALOR: I see.

MS. WEINSTEIN: -- and for how long that filming goes on.

MR. LALOR: Are you familiar with there's a study out of Michigan State, it says 2,763 short-term film jobs, which is a lot of what we produce -- extras count as a job, caterers, set-makers -- 2,763 of those jobs equal only 250 full-time, year round jobs. The kind of jobs that, you know, can feed a middle-class family here in New York. So, when we -- when we cite a big number, that's really a very small number of full-time equivalents.

MS. WEINSTEIN: Well, a lot of these -- these people will -- will go from job -- will go from one shoot to another

shoot, from one show -- may work on one show and work on another show. You know, I -- when this tax credit first got established, I recall walking with some of my Brooklyn colleagues in the Steiner Studio, when they heard who were, people who were working there were just ecstatic about this credit. I recall one woman saying, who lived --

MR. LALOR: I'm sure they were. I'm sure they were.

MS. WEINSTEIN: One woman who lived in Brooklyn saying this is the first time she's not had to go to work out of a hotel room, that she's been able to work out of her own -- that she's able to stay in her own apartment and have a job here in -- in New York City. We heard that through -- for many people, that they've had to leave -- they had to leave New York before this credit, to be able to go to a -- to be able to go to a site that -- where they could work.

MR. LALOR: Right. And you'd agree if -- if New York State was paying 30 or 40 percent of the production costs of a manufacturer, a pizzeria, a dry cleaner or a pharmacy, name your business, they'd be ecstatic about it, also.

MS. WEINSTEIN: Well, you know, this is an industry that's a national industry that can go -- not only go to another state, but as I said, the person -- a lot of people were filming in Toronto, we were exporting our -- our employees out of New York State. It's a mobile industry, and we've really captured New York as the central hub for so much of the filming that takes place in the country, and even nationally.

MR. LALOR: Right. But if we eliminated this, got rid of all \$420 million, we'd still have some film production here, wouldn't we? I mean, *Law and Order* was here before the credit. One of the -- one of the shows that is subsidized is *Saturday Night Live*. *Saturday Night Live* is older than I am. We give them \$15-17 million a year to film in New York. It was never going to be "*Live from Vancouver, It's Saturday Night*." It's always been "*Live from New York*." So, why are we giving them \$15-17 million every year?

MS. WEINSTEIN: All -- all of these credits add up to increased income in New York State. Increased economic activity, increased income.

MR. LALOR: If you spend \$420 million, you're going to get a tremendous amount of economic activity. Do you think there's an opportunity cost? In other words, if we took this \$420 million in tax relief on one industry and gave it, maybe, to individuals in reductions in the personal income tax, or gave it to another industry, or reduced other taxes, there would be tremendous economic benefit, also? Jobs created? CHIPS? That's for you, Phil.

MS. WEINSTEIN: I mean, we -- we do give, I think, over \$1 billion in middle-class tax cuts as part of this budget, so...

MR. LALOR: You know, in 2013 the Governor commissioned a study to study the tax codes. Study the subsidies. And there was an addendum that wasn't published but it leaked out. And if you -- if you will, can I read you a quote from it? These are Governor Cuomo's own economists studying --

MS. WEINSTEIN: I've -- I have nothing else to do --

MR. LALOR: -- the --

MS. WEINSTEIN: -- on that, so --

MR. LALOR: -- tax codes. Good.

MS. WEINSTEIN: I'm more than happy to listen --

MR. LALOR: That's \$420 million, one of the biggest things that we're going to do tonight. *The film production tax credit, now generally 30 percent of qualifying costs, is large relative to industry profits and tax liability because the credit exceeds tax liability many times over and is refundable, in effect, is a program of cash payments by the State to credit recipients. It is not clear from our analysis that there is sufficient justification for the size of the film credits. The State should consider scaling back the credits and monitoring the film industry closely to determine the impact on its activities, should such a cutback occur.* So, that's probably -- that's 2013, so that's \$2.5 billion tax dollars ago. I know a lot of people were upset about Amazon. I wasn't a fan of the Amazon deal. This is bigger than the Amazon deal in the past. It's going to double what the Amazon deal was. And, for the most part, Amazon was going to create full-time jobs. Here, we're talking about a lot of part-time jobs, and over five years, \$2.5 billion. Why -- why is this -- why is this a good investment? I'm going to vote against this. You're the proponent of it. Why -- why is this a good investment over something else?

MS. WEINSTEIN: I -- I have said that this a -- I'll



just repeat what I've said, that this is a -- a credit that has produced economic activity throughout our State, it has broad support in communities around the State, and we are continuing it.

MR. LALOR: Do you remember a couple of years ago Sony Pictures was hacked, some of their e-mails became public? Do you remember that?

MS. WEINSTEIN: Sure.

MR. LALOR: There was a -- there were e-mails from the president of Sony to other executives in the film industry, our Governor was going to California, he raised \$300,000 in one night, and these hacked e-mails that no one was supposed to see, but they became public, said, *Hey, we have to raise \$50 million -- \$50,000 for Governor Cuomo's fundraiser here in California, explicitly because he's a defender of these tax credits*. So, Hollywood filmmakers are giving thousands of dollars to a political figure, and they're getting billions back over time. Is that troubling to you?

MS. WEINSTEIN: The -- as I said earlier, the film tax credit enjoys wide support amongst communities around our State and amongst many of the members -- tremendous support amongst members in -- in this House.

MR. LALOR: Did you read the story last month now, in March, that HBO laid off 200 workers in Long Island?

MS. WEINSTEIN: No, I --

MR. LALOR: That was big news, 200 New Yorkers lost their jobs at HBO. HBO from 2014 to 2017 received \$157

million in this supposedly great job-creating economic engine that we're going to extend to them.

MS. WEINSTEIN: I --

MR. LALOR: Do you think of a company that lays off --

MS. WEINSTEIN: I must have missed that article that you've described.

MR. LALOR: Okay. Do you -- do you think a company that receives \$157 million, about -- about \$30 million a year, should lay off employees in our State?

MS. WEINSTEIN: You know, I can't comment on something that I don't have knowledge -- knowledge of.

MR. LALOR: Well, let's be hypothetical. A company receives \$125 million over four years -- I'm sorry, \$157 million over four years from New York State. Should they be able to lay off employees in New York State? Is that a problem? It's a problem for me.

MS. WEINSTEIN: You know, we can certainly look at that -- that instance and look at the --

MR. LALOR: Should we look at that before we spend another \$420 million every year for the next five years?

MS. WEINSTEIN: I -- it's a broader question about tax credits in general that -- that you're asking, the issue about increased transparency in -- in these -- in credits that are happening. And the -- the HBO closing apparently is the -- closing their facility is

part of a reorganization plan. And they -- they are, for the *Bloomberg* article I'm reading, some of the approximately 200 employees will transfer to new facilities in Manhattan from the Long Island location. So, I'm not really sure that they're --

MR. LALOR: Just -- if you keep reading, some of -- some of them are losing their job --

MS. WEINSTEIN: -- not leaving -- leaving our State, they're just leaving the Island.

MR. LALOR: Keep -- keep reading. They're leaving our State. Some are leaving our State.

But I'll -- but I'll move on. Do you know about the Disney-Fox merger? Two big media companies are -- are merging --

MS. WEINSTEIN: You -- you obviously have a lot more time than -- than I do to --

MR. LALOR: Well, we've given --

MS. WEINSTEIN: -- keep up with some of the news so I'm sorry.

MR. LALOR: Disney and Fox, we've given \$112 million to, they've already laid off 20 people. They're going to lay off 3,000 more. Not all in New York, but my point is, we're giving them lots of money. They are the biggest recipient of a tax credit. They're still laying off people, they're mostly creating part-time jobs. I think we should look at reducing it. I think before we extend this to \$420 million we should know how many are full-time, how many are part-time, how many have health insurance. But that's not the case.

I -- I appreciate your time.

On the bill very quickly.

MS. WEINSTEIN: Sure. Thank you.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. LALOR: Thank you. This \$420 million is not in a vacuum. We lift it off of Hollywood and we put it on ordinary New Yorkers. That is the signature problem in this State. That's why people are leaving this State. Yeah, Hollywood's coming in with their part-time jobs, but regular New Yorkers can't find a job to feed their families year round. And we're going to give the biggest tax credit to the most glamorous industry and some of the richest people.

I think it's outrageous, and I'm opposed to this bill.

ACTING SPEAKER PICHARDO: Mr. Barron.

MR. BARRON: Good morning.

ACTING SPEAKER PICHARDO: Good morning.

(Laughter)

MR. BARRON: How are you? *Stay woke*. That's the saying, *Stay woke*. It is no accident that the most important bill that we have to vote on is coming to us at 2:30 in the morning. But don't sleep on this bill. Don't sleep on this bill. I call this, *The good, the bad and the ugly*. The good -- and we should give a handclap to the colleagues of ours who did the criminal justice bill. The bail, no cash bail, the discovery and all the parts of that bill were excellent. Let's give them a handclap for the work that they've done on that bill.

(Clapping)

Your handclap is weak because you're tired. You've got to wake up. That's the good.

The bad is what they left out. The bad is what they left out. So, you're stuck now. Eleventh-hour we have to make a decision. And you don't have enough money to make the proper decision, because they left out the pied-à-terre tax, the tax of those rich people who have million-dollar homes. And you know what? They don't even mind being taxed. But for some reason, the leadership gets together, has some constitutional discussion, and all of a sudden that's gone. That's a tax that would have generated \$400- to \$600 million, gone. The millionaire's tax credit, or the high-earners tax didn't go far enough. That would have given -- given you more revenue. And then, the stock transfer tax that's already in place, but they rebate it back to Wall Street. That \$14 billion, if we collected that, you could take care of everything. We refuse to collect it, even debate it, discuss it. It's never in anything. And then every time you want to do something, *How are you going to pay for it? What, you want to take it out of education?* This bill needs to be rejected, no matter what the consequences. At some point -- this is worse than last year, this process. And we have this political change, but it's worse than last year. We should not vote for a bill that treats our children like this. Last year they only allocated \$618 million for the Foundation Aid. That's with the opposition party, Republicans in power. Guess how much this year? \$618 million, the same thing. And for us in the black and brown communities, where the community schools are, you have

to take \$50 million out of that. So it's down to \$570 million, and they owe us \$4 billion. Both Houses said \$1.2 billion. How does both Houses agree to that, and then we come to the end and we had \$618 million. This is unacceptable.

Mayoral Control, he failed us. Our children that graduate are not prepared for college or a career. No one person should have dictatorial control over a \$30 billion budget, 1.1 million children, 1,800 schools. That is absurd. We must end Mayoral Control. It is not working. He said he wants to be held accountable. He's the Mayor. He's accountable for everything that happens in the City. He wants power over the contracts, the \$5 billion worth of contracts that comes out of the Education budget.

We should not accept the Commission. I'm for campaign finance. We should have done a bill and put \$60 billion, whatever, if you have these other tax revenue in there and be -- have it done legislatively, not through a commission. We should not accept that. So, when we look at these components in the bill, Mayoral Control, cheating our children, they didn't even want to help us with the TAP gap. There's a gap for the TAP students. CUNY can't afford to pay that TAP gap. They said they don't have money. Remember they didn't have money and the Governor said he wanted the Excelsior scholarships for his upper-middle-class students? He found \$124 million last year, \$118 million this year. They found money for that. Every time we want to do something, they can't find the money. Unless the Governor wants something, the money's always there. This

is disappointing that you have the power in both Houses, and he still -- still gets over. Make sure you vote against his pay raise. He still gets over.

(Laughter)

He still gets over. I'm appealing to you, some of you, vote no for this so we can send a message that some of us are not going for the last minute "okeydoke." We're not going for the fact that you might shut down the government. That's not going to happen. There'll be an extender bill, that's not going to happen. Some of you need to vote no to send a message that, *We're not going to allow you to do this to us every year, come at this hour, hoping everybody's tired* -- wake up, I see you sleeping.

(Laughter)

Hoping that everybody's going to be tired, so tired that if the devil came in with a resolution that you would pass it just to get out of here. As a matter of fact, he may have come in.

(Laughter)

But anyway, I'm just hoping that some of us could just say no, so we can let people know in the future we're not going to be put through this every year, and not have our children protected. On a very serious side, this is a real problem in the schools in New York City, in particular. We have to do something about that. They're really bad. I think they have a decent chancellor, but the Mayor needs to get out of the way, because he knows nothing about education.

So, I just want to urge you to do the things that we

need to do to send a message. Say no. Some of us have to say no. There's too much ugly in this Ugly -- I left some of the ugly out. There's more ugly in it. I'm sure there's a little good, but you've got to vote your conscience. Don't vote for your party. Don't vote for a person. Vote your conscience. You know -- some of you I'm talking to in the halls, you know this is no good. *What could we do?* Vote no. That's what you could do.

So, I want to appeal to you to do this. I will be voting no for this bill, as I voted no for every bill that came up, because I'm doing a protest vote. I'm sick of this. I'm sick and tired like Fannie Lou Hamer was. I'm sick and tired of us going through the same thing every year, and never do the right thing -- the maximum amount of right thing for our people, particularly black and brown people. We having it rough in this State. Poverty. You know they have \$4.5 million in the Empire Anti-poverty Program? \$4.5 million out of \$175 billion? That's an insult. We don't have a budget that prioritizes people, it prioritizes party politics. And it needs to stop, and it can happen with you.

Thank you very much.

ACTING SPEAKER AUBRY: Mr. Quart.

MR. QUART: On the bill.

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

MR. QUART: Yes, good morning. I wanted to spend a little time talking about the critical criminal justice reform



pieces of legislation in this revenue budget. First, the legislation to reform our bail system. I think sometimes in a piece of legislation, what's *not* in the legislation is as important as what *is* in the legislation. In this bail reform legislation, you will not see the word "dangerousness." You will not see a public safety exception. And our Speaker deserves much of the credit for that fact. Fifty-one years this bail statute exists, and although the word "dangerous" does not apply, we know each and every day in courtrooms across the City and State, that a subjective view of dangerousness, public safety, a bias exists each and every day in our courtrooms. Let's call it what it is: Discrimination, disproportional against people of color. That word appears nowhere in this bail legislation, it's because of the work of this House. Unfortunately, in forging that success in this legislation, we were not able to achieve the comprehensive bail reform that many of us fought for. We were not able to end cash bail. Misdemeanors are still allowed in certain instances. And we still keep the false binary choice between violence and nonviolence, instead of returning to a true risk-of-flight analysis. So, there is much work still to be done going forward in years ahead. And we must also look out of this Body to our friends, the district attorneys throughout the 62 counties, and ask them to reform themselves, to go beyond where we have gone.

But I did want to spend the bulk of my time talking about the critical success of this legislation, this package of legislation, and that is, the seminal reform of our discovery laws in the State of New York. To Chairman Lentol and the leadership of the Assembly,

remarkable progress in this area, so many years in the waiting. We have an unjust and unfair discovery system. One that punishes poor people because they languish in county jails, not knowing the information against them. They take pleas, as our State Bar Association in their report said, *We have a system of pleas, not trials in this State*. In part, because people are in county jails, often on low-level misdemeanors, sometimes felonies, but they do not know the evidence against them. This bill changes that. And it changes that in a real way. It moves us from the bottom of the pack to maybe one of the top states in this country on the true flow of information to defendants, poor people throughout this State.

But I think it's worth talking a little bit -- I know the hour is early in the morning -- about how we got into such a mess on discovery in this State. Think about it. In the mid-1970s and beyond, we had evidentiary hearings, we had suppression hearings, police officers gave testimony, even depositions. How was it that we moved to a system of trial by ambush; that only on this day do we finally fix 25, 30 years later? There are so many culprits in this sad story. But I think you have to go back to 1982 and look at somewhat of the history of this flawed and deeply hurtful policy on broken windows policing.

In 1982, a widely unread *Law Review* article about bringing forth broken windows policing picked up steam throughout the 1980s, 1990s, first tried in the New York City subway system. In 1994, widespread throughout the New York City. 1995, my constituent, Bill Bratton, the Police Commissioner, on his first tour

explained what the purpose of broken windows policing was. It wasn't to incarcerate, not even in county jails. It was to document, to tag, to DNA swab, to do everything you can to catalog those people. And we'll get to in a second who those people were. The point was to collect information. But not information to be shared with defense attorneys, information to be used only by the NYPD or State Troopers throughout the State to gather information on people. Because there's a predictive model they believe through that flawed and deep -- deeply unconstitutional system, that the more information you get on someone, the more you can prevent crime in the future. And the numbers spiraled out of control. This is a thesis Professor Issa Hausmann at Yale University Law School in her seminal book called *Misdemeanor Land*, 1994 at the start of stop-and-frisk, 187,000 misdemeanor arrests in New York City. 2010, 292,000 misdemeanor arrests in New York City, an increase of 105,000 misdemeanor arrests. Imagine that. The expansion of the government over its citizens, the deprivation of due process based upon the tagging, the targeting of people, it should scare both liberal and conservative alike. The awesome power of the government over its citizens through the taking of information. And it's that information that we can do something about in this bill today. It can change the system, but it can't change everything. If you look at as it spiraled out of control under Commissioner Ray Kelly, 5-, 600,000 people arrested. Think about how it stopped. The case law about stop-and-frisk in New York City. But was it the Mayor's Office of Criminal Justice synthesizing

information, gleaned from it clearly the disproportional impact on people of color? No. Was it the lower Supreme Courts in New York or Kings County, the Appellate Division 1st or 2nd Department? No. It was a Federal judge with no natural jurisdiction over stop-and-frisk, Judge Scheindlin, who said in jury -- in contemplation and consideration of a flawed policy to expand the police state over people of color, mostly black men. It was Judge Scheindlin who finally put a stop to this practice. And the NYPD was rightly criticized. And right now they operate under a, quote, unquote, "recalibrated system of stop-and-frisk." But it occurs to me something in the free-flow of information that happened both under stop-and-frisk, but more expansively with this bill today. There was one group of professionals, one group, who somehow escaped judgment, who were never criticized to the extent, who somehow never got the rebuke that the NYPD did for their expansion of stop-and-frisk: The prosecutors. When you arrest someone, that arrest documentation, whatever it is, it doesn't go into the etherland of nowhere, it goes to prosecutors. And what did they do with that information? Professor Steve Zeidman at CUNY Law School -- this is not my thesis, it's his -- it went to prosecutors who went to criminal court. It was a passthrough. Think about it. And in the county I come from, New York County, we have a fancy name for it, *phone it in*. NYPD officers don't even have to provide much written information. And in the name of avoiding NYPD overtime pay, what do they do? They phone it in. We also have fancy names for it: ECAB, Early Case Assessment Bureau in

New York County. The extent that that truly is some vetting of the information that police officers give, information documentation. I can assure you nothing is further from the truth. Half informations. Miniscule statements of fact. Furtive movement. 5-, 600,000 passed along, prosecuted into what Professor Hausmann called *Misdemeanor Land*. The prosecution, the punishment of poverty each and every day. Why? Because of the lack of information and documentation that went along with probable cause arrests, and then was prosecuted continuously in our courtrooms throughout New York City. The prosecutors, they escaped their judgment day, the NYPD did not.

The reason I talk about these issues is it's not a technical issue, it's not a technical matter. These are our constituents, these are our citizens. These are not rights that we give them, these are rights 20 million New Yorkers imbued by our State Constitution abuse because the free-flow of information and documentation never occurred in our City and State. This bill that Chairman Lentol has fought so hard for will go to fix a lot of that. But it can't fix everything. So much of the information and the documentation that goes to arrests, incarceration, is never written down, is not known. In what should be paragraphs, there are sentences. In what should be videotape or depositions of some type never exists. It's a pass-along system based upon a lack of information. We do much here to fix that, but we can't do everything.

And why is this important? How does this work into the larger sense of criminal justice and the reform of our system? One

of my favorite museums in the City of New York is the New York Historical Society. It's on the other side of Central Park. And why I love that museum is because it gives you, as Assemblymember Barron said, the *Good, bad and the ugly*. It's doesn't hide the ugliness of New York City, the -- the good policies and the bad policies. And one such exhibit talks about the slave trade and the slave laws that existed in New York State. We all like to think that we were an abolitionist state, and it is true. But we were also a slave state, of slave laws. And one of those laws in 1806, 213 years ago, was the law about what slaves could and could not say in a court of law. And what it was is, slaves could only testify against other slaves. They could not testify against freed people -- excuse me, against the ruling class. And it occurs to me something that is clearly obvious, and has been obvious since the founding of our country or before the founding of the country right up to the day we pass this piece of legislation, that those who sought to control one set of population, those who weren't free, did so by use of the court. And how did they do so? They did so by limiting the type of information that could be used in a court of law. What we do today is important in and of itself - we call it Article 245 - but it's more important because it implicitly rejects that. It understands that control of the courtroom -- control of the information in the courtroom is the control of one people over another. Today we take a seminal step in stopping that.

I learned the most from a good friend who passed away last month. He taught me more about how to try a case and how

to talk to jurors than anybody else that I've ever met. Joe Hynes was a good man, a friend and a good district attorney, not a man without faults. He taught not just myself, but I'm sure other people in this Chamber, how to try cases, trial advocacy and how to try -- and how to talk to jurors. And 23 years ago, I remember the sage advice Joe Hynes gave me. And I remember it like it was yesterday, or today. He said, *Dan, always remember this, you're a nobody. Some day you'll be a somebody, but until that day quote somebody famous. The jury will think you're smart.*

John Adams, the second President of the United States, was one of the greatest trial lawyers this country ever produced. He defended British soldiers wrongfully accused of murdering colonists. They didn't do it. He spoke at the British Commons and he talked to them about information and about the case. And he said, *You cannot rely on emotion. You have to put that aside.* Abigail may have gave him the line, but it was a good one anyways. But he looked at the jurors, the grand jurors at the time, and of course they were all white men. But he looked at them and he said, *Always remember this: Passions may rise, emotions may rise as well. But remember this, jurors, facts are a stubborn thing.*

The bill-in-chief that we deal with today deals with the dissemination of facts, from our courtrooms to our system of laws to before and after an arrest. It is -- that is why this bill is so important. It takes what is fact and disseminates it to the defense attorney so they can represent poor people, so they can go to Rikers

Island, so they can try and get their person not to take a plea because there is no way out, because either the facts demand it or the facts demand that it be rejected.

There is much we have to go forward in this House on criminal justice. Not just in making our bail situation and our bail bills better, but also so many other things: Reforming our sentencing laws, expungement of records, sealing of records and a whole host of other things. But as we go forward, we have to understand the limitations of what we do here in this legislation. Fixing our discovery laws are important, but they cannot fix everything. For as I explained, there is information never written down. There is information not clean. There is information in one sentence which should be provided in paragraphs. For that, we must go beyond this House. We have to look to our friends, the district attorneys. We have to look to them to see if they are able to reform themselves. For it is the district attorneys who ultimately have the greatest say in the free-flow of information, in the providing of information. And we finally have to look at our friends, the district attorneys, who have played such a disagreeable role in getting to this very point in the legislation before us, and ask them one basic question: Going forward, will they finally join us in our efforts to reform our criminal justice system, or will they remain in the future, as they are today, an albatross around the neck of those who want to fix our criminal justice system?

(Applause)



ACTING SPEAKER AUBRY: Mr. Giglio.

MR. GIGLIO: Thank you, Mr. Speaker. Will the Chair yield?

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

MS. WEINSTEIN: Yes.

MR. GIGLIO: Thank you. My question is very simple. It's about the Public Authorities Control Board.

MS. WEINSTEIN: Yes.

MR. GIGLIO: In this bill there's some modifications to the way the bill is done. The Public Authorities Control Board has the intended purpose of being one of the last ways that the Legislature may impose some checks and balances on large capital projects and commitments that will issue debt through the public authorities. What we did here, it appears, is that we -- we have members appointed by the Majority in this House, voting members, the Majority in the Senate and by the Governor. And this bill here today, you are now ceding -- ceding power to the Executive that would allow him to remove a member of the Public Authorities Control Board for purposes that he feels they did not live up to the legal responsibilities that they have regarding this bill. Why would we do that?

MS. WEINSTEIN: Right. You know, we don't change the function of the -- we don't change the role of the Board, we don't change their -- the authority of the role of the -- of the member as to the -- being the removal -- obviously, the members are appointed by

the Executive. And as to the potential removal relates to, as I -- as I think you -- you were saying, the failure of a member to vote within the scope of his or her legal authority.

MR. GIGLIO: Why would we cede the right to remove that member to the Governor and not to the Assembly and/or the Senate?

MS. WEINSTEIN: Well, the -- the Governor is the appointing authority.

MR. GIGLIO: Okay. Is this the result of things that have happened recently, such as the Amazon deal?

(Laughter)

MS. WEINSTEIN: There is no -- no motive listed in the language.

(Laughter)

MR. GIGLIO: Okay. Do you think this would limit the transparency and the ability of the Board to do their job in -- in a straightforward fashion?

MS. WEINSTEIN: The... you know, function of the Board is -- is -- is to determine the sufficiency of funds to move forward on a -- on a project. So this doesn't change the function of the Board.

MR. GIGLIO: Okay. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GIGLIO: I think this is an incredible problem

where we start -- as coequal branches with the Executive, I don't think we should be ceding anything to one Body, as opposed to all three voting Bodies. And so, it is my opinion that at this point we have changed the rules of everyday work of this Control Board, which is so important to the transparency of the State, and to have faith in our ability to make decisions on debt. I think as coequal branches we should never cede any of that responsibility to just one.

So, in my opinion, this is a very bad precedent, and I will be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

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

I do have some questions for the -- the Chairwoman, but I just want to kind of give a little background first before I get to the questions, so you can rest for a second. Just to kind of give you a little -- the first part of my questions we'll get to, more on local issues first, then I'll get to some bigger, broader issues. But I just wanted to give the -- my colleagues a little picture of this. Last year I was contacted by my local school district. They had a new employee, they were sending in transportation contracts to -- to the State. The new employee sent them -- sent them into the State, but didn't send it certified mail. A few months later, they went back to have a conversation with the State about following up on those contracts, and the State says, *We don't have them*. And they realized well, we don't have anything certified, so we can't count it. It's always -- it's always possible -- it's always

possible that -- excuse me for a second. It's always possible that they could lose -- in an Education Building like that with a bureaucracy, they could lose the paperwork. Well, no, the Education Department didn't have any ways to relieve. What happened to my school district was they were fined nearly \$500,000. And so, around Christmastime I got a phone call when -- the bill was sent to the Governor around Christmastime, so a few days later I got a call from the Governor's Counsel saying, *Hey, Merry Christmas Assemblyman Palmesano. The Governor is going to veto your bill.* By the way, I said to him -- I had some words for him, and I said, *So, the Governor is going to go out and deliberately hurt our kids and hurt our taxpayers. Well, that's not his intention.* I understand that it's not his intention, but that's what he's doing through this action. So, some of us wrote letters to the Speaker, to the Majority Leader and the Senate, both the Senate and Assembly colleagues asked him to include that in the One-House budget. We were very grateful that you did that, we appreciate that. Unfortunately, that was not, from what I understand, included in this budget.

So, my question, first question, to the Chairwoman -- and I know the Speaker is here - Good morning, Mr. Speaker - is I know you mentioned that we could do -- introduce individual bills again. I guess my question is, would we consider -- this House consider an omnibus bill? Because I know some of your members' bills were not included in that, and there's a whole host of them. But do an omnibus bill with all those bills in one package, and then pass

the bill again, and let the Senate pass the bill and then send it to the Governor. He has the ability to veto the bill; that's his constitutional right. But after he vetoes the bill, send it back to him -- or let's bring it back here and override his veto. Let's use -- let's take back some of our power that we have in this House. Our constitutional right is to override a veto. Let him veto the bill. I don't care if he vetoes the bill, it's a bad veto. But why don't we call this back to override the veto? We could protect these taxpayers and -- and -- and the -- protect these kids who were hurt by that veto, and also who were not approved in this budget. Is that something you -- you guys would consider? Taking up a bill that would -- omnibus, all these bills, instead of individual bills. Let him veto it, but then call it back and override the veto.

MS. WEINSTEIN: Yeah, as --

MR. PALMESANO: Is that something you'd go along with?

MS. WEINSTEIN: As I responded to Assemblywoman -- woman Walsh, we would like -- we did advance these proposals, the Senate did advance the proposals. We could not ultimately get a three-way agreement on them. We certainly could consider -- I said that we would be planning to advance these -- these bills. We certainly could consider combining them. That's something we'd have to look at as to -- I mean, I wouldn't presuppose --

MR. PALMESANO: Sure.

MS. WEINSTEIN: -- vetoes of the -- vetoes of the

bills, but in terms of, you know, your comments about override, that's obviously not something that I -- I could make a commitment about.

MR. PALMESANO: I would just ask, I guess, the House and the leadership to consider doing this again, bring them all together. But let him -- if he's going to veto it, let him veto it. That's his constitutional right. But it's also our constitutional right to override that veto.

I want to get on another local issue.

MS. WEINSTEIN: Sure.

MR. PALMESANO: Last year, my -- politics kind of comes into play. Four of our local municipalities had mortgage recording tax bills. Four of them. The Senate passed them. Because of the politics, our House did not take up those four bills before the end of the year. It got caught up in the school zone speed camera issue. Ultimately, I know we left Session in June, it didn't pass. The Governor exercised executive authority to put the speed camera bill in place for the -- for the City so it was ready for the school year. And then after the election in November, you knew the Senate was going to get control of the House, so you could not just extend the cameras. You could expand them, which you did, which is going to give you even more revenue. So, we could have come back at that point to -- to pass that legislation. Grateful that we did pass the legislation at the beginning of the year, but because of that delay and the delay in getting it to the Governor to sign, those four municipalities by -- sponsored by three of our colleagues, lost \$790,000 in mortgage

recording taxes because of the failure of this Body to do their job and do it in a timely manner. And it hurt those municipalities. It hurt those taxpayers. Now, just like the Governor -- do I think he deliberately -- do I think you guys deliberately intended to hurt those counties and those taxpayers? Absolutely not. But you did. So, would you also consider doing a -- an omnibus bill to put the funding for that? Because it's the right thing to do. I'm assuming the Governor didn't want to do this, also. When we say "three-way" -- we hear that a lot. Would you also consider an omnibus bill to put that \$790,000 - we're talking about \$175 billion budget - \$790,000 to reimburse those four counties for the money they lost from the mortgage recording tax? That's the right thing to do. Why can't we do -- I know there's pots of money. We could take pots of money all over the place and you're going to have plenty of pots of money to do that. That would be the right thing. Would you please consider putting in an omnibus legislation for those four bills to make -- do the right thing to help those four counties? Would you guys consider doing that? I was just wondering if you would like --

MS. WEINSTEIN: Certainly could discuss with... with our colleagues and the Chairs of the appropriate committees.

MR. PALMESANO: I would appreciate that. I know my colleagues, my three colleagues whose county -- the three -- the four counties that I represent would appreciate that. It would just be the right thing to do to correct an error from our failure to act to do what we were supposed to do. I understand it got caught up in the

politics. I don't think the harm was intentional, but there was still harm done. So, let's fix that harm.

Now, I'd like to get on to some bigger, broader issues, if I may.

MS. WEINSTEIN: Sure.

MR. PALMESANO: The first one is on congestion pricing. I had just one quick question on congestion pricing. I know -- I think it's the -- Ms. Paulin, is that right?

MS. WEINSTEIN: Yes. Yes. Sure.

MR. PALMESANO: Amy, on the congestion pricing issue, was there ever any discussion about exempting -- putting any type of an exemption in for agriculture? Because we have a lot of farmers and agricultural people who drive down to the City, I know for farm markets, to bring fresh produce and vegetables. I mean, that's that's going to be a -- a burden on our farmers, and our farming communities already got enough challenges as is. They want to bring those products, they want to bring those products down there for the kids and for the families. Was there ever any thought about that or even a consideration of looking at that? Because our agricultural community is hurting big time. Is that something that you guys would consider, or is that something that was being considered?

MS. PAULIN: I -- as I said before, all of the exemptions and discounts and credits will be considered outside the scope of the bill by a transit authority, by a TBTA subcommittee or committee that they're going to establish made up of six people that



will -- it's called a Transit [sic] Mobility Review Board, and -- and they will make recommendations to the TBTA for those kinds of discounts. But, all -- you know, things like that could absolutely be discussed.

MR. PALMESANO: Thank you. I appreciate that being on the table for consideration for our farmers.

I'd -- I'd like to go back to the Chairwoman, if I could, for some questions.

MS. WEINSTEIN: Certainly.

MR. PALMESANO: Relative to the STAR freeze that's in this budget --

MS. WEINSTEIN: Correct.

MR. PALMESANO: I know in the past our House has always rejected that. And now it's my understanding -- so if you just get the regular taxes off your tax bill, that STAR re- -- STAR credit, let's say, rebate off your tax bill will now be fixed. There's no more 2 percent growth that was built into it before. Is that correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: But, if you take it as a tax credit off your taxes and pay it up front, you do do get the 2 percent. Is that correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Isn't that kind of discriminatory against -- in -- in theory and in practice? A little bit maybe? Maybe not.

MS. WEINSTEIN: I think the idea is to guide people -- to encourage people to apply for the -- the credit versus --

MR. PALMESANO: Sure.

MS. WEINSTEIN: -- the exemption.

MR. PALMESANO: I -- I agree with you 100 percent, that the Governor wants to -- to do this because it's a gimmick. Because when he's -- when it's -- it is a gimmick because when he's taking it as a tax credit, that means that's less taxes coming in, but when he pays it out as an expenditure, that's more money going out, so he can say, *Now I'm -- I'm staying within my 2 percent property tax -- my 2 percent spending cap.* Correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Is that accurate?

MS. WEINSTEIN: Yes, I think you explained it fairly well.

MR. PALMESANO: Thank you. I just -- I just -- I think with the -- with the STAR, the thing that kind of frustrates me is our House has rejected it in the past, but we kind of gave in. We just rolled over and gave it to him anyway. The Governor is getting all he want -- all the headlines are saying the Governor's getting everything he wants. I think in this case it just looks like the Governor got what he wanted on it, and I just think that's unfortunate.

On the AIM funding cut -- on the AIM funding, I know you're going to say that the AIM funding cut is -- now it's going to be paid for out of sales taxes collected by the counties. The

counties are going to have to pay for that cut now, correct? So, it's an unfunded mandate now on their counties, right?

MS. WEINSTEIN: It -- it actually is -- well, the counties aren't going to pay it, it's a tax intercept by the -- the Tax Department will be intercepting the portion of the AIM funding that the Governor had proposed to cut in his original submission, and it'll be transmitted by the -- the Comptroller. It's not a cut in their funding --

MR. PALMESANO: I understand.

MS. WEINSTEIN: -- because as part of this budget, we also adopt the new -- new sales tax revenues regarding inter --from internet marketplace --

MR. PALMESANO: Yep, I -- I do understand that --

MS. WEINSTEIN: -- fundings.

MR. PALMESANO: Thank you for that. So, in our one-House, though, we rejected the Governor's original proposal. We -- we said the State, they should just put the money forward --

MS. WEINSTEIN: Correct --

MR. PALMESANO: -- do it (inaudible). But what we ended up doing is what the Governor proposed, right?

MS. WEINSTEIN: We -- there were several different versions of --

MR. PALMESANO: So --

MS. WEINSTEIN: -- of this, but we ultimately came up with the version that's in the budget today.

MR. PALMESANO: That the -- a version that the Governor wanted. So, he's getting what he wants on that issue, too.

Now, I -- I do want to go through the sales tax. You were talking about sales tax on the internet.

MS. WEINSTEIN: Sure.

MR. PALMESANO: Now, it's my understanding so this -- so just let me ask you a question. So I --

MS. WEINSTEIN: Sure.

MR. PALMESANO: -- who -- I'm in Upstate New York. I spend \$100 for Amazon online. Four -- \$4 of my funds will go to my local county for sales tax. But the other \$4 will go to the State sales tax, correct? But now, that State sales tax dollars is going to get shipped down to help for -- to fund the MTA; is that correct? So, my -- my State sales tax dollars are going to go into fund the MTA from Upstate New York. Is that right, or no?

MS. WEINSTEIN: No, no.

MR. PALMESANO: How does that work, exactly? Because I think there's some confusion.

MS. WEINSTEIN: No, the -- let me just get the... so, the sales tax will -- in the New York City -- both the City sales tax and the State sales tax in the New York City region will -- both the City portion and the State portion will go to the MTA lockbox for -- to mediate in relation to the -- the congestion pricing.

MR. PALMESANO: So, you're just -- so you're just saying -- so the -- the State sales tax that's collected on the City goes

for the MTA, but the State sales tax for people who purchase off the internet Upstate, that's not going to the MTA? Because the way I understood it --

MS. WEINSTEIN: Correct.

MR. PALMESANO: -- the State sales tax dollars are going -- for the internet purchase are going to fund the MTA lockbox. There is no clarification of -- of Upstate versus Downstate. Because if that's the case, that's concerning for a lot of us.

(Pause)

I've got another 15 minutes I can use if I run out of time.

MS. WEINSTEIN: So, the -- let me just, you know, clarify. So, it's a -- the State share of the internet sales tax in New York City is estimated to be \$150 million, that -- the money that comes off of the -- so that's the portion that's estimated to be New York -- in New York City. The New York City's internet sales tax is estimated to bring in \$100- -- to generate \$170 million, so those monies will be in New York City for the -- the lockbox. So, it's not --

MR. PALMESANO: So, for Upstate New York, any money that we spent on internet sales taxes for the State portion, that money does not go down to the MTA, that money just goes to the General Fund, or does it go to the --

MS. WEINSTEIN: Yes. Yes. Correct.

MR. PALMESANO: So, we have ways to break that down. So, I just think --

MS. WEINSTEIN: It's -- it's based on estimations. It's not, you know, the exact dollar that matches the New York City number, it's not that -- you know, the dollars --

MR. PALMESANO: Sure.

MS. WEINSTEIN: -- don't travel until --

MR. PALMESANO: I know --

MS. WEINSTEIN: -- themselves. You know -- it's -- you know, the money's fungible, so.

MR. PALMESANO: Sure.

MS. WEINSTEIN: So it goes from --

MR. PALMESANO: I mean, because if we're using internet purchases for the MTA, why aren't we using the internet, the sales tax for maybe roads and bridges or for local infrastructure for Upstate? Maybe we should look at that.

I'll come back later. Thank you for your time,  
Madam Chairwoman.

MS. WEINSTEIN: I'll have an answer for you then.

ACTING SPEAKER AUBRY: Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker. Will the Chairwoman yield?

MS. WEINSTEIN: Yes, happy to.

MR. GARBARINO: You know, very lively discussion about -- for 3:30 in the morning about New York State real estate transfer taxes. This is going to be great.

MS. WEINSTEIN: It's -- we'll see if anybody's

listening.

MR. GARBARINO: Or they'll be -- they'll be asleep after we're done. Just a quick question. So currently, Statewide, there's a \$4 for every \$1,000 of value transfer taxes; is that correct? For every sale? The seller usually pays that?

MS. WEINSTEIN: Yes.

MR. GARBARINO: Okay. And then anything \$1 million or over, there's a -- a mansion tax of 1 percent, and that's usually paid for by the buyer. Is that correct?

MS. WEINSTEIN: Correct.

MR. GARBARINO: So, we're -- it looks like we're creating two new transfer taxes for properties in New York City. Is that correct?

MS. WEINSTEIN: Yes. Though it's limited to New York City --

MR. GARBARINO: Just the five boroughs, right?

MS. WEINSTEIN: Yes.

MR. GARBARINO: Okay. And one of them is, it's 1. -- it's one and -- \$1.25 for each \$500 of value of property sold for residences -- for residences over -- valued -- valued at \$3 million?

MS. WEINSTEIN: The residents of -- so, between the \$2 million and \$3 million, the mansion tax goes to 1.25, one-and-a-quarter. And from \$3- to \$5 million goes to 1.5 percent. And it continues up till -- the percentage is increased till you get to

over \$25 million, where it is at 3.9 percent.

MR. GARBARINO: So, that's a -- that's the supplemental New York City tax on top of the current mansion tax. So, the mansion tax will stay at the 1 percent, and then you'll have it go up --

MS. WEINSTEIN: Right. It -- well, it's not on top of the 1 percent. Instead of 1 percent -- so, for example, for \$2- to \$3 million, instead of it being 1 percent --

MR. GARBARINO: It's 1.25.

MS. WEINSTEIN: It's 1.25. So, the 2.5 is the additional amount.

MR. GARBARINO: So, my question about that table is, so, for the -- say it's a \$5 million home --

MS. WEINSTEIN: Right.

MR. GARBARINO: -- is the entire value -- is the entire tax on that \$5 million 1.5 percent, or is it similar to income tax, where it's from -- it's 1 percent for the first \$2 million, 1.25 percent for the next million, and then 1.5 percent for the next \$2 million?

(Pause)

MS. WEINSTEIN: It's going to take a... a moment.

MR. GARBARINO: Okay. No problem. I -- I couldn't figure it out, so that's why I'm asking.

MS. WEINSTEIN: Because I want to give you a real answer, not a... answer on the fly.

MR. GARBARINO: The reason I'm asking is,



currently, if it's \$1 million, it's -- the 1 percent is on the full value, and, you know, so I'm just wondering, you know, if people try to gain the system.

MS. WEINSTEIN: We -- we think -- I mean, you know, seriously we'll get back to it, but we think that that is now the -- the rate for transfers of -- --

MR. GARBARINO: So, if it's \$5 million --

MS. WEINSTEIN: Two for three. Yes, it's on the whole --

MR. GARBARINO: If it's -- if it's \$5 million, it's going to be 1.5 percent on the entire \$5 million.

MS. WEINSTEIN: Yes, I -- I believe so, based on what the numbers seem to generate.

MR. GARBARINO: Okay. So that's -- that's the one transfer tax. And then -- or the -- that's one tax. And then, would that be paid since the -- since the millionaire's tax is currently -- the 1 percent is currently paid by the purchaser, would the additional supplemental tax also be paid for by the purchaser?

MS. WEINSTEIN: We make no -- no changes in -- in that regard. Obviously, this is something that could be subject of negotiation in a -- in a sale. But the requirement is on the -- on the purchaser.

MR. GARBARINO: And that's --

MS. WEINSTEIN: To file the tax.

MR. GARBARINO: And this is just -- this tax, the

mansion tax and the supplemental New York City tax, is just for residences, correct?

MS. WEINSTEIN: The mansion tax, yes, correct.

MR. GARBARINO: Okay. But -- but there's a second tax that we're creating that starts at when a house -- or when a residence is valued at \$3 million or more, or another property sold at \$2 million or more, correct? So that --

MS. WEINSTEIN: Correct.

MR. GARBARINO: I mean, it would affect commercial properties that sell for \$2 million or more?

MS. WEINSTEIN: For \$2 million or more. Yes, for commercial properties.

MR. GARBARINO: And that's the additional tax that, you know, right now they do \$4 per every thousand, and it's another -- this would be another \$1.25 per \$500 in value?

MS. WEINSTEIN: Yes. So, it's -- this is the additional New York City real estate transfer tax.

MR. GARBARINO: Yes. Okay. Okay. Thank you very much for clearing some of that up for me.

I just had one further question dealing with the Public Financing and Elections Commission.

MS. WEINSTEIN: Sure.

MR. GARBARINO: They have -- they have a lot of things they're going to be looking at. I'm just wondering, are they going to be able to put back, you know -- get rid of the ban on outside

income for the legislators?

MS. WEINSTEIN: That is not one of the items within their purview.

MR. GARBARINO: Well --

MS. WEINSTEIN: But nice try.

MR. GARBARINO: Well, I mean, doing the ban wasn't one of the items in the last commission's purview, and they did it anyway, so...

(Laughter)

I'm just wondering if this will -- if we could look forward to that. No? All right. I tried.

MS. WEINSTEIN: Okay.

MR. GARBARINO: Thank you.

ACTING SPEAKER AUBRY: Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. I have a slight cold, so apologies if I start coughing. I appreciate the opportunity to speak on the bill. I also want to thank our Ways and Means Chair for her tireless work tonight.

My district is Lower Manhattan. We are so many things all together. I represent the Financial District, Battery Park City, Chinatown, South Street Seaport and the Lower East Side. We are racially, ethnically and socioeconomically diverse, and we are all neighbors caring for one another. One-third of my district is NYCHA housing. Right now, we are passing a bill that includes some good things, like \$64 million for rent law enforcement and \$15 million in

home stability support eviction prevention. But we have not included a single dollar yet for NYCHA, where people are living in horrendous conditions.

We are on the front page of the *New York Times* for segregation, and our students have teachers that are paying for their snacks out of their pockets without access to basic school supplies, yet we have not fully funded foundation aid. My district alone is owed \$23.8 million worth of foundation aid. The fact that we complain about not having enough money for things important to us, like housing, social services, education or transportation funding, but then choose not to fully fund Census Outreach does not make sense. We are especially leaving money on the table when we are not doing everything we can to ensure that we are fully counted in the 2020 Census. The Federal reimbursements are left at the table. That is actual money that should be ours.

We have one particular sparkling gem in our budget this time. It is the package that was carefully crafted on bail reform. I commend my colleagues that worked on pieces of this package. This is one step to stopping the criminalization of poverty. The high cost of being poor has been paid by too many who have experienced a two-tiered criminal justice system. No other piece of our budget was as well hashed out, and it isn't perfect, but it is thoughtful and it is good. We should have -- we should make how we crafted these criminal justice reform bills as a better example of real conversation within our Body. We deserve a real legislative process on the most

important decisions we make each year as a Legislature.

We need to make real, systemic change. We began this year proclaiming our commitment to a new future for New York State. We have done a tremendous amount so far, such as passing GENDA, the Child Victims Act, the Reproductive Health Act and stricter gun control laws, but even with all of that progress we have accomplished, Albany, in moments like these, still feels like business as usual. The Legislature has a key role in making sure the money of the State is well spent; yet, the process we have to make these decisions is not always transparent.

The budget has been one big power grab after another by the Governor. Congestion pricing is not close to being fleshed out, which is problematic for both supporters and opponents of the policy. There are no set details on the tolling amounts, or the full set of exemptions that might be included. We've pushed that conversation to the Governor-appointed authority. The budget also includes a provision that essentially allows the Governor to unilaterally remove a member from the Public Authority Control Board, which was instrumental in defending communities from Amazon. Public financing, which would empower our communities and limit corruption has also been sidelined to another Governor-appointed commission. The formation of this commission instead of a vote on public financing is an action that is clearly an example of when politics is put before policy, a personal vendetta prioritized before Democracy.

It isn't an exaggeration to call out this process and say that it has been full of false choices and traps. I hope we can have conversations like the one we had on criminal justice reform on every issue that we are tackling. We need to continue our conversations on these policies which will affect New Yorkers everywhere and put their voices in this room, like we should have been doing all along. This is how we make good policy.

This is the oldest Legislature in the nation. We should be a beacon of Democracy. The Legislature should be a coequal branch, but by giving away our legislative powers to take the public eye from us on hard issues through Governor-appointed commissions, we undercut our legislative powers. Sometimes we need to have meaningful and uncomfortable conversations in order to make us a better, stronger Body. We cannot be afraid. We learn today, we change tomorrow. I will be voting affirmative in this -- on this bill, but it's only because I believe that we are presented with a worse option. But I want to thank you for letting me speak on this very important bill. Thank you so much.

ACTING SPEAKER AUBRY: Mr. Johns.

MR. JOHNS: Good morning, Mr. Speaker.

ACTING SPEAKER AUBRY: Good morning, sir.

MR. JOHNS: I'd like to speak on the bill, and I just want to cover a little bit on campaign finance reform. I'm probably one of the few Republicans that's for campaign finance reform, but I'm for real reform. And what I saw in the, well, at least what the

Governor proposed, was very similar to what this House passed eight years ago. And for people that don't know what was in it, it would allow incumbents, people in office, to raise unlimited amounts of money, special interest money, and during that time, they could raise this money, special interest money, and then once they get an opponent, they could raise another \$25,000 in small donations and have it match six-to-one. That doesn't seem like a real fair system. And if you're in office and you're a member of the Majority party, you can raise up to ten times as much money as the Minority member. And by the time you have an opponent, it's going to be very tough for that opponent to raise money to take on an incumbent. It's a hybrid system. It's not real campaign finance reform. What we need is an either/or situation, either you take big money, special interest money, PACs, lobbyist money, or you take public financing. We can't do both. And that would allow everybody to have a voice that wanted to run for office, would allow them to talk about issues that are important to the people back home, instead of being beholden to big money and special interest.

So I would suggest that this commission is maybe not the best thing that we could be putting in this bill. We have a lot of smart people in this Chamber. We can come up with some ideas of our own. The commission, the paid commission that we -- that some people voted for a year ago wasn't that well-received back home where I'm from. So, I think having a commission, people that may not understand really what's going on, is not the best idea. And then all

we can do is either vote it down or it becomes law.

So, my suggestion is let's get together, both sides of the aisle, come up with some ideas for real campaign finance reform and then let's vote on that and have that the law of the land here in New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Schmitt.

MR. SCHMITT: Good morning, Mr. Speaker.

Would the Chairwoman yield for a few questions?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. SCHMITT: Thank you, Chairwoman. Just wanted to expand on a few items that we had spoken about already in some of the questioning.

MS. WEINSTEIN: Sure.

MR. SCHMITT: Going to the final cost reports and the penalties that have been assessed to certain school districts. You had mentioned that standalone bills or somebody had proposed an omnibus bill may be considered going forward. Now, if I recall correctly, last year in the Governor's vetoes of the standalone bills, he stated that this is a budget item, he would only consider taking it up in the budget. Has something changed since that veto message?

MS. WEINSTEIN: So, you know, the staff did bring that up to him and, you know, to -- seems he wasn't interested in doing



it in the budget either.

MR. SCHMITT: So, we still would like to try again, maybe he's changed his mind.

MS. WEINSTEIN: Yes.

MR. SCHMITT: We'll hope. Okay.

Going to the tax certiorari debt relief issue that was included. There was a solution included in both the Assembly and Senate one-House. It seemed to be dropped out. Has there been any commitment from the Executive in this regard going forward?

MS. WEINSTEIN: No. No. We tried to, as I stated earlier, we tried getting this in a three-way agreement to have it included in this budget; we were not successful.

MR. SCHMITT: Okay. Thank you. Going to the tax cap and making the tax cap permanent.

MS. WEINSTEIN: Yes.

MR. SCHMITT: I personally feel that this single-handedly has been the most successful tax relief and tax controlling measure in State history, and I'm very excited to see that's included and, in my opinion, is the most important piece that we have in the budget this year. Are there any changes or modifications to that language, or is it exactly as it stands currently?

MS. WEINSTEIN: It's a -- it is a straight extender.

MR. SCHMITT: Okay, great.

MS. WEINSTEIN: Permanent -- not extender, it is --

MR. SCHMITT: Permanent extension.

MS. WEINSTEIN: -- it is made permanent, yes, in its current form.

MR. SCHMITT: Perfect. When it comes to the STAR exemption income limit changes from \$500,000 threshold to \$250,000.

MS. WEINSTEIN: To \$250-, yes.

MR. SCHMITT: Is there an estimate of how many households will be affected by this change?

MS. WEINSTEIN: One hundred and thirty thousand.

MR. SCHMITT: One hundred and thirty thousand, okay.

Now, going to congestion pricing, should I direct those questions to Ms. Paulin?

MS. WEINSTEIN: Yes, I think that would be best.

MR. SCHMITT: Thank you, Chairwoman, I appreciate it.

MS. WEINSTEIN: Sure.

MR. SCHMITT: On the congestion pricing, if I was reading it correctly, 80 percent of any of the revenues collected from this would go to MTA, and then 10 percent would go to Metro-North; is that correct?

MS. PAULIN: Well, New York City Transit would get 80 percent, 10 percent Metro-North, 10 percent LIR.

MR. SCHMITT: Is there an estimate of what that 10 percent number for Metro-North would look like?

MS. PAULIN: Well, the lockbox is with the revenue from the sales tax and the revenue from the real estate transfer tax and the revenue from the congestion pricing scheme would be about \$25 billion. So, 10 percent would be about \$2.5 billion.

MR. SCHMITT: Okay. I heard your previous answer --

MS. PAULIN: Did I say that right? Okay. I'm just tired, sorry.

MR. SCHMITT: No, that's all right, that's all right. I recall some of your previous responses to some of the questions and I was wondering who has standing to appear before the committee or subcommittee you mentioned to seek a concession, such as in my district we have many members of the FDNY and NYPD who commute, amongst, obviously other -- many other members of union labor, private sector. Who has standing to go before or is there -- what would be the process to go before to seek an exemption or concession from law?

MS. PAULIN: Well, in establishing the tolls, there will be a public hearing and the review board is going to be required to do a careful analysis. Anybody, you know, they'll be well-known. It'll be public who they are. People can reach out and so, I don't know that you have to have standing, per se. I think you just have to, like our constituents call us, you'd pick up the phone or you send an e-mail and you let them know you -- you think something should be considered.

MR. SCHMITT: Now, that hearing or hearings, is there going to be one or could be more?

MS. PAULIN: Well, the -- currently in the law, there's a requirement for one public hearing for fare increases, for example, but the MTA has broadened that to -- to include many different locations. In the last fare increase, you know, they had, I think, one in every borough. I know they had one in Westchester. And so, we expect, because we modeled the language similarly, we expect that they would follow the same procedure.

MR. SCHMITT: So we should expect in my district in Orange and Rockland Counties to have one in the immediate vicinity for people to attend, not having to travel to Manhattan or to one of the five boroughs.

MS. PAULIN: I would imagine.

MR. SCHMITT: Okay. Thank you very much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MR. SCHMITT: I know we're very late at night, or early in the morning, however you want to look at it, Mr. Speaker, and I just wanted to reiterate the importance of the property tax cap being made permanent. I think it is the most crucial and critical piece of this budget. It affects everyone in my district and residents across the State. It is a nonpartisan issue. It is something that will save taxpayers billions and billions of dollars in perpetuity now. We have already seen that success since it was originally implemented.

Many of the problems facing New York are the affordability crisis. Everyone in New York deserves that this State should be a place where all can live, work prosper and retire, and the property tax cap being made permanent will make that a little bit easier.

Unfortunately, we see in the final bill language here a whole mess of items pushed together. I personally do not appreciate and enjoy the many pieces that were put together that I would like to be debated on a standalone measure, but I do know that I'm proud to have worked on and my Conference is proud to have worked on this permanent property tax cap. I appreciate your time and hope everyone enjoys the rest of the morning.

ACTING SPEAKER AUBRY: Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. BICHOTTE: I have recently been vocal about my position and concerns on congesting pricing surcharge on vehicles entering into the Central Business District of Manhattan. And, you know, not because I don't believe we should address congestion, because I do believe that we should address congestion, and it's not because that I don't believe that the MTA transit system needs to be fixed. Obviously, we know that our subways, our buses, our railways needs fixing. I expressed concerns because of how it may impact the people in our City and their livelihood, and on the accountability of

MTA, making sure that these fixes happen.

New York City right now is about to embark on a major, major undertaking with tolls and surcharges on drivers driving into Manhattan, from the South of Manhattan up to the 60th Street, and this will take effect until 2021. And right now, we're asking people of New York City, the working class, to make another financial sacrifice. Many of us live in the City in a situation where we're living from paycheck to paycheck, and now we're asking for them to further burden their financial situation.

I have a very diverse district with access to public transportation in some parts and less in other parts. Parts of my community don't ride the subway for various reasons. Many feel that driving is the only alternative route because of the unkept, delayed, malfunctioned public transportation that hardly gets any attention, especially in the outer boroughs. Mr. Speaker, for many years there has been a moving disparity in the outer boroughs. Taxi cabs were specifically not picking up or wanting to drop passengers in the outer boroughs. In many cases, they were racially biased. The subways and buses were inadequately funded, which made the experience of a transit rider subpar, with delays causing them hardship to balance life, like getting to work, going to the doctor, or getting their children to school on time. Because of the racial and socioeconomic disparities of having a broken transit system or no system at all, there became an opportunity of members of our community to create a second tier transportation system. And in my case in my community, they were

called a dollar van. The dollar cab. A phenomenon that was adopted from different Caribbean countries like Jamaica and Haiti and in Creole, we say (speaking Creole). We now had an alternate means of transportation to move past the delayed buses and broken, unkept trains and for the deserts in South Brooklyn like Canarsie. It was the only means to move around. And then when that was not enough, Mr. Speaker, ride sharing was introduced, where members of our community were not only make a living wage as drivers, but was able to participate in helping move New York.

So, all of this disparity was a contributing factor to the issue that we're facing today, congestion. Meanwhile, the conditions of the subways were getting worse - an increase of mold, stairways not fixed, broken tracks infested with rats, delayed trains, out of dated -- outdated technology. Fares were increasing and we, as legislators, were allocating billions of dollars of capital in the past to fix our subway system and, yet, have little or no effective result to show for it. The funds went disproportionately, mostly to Manhattan and, on top of that, the transit workers were being downsized in my district. And when we talk about benefits for these transit workers, their pension were being compromised.

So, what happened is when Manhattaners were coming into the outer boroughs, they realized the substandard conditions we were living in for years. And so, the squeaky wheel was finally heard. Now that people finally have an option on how to move, whether it's driving via ride sharing or via -- was more than just

to hop on a bus or a subway, which would take actually two hours more than driving to Manhattan, was an option that people decided that they would prefer.

So, congestion pricing, the notion of it no longer became an environmental thing. It became, well, let's tax the working class to fix the subway versus taxing the millionaires. According to Keep NYC Congestion Fee [sic], here are three myths that were noted: *Myth number one: Congestion pricing will fix the subway. Estimates on cost to overhaul the New York City Subway System ranges from about \$19- to \$38 billion. At the most, it was estimated that congestion tax will raise around \$800 million per year. Congestion pricing, even if fully developed and completed -- completely implemented will not be enough,* and that was quoted by the Former Chair of MTA, Joe Lhota. *Myth number two: Congestion pricing will reduce congestion in Manhattan. Now, the data shows that trips by private automobiles into Manhattan Central Business District have been declining for two decades. Instead, congestion is being caused by the explosive growth of services like Uber and Lyft. These services are not generating congestion by going in and out of the plan zone, they are actually trolling around for rides within the zone itself. So, you ask yourself, how we going to be generating revenue?*

*Myth number three: Congestion pricing will only impact the wealthy. New York City residents who commute via private automobiles make virtually the same average income as those who commute by bicycle, and less than those who walk to work.*



*Congestion pricing will affect middle-class commuters, many of whom lack access to reliable subway transportation. Congestion pricing will impose surcharges on people with vehicles entering the Central Business District.*

Again, these are not just wealthy people who have vehicles who live in the CBD. Middle-class people drive into the CBD. Sometimes you have low-income. This would impact middle-income working classes where their vehicles that they have to maintain through insurance repair and gas expenses, again, will be another financial burden, and even more taxing are the metered parking fees and the outrageous parking garage fees. You have businesses who need to travel throughout the City. Those with vehicles and those without, for-hire vehicle passengers are most likely to be hit with a cost-transfer to them. Consumers eventually will be stuck with a bill after suppliers transfer cost to businesses and businesses transfer the cost to the consumers by increasing the price merchandise. Will our taxpayers overall get hit to cover the cost of the bills that will be paid for by the government? Because there are those who need to be exempt from the surcharge, Assess [sic] (Access)-A-Ride, first responder vehicles.

Now let's talk about some exemptions. There are very -- there are some concerns about carve-outs and exemptions. For example, patients with serious medical needs. Imposing costs for congestion pricing cannot be allowed to impede on one's health. People with disabilities or mobility; senior citizens; low-income for

singles; low-income for households; district with low rates of drivers. I mean, I keep hearing this thing saying, *Oh, in your district only 1 to 2 percent of people or drivers will be impacted.* Well, if that's the case, let's exempt those districts. You're not going to get much money out of it anyway. Residents in the Central Business District, they should not be charged. Right now, they're going to be hostage in their own district, it's unfair. How about the bridge riders? They're going to be taxed twice: Triborough Bridge, Verrazzano Bridge, Brooklyn-Battery Tunnel, Queens-Midtown Tunnel. And if we -- we decide to reroute everybody onto the BQE and FDR, then we're going to have another congestion crisis and our infrastructure will be broken.

So, when we talk about other sources of income, we're saying that congestion pricing is going to generate about \$800- to \$1.1 billion each year. There's a real estate transfer tax that's being incorporated, but as you know, it's hard to kind of sustain that because you only get the tax when there's a sale that happens. And how consistent will that happen? Internet sales will be about \$300 million. And then we have the millionaires' tax again that was completely excluded. What about the millionaires' tax, which would generate about \$500 million. We talked about a pied-à-terre tax. Again, we're hearing that, *Oh, we cannot use this form of millionaire tax because it's unconstitutional.* Well, you know what? What's unconstitutional is targeting the wrong group. What's unconstitutional is targeting working class people and finding a way to tax them. And that, in itself, is a violation of the Equal Protection Clause.

When we talk about congestion, it should be a City-wide issue. In my district, there's a lot of congestion. I live in Brooklyn, the most center part of Brooklyn, a place where it's called Flatbush Junction. If we're -- if we're going to be addressing air quality in Manhattan, we should be addressing air quality all over the place. We should think about incentives like environmentally-friendly vehicles, tax credits; investing in more traffic officers; finding a way to expand our truck loading zones to avoid double parking.

Mr. Speaker, last week after meeting with Pat Foye, the President of MTA, we did address these concerns. We talked about what's the plan, what's the plan to be laid out? We talked about the money, how it will be spent on actual repairs and capital improvements and not merely be on vanity projects. We talked about having a say on this panel, the Traffic Mobility Review Board of six, and having a say on carve-outs, exemptions, tolls and credits. We talked about how the moneys will be secured in a lockbox so that it's specifically allocated to fixing the subway, to fixing our public mass transportation, including LIR, the Long Island Railroad, as well as the Metro-North. We also talked about the State Legislature having a vetoing power on the Capital Review Board if there's no real progress.

It made me a little bit more comfortable to see that there's progress in terms of accountability and transparency, but as a legislator, I'm not fully satisfied; however, I know there's members in my district who are for congesting pricing and I know many more who are against it. And with that, as a legislator, I have to be open-minded

and hope that there's integrity in the plan that's laid out. I also hope that going forward, all the energy that's put into this taxing of the working class will soon shift to taxing the millionaires, because that's money that we can get immediately. That's money we can get immediately.

ACTING SPEAKER AUBRY: Ms. Bichotte, you will -- expired your time. You can come back.

MS. BICHOTTE: Thank you, Mr. Speaker. And I will -- I will vote in the budget -- I will vote for this budget and I hope that I become a very active participant in the movement for an equitable and fair outcome for our New Yorkers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Byrnes.

MS. BYRNES: Thank you, Mr. Speaker. I have to just about be the last, hopefully, the last or almost the last is not least.

ACTING SPEAKER AUBRY: I'm afraid not.

(Laughter)

MS. BYRNES: Oh, well; we're here anyway. If Madam Chair, if I could ask you some questions, ma'am?

MS. WEINSTEIN: Sure, be happy to.

MS. BYRNES: Thank you, if you're willing to yield.

MS. WEINSTEIN: Yes.

MS. BYRNES: Although you may need to defer, because I do have a couple of questions on the -- the elimination of

cash bail in the justice system, and I believe you had turned it over to another Member.

MS. WEINSTEIN: Yes, Assemblywoman Latrice Walker has sponsored this bill and negotiated the provisions, so she'll be responding.

MS. BYRNES: Thank you, ma'am.

MS. WALKER: Thank you.

MS. BYRNES: How are ya?

Okay, I've got just a couple of questions. Earlier, probably at this point about two or three hours ago, there was some discussion about what the costs may or may not be, both financially and societal, to having any reform of the bail system. One thing that wasn't discussed at the time that I want to touch on, though, is my understanding from what I've heard from members of the New York State Sheriff's Association is that they think that there's going to be a direct cost to them in order to track down and rearrest people who have to have bench warrants issued for their arrest, and I wanted to know what your thoughts were on that, ma'am.

MS. WALKER: Well, I beg to differ. There will be some savings in lieu of less usage of the jails and less preconviction incarcerations. And also, there will be notifications that will be sent out to individuals and I believe this is in a case of where desk appearance tickets are administered.

MS. BYRNES: Going to that, if there are appearance tickets and the court is required to give notifications to people by way

of text, phone, electronic mail, First-Class Mail, understand that and that works great for individuals who have phones and who have homes. I saw a number of people who came in front of me on a daily basis who were homeless and indigent and didn't have these things. Obviously, pretrial release services, many, many decades ago was originally formulated to help these individuals make their court dates, but how would you expect to do these official notifications when individuals may not be able to be contacted?

MS. WALKER: Well, I believe it's to the extent possible. And just so I'm clear, you know, I believe that at least those are a modicum of pretrial services that one could be able to avail themselves of. I'm sure they would look forward to receiving the text messages or the telephone calls, but since you mentioned that some of these people may not have telephones or the text message or e-mail capabilities, what would you consider to be an alternative for that? Should we keep those individuals incarcerated because they don't have the mechanisms to be contacted?

MS. BYRNES: Absolutely not.

MS. WALKER: I was just checking.

MS. BYRNES: When I was a judge and everybody know who were, what they did is they looked at a person's record, they looked at the knowledge, did the person come back to court when they were released previously, they looked at their NYSID to determine if they have a history of bench warrants or arrest warrants on their records, and individual court records, City Court at that point kept its

own internal records, to make decisions. Obviously, the seriousness or the lack of seriousness of the offense and any other factor, did the person have a job, things that would give you some level of assurance that a person would come back to court. If a judge felt that they weren't a good risk to come back to court, then bail would be set. Sometimes bail would be set as little as \$1 or \$2 or \$3 if that's all the person may have had in their pocket because that was important to them, and that would be enough to ensure that somebody came back to court.

MS. WALKER: Well, I'm glad that you mentioned that, because there was a situation recently that I did have an opportunity to work on where someone had been assessed bail for \$1, it was a \$1 hold that was placed on that individual. And when I contacted the family members to be able to go down and pay that \$1 hold, did you know what someone said to me? *Assemblywoman, I would love to be able to go and pay that \$1 hold, but I don't have the car fare to get downtown.* So, again, even when there are -- is bail that is set as low as \$1, poverty still plays an important role in exercising discrimination in our criminal justice system, and it's that that we want to weed out with this bill.

MS. BYRNES: There's no question about the fact that poverty is certainly a consideration, and I believe those are things that are taken into consideration, but also when we're talking about the fact that even under this bill that there are some situations where, still, on misdemeanors and other matters of a low level, that if it's

demonstrated that the person is a risk and the court makes a determination that the person is a risk of flight that bail can still be set; isn't that correct?

MS. WALKER: In certain situations, you're absolutely right.

MS. BYRNES: Now, what constitutes the level of proof required to make this demonstration? Can I -- if I were a judge still, can I just look at their NYSID to see if their bench warrant or arrest warrant histories and things of that nature, or -- or would I have to conduct a full-blown evidentiary hearing where people testified and make a decision based upon some other level of proof?

MS. WALKER: Well, in the case of the offenses that are still bail-eligible, we have not changed the New York State Court of Appeals decisions that have allowed for courts to be able to look at the nature of the offense and the severity of the sentence which may be imposed. For instance, in those cases regarding **People v. Perone** and **People v. Parker**. In addition to that, the New York -- the United States Constitution in the **Salerno** Decision, which is, you know, the law of the land, also allows for certain other situations to be considered. However, however, however, one of the things that we find that is extremely important here, and I do appreciate that we have included the New York State Human Rights Law which disallows for discrimination based on sex, based on your income levels, based on your national origin, based on your race. So, we're doing everything that we can in order to weed out the type of discrimination that you're



describing.

MS. BYRNES: So ironically, the types of things you're saying that you want to be considered are exactly the same things that are already considered by judges in the system, because the things you mentioned were just the ones I mentioned just a couple of minutes ago. Turning to another question, you also --

MS. WALKER: There's a lot more work that we have left to do within this bill, respectfully, and I look forward to working with all of our colleagues, particularly, you know, the Executive Office as well as those Senators, in order to make sure that while this is a very important first step in bail reform, that we are also considering a number of items that we were not able to accomplish on this round.

MS. BYRNES: All right. Turning right now, though, to the bill at-hand, my understanding is the bill also indicates now that when cash bail is set, the judge *shall* select three or more such options, one of which *shall* be an unsecured or partially secured bond; is that correct, ma'am? Yes or no?

MS. WALKER: Yes.

MS. BYRNES: Okay. Now, that being the case, if we have somebody who's accused of a violent felony of offense, of a robbery, armed robbery, burglary of a home, rape, and a judge sets cash bail, under this statute one of the three options has got to be an unsecured or partially secured bond; is that correct? That does seem to be the plain reading of what I'm looking at.

MS. WALKER: Well, partially secured can be about 90 percent of that bond. You don't have to go to a bail bondsman.

MS. BYRNES: An exceedingly minimal amount, or just flat-out released, because an unsecured bond and a partially secured surety bond, from my experience, are basically the equivalent of no bond; would you agree with me on that? That's the concept of unsecured.

MS. WALKER: Partially secured bond is just what it is, ma'am, a partially secured bond. So, I can't say that it's no bond if it's secured.

MS. BYRNES: It's unsecured.

MS. WALKER: Or, it could be a partially secured.

MS. BYRNES: All right. To a very minimal amount and a minimal percentage.

MS. WALKER: It's up to the judge.

MS. BYRNES: So a person charged with a violent felony offense, a very high level felony where they can do many, many years in State Prison, if they were to be convicted or plead guilty, no matter what dollar amount a judge sets, they'll always have the option of almost virtually having an ROR because of the unsecured or partially secured surety bond, correct?

MS. WALKER: No, it's up to -- the judge has discretion with respect to the percentages that he may be or she may assess. And based on many of the, I believe you mentioned a violent felony, right, so there are a number of different circumstances here

that a judge can consider, up to and including setting bail, as well as remand.

MS. BYRNES: Well, if you set -- normally if there's a bond, it's 10 percent that has to be put up in cash. So, if we're talking a step down from that of a partially secured bond, we're talking about even less money than 10 percent; would you agree with me on that?

MS. WALKER: Well, that could be a possibility, however, as I indicated previously, for violent felonies there are a number of different considerations that a judge can take a -- can take a look at.

MS. BYRNES: But one of the options has to be unsecured or partially secured.

MS. WALKER: No.

MS. BYRNES: You have to have one at that low level, correct?

MS. WALKER: I'm not sure I can really hear, because there's a --

MS. BYRNES: All right. Go ahead. You can take a look because my understanding is it says one "must be" an unsecured or partially secured surety bond. Did you want to take a look?

MS. WALKER: There are a number of different considerations, you know, that the judge can take a look at, one being the consideration of a partially or unsecured bond up to and including setting bail and remand in a situation with respect to violent felonies.

So, that would be to the judge's discretion. It's not necessarily something that I would be able to take a look at, you know, whatever the circumstances are to be able to say what this judge would do in this particular situation.

MS. BYRNES: Unless it's changed, there's only a very, very small category of cases where somebody can be held on remand without bail. So, most people even if they're held will have cash bail and then one would have to be unsecured. Let me ask you this: Right now there are currently --

MS. WALKER: Or partially secured.

MS. BYRNES: -- currently the law requires two forms of bail to be options. Why is it that you went from requiring two forms of bail to now requiring one or more of three?

MS. WALKER: Well, they're actually nine different forms in this statute.

MS. BYRNES: I understand, but a judge -- a judge right now can choose two or more, this is changing it to three or more. What was that change done for?

MS. WALKER: Well, the others are very underutilized.

MS. BYRNES: And you -- did you add the unsecured or partially secured surety bond? Is that in addition to the ones preexisting, or is that one of the ones that was rarely used so you're trying to emphasize it by this bill?

MS. WALKER: No, they're among the nine.

MS. BYRNES: Okay. So it was just one that was rarely used or what you felt was underutilized so you want to get it in now so that it has to be an option.

MS. WALKER: It's one of the options. It always has been an option and it still is an option.

MS. BYRNES: Okay. I'm presuming the purpose of the bail, which I would understand it to be and wouldn't disagree, that people should not be unnecessarily detained in jail prior to trial, correct?

MS. WALKER: I'm not sure what you mean when you say "unnecessarily." I would beg to differ and use the term "unconstitutionally" detained prior to trial.

MS. BYRNES: Okay. But there's already safeguards in the system right now, correct? We have defense attorneys now at great expense who are present at every arraignment in the State; would that be correct, ma'am?

MS. WALKER: More or less.

MS. BYRNES: And if that defense attorney doesn't like the bail set by the judge, they have a right to go to a higher level judge already to seek a bail review; that's correct, isn't it, ma'am?

MS. WALKER: That's correct.

MS. BYRNES: And the Office of Court Administration monitors every criminal case, they monitor everybody in custody in the State; isn't that correct, ma'am?

MS. WALKER: They keep records. I mean, I don't

know about "monitoring" because that's also a very subjective term.

ACTING SPEAKER BLAKE: Ms. -- Ms. Byrnes, your time has expired.

MS. BYRNES: On the bill.

MS. WALKER: Thank you.

ACTING SPEAKER BLAKE: Your time has expired. You can come back a second time.

MS. BYRNES: All right.

ACTING SPEAKER BLAKE: Thank you -- if you so choose.

Mr. Buchwald.

MR. BUCHWALD: On the bill, Mr. Speaker.

ACTING SPEAKER BLAKE: On the bill.

MR. BUCHWALD: I rise to comment on one particular part of this bill that, perhaps, coincidentally labeled Part XXX, the Public Campaign Financing Election Commission provision. What the Legislature is being forced to do in the Executive-dominated budget process is a total abandonment of our legislative function. We're turning over to an unelected commission the power to not just write laws in a narrow way to effectuate a clear legislative mandate, we are being asked to grant broad authority to craft any manner of public campaign finance system, but also, this commission is arguably given the power to write over or repeal longstanding sections of our Election Law.

Worse, this commission is empowered to raise \$100

million in revenue, or lay claim to \$100 million in existing revenue. There is no more quintessentially legislative function but to serve as the People's representatives in determining how to levy taxes. No taxation without representation, Mr. Speaker. But these nine unelected commission members can impose any new tax under this proposal. Anything they want and there's just a three-week period for review of their report and their proposed new laws, in which the Assembly, the Senate and the Governor must agree to replace or -- or remove, otherwise it goes into effect. Or the commission can just take away from existing revenues, perhaps lottery receipts that otherwise are supposed to go towards education.

Put simply, Mr. Speaker, this part of the bill is unconstitutional. What it seeks to do is wrong and I will be voting no.

Thank you, Mr. Speaker.

ACTING SPEAKER BLAKE: Thank you, Mr. Buchwald.

Mr. Carroll.

MR. CARROLL: On the bill, Mr. Speaker.

ACTING SPEAKER BLAKE: On the bill.

MR. CARROLL: Two weeks ago, I spoke about our budget resolution and why I was voting no, and I said the reason I was voting no was because we had not fully formed a congestion pricing plan. This budget bill here tonight does that. And I still believe that a smart congestion pricing plan is the most sensible thing that we could do this year for our infrastructure, for our environment, for our -- for

safe streets.

That being said, this budget bill has a poison pill in it. It subverts our legislative authority. It asks us to abdicate our responsibility. It creates a commission that is unconstitutional, that will draft and redraw our Election Laws. And that doesn't mean you don't support campaign finance, because I do, but if you support campaign finance, you need to support transparency. And what we're doing is we are changing our Election Laws in the dead of night. We are making sure that we are not having debate and we're giving broad latitude to an unelected commission that will be able to change other laws instead of allowing this Body to debate them.

And for that reason, I will vote no and I hope my colleagues will join me.

ACTING SPEAKER BLAKE: Thank you, Mr. Carroll.

Mr. Manktelow.

MR. MANKTELOW: Good morning, Mr. Speaker, and thank you. Will the sponsor yield?

ACTING SPEAKER BLAKE: Will the Chair yield?

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

ACTING SPEAKER BLAKE: The Chair yields.

MR. MANKTELOW: Good morning, Ms. Chairwoman, thank you; and I commend you for a job well done today.

MS. WEINSTEIN: Thank you.



MR. MANKTELOW: It's a been a long day.

Just a couple quick questions. On Part RRR where it authorizes DOT to charge a fiber optic utility for the use and occupancy of a right-of-way?

MS. WEINSTEIN: Correct.

MR. MANKTELOW: How will that be funded for them, do you know? How will they come up with the fee to pay that?

MS. WEINSTEIN: There's an estimate that we -- it would generate \$15 million this year and I think when fully implemented, \$50 million.

MR. MANKTELOW: Okay. I know that in the bill text, line 42 of the bill, it says that *Any person or entity that's contracted with the utility cannot be charged this through the process?*

MS. WEINSTEIN: Right. Broadband is -- is not affected. If it's part of the big plan to expand broadband, they're not subject to this charge.

MR. MANKTELOW: No, this isn't about expanding it, this is about DOT charging for the right-of-way of broadband already -- already in place, correct?

MS. WEINSTEIN: Yes, correct. Well, it's for the fiber optic, but we do have a plan to -- there is a -- a broader plan to expand broadband into the more rural parts of our State.

MR. MANKTELOW: Sure.

MS. WEINSTEIN: So those in the areas where there's -- it's part of the broadband plan, there will not be -- they will

not be charged.

MR. MANKTELOW: Okay. So, back to the question. The question says -- or the bill says fiber optic utility will be charged for the right-of-way.

MS. WEINSTEIN: Correct.

MR. MANKTELOW: And then in the bill text it says on line 42, *By a fiber optic utility to any person or entity*. So, anybody that contracts with the fiber optics, they will not be charged, correct?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Correct?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Okay.

MS. WEINSTEIN: I mean, there's language that it can't be passed through to the customers.

MR. MANKTELOW: So I guess my question is if I'm the fiber optic company, where do I come up with that money to pay for that?

MS. WEINSTEIN: You know, it's not charged to the customer, but it comes out of your business profits as a business expense.

MR. MANKTELOW: But are my business profits not from my customers?

MS. WEINSTEIN: Well, you can't pass the cost along, it's the cost of doing business and use of the right-of-way.

MR. MANKTELOW: That's my point. If I can't pass that cost along and create revenue for my company, how am I going to pay for that? Where am I going to come up with the money?

MS. WEINSTEIN: You know, presumably you're the part of the installation of the -- of these optic -- of the new lines will generate some new customers, will increase your -- the profits of the companies.

MR. MANKTELOW: So then the customers are paying for it?

MS. WEINSTEIN: You know, it's not a direct -- it's not a direct cost that you could pass on to the customers. Additional -- an additional customer base will generate more -- more revenue and it'll come out of that -- the revenue to pay for this -- this fee.

MR. MANKTELOW: And I agree, and that's my question, madam. It says here that we can't do that, so I don't understand how on one side we can, but in the bill text it says we can't.

MS. WEINSTEIN: Oh, if there's a monthly fee and you can't now increase it because you've laid some -- you're being charged a fee or laying new lines along the right-of-way.

MR. MANKTELOW: But a company -- a fiber optic company only has one way to create revenue, and that's to have customers.

MS. WEINSTEIN: Right.

MR. MANKTELOW: So, if the bill text says we can't pass it to the customers, explain to me how we're going to pay for

it.

MS. WEINSTEIN: From the profits that are generated.

MR. MANKTELOW: From the customers.

MS. WEINSTEIN: Yes, indirectly, but you are not going to put a charge on an individual bill that says, *This is your fiber optic lease charge*.

MR. MANKTELOW: Okay. Well, in my view, I still think the customer is going to end up paying for this throughout the whole process and up to now, you haven't told me otherwise, agree?

MS. WEINSTEIN: Well, that's duly noted here, comments.

MR. MANKTELOW: Okay. All right. I have one other quick question, then, if it's okay.

MS. WEINSTEIN: Sure.

MR. MANKTELOW: Back to the AIM funding. So just so I can clarify this, right now I have 41 municipalities in my district, 28 of them are towns, 13 are villages and of those 41, only five of them will be paid through AIM funding through the State the way it's always been set up.

MS. WEINSTEIN: Okay.

MR. MANKTELOW: So, the rest of the 36 communities will now be funded by, how, again?

MS. WEINSTEIN: The controllers -- or the

Comptroller's Office will distribute that -- the same amount that they've had in the past will be distributed from the Comptroller's Office rather than coming from the State Budget.

MR. MANKTELOW: And where will the Comptroller get that money from?

MS. WEINSTEIN: And the Comptroller will get that money from intercepted sales taxes from the respective counties that are sent to the Tax Department.

MR. MANKTELOW: So, the sales tax that the counties will be taking in, the Comptroller is going to reach out, grab that money, take it back and then pay the municipalities for the AIM funding.

MS. WEINSTEIN: Well, actually the Tax Department will intercept and will send it to the Comptroller, but yes.

MR. MANKTELOW: So I guess to further expound on this and to follow through with this, last year I was very fortunate to Chair the Finance Committee in Wayne County and through our budget process, we used the whole -- in our budget process, we took our sales tax money and allocated it to the full extent. So, if we're going to pull the sales tax back to the State now, what's that going to do to our county that's already budgeted this money in their budget?

MS. WEINSTEIN: Well, you know, as we've discussed several hours ago, I guess, we are establishing some new sales tax revenues that the State and localities will be collecting from the Internet marketplace providers and from out-of-State vendors as a

result -- out-of-State vendors as a result of the **Wayfair** Decision in the Supreme Court. So we are projecting that this will generate \$220 million for counties outside of New York City, the Downstate area, so that \$59 million for AIM coming out will still net the counties a substantial increase in sales tax revenues this -- this year from the past years.

MR. MANKTELOW: Okay. And I know in talking with my local county officials back home, I do know that with the added cost for the election process coming up, I know that they're already counting on using some of that money for that process, so we're still going to lack money from the counties to cover all of these expenses.

MS. WEINSTEIN: Well, you know, as we discussed earlier, the State is providing \$10 million for the -- administering the early voting, as well as the purchase of the electronic poll books.

MR. MANKTELOW: And we really have no idea if that's going to be enough funding for the whole State -- we have no idea that that \$10 million will be enough funding for the whole State, correct?

MS. WEINSTEIN: So, that's funding for the State and it's \$14 -- the \$10 million is \$14.7 million for the electronic poll books.

MR. MANKTELOW: Okay. Thank you, Madam Chair.

MS. WEINSTEIN: Sure.

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

ACTING SPEAKER AUBRY: On the bill.

MR. MANKTELOW: Mr. Speaker, all along today and -- or this past day and tonight and this morning, we've added a lot of expenses that always seem to go back to our counties, to our local municipalities, to our local taxpayers. I have grave concerns as we move forward with this budget, especially this part of the budget. We're just -- we're going to squash anything that our local people can do. I applaud the tax cap, but along with the tax cap, there's got to be sensible spending and also addressing the unfunded mandates and the mandates that come along.

So, I'm going to ask my colleagues to not support this funding tonight - or this morning - because it doesn't really take care of the unfunded mandates and the added cost. And as I agree with the tax cap, it's not sustainable. You can't have a tax cap and continually be putting more charges back to our local municipalities. It will not work. It's not sustainable, so I will be voting no on this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. COLTON: This budget bill deals with three areas of which I have very grave concerns. The first is education.

Education has been an important priority for me and I think most people in this House. I was a teacher for 11 years in the New York City Public School in Bedford-Stuyvesant. During those years, the equitable formula was not equitable; in fact, it was discriminatory against the children in that school. And I personally saw the impact that it had upon their lives and their families. And that impact continues today. Those children who went through that school period have suffered scars and disadvantages because of the inequitable discriminatory formula. And, finally, the Court of Appeals decided that the formula was inequitable and that it deprived those children of their right to a basic quality education.

I am very disappointed with how this budget deals with the moneys that are owed to our schools. I am very disappointed with how it deals with foundation aid. Imagine if we went to a bank and said, *The interest that we owe you, the money we owe you is a ghost of the past, we're not going to pay it.* Imagine if we went to a credit card company and said, *We've paid enough interest. We're not going to do this anymore, it's a ghost of the past.* We wouldn't do it and if we did, we would find they would not be receptive. That alone makes it imperative that I do not vote for this budget. I simply cannot do it. It's a matter of conscience with me and I simply would not be able to do it on that alone.

There are two other areas. I have always believed very strongly in public transportation and providing funding sources for public transportation. At the time, a number of years ago, when



there was a funding source that was repealed, I was one of the few who voted no against that repeal. If that had not been repealed, we might not face the crisis that we face today in public transit. I cannot vote for a system that does not tell us what it is all about. This plan, this budget bill does not say what the tolls are going to be. It doesn't say what the exemptions are going to be, except for emergency vehicles and people with disabilities, and I don't know what that means. It doesn't tell us where the tolls are going to be placed. It doesn't tell us what reforms are going to be made that will effectively get the MTA to respond to us and our concerns. And almost everyone in here has dealt with the MTA and they have a very bad record of responsiveness. So, without assurance that the moneys that we give them are going to, in fact, be used to improve public transit, I cannot support that kind of a plan. The need for our public transit is much too great.

And finally, we have a new arrival in this budget bill which deals with public campaign financing. I have long been a supporter of public campaign financing. I'm a cosponsor of the bills that we've passed here. Now, unfortunately, United Shareholders was a case that was decided a number of years ago and it has placed some new concerns in terms of public campaign financing. We need to deal with those concerns and we need to come up with a bill that will take money out of politics, big money, special interest money, and have us rely upon small donations. But we do not need to create a commission and delegate our authority and our responsibility to pass legislation on

to a commission. This bill will delegate the authority to spend up to \$100 million on nine nonelected people. That simply is not acceptable.

And so for those reasons, I have a real problem with this bill and I cannot in good faith vote for it. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Blake.

MR. BLAKE: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLAKE: To -- to my colleagues and to all of our constituents, good morning. When -- when we -- when we vote on a budget with so many components in it and for -- and for us to ground ourselves again on what really matters, as sometimes the dollars just may seem like numbers rather than a pathway to promise. So before I keep going, I want to thank the Speaker, Chair Weinstein, and, of course, to the Ways and Means staff for all that you have done to get us to this point.

Bronx Community College is a school that is not in my district, it's just outside of mine, but it's in my -- my view as I was growing up as a kid. I went over there occasionally for events. One of my brothers actually went to University Heights High School. It was down the street from my church of Calvary United Methodist Church, it's one that had many reasons for personal impact. But, it took on greater importance to me, colleagues, when about three years ago I was sitting at a church pew at a vigil. And I was sitting behind

two people I did not know at the time, being Venida Browder and Akeem Browder, the mother and brother of Kalief. Testimonial after testimonial, I'm listening about how they had been making progress. And then at one point a young person comes over, and then a teacher walks over, and the teacher was from Bronx Community College. And the teacher told Venida and said, *I just wanted you to know that I know we are all heartbroken that Kalief is no longer here, but I -- I wanted you to know that he was making progress in school and that he was trying to turn his life around.* Now, as we talk about Kalief all the time, many people may not realize that Akeem also had challenges when it came to criminal injustice, Speaker and colleagues. He actually -- he was incarcerated himself at one point for 11 months as they accused him of stealing money from his school, until video demonstrated that it was not him. We come here to understand that this just cannot just be a casual vote. It's the realization that our temporary times as legislators are in vain if we're not committed to a cause greater than ourselves. Legacy is not about temporary joy, it's about having impact that can be permanent. True impact is realizing that one vote that can happen today can transform lives. And it will. It will transform generations unborn and it will -- and it will impact people that don't even know your name. One name that we should always remember is Kalief Browder. And I, like many of you, made a promise to his family that we would change the system that allowed for him to be there incarcerated in the first place. Yes, we've talked about Raise the Age over the years, as we should have. But it's also

about bail and speedy trial and discovery to have an impact on the collective system. I learned about open discovery from champions like Carmen Rivera and Julio Pabon and Judge Fernando Tapia and the Discovery for Justice Coalition, who taught us about the injustices within the system. A system that when we take this vote, only Louisiana and South Carolina and Wyoming are still in that space of injustice that we are in today. A space that recognizes that our nation's DAs across the -- across the country communicate at least ten percent of the time, DNA records come back afterwards that exonerate people who have pled guilty in the first place. I gained understanding of bail, and I commend the force of Assemblymember Walker for her leadership on tonight, because it's the understanding that you should not be criminalized because of poverty. You think about the RFK Foundation and Bronx Defenders and Bronx Freedom Fund and all the different coalitions that came together. And why do you do it? It's because it's the understanding that 54 percent of those that are incarcerated still don't have \$500 to pay their bail. It's the understanding that you could be there for five days, and 74 percent of New York City are still there, or 84 percent outside the City are still there. It's a system that is flawed with institutional racism and discrimination that we can break today.

My spiritual education came when understanding what's going on on the broader aspects when we think about what speedy trial and all the dynamics as well. The conversations with VOCAL and JustLeadership and Free New York, so many others, that

when they came to us and they spoke to us in the halls, they were not speaking to us in anger, us individually, it was the fear and frustration that they had for years and decades. In May of 2017 it was indicated in a recent study that Rikers was still a part of people who were wondering how could they make ends meet. Why? Because nearly 75 percent of those that were there were there because they could not afford bail. We are in this space because we have a Speaker Pro Tem and a Chair of Codes and a sister from Brooklyn, and so many others, like the staff that are here today - Marty and Dan, the entire team- that are making this contribution to society that will transform all of us. You ask sometimes why should criminal justice and equity be part of a budget. Well, I'm reminding all of you colleagues that November 2018, a perfect line came out from the New York City Bar that said it best. "Courts should not prioritize revenue raising over the successful reintegration of incarcerated persons back into society." Making it real plain and simple. It should not be about making money on the backs of black and brown folk, it should be about how we transform society for the better. One vote, you may believe, doesn't change history. But it will. It will change the discourse of life in a state and a society so we can understand we've done something better. Now, I'm not saying that things are not perfect. There's always more improvement you can make. On the Federal level, the Affordable Care Act, we know there was obviously improvements that could be made there. We understand locally when we did Raise the Age, we had great impact with that. But we have to come back, because you

shouldn't have to wait ten years for your records to be unsealed. We know there's more work to be done when it comes to achieving the promise when it come to NYCHA. Why have people waiting for years for funding to come into their communities? We should make it real clear that the Federal monitor being appointed should now lead to money coming to our communities. And let's be also clear: Why is it easy to get unleaded gas but you can't have a lead-free apartment?

The promise still remains when you think about minority- and women-owned businesses that obviously need greater access to capital. The promise still remains when we have conversations of our Mayoral Control where young people are wondering why they can't go to school and graduate from school. The promise still remains when we're not having honest conversations about what's happening. I understand frustration around public financing. I appreciate that. But we have to understand that we are elected to help our people. What that means is, you have to make decisions. Is it more important to say you're going to help someone get elected, or is it more important to help someone get out of jail? The promise still remains that when Chaney Yelverton of Morrisania Air Rights reaches out and says that there are broken locks on doors, or Glen Primus reaches out saying they need more meals for the young people, or NYCHA residents are wondering why there's still lead, or Concourse Village or Mitchell-Lama residents are wondering why there's such mismanagement, or the sister is wondering why she gets disrespected, or Immigration Partnership was wondering why there's

not enough funding. I understand the reasons that you can be frustrated, colleagues, but I understand this: Individual displeasure should not be greater than the great consequences that will happen on tonight for reform.

So, to Akeem Browder and the Browder family, hopefully we made you proud tonight. Hopefully we lived up to our promise of saying that no one should be in a cage physically, mentally, emotionally. No one should be wondering if you'll stand up and fight for them when you have a chance for a budget. We celebrate what's happening on this morning. Diversity in medicine, so that young people can go to school and graduate from school and become doctors. Because they can understand that no, you won't be a drug dealer, but you can prescribe medical prescriptions for a young person. Maybe you'll show them that you'll change the promise of My Brother's Keeper so that you can be in a space here in New York, where you have a black Speaker and a black Speaker Pro Tem and a Latino Chair of Labor, and you have a brother named Hakeem in DC that's dropping lyrics while dropping legislation. Something happens when you show people it's possible, with the promise.

So, we come here tonight to say, yes, there's more work to be done. We respect that, we acknowledge that. But on the this first day of April, let's be clear that while some of us maybe didn't get to go to church yesterday, let us appreciate that it impacts public policy by what you're doing every single day. Spiritually evangelical doesn't just mean you sit in the pew. It's the appreciation what you do

through your policy and your votes. Jesus was a man of color who experienced criminal injustice by Pontius Pilate's hands. So maybe we recognize that we should serve the least of these by what we do with our hands. Thinking about why to vote for this budget bill, it's an opportunity for hope, justice, possibility and equity. So, in the words of former Justice Thurgood Marshall, *In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.* So, I pay this tribute by voting yes tonight, achieving the promise of speedy trial and open discovery, the promise of bail reform through charitable bail organizations and all that comes within it. The promise of saying you won't have to wait any longer, a promise of understanding a budget shows someone's values and who they may be. I'm not a perfect vessel. None of us are. But we understand that we live up to the promise of the Browder family. It didn't end on one day, it won't end tomorrow, it won't end the day after. But we can say that justice on tonight will roll down like waters and righteousness like a mighty stream.

My Speaker and colleagues, we live out the honor of Kalief Browder and we make true the promise of justice. That's why I vote yes on this budget. Thank you, everyone.

(Applause)

ACTING SPEAKER AUBRY: Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.



MR. MOSLEY: First and foremost, I'd like to thank the Speaker and the Ways and Means Chair and the Majority Leader and the staffs for their diligent work during this budget season. I remember when I was first running back in 2012, and I was asked to do an interview during a campaign date. The exit polls were favorable towards me, and the reporter said, *Let me just do a story on you at your son's school at PS 11.* And I vividly remember the conversation. Because he asked me, *What were your -- what would be your priorities in Albany?* And I pointedly pointed out to him, *One, public education; two, dealing with the issues of affordable housing and preserving affordable housing.* Now, I will be glad to note that we'll have a robust conversation about our rent laws following this budget season, where we will have a Democratic Process by which colleagues on both sides of the aisle will debate bills that will look to strengthen and empower our tenants, while at the same time preserving and creating universal rent regulation laws that will preserve affordable housing not only in New York City but throughout New York State. But I also said to the reporter, I said, *Certain things won't take place when I get there in 2013 because of the dynamics in Albany.* The dynamics that prevented us from moving certain pieces of progressive legislation in the upper Chamber. But I stand here today struggling with the notion of voting no on a budget bill for the first time I've been here, because although the dynamics have changed, the results still remain the same. Understanding that your priorities are reflective in the budget in which you push, and the fact of the matter that, one, we

have not done anything to close the TAP gap, we have the same number in which we gave to our public schools in lieu of Campaign for Fiscal Equity last year that we are doing this year. Even though we've changed the dynamics in the upper Chamber in Albany, the results remain the same. Couple that with a commission, a commission that looks to do what we've been elected to do: To debate tough issues, to have discourse, to talk in our respective conferences and to come on this floor in an effort to pass legislation out of this Body. But yet again, we want to give it to a commission. We didn't learn our lessons with the Moreland Commission. The pay -- the pay raise commission, and all the blue ribbons that came before it. But yet, we want to give our responsibilities to a group of nine people, unidentified to this point, elected by no one, but yet, giving the responsibilities that we were obligated to perform as trustees of this respective Body. Now, I can't support that. My conscience can't support that. I'll take 150 individuals over nine any time. But sometimes it's important to understand that it's just not about being the principal, but it's about being principled. It's about being principled in the sense that we have to fight and stand up for those who can't talk or speak for themselves. We have to be principled in our thoughts and in our actions. And we have to be principled to do the right thing. This omnibus bill, this Big Ugly, whatever you want to call it, most of it I agree upon; criminal justice reform, something that we've all been advocating for for many, many years. Some of the other items in the -- in some of the other bill packages, the DREAM Act, all things that --

Census 2020 funding, all things that we want. But if we don't deal with the fundamental issues of why we are here, understanding that the undergird of our democracy is through our representation, then why are we here? Why not just create a commission for every doggone issue that's controversial?

I do this with a heavy heart, because it is not my intentions to be difficult. Particularly when it comes to a budget where there is public policy in place, important public policy that's going to transform lives, as my colleague so noted. But I gotta do what's right. I have to do what my conscience tells me to. And as much as I want to vote for 90 percent of it, of what's in this bill, that ten percent is pulling me to -- to vote in the negative. Because, for me and my constituents, we understand that the future of our democracy relies upon our democracy. Relies upon people having a voice. Relies upon people having the ability to defend themselves through their representation. And I believe that this commission will -- will undershirt all of that -- will underscore all of that, I should say. To me, I believe that if we're to do right by the men and women we represent throughout this State, public policy that gets thrown at us at the last minute should not be a part of this process.

For the future of our democracy, the future of public school students, not just in New York City but all throughout this great State, I humbly and respectfully will be voting in the negative. Thank you, Mr. Speaker.

(Applause)

(Pause)

ACTING SPEAKER AUBRY: Mr. Abinanti.

(Laughter)

At ten minutes to 5:00.

MR. ABINANTI: I got it.

(Laughter)

Thank you, Mr. Speaker. I will be brief. I've heard all of my colleagues talk about the pros and cons. I want to explain why I'm going to support this bill this evening. First, from the revenue point of view, this bill gives us the revenues we need. Not the revenues we want, but the revenues we need to run this government. There are increases over what we had last year. It extends the top personal income tax rate on the wealthy, it facilitates the collection of sales tax on all internet transactions, it imposes a transfer tax on high-end real estate transactions in the City of New York, and it puts a tax on vapor products. It's not enough to do everything we want to do, but it is enough to do what we have to do. We should have followed the Assembly plan, but we couldn't get partners to do that. So, we're basically stuck with something that's better than we had before, but not all we want. But it does give us the money to do what we have to do. And it also allows us to spend on the needs that we have to meet. There's education money. Again, not enough. There's too much of a burden on our local property taxpayers. The State of New York pays for only 41 percent of the cost of education in the State of New York. But this bill will allow us to continue and to do a little bit better than

we did last year. There's no more help in here for people with special needs, but it will continue the programs that people with special needs get.

But, you know, this is what happens when the State's leader, when the Governor frames a budget that speaks like a progressive but governs like a conservative; that limits revenues up front, and sets arbitrary spending caps. That prevents us from meeting all of the needs we need to meet. But part of the problem is our own. We allowed this Governor to set these parameters. And tonight is too late to make a change. We've got to look now towards next year. We cannot hurt our schools, we cannot hurt our communities. We cannot shut down the State of New York because we haven't gotten everything that we need. So, I think we have to look and say, *What are we going to do different next year?* And I hope that we go back on a vacation and come back in -- in the end of April and in May and say, *How are we going to change this system so we're not put in this situation again next year?*

We also see the positives and negatives of doing policy in the budget. We got criminal justice reform. We're inserting some justice into a criminal justice system that wasn't there before. We're addressing the significant underfunding of the transportation system in the southern part of the State that is vital to the lives of about half of the people in our State.

On the other hand, we were extorted. We were extorted into doing some very bad things. A permanent tax cap, for

example. That's a false promise. It won't cut taxes, and a tax cap doesn't pay for the services in the schools that we need to pay for. And it's hypocritical. It's hypocritical to attack the Federal government for an arbitrary limit on taxes that can be deducted, but then at the same time impose an arbitrary limit on our local officials who are trying to do their jobs as public officials. And we're being forced to set up this dangerous commission which promises campaign re -- finance reform, but will give us, we don't know what. But in the end, we need to pass a budget. We cannot follow the lead of the Federal government and abandon our people.

So, after I look at the pros and the -- and the cons, I look at my responsibility - and some of you know I've spoken out about all of the terrible things in this budget - but we have a responsibility to make sure that later today, the State of New York continues to function and that the services of the State of New York continue to get delivered to the people of the State. Therefore, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Palumbo for a second.

MR. PALUMBO: Thank you, Mr. Speaker. Would Ms. Walker yield just for a few quick questions?

MS. WALKER: Me yield?

MR. PALUMBO: Short and sweet.

MS. WALKER: Yes.

MR. PALUMBO: Thank you, Ms. Walker.

ACTING SPEAKER AUBRY: Ms. Walker yields.

MS. WALKER: I yield.

MR. PALUMBO: Thank you.

MS. WALKER: Good morning.

MR. PALUMBO: I jumped the gun. I jumped the gun. Page 111, if I may. Now, release under nonmonetary conditions, under that bail statute, indicates that a court releases a principal when -- when they qualify, when there is such conditions aren't -- that may include that the principal be in contact with pretrial services, the principal, A, be reasonable, abide by reasonable specified restrictions on travel that are reasonably related to an actual risk of flight from a jurisdiction, and that they refrain from possessing a firearm, destructive device or other dangerous weapon. Those appear to be the only conditions that would be imposed by the court, and that there is no other realistic monetary condition, or set of nonmonetary conditions will suffice to reasonably assure that persons return to court. Could you define for us what you mean by *no other realistic monetary condition*? What's *realistic* mean in that sentence, please?

MS. WALKER: Well, the term *realistically* is not specifically defined within this bill. It does lend to an opportunity for judicial advocacy. But one of the things that I can say that it is the legislative intent that the least restrictive methods be utilized with respect to the administration of justice. We're trying to make sure that people aren't stigmatized by the usage of electronic monitoring. Now, we don't change mass incarceration and replace it with E-incarceration

or mass surveillance. And so there is a -- a level of deference with respect to the type of pretrial services or conditions that are employed, and we want to ensure that the courts are utilizing the least restrictive modes possible.

MR. PALUMBO: Thank you. And as far as those conditions that the court would consider regarding possibly setting someone who is -- is qualified to be released, there's no condition that indicates their criminal history. Is that accurate? That that's not to be a factor that they consider?

MS. WALKER: It's -- unless it's in consideration for a risk of flight, it's -- it's not considered.

MR. PALUMBO: Because I know in our old bail statute that existed. And when we go over to page 113 --

MS. WALKER: The statute is still as is.

MR. PALUMBO: I'm sorry?

MS. WALKER: The --

MR. PALUMBO: Under -- under 510, 520, 530 --

MS. WALKER: It does still consider.

MR. PALUMBO: Okay, they do. So, criminal history is still a factor?

MS. WALKER: For nonmonetary conditions, yes.

MR. PALUMBO: Okay. And when have here, when we look at a qualifying... what was it, a qualified -- a qualifying offense, we have over on page 113, line 32, a Class A felony defined -- or someone's eligibility is -- is a Class A felony or -- or exempts



them from it, with an A felony other than an Article 220 crime. So that is the drugs -- the controlled substance stat -- article. Isn't that accurate?

MS. WALKER: Right.

MR. PALUMBO: So, if someone's charged, for example - and this may have been addressed by some of the other speakers - but someone's charged with a Class A sale of heroin, they must be released from custody, right? In a nonmonetary situation.

MS. WALKER: Well, you can -- it is an option for release on your own recognizance, but you can also utilize electronic monitoring in that particular situation. So, there are exemptions for drug offenses, with the exception of the Kingpin Statute.

MR. PALUMBO: Gotcha. And that's subsection 77, right?

MS. WALKER: Yes.

MR. PALUMBO: So, when we have all these mandatory release situations, and for nonviolent felonies such as manslaughter in the second degree, is a nonviolent C felony, that's still someone else who would be eligible under this particular statute. Isn't that accurate?

MS. WALKER: Well, let me say this. It's up to -- there's a number of different considerations that a -- a judge can -- can look at with respect to risk of flight. One of those such recommendations can be to release them on their own recognizance, to utilize pretrial services or some other electronic method -- electronic

monitoring method in order to secure that individual's return to court. The factors that existed with respect to those particular charges, historically with respect to bail and the administration of bail, still exists today.

(Pause)

Furthermore, manslaughter is reckless conduct, it's not intentional.

MR. PALUMBO: Correct. And that is the crime -- in fact - not to get too far in the weeds, but the only -- the intentional murder has -- has never held up the Heidgen case, Court of Appeals has said you cannot charge murder for a drunk driving accident that kills people. So, if someone is driving drunk - and this has been repeated by the Court of Appeals - the maximum charge is manslaughter second degree -- I've handled a ton of those cases, I've indicted cases like that -- that the bottom line is, that's the top count. If someone drives drunk the wrong way on the Southern State, like the Heidgen case, and kills people coming home from a wedding, they must be released under the statute. This is a *must* statute. And this is the concern that law enforcement has given to me. And I'm wondering if there's any way we can reconcile that in the bill. If you could point me to a place where that person could be held, charged with Man 2, manslaughter second degree and DWI, with multiple fatalities, there's -- under no circumstance can they hold that person under this language.

MS. WALKER: Well, there is an opportunity for that

individual to be placed under an electronic monitoring scenario, which is, of course, you know, in -- in the eyes of -- of many individuals, is in and of itself a type of incarceration. Just not within the confines that we know of.

MR. PALUMBO: Well, under -- on page 112, at line 18, we have a specific qualification for electronic monitoring. *A person charged with a felony, a misdemeanor crime of domestic violence, a misdemeanor defined in Article 130 of the Penal Law.* Is that where you're suggesting that, and a few other, that they may -- for the purposes of -- in calculating such five-year period -- hang on, I'm sorry, I'm catching up to this language -- that person would be eligible for electronic monitoring. Is that -- would that apply?

MS. WALKER: Any felony.

MR. PALUMBO: Just so the record is clear? Any felony. So they could ultimately consider that, but they could not remand the defendant pending trial, or set any cash bail. Is that accurate?

MS. WALKER: Well, that brings you -- brings me to the second portion of the legislation that you were going into. If they persistently and/or willfully failed to appear in court while they are at liberty, or they violated an order of protection, intimidated a victim or witness, or were released on a felony charge, commits another felony, they may be remanded in those particular situations.

MR. PALUMBO: But they -- they would still have to be released, though. And they would -- because they - of the nature of

that being a nonviolent felony, and they'd be released with electronic monitoring. That's the maximum, I guess, sanction. Right? Under this legislation?

MS. WALKER: That's -- initially, yes. But if you sort of reached a stepped-up model while --

MR. PALUMBO: But if -- if they did appear, though. --

MS. WALKER: -- you're out in liberty, you commit any of these other, A, B, C or D, persistently and willfully violated an order of protection, intimidated a witness, while released on a felony commit another felony --

MR. PALUMBO: Let me ask you this --

MS. WALKER: --then that's remand.

MR. PALUMBO: And then -- or -- what -- and where was -- you -- but you have to -- where was that section? If you wouldn't mind pointing me to it. Because my understanding was that they had to either not appear, or not otherwise comply. But if they show up for all their court dates while being electronically monitored, get drunk, kill somebody else, they're still eligible for release under the statute. There is no criminal history -- there is nothing in the statute that I could find, and if you could please point me there --

MS. WALKER: Well, initially --

MR. PALUMBO: -- that -- that person who's now repeatedly offended, there's no specific condition, unless the court -- I -- I would like to see where they could say, *And also, please don't get*

*me arrested.* Because there -- there's nothing in here that indicates a subsequent arrest will be a violation of your conditions of bail.

MS. WALKER: Well, initially, the judge still has an opportunity to provide antilock device on the vehicle in order to do what it can to prevent another vehicular situation. In -- in the instance where there was one such circumstance, and there's another felony that gets committed, the judge does have the option of remanding that individual. Or bail.

MR. PALUMBO: And that would be because they violated the conditions that the judge imposed, to not get rearrested? I guess -- but they'd have to affirmatively say that, I presume.

MS. WALKER: That would be because while they are at liberty and they were released on a felony charge, they committed another felony charge.

MR. PALUMBO: Okay. Well, that's good to know.

Now, one -- just two more little -- two more areas, quickly. On 116 at the bottom, *The nonmonetary conditions of release shall be individualized and established in writing. At future court appearances they'll consider lessening conditions. In the event of alleged noncompliance with the conditions of release in an important respect, pursuant to this subdivision, additional conditions may be imposed on the record or in writing only after notice of the facts and circumstances, said alleged noncompliance, reasonable under the circumstances, affording the principal and the principal's attorney and the People an opportunity to be present -- to present relevant*

*admissible evidence, relevant witnesses and to cross-examine witnesses, and by -- and a finding by clear and convincing evidence that the principal violated a condition of release in an important respect.* So, we have to have a hearing in order to find someone in contravention to the court's rules of recognizance. So, I'm on electronic monitoring for a manslaughter, I commit another manslaughter or an A-1 felony drug sale, sell a huge pile of heroin to an undercover. I now have to present witnesses as the prosecutor, subject to cross-examination, just to revoke bail under this. We need a hearing. And I now have to expose my witnesses and let them be cross-examined, which is fine. But this isn't even a preliminary hearing. We -- I mean, we're not even having a felony exam at this point, this is simply to address bail. Is -- is that accurate?

MS. WALKER: That's not accurate. But I did like your iteration of --

MR. PALUMBO: Well, tell me what that section means. Because it looks as though it has to be a written finding after a hearing.

MS. WALKER: This is only --

MR. PALUMBO: Tell me if I'm --

MS. WALKER: This is only upon technical violations. If there's a second felony that gets committed, then these circumstances does not come into play and --

MR. PALUMBO: Well, would the allegations of arrest would be enough --

MS. WALKER: And you will be bail eligible.

MR. PALUMBO: Just the allegations of arrest would be enough under the statute?

MS. WALKER: The arrest.

MR. PALUMBO: Not a conviction. I'm saying just rearrested, that would be enough for them to fix --

MS. WALKER: Yes.

MR. PALUMBO: -- bail?

MS. WALKER: Yes.

MR. PALUMBO: Okay. Good. Thank you.

One last part. 121 -- I'm moving quick, folks.

MS. WALKER: 121, okay. I'm with --

MR. PALUMBO: I just find there's some language --

MS. WALKER: -- Pastor A. R. Bernard.

(Laughter)

MR. PALUMBO: There's just -- I won't read through the whole thing, but generally, it has the same situation where if it's -- it needs to be a qualifying offense in order to hold that person, they talk about mandatory release. But when we look at the bottom, which is the end of 530.20 subsection (2), which is the bottom of page 122, Latrice --

MS. WALKER: I'm with you.

MR. PALUMBO: When the defendant's charged with something like an A felony, it seems counterintuitive to the other part. Because a local criminal court, you see subsection (2)(a), *City*

*court, town court or village court may not order recognizance or bail when the defendant is charged with a Class A felony, or, the defendant has two previous felony convictions.* So, if someone is charged with even just a plain old felony -- E felony or D felony drug possession, which is clearly eligible for release in the rest of the statute, this is contrary to that because a village justice out, say in Southampton, a town justice, must remand that defendant, according to the second part of 530.20. So, I think that's something that needs to be reconciled maybe with a chapter amendment, in order to achieve the intended -- the intended result.

MS. WALKER: Counselor, town and villages -- town and village justices don't -- does not have jurisdiction over these types of cases. That's current law, and that we did not change in this legislation.

MR. PALUMBO: For arraignment, they do, ma'am. They do. We do it all the time on -- on the east end of Long Island. They --

MS. WALKER: They must be --

MR. PALUMBO: -- they can arraign murder cases. They can arraign -- they can't have trial jurisdiction --

MS. WALKER: Okay. They must remand until there's a superior court that can actually hear the case.

MR. PALUMBO: Right. Right. And that was my point, that that seems to be counterintuitive to the beginning -- to the other part. But I appreciate your patience.



On the bill very quickly, please --

MS. WALKER: Thank you.

MR. PALUMBO: -- Mr. Speaker.

ACTING SPEAKER AUBRY: And quick you better be.

MR. PALUMBO: Yes.

(Laughter)

Just -- Mr. Speaker, that -- we -- this isn't -- of course within public protection, but this seems to be, unfortunately, I don't think this protects the public. Because removing discretion when it comes to the release and arraignment and evaluation of cases on a case-by-case basis is very dangerous. So, that's the bottom line. There has been some just significant opposition to this, just for those purposes, that the court won't be able to exercise discretion.

And for those reasons, I'm asking everyone to vote no. 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.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. Last year we did Raise the Age, and this year in this bill we are building on the essential criminal justice reform needed for our State. And while I

support both congestion pricing and public financing of campaigns, I don't support a panel for one and a commission for the other. I also recognize that many New Yorkers do not support using dollars for -- tax dollars for campaigns because we have so many critical needs which we have yet to fund. I hope at some point we can address the City's concerns regarding the pied-à-terre tax, and raise the needed funds for things like the TAP gap, and ensuring that we have sufficient funding for students with disabilities.

But today, I will support this bill, and can't believe that it's close to 24 hours when I walked in. So, with that, I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Goodell.

MR. GOODELL: To explain my vote. As many of my colleagues noted, the commission does indeed seem to violate many provisions in the Constitution, and I know you wanted to know which sections so you could check it on your monitor right after you wake up and review our debate. It's Article III, Section 13, which is something you all ought to appreciate because it talks about you and it says, *No bill, no law shall be enacted except by a bill adopted by us*. What a great, great novel concept. And as my colleagues noted, we don't really have the authority to delegate to someone else the power to make laws, including the power being delegated to a handpicked commission to make tough decisions that we don't want to make

ourselves. I would also point out, by the way, that the Constitution states that, *No debt shall be borrowed by or on behalf of the State except by voter approval*. This particular bill increases our debt by \$5.8 billion, with no voter approval. And since there's no voter approval, the voters shouldn't be held responsible for paying that \$5.8 billion. But many of you will note that if we continue to borrow without voter approval and we don't continue to pay without voter approval, people won't allow us to violate the Constitution in the future, and that would have devastating impacts, because we'd have to go back to our own voters. So, I have great confidence in the voters that they have selected you to represent them, and I would hope that in the future, all of us, having been elected by our colleague -- by our constituents, would exercise that authority, as suggested by many of us, and make the tough decisions rather than to try to pass them off on a handpicked committee, and that we don't borrow more money and mortgage the future without that voter approval.

So for those reasons, I'll be voting no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker. My decision today was not easy. I thank my colleagues for their hard work to secure progressive policies that address longstanding needs, like \$10 million for immigrant legal services, congestion pricing to help fix the

MTA, and criminal justice reform to address the inequities of our criminal justice system, which disproportionately affect communities of colors, and have basically criminalized poverty.

But we failed to address key concerns that would make New York a fairer state. We needed the ultra-millionaire's tax, also known as pied-à-terre. Otherwise, we can't keep on complaining that we can't find the money for the things that we need around here. We also needed to fully fund the census count, and we chose to instead give a couple of million dollars to a football team. We failed to fully fund our schools to meet the CFE formula. The funding we're getting will not address the needs of our children. We failed to allocate much-needed funds to CUNY and SUNY. We failed to fund TAP, gap and services to students with special needs. We must do better for our public college students. For many of us, it's the way out of poverty and into the middle class. We failed to create a system of public financing for campaigns, something our communities have been asking. We needed to create a system that would elevate the voices of our people above the voices of special interests. The system we have now is exactly the reason why we couldn't pass that tax for the ultra rich. Instead, we have a commission that, frankly, is usurping the role of the Legislature. And that perhaps, perhaps we'll come up with a system that truly uplifts the voice of our people.

But I will vote yes on this bill because the good outweighs the bad. Because when I look back in history, I want to know that I was on the right side of things, because there are people

right now sitting in jail because they cannot afford bail. And that stops today. I continue my commitment to fight fully to fully fund our schools under the CFE formula, to fully fund the needs of CUNY and SUNY, and to keep a watchful eye over this commission to ensure that it does what it was actually appointed to do.

Thank you, Mr. Speaker, and I will vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you. Ms. Cruz in the affirmative.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to explain my vote. This was a hefty bill, a busy bill that a lot of us agreed on and a lot of us disagreed on. But there's one thing that I would be remiss if I didn't support this bill, and that is what it's -- what it's doing to the criminal justice system. Since the beginning of the system, it's been flawed. We are the country with the highest incarceration rate, and individuals, at an alarming amount of them innocent. Our system targets poor minority demographics and focuses on locking the most amount of people away, instead of establishing a fair system where innocent can prevail. This was important because of what we succeeded in getting speedy trial in it, discovery justice, and cash bail reform. Right now, thousands of people are sitting in jail, thousands of people that could be innocent. Why? Because they could not afford the bail. This antiquated system stands as a direct attack to lower-income individuals who are less

likely to afford a cash bail, and who would, instead, spend their days in detention while they may as well be innocent. Such reforms are necessary to prevent unneeded suffering. Mentioned before today, Kalief Browder, who did not accept the guilty plea, could not afford the bail system set against him and was not granted a speedy trial, was failed by the system and took his life. But no more, not one more person will be hurt, not one more person will be held against their will by this system. And it will not hurt the most vulnerable.

The passage of these bills brings a new day to New Yorkers, and for that I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. And here we are on April 1st, April Fool's Day, realizing that there's no money for NYCHA, for the 400,000 residents that live there. That Foundation Aid isn't enough. The \$4.3 billion that we owe to our students, CUNY and SUNY teachers, TAP gap, students with disabilities not being taken care of. Why are we not taxing the people who can most afford it to cover all these needs? Why does the system work for so many -- does not work for so many New Yorkers? People like us. The people in power ignoring the people who are powerless.

Fair elections, we set up forward a commission. We may not ever get fair elections. We may never get a matching system.

Why? We look at the MTA. We need money for the MTA, so we do congestion pricing. It's a good way to fix the subways. But it's not enough. Really disappointed to think about a pied-à-terre tax, which could bring more millions of dollars in. But the well-connected real estate industry lobbied to make that collapse. Clearly, the influence of real estate and big money shows its power. Shows how without a public matching system, corporate and special interests will take over.

While this budget goes in the right direction, we've missed out on so many opportunities. Criminal justice reform is critical. And we've heard from our brothers and sisters here around Kalief Browder. We should say his name, remember his name, and thought -- think about his struggle. Think about people. A friend of mine who was recently incarcerated was held on bail, was sent to Rikers, a legal services worker who is an active member of our community, but just another woman of color to the system.

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

MR. EPSTEIN: On so many issues, I'm going to be voting in the affirmative on this bill.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. I'm very torn by this bill, because as Chair of Corrections, I've long advocated for the criminal justice reform in this bill. Bail reform. Discovery

reform. Speedy trial reform. All bills that we voted for in previous years in one-House bills and I voted for. But I cannot vote for this bill because I've been fighting various congestion pricing proposals for over ten years, going back to Mayor Bloomberg, and of all these proposals, this is by far the worst. It gives a total blanket check -- blank check to the TBTA. We do not know how much we are going to be taxing our constituents, whether it's going to be \$10, \$20, \$30, is there a cap on it? Is the zone going to be changed? How often will it go up? There's so many unanswered questions in this. So, even if I was a supporter of congestion pricing all those years, I could not vote for this proposal with the openness of it. And I actually represent what's referred to as a *transit desert*, where you have to take two buses -- eastern part of my district you have to take two buses and a train to get into Midtown Manhattan, into the zone. And it often takes my constituents two hours to get into the zone, while if they're driving even with congestion, it takes about an hour.

So, for all of those reasons, I cannot in good conscience vote for this bill. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Weprin in the negative.

Mr. Phillip Steck.

MR. STECK: Thank you, Mr. Speaker. I congratulate Chairs Weinstein and Benedetto for continuing our commitment to increased aid for education under difficult circumstances. The public schools in the 110th District did well.



Thank you. But there is a poison pill in this budget. That is the commission on so-called campaign finance reform. I have spoken against paid commissions' aggrandizement of power. It would be hypocritical of me to endorse this commission, and hypocrisy destroys the credibility of any elected official in the eyes of the voters. The commission is antidemocratic. It allows five people to enact statutes, thus usurping the constitutional function of the Legislature. Also, it is not about public financing of elections. There is a clause that would facilitate abolition of fusion voting. One could have a serious debate on the pros and cons of fusion voting, but that debate belongs here in this Chamber, not in secret behind closed doors in a commission format. Much has been written and said about a tax on democracy at the Federal level. Some of that has been going on right here under our noses. More and more power is being consolidated in the hands of the Governor. That happens when we allow policy to be inserted unconstitutionally in the budget at the very last minute, without being fully vetted.

I came to this Chamber because I believe in democracy. For that reason, I cannot abide this bill. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Steck in the negative.

Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker. Just for -- just to let my colleagues know, initially I was going to go

for another 15 minutes, but I knew --

(Laughter)

-- I knew if I spoke as fast as I did at the one-House budget I could get all I wanted done in two minutes there for sure. I don't need to belabor the point on the STAR concerns we have or AIM or the -- or taxpayer-funded campaigns or the Hollywood film tax credit. But just the point I just want to reiterate one last time, if I could, is on a local -- local matters, for some of your school districts, some of ours, you know, those school districts that have penalties that are coming to them, let's please put together an omnibus bill that will forgive that -- those penalties. Send them up to the Governor -- let's pass them, send them up to the Governor, let him use his constitutional authority to veto it, which he will, but then let's use our constitutional authority to override that veto. And I'd also just like to point out again on those four mortgage -- four counties that lost mortgage recording tax revenue because of the delays we did in passing that legislation and not doing it right and passing it late, I know there is no intentional harm, I don't think there was ever a deliberate intention to hurt those counties, but because of our inaction, it did. I just hope we could find a way to find that \$790,000, whether it's through legislation -- again, if the Governor wants to veto it, override it or find other pots of money to make this right, let's right this wrong.

So, given some of the concerns I have and have been raised, I'm going to be voting in the opposition on this bill. Thank you so much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. To explain my vote. This is the *Big Ugly*, and it is big. And it is in good ways and bad ways. And some of those bad things are pretty ugly. I hate, in particular, that we have not fully funded Foundation Aid, or closed the TAP gap or fund disability services for SUNY and CUNY students. I hate that we are setting up a public financing commission. But to advocates -- advocates whose passion for public financing I share, we have no bill to pass. We have no separate campaign funding bill. The Executive's Proposal was not a bill that was -- could work. And so, the commission will give us time to study models and fashion a plan that will work for New York State.

And the good in this bill is truly transformational. Our criminal justice system will finally be taken out of Kafka by reforming bail, discovery and speedy trial. And we will fund the MTA through congestion pricing and provide a sustainable revenue source for the MTA. And we have needed reforms to mayoral governance and to home -- the Home Stability Support program.

My first year I had to vote for a budget that was very, very difficult for me. And a friend and mentor of mine, former Assemblymember Jim Brennan, said to me, *Jo Anne, when push comes to shove, the first duty of a legislator is to pass a budget.*

And so, I will be voting for this budget bill. Thank

you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker, to explain my vote. I'm going to be voting in favor of this bill. As has been stated by many of my colleagues, there's much in this legislation to commend it, but I do have to point out that my vote today should not be misconstrued as supporting all of this bill. It's not called the Big Ugly for nothing. And the provisions that relate to the Commission on Public Financing are something that I find abhorrent. I support public financing of campaigns, but I cannot support this commission. The members of this House have had a lot of experience with commissions that look just like this. And to quote Mark Twain, "There is no education in the second kick of a mule." I don't know why we continue to subject ourselves to these commissions. And it is my opinion that this commission is unconstitutional. We are delegating away our legislative authority. I believe it is unconstitutional. We have given them no standards, no guidance. Nothing by which anyone could see what our intent is with regard to public financing. I hope that somewhere along the line this commission is struck down, because I think it is something that simply cannot stand. But overall, what is in this -- this bill and what is in this budget is good. And as my -- my -- the previous speaker said, our first duty is to pass a budget.

I am proud to be part of passing that budget, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Thiele in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, to explain my vote. I represent a low-income district that is heavily reliant on public transportation and mass transit. The MTA is clearly in crisis. I introduced legislation three years ago to talk about how we build a sustainable source of funding. That was called Move NY where we look to actually figure out ways to help support the system. In those three years, we have seen the transit system get worse. Last year the -- the system almost slowed to a crawl requiring a major infusion of capital that we have to pay for now, forgetting about the commitments that we have to our -- to our next generation to have a world-class transportation system so that not just my residents, but all the residents of the State can get to work, can get to their appointments, and to lead the lives that are necessary for New York to be successful. In order to do that, we have a plan here that puts together changing the way that we think about transit. It is no longer Manhattan-centric. We are looking to address specifically the transit deserts first. Also making sure that we fix the mistakes of the past and make sure that we can build things on time with the reforms that are necessary. We can't see a crisis and then not act. We can't say that we need money to fix things and take no action, because it's not enough. We are raising

almost \$28 billion, \$2 billion to begin to address the issues that exist in our mass transit system today, as well as improve connectivity to both Long Island Railroad and MTA as part of this plan --

Metro-North. This is a plan that addresses all of those things, puts in lockboxes and protections to make sure that we build a better system moving forward for the next generation. But to do nothing will only ensure that we're creating a system that will fail and continue to decline. That's not what New Yorkers deserve.

So, as a result, I will be voting in the affirmative and encourage my colleagues do the same.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Mr. Ortiz.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I've been here for a little while, and I have been faced with so many of these Big Uglies and Uglies and Ugly, but I have never seen an Ugly like this. But let me just -- let me just say that there's a lot of great stuff that in this particular bill. You know, it was mentioned before, the criminal justice reform. That's a -- a step forward for what we have seen many years since I've been here. The congestion pricing. When you look at my district, I have the R Train that comes from Queens all the way down to Bay Ridge, passing Park Slope and Sunset Park. Every time that you trying to take the R Train to get to any designation, it's down, it's delayed. People get to work late. Therefore, the congestion pricing hopefully will help not just to

strengthen the R Train, but to strengthen our MTA transportation through all the City of New York. Furthermore, I do have Red Hook. Red Hook is a particular piece of my district that had no mode of transportation; only two buses. So, therefore, I hope that will be accounted to make sure that we can have some kind of better transportation to the people of Red Hook to transport back and forth to their destination.

Yes, it is a lot of stuff here that we don't like, and it's a lot of stuff that we might like. And I would like to see more social workers in every school in our -- in the State of New York. Why? Because we have a very -- a crisis of suicidal. We have a crisis, we have an epidemic of mental health in our schools. We need more guidance counselors in our schools, from pre-K kindergarten, all the way through college. We did need more money for that. But we are -- only have what we have. The Commission is completely something that I call "the hostage," and they're handcuffed to every single one of us. I think the commission is something that we giving to someone else to control what we need to do here in this Body.

But, therefore, Mr. Speaker, the point of the matter is that we have to take a chance to vote on a budget, and this budget is very important for the people in my district and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. I want to say really just how honored I was to be able to have the faith and the confidence of our Conference and, of course, of our Speaker, by which to participate in this year's budget conversations. It was a lot of fun, it was my honor. I'm a little girl that grew up in the projects in Brownsville. And most of the people who reside within our criminal justice system, they're from a few zip codes within our State. And these billion-dollar blocks. And I think that this is my moment, my Harriet Tubman moment, if you will, because we know that the Thirteenth Amendment says that slavery is abolished except in the case of criminal punishment. Or the Eighth Amendment, which says that bail should not be utilized as punishment for a crime. And we had our part today to have our legacy moment to be able to do something on behalf of 84 percent of New Yorkers who are residing within our criminal justice system who have not been convicted of a crime, and for that I am immensely proud.

And it is for that reason I am proud to cast my vote in the affirmative, because I recognized that our criminal justice system and the laws therein have not been changed in 55 years. But today we've had this opportunity, and I proudly participate in it and I proudly vote in the affirmative. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Ms. Hyndman.



MS. HYNDMAN: Thank you, Mr. Speaker, for allowing me to explain my vote. While I am thoroughly disappointed in the monies that we have put into Foundation Aid and CUNY and SUNY, I am still committed to this -- to this Body and to the people of New York. And I thank the Speaker for his steadfastness in making sure that when it comes to congestion pricing, that working with the outer borough to make sure we get those commitments done which is very hard because we know in Queens, especially when you live in southeast Queens, you have to take a bus to -- to a train, or you can get on the Long Island Railroad. So I thank the Speaker for doing that. But I also want to thank my colleagues for leading this out of misdemeanor land and working towards a new day of reducing cash bail, updating our discovery laws and speedy trial, because I -- I don't want my colleagues to worry about double-bunking when it comes to their facilities as we reduce the populations that are going into our criminal justice system.

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

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I rise to explain my vote, and I want to share the sentiments of a number of my colleagues in talking about what a -- a series of trade-offs this bill is, and that in the end it truly is a compromise. But I will be supporting

it, because in the end a number of the good things in this budget outweigh -- in this bill outweigh some of the -- the negative. And that includes -- while education didn't go as far -- including higher education -- didn't go as far as we'd like, it is there and we are moving forward. Water infrastructure, we've made another massive investment in making sure we have our clean water and improving that infrastructure as well as our roads and bridges, and the Upstate transit is making some serious gains. We are restoring the AIM funding, as well as Albany's -- filling Albany's structural deficit with the \$12 million. And then the criminal justice reform that has been mentioned so much tonight, we are making a serious step forward where your wallet won't dictate the level of justice you receive with the overreliance on bail. That said, there were a number of trade-offs, including, for me, the opioid tax, although I'm supporting the vaping tax. Pre-K transportation, I hope we will take it up in future years. And then I, too, share a whole host of the concerns regarding the binding commission on Campaign Finance Reform, and I worry that we have abdicated some of our responsibilities as a Legislature.

Finally, I think we have kept in check the growth of our budget, and again, I commend the Speaker, the -- the Chair and a whole host of others in moving us forward on what is truly a very difficult budget year, knowing that some of the most -- the most difficult news this year was the \$2.6 billion shortfall that really cast appall over the entire budget.

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

Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Ms. Linda Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker, for allowing me to explain my vote. There's a lot of good in this budget and there's a lot of bad. I'm not going to go over what my colleagues have -- have said, but there are two items in here that are not great. The commission to research and recommend something perhaps about public financing, or perhaps not. This is something that the Legislature should do. We should not be off-loading it on a commission. We didn't have a choice in this matter, it appears. But I think it's something that is our responsibility to tackle. Another particularly odious part of this budget is the opioid tax. Last year there was a tax in the budget that was seen as a punishment on pharmaceutical companies and a way to raise money for the opioid overdose crisis. This year there is a tax that is not on the pharmaceutical companies, which are laughing all the way to the bank, but instead, it's a tax that will be passed on to pharmacists, to consumers, to patients who need certain drugs in order to make it through the day, and people who have been hooked on opioids for various reasons. It is -- it is immoral to tax those patients. There are no safeguards to ensure that it cannot be levied on patients, even though some spokespeople have said it wouldn't be. The people are not part of the problem. New York should not balance the opioid

budget on their backs. In addition, the \$100 million will not be an additional \$100 million for opioid prevention, education and treatment. It will supplant \$100 million that is dedicated to that budget.

So, all in all, it's a bad tax. I vote in the affirmative, however, because of the better things in the budget.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. I'm supporting this budget bill because when it comes to social and racial justice, we're making progress by providing meaningful criminal justice reform. And that didn't happen overnight. It took years of effort by my colleagues here, and I've seen them work tirelessly to get us here. But when it comes to economic justice, I am not certain if we're making any progress. You know, when I fought against the Amazon deal last year against the Governor, instead of listening, instead of coming to the community and listening to the concerns of advocates and grassroots organizations, he started pitting groups against each other; blaming, vilifying, demonizing elected officials. And instead of collaborating, it's so clear that all he cares about is consolidating his powers. It's evident in this bill by stripping away the one place of pushback that we have as a legislative Body in the PACF Board. And it's abundantly clear that we need to do a lot more in pushing back against the Governor. And I know that now we are 150 percent sure

of the kind of executive leadership we have, we know what we have to do to achieve economic justice. We need to hold every dollar accountable. We cannot let this person consolidate his powers and cut these mega deals behind our backs. I fought against Amazon because I don't believe in subsidizing the growth of these mega monopolies that are fundamentally abusive and predatory by nature, and we need to do a lot more as a legislative Body, holding him accountable.

Thank you.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Mr. Fall.

MR. FALL: Thank you, Mr. Speaker, Madam Chairwoman and the Ways and Means staff for ensuring that we do have an on-time budget. One of the things I'm excited about in this budget is the fact that the residential tolls on Staten Island will remain frozen for a couple years. You know, with congestion pricing coming down the road, it is my expectation that we will have a bus rapid transit funded and we also will see more new buses and renovated train sta -- renovated train stations as a result of congestion pricing. I'm also happy to see funding for early voting, criminal justice reform and a whole bunch of things. You know, I think it will make a significant difference in our State, and that is why I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Fall in the affirmative.

Mr. Sayegh.

MR. SAYEGH: Thank you very much, Mr. Speaker.

I wanted to justify my vote in the affirmative. Although this is a difficult budget, and very often many of us are not used to voting on budgets where there's so many topics; some that we support and some that we don't support. And that becomes a difficult task, where we have to look at our responsibility, the responsibility to make sure government continues to function, and more important, to focus on and look to see whether the benefits outweigh the negatives. And as an attorney, what has taken place today is historical with regards to criminal justice reform. And with regards to education, although we did not get the money that we had hoped to, I do appreciate the fact that the Assembly and the Senate did propose a \$1.2 million budget, and that in itself -- \$1.2 billion -- and that in itself was really an indication of the intent. I hope to see this effort continue, whereas in mid-April, if there is additional tax revenue, that we make a commitment to put those funds into education, support districts like Yonkers and many around the State that have been treated unfairly by the inequitable funding formula. And I really believe that New York State is due to a change in how we fund education, especially with a permanent tax cap. This is the time to put each and every district across the State on an equal playing field, and then from that point on, we can begin to monitor what takes place with regards to funding.

So I really believe it's the responsibility to do the right thing, and today, although difficult, we support this budget.

Thank you.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Ms. Frontus.

MS. FRONTUS: Thank you, Mr. Speaker. You caught me dozing off. I rise to explain my vote. I'm voting in the affirmative for this bill, but I'd like to share that I'm doing so very, very grudgingly, and with a very heavy heart. You know, public education is the cornerstone of our democracy. I just don't know how I can look at my constituents when I get home, and what am I going to say when they ask me about the \$17 million that the schools in my district are owed. Every time we pass a budget, we convey the values that we believe in. You know, I'm a firm believer that talk is cheap. When we pay women less, we're sending a message that women aren't important as men. That's just the bottom line. When we pass a budget that doesn't have enough money for our schools, it doesn't matter that we intellectualize it and that we say that we couldn't find the money. The bottom line is we're sending a message. And that's very hurtful to me, as a woman who has had education play such a strong role in her life from K through 12, college and higher education. And so for us to come up short with the TAP gap, for us to come up short for our CUNY and SUNY students where we have students sitting at a City University with the ceilings crumbling, it's just really disgraceful. I really didn't even want to speak, but I said I have to say something. And I'm just very, very heavy-hearted and disappointed that we came

up short for Foundation Aid, for money for our schools. And, you know, I don't want to take away from the fact that we're celebrating our victory for criminal justice, and I think that that's important. But to me, it doesn't outweigh where we came up short.

Thank you.

ACTING SPEAKER AUBRY: Ms. Frontus in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Rules Committee in the Speaker's Conference Room immediately.

The House will stand at ease.

(Whereupon, the House stood at ease.)

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MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the House back to order?

ACTING SPEAKER AUBRY: The House will come to order.

MRS. PEOPLES-STOKES: Thank you.



ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We should turn our attention now to page 5, Rules Report No. 53. It is a budget bill, and there are several amendments, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: A02007-C, Rules Report No. 53.

Budget Bill. An act intentionally omitted (Part A); to amend the Public Health Law, in relation to extending and enhancing the Medicaid drug cap and to reduce unnecessary pharmacy benefit manager costs to the Medicaid program (Part B); to amend the Social Services Law, in relation to extension of the National Diabetes Prevention Program (Part C); to amend Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to known and projected Department of Health State Fund Medicaid expenditures, in relation to extending the Medicaid global cap (Part D); to amend Chapter 505 of the Laws of 1995, amending the Public Health Law relating to the operation of Department of Health facilities, in relation to extending the provisions thereof; to amend Chapter 56 of the Laws of 2013, amending the Social Services Law relating to eligibility conditions, in relation to extending the provisions thereof; to amend Chapter 884 of the Laws of 1990, amending the Public Health Law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to extending the provisions thereof; to amend Chapter 303 of the Laws of 1999, amending the New York State Medical Care Facilities Finance

Agency Act relating to financing health facilities, in relation to the effectiveness thereof; to amend Chapter 109 of the Laws of 2010, amending the Social Services Law relating to transportation costs, in relation to the effectiveness thereof; to amend Chapter 58 of the Laws of 2009, amending the Public Health Law relating to payment by governmental agencies for general hospital inpatient services, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2013, amending the Public Health Law relating to the General Public Health Work program, in relation to the effectiveness thereof; to amend Chapter 59 of the Laws of 2011, amending the Public Health Law and other laws relating to known and projected Department of Health State Fund medical expenditures, in relation to extending the provisions thereof; to amend the Public Health Law, in relation to hospital assessments; to amend Chapter 474 of the Laws of 1996, amending the Education Law and other laws relating to rates for residential health care facilities, in relation to the effectiveness thereof; to amend Chapter 58 of the Laws of 2007, amending the Social Services Law and other laws relating to enacting the major components of legislation necessary to implement the Health and Mental Hygiene Budget for the 2007-2008 State Fiscal Year, in relation to delay of certain administrative costs; to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2013, amending Chapter 59 of the Laws of 2011 amending the Public Health

Law and other laws relating to general hospital reimbursement for annual rates, in relation to rates of payments; to amend the Public Health Law, in relation to reimbursement rate promulgation for residential health care facilities; to amend the Public Health Law, in relation to residential health care facility, and certified home health agency services payments; to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2013 amending Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates, in relation to extending government rates for behavioral services and adding an alternative payment methodology requirement; to amend Chapter 111 of the Laws of 2010 relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, in relation to extending government rates for behavioral services and adding an alternative payment methodology requirement; to amend Section 2 of Part H of Chapter 111 of the Laws of 2010, relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, in relation to transfer of funds and the effectiveness thereof; and to amend Chapter 649 of the Laws of 1996, amending the Public Health Law, the Mental Hygiene Law and the Social Services Law relating to authorizing the establishment

of special needs plans, in relation to the effectiveness thereof (Part E); to amend Chapter 266 of the Laws of 1986, amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to apportioning premium for certain policies; to amend Part J of Chapter 63 of the Laws of 2001 amending Chapter 266 of the Laws of 1986, amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, relating to the effectiveness of certain provisions of such Chapter, in relation to extending certain provisions concerning the Hospital Excess Liability Pool; and to amend Part H of Chapter 57 of the Laws of 2017, amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part F); to amend the Social Services Law, in relation to fiscal intermediary services for the Consumer Directed Personal Assistance Program; to amend the Public Health Law, in relation to payments to home care aides; to establish a residential health care facilities case mix adjustment workgroup; and to repeal certain provisions of the Social Services Law relating thereto (Part G); to amend the Public Health Law, in relation to waiver of certain regulations; to amend the Public Health Law, in relation to certain rates and payment methodologies; and to repeal certain provisions of such law relating thereto (Part H); intentionally omitted (Part I); to amend the Insurance Law and the Public Health Law, in relation to guaranteed availability and pre-existing conditions; and to repeal

certain provisions of the Insurance Law relating thereto (Subpart A); to amend the Insurance Law, in relation to actuarial value requirements and essential health benefits (Subpart B); to amend the Insurance Law, in relation to prescription drug coverage (Subpart C); and to amend the Insurance Law, in relation to discrimination based on sex and gender identity (Subpart D) (Part J); to amend the Public Health Law, in relation to the Medical Indemnity Fund; to amend Chapter 517 of the Laws of 2016 amending the Public Health Law relating to payments from the New York State Medical Indemnity Fund, in relation to the effectiveness thereof; and to amend the State Finance Law, in relation to the New York State Medical Indemnity Fund Account (Part K); to amend the Insurance Law, in relation to in-vitro fertilization (Part L); to amend the Insurance Law, in relation to requiring medical, major medical, or similar comprehensive type coverage health insurance policies to include certain reproductive health coverage; and clarifying the definition of voluntary sterilization procedures and over-the-counter contraceptive products (Part M); intentionally omitted (Part N); to amend the Public Health Law, in relation to the General Public Health Work program (Part O); to amend the Public Health Law, in relation to lead levels in residential rental properties (Part P); to amend the Public Health Law, in relation to the Healthcare Facility Transformation program State III authorizing additional awards for Statewide II applications (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the Public Health Law, in relation to codifying the creation of NY

State of Health, the official Health Plan Marketplace within the Department of Health (Part T); to amend the Elder Law, in relation to the private pay program (Part U); to amend the Social Services Law, in relation to compliance of managed care organizations and providers participating in the Medicaid program (Part V); to amend Part D of Chapter 111 of the Laws of 2010 relating to the recovery of exempt income by the Office of Mental Health for community residences and family-based treatment programs, in relation to the effectiveness thereof (Part W); intentionally omitted (Part X); to amend Part C of Chapter 57 of the Laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to the inclusion and development of certain cost of living adjustments (Part Y); to amend the Public Health Law and the Mental Hygiene Law, in relation to integrated services (Part Z); intentionally omitted (Part AA); to amend the Insurance Law, in relation to mental health and substance use disorder health insurance parity; to amend the Public Health Law, in relation to health maintenance organizations; and to repeal certain provisions of the Insurance Law relating thereto (Subpart A); to amend the Public Health Law, in relation to general hospital policies for substance use disorder treatment (Subpart B); intentionally omitted (Subpart C); to amend the Social Services Law, in relation to court-ordered substance use disorder treatment (Subpart D); and intentionally omitted (Subpart E)(Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the Public Health Law, in relation to direct observation and evaluation of

certain temporary employees (Part EE); to amend Chapter 495 of the Laws of 2004, amending the Insurance Law and the Public Health Law relating to the New York State Health Insurance Continuation Assistance Demonstration Project, in relation to the effectiveness thereof (Part FF); to provide funding to programs providing opioid treatment, recovery and prevention and education services operated by the New York State Office of Alcoholism and Substance Abuse Services or certain agencies (Part GG); to amend the Elder Law, in relation to grants awarded for classic NORC programs (Part HH); to amend Chapter 141 of the Laws of 1994, amending the Legislative Law and the State Finance Law relating to the operation and administration of the Legislature, in relation to extending such provisions (Part II); to amend the Public Health Law, in relation to authorizing the Dormitory Authority to transfer certain funds repaid by borrowers relating to restructuring pool loans (Part JJ); and directing the Department of Health to conduct a study in relation to staffing enhancement and patient safety (Part KK).

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk.

The Clerk will read.

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

ACTING SPEAKER AUBRY: We have an amendment at the desk.

Mr. DiPietro to briefly explain the amendment while the Chair examines it.

Proceed, Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move for its immediate adoption and ask you for the opportunity to explain it. And I know in your infinite kindness and sense of fair play, you will grant that request.

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

On the amendment, Mr. DiPietro.

MR. DIPIETRO: Thank you very much, sir. This amendment prevents taxpayer funding of elective abortions. This amendment would allow for taxpayer-funded abortions in three circumstances: When the life of the mother is at risk; when the pregnancy was the result of rape; and when the pregnancy is a result of incest. With the recent expansion of abortion rights in the State, those individuals who are morally opposed to abortions should not be required to foot the bill for elective abortions. This measure would not stop anyone obtaining an abortion under the new expansion, but it would give taxpayers freedom from paying for abortions that are elective.

ACTING SPEAKER AUBRY: On the amendment, the Clerk will record the vote.



Excuse me.

Ms. Glick on the amendment.

MS. GLICK: Thank you, Mr. Speaker. While I appreciate that there are individuals who, out of their religious beliefs, are opposed to abortion, abortion is actually health care, and Medicaid covers health care for women who are poor and for women, many of whom who are young. Without access to those Medicaid funds, women who are unwilling to become parents, a mother, should not be forced to carry a pregnancy that they do not wish to carry. Abortion is health care, and Medicaid covers health care, and we should continue to do so.

I urge a no vote.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. While this is not a religious issue, this is a moral issue. And there are -- there is a difference between it. I would recommend that in the sense of taxpayer, we've just gone through a lot of budget discussions about whether taxpayers should be funding money for certain things. We've argued back and forth, and this definitely fits into that category where if someone does not want to pay for an abortion, just like they don't want to pay for elections and campaign funding, they should have that right. I understand that there are some who can't afford it, I understand all the circumstances. But in that respect, that's also their choice. If you want to talk about choice, they have their choice. But they also have our right not to have to pay for their choice.

So with that, I would urge a yes vote. Thank you,  
Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The bill is defeated.

Another amendment at the desk. Ms. Melissa Miller  
to briefly explain the amendment while the Chair examines it.

MS. MILLER: Thank you, Mr. Speaker. I offer the  
following amendment, waive its reading and move for its immediate  
adoption and ask for the opportunity to explain it.

ACTING SPEAKER AUBRY: We have examined  
your amendment and have found it germane to the bill before the  
House.

On the amendment, Ms. Miller.

MS. MILLER: This amendment amends the  
bill-in-chief to prevent cuts to the Consumer Directed Personal  
Assistance Program without specifically defining how the reductions  
will be achieved. Year after year, the Governor has ignored calls to  
protect the State's most vulnerable population. For once, he needs to  
get out ahead of a problem instead of reacting with haphazard,  
patchwork solutions. This is a problem with a simple answer: Cut  
spending on wasteful, ineffective economic development programs

and fund programs commensurate to the tremendous value that they bring to their communities and to the rest of the New York State. One such program is the Consumer Directed Personal Assistance Program, or CDPAP. It was specifically designed to give those in need the care of the freedom and flexibility to have professionals of their choosing, ones that they trust to handle delicate and critical day-to-day tasks in their homes, looking after them. It's cost-effective and, more importantly, compassionate. For many, the idea of waking up to any stranger, let alone one who has so much impact on their well-being is frightening and unfair. These are personal interactions and they should be treated as such. These skills that they perform can involve daily hygiene, toileting, even diaper changing. Dignity must be considered here. The ability to feel comfortable and familiar with who is taking care of you or your loved one cannot be minimized. It is paramount in the success of caring for these populations; the developmentally- and mentally-disabled, the medically-complex and senior citizens at home. Any cuts to the CDPAP program should be fully outlined and not done behind the scenes by the Department of Health and the Division of Budget. As we have learned, New York State overbilled the Federal government for claims within the CDPAP program, and to repay back these funds, the Governor has decided to hide the true meaning of these reductions. Our most vulnerable in New York State should not be penalized because of the inefficiencies of the Department of Health by cutting funding to the CDPAP program.

On March 27th, it was released through regulation that the Department of Health would be changing rates for payment to this program to a per-member, per-month structure. No matter what is being said, this rate change will negatively impact the CDPAP program. Changing the rates to a per-member, per-month structure will once again impact the very vulnerable population of people who need the most help. High-needs individuals cannot be boxed into a capitated amount. Their needs change. Believe me, speaking from personal experience, many wish they had that stability of a limited number of hours per month and the knowledge to know what that would be. Which brings me to the big problem: The decisions that affects so many are being made behind our backs by who? People who aren't living this. I can tell you that. The bottom line here is cutting funding without defining exactly where, why and how is going to hurt our population and it isn't necessary.

Thank you.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

We have another amendment at the desk. Ms. Walsh to briefly explain the amendment while the Chair examines it.

MS. WALSH: Thank you, Mr. Speaker. I offer the

following amendment, waive its reading, move for its immediate adoption and ask for the opportunity to explain it.

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

On the amendment.

MS. WALSH: Thank you, Mr. Speaker. This amendment refers to the direct care worker wage adjustment that is in the -- this bill. As you know, the Human Services COLA was deferred, that was promised in 2017, and this year was scheduled to be 2.9 percent. And instead of that, the direct care worker wage adjustment was put into this bill which provides an overall average of 2 percent to increase total salaries for direct care staff and direct support professionals. Two percent for January 1st, 2020, and another 2 percent for April 1st, 2020. Our amendment would give 3.25 percent, effective today, April 1st, 2019, and 3.25 percent effective April 1st of 2020.

Direct care professionals have one of the hardest and most demanding jobs in New York. They work tirelessly to ensure the well-being of those who have difficulty caring for themselves. While they have watched Governor Cuomo flaunt his support for criminals, fast-food workers and Hollywood elites, their wages have flat-lined. Funding for their programs remains far shy of what's needed, and they must fight and scrap for recognition at every turn. Members of our Conference have continued to support the "# bFair2DirectCare"

initiative, which has fought for more funding and better pay for direct care professionals. Without adequate funding, the disability community is at serious risk of a devastating labor shortage. Failing to adjust the pay of direct care workers will put an enormous strain on this struggling industry and create an incentive for skilled and experienced workers to seek employment elsewhere. Simply put, they can make more money doing less by working in a less demanding field. This legislation provides critical funding to be used for recruitment and retention of direct care staff, direct support professionals and clinical staff.

Just this past week, there was outrage at proposed Federal cuts to the Special Olympics program, yet the bill that we are dealing with today is a sad indication of how our State is failing to lead. And I find that completely unacceptable. A week or so ago, there was a big rally up in the War Room that many of us attended. While I was there, several parents handed me letters and talked to me a little bit about their children. Here's what one of them says: "Our daughter is 48 years old and has lived for the past 14 years in an individual residential alternative. We are in our 70s, and due to her increasing physical need we are no longer able to have her visit us at home. The staffing at her home is in crisis. There are currently several shifts that have no staff assigned. The staff remaining must work overtime and extra shifts. They are also using relief staff, but there is never enough staff to do the job that needs to be done. The relief staff do not have the experience with the residents to do the best

job possible. Part of the reason is that the pay is so low. One of our wonderful staff people just left to work at a hospital where she will get \$7.50 more an hour. We cannot blame her. In the last two years, my daughter has been hurt in three separate incidents, which I feel are directly related to the staffing crisis and the low hourly wage offered to direct support professionals. The DSPs are providing needed services to individuals with developmental disabilities and are not receiving a living wage. It is close to impossible to recruit new staff, especially since the fast-food workers have been given a living wage. When new staff are hired, they often stay only for a short time and either leave for a State DSP position or leave the field entirely, due to the difficult work and low wage."

At this year's rally, after the Governor's staff came and addressed the crowd, several wise consumers in the back of the room said, *How much? How much are you going to give?* And I think this bill, as currently written, provides the answer 2 percent next year in January, and 2 percent then in April of next year. And this amendment, which I ask you to consider, would give 3.25 percent effective immediately, and another 3.25 percent effective next April. I believe that it's the least that we can do to help people who are struggling in this really critical, critically-important profession, and I ask for your consideration of this amendment.

Thank you.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Colleagues, I just wanted to remind us that this is a three-way budget deal that has been agreed upon, and that there are -- is included in this budget \$80 million for this population of workers who are doing a fabulous job. And over the last few years, many of us have been very proud to support the #bFair2DirectCare movement. And while it's never enough and it wasn't enough for any parts of our budget today, Mr. Speaker, we think that we've made a good effort here. And it's a good financial plan, and it's a great investment into a group of people who deserve much, much more. But so do many of the other people in our budget today that we were not able to totally fully fund. So I think we've made a good stride with this one, and I appreciate the comments coming from our colleague, and I think, however, this amendment should be defeated.

ACTING SPEAKER AUBRY: Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill.

Mr. Raia.

MR. RAIA: Good morning, Mr. Speaker.

ACTING SPEAKER AUBRY: Good morning, sir.  
How are you?



MR. RAIA: The sun's coming up, it's a beautiful day. I'm going to make this as quick and painless as possible. Will the Chairwoman, who has done a wonderful job for the last 24 hours, yield for a couple of questions?

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

MS. WEINSTEIN: Sure. Be happy to.

MR. RAIA: Thank you. We'll try and keep it all in-House so you don't have to go to some of the other chair people. I'll start with the most obvious: Why on earth is the Legislative Pay Commission extender in the Health Budget?

MS. WEINSTEIN: There is just a technical issue that relates to -- it's basically a pop-up of this legislation that if something were to happen in the -- in the court case for whatever reason, it's in -- in the past it was in the Unconsolidated Laws. It ended up in the Health Budget -- health bill years back, and we're just having that in as a --in case there's an adverse ruling that it would restore those items.

MR. RAIA: Gotcha. Not sure I get that, but I really don't care right now.

(Laughter)

What's happening with the Fidelis, Centene settlement? Is the -- is the settlement money still going to hospitals and nursing homes for the contractual rate increases?

MS. WEINSTEIN: Yes.

MR. RAIA: Okay. Moving right along. Under

long-term care-related MRT recommendations. There's a residential health care facility workgroup that's going to be established to deal with case mix adjustments and Medicaid. My concern is, the workgroup is supposed to get together and complete all their work by June 30, 2019, and the cuts or whatever changes to the Medicaid rates of payments will happen on July 1, 2019. You know, I've been kicking around here for some 28 years in one form or another, and I can't think of one commission or one workgroup or whatever that's ever done their work on time. So my question is, when they don't finish their work on time, what's going to happen with those new rates that are supposed to take effect?

MS. WEINSTEIN: So, the -- the rates that the -- from the workgroup will be perspective, so not until January 1. So there shouldn't be an issue.

MR. RAIA: Okay. ACA codification.

MS. WEINSTEIN: Yes.

MR. RAIA: There's a section in here, we're codifying in State law provisions of the ACA which prohibit insurance companies from imposing any preexisting conditions. This has already been the law in New York State for a whole lot of years, right?

MS. WEINSTEIN: Yes. Yes, but we're just merely -- we're codifying in case things change in terms of some of the court decisions --

MR. RAIA: Okay. Yeah. I just wanted to point out for -- for those that might be voting against the budget that this is in

fact already --

MS. WEINSTEIN: Okay.

MR. RAIA: -- the law in New York State.

Last but not least.... let's see. Well, why are we deferring the human services cost-of-living adjustment?

MS. WEINSTEIN: Just a lack of revenues.

MR. RAIA: Okay. I'm out. Thank you very --

MS. WEINSTEIN: Thank you.

MR. RAIA: -- much.

MS. WEINSTEIN: Thank you, Mr. Raia.

MR. RAIA: Everybody get a good rest.

ACTING SPEAKER AUBRY: Ms. Melissa Miller.

MS. MILLER: Hi. I just have a few questions, if the sponsor will yield.

MS. WEINSTEIN: Sure.

MS. MILLER: On -- on the CDPAP portion again. So is there -- has there been any language that would say is there a maximum limit set per-member, per-month? Like a cap per-month, per-member.

MS. WEINSTEIN: No, I do not believe so.

MS. MILLER: So, no language, nothing has been said? Or is that just up to them to -- to be determined?

MS. WEINSTEIN: There is no cap.

MS. MILLER: No cap. And is there any consideration for the higher-needs population or unstable population

for those that can't fit into the nice little silo of a flat amount that changes constantly?

MS. WEINSTEIN: Well, I think the amount would be scaled based on the -- the amount of need.

MS. MILLER: So they would average it.

MS. WEINSTEIN: No, I think there would be different levels based on need.

MS. MILLER: Yes. It would definitely -- it would -- as usually is. But will there be -- if -- if somebody is a higher-needs, they would have a higher number of -- well, okay. Never mind. Is there a -- any statutory framework to ensure the continued success of this program?

MS. WEINSTEIN: Yes. Yes.

MS. MILLER: Okay. And are they still reducing the -- taking the \$75 million from the CDPAP program? That's still being...

MS. WEINSTEIN: We've kept it at \$75 million.

MS. MILLER: So the -- the rate change implementation that's taking place today, actually, to the per-member, per-month is estimated to save the State \$14 million. Where is the remaining savings coming from?

MS. WEINSTEIN: So the \$14 million I'm told is only for fee-for-service Medicaid.

MS. MILLER: Right. But they're -- they're taking \$75 million from the program.

MS. WEINSTEIN: The \$75 million also includes managed care.

MS. MILLER: Okay. I just also have -- well, one more question on the CDPAP. Is there any reassurance or guarantee that there will not be any disruption or lapse in services to the consumers?

MS. WEINSTEIN: There is a -- a -- in the law there is a transi -- there is a requirement for a transition plan, there's a workgroup set up.

MS. MILLER: And who appoints people on to that workgroup?

MS. WEINSTEIN: The -- the Commissioner.

MS. MILLER: Which commission?

MS. WEINSTEIN: DOH, the Department of Health Commissioner.

MS. MILLER: Okay. Now I just have a question on the COLA. I know that it was something that we were supporting. Is that just another example of that they couldn't come to a mutual agreement?

MS. WEINSTEIN: We -- we couldn't come to an agreement because there was a need for additional revenues and we couldn't come to an agreement about increased revenues. You know, that we did -- you know, as we've discussed -- I discussed with Assemblywoman Walsh, and I believe others, that we do have the #bFair 2 percent that is going to be starting in January.

MS. MILLER: Right. Okay. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. MILLER: On the CDPAP, I mean, as a -- as a consumer with a child who is utilizing this, I do have strong concerns that there's much that's still vague, that's not very clear about where the cuts are coming out of, and how this per-member, per-month is going to affect individuals with higher needs and how the transition over from the fiscal intermediaries that were not in place before 2012 have to reregister. So I do have strong concerns over that, but was happy that they made some compromise. As far as the COLA, I just -- I cannot fathom how with a \$175.5 billion budget, we cannot find any money for COLA. If the parties that control now both Houses and the branches of government are parties of women, justice, people of color, why is it that they couldn't find \$20 million to fund the human services COLA whose workers are 81 percent women and 46 percent people of color. Are they not worth the .01 percent of the New York State budget? These are the people who work with children, people with disabilities, behavioral health specialists. How do you expect them to continue to support themselves and their families when they've had no raise in almost ten years? New York State is taking advantage of them. Shame, shame on them.

Thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Yes, Mr. Speaker, I want to read

into the record the text of a letter that is being sent to me as Chair of the Assembly Health Committee and Senator Gustavo Rivera as Chair of the Senate Health Committee from Donna Frescatore, the Medicaid Director of New York. This letter was negotiated as part of the budget negotiations on this bill and -- and is part of the legislative intent of this budget legislation and should be regarded in -- in that context. And the text of the letter goes as follows, and I apologize if this will be a little incomprehensible. It's a lot easier to make sense of when you're reading it, but I need to get it into the record.

*The purpose of this letter is to confirm that related to the 2019-20 budget dialogue, the Office of Health Insurance Program -- Programs at the New York State Department of Health will continue to support robust consumer protections for recipients of personal care services. The Department will propose regulations under the New York State Administrative Procedure Act to identify appropriate reasons or factors to be documented in an individual's service plan for denying, reducing or discontinuing personal care service -- services that are not medically necessary. The proposed regulation -- regulations will not alter the individual's right to a fair hearing or to have such services continue unchanged until the fair hearing decision is issued, parenthesis, (Aid-Continuing) in accordance with applicable laws.*

*Next, promoting asthma practices -- asthma projects and medically-tailored meals as promising Delivery Service Reform Incentive Payment program (DSRIP) practices and interventions with*

*performing provider systems and their network providers, including health plans.*

*Related to the transition of members of Independence Care Services [sic] (ICS), Medicaid Managed Care Plan to VNS CHOICE, increase in Network Enhancement Fee -- Fee paid by VNS CHOICE to providers that have maintained status as a participating provider in the ICS network through March 31, 2019; and have either (1) joined the VNS CHOICE network on or before April 1, 2019 and remain in the Network for three years from that date; or (2) entered into a case payment agreement with VNS CHOICE on or before April 1, 2019; by \$24 million (gross), payable on a quarterly basis, over the three-year period starting on April 1, 2019. In order to receive such funding, the provider must enter into a release agreement with ICS and VNS CHOICE by the date required by such release.*

*Refrain from taking administrative action -- actions intended to carve out Medicare transportation from the Adult Day Healthcare Care programs that have elected to self-manage transportation for their members.*

*Update/modify the methodology used by the Department to risk adjust the premiums paid to manage long-term care programs to better recognize the acuity of certain medically-complex populations. The Department will continue to engage stakeholders via its already established risk adjustment methodology engagement process.*

*Incorporate into monthly Medicaid Redesign Team*



*briefings with the Legislature the status of the Department's efforts to ensure managed care organizations and providers are meeting the requirements of Federal and State Labor laws and regulations regarding the workforce -- regarding workforce recruitment, retention and minimum wage. This includes charges -- changes in laws and/or policy that may impose new requirements on plans and providers.*

*The Department is committed to ensuring that the legislative leaders have full access to vital information and commitments provided in this letter to build off previous efforts to ensure Medicaid program transparency. We look forward to working with you and your staff to make the Medicaid program more cost-effective in the months and years to come.*

*Sincerely, Donna Frescatore.*

I realize that is kind of gibberish, but I assure you it relates to important things that we were able to achieve with the Health Department and the Executive Branch in the Medicaid negotiations that produced this bill.

Thank you.

(Applause)

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

(Jeers/booing)

MR. ABINANTI: All right, guys. I didn't say that when you we're talking, so shut up and listen.

(Laughter/jeers)

ACTING SPEAKER AUBRY: Mr. Abinanti, the Chair will take care of that,

MR. ABINANTI: Thank you.

ACTING SPEAKER AUBRY: You don't need to do that, please. It is five or six in the morning --

MR. ABINANTI: I understand.

ACTING SPEAKER AUBRY: -- and we've all been up, so...

MR. ABINANTI: So have I.

ACTING SPEAKER AUBRY: So apologize and we can go on.

MR. ABINANTI: I've heard my colleagues talk about the defect in this bill, and I agree with them. The word should go forward very clearly: This Governor is no friend of people with special needs. He set a spending limit, he opposed adding revenues to our budget by taxing rich New Yorkers. So our staff, who worked very hard, was not able to cure the defects that the Governor built into this budget. We did what we could. I'm voting for this, but people in the State of New York are going to get hurt because of this Governor. And my colleagues on the other side of the aisle have highlighted it, but there's nothing we can do as long as we let this Governor set a

spending limit and prefer wealthy people to the people in the State of New York who need help.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Simotas to explain her vote.

MS. SIMOTAS: Thank you for the opportunity to explain my vote. An important part of this budget bill removes a barrier to health care that has existed in New York for nearly 30 years. Since 1990, insurance policies have provided certain coverage to New Yorkers who are dealing with infertility. However, because of an outdated provision in the law, most patients are denied access to the safest, most effective treatment for this disease. I speak specifically about IVF, which has long been considered the gold standard of care for people grappling with this heartbreaking medical condition. Since IVF is explicitly excluded from the type of treatment that most insurance policies cover, New Yorkers have to make the heart-wrenching decision of choosing between not having children or incurring exorbitant out-of-pocket fees to create the families that they want. Not anymore. With this vote, we finally remove the archaic restriction from large group insurance policies and require them to cover IVF. Although this budget does not remove this restriction for all policies, it is a first step. Choosing the best course of treatment for infertility should be a decision between a doctor and their patient, and it should be made without the obstacles of restrictive insurance

policies.

Thank you. This budget bill will eliminate these obstacles for -- for many New Yorkers, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simotas in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we go to page 4, Rules Report No. 52, budget bill.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02004-D, Rules Report No. 52, Budget Bill. An act making appropriations for the support of government. (Capital Projects Budget)

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Governor's message is at the desk.

The Clerk will read.

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

ACTING SPEAKER AUBRY: Mr. Barclay.

MR. BARCLAY: Thank you, Mr. Speaker. I wonder if the Chairwoman would yield?

ACTING SPEAKER AUBRY: Ms. Weinstein, will

you yield?

MS. WEINSTEIN: Surely. It's been a while since we spoke.

MR. BARCLAY: It has, Chairwoman. I think you've been speaking a lot more than I have recently. Just for the -- could you enlighten the Body just where we are in this budget process right now?

MS. WEINSTEIN: Oh, in the budget process? Yes, we have this Capital Projects bill and we have the legislative -- Legislature/Judi bill, and -- Judiciary -- and that's the bills required for the -- to complete the budget.

MR. BARCLAY: I see on my desk I have the Financial Plan.

MS. WEINSTEIN: Yes. Yes.

MR. BARCLAY: Madam Chairwoman, that's good. That gives us a fuller picture. Just one quick question on this bill. In the Housing part of this piece of legislation, you have \$72 million for the Governor's Office of Storm Recovery. Could you tell me how this works? Is this for future storms that may hit, or does this cover past storms?

MS. WEINSTEIN: It's an existing program to help with disasters -- help people with disasters that happened around the State.

MR. BARCLAY: In the Transportation part of this budget, we have left out the Extreme Winter Recovery, which was

money provided for Upstate localities.

MS. WEINSTEIN: Yes.

MR. BARCLAY: Could you explain to me why we have \$72 million for the Office of Storm Recovery, but we get rid of the Extreme -- Extreme Storm Recovery -- or excuse me, the Extreme Winter Recovery money in this budget?

MS. WEINSTEIN: Well, we were not able to get agreement on the -- on the other, but, you know, we're hoping that there'll be continued discussions capital. This is basically the -- the Governor's proposal with two very small -- this bill before us with just two very small changes --

MR. BARCLAY: So just --

MS. WEINSTEIN: -- additions.

MR. BARCLAY: I'm sorry, what was that last part you said? I'm sorry.

MS. WEINSTEIN: There are just two small additions to this bill other than what was presented to us as the Governor originally presented.

MR. BARCLAY: So your -- your hope is outside this budget, the Extreme Winter Recovery may get somehow put back in before next year?

MS. WEINSTEIN: We're -- we are -- you know, traditionally we have capital discussions that are added to the -- that -- that results in additions to the Capital Projects Budget presented to us by the Governor; that did not happen as of yet in terms of additions.

So we're -- conversations about capital are ongoing, and we'll continue and I'm hopeful we can get some agreements.

MR. BARCLAY: Okay. I hope so, too. Thank you, Chairwoman. Thanks for your courtesies.

MS. WEINSTEIN: Thank you.

MR. BARCLAY: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I just wanted to speak a little bit about the fact -- I know it was just discussed that there is no \$65 million in Extreme Winter Recovery funding or \$150 million -- or any type of increase in the CHIPS base aid whatsoever. I just want -- and I -- and I appreciate the comments by the Chairwoman saying that they want to try and find additional capital funding in the future, but as of right now we don't have that. So I just kind of want to say to my colleagues, particularly my colleagues from Upstate New York, my colleagues from Long Island, and yes, even my colleagues from New York City, so when you're -- when you're voting on this budget bill that has no CHIPS increase and cuts \$65 million for local municipalities for local roads and bridges through the Winter Recovery program, I hope you keep in mind that 87 percent of the roads in New York are owned and maintained by our local municipalities. Fifty-two percent of the 18,000 bridges in New York are owned and maintained by our local municipalities. Forty-eight

percent of the miles driven are driven on local roads. Also, as you make -- cast this vote to cut \$65 million in assistance to our local municipalities for roads and bridges, I hope you keep in mind there are still billions of dollars in unmet needs on our local roads, bridges and culverts. As you cast this vote to cut \$65 million in local funding for local infrastructure, I hope you keep in mind that this morning thousands of kids are getting placed on school buses across the State that are traveling over local roads and bridges. That first responders are responding to an emergency in your local communities, going over local roads and bridges. That when you cast this vote now to cut \$65 million for our local infrastructure for the Winter Recovery program that you are placing more of a burden on the local property taxpayer. When you cast this vote to cut \$65 million for local infrastructure today, I hope you keep in mind that you -- you voted to spend \$100 million annually for a taxpayer-funded campaign system. When you cast this vote to cut \$65 million for local infrastructure today, I hope you keep in mind you voted to spend \$100 million annually for a taxpayer-funded campaign system. When you cast this vote to cut \$65 million for local roads and bridges for local municipalities, you are casting a vote to also spend \$2.5- -- \$2.4 billion on the SAM program. When you cast this vote to cut \$65 million from our local roads and bridges, you have already cast a vote to give a \$420 million tax credit to Hollywood for the Film Tax Credit. When you cast this vote to cut \$65 million from our local roads and bridges and culverts through the Winter Recovery program, you have already voted to freeze the STAR



savings for our seniors and other school taxpayers, which will result in a cut when fully phased-in over the next year of \$119 million cut -- a tax increase for our seniors and for other school property taxpayers because of this freeze. When you make this vote to cut \$65 million in local funding for our roads, bridges and culverts, I hope you keep in mind that you're voting to spend billions of dollars on the MTA Downstate. When you make this cut -- this vote to cut \$65 million from our local roads and bridges, I hope you keep in mind that you have already passed an unfunded mandate on to our local counties with the -- agreeing to the changes to the AIM program that takes that money from our counties rather than putting the direct support back. You've already done that. And when you make this vote to cut \$65 million from the local infrastructure for our Winter Recovery program, I hope you realize that, my colleagues, you own this cut. You can't blame it on the Governor. You are voting for it. You have to explain it. You have to justify, it's your cut.

I can't tell you how very disappointed I am in this budget, especially when it comes to -- to our local roads and bridges. It's very disappointing. It's very, very wrong, and you know it's wrong.

For those reasons and many others, I'm going to be voting no on this bill and I urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. DiPietro.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes. Be happy to.

MR. DIPIETRO: Just one question on the Library Aid. I was under -- I guess I had talked to a number of people both up in the Senate and here on -- on your side of the aisle who were -- who were supporting the library funding, so I was -- I really thought the last minute it was going to be put in, back into the bill and it's not. Can you tell me, just honestly, was that a Governor -- Governor cut, or was that something that came out of our -- our -- our Conference on your side?

MS. WEINSTEIN: We -- you know, as I mentioned, this is the Governor's budget that we have before us. We -- he cut library -- he cut library capital. We tried restoring and we were not successful. But as I said to Mr. Barclay, the discussion about the capital will continue after this budget is adopted.

MR. DIPIETRO: Okay, thank you. Appreciate it.  
On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: I told library -- my library people and anyone else in the library system last year after they got a -- a nominal increase, said the Governor after his election is going to cut

you again and it was proven right. His modus operandi is very strong when it comes to the disabled, our most needy community, and also libraries, for some reason. He has something in his head that he does not want to fund them. And again, we predicted this last year. Not that I'm a soothsayer, but I told them to watch their pennies because he's going to cut them again. And he did, and that's unfortunate. Libraries are the -- especially out -- I think in every district they're the hub of your community, they are the lifeblood of your community. That's where everybody gathers, that's where the technology is, that's where people go. They're more than just books, and they're very important. And I'm just sad to see that for a lousy \$14 million in this budget, it's not even -- not even a -- a drop in the ocean that we couldn't stand tall, we couldn't put our backs up against the wall to the Governor and say, *You know what? On something like this, Governor, we're not going to capitulate, we're not going to back down, and it's not a bargaining chip. Put the money back in.* And I'm really disappointed in our Governor and on some other people that didn't have the backbone to stand up for the libraries. So I'm -- I'm -- that's one thing I'm disappointed.

And I just want to reiterate my -- my colleague's comments also on the CHIPS funding. We sit here every year and we try to -- we try to beg for crumbs for our infrastructure. Can we get a couple million more dollars on a \$175 million budget when everyone uses the roads. It's our -- our major form of safety. There's no reason our roads should be in the -- in the shape they are, especially up in

Western New York. And I would -- I put in a bill and I'd like to see it next year that we just say no to the Governor, and we're going increase our CHIPS funding to \$1 billion. We're going to double the CHIPS funding and get these roads right, because too many people -- the insurance claims on just the potholes, as you see the commercials. Potholes are so bad that they're doing thousand -- \$100,000 commercials on them. So that -- that should tell you all you need to know. So I'd like to see our -- our CHIPS funding go to \$1 billion next year and end this so that our -- our people can finally have the money to fix the roads and start -- start getting them right.

Between that and the library funding, that's a major disappointment. I'll be voting no and I'd -- I'd encourage all my colleagues to vote no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ra to explain his vote.

MR. RA: Just as a point of clarification, this is not what we meant when we said we should pass a budget in the light of day. I vote no.

(Laughter)

ACTING SPEAKER AUBRY: Point well-taken, Mr. Ra.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I'm really distressed that we're here talking about capital when we haven't dealt with the issues of NYCHA. NYCHA needs millions of dollars, and we have nothing in the budget for NYCHA. SUNY, CUNY needs all our money and there's nothing in the budget. And I appreciate that we ran out of time, but I can't in good conscience go forward with a capital budget without the priorities.

I'll be voting no on this.

ACTING SPEAKER AUBRY: Mr. Epstein in the negative.

Mr. Otis to explain his vote.

MR. OTIS: Well, I'm supporting this Capital Projects Budget, but our understanding is as it relates to the issue my colleague mentioned and others, that there's going to be further Capital Budget discussion after this budget is adopted here later in Session, so there's hope on a lot of issues. One thing I would like to point out is that the budget bill that we're voting on today includes the \$500 million for clean water projects around the State. The first payment on \$2.5 billion over the next five years. That's a good thing for everybody here in this room, and something we can be happy about.

Thank you.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could go to Rules Report No. 51, it is a Budget Bill, a Legislature and Judiciary Budget.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02001-A, Rules Report No. 51, Budget Bill. An act -- an act making appropriations for the support of government, Legislature and Judiciary Budget.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk. The Clerk will read.

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

ACTING SPEAKER AUBRY: 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. Phillip Steck to explain his vote.

MR. STECK: Thank you very much, Mr. Speaker. I do want to point out that using the Office of Court Administration's

own data that court filings have decreased 41 percent from 2008 to 2017 and, yet, during the same time period we've increased the Judiciary Budget by \$700 million. I don't find this particularly appropriate, given all the human needs that we have. Much has been written on the Judiciary Budget. Some have said that it's the most expensive Judiciary in the entire world. I would point out, too, that the -- that the -- we have a problem in Schenectady, where filings have been down, the Mayor has tried to reduce the number of judges from four to three in City Court, and we get resistance from OCA for absolutely no reason.

There's a lot of things going on in the Judiciary. I think this Body needs to give this topic a little more scrutiny. The New York Law Journal reported that the Court of Appeals has heard the fewest criminal cases in the last 15 years. In our 3rd Judicial District, the seven county area, we typically have about 15 civil trials a year. And I did look at some of the statistics for some of the other counties that are supposed to have quite a bit of congestion, research done by a former Bar President, showed that felony filings, even in the Bronx, were substantially down over that same time period, as were civil filings.

I would urge that we not give this -- this topic in the future just complete leeway without scrutiny. There's a lot there to be looked at, and I hope we will undertake that task. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Weinstein to explain her vote.

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

So, when we started our last Ways and Means meeting, we had a little musical interlude where I played us some bars of *A Hard Day's Night*. Well, over these past weeks I've heard through the -- where the Ways and Means staff are sunrise -- the lyrics of *Sunrise Sunset. Sunrise Sunset. Swiftly Flow the Days*. Because our staff -- our Ways and Means staff, our P&C staff, our Central Staff have worked so hard over these past weeks to bring us to where we are today. We have thanked them at various times, but I -- I just wanted to take a moment to thank all of the staff just -- it would take us -- if it was a little earlier in the day, I might name them all, but I'll just name -- just highlight the leaders. Our secretary, Blake Washington.

(Applause)

And his two Deputies, Phil Fields and --

(Applause)

And Sean O'Keefe.

(Applause)

And all of -- you know, one day we'll take some time and I'll read through all the names of -- of these -- the Ways and Means staff who worked so hard to bring us where we are today.

And, of course, I want to thank Mr. Barclay throughout this process, beginning at the hearings and through the debates on the -- on the bills. We've --

(Applause)



-- really appreciate his support.

(Applause)

And, Mr. Speaker, I would like to vote yes on this bill.

ACTING SPEAKER AUBRY: Ms. Weinstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can finally go to page 3, Resolutions, Assembly No. 243, Committee on Rules.

ACTING SPEAKER AUBRY: Page 3, Rules Report -- Assembly Resolution No. 243. The Clerk will read.

THE CLERK: Assembly Resolution No. 243, Committee On Rules. Concurrent Resolution of the Senate and Assembly fixing the salaries of Offices of the Governor and the Lieutenant Governor pursuant to Section 3 and 6 of Article IV of the Constitution of the State of New York.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

(Laughter)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Since this will be the last vote of the day and the morning, so if we could properly take a vote so that we can move forward --

(Laughter)

-- I would appreciate it. Thank you, colleagues.

SPEAKER HEASTIE: Are there any other votes?

Announce the results.

(The Clerk announced the results.)

The resolution is adopted.

So, I know the day has been long, we've been here for almost 24 hours, but I just wanted to say a -- a couple of things. You know, when -- when we all run for office, we all say that we want to change the world, and we tell that to our constituents, that we're going to change the world. But I always feel like the real job for us, as I've said many times before, is just try to make the world a little bit better when we occupy these seats that we have been given the privilege by our constituents to -- to give us.

And I know sometimes it may seem like we didn't do enough. It reminds of the time I would come home with a 97 on my report card and my father would say, *Well, how come you didn't get a 100?* But back then, I remembered why my father said that. He didn't say that to me because he didn't think I didn't do good enough, he said that to me because he didn't want me to settle and he wanted me to continue to try harder.

And sometimes we do try hard, and sometimes we

don't get exactly to where we want to get. And I'll be the first one to say that this is not a great budget. There's not a lot of happiness in this budget. There's a lot things that are missing in this budget. But we did the best that we could. And I want to thank the members, who even knew -- even though we know that this is not one of the best budgets that we did, that you did the best that you could for your constituents, and even held -- had to hold your nose and vote on some parts of this budget. It was a tough one. There wasn't a lot of good things in here. But I've got to say, one of things that is -- because particularly for me when I first became Speaker, I said the most important thing, I could do any other thing, I said but I felt like my Speakership would be in vain if we didn't reform the criminal justice system here in the State of New York.

(Applause)

And so, I want to thank all of my colleagues and, you know, to -- to the Speaker Pro Tem, Jeff Aubry, who I've always called the -- the *Godfather of -- of Criminal Justice Reform*, and then I call Uncle Joe, *Uncle Joe Lentol*, who, as I said, was a leader on many of these issues before anybody knew what these issues were about, even before I knew how important these issues were, Joe Lentol was leading the way on this.

(Applause)

So, I want to thank, of course, and she was a rock star today, that Assemblywoman from Brooklyn who did a wonderful job talking about how important it was to reform the bail system. And we

still have work to do, because we got "this close" to it being a cashless system, but we are going to get to the finish line to make it a -- a completely cashless bail system.

So, Latrice, I want to thank you. You did a hell of a job on what you did today.

(Applause)

And just one other thing, and I know many of us didn't like how we got there and -- but it was an important thing, I think, for our constituents. And I had said to our members in the Conference that if we had left this budget session -- this budget session without giving the MTA a long-term sustainable ability to fund and repair the system, that it would have looked badly upon us. And I know it was tough for some people. And I know some people still don't like it. But at least we can go home and say we gave the MTA the opportunity to right itself. Because when we go home, we want to make sure that our constituents have the ability to get to work and not have to worry about delays, and not have to worry about the train being stuck, or the signals not working. So, I want to thank everybody for -- again, it was a tough issue. Ten years ago, I think it was just eight of us in the Assembly who supported congestion pricing, and so I know it took a long and hard way to get there, but at least the MTA has the ability to do what's right for our constituents.

So, I just, lastly, want to thank, again, our wonderful Chair of Ways and Means, Helene Weinstein, who stood up here and -- and debated --

(Applause)

You know I like to use sports metaphors, but she looked like a great quarterback out there handing it off to everybody else who needed to debate on different parts of -- of the budget.

And, again, our -- she's still new, but she's already acting like a veteran, our Majority Leader, Crystal Peoples-Stokes.

(Applause)

And all the Committee Chairs, it -- it's too numerous to name them, but I love you all, you -- you make us proud. You do what -- you do great work. You represent your -- your Committees well, you represent the Assembly Majority well.

And I want to say to Minority Leader Brian Kolb and Will Barclay and our friends on the other side of the aisle, like I said, all -- although we have philosophical differences, some of you are good guys -- no, I'm kidding --

(Laughter)

-- all of you -- no, I'm kidding. It's -- Brian, particularly with you, I -- I couldn't imagine a better relationship with someone who's supposed to be an -- an adversary. And I really could say, even though you are of the other Party, I truly consider you a friend.

(Applause)

And then finally, I just want to run through -- and I know Helene started to mention the wonderful staff, but I just really want to run through it again and -- and poor Blake, he hasn't had any

sleep in -- in three days. But Blake Washington, the dedicated Ways and Means staff, Louann Ciccone, and the entire Program and Counsel staff, our Counsels, Kathleen O'Keefe, Howard Vargas and Joanne Barker, Brian Coyne and our entire legislative services team, Randy Bluth in the bill drafting, our Intergovernmental Press Office, CIS, Wayne Jackson --

(Applause)

-- and our Sergeant-At-Arms.

(Applause)

John Wellspeak and his team and -- and all of the -- the staff that are with me here in Albany --

(Applause)

-- and in the district. I know we have Paul Upton here and we have Isa leaving, I have Raven Brown, who came up from the -- the office in the -- in the City, and all the Assembly support staff, thank you for really making the Assembly who we are and what we are. And like I said, I always get a -- a big kick out of always the weekend before we have to get to a budget, I do like to come up and visit the staff and -- and actually surprise them and joke around with them, but really let them know that -- how much they mean to us because without them, the Assembly would not be the greatest institution in the State of New York.

(Applause)

So, thank you all. Go home, get some rest.

(Applause)

And I will now say and call on our wonderful  
Majority Leader, Crystal Peoples-Stokes.

(Applause)

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker

--

SPEAKER HEASTIE: Oh, no. I'm sorry. I'm sorry,  
Crystal. I need to call on --

MRS. PEOPLES-STOKES: Mr. Kolb.

SPEAKER HEASTIE: Dealer's choice.

MRS. PEOPLES-STOKES: Well, since I'm already  
standing --

SPEAKER HEASTIE: Okay.

MRS. PEOPLES-STOKES: I want to take this  
opportunity, Mr. Speaker, to thank you for allowing me the  
opportunity to serve as Majority Leader. One never would've thought  
that I would've ended up here, not anybody in my current background  
or my long-term background. And so, for me it's been a great  
pleasure. I will say, though, it's been trial by fire. From day one, we  
came into these Chambers and started passing legislation that we had  
been working on for years and had it passed in the Senate and had it  
signed by the Governor, and so it's just been a very fast-paced  
opportunity to serve, one that I really relish in.

And this whole budget process, I want to commend  
you on the way you try to make sure that everybody got included when  
there was not a lot to be shared. I -- I think that our members should

appreciate your leadership for that, because it would've been very easy just to say no to some of these things that were necessary. It's very hard to do a lot with a little. I know that from my -- my family growing up, I know that from my own background. Every now and then you'd like to see more in your life, and -- but you just don't have the resources to do it. So, I want to commend you for your efforts there.

It's been a true pleasure to work with Mr. Kolb and my colleagues on the other side of the aisle. Folks know I grew up with Republicans sitting at my dinner table, it was my mother. And it's -- it's always been a delightful experience, my father was always a Democrat. So, I -- I think that it's easy to develop relationships with people when you can just understand that we all want the same thing, we want the best for our constituency. So, I think we've done a great job here.

And I can't speak enough about this gentleman sitting here, right here on my left, Brian Coyne. I mean, talk about being a -- the captain of a ship.

(Applause)

This guy -- this guy and the awesome staff that he works with are -- are phenomenal. They don't allow you to miss a beat, and for that I am eternally grateful.

It's been a pleasure to serve you in this position, my colleagues. I want to thank you all individually and collectively for your willingness to work with me as I work through this process of



learning how to be the Majority Leader in the New York State Assembly.

Thank you, sir.

(Applause)

SPEAKER HEASTIE: Thank you.

And now we call on Mr. Kolb.

MR. KOLB: Thank you, Mr. Speaker. Good morning, everyone.

MEMBERS: Good morning.

MR. KOLB: Okay. A couple of parts, I should be able to wrap this up by 8:00, so bear with me.

(Laughter)

First of all, I'd like to extend a genuine thank you and appreciation and acknowledgment starting with our brand new Ways and Means Ranker, Will Barclay, who I think did an absolute awesome job leading our Conference.

(Applause)

Second of all, Mr. Barclay and our Conference could not do what we do in terms of carrying on what I -- I really believe is legitimate public policy debate, we're not always going to agree, that's obvious, you could tell that by the debate, our questions and -- and the going back and forth, but part of what makes us who we are as a Conference as members, is having a dedicated, loyal, hardworking, intelligent, wonderful group of people that we refer to commonly as our "staff", not -- in Ways and Means, but in the entire Assembly

Republican Conference, I just want to acknowledge each and every one of the men and women that have done such a terrific job for us. Thank you, and we love you.

(Applause)

A couple of things I'd like to mention on the policy front, and then I'll close with a couple other acknowledgments.

First of all, ladies and gentlemen, this is not the way to do the public's business. We understand that there's difficulties, trying to get agreements with both Houses of the Legislature and the Governor, in particular the Governor. We get that. But I would also tell you that I was hoping that we would learn that doing business in the light of day, all day, is the way to craft \$170 billion budget that affects so many lives in our State. And the point being is forget whether you like it or don't like it, but we should be able to provide the people of New York State, every group, every individual that comes to visit our offices throughout the year, and you all have experienced it, hundreds if not thousands of people that have flooded the hallways of Albany, the elevators, the -- the steps, the escalators that are not working - sorry RoAnn - it's real. But they need 72 hours as a minimum to digest, understand, reflect and, by the way, call each and every one of us to say, *like it, don't like it. Could be better, could you change this?* And whether or not we change it in the end, each and every one of us, we still should give the people of the State of New York the opportunity to weigh in on the most important document that we craft as a Legislature. The amount of money that

we spend or don't spend on a variety of topics, whether it's Education, Transportation, Criminal Justice, it doesn't matter. What matters most is the people want to believe and feel that they have an opportunity to weigh in on the choices that we're making.

So, this is not Republican, it's not Democrat. It's about, *Do I have a voice?* Yes, we're all elected, but shouldn't we give them the opportunity to weigh in on every piece of this budget, whether you like it or don't like it, just to say, *Hey, wait a minute, could you just one more time look at this?* And I think the fact - and I just say - by the way, ladies and gentlemen, this is not about this year, this has been a long time, where we're doing budgets at 2:00, 3:00, 4:00, 5:00 in the morning, and now here we are at 7:30 in the morning finishing up, closing up, where all of our constituents, hopefully, were in bed sleeping while we were crafting a spending plan that's going to affect their everyday lives. Whether it's a teacher, whether it's a police officer, whether it was a psychiatrist, whether it was a -- a mental health provider, the fact that we're wrapping up something so important to each and every one of them without them just having three days to look at it, we can do better, ladies and gentlemen.

I know we can't change it now, but I'm going to just say to each and every one of you, how about we hold all of us more accountable? And this is both Houses, this is the Governor. You know, it's -- enough is enough. Enough is enough. We did not get elected to come down here to be rubber stamps or to be rolled over or to be just bullied into doing things that each and every one of you feel

very strongly about. And please notice, this is not about partisan stuff. This is just about transparency, openness, communication.

So, when we talked about criminal justice -- I'm just using that as an example, great topic that we should have a conversation about. Great topic that we should have public hearings about. Great topic that we should banter all across the State about the right things we should do, whether you're a victim or whether you're a criminal. To stick it in a budget bill is unconscionable. Really? I'm not saying that what we've done is awful, I'm just saying how about we -- we really talk about this in the light of day when we should. And any other provision that was thrown in this budget, public financing, fine, let's talk about it. Let's have public hearings. That's all I'm really saying on some of these things. And it's not about saying we shouldn't do anything. And I know there's passion with our colleagues on the other side of the aisle about these topics. I respect each and every one of you and your opinions about how we can do better, how we can deliver justice. So, why not talk about it in public.

One other thing on this budget, and we've debated it, we've talked about it. And I'm just saying personally, and please forgive me, but every day, every week, one of our colleagues in government travels with her family to bring her son here and her husband here every day so she can serve great people of her district and the State of New York and make sacrifices every single day and trying to find a health care provider. And what do we do? We get cheapskate on 2 percent versus 3 percent to help those direct care

providers that do God's work --

(Applause)

So, yeah, I get a little Irish in me, a little passionate about this stuff. But you know what, we don't get a chance to talk about this from a human element. Enough. After the votes are cast, I think it's better that we have this conversation so you don't think it's about a vote. But it's about priority. You know, and we talk about -- about social and economic justice, and we increase the minimum wage, okay, I get it. But you know what? I met with the health care providers in my district, the minimum wage increases that we put forth and everybody said we're going to lift people up from poverty, okay. The money that we've provided, the direct care -- the "#bFair2DirectCare" workers, do you realize, ladies and gentlemen, that the money that we've provided are still a-dollar-an-hour short of what the minimum wage is increased in our State. So, even the money at 2 percent that we're putting forth this year, they're still now \$2 behind to try to compete with people that are going to work for McDonald's or any other fast food establishment. And we're still be -- behind the eight ball.

So, when we talk about dollars and cents, I just want you to just think about this as we go down the road. It breaks my heart, it breaks my heart, when I see a man, a woman, a child confined to a wheelchair and they have to struggle to -- to find a provider that's willing to give their heart and soul, to lift them out of a wheelchair, to put them in a bed, to get them out of bed, and then they're struggling

to figure out what they're going to do to help that individual, and then we talk about millions of dollars in economic development, with no transparency, no accountability. That's what gets to me.

So going forward, ladies and gentlemen, I'm hoping if we can revisit some of these things this year, and with -- you could cite any number of other things in our communities, like libraries. Mr. Palmesano, who, if you can't tell, gets a little animated about CHIPS and roads and bridges, he does that because he cares. He cares about the constituents that he serves. And this is what this is all about. And I'm not trying to be on a bandbox, I'm just trying to bring a real perspective that this is not about Democrats and Republicans, it's about how to make lives better in New York State, regardless of where you live.

So, with that, Mr. Speaker, a couple of final acknowledgments. And thank you for listening.

First of all, Helene, God bless you. Long day, long day-and-a-half. Thank you for not only taking every question, whether you knew the answer or not, it's immaterial, but what I appreciate the fact that every one of my members or our members that asked you a question, you treated them with respect and acknowledgment, and I appreciate that, and thank you.

(Applause)

Mr. Speaker, I know I'm going a little longer than you would like me to, but I've just got a couple more.

Madam Majority Leader, you communicated the other

day when you see Mr. Kolb -- I was a little animated the other day about something, I don't know what it was. However, I got the message communicated to me that Mrs. Peoples-Stokes, when you get a chance, would like to give you a hug. And so I'm here to say, *I love you, too.*

(Laughter) (Applause)

Mr. Speaker, you know, it's -- I love you, man.

(Laughter)

You need some areas of improvement, but just a couple of things. But make no mistake, ladies and gentlemen --

SPEAKER HEASTIE: You'd like me to move to the right a little bit, right? That's --

MR. KOLB: No, no, you're good.

(Laughter)

You're good.

SPEAKER HEASTIE: Okay, good, because that wasn't happening.

MR. KOLB: In this business that we're in, it's not easy. Mr. Speaker and all of you on the other side of the aisle, got your job, got your roles, got your constituents. On the flip side, my members have our roles, have our jobs, have our constituents, and we can disagree vehemently, we can argue on the floor, but one of the things that the Speaker said, which I totally agree with, that in the end, as long as we keep it to the policy disagreements, but recognize that we're human beings and friends, which I do also agree with, that

doesn't make us bad Democrats or bad Republicans, it makes us solid human beings.

Mr. Speaker, thank you for being you.

(Applause)

SPEAKER HEASTIE: Thank you, Brian. Thank you, everybody.

MR. KOLB: I have one more, Mr. Speaker, before we wrap up. I know, I know, I don't get this very often --

(Laughter)

-- so I'm taking full advantage of it. I would now like to recognize, my final acknowledgment, to my utmost, absolute favorite Democrat, who we couldn't even run this place without. I love you, Wayne Jackson.

(Applause)

Okay. I'm done.

(Applause)

SPEAKER HEASTIE: Before I call on Mrs. Peoples-Stokes, I just want to say to everybody, please go home and get some rest.

But with that said, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do we have any further housekeeping or resolutions?

SPEAKER HEASTIE: No -- no housekeeping, no -- no further resolutions.

MRS. PEOPLES-STOKES: I'll now move that the



Assembly stand adjourned until the call of the Speaker, which will happen right away.

(Laughter)

SPEAKER HEASTIE: Let the House stand adjourned.

(Whereupon, at 7:40 a.m., the Assembly stood adjourned until the call of the Speaker.)