

**WEDNESDAY, APRIL 1, 2020**

**8:34 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, including members Weinstein, Jean-Pierre, Barron, Linda Rosenthal, Melissa Miller, Messrs. Salka, McDonough, Ms. Dickens and D'Urso, who are participating remotely, the Clerk will read the Journal of Tuesday,

March 31st.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Tuesday, March the 31st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would appreciate an opportunity to share another quote today. This one is from Helen Keller, most of us have known her since we were in elementary school, or at least we met her and read her stuff then, but her words today are, *Although the world is full of suffering, it is also full of overcoming it.* Again, that's Helen Keller, Mr. Speaker, and I believe that we are in the process as a world of overcoming this horrible pandemic that we're in today.

Mr. Speaker, I want to once again thank the members for all of their cooperation this entire week. It has been stressful, we have been doing some things that we're not so used to doing, we've been socially distant, but we've, however, been "spiritually connected," to quote our Governor Cuomo. As we continue to get our work done in trying to pass -- or passing the State Budget, I would like to remind our members that we will continue using the similar procedures that we followed yesterday in terms of debate, voting and social distancing.

So, in that -- with that in mind, Mr. Speaker, we do have -- have already met Ways and Means and Rules, and they have produced a [sic] A-Calendar which we will take up. Additional scheduling could follow, but right now -- not right now. So, Mr. Speaker, if we could advance the A-Calendar, we can begin our work.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: So I'm going to start with Rules Report No. 18, it's on page 3, and then we're going to follow that with Rules Report No. 20 which is on page 4 -- 10, sorry. Well, we'll start with those two, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09504-C, Rules Report No. 18, Budget Bill. An act making appropriations for the support of government, Capital Projects Budget.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, 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 has been requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker and members of this Honorable Body, we are living again, as previously

stated, in unprecedented times as it relates to both the health and economic status of our country and our State. We have seen people change their behavior to slow down the spread of the -- and to flatten this curve. People are remaining in their homes and taking other necessary health precautions in this horrible time that we're experiencing. Many New Yorkers are working from home, including my own daughter, Mr. Speaker, and, unfortunately, many are not working at all at the moment. Many of our constituents are facing tough times, difficult times.

The financial condition of New York State is also facing tough times, difficult times. A change in the Federal tax filings due date, which moved from April to June will drastically change the timing of much of our revenue, and the sharp dip in the economy will certainly affect revenue projections. The budget before you today relies heavily on tens of billions of dollars in new Federal aid. This Federal aid offsets State and local spending and will direct reimbursement cost as it relates to dealing with COVID-19.

Since the Federal funds will significantly impact State spending, we estimate spending of \$178 billion in an All-Funds financial plan, and we also estimate State Operating Funds and General Funds will spend much lower than the current year.

With that, Mr. Speaker, I'm happy to engage our colleagues in a discussion on the Budget Bill before us.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the

Majority Leader yield for a few questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, of course I will, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: And, again, as I said yesterday, thank you very much for, you know, what -- what you're doing in terms of having to answer questions with regard to this, and it certainly is unprecedented circumstances, so I thank you for -- for your leadership, helping guide the House through this difficult time.

So this is --we did debt service last night. This is the first of those bills that we really start to move through as we -- as we deal with the -- the meat of the budget, and one of the things that, you know, we see in this bill and a number of other bills is some, you know, contingency language because of the uncertainty you were talking about. So, what contingency language is included in this to -- to deal with potentially changing circumstances that we may see in the -- in the months ahead?

MRS. PEOPLES-STOKES: As you stated, Mr. Ra, I want to thank you very much for your leadership on these issues, as well. I understand that you sat with our colleague, Helene Weinstein, who is in the process of healing from this pandemic virus. You sat with her during the course of, you know, the hearings and that I want to commend anybody who could sit that long and listen to that many

people about something that they want as opposed to something that we all may need --

MR. RA: Well, thank you --

MRS. PEOPLES-STOKES: --so congratulations to you on that.

MR. RA: -- it was a pleasure spending that time with the -- with the Chairwoman. There were maybe a couple of times that we all didn't view it that way, but for the most part, I enjoyed her company and got to learn a lot.

MRS. PEOPLES-STOKES: So this bill, again, enacts a Capital Budget for the State's Fiscal Year '21 -- 2021 and it includes All-Funds appropriation of \$20.57 billion. It -- it actually will trigger some budget reductions and also some budget withholdings.

MR. RA: So -- but what -- what that is allocated in this bill, you know, has -- has the potential to have to either be reduced in -- in the future or, you know, get further approval from the Department of Budget before it moves forward?

MRS. PEOPLES-STOKES: It's hard to put some specificity on that one, Mr. Ra. I would say that any appropriation might be subject to reduction.

MR. RA: Okay. The -- now if --

MRS. PEOPLES-STOKES: Or withholding.

MR. RA: Okay. How is any Federal funding that may -- may come, you know, through the current statute that they

passed just last week or any future, you know, funds that may be made available to the State handled in this -- in this bill?

MRS. PEOPLES-STOKES: Okay. So, Mr. Ra, it actually is not -- the question that you're asking is not in the Capital bill, but it is in future bills, more precisely the Revenue bill. We will see that what the State has done is use the Federal dollars to supplant what normally would have been State dollars, keeping our All-Funds the same number.

MR. RA: Okay. So, one of the major proposals in -- in this year's, you know, Executive Budget proposal from a -- from a capital standpoint was a -- a bond act, Restore Mother Nature Bond Act, which I think we all certainly understood at the time what the purpose of the proposal was, in terms of restoring different parts of, you know, our environment to try to address impacts that have -- have come over the years, whether it's through pollution or just, you know, us building communities around these natural resources. I see that that proposal has made it into the final budget. Has there been any changes from what the Executive proposed with regard to the Mother Nature Bond Act?

MRS. PEOPLES-STOKES: Yes, there have been some changes. So, Mr. Ra, the -- some of the changes actually specify how the potential bond act dollars will be expended.

MR. RA: Okay. And is there anything that, you know, makes putting that bonding out contingent in any way, you know, on the bond market we know that that is certainly something

that has been impacted as a result of the economic circumstances that have resulted from the current public health crisis.

MRS. PEOPLES-STOKES: So, in the event that the market doesn't flourish in a way that will be beneficial to a bond act, the Governor has the authority and the ability to make changes to it. I, for one, hope that that doesn't happen. I think, you know, there's a huge connection to the science of all of this to what we're experiencing now. And so, I'm hopeful that we are able to move forward with this environmental bond act.

MR. RA: Okay. One of the other areas that I think we often pay, you know, much attention to as we go through our State budgets is -- is economic development. And we know that, you know, over the course of the years the Governor has had, you know, large, different pots of money that he's -- he's overseen different economic development programs. We also know that many times those programs have not delivered on -- on the jobs that -- that, you know, were expected or were promised. And certainly during the times we find ourselves in, we all have local businesses in our districts that -- that are in desperate need of help. So, could you tell me what discretionary funding the Governor has oversight of in this bill related to economic development?

(Pause)

MRS. PEOPLES-STOKES: So, Mr. Ra, I'm told that there's some \$700 million all over the budget, but in this particular 9504, there's \$300 million that would actually be allocated for the



Regional Economic Development Councils.

MR. RA: Okay. Is -- is there any provisions being made in this bill or perhaps in another bill that would, you know, add any new accountability measures when we do provide economic development dollars, you know, to some of the programs that we've seen, whether it's, you know, a plant like Tesla that has under-delivered on their job promises or any -- anything that gets funded by these discretionary funds of the Governor's?

MRS. PEOPLES-STOKES: No, it does not.

MR. RA: Moving on to an issue that we -- we know came up, you know, last year and we -- we had major changes to our Election Law last year, which required a lot of work at the local levels to implement. By, you know, by that, largely it was the new early voting procedures which required major technological upgrades to the systems in our local Boards of Elections and, certainly, at the State level. Is there any new funding being provided for election-related expenses for early voting?

MRS. PEOPLES-STOKES: No.

MR. RA: Okay. And then I -- I just want to move along to the Education and Higher Education provisions. Does this -- does this bill make any changes to the Governor's proposal for community college capital for our community colleges?

MRS. PEOPLES-STOKES: It does not, Mr. Ra.

MR. RA: Okay. So that -- that would be the same as in the Executive Budget proposal. And is that the same for SUNY for

the four-year programs, as well?

MRS. PEOPLES-STOKES: So in the SUNY capital, Mr. Ra, there is language to ensure that the State has access to the resources before it gets expended. And I understand that there's also a match by SUNY, two-to-one.

MR. RA: Okay. And then the Higher Education Capital Matching Grants Program, which deals with, I believe, our -- our private higher educational institutions, is there any appropriation for that program?

MRS. PEOPLES-STOKES: No, there is not.

MR. RA: Thank you very much.

Mr. Speaker, on the bill.

MRS. PEOPLES-STOKES: You're very welcome.

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

MR. RA: And, again, thank you to the Majority Leader for answering my questions.

You know, so many of these -- these bills obviously come at a time when we have great uncertainty, not just obviously with the health crisis, but what the long-term repercussions are going to be to our economy and to our -- our ability to expend funds, to our ability to support so many of the programs we all care about and many of us got elected to the Legislature to fight for. So, I recognize those difficult circumstances we find ourselves under.

When it comes to Capital, we're in a situation where the bond market is -- is not good. We have, you know, programs that

are important to us that certainly need -- need our funding and our support. I do think that, you know, when it comes to our capital needs, we -- we need to focus on taking care of our local communities, our -- our local governments, our local businesses that are hurting and I think that, you know, unfortunately in many of the bills to come, we, you know, too many of -- of those Executive priorities that haven't delivered on economic development are -- are taking care of and -- and not so much enough for those local businesses.

Our -- our local businesses need us right now. They're the job creators. We -- you don't hear about them getting huge sums of State money and then not -- not delivering on it. They -- they're the ones who, you know, donate to our little leagues and our Girl Scouts and I hope that as we move forward and, God willing, move through this crisis and -- and are on better grounds, we are there to partner with our local small businesses and our local governments and help move our communities forward. So, thank you again, Madam Majority Leader, and, you know, I look forward to continuing the discussion on -- on future Budget Bills this evening.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, of course, Mr.

Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields.

MR. WALCZYK: Thank you for the courtesy, Madam Majority Leader. First off, this -- this bill is all bonded for, we're going to borrow money to pay for this so we don't have the same kind of strings attached that the Governor has put on some of the other -- other bills or inserted his ability to change the budget conversation without the Legislature's approval moving forward; is that right?

(Pause)

MRS. PEOPLES-STOKES: Yes, Mr. Walczyk, you'll see in a later bill where the Governor is offering opportunities to change the structure of the bonds in ways that will benefit the State in its spending at the current time. So, it may not be something that happens right away, but it is available to him.

MR. WALCZYK: Right, but on -- on this particular bill, these funding amounts we're bonding for, so the Governor doesn't have the ability, whether it's 30 days or in the next quarter or later in the year to change these funding levels throughout; am I right?

(Pause)

MRS. PEOPLES-STOKES: So, yes, he will have the capacity and the ability to take down appropriations, but he doesn't have to expend them at the moment when he has access to them.

MR. WALCZYK: Okay. Thank you. I'd -- I'd like to direct your attention to the portion on agriculture in regards to the

New York State Fair. In the past, the Governor has expanded the number of days that the State Fair is operated and I see this year there is \$10 million more in this year's budget; is that what that's going to be used for?

MRS. PEOPLES-STOKES: The last part of your question?

MR. WALCZYK: The \$10 million, is that directed for those few extra days of the New York State Fair being open?

MRS. PEOPLES-STOKES: So, Mr. Walczyk, I am told that that is actually for capital projects on the State Fairgrounds, not so much for the expanded dates.

MR. WALCZYK: Okay. I appreciate that. It -- it may strike me as a -- a funny year to be planning additional capital projects in a place where people coalesce in very large groups and are -- if you've ever walked down the midway in the -- in the New York State Fairgrounds, it's a wonderful time, but it's certainly not in a -- in a crisis like this where people are wearing masks and gloves and encouraged to stay in their homes and away from large masses of people. So, that -- that may have just been an -- an oversight that's caught up in the budget process --

MRS. PEOPLES-STOKES: I'm not so sure it was an oversight. I -- I think, much like Mr. Ra, that God is willing and we won't be here come August and September. We may have a new norm, but we will be able to attend the Fair.

MR. WALCZYK: I certainly share in the same

optimism, Madam Majority Leader, and hopefully we'll -- we'll be crowded in without any concern at the New York State Fair. I hope to see you there.

On the environmental -- or on the Restore Mother Nature Bond Act, this is something that requires voter approval, correct?

MRS. PEOPLES-STOKES: Yes.

MR. WALCZYK: Will we, as New York State, because I've heard various things about bonding, and forgive me for some ignorance here, but will we be able to borrow that much money currently?

MRS. PEOPLES-STOKES: Did you say currently?

MR. WALCZYK: Yeah, or --

MRS. PEOPLES-STOKES: No.

MR. WALCZYK: -- or in the -- in the near future.

MRS. PEOPLES-STOKES: No. I would say perhaps in -- sometime in the future, but not right now.

MR. WALCZYK: Okay. And, Madam Majority Leader, if you would continue to yield through the Speaker.

MRS. PEOPLES-STOKES: Sure.

MR. WALCZYK: The Western New York Nuclear Service Center, we've got \$500,000 in additional spending over last year's budget. Do we have any kind of projection on when that project will conclude, and is that work being delayed as nonessential work during the COVID-19 crisis?

MRS. PEOPLES-STOKES: Mr. Walczyk, if you would give us a few minutes, we'll do the research and let you know that.

MR. WALCZYK: Be happy to.

(Pause)

MRS. PEOPLES-STOKES: Okay. So we believe that it's a Federal match so it -- we would match whatever the Federal government puts up.

MR. WALCZYK: Thank you. And the -- the second part of that question --

MRS. PEOPLES-STOKES: Whether or not it's essential or not, I -- I don't think it's essential, but I can't tell you whether or not people are -- are still engaged in any work there or not.

MR. WALCZYK: The ski facility upgrades, last year we -- we funded some ski facility upgrades, but I'm seeing this year we've increased the amount that we've allotted for ski facility upgrades by \$64.5 million. What was the -- the crux behind that, or is there a specific project that's -- that we're looking to do?

MRS. PEOPLES-STOKES: Okay. So, Mr. Walczyk, there's some anticipation of a world -- World University Games in Lake Placid, which its major focus would be in the area of ski -- skiing.

MR. WALCZYK: Okay. Thank you. And under Parks, the Adirondack Park Agency, I see that we've added \$1 million more than last year to the budget; is that considered essential

construction, and what will that money be used for?

MRS. PEOPLES-STOKES: So that's going to be improvements to the Adirondack headquarters, Park's Headquarters. And I would think that --- well, given that it's construction and -- and the Governor has already said that, you know, there are no -- and there's an Executive Order to stop construction projects unless they're essential, I would say that it's falling under that Order.

MR. WALCZYK: Thank you, Madam Majority Leader. And through the Speaker if you'd continue to yield, under Parks Infrastructure, I see \$4.2 million we've added in addition to last year. As a member who represents 28 percent of the New York State campgrounds right in the front yard of America, I wondered if you could tell me where those \$4.2 million for Parks Infrastructure are going to land and whether --

MRS. PEOPLES-STOKES: So, are you looking for specificity on the list of where all Parks dollars are going?

MR. WALCZYK: No. Specifically, Madam Majority Leader, on Parks Infrastructure, the \$73.4 million, we've added \$4.2 million to last year, if there was a specific target for the \$4.2 million increase.

MRS. PEOPLES-STOKES: Page 86 of the Yellow Book and for the State Infrastructure Preservation of Facilities Program, it's an increase of \$3 million to accommodate 11 new positions for Trade Generalist, and for the \$5.2 million for State Park Infrastructure Preventative Maintenance Program, it's an increase of



\$1.2 million to accommodate 11 new positions for cliff scalers and stabilize dangerous rocks -- to stabilize dangerous rocks.

MR. WALCZYK: Thank you so much. Under Discretionary Funding, the State and Municipal Facilities Program, often referred to as SAM, cynics may have another word for it, the Governor has re-appropriated a total \$2.8 million was in -- in his proposal; was there any increase in -- in this bill?

MRS. PEOPLES-STOKES: There was not, Mr. Walczyk.

MR. WALCZYK: And what will happen with the --with the re-appropriations if they're not allocated? Will they continue to go out to members as discretionary spending?

MRS. PEOPLES-STOKES: Yes, they pretty much remain as re-appropriations.

MR. WALCZYK: Thank you. And under Economic Development, the Regional Economic Development Councils, I see \$150 million, which is the same level that they were funded at. There have been proposals out there, one put forward by my conference that would sweep some of these monies directly in to help small businesses in -- in New York State as an aid package. Was that something considered? And I know we had an expedited process, we had hearings and then didn't present the individual Senate and Assembly One-House Budgets, but was that something that was considered?

MRS. PEOPLES-STOKES: In this Capital Budget Bill, no.

MR. WALCZYK: And this -- this next question will -- will be at the heart of both of us, Madam Majority Leader, if you'll indulge. Last year we spent \$2.4 million and the Buffalo Bills made it to the playoffs. I'm wondering if the additional \$26,000 will get them to game two or to the Superbowl.

MRS. PEOPLES-STOKES: Yes.

(Laughter)

MR. WALCZYK: Which is it --

MRS. PEOPLES-STOKES: Go Bills.

MR. WALCZYK: -- which square should I buy, Madam Majority Leader?

MRS. PEOPLES-STOKES: Sorry, sir. Would you say that again?

MR. WALCZYK: No, that's -- I'm -- I'm being facetious. But I hope it's a Super Bowl, as I know you do, as well.

MRS. PEOPLES-STOKES: I do believe we're going to the Super Bowl sooner or later, so, yes, I'll just answer that yes.

MR. WALCZYK: I have a feeling.

And through you, Mr. Speaker, under -- under Education and Arts, library construction was cut by \$20 million. And I just -- if you could bear with me for a second, under Education and Arts, I also notice the Office of Professions got a \$18.2 million increase for technology for licensing. I couldn't help but notice the contrast there within the same portion of the budget. Are we -- we sacrificing our construction dollars for our community center libraries

in order to pay for those professional licenses?

MRS. PEOPLES-STOKES: The only increases in this particular Budget Bill is for CHIPS. There are no other increases in Capital except CHIPS.

MR. WALCZYK: Thank you, Madam Majority Leader. And what is the increase in CHIPS, Consolidated Highway Improvement Program?

MRS. PEOPLES-STOKES: Sixty-five million dollars.

MR. WALCZYK: And how will that money be disbursed? Does it have parity between the Consolidated Highway Improvement Program and the MTA?

MRS. PEOPLES-STOKES: As a [sic] Upstater, I would certainly hope so, Mr. Walczyk.

MR. WALCZYK: I would hope so, too. Can you -- can you confirm that for me?

MRS. PEOPLES-STOKES: I can't give you the specificity of that right now, but I can look into it and get back to you.

MR. WALCZYK: Thank you, Madam Majority Leader.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: I think this is a -- this is a start to a budget conversation that's going to be troublesome for many. If you were following along with the debate, there were quite a few adds and

I was surprised to see so many adds in what is going to be a difficult year, not just for New York State and our finances, I know we're all crying poverty around here and which programs are going to be cut, which ones are going to have a maintained level. But at the same time, and I -- I wish I had more time, but I'll remind the Speaker that we've cut debates short through some new Assembly Rules, I've only got 15 minutes this time around.

So the \$25 million in new funding for Criminal Justice Services, I would have loved to ask about IT services, \$150 million for new funding. The Department of Law, I would have loved to ask what those \$4 million are for. I'm not sure if construction projects to the tune of \$10 million and \$140 million under Military and Naval Affairs are necessary this year, but I would have loved to ask about it. The State Police had an ask there I would have loved to ask about for another \$1 million. Supported Housing Program for \$64 million, which I also would have loved to ask about if I had a little bit more time, but I hear from the buzzer it's expired and I hope that some of many colleagues will pick up where I've left off.

Thank you, Madam Majority Leader and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Walczyk.

Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker. Will Madam Majority Leader yield for some questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: I will, Mr. Speaker.

MR. PALMESANO: Thank you. And just for those watching at home, I am not Ken Blankenbush, I'm just playing him on TV tonight. Social distancing.

(Laughter)

First, thank you for your time. I had a couple of questions, but I kind of -- some of them I -- I might -- I think I know the answer to, so if I -- I'll just kind of get through it and maybe you can just -- just acknowledge it, just yes or no. It's my understanding with the -- on the Transportation portion of this budget, when it talks about where the -- the Division of Budget has changes they can make, basically really, because it's bonding, it's capital. It really -- how that would work and how they had the control on it is really depending on the time and place and decide if they can go out to bond based on the market or not. Is that where that real control comes forward with that issue on the control, because it's not an appropriation?

MRS. PEOPLES-STOKES: They actually have that control now, Mr. Palmesano.

MR. PALMESANO: And -- and it's my understanding that there's a -- a five-year MTA plan as part of the budget, but -- and when the Governor presented his plan back in January, it was a two-year DOT Capital Plan, but this budget -- this bill that we have in front of us changes it from a two-year DOT

Capital Plan to a one-year DOT Capital Plan; is that correct?

MRS. PEOPLES-STOKES: That is correct.

MR. PALMESANO: And what is the funding level for that one-year DOT Capital Plan and what -- what percentage increases it, or how much of an increase is it above last year from a dollar and percentage amount?

MRS. PEOPLES-STOKES: Six million dollars. I'm sorry, \$6 billion.

MR. PALMESANO: Six billion dollars. And how much --

MRS. PEOPLES-STOKES: Which is... how much is what?

MR. PALMESANO: How much of an increase is that from last year to this year going -- because we're comparing one year to the -- the last year like -- and the other bill we're comparing the last two to the first two?

MRS. PEOPLES-STOKES: It's a 32 percent increase.

MR. PALMESANO: All right. So, I know very similar in the -- in the Governor's proposal, there was a 33 percent increase or comparing those two years. And was there a specific reason why we went to a one-year Capital Plan while we still have an MTA Plan at five years?

(Pause)

MRS. PEOPLES-STOKES: Well, I think you

probably already know the answer to this one, but it is because the current economic condition is not stable enough to be sure that you're actually going to get the resources, so you reduce it hoping that you can at least --

MR. PALMESANO: So, for those --

MRS. PEOPLES-STOKES: -- achieve that amount.

MR. PALMESANO: And I know being from Upstate New York like myself, so for those watching at home who might wonder how come we have a five-year MTA Capital Plan versus a one-year DOT Capital Plan, and if we're going to make a modification, how come we're not having a little bit more parity? Why not reduce the MTA Capital Plan maybe down to three years instead of dropping the DOT Capital Plan down to one year? Is that because of the revenues that are backing up those plans?

MRS. PEOPLES-STOKES: So M -- MTA is statutorily required, and DOT is not.

MR. PALMESANO: Statutorily required for?

MRS. PEOPLES-STOKES: A five-year Capital Plan.

MR. PALMESANO: Well, then I think maybe that's something we can work on that would require the DOT to have a statutorily --- I hope for my Upstate colleague and our Upstate colleagues who are listening to this, maybe we should have a five-year DOT Capital Plan. It's been tradition in the past. So -- but thank you on that question.

I'd like to talk about --

MRS. PEOPLES-STOKES: You're welcome.

MR. PALMESANO: -- the SAM -- the SAM

Program a little bit. It's my understanding it's a \$1.7 billion left in that fund that's really at the discretion of the Governor, basically with the Majorities to determine how that money is distributed from a discretionary point of view; is that correct?

(Pause)

MRS. PEOPLES-STOKES: Two billion dollars.

MR. PALMESANO: So, \$1.7 billion that is for -- at the discretion of the Governor and the Majorities to decide up to \$2 billion -- \$1.7 billion that they have to spend for discretionary projects that you would deem are suitable, correct? That's at your discretion, correct, with the Governor; is that a fair and accurate statement?

MRS. PEOPLES-STOKES: So, yes, it is at the discretion of both the Governor and the Legislature --

MR. PALMESANO: Okay. So --

MRS. PEOPLES-STOKES: -- to decide.

MR. PALMESANO: So, \$1.7 billion at the discretion of the Legislature and the Governor to spend on projects -- Capital Projects --

MRS. PEOPLES-STOKES: Two billion dollars, two billion, Mr. Palmesano.

MR. PALMESANO: Two billion dollars. Okay. All right, perfect. Let me ask the question, has there ever been a



discussion on your side of the aisle to say, *Hey, let's take a piece of this \$1.7 billion and maybe not just use it for discretionary funding for individual projects in our districts.* Let's take some of that money, maybe not all of it, but some of it, maybe, say, \$100- to \$150 million for CHIPS or winter -- or PAVE-NY or BRIDGE NY, especially since CHIPS has been flat for the past eight years now with this budget, or for PAVE-NY, which has been flat. Maybe take some of that -- some of that money for -- for like some CHIPS, or maybe how about this: Restore the \$20 million cut in the Library Construction Grant Program which benefits a lot of people rather -- or maybe the \$30 million cut to the 4201 schools, for the Schools for the Deaf and Blind which this budget put in place that we're passing. Maybe take some of that \$1.7 billion to just fund a little bit of that program that benefits more people, instead of maybe just being used for a few people, a few members to use around their districts. Wouldn't it be better? Is there any discussion on your side of the aisle ever on this to use some of that money to spread that around for some of these programs that benefit a lot more people, a lot more areas, rather than just a few select people around the State?

MRS. PEOPLES-STOKES: I believe that was a question. So the response, the appropriate response, I think, would be that first of all, it's not \$1.7-, it's \$2 billion. And secondly, because it is at the discretion of the Governor as well as the Legislature. We -- we both have respective leaders who have the ability to make these calls. And so I would just -- I mean, I -- I can just speak for my

Speaker. You would have to speak for your Leader, but I think if you had a really good conversation with them you'd be able to make some calls on how these SAM dollars are expended as a -- by the list of things that you recommended.

MR. PALMESANO: Yeah, I -- I just wondered if there was ever discussions to really, let's take some of that \$2 billion and use it for some of these programs that benefit more people universally across the State, like our libraries, like our roads and bridges for our municipalities. And like the School for the Deaf and Blind. Maybe that would have been better to use some of that money to fill those holes and give a little bit of an increase since they've been flat or have been cut. I wish there was more discussion on that, rather than having it just being there to benefit a few other people.

So, thank you, Madam Majority Leader. I appreciate your time.

MRS. PEOPLES-STOKES: You are so welcome, sir. But I will tell you that most of what you just quoted, it's already being done with SAM dollars. And to the extent that more needs to happen with that, I'm sure if, you know, put it on the table to the right people, you can make that happen.

MR. PALMESANO: Well, I think it would be great if you use some of the SAM dollars to -- I'll go on the bill. I don't want to go back and forth.

MRS. PEOPLES-STOKES: Okay.

MR. PALMESANO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Thank you. I'd like to thank the Madam Majority Leader for her time. And -- and -- and I would certainly love to see some of these SAM dollars going to CHIPS and programs like that, or to restore a \$20 million cut that was made to our Library -- for the Library Construction Grant Program, or the \$30 million cut to our 4201 schools that benefits some of our most needed and children who need help, rather than just have it going -- \$2 billion going to a -- basically a fund that's controlled by the Governor of the Majorities at their discretion so it will benefit individual districts or different pockets of the State, not everyone. Like CHIPS benefits everyone in the State. Our libraries benefit everyone in the State. The 4201 schools benefit those who are disabled. So -- but I do want to say thank you to my colleagues, especially for pushing to restore the \$65 million in the -- in the CHIPS -- in the Winter Recovery Program, because that -- if that would have went through, that would have resorted in a 10 percent cut to local property taxpayers. So I want to say thank you for that. Thank you for the at the minimum at least maintaining CHIPS, PAVE (sic) and BRIDGE --

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, why do you rise?

MRS. PEOPLES-STOKES: Actually, I wanted to share some additional information with my colleague.

ACTING SPEAKER AUBRY: Do you yield, sir?

MR. PALMESANO: I would love to yield after I finish -- I -- I've got a couple things I want to say.

ACTING SPEAKER AUBRY: The gentleman does not yield.

MR. PALMESANO: Not -- not that -- I don't want to be disrespectful, I just want to get through these points and I'd --

ACTING SPEAKER AUBRY: Sir --

MR. PALMESANO: -- love to talk to you after.

ACTING SPEAKER AUBRY: Sir, go right ahead.

MR. PALMESANO: Thank you. So, I did want to say thank you on the Winter Recovery and on maintaining CHIPS. If some of those things would have been cut it would have been more devastating, so I do appreciate that. I do have some concerns and I know a number of my colleagues do, when we see there's a five-year MTA Capital Plan but only a one-year DOT Capital Plan. In the past there's been tradition where we've done five and five. The last time that happened -- it didn't happen, it was, I think, in 2009, 2008. That shouldn't be the case. And if it's statutory for the MTA, it should be statutory for the DOT. We should make that happen. I urge my Upstate colleagues from around the State to demand that five-year DOT Capital Plan be part of the statute, not just be option and discretionary, as other things.

And also I -- I do want to say that I'm still having some trouble with the SAM funding. The \$2 billion I really believe, and I think a number of us believe, that it would be better if some of

that money, at least some of that money -- I'm not saying all of it. You can still spend on your pet projects. That's fine. But some of that money could be used to fund important programs that benefit the entire State. Programs like CHIPS. Every municipality in the State benefits from CHIPS. Our Library Construction Grant Program, to accept a \$20 million cut for our libraries. That could have come out of a \$2 billion fund, but that's not what you did. We accepted a \$20 billion [sic] cut. Or our 4201 schools, for our schools for our blind and our deaf. How can we accept a \$30 million cut for the School for the Blind and the Deaf, but at the same time accept \$2 billion in slush money that we could just put around in individual districts? I'm not saying some of those projects aren't good, but we can have some balance here, ladies and gentlemen. Let's put some of this funding so it benefits everybody and not just individual districts around the State. Let's benefit our entire State. And so I hope moving forward, we work to get parity between our DOT and MTA Capital Plans, five-year plans, more equitably in the dollar amounts. And I hope moving forward, I really urge my colleagues on the other side of the aisle and down the hall in the other Chamber and this Governor, let's take some of this SAM money and let's make it more universally beneficial to everybody, not just members of the Majority. Not just the Governor. Let's benefit everybody. Let's make sure all communities benefit from this. Let's make sure all taxpayers benefit from this, because it is their money. Why should everyone's taxpayer dollars -- they should get some of that money back, but if you just use

it and do it in individual districts, their tax dollars are going, but not to their districts. So let's benefit everybody. Let's make sure all -- all members benefit from this. Let's not make it based on your party affiliation. Let's just make it a more fair and balanced approach. My -- my colleagues, we know that's the right thing to do. I know it's the right thing to do, and I know you know it's the right thing to do. I would just wish you would do it.

So for that reason, Mr. Speaker and my colleagues, I'm going to be voting on the negative on this bill and I urge my colleagues to do the same. And I'd be happy to yield for any questions if I have any time left. I don't know -- I have two minutes left. I'd certainly be happy to talk to you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MR. PALMESANO: This is great.

MRS. PEOPLES-STOKES: I thank the gentleman for yielding.

MR. PALMESANO: Absolutely.

MRS. PEOPLES-STOKES: I did just want to share something with you directly from the budget book, Capital Projects, as it relates to State and municipal facility programs. I -- literally everything that you just listed in your comments as needing to be funded with these dollars is laid out in the budget. And -- which says two things to me: One, that it's already being done, and probably even in your district. I know certainly in mine and other districts across the State. And if you -- it's on page (sidebar) 1,003, libraries, blind and

deaf student school issues, fire departments, volunteer fire departments, affordable housing, public school districts, street sweepers, heavy duty fire, emergency response, law enforcement vehicles. You name it and it's here. And so, I'm suggesting that this is available to you, much like it is available to every other member of the Legislature and in consultation with your leadership and with the Governor.

MR. PALMESANO: I think that would be great if -- if some of that money was available to us, for sure. And I guess I would add -- may I ask one additional question while -- am I allowed to do that? I -- I know I was on the bill. Madam Majority Leader, in my 30 seconds, I understand what you're saying. But let me just give you just one, I guess -- \$2 billion.

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: Out of that \$2 billion, would it hurt your members and the Governor to take just, let's say, just \$100 million or \$150 million of that to increase the CHIPS program which has been flat for the past eight years? A program which benefits every community, New York City, Long Island, Upstate New York, which benefits the taxpayers. Every dollar we invest in the CHIPS program is one less dollar that comes from the local property taxpayer. Every dollar we invest in the CHIPS program saves \$6 to \$14 for long-term rehabilitation costs. Wouldn't that be a wise investment to use with some of this money? That's all I'm saying.

Thank you, and thanks for your time.

MRS. PEOPLES-STOKES: It's already available. It's accessible to you. It's accessible to me. It's accessible to any legislator working in conjunction with their leadership as well as the Governor. You can use these dollars for CHIPS.

MR. PALMESANO: You give us \$100 million, we'll put it in CHIPS.

(Laughter)

ACTING SPEAKER AUBRY: Your time has run out, please.

Mr. Smullen.

Hold on. They've activated your button. You don't need to touch it.

MR. SMULLEN: Thank you, Mr. Speaker. Would the Madam Majority Leader yield for a few questions, please?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, of course, Mr. Speaker.

MR. SMULLEN: Thank you, Madam Majority Leader.

MRS. PEOPLES-STOKES: You're welcome, sir.

MR. SMULLEN: I really appreciate the opportunity to -- a couple of my colleagues have spoken about the issue about library construction aid cuts. I'm the Ranking Minority Member on the Library Committee, and I feel it's my -- my public duty to speak



out about this at budget time in particular and -- and see what we may be able to do, if not now but in the future, to be able to deal with this important issue. As it's been said, there's been about \$20 million of cuts, with \$14- remaining from last year. Could you reflect on why there has been these cuts to such an important pillar of our local communities?

(Pause)

MRS. PEOPLES-STOKES: So, because we are in difficult financial times, and you -- you will probably note and remember that in previous years the Governor has recommended cuts to libraries and we have always restored it. The reason why it's not restored this time is because there are not as many dollars available as there has been in the past.

MR. SMULLEN: So -- so as I -- as I can see of our library system, it's the public's portal to information and knowledge in the 21st Century. It's something where any citizen of any age can go across New York State and find a warm welcoming place where they can access the Internet, where they can talk to someone who curates knowledge, someone who can take care of their needs and help direct them perhaps to job resources. And what I -- what I'm finding here is that this relative prioritization is -- is somewhat misplaced. Is it possible that we may be able in the future be able to reprioritize these important public assets to what I think is their proper level in the -- in the -- in the public necessity?

MRS. PEOPLES-STOKES: Absolutely, sir. And, in

fact, I -- I concur with you. As a -- as a person who grew up in a household with parents who insisted on a weekly library visit and a person who represents a district with one of the most used libraries in the entire County of Erie, I know that libraries are important in people's lives. And I won't - I don't think you will find a member in our Chambers who would not agree with that, although we are dealing with difficult financial times. And so sometimes you have to adjust for that. But based on our conversation that we just had with Mr. Palmesano, SAM dollars can be used for libraries. And so, sometimes you have to use a different vehicle to support the library in your community as opposed to the one that you were used to doing.

MR. SMULLEN: Well, because what I worry about, this is bonded money, correct?

MRS. PEOPLES-STOKES: Yes.

MR. SMULLEN: So it has to be paid back?

MRS. PEOPLES-STOKES: Yes.

MR. SMULLEN: And in -- I guess I'm asking, is this less important than, say, something like extending the Film Tax Credit until 2025, which is, you know, going to cause a -- a great loss of revenue to New York State?

MRS. PEOPLES-STOKES: Well, it could be, but at least that does generate revenue for the State. It's an expenditure that brings revenue in.

MR. SMULLEN: Sure. So, you know, I really want to let everyone know that library infrastructure is very fragile. These

operate from a variety of funding sources in the communities that support them. They feel it's very important. And one of the key pillars is State funding, so would I urge the State to fund that.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: One of the things that I found out is that rural areas often lack fair access to broadband, and libraries are the ones that often provide that backbone. Libraries, as I've said, are a safe place for things like our Census to be taken, for people to get knowledge that they would not otherwise have, and perhaps access the Internet. And I think that we must support them. Now, in this time of crisis, I think this is something that should be a top priority for infrastructure, not prioritized relatively low and certainly not subject to a 58 percent cut from last year. Therefore, I urge all my colleagues to support their libraries with resources as well as rhetoric, and perhaps we can revisit this in the future before this Session ends.

Thank you, Mr. Speaker, and I appreciate the time from Madam Majority Leader.

ACTING SPEAKER AUBRY: Certainly. Thank you, sir.

And in the spirit of the -- Aldous Huxley's bill [sic], *Brave New World*, one of our colleagues who is not present but is remotely in has asked for a statement to be read. This is a statement from Mr. -- Assemblyman Charles Barron. *My colleagues, I want to encourage you to vote no on all the budget appropriation bills and*

*accompanying legislation. We must -- we must take a stand for the people and not allow the powers that be to use this dramatic, drastic pan -- pandemic crisis to pass a budget that is devastating to the people of this State with such Draconian cuts. This is unconscionable and unacceptable. We must prioritize the people over the party, and the people's needs over political manipulation. There is over \$35 billion in revenue we could have raised from people who could afford to pay it. To not even raise half that amount is a shame and irresponsible. Education and healthcare should be increased, not decreased. This will be the ugliest of the Big Uglies to date. This is a reverse Robin Hood; a \$178 billion budget taking from the poor and benefitting the rich. I know there are things in these bills you like. This is done deliberately to get you to vote for budget appropriation bills and legislation that will bring pain and suffering to the people who are already experiencing unimaginable pain during this pandemic crisis. Stand strong and vote no.*

*I vote no on all appropriation bills and accompanying legislation today and all the days to come. Thank you for all your prayers and kind words of support. I am getting stronger each day. Thank you.*

Ms. Walsh

MS. WALSH: Thank you, Mr. Speaker. Will the Madam Majority Leader yield for one quick question?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, Mr. Speaker, I will.

MS. WALSH: Well, thank you so much.

MRS. PEOPLES-STOKES: My pleasure.

MS. WALSH: I just wanted to just clarify for those people who may be watching or paying attention here this evening that the contingency -- there's contingency language in this Capital Projects Budget Bill, right?

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: And basically, what that means is that although there are budget amounts contained in the Budget Bill, those amounts may actually fluctuate or change, depending upon the fiscal health of the State as we go through the different quarters of this year. Is that correct?

MRS. PEOPLES-STOKES: That's correct.

MS. WALSH: Thank you so much.

Mr. Speaker, on the bill.

ACTING SPEAKER BLAKE: On the bill.

MS. WALSH: Thank you. First of all, I have to say that from the written statement that was just read it was -- it was delightful to hear Mr. Aubry voice Mr. Barron's voice. It's good to hear that he's feeling better. I'm really glad. He sounds like himself, for sure. I -- I think that, you know, every year that I've been a participant in the budget process, I say the same thing: This is going to be a difficult budget year. But this is a -- this is just a particularly difficult year because of how the State is finding itself in such fiscal

crisis because of COVID-19, issues with -- the resultant issues with the stock market. It is a very difficult year. So as I looked through the Capital Projects Budget Bill, I was saddened to see that so much of it was flat, and things that really, I think, matter a lot to the people of this State like CHIPS highway funding, like Extreme Winter Recovery funding, BRIDGE NY, PAVE-NY, things that the very infrastructure of our State, the things that people in their everyday lives as they drive to and from work or stores or just around the State, they need to have good roads. I was sad to see that there was no funding for the initiative that I've been a big supporter of over the last few years, which is to swap out aging infrastructure under the roads. That -- that's something that we need to pay attention to as well. So, while I do think that there is definitely some really good things about this bill, I am grateful that the Extreme Winter Recovery money that, from what I understood, had been zeroed out originally in the budget proposal found its way back in, and I think that that's a really positive thing. I do think that this -- this bill is -- is a tough one in -- in terms of the fact that not only the things that matter a lot to -- to me personally, like library construction funding, that gets cut in half where in the past, as the Madam Majority Leader had noted, it -- it was always the Assembly that stepped in and restored that funding in the past. That things like children and families services funding is essentially flat. That that might be the best that we can do this year under the circumstances. And so although it doesn't give as much as I think it should or I wish it could, I think that under the circumstances it is

probably the best that we can do, and I will be supporting it.

Thank you very much, Mr. Speaker.

ACTING SPEAKER BLAKE: Thank you, Ms.

Walsh. My voice isn't that bad, either, by the way. Just teasing you.

But a voice we love to hear, Mr. Goodell.

(Laughter)

MR. GOODELL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER BLAKE: On the bill.

MR. GOODELL: As is often the case when we have a Budget Bill, there's things that we love and there things that we hate. And part of the challenge for all of us is to do that balancing act. And one of the things we like or love justify a yes vote over the concerns that we -- that we might have on other aspects of it. In reviewing this from my perspective, there is a lot in here that I appreciate. In these very, very difficult financial times, I appreciate that we provided a half million for the Clean Water infrastructure. The Environmental Protection Fund, which is really important, another \$300 million. The 2020 Bond Act to restore Mother Nature. I'm glad we're letting -- or beginning the process to let the voters decide whether that's an appropriate expenditure. I was frustrated that the library funding wasn't restored completely, but I was glad that there was some that was restored. At least half of that cut was restored, and so I'm appreciative of that. As my colleague Mr. Palmesano mentioned, I'm glad that we put in the CHIPS funding and the Winter Restoration

funding. Extraordinarily important. And those are programs that I wish we could add even more, but I recognize the serious problem that we have with our budget this year. Some of my colleagues mentioned their concerns that I share. I -- I don't quite understand why we have \$144 million in this time of crisis to up -- to upgrade ski facilities. Now, I've been a licensed or a certified ski instructor, I love skiing. But the two ski resorts in my county are self-sufficient. They don't ask for \$144 million from the State in order to operate. And I could ask some questions about it, I'm sure I'd get a straight answer. I've never gotten a snow job on a question like that. But I think maybe when it comes to ski resorts it's time to freeze the funding. You know, when we're increasing funding for ski resorts in a time of crisis, we're really going down a slippery slope. And -- and it's time for us to make tough decisions, you know, and face the hard, cold facts that in a crisis we can't fund everything we want. So I'm sensitive to -- to that. I -- I'm very concerned that the Governor, with the approval of his self-appointed Director of Budget, has almost complete discretion over the distribution of millions of dollars of SAM funding because we've seen the problems with that. So I've wrestled with some of these issues. By and large I think the positive outweighs the negative and I will be voting in support of it, recognizing that we are in incredibly difficult financial times. And I would warn those who are following this budget not to count necessarily on anything that's in it because this fiscal crisis may be much deeper and more severe than we realize, making it impossible for us to even live up to what our hopes and



expectations are in this budget process.

So, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record. This vote is a Party vote.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Party vote in the affirmative.

MR. GOODELL: Mr. Speaker, there's a Party vote in the negative with the following exceptions: That would be myself, Mr. Montesano, Mr. Smullen, Mr. Schmitt, Mr. Ashby and Mr. Giglio and Mr. Tague in the affirmative. Also, Mr. Johns will be in the affirmative.

ACTING SPEAKER AUBRY: Members who wish to explain their vote, you have the opportunity to come to the Chamber to do so.

MR. GOODELL: Mr. Speaker --

ACTING SPEAKER AUBRY: Mr. Goodell, what, sir?

MR. GOODELL: I would also encourage any members who wanted to vote no on this who are members of the Majority or wanted to vote yes, or members of the Minority to also make sure that their views are clearly and accurately conveyed to their

respective leadership.

Thank you, sir.

ACTING SPEAKER AUBRY: Point is well-taken.

Thank you, sir.

Mr. Blake to explain his vote.

MR. BLAKE: Thank you, Mr. Speaker and -- and colleagues. While there certainly are many relevant and quality items that are within this specific Capital Budget, in particular, funding that is happening towards our community colleges such as Bronx Community College, Hostos Community College, et cetera, I -- I cannot in good conscience vote for this Capital Budget specifically. When you refer to page 89, \$425 million of new appropriations is going to the Department of Corrections. Another \$800 million-plus in reappropriations. It is very difficult for me to then ascertain how are we spending more than \$1 billion on incarcerating people, but we cannot find any money for new capital when it comes to public housing. Now, when you read throughout the budget, there is funding that is within there for a reappropriation of former funding for NYCHA, which is very important to me and many others, especially around lead remediation, mold, heat, hot water, et cetera. But while we are in a crisis, there was a pandemic of poverty before we arose today. And so while we will be in difficult times, given that I have the second-largest concentration of public housing in New York City, it is truly unacceptable for me to be able to say we cannot find any new capital towards New York City Housing Authority and public housing

specifically in the City. And, therefore, while I recognize other quality things that exist on behalf of our district -- in the 79th District in the South Bronx and all of our public housing tenants, I'll be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Blake in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I wanted to make sure that we acknowledge the fact that our colleague Mr. Barron would like to be in the negative.

ACTING SPEAKER AUBRY: And the desk has been so acknowledged. Thank you.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker.

(Pause)

ACTING SPEAKER AUBRY: Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you. I -- I rise to explain my vote. I just want to echo what I just heard from my colleague, Mr. Blake. In a time of great economic crisis, the way a society is being judged is how we treat those who struggle the most. And if we look at our public housing crisis in New York and the over 400,000 New York City residents living in public housing, in my district alone over 20,000 people. Development after development blighted because of

failure on NYCHA to do the work they needed to do. Not because they don't want to, but because they don't have the resources. The resources they need, mostly from the Federal government. We have an opportunity now to put some capital money in the budget. I know the Capital Bond Act -- the Act is terrible. The financing is terrible, the economy is terrible. But there's something symbolic about making a decision for public housing, for the residents of public housing. Today, by not putting any new resources in that, we've made a decision together that we don't prioritize the people that live in public housing. We don't prioritize them over the people we're incarcerating. We made allocations, and capital allocations for prisons, but not for housing.

It is not the New York I believe in. It is not the New York I fight for, and I urge my colleagues to vote no. I'll be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Epstein in the negative.

Members are reminded not to use the name of other members in their explanation to vote, if you can. Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Rules Report No. 20, the Clerk will read.

THE CLERK: Assembly No. A09509-B, Rules Report No. 20, Budget Bill. An act to amend Part U of Chapter 59 of

the Laws of 2017, amending the Tax Law, relating to the financial institution data match system for State Tax collection purposes, in relation to the effectiveness thereof; and to amend Part Q of Chapter 59 of the Laws of 2013, amending the Tax Law relating to serving an income execution with respect to individual tax debtors without filing a warrant, in relation to the effectiveness thereof (Part A); to amend the Tax Law, in relation to extending hire a veteran credit for an additional year (Part B); to amend Chapter 540 of the Laws of 1992, amending the Real Property Tax Law relating to oil and gas charges, in relation to the effectiveness thereof (Part C); intentionally omitted (Part D); to amend the Tax Law, in relation to capping the maximum amount of the long-term care insurance credit (Part E); to amend the Tax Law and the Administrative Code of the City of New York, in relation to requiring the Department of Taxation and Finance to provide taxpayers with unclaimed tax benefits relating to the Earned Income Credit and deductions (Part F); intentionally omitted (Part G); to amend the Tax Law, in relation to reforming the Tobacco Products Tax (Part H); to amend the Tax Law, in relation to the suspension and revocation of certain licenses and certificates issued under such law (Part I); to amend the Tax Law, in relation to the tax imposed on alcoholic beverages and the annual reporting requirements imposed on alcoholic beverage producers (Part J); intentionally omitted (Part K); to amend the Economic Development Law and the Tax Law, in relation to the Excelsior Jobs Program and certain incentives for green projects within such program (Part L); to amend the Tax Law, in

relation to the Empire State Film Production Credit and the Empire State Film Post Production Credit (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to amend the Real Property Tax Law, in relation to providing for the appointment of an Acting Director of Real Property Tax Services in the event the position becomes vacant (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); to repeal certain provisions of the Real Property Tax Law and the Tax Law, in relation to removing references to the former STAR Offset Program (Part S); to amend the Real Property Tax Law, in relation to assessment ceilings for railroads and local public utility mass real property (Part T); to amend the Real Property Tax Law, in relation to extending the period for enrollment in the STAR Income Verification Program (Part U); to amend the Racing, Pari-mutuel Wagering and Breeding Law and the Tax Law, in relation to financing and constructing a new equine drug testing laboratory (Part V); intentionally omitted (Part W); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to restrictions on sports wagering lounges in casinos (Part X); intentionally omitted (Part Y); 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 to amend 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 Z); intentionally omitted (Part AA); intentionally omitted (Part BB); and to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to extending authorization of the New York Jockey Injury Compensation Fund, Inc. to use certain funds to pay certain annual costs (Part CC).

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, 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: There's an amendment at the desk by Mr. Garbarino who will briefly explain the amendment while we examine it.

Mr. Garbarino.

MR. GARBARINO: 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: Please proceed.

MR. GARBARINO: Mr. Speaker, while every piece of legislation that we act upon has importance, there are few times in

our legislative careers when our actions will have more of an impact on New York's future, and today is one of those times. The COVID-19 pandemic has forced us to take drastic measures that impact nearly every aspect of society. And while we watch the number of cases going up every day, there's another issue of concern: The State's economy. New York's small businesses make up nearly 99 percent of all businesses in this State, employing approximately four million New Yorkers. The impacts of COVID-19 threaten not only public health, but will have a devastating effect on the State's economy. Half of New York's entire workforce is employed by small businesses, and to ignore the impact that this will have on the State's economy is foolish. While New York takes bold, decisive measures to fight the health pandemic, we also make -- we also must take bold, decisive measures to deal with the fiscal impact of coronavirus. The businesses and employees that are so vital to our communities and our State's economy need our help, and they need it now. The Small Business Emergency Recovery Act of 2020 aims to provide that and provide critical financial help at a time when the survival of many small businesses hangs in the balance. The Small Business Emergency Recovery Act will immediately direct the State's settlement reserve to fund small businesses; create zero percent interest loan program dedicated to helping small businesses meet their payroll and other commitments; repurpose available tax credits to help the needs of the State's existing small businesses; use all economic development discretionary funding for existing small businesses



within New York State; move tax deadlines for business tax and personal income filing tax ahead 180 days; temporarily suspend all regulatory fees on small businesses; and suspend the plastic bag ban for grocery stores for 180 days. The success of small business has a critical impact of the State's overall economic well-being. We can take steps now to mitigate the State's shutdown of restaurants, bars, entertainment venues, and position New York small businesses to restart their engines when the time comes. It's imperative that the Legislature provides immediate assistance to small businesses and employees as they try to -- as they try to manage the devastating impact of COVID-19 and the interruption of their business operations. The Small Business Recovery Act of 2020 will offer fiscal relief and protections for small businesses and their employees, while mitigating the risks businesses being forced to permanently close their doors and further harm the State and local economies. We are in -- all in this together.

I urge you to support this amendment on behalf of small businesses and all the residents of New York State. Thank you.

ACTING SPEAKER AUBRY: Mr. Garbarino, 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.

This is a Party vote, which -- Mr. Goodell.

MR. GOODELL: Thank you very much. I'm pleased to report that the entire Republican Conference is delighted to back

this amendment to help all of our small businesses recover from the current fiscal crisis that we're facing. And I not only cast all of our votes in the affirmative, but I urge all my Democratic colleagues to join our lead. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. -- Minority in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. And quite the contrary to Mr. Goodell, I would urge all of our Majority colleagues to oppose this amendment. And I would ask that those members who need to vote no, that they would proceed to the Chambers to cast their vote -- need to vote yes, I'm sorry. Proceed to the Chambers to cast your vote. No need to read your names; I think you all already know who you are.

ACTING SPEAKER AUBRY: Majority --

MRS. PEOPLES-STOKES: And there's a Party vote in the affirmative.

ACTING SPEAKER AUBRY: Majority vote in the negative. Majority vote in the negative. Any exceptions to either party's vote, please come to the Chamber and cast your vote.

MRS. PEOPLES-STOKES: So Mr. Speaker, if I could just say to colleagues that are in and around the Chambers, there is a bit of a problem with our base but it'll be fixed momentarily. So just be patient and stand six feet apart.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the Majority Leader yield for some questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, Mr. Speaker, I will yield.

ACTING SPEAKER AUBRY: The Majority Leader yields.

MR. RA: So, I know this is the revenue bill with -- with, you know, several of the original proposals have been -- have been taken out in the final form and I just want to go through a few of those. I'm -- I'm not going to ask you about one of them, which I know is probably a sore subject for you, so I -- I won't even talk about that particular provision.

MRS. PEOPLES-STOKES: Thank you.

MR. RA: But there was a -- a couple of tax pieces in the Executive Budget proposal that the Governor proposed that were somewhat essential, you know, in his message at the time. One of them was a small business tax cut. Did any form of relief or -- or anything to reduce the tax burden on small businesses make it into this final Budget Bill?

MRS. PEOPLES-STOKES: It did not. Mr. Ra, I

believe the -- because of our financial constraints, the proposal here is to use the Federal resources from the Small Business Administration for those businesses in and around New York that need to avail themselves of those types of loans.

MR. RA: Okay. And is there anything in this bill dealing with farmers or any type of tax provisions or tax relief for -- for farmers?

MRS. PEOPLES-STOKES: No.

MR. RA: Is -- is there anything related to -- I know at -- at this point through Executive Orders, the Governor has dealt with some of our tax deadlines, you know, in terms of extending businesses time -- businesses and individuals time to pay, you know, relieving penalties and -- and things of that nature. Are there anything -- any provisions in here that codify any type of, you know, extensions or -- or taking away any penalties for future sales tax payments for businesses?

MRS. PEOPLES-STOKES: Perhaps I should've started here, Mr. Ra, because some of the questions you're going to ask me I could just roll them off.

MR. RA: Sure.

MRS. PEOPLES-STOKES: This bill would enact a -- the major pieces of legislation that are required to implement the revenue proposals that are necessary to ensure a balanced State budget. The bill does not include any additional tax increases, but it will result in \$19 million in additional revenue in the '20-21 fiscal

year. The bill includes proposals to extend the Excelsior Tax Credit Program; incentivize green projects; provide unclaimed tax benefits to certain low-income taxpayers; expand cigarette tax enforcement activities; modify and extend the Film Tax Credit Program; make various other changes related to property taxation and gaming provisions.

Now, your question was specifically as to if there is new revenue here?

MR. RA: No, if there was anything relating to extending either deadlines for businesses for -- for sales tax filings or relieve -- relieving them from potential penalties for late remittance of tax.

MRS. PEOPLES-STOKES: Mr. Ra, there's nothing specifically in this Budget Bill, but as you know, the Governor does have the ability to do that administratively and he has done so in the past. I would assume that he would do that in the future, given the financial conditions we're experiencing.

MR. RA: Okay. And one issue that -- you know, you mentioned that there were no tax increases, but is there not a revenue-raising piece with regard to the maximum amount in income thresholds for the Long-Term Care Insurance Credit?

(Pause)

MRS. PEOPLES-STOKES: Yes. That does limit how much they can claim in a credit, Mr. Ra.

MR. RA: Okay. And what is the projected fiscal

impact on that? How much revenue is being raised by it?

MRS. PEOPLES-STOKES: Twenty-eight million in the next fiscal year.

MR. RA: In the next fiscal year, okay. Thank you. One other provision that I think we all know very well as it's gotten much, you know, media attention over the years is the Empire -- is the Film Tax Credit. This, you know, program has gone through different -- different forms over the years. It's designed to, you know, bring productions into the State. But I know there are some reforms being made to it in this bill. Could you go through the reforms to the Film Tax Credit?

MRS. PEOPLES-STOKES: Yes. The proposals include reducing the amount of Empire State Film Production Credit from 30 percent to 25 percent; reduces the Empire State Post-Production Credit from 30 percent to 25 percent for qualified films produced at qualified facilities located within the MTA region; and from 35 percent to 30 percent for qualified films produced at qualified facilities elsewhere in the State. It excludes single episodes of television series, and requires that qualified films other than a television pilot must have a minimum budget of \$1 million if the project is located in the Counties of Westchester, Rockland, Nassau, Suffolk or New York City and have a minimum budget of \$250,000 if the project is located in any other counties of the State. Exclude -- it excludes new variety entertainment, variety sketch and variety talk programs other than relocated television productions from the credits.

It clarifies the time period for claiming certain tax credits, and it extends the Film Credit program for one year, from 2024 to 2025.

MR. RA: And with the changes that -- that obviously I think will -- will impact the, you know, amount of -- of firms or, you know, businesses that might apply and -- and utilize this, is there any change in terms of the fiscal side of this, or is it the same amount of lost revenue from the State for -- for the tax credit?

MRS. PEOPLES-STOKES: Yes.

MR. RA: And I -- I have \$420 million. Is that -- that correct?

MRS. PEOPLES-STOKES: Yes.

MR. RA: Okay. Lastly, and I guess I -- I maybe should have started here, but, you know, we -- we talked briefly last night, we weren't quite there yet. I know this is the Revenue Bill. Are we in any better position at this point to talk about the overall financial plan in this budget in terms of what the total, you know, receipts we're looking at for -- for this budget year?

MRS. PEOPLES-STOKES: Not at the moment, Mr. Ra.

MR. RA: Okay. So, I look forward to having that conversation at -- at some point with you.

MRS. PEOPLES-STOKES: Me, too.

MR. RA: I'm -- I'm sure you do as well.

Lastly, STAR. Are there any changes being made to the STAR program in this -- in this bill?

MRS. PEOPLES-STOKES: Yes, there are some changes being made. We -- we've modified the Executive's proposal to eliminate STAR benefits for homeowners that are delinquent on their property taxes to exclude -- enhance Senior STAR program participants from the proposal and to allow taxpayers to pay their delinquent taxes and to reapply for STAR programs to receive any benefits that were previously disallowed.

MR. RA: Okay. Thank you very much. One -- I guess one last question. Is there any new authority or any authority being proposed in this or another bill that might allow the Executive in, you know, in the future, in the months to come to, you know, raise any new fees or -- or -- or taxes unilaterally without the Legislature being involved?

MRS. PEOPLES-STOKES: No. It is not in this bill.

MR. RA: Okay. Thank you very much.

MRS. PEOPLES-STOKES: You're so welcome, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. WALSH: So, I just wanted to highlight just a couple of things in the bill that I think might be important for people who could be watching at home at this hour. The first one has to do with capping the maximum amount in income threshold for long-term



care insurance credit. So, for -- and I think -- I think really now, even in our environment with the health crisis that we find ourselves in right now, the concept of long-term care insurance is interesting. So, a number of people have decided to go out and purchase long-term care insurance so that as they get older the -- some of the financial burden of their long-term care will be covered by insurance, which is a great idea. What this bill does, in part, is it says that if you make less than \$250,000 a year, you can get a credit on your personal income tax of an amount not to exceed \$1,500. So it caps it at \$1,500. And I -- speaking from personal experience, I do have one of these policies and it's a lot more than \$1,500. But it is capped at that. If you make more than \$250,000 a year you don't get any credit at all. So just so people know, that's one of the changes being made. That will increase State revenue by \$28 million beginning in fiscal year 2022. So, I thought that was interesting.

Also, I liked the part of the bill that requires the Department of Taxation and Finance to provide unclaimed tax benefits. So it -- it requires the Department to recalculate a taxpayer's tax liability if the taxpayer has elected to use itemized deductions in lieu of the standard -- standard deduction. And if the Department finds out that the standard deduction is actually greater than the itemized deduction, the Department is required to adjust the taxpayer's return accordingly without the need for the taxpayer to even file an amended tax return. And that the Department needs to notify the taxpayer of the adjustment. So that's kind of nice if you're a taxpayer,

if you are doing your own taxes and maybe you -- you don't pick the one that's the best for you. The Department of Taxation is going to help you out and let you know if you could actually make a little bit more money or save a little bit more of your money.

The last thing I think that I do really like out of the bill, and, boy, I don't know about the rest of my colleagues, but I was getting an awful lot of calls and concerns about STAR this past year. And this bill gives kind of a second chance for filers who maybe missed the boat last year to file income verification enrollment for senior citizen homeowners to give them another opportunity to participate in that aspect of the STAR program. So I think that that's really important. I think that the STAR program, unfortunately, I think over the last few years has only gotten more complicated for people. It's very difficult to understand, and although I really do think that our local town and local assessors do a really good job explaining this, we're trying to explain it to people. I think that allowing them kind of an extra chance or a little bit more time to avail themselves of the benefits that they can get are -- are -- is a good thing, is a good thing to do.

So that's pretty much all I've got on the bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. Would

the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, Mr. Speaker, I will.

ACTING SPEAKER AUBRY: The member yields, sir.

MR. WALCZYK: Excellent. The extension of the Excelsior Tax Credit Program to enhance for green -- green projects is of particular interest to me this evening. This came out of the Excelsior Jobs Tax Credit Program. So, I wonder if the sponsor could tell me, the Excelsior Jobs Tax -- Tax Credit for Green Projects, which would increase from 6.85 percent to 7.5 percent in this budget proposal, what is the -- what is the jobs requirement to qualify for -- for that increase?

(Pause)

MRS. PEOPLES-STOKES: I'm told there's -- there's no specific job requirements for it, but it pretty much depends on which -- which green project it's working on, what sort of job specs would be required.

MR. WALCZYK: Okay, thank you. That's -- that's what struck me as interesting, because this is a branch out of the Excelsior Jobs Tax Credit Program, which I think was originally intended for jobs here in New York State. Would the same be true for the Excelsior Investment Tax Credit for Green Projects, which would be increased from 2 percent to 5 percent of the cost of qualified

investments for green projects? Does -- does that have a job requirement attached to it?

MRS. PEOPLES-STOKES: No, it -- it would be the same, sir.

MR. WALCZYK: And -- and would those investments have to be made in a New York State business, a New York State headquartered business?

MRS. PEOPLES-STOKES: Yes.

MR. WALCZYK: So the -- in -- in that case, programmed -- programmed money for within the New York Green Bank for companies that are already within New York Green Bank and NYSERDA would not qualify for the Excelsior Investment Tax Credit, unless they had a headquarter here in New York State?

MRS. PEOPLES-STOKES: Okay. So, they don't necessarily have to be headquartered here, but the project would have to happen in the State of New York.

MR. WALCZYK: Thank you. And through you, Mr. Speaker, the Excelsior Research and Development Tax Credit for Green Projects, which is proposed to increase in this bill from 6 percent to 8 percent, and all of this totals to a -- a loss in revenue of \$200 million for New York State. Of the research and development expenditures attributed to the activities, that -- does that have to be within New York State?

MRS. PEOPLES-STOKES: Yes.

MR. WALCZYK: Okay, thank you.

Moving on, in -- in Part D, this was intentionally omitted. Can you -- can you remind for the record what was supposed to take place in Part D of this bill, or what was proposed in the Governor's proposal?

MRS. PEOPLES-STOKES: So, what it would have done is reduce corporate franchise tax rate, increase existing sole proprietor and farm business deductions, and it would have modified existing investment tax credits, as well as eliminate estimated tax underpayment penalties for New York State S Corporations.

MR. WALCZYK: And did we -- did we have a total -- a total in revenue that was projected there? What -- what revenue have we -- have we gained back as a result of eliminating that break?

MRS. PEOPLES-STOKES: Thirty-nine million for next year.

MR. WALCZYK: Thank you. The same -- same line of questioning for Part G for the record, that also says "intentionally omitted" in this bill. What is the -- what was the projected revenue for -- for that line, or what will be the projected revenue now that we're not losing that revenue and what was that -- what was intentionally omitted there?

MRS. PEOPLES-STOKES: That's \$157 million, but it's actually two years out.

MR. WALCZYK: If that's two years out, through you, Mr. Speaker, why was that -- why was that chosen to be intentionally omitted from this year's budget?

MRS. PEOPLES-STOKES: Just an effort to try and balance the five-year plan.

MR. WALCZYK: Okay. And -- and for the record, what was that program?

MRS. PEOPLES-STOKES: Enhance the Empire State Child Credit.

MR. WALCZYK: Okay. And that -- that program will continue in this year, but two years out will be eliminated; am I reading that correctly?

MRS. PEOPLES-STOKES: So the base credit will continue, but the expansion will not.

MR. WALCZYK: Okay. Thank you.

Under -- in following some of the line of questioning from one of my colleagues, under Part M, the New York State Film Tax Credit, this often comes up. What is the total in lost revenue as a result of this program?

MRS. PEOPLES-STOKES: It's still \$420 million.

MR. WALCZYK: And that's \$420 million annually until 2025. This expands it out an additional year?

MRS. PEOPLES-STOKES: Yes.

MR. WALCZYK: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: Earlier this evening, one of my colleagues presented a proposal that I'm a co-sponsor of and a proud

co-sponsor, Part D of this bill eliminates a small business tax credit, which \$39 million in lost revenue when you compare that to, what is this, \$200 million for green products to include, you know, possibly venture capitalists that are already doing business with NYSERDA and probably will qualify, who have headquarters in Las Vegas, Washington D.C., San Francisco, Philadelphia, they're -- they're lumped into a jobs program that was originally intended, as you could imagine, because it's called the Excelsior Jobs Tax Credit Program, was intended to have -- have and support jobs here in New York State. And there's a lot of people in this budget season right now that are thinking about being out of work. I can't understand how we would sacrifice \$200 million to venture capitalists that are creating jobs in San Francisco, whether it's for green technology software or not, why would we support those jobs that are being outside of New York State across the country in Las Vegas and Philadelphia when we need jobs right here in New York State.

Additionally, this has eliminated the small -- small business tax credit. We came up with a fix, we had a -- a Small Business Emergency Recovery Act that's been rejected this evening. That would have had \$800 million for small businesses, a zero percent interest loan, 180 days tax and fees suspension and use of economic development dollars, which we've already seen didn't happen in this budget, directing those right at the small businesses that need them. Additionally, we went through, and Part G was intentionally omitted, there's \$157 million that would go directly to struggling working class.

So, you're talking about families here that make less than \$50,000 a year in New York State, this would be a little tax break for them if they have a young child that they're trying to support under four years old. Meanwhile, we're supporting \$420 million for a film tax credit.

And just to go through, so this mirrors the -- the Governor's proposal. So far, we've had 43 TV shows and movies in this program that took \$1.2 billion in New York State tax breaks from 200 -- 2015 to 2018. I've never seen the show, but *BrainDead*, well, and -- and rightly named, \$10 million in tax credits. *Hostages*, \$10 million -- ten and a half million. And these are -- this is the budget for these, but they've all -- all taken advantage of this. *OA*, *Vinyl*, \$30 million; *Believe*, \$10.9 million; *Iron Fist*, *Forever*. If these sound forgettable, that's because they were. They were to the viewers, I think very few -- I -- I certainly am not familiar with most of these shows. One of them is even called *Unforgettable*. Well, I disagree and I'm not going to forget that we've wasted so many taxpayer dollars, that we've taken this revenue which could be used to support working class, to support families in New York State who are struggling, the same people who are out of a job worried about their paycheck right now and whether they'll be able to get back to work and when. And, instead, we're -- we're spending money to bail out TV shows that say they're unforgettable, but certainly are. And no offense to the nice people that made that program, but it's a terrible waste of New York State tax dollar money.

So, Mr. Speaker, I will be voting no on this bill and I



urge my colleagues who want to support the working class in New York State, who don't think we should be sending our money to Vegas and Hollywood and instead see an opportunity to fill in some revenue here with these failed programs to -- to join me in voting no. Thank you.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

Will the sponsor -- will Madam Majority Leader yield for some questions, please?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, Mr. Speaker, I will.

MR. PALMESANO: Thank you very much. It's my understanding there -- I know there were some changes made to the -- the Film Tax Credit. It's my understanding that those that were eligible before these changes would be grandfathered in and still would qualify for assistance; is that correct?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: So, *The Tonight Show*, which in 2017 received \$20.9 million from taxpayers would be eligible for some of this funding, correct?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: *Saturday Night Live*, which in 2015 received \$13.6 million, in 2006 -- in 2015 received \$13.6 million, excuse me, in 2016 received \$12.3 million on their 40th

season -- episode, and then an extra \$1 million in 2016 for their anniversary show. *Saturday Night Live* would be eligible for some of this \$420 million in taxpayer funds, correct?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: I like the shows, but I don't think the -- the taxpayers should be shouldering the burden. Wouldn't this money be more helpful to our small business community which are getting crushed right now because of what we're facing with the business closures, the lost revenue, the lost jobs, the lost investment. Wouldn't it be better to put this money, this credit to our small business instead of subsidizing Hollywood and the entertainment industry? Is it your priorities that Hollywood and the entertainment industry is more important than our small business, they deserve this \$420 million more than our small businesses who are getting crushed in this State right now?

MRS. PEOPLES-STOKES: Well, actually this tax incentive does help small businesses. It helps union labor, it helps restaurants, it helps hotels, it helps night venues, and people are able to participate in. It helps the small boutiques and it helps us have sales tax returned to us.

MR. PALMESANO: So, what do you say to the small business owner at home who might be watching us, or here, that we're passing a \$420 million Film Tax Credit for the entertainment industry while they're just praying that they can keep their doors open and pay their property taxes and make your payroll. What do we say

to them? It doesn't help them --

MRS. PEOPLES-STOKES: Well, it depends on if the name of the business is called Melanie, and it's a food truck and she stops there every day at 12 to feed the cast and the production workers.

MR. PALMESANO: And what do we say to the taxpayers at home who are watching with this budget services get sliced, might be unemployed, is losing their job, important programs getting cut, who knows what's coming down the line, what do we say to those taxpayers, your \$420 million is going to subsidize Hollywood and the entertainment industry. What do you say to them? It's a worthwhile investment? Their tax dollars is a worthwhile investment for them?

MRS. PEOPLES-STOKES: I would say that.

MR. PALMESANO: And are we afraid these shows are going to leave New York? I know we probably put incentives to keep businesses here. Like, are we afraid *The Tonight Show* might leave New York, or are we afraid *Saturday Night Live* is going to leave New York? Because it's called "Live from New York, it's Saturday Night" -- Saturday Night. It's not called "Live from Seattle" or "Live from Portland, Oregon" or "Live from Boise, Idaho," it's "Live from New York". They're never going to leave New York. They should have never gotten this money in 2015 and '16 and they're still eligible for the money now under this program. So, that's okay with the Majority, that's okay with the Governor that we're subsidizing

Hollywood and the entertainment industry at the expense of our small business community in the State who are literally getting crushed, small businesses in my community, small businesses in your community, small businesses -- every member in this district; but, yet, we're prioritizing Hollywood and the entertainment industry over that and our taxpayers. How do you respond to that?

MRS. PEOPLES-STOKES: What was the question?

MR. PALMESANO: Never mind.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Mr. Speaker, my colleagues, a \$420 million tax credit for Hollywood and the entertainment industry, that is mind-boggling to me. I don't understand how it's not -- not mind-boggling to the -- the Governor and the Majorities in both Chambers when we're facing a \$10-plus billion budget deficit, when our small businesses in this State are literally getting crushed, that are praying that they can meet their payroll, that are praying that they can keep their employees on the books, that they're praying that they can meet their next mortgage payment or -- or rent payment or utility payment, because they can't operate because of what's going on. But yet, this Majority and the Governor chooses not to support small business. And, quite frankly, you outright rejected an opportunity to support small businesses with the amendment we put forth tonight. You voted no and shot down a message.

What message does that say to the people at home?

What message does that say to the taxpayers watching at home? What it says is if you're a small business owner who's praying that you can keep your doors open, that you can put food on the table because you lost revenue, you're closed down, but your tax dollars aren't coming back to help you, your tax dollars are going to subsidize Hollywood and the entertainment industry. Are you kidding me?

Again, we offered an amendment, a great plan that would have helped our small businesses; but, yet, this Chamber, this Majority rejected it. Again, what message does that say to our small business owners, our employees and our taxpayers who are watching at home? Not only did you reject it, you doubled down and you put \$420 million to subsidize Hollywood and the entertainment industry. *Saturday Night Live* is not going to leave New York State. Again, it starts out the show, it says, "Live from New York," not "Live from Saskatchewan" or "Live from Boise, Idaho;" "Live from New York". That money should have never been given to them. They should not be eligible for this money again, but under the bill we are passing they're still eligible for funding. So is *The Tonight Show*. I like the shows, but taxpayers shouldn't be subsidizing it.

Mr. Speaker, my colleagues, we should be supporting our small businesses, not Hollywood and the entertainment industry, especially with what's going on. Mr. Speaker and my colleagues, we should be supporting Main Street, not Hollywood Boulevard and Rodeo Drive, but, yet, the continuation of this boondoggle of a program just shows more misplaced priorities by this Administration

and by the Majorities to advance this at the worst possible time. For that reason, Mr. Speaker and my colleagues, I will definitely be voting no on this bill for the small business owners who are crushed and aren't getting help, for the taxpayers at home who lost their jobs, but still, their tax dollars are expected to subsidize this. For those reasons, I will be voting in the negative and I urge every one of my colleagues to vote no as well. Thank you.

ACTING SPEAKER AUBRY: Mr. Epstein.

MR. EPSTEIN: Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: Absolutely, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. EPSTEIN: Majority Leader, so just on the revenue, what is the proposed rate for people who earn over \$100 million?

MRS. PEOPLES-STOKES: What is the what?

MR. EPSTEIN: The tax rate for people who earn over \$100 million?

MRS. PEOPLES-STOKES: Eight point eight two.

MR. EPSTEIN: And how about the people who make \$50 million?

MRS. PEOPLES-STOKES: It's the same.

MR. EPSTEIN: People who make \$5 million?

MRS. PEOPLES-STOKES: It's the same.

MR. EPSTEIN: So, if you're making \$5 million to \$5 billion, we are charging the same tax rate?

MRS. PEOPLES-STOKES: Yes.

MR. EPSTEIN: And so, I know earlier in the budget process we've talked about changing -- potentially changing some of those tax rates. I'm wondering why those are not reflected in our final budget here.

MRS. PEOPLES-STOKES: Well, I think you probably already know the answer to that one, but I'll -- I will re-explain it. You've been at the same meetings that I have and you know you need to have partners. You can't be the only one proposing a tax increase when no one else does, and so this is where we end up at.

MR. EPSTEIN: Thank you, Majority Leader.

On the bill.

MRS. PEOPLES-STOKES: You are so welcome.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: I -- I just want to talk about the current fiscal crisis we are in today. We are in a -- in a history of -- historic moment in our society. In the Great Depression, Herman Lehman raised 2 percent increase on the wealthy in the Great Depression. Nelson Rockefeller, 3 percent in the recession in the '50s. After 9/11, we raised revenue on the wealthy by 1 percent over Governor Pataki's veto, and 1 percent in 2009 with the collapse.

While we need this revenue, I really believe we need more. There are 112 billionaires in New York, thousands of millionaires in New York. We could make the moment here to raise a 1 percent increase on those folks, those folks who could give more, who have the opportunity to -- to give more. While I know this was a hard budget and I know the Assembly was there pushing and pushing and pushing, in the context of budget justice, in the context of the future of New York, in the context of what we leave, I think we missed a moment here. I think we missed a moment to ensure a stronger budget for all New Yorkers by saying to those New Yorkers who could afford to pay more, this is the moment we all need to dig a little deeper. This is the moment we all need to pay more. This is the moment that we have the opportunity to raise revenue.

And while I applaud the Assembly's leadership in getting this budget done, I wish we could have done more. I will be voting in the affirmative, but I wish we should have done more. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a Party vote.

(The Clerk recorded the vote.)

Members who wish to vote the opposite of their party, please come to the Chambers.



Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: With the exception of Member Barron.

ACTING SPEAKER AUBRY: Majority in the affirmative with the exception of Member Barron.

Mr. Goodell.

MR. GOODELL: Assemblywoman Malliotakis is a yes.

ACTING SPEAKER AUBRY: With -- Minority in the negative with Ms. Malliotakis voting yes.

MR. GOODELL: Thank you, Mr. Speaker, that's correct.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ra to explain his vote.

MR. RA: Thank you, Mr. Speaker. Just quickly again on -- on this bill. And my colleague made some -- some excellent points. You know, we're voting on -- on a revenue bill and as has been acknowledged, we don't know what the total financial plan of this budget is, we don't have all of the bills yet. And that makes it really difficult and, you know, we've had this conversation year after year, but it makes it really difficult for members to know exactly what the full implications of this budget are, in particular when you're talking about a revenue bill.

Now, I will say even though I'm going to be voting in the negative, this is a tremendous improvement over last year's

revenue bill, that it's like the gift that keeps on giving and has -- has jeopardized public safety and caused all kinds of problems for our local governments, amongst other things. But still, this bill has some misplaced priorities. You know, we offered that amendment to try to provide direct support to our small businesses. You know, the Hollywood tax credits are questionable in any other year. I think they do some good, but they are far too broad and allow entities, major, major production entities that are never going anywhere else to take advantage of them. But in particular, in the circumstances we're under now, there's really no justification for not drastically tightening that pool of funding and using some of that money to help out our struggling small businesses at this time. So, I cast my vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the negative.

Mr. Phillip Steck to explain his vote.

MR. STECK: Thank you very much, Mr. Speaker. In my view, the difficulty with this budget this year is a crisis of revenue, not of expenditures. I have long been an advocate for increasing taxation on the top 1 percent and, in particular, for reinstating the Stock Transfer Tax, which New York State had from 1905 to 1981. That tax is countercyclical. It raises more revenue in bad years than it does in good ones when there's a flurry of activity in the market. The two grounds for opposing that tax, that Wall Street would move to Topeka, Kansas or some foolish thing, or that it would

reduce people's pensions is -- have been debunked by both people in academia and analysts of that industry.

In my view, this revenue bill is completely inadequate to the challenges that this State faces. We need to stabilize our budget going forward into the future. We're not doing that, so I vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Phillip Steck in the negative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. And I will also explain a vote of a colleague of mine who just called it in. As you know, we're allowing that procedure. Mr. McDonough called in and said he was tempted to vote for this until he realized that they wouldn't change the name to "Live from Long Island" --

(Laughter)

-- and so he voted no.

For myself, I'm voting no, as well, for different reasons. I think it's very important for the long-term future of our State and for our families that we do what we can to support high-quality child care. And so, I was disappointed that we not only cut -- or eliminated the proposed tax relief for small businesses, we voted against the small business package that we had offered, but it's deeply disappointing that we also eliminated the enhancement of the Empire State Child Care Tax Credit, which really would help a lot of working families on that important issue. For that reason, I'll be

voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

ACTING SPEAKER SIMOTAS: Ms. Reyes to explain her vote.

MS. REYES: Thank you, Madam Speaker. I believe that we are in a very critical time in our country right now and in our world. And we had an opportunity to really address needs that have been not addressed for many, many, many years. But in light of our circumstances today, I'm very disappointed that there is no new revenue in this budget when I know that we don't need it just now, but when we come on the other end of this COVID-19, the need is going to be so much greater and dire that we're seeing right now.

I can't in good conscience vote this budget up without any new revenue in it. I made that promise to my constituents and I'm going to stick to it. So, I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Reyes 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: Thank you, Mr. Speaker. If we could now go to Rules Report No. 17, it's on page 3 and is the Budget Bill No. 9503-C, Aid to Localities.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09503-C, Rules Report No. 17, Budget Bill. An act making appropriations for the support of government, Aid to Localities Budget.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, 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 -- has been requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes, Mr. Speaker. This bill would enact the Aids to Localities bill for the State Fiscal year 2020-2021 and includes All-Funds appropriations to a total of \$193.2 billion.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: I will, of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. So, I know this bill has quite a bit in it in terms of contingency language. My -- my understanding is there are three kind of separate pieces to that, but -- and -- and I'd like

to go through them in a moment, but is that the -- all of these a direct response to the COVID-19 pandemic we're experiencing?

MRS. PEOPLES-STOKES: Yes.

MR. RA: And I know that, you know, essentially what is being proposed here in terms of, you know, the future in the -- in the months to come of -- of many of these appropriations that are provided for is enhancing the Budget Director's powers to make adjustments as we go forward. Will the Director of Budget continue to have these powers once the State returns to more normal operations in -- in future budget years?

MRS. PEOPLES-STOKES: It's only for year, Mr. Ra. It actually expires at the end of this fiscal year.

MR. RA: Okay, great. So, one of the things that's talked about and they're provided for in -- in three segments lined out by -- by periods of time are these measurement periods. Can you describe what a measurement period is when determining actual versus estimated receipts and disbursements?

MRS. PEOPLES-STOKES: Did you say measurement periods, Mr. Ra?

MR. RA: Yeah, the -- the measurement periods that -- that are talked about.

MRS. PEOPLES-STOKES: So, April -- it would establish three measurement periods which the Division of Budget can access and take certain actions to reduce disbursements to maintain a balanced budget. So, the three periods are April the 1st through the

30th, May the 1st through June the 30th, and July 1st through December 31st.

MR. RA: And how -- how are those going to be measured in terms of, you know, the actual versus estimated receipts?

MRS. PEOPLES-STOKES: Well, they all have --

MR. RA: What's the baseline for that?

MRS. PEOPLES-STOKES: They all have benchmarks. The first one is the Executive 30-day financial plan. The second one is the enactment of a budget financial plan, and the third is enactment of a budget financial plan. And the -- all based on actual receipts and disbursements --

MR. RA: Now, I know --

MRS. PEOPLES-STOKES: -- from the Comptroller's Office.

MR. RA: Okay. Now, I know nothing's changed in the last probably half hour since we've talked, so I'm not going to ask you if you have any update on the enacted financial plan just yet, but in terms of the Director of Budget's opportunity at the end of each of these measurement periods, is there any limit to the Director of Budget's ability to adjust or decrease the terms of the appropriations, you know, percentage or -- or dollar amount?

MRS. PEOPLES-STOKES: There are no limits, Mr. Ra, in terms of balancing the budget.

MR. RA: And are there any programs that are targeted specifically or exempt from these adjustments or decreases?

MRS. PEOPLES-STOKES: Yes, the bill exempts certain payments from these reductions, including public assistance, reductions that would violate Federal law, debt service and payments related to court judgments.

MR. RA: Okay. And once the Budget Director has looked at that measurement period and made a determination, what is the ability of the Legislature to -- to weigh in on that proposed cut?

MRS. PEOPLES-STOKES: Once the Legislature is notified, the Senate and the Assembly will have ten days to prepare its own plan which must be passed by a concurrent resolution in both Houses.

MR. RA: Okay. And then I know there's also a piece, in terms of contingencies or -- or enhanced powers of the Budget Director with regard to Federal funding. Now, we know there's Federal funding from the recent bill that was passed in -- in Washington. I think we all very much hope that there will be future action in Washington to hopefully help us out with -- with our budget given that we, you know, are the epicenter of this epidemic right now, and it's obviously had a tremendous impact on our State's revenues. And I believe there's a provision that directs that if agencies or public authorities are eligible for Federal funding, that they will have to go to the Director of Budget to approve their disbursement of those plans. Now, what -- what is the reason for that, because I assume that the Federal government does have parameters on that funding and who's eligible and how it can be disbursed. So, what is the reason for that



going through the Director of Budget?

(Pause)

MRS. PEOPLES-STOKES: Okay. So the objective of providing this opportunity for the Budget Office is to be able to manage State dollars. Some agencies, like SUNY or CUNY, have their own budget management. It doesn't necessarily come through the State. So, once they make it available to them that if they do get access to additional Federal dollars, that then the State can, at the same time, begin to shrink its appropriation towards those organizations.

MR. RA: So -- so the intention would be that, you know, an entity that, perhaps, we fund with State dollars, if we find they're getting some Federal money, these -- these powers of the Budget Director might be utilized to take some of the -- the State money back and perhaps allocate it --

MRS. PEOPLES-STOKES: Might --

MR. RA: -- somewhere else?

MRS. PEOPLES-STOKES: Yes, might be able to shift those dollars to a place where we weren't able to fund in the past.

MR. RA: Okay. Thank you. I want to get into some of the other areas in this bill. First, moving to Higher Education. So, I know that there were some provisions in the past related specifically to community colleges. And as you may be aware, certainly I'm very aware of it, in --in my part of the State, many community colleges have experienced a decrease in enrollment and the last few budgets we've kind of had provisions to make them whole so that they didn't

lose funding as a result in that decrease in enrollment. I know my local colleges refer to it as -- as kind of a floor on their aid. Is there any provision of that nature in this year's enacted Aid to Localities bill?

MRS. PEOPLES-STOKES: Mr. Ra, you rightly stated that we did create a floor last year for community colleges and that was actually taken away by the Governor, so it's not included in this current budget.

MR. RA: Okay. So, it was -- it was removed in the Executive Budget proposal and -- and not restored in the enacted --

MRS. PEOPLES-STOKES: Yes.

MR. RA: -- budget, correct?

MRS. PEOPLES-STOKES: Yes.

MR. RA: Thank you. Moving on to local government provisions and particularly aid to -- aid and incentives for municipalities. Now, we're all aware that in last year's budget there was a -- there was a shift in terms of the AIM Program. The -- the Executive Budget proposal proposed to cut that funding to any entity, towns, villages that had less than a certain percentage of their budget that was covered by their AIM funding. In somewhat of a compromise, there was a partial restoration in that it came from the funds of the local county through -- through their, in particular, sales tax. Does this budget make any proposals for eliminating any AIM payments?

MRS. PEOPLES-STOKES: So, exactly the way

you've described it, Mr. Ra, is exactly how it was maintained.

MR. RA: Okay. Now, those payments, though, like the other provisions of this, will be subject to the potential of being decreased or adjusted during the -- the year by those powers of the Budget Director, correct?

MRS. PEOPLES-STOKES: Yes.

MR. RA: Okay. I have -- bear with me one moment. I have one other area I wanted to get into. So, there was also, with regard to economic development, in the Executive Budget proposal we have these programs, the Centers for Advanced Technology and the Centers of Excellence, and there was a proposal to essentially combine these programs which have been very successful in attracting investment, private investing -- investment, leveraging private dollars in our State for economic development. What was the outcome in this enacted bill for those programs?

MRS. PEOPLES-STOKES: So, the consolidation of these entities was rejected, but the funding was kept in place.

MR. RA: Okay. So they -- they will continue to exist as -- as two separate programs?

MRS. PEOPLES-STOKES: Yes.

MR. RA: Great. Lastly, and I know we talked on an earlier bill with regard to some of the funding that had been provided last year for -- for Capital for some of the new costs that were borne by our counties, our local Boards of Elections for -- for the new early voting. Is there any funding for the operational side of early voting

that -- that counties -- last year, they were able to access some funding to deal with the cost of that. Is there any new funding for early voting?

MRS. PEOPLES-STOKES: There is no new funding for early voting.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: Again, thank you to the Majority Leader. And I think as we look at this bill, as has been said many times, you know, we're -- we're in a different situation than we're used to being in. I think that as we go forward, there needs to be a partnership, as we're looking at where adjustments need to be made, between the Legislature and the Executive. I think we shouldn't be shy about using our check on some of these new enhanced powers when need be. I -- I think we're really going to have to keep our eyes open for -- for what's going on in the -- in the months ahead.

You know, so many of the entities, whether it's our schools, whether it's our municipalities that get funded in our State budget usually can take that number and be confident in it and plan around it. And for many of those entities, that's not going to be the case this year because of the potential for adjustments to be made throughout the year. So, I hope that as we move forward, the Legislature will, you know, be able to work collaboratively with the Executive to make sure that when adjustments are made that they're

made appropriately, they're, you know, not targeting, you know, any -- any one area. There may, in many cases, in accordance with -- with need, one of my concerns with some of the programs that are being cut or maybe not being restored as -- as they have been in the past that some of those end up just being across the board and don't necessarily reflect the utilization of those programs in one part of the State versus another. The size of the programs in a certain part of the State or -- or another.

So, we -- we have lots of work ahead in the months to come and -- and, again, I -- I hope that we can do that collaboratively. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would Madam Majority Leader yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Absolutely, I will yield, Mr. Goodell.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Crystal, and you're doing a great job. Two in the morning and you're still standing --

MRS. PEOPLES-STOKES: Is that what time it is?

MR. GOODELL: -- and answering these questions.

(Laughter)

So, thank you very much.

I note that we give tremendous power to the Budget Director to cut spending in this budget. And I note that prior to making any adjustments or reductions, the Director of Budget is directed to notify in writing the Chairs of the Senate Finance Committee and the Assembly Ways and Means Committee. Is there any reason why the Ranking members of those Committees are also not given notice?

MRS. PEOPLES-STOKES: You know what? There is not a reason why they're not mentioned there and I think we should take that into consideration.

MR. GOODELL: Thank you. I note that once that those recommendations are made, the Legislature is given ten days to come up with an alternative plan if they want to, call the Legislature into Session, hold public hearings if we want, seek advice and counsel from those who are directly affected. Then have the committee meetings, prepare alternative bill language, presumably. My question is, we've been working on this budget for three months. We're running late, we're in the middle of the night already. Wouldn't it be prudent to provide for at least a little bit more time, especially in recognition of the fact that the Governor himself has suggested we should have 30 days? Because it seems the ten-day -- ten-day limit is so incredibly short, it'll be almost meaningless.

MRS. PEOPLES-STOKES: Well, we actually did

start out in that position as well, Mr. Goodell, but there are some who think that, you know, because the financial times are so dire, that ten days is more prudent. And while it may be a bit of a struggle for us to pull ourselves together with some recommendations different than what they're proposing within that timeframe, I -- I do think we will do it because times are urgent. We -- we have to respond in a way that makes sure we are providing the best service to the constituencies that we represent. So, I think we will be able to adequately pull ourselves together in ten days and get that done.

MR. GOODELL: I would certainly hope so. I would certainly hope so. It would be historic if we could, but I would certainly hope so. I know that when we started the year the Governor made quite a clear expression that he viewed us at a \$6.8 billion budget gap. And in order to close that budget gap, he had projected that personal income taxes would go up by \$1.5 billion, and in reality, of course, having shut down vast portions of the New York State economy, we aren't expecting a \$1.5 billion increase in income taxes. We're probably projecting a multi-billion-dollar decrease. He also projected another \$397 million in other taxes. For the same reason, our sales taxes are crashing and burning and, in fact, in many respects at this point in time our revenues are in a free fall. I mean, you don't get any sales tax from restaurants and hotels and -- and entertainment venues and manufacturers or anyone else when you shut them all down. We've shut down all of our malls, right? I mean, so our sales taxes are in free fall. So facing this, it was a week or so ago, I think

the State Comptroller projected our revenues would drop in the range of \$4- to \$7 billion and maybe even more. Estimates range as high as \$10- to \$15 billion. So my question is this - and thank you for that long introduction and your patience - last year -- or this budget projected we'd bring in about \$82 billion in State revenue. About \$82 billion. And if we're facing -- under this budget we're excluding large chunks of the budget from any consideration in reduction, right? We expressly exclude education other than the \$1.1 billion of the reduction that we expect to be offset by Federal funds. So if you start out with \$80 billion and you take out \$25 billion for education, things -- that brings you down to \$55 billion. And if you take out all the direct payments, that takes you down to about \$50 billion. If you take out Medicaid, well that brings you down to about \$25 billion. And if we're facing a \$10 billion loss on a \$25 billion base, we're looking at potential cuts that could be 15, 20, 30 percent. Am I correct on those rough numbers that we are looking at potential cuts that are in that range of 15, 20, maybe even 30 percent?

MRS. PEOPLES-STOKES: I think the cuts are generally going to be based on what kind of additional support we get from the Federal government. We kind of said that at -- at the outset of our conversation tonight. But we could be facing those kind of cuts. These are dire times. We don't -- we don't know what's going to happen. We don't know if things could get turned around by the end of May. We don't know if they'll turn around by the time people start to pay their taxes either at the State or the Federal level. And so I -- I



think you have to just put systems in place to be able to try to deal with that should it happen, and I think this is what the budget -- this budget is trying to do.

MR. GOODELL: Well, there's a lot of positive appropriations in this budget document. But I'm -- I'm mindful that watching a musician with a slay of hand, what one hand gives the other hand takes away. And so for example, as I mentioned before, I'm a great, great supporter of increasing child care and child care -- care subsidies. And in this budget we provide \$832 million for child care subsidies. We increase child advocacy centers by \$2 million. We have, you know, \$610 million for child welfare services. These are all great numbers. But at the same time, we're not talking at all, it seems, with any real numbers about what the potential cut might be. And I understand we don't know whether this crisis is going to last for weeks or months, but I think it's a little disingenuous to say to all these great organizations, *Hey, send us a thank you card, we just passed a budget that gives you more money. Oh, P.S., instead of getting \$2 million more, you might be facing \$2 million less.* Has the Majority come up with even preliminary numbers now that we're three-quarters of the way through the budget, that gives us some sense of what kind of cuts we may be facing?

(Pause)

MRS. PEOPLES-STOKES: So, Mr. Goodell, this is just kind of a restatement, but there are some things that are exempted from the cuts. I think we went over those before. But barring that,

everything else is susceptible to a potential cut. What that potential cut could be is something that we are not able to see right now because we don't know what revenues may come. Or even again as I said earlier, when taxes could get -- come in and how much they will come in at. And so the object is is to have as many opportunities to reel in our budget as possible. So we don't know which ones may end up being cut, with the exceptions of the ones that were read off earlier.

MR. GOODELL: But you would certainly agree with me that those cuts could be quite substantial with the economy's shape now?

MRS. PEOPLES-STOKES: They could. They could. And quite frankly, it pains me to even think about it.

MR. GOODELL: Yes.

MRS. PEOPLES-STOKES: But also know that there are, you know, local governments, school districts, not-for-profits who are just concerned that they even have an assumption of what they might be able to get from the State. If we don't do anything, they don't even have that. And so I think we have to start somewhere, and this is the place where we'd like to start.

MR. GOODELL: Can I bring your attention to the Unemployment Insurance Benefit Program?

MRS. PEOPLES-STOKES: The -- the unemployment --

MR. GOODELL: Insurance -- unemployment insurance. Of course, you know our Unemployment Insurance

Program was never designed or funded with the expectation that we would, by government action, in a matter of a few weeks shut down almost the entire economy. Last week the information we had was that 1.2 million New Yorkers applied for unemployment benefits. Never since the Great Depression have we seen so many people apply for unemployment benefits. And of course the Unemployment Insurance Program wasn't designed to cover the unemployment costs of, you know, a substantial portion of the -- the economy being shut down by government edict. So I look -- I noticed that the Federal government has implemented a program to provide \$600 a week, as I understand it, in special supplemental unemployment benefits. And the Federal government has estimated that that will cost the Federal government \$40.2 billion in additional funding coming to New York State. And our budget, by the way, reflects an additional \$40.2 billion. So my question is this: It's my understanding that without the Federal funding, the Unemployment Fund will only have \$3 billion in it. And if the Federal government comes to the conclusion you need \$40 billion to cover \$600 a week, wouldn't we need to have something like an additional \$30 billion to cover what we pay, which is \$400 a week? Why is it we are only putting \$3 billion in and not \$20- or \$30 billion, which is what we'll need to keep our unemployment system solvent. Obviously, my concern is if this crisis continues for very long, our unemployment system was never designed or funded to provide this level of -- of coverage, yet we're not putting any real money into it. Why aren't we putting \$20- or \$30 billion into our unemployment

system?

(Pause)

MRS. PEOPLES-STOKES: I guess the thing that strikes me most about the conversation we're having now is that I actually know a lot of these people who are, for the first time in their life, attempting or collecting unemployment insurance. And it also speaks volumes about our previous conversation when we talked about the ability to shift resources to -- to places that need it most. This -- this is a dire time. We've never seen anything like this in our entire lives. I hope to God we never see it again. But I think the support that we're -- will get to get through this, some of it is through the Federal government. Quite a bit is from the Federal government. And the other part is our ability to use the resources that we have had, whether we've appropriated them to -- or budgeted them somewhere or not. If we have to shift things in order to make those folks who are unemployed whole, then that's what we'll have to shift things. I suspect, as I'm being advised here by my A-Team over here, is that we'll have additional resources from the Federal government to deal with these things.

MR. GOODELL: I certainly hope the Federal government will continue to invest in the U.S. economy and the New York economy and help us as much as possible.

One other question I had, and maybe you can help me on, I see there's a discretionary spending for legislative adds that includes \$9.5 million to be allocated by the Speaker of the Assembly

and the Director of the Budget without any action by the Legislature. Now, in the past we've eliminated member items or went -- tried to, at least, at one point. We're roundly criticized sometimes for what might be called "pork barrel" or "member items." In the past when we've had bullet aid, we required that all those allocations come back to the Assembly as part of our transparency and be approved by the Assembly as a whole in a resolution. My question is, why are we giving \$9.5 million to be allocated in the Speaker's sole discretion without even requiring a resolution? Shouldn't we require a resolution at least outlining how that money was spent by the Speaker out of this \$9.5 million slush fund?

MRS. PEOPLES-STOKES: Mr. Goodell, I would think that perhaps when the Governor starts implementing, and his Budget Director, their strategy to adjust our budget should it need to be adjusted, that there might be some folks in our communities that would need support. And I think if we are able to help keep the library open, help get a new elevator in a library that doesn't have one, to help support our constituencies, I think we should be willing to do that, and I think that's what that deals with.

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

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Speaker. Would the Majority Leader yield for a few questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, Mr. Speaker, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SCHMITT: Thank you, Madam Leader. I know it's late, so I'm going to cut right to the chase. I -- in reviewing this bill I see local government funding has been eliminated from seven municipalities represented by both Majority and Minority members. In particular, the Village of South Blooming Grove, \$19,000; the Village of Woodbury, \$27,000, yet while other AIM payments you previously stated were maintained as is. These municipalities are municipalities that were created after the AIM formula and, therefore, are excluded from the AIM formula and have traditionally been made whole because, through no fault of their own, they didn't exist when that was originally made. Can you explain what the rationale was for punishing these communities?

MRS. PEOPLES-STOKES: I don't think there's anybody in government who ever has the intention of punishing people. So I would ask you not to perceive it that way. It may look that way, but it is not that. As a matter of fact, it was taken out by the Executive, but it has been put back in another place in the budget. And as soon as I find out where that is, I'll let you know.

MR. SCHMITT: So we're expecting it not to be in this Budget Bill --

MRS. PEOPLES-STOKES: It's been restored, yes.

MR. SCHMITT: -- but be in another part of the budget.

MRS. PEOPLES-STOKES: Yes.

MR. SCHMITT: Well, that is great news. Something we can be happy about this evening.

MRS. PEOPLES-STOKES: Well, there's a lot we can be happy about. I literally have heard, I want to say, at least four people in the last couple days who are not here anymore because of the coronavirus, because of COVID-19. There is a lot we can be happy about. And I'm glad you're happy, because so am I.

MR. SCHMITT: Amen. And absolutely our prayers are with -- with them. I -- I just had a few more questions. In both of the counties I represent, Orange and Rockland counties, we have the Dwyer Veterans Peer to Peer Program. I noticed that \$2.1 million has been reduced overall in the State budget. Maybe you have some other good news for me? Has that been put in somewhere else?

MRS. PEOPLES-STOKES: I'm going to look for it.  
(Pause)

Well, you -- you will be happy to know that at least from the Assembly's perspective, half of that has been restored and we are awaiting on our partners in the other House to see if they're going to restore the other half.

MR. SCHMITT: So just -- just to clarify, do you think there's still a possibility to have it fully fund --

MRS. PEOPLES-STOKES: That it could be fully

restored. Right now it's only halfway -- halfway restored.

MR. SCHMITT: So that might be something we should look for as more budget bills are printed?

MRS. PEOPLES-STOKES: Yes.

MR. SCHMITT: Sometime, hopefully maybe this evening, early morning.

MRS. PEOPLES-STOKES: Some more reasons to be happy.

MR. SCHMITT: I hope so. We could celebrate that together if that's the case, because I -- I appreciate your answers.

On -- on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SCHMITT: I'd certainly like to see a bright spot when we come to a long debate late in the night. We're almost through April Fool's Day, but we're certainly looking for the bright spots so I certainly look forward to reviewing those future bills with the Majority Leader to see a restoration of funding for local communities. Seven of them, including two that I represent, as well as critical funding for the Dwyer Veteran Peer to Peer programming. I know veterans personally, men and women that I have served with in the Army, that have benefitted from this program. It has saved lives and it's something that we desperately need to ensure continues. It is not a partisan issue. It is just something that saves lives in New York and heroes' lives. At the end of the day there's, I think, nothing more important, especially as we see almost 18,000 military men and



women have been activated across this country right now to combat the war against COVID-19, obviously a fight that we really never had to wage before, on top of the many heroes who've served and continue to serve overseas. You know, it's something that -- that is just wholeheartedly unacceptable to not fully fund that program. I would urge my colleagues to consider all parts of this bill, but those are two that were very important to me, and I thank you for the time.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. Will the Majority Leader yield for a few questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, I will yield, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes will yield.

MR. ASHBY: Thank you, Madam Majority Leader. I just have a few questions regarding some of the cuts that we've seen to our veterans programs, and I'm hoping to get some insight on to this. I was wondering if you could tell me why the New York State Defenders Association of Veterans Defense Program saw a \$250,000 cut?

(Pause)

MRS. PEOPLES-STOKES: So, in a later bill you

will see those dollars fully restored. A later Budget Bill during the course of our budget process.

MR. ASHBY: This year?

MRS. PEOPLES-STOKES: You will see -- this year you will see it as restored.

MR. ASHBY: Okay.

MRS. PEOPLES-STOKES: I like it when you all smile.

MR. ASHBY: Along that same -- along that same line, I mean, the -- this is -- this a program that provides legal assistance and support to represent veterans and service members involved in criminal and family court system. The same similar vein, the Legal Services of the Hudson Valley Veterans for Military Families Advocacy Project, that also saw a \$70,000 cut. Will that be reinstated as well? Can we count on that?

(Pause)

MRS. PEOPLES-STOKES: I guess it's a similar answer, because not only because they're veterans, but in another bill you will see that initiative not only fully restored, but slightly increased.

MR. ASHBY: Fully restored or slightly increased? It keeps getting better. I should ask more questions.

(Laughter)

MRS. PEOPLES-STOKES: You should.

MR. ASHBY: So, the Department of New York

VFW and the U.S. Field Service Organization was completely cut.

Can we expect to see --

MRS. PEOPLES-STOKES: Can you repeat the name of the program?

MR. ASHBY: The Department of New York's VFW, Veterans of Foreign Wars, and the United States Field Service Organization. There was \$125,000 in funding and that had been completely cut. Can we expect to see that reinstated or increased as well?

MRS. PEOPLES-STOKES: Yes.

MR. ASHBY: Okay. And then on to the -- to the Dwyer Peer to Peer Funding. I had the opportunity over the last couple months to travel a little bit throughout the State and visit counties and programs that administer this program and they just do a tremendous job serving our veterans and their families, as I'm sure you're aware. And I'm wondering what the rationale was to cut their budget in half? Globally, not geographically or based in need. But I'm wondering what that rationale was. And I know that I heard in a previous response that it may -- it may be reinstated, but I'm wondering if you could give me some insight as to why it was targeted.

MRS. PEOPLES-STOKES: So, you probably won't smile that quick this time, but the process has -- has been in the past that half will come from the Assembly resources and half will come from the Senate resources. The Assembly's half is there, the Senate's

is not yet. But that doesn't mean that it won't be because there's still opportunity for them to do that.

MR. ASHBY: I certainly hope so.

MRS. PEOPLES-STOKES: Me, too.

MR. ASHBY: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ASHBY: So, I think that our State does a tremendous job in creating and supporting veterans. We have the United States Military Academy at West Point. We have Fort Drum, home to the 10th Mountain Division, one of our nation's most deployed and storied units. We have the largest Coast Guard operation on the East Coast. We have numerous U.S. Army Reserve stations, National Guard, Air National Guard, Navy and Marine reservists around our State. Home to nearly one million veterans and their families. Even right now, in the middle of the pandemic, our military, whether it's in our own neighborhoods right now in the ORs or numerous hospitals throughout the State or in the USS Comfort docked in New York City, is here for us. They are here for us right now. And I find it repelling that each year we have to come back because they're wondering if we're going to be here for them. Are we going to be here for them and their families after they continually sacrifice on our behalf? You know, we are hopefully at the end of fighting our nation's longest wars, and now we're stepping into a pandemic and they're first to fight for us. And we're here in the middle of the night wondering whether or not we are going to be able

to provide support for their families and for these men and -- brave men and women that continuously sacrifice on our behalf. I do not know how we divorce this reality from where we are right now. How -- I don't know how it becomes a common target each year to simply remove funding for it. And whether or not it's we're providing our half, the Senate should be providing their half. If they want to play that game, then let's provide all of it. Let's show that we, in the Assembly, are going to stand up and do the right thing.

You know, for those -- for those reasons, I truly hope that we can get our act together in the future, and I strongly encourage my colleagues to support this wonderful program. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker. Will Madam Majority Leader yield for a few questions?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, I will yield.

ACTING SPEAKER AUBRY: The lady yields.

MR. PALMESANO: Thank you very much. And I promise I won't get as worked up as I did on the last bill. I -- I certainly meant no disrespect. I just got a little passionate about some of the issues we were talking about, so I appreciate your patience during that, so... The first part I wanted to talk about is I -- I know my

colleague brought it up a little earlier about the AIM funding. Just to clarify, is it just -- because I didn't catch some of it. So last year when we made the cut, the cut was made, then it was restored with I believe \$59 million that then had to be paid for in -- by the counties directly, correct?

(Pause)

MRS. PEOPLES-STOKES: Okay, so I am being told that it was a fiscal move that the Governor put in place which we concur with because it actually saves \$59 million.

MR. PALMESANO: Right. So when the Governor -- last year when the Governor made the cut, he didn't want to put it back in. I know both Houses wanted to put it back in, but at the end of the day the Legislature accepted the fact that we're going to accept the cut. But the -- the cut's going to be restored, but the counties are forced to pay for that \$59 million, correct? Because they -- the thought was that it -- they were going to use this sales tax money from the Internet sales tax, correct?

MRS. PEOPLES-STOKES: Correct.

MR. PALMESANO: So now here we are in a situation where sales tax numbers are plummeting, and the counties, aren't they still obligated to still pay that \$59 million in revenue sharing, AIM funding, to those municipalities. Correct?

(Pause)

MRS. PEOPLES-STOKES: Okay, so that is correct.

MR. PALMESANO: Thank you.

MRS. PEOPLES-STOKES: But counties have also received resources from the Federal government as a result of the pandemic as well.

MR. PALMESANO: Okay. I did want to talk a little bit -- I know we talked a little bit earlier about the \$2.5 million cut to our libraries. The Governor proposed a \$5 million cut, the Legislature with this bill that we have before us, as it stands right now, there's going to be a \$2.5 million cut in aid to our libraries that the Legislature and the Majorities has accepted as okay. We're going to allow the cut, the \$2.5 million to go to the libraries, is that right? As it stands right now. I know what your hope is, but I -- I know right now.

MRS. PEOPLES-STOKES: Yes, that is correct, Mr. Palmesano.

MR. PALMESANO: So at the same time -- I guess the other question I want to get to, because I know there was talk about \$9.5 million in discretionary funding for not-for-profits that's at the discretion of the Speaker, which I would assume is with the Majority. Wouldn't it have made some sense -- wouldn't it have been a better idea, at least at a minimum, okay, take \$2.5 million out of that money and put it in for our libraries at least to make them not cut, at least flat? And couldn't it be -- couldn't you have done without -- instead of \$9.5 million, couldn't it be done with \$7 million for that discretionary pot? But instead, you agree to cut the libraries \$2.5 million at the -- at the turn-around allowing the Majority to spend this money as they so fit around their districts, correct? Is that an accurate

assessment?

MRS. PEOPLES-STOKES: It is accurate. But the Majority is not the only one that spends this money.

MR. PALMESANO: Okay. Well, whoever -- whoever spends the money, I think -- I think all of us would agree -- I -- I -- I can't speak for my entire Conference, but I -- I would be willing to bet every member on our side of the aisle would certainly support having that \$2.5 million go to our libraries, rather than having it be in a pot of money that can be distributed at the discretion at [sic] individual members.

I would like to ask one other question, if I may.

MRS. PEOPLES-STOKES: Okay.

MR. PALMESANO: Relative to economic development, the \$42.5 million for marketing for, like, the Governor's TV commercials and marketing for Open for Business and START-UP NY. Does it really make sense from your side of the aisle to spend at a -- at a time when we're facing a \$42- -- or a \$10 billion budget deficit to spend \$42 million on TV commercials to say we're open for business at the same time our existing businesses, again, are being struggling and crushed under the current situation? Does that really make sense? Is that a wise use of that \$42 million? Wouldn't that be better used - just like the \$420 million tax credit - used to help support our small businesses who are, again, concerned, closed down, have no employees, are -- can't make their mortgage payment, can't make the payroll, can't pay the property tax bill. Wouldn't that money



be better spent to go directly to help our small businesses rather than running TV commercials around the State saying, *Hey, New York's open for business*, when in fact, we know we aren't open for business?

MRS. PEOPLES-STOKES: Yeah, it -- it would. But it also -- you do run a State that, you know, it spends a lot of time and effort trying to recruit new business here, trying to recruit new people here. And so there are a lot of things to advertise that are important to marketing New York State, and that's one of the things that's being done in this budget.

MR. PALMESANO: Thank you so much for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yeah, I just want to touch quickly on some of the points we talked about in this budget. You know, certainly, the concerns we have on AIM funding, when the cut happened last year the Governor pushed through and said, *Hey, if you want to restore the funding, we can put it -- we can restore the funding but the counties are going to have to pay for it. You could pay for it with your increased sales tax revenues*. Sure, that might have worked last year, but now it's a different situation, and it's kind of unfortunate that we're not doing anything to help those counties right now who are getting -- getting decimated. In fact, I haven't seen the language yet; there's a bill probably coming on the House that's going to decimate our counties when -- if the Governor gets his way and he shifts

Medicaid costs to our local counties, it's going to decimate our local counties, it's going to shut our services. It's going to increase property taxes. In some instances I think it would bankrupt some of our counties. And when we have that money -- when they don't have the sales tax money coming in, the only place to get it is from the property taxpayers. So, look out, property taxpayers who are coming. So, I -- I have some concerns that this is going to be -- because now the counties are still obligated to pay this money to the -- to the local municipalities, and I'm sure they will because they're good partners, but they're mandated to do it. So this is another unfunded mandate that the counties have to pay to the other municipalities. They'll do it because they're good partners, but it's going to be paid up and made up through increased property taxes.

I do have a concern about seeing a cut for \$2.5 million to our libraries when there's \$9.5 million in discretionary funding. I -- I just think we all could have agreed, if we talked about it, just changed the discretion. If you want to keep the discretionary funding, okay, keep it. But can't you take \$2.5 million out of the \$9.5 million? Take \$7-. Can't you live with \$7- and give our libraries \$2.5 million more and let them at least be at the same level they were last year? I mean, we should be giving them more. But no, we're not. We're going to cut them. And we're hoping that the Senate does the other side. I'd rather see it in the bill.

And I do want to just talk -- and I conclude, again, on the -- the \$42.5 million for marketing for the -- for the Governor's

Open for -- so-called "Open for Business" initiative and START-UP NY. I'm sorry, Mr. Speaker and my colleagues, this is a joke. If the Hollywood Film Tax Credit that we talked about earlier, the \$420 million, if that was a dinner, I guess this is the icing on the cake. This makes absolutely no, no sense to me whatsoever. Listen. This Governor and this Body can spend whatever you want on advertisement saying we're open for business. It's not going to work. People know it. People know we're not open for business. Why? Because the numbers don't lie. What are some of the numbers? New York ranks 49th out of 50th in business climate. That's not open for business. New York ranks at the top of the level for taxes, especially if you combine income taxes and property taxes. New York has some of the costliest regulations that are placed on our businesses which drive up our business costs. New York has some of the highest electricity and energy costs in the country. And ladies and gentlemen, at home it's going to get worse. After the bill we passed last year, the so-called "Green New Deal" bill, the only thing "green" about that bill is the amount of dollars it's going to cost our taxpayers, our ratepayers and our businesses in lost jobs and lost opportunities. That's the only thing "green" about it. That's going to be even more costly. We have the highest property taxes in the nation. Seventy-nine higher -- 79 percent higher than the national average. Seventy-nine percent higher than the national average. And again, if the Governor gets his way and this Legislature agrees with him and supports him and allows this Medicaid -- this Medicaid cost shift -- and that's what it is, it's a cost

shift and I'll talk more about that later. Believe me, I'll talk more about that later. That's ridiculous. That's not open for business. Who's going to pay that? The businesses. So advertise to the business community that we're open for business, you should put out a little disclaimer like you see on those healthcare commercials: You're gonna get this, this and this if you take that. Well, yes, we might be open for business, but by the way, you're going to pay more in income taxes, more in property taxes, more in Workers' Compensation costs, more in electricity costs, more Unemployment Insurance, more in Workers' Compensation. All of it. Make sure you put that in the -- in the advertisement on the bottom so people can see it because the commercial is not going to work. The people know. We shouldn't be spending this money, this \$42 -- \$42 million running TV commercials. We should be spending this money to help our small businesses across this State in every one of your districts and our districts who are crushed, who are panicking, who don't know if they can meet their payroll. Who don't know if they can make their property tax payment. Who don't know if they can keep their doors open. Who don't know if they can keep their employees. Who don't know if they're going to be able to stay in their house or go into foreclosure. That's the reality, ladies and gentlemen. We can't run commercials. We need to all hand -- we're talking about all hands on deck approach. Well, that's why we needed to have an all hands on deck approach to help our small business community when we know for a fact, I believe, our small business communities represent 99 percent of the businesses in New

York and they employ approximately half of our State's workforce. Why aren't we helping them? Stop -- give -- this is ridiculous, running \$42 million and say we're open for business and START-UP NY. This is a waste of taxpayer money. We shouldn't be doing it. Let's get serious about helping our businesses recover. You had an opportunity earlier, but you all rejected our small businesses -- our Small Business Emergency Recovery Act. And the same bill that you passed the \$420 million tax credit for Hollywood and the entertainment industry.

Mr. Speaker and my colleagues, if I sound frustrated it's because I am. It's because I have small business owners, farmers, families that are scared. It's because they don't know what's going to happen next. They're looking to us for help. Mr. Speaker and my colleagues, \$420 million for Hollywood entertainment industry doesn't help our families, our small businesses, our farmers, our taxpayers. Forty-two million dollars in this bill doesn't help our small businesses and our families. And I do want to give you one example, too. When I talk about regulations, do you realize in New York State we have over 49,000 pages of rules and regulations? If I hold up this sheet of paper side-by-side and stretch it out, that would stretch 4.4 miles or 76 football fields. I don't know what you think, but I certainly think we can redo some of these costly regulations maybe down to 73 or 72 football fields and be okay. But this is what our small business community is facing. Again, burdensome taxes, regulations, fees. They can't survive in this environment. We're not doing anything to help them. Running commercials saying we're open for business is

not helping them.

Let's get serious about this, ladies and gentlemen, my colleagues. Let's do the right thing to help our small businesses. Let's pass some meaningful legislation that's going to show them that we have their backs. I'm sorry, this doesn't do it. The last bill doesn't do it. And for that reason, I'm going to be voting in the negative and I certainly encourage my colleagues to do the same thing. Thank you.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Well, good evening, Mr. Speaker.

ACTING SPEAKER AUBRY: Good evening, Mr. Walczyk.

MR. WALCZYK: And in case I don't speak to you again this evening, good morning.

ACTING SPEAKER AUBRY: Let's not rush ourselves.

MR. WALCZYK: I would -- I would like to ask some questions to the sponsor if she would be so kind as to yield.

ACTING SPEAKER AUBRY: Mrs. Crystal Peoples-Stokes, will you yield to Mr. Walczyk?

MRS. PEOPLES-STOKES: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. WALCZYK: Thank you. On the Aid to Localities Budget Bill I'm looking at the contingency language, and this is a pretty big addition to the -- the Governor's budget. I'd like to get there for a second. But after 16 -- officially, 16 months on the job

in just a few minutes -- in four minutes here I'll be 16 months on the job -- I realized that I've never asked the Majority Leader what she thinks the purpose of the New York State Assembly and the Legislature is. So I hope that she would entertain that broad question for me.

MRS. PEOPLES-STOKES: What? I'll -- I'll allow you to buy me dinner while I answer that, but I'll answer any question you have on the budget.

MR. WALCZYK: Okay. On the contingency language, more specifically, through you, Mr. Speaker, why is this contingency language here?

(Pause)

MRS. PEOPLES-STOKES: So, the contingency language is here so that the budget might be balanced, as it fluctuates during the course of the fiscal year.

MR. WALCZYK: Which powers -- through you, Mr. Speaker, which powers does it expand to the Executive or the Division of Budget in order to do that?

MRS. PEOPLES-STOKES: This bill -- this bill would establish three measurement periods by which the Division of Budget can access and take certain actions to reduce disbursements to maintain a balanced budget. The measurement periods are April the 1st through the 30th; it's the Executive 30-day Financial Plan, actual receipts and disbursements report from the Office of the State Comptroller. The second measurement period is May the 1st through

June the 30th. It's the Enacted Budget Financial Plan. The actual receipts and disbursements, again, from the Office of the State Comptroller. And the third measurement period is from July 1st to December 31st, the Enacted Budget Financial Plan. And again, the actual receipts and disbursements will be in a report from the Office of the State Comptroller. The bill includes a trigger for the Division of Budget to use these measures if actual tax receipts are at least 1 percent below the estimated tax receipt or actual disbursements are at least 1 percent over disbursements. Once triggered, the measures could authorize the Director of the Division of Budget to reduce General Fund or special revenue appropriations necessary to maintain a balanced budget with uniform across-the-board reductions to the extent practicable. Prior to making these reductions, the Division of Budget must notify the Legislature. Once the Legislature is notified, the Senate and the Assembly will have ten days to prepare its own plan which must be passed by a concurrent resolution of both Houses. If the Legislature does not act within ten days, the Division of Budget's plan is to -- will take effect automatically. This bill exempts certain payments from these reductions, including public assistance, reductions that would violate Federal law, debt service and payments related to court judgments. In the event actual tax receipts are within 2 percent of the estimated tax receipts through February 2021 or sufficient Federal aid is received to correct any budget and balance, this bill would authorize a method for repayment of any reductions.

MR. WALCZYK: Thank you. And through you,



Mr. Speaker, does the Senate and Assembly have an agreement on what those projected tax receipts will be in this year, and if so, would the Madam Majority Leader share that number?

MRS. PEOPLES-STOKES: All-Funds revenues total \$176.4 billion, a 1.1 percent decrease from State fiscal year 2020. State Operating Funds revenue totaling \$95.2 billion, a 7.3 percent decrease from State fiscal year 2020. General Fund revenue totals \$71.3 billion, a decrease of 9 percent from State fiscal year 2020. And State spending -- State funds spending totals \$104 billion, a decrease of 7.1 from State fiscal year 2020.

MR. WALCZYK: Okay. Thank you. I'd like to move to the Education portion of the budget. I noticed that there is a -- a proposed cut of \$1.21 billion that will, it looks, be backfilled by Federal funding through the CARES Act. I wondered what the maximum cut the Division of Budget may be able to do in the future in education without going over the three-year average threshold for spending on schools.

MRS. PEOPLES-STOKES: Mr. Walczyk, you might also notice that the Chair of the Education Committee is in the Chambers, and I would like to defer those comments -- answers to him.

MR. WALCZYK: Thanks very much.

ACTING SPEAKER AUBRY: Mr. Benedetto.

MR. BENEDETTO: Mr. Speaker, thank you. Would the questioner please ask that question again?

MR. WALCZYK: Sure. The Federal CARES Act requires a three-year average of State education spending. We can't cut below that level. And I'm wondering what that level is and how close \$1.21 billion, which is the current cut is, to that and what the impact would be if -- if the Division of Budget cut spending to education in the future.

MR. BENEDETTO: We believe that it would be -- and again, this is an estimate -- approximately a \$1.6 billion decrease.

MR. WALCZYK: Okay. Thank you very much. Moving on, I wonder -- well, actually, this is also within the Education Budget. If the Education Chair would continue to yield. The school health services for the Big 4 city school districts, I noticed that there's a \$2.4 million legislative add to the Governor's budget. Is that something that DOB can eliminate outside of the CARES Act funding for education because it's not formulized?

MR. BENEDETTO: That is something at this particular point of time we are not exactly sure about, and we would have to check up on that.

MR. WALCZYK: Thank you. I think that completes my questions on Education. I appreciate it.

MR. BENEDETTO: Thank you.

MR. WALCZYK: If the --

ACTING SPEAKER AUBRY: Mr. Walczyk, we will pause for a minute.

MR. WALCZYK: Sure.

ACTING SPEAKER AUBRY: Thank you.

MR. WALCZYK: I see that I've got 14-and-a-half minutes left, if -- if my watch is correct.

ACTING SPEAKER AUBRY: Seven minutes and 16 seconds. Nice try, but we've got a better clock than you.

MR. WALCZYK: Well, good morning, Mr. Speaker.

ACTING SPEAKER AUBRY: And now it is good morning, Mr. Walczyk. Pleased to see you on April 2nd.

(Pause)

Mr. Walczyk, your 7 minutes, 16 seconds has recommenced.

MR. WALCZYK: Thank you, Mr. Speaker. Good morning, Madam Majority Leader.

MRS. PEOPLES-STOKES: Good morning, sir.

MR. WALCZYK: Thank you for taking the time. Are we continuing early voting in New York State this year?

MRS. PEOPLES-STOKES: Yes.

MR. WALCZYK: And how much do we anticipate that early voting is going to cost in -- in the State of New York this year?

MRS. PEOPLES-STOKES: It's a local cost. I have no idea what it might be, and it's not provided for in our budget.

MR. WALCZYK: I see the \$10 million reappropriation. I wanted to, for the record, point out that it was \$13.7 million just in New York City alone. My elections commissioners

have a lot of concern about the -- the costs that we're shifting onto localities here as we go through the Aid to Localities Budget. Who -- who do we anticipate will pay for the early voting?

MRS. PEOPLES-STOKES: You said who do we think we'll anticipate paying for it?

MR. WALCZYK: Who's going to pay for that? Yes, ma'am.

MRS. PEOPLES-STOKES: I would think your local Board of Elections.

MR. WALCZYK: Okay. I wondered if we could shift to the Housing portion of the Aid to Localities Budget.

MRS. PEOPLES-STOKES: Sure.

MR. WALCZYK: Under the -- just doing a compare here, the Neighborhood Preservation Council we actually funded at \$8.5 million more than last year, and I was wondering if you could explain why such an increase.

MRS. PEOPLES-STOKES: Okay. So, it's actually the exact same amount as last year, except last year was funded in two separate locations so it looks like it was less, but it's the same amount.

MR. WALCZYK: Thank you. And for the Rural Preservation Program, is that the same case there?

MRS. PEOPLES-STOKES: Yes.

MR. WALCZYK: Thank you for that point of clarification.

Moving on to the Law portion of the budget,

foreclosure avoidance, and I see \$10 million in new funding in the Aid to Localities Budget. Would you just quickly describe what that's intended to be for?

(Pause)

MRS. PEOPLES-STOKES: There -- it's \$20 million for foreclosure issues.

MR. WALCZYK: Okay, thank you. Under the Department of Temporary and Disability Assistance, or Office of Temporary and Disability Assistance there's funding for the Summer Youth Employment program, \$1 million more than last year. And I -- I also noticed that we've changed the program slightly or proposed changing the program slightly this year. Would you explain what those changes are and why that \$1 million is necessary?

MRS. PEOPLES-STOKES: It reflects minimum wage changes.

MR. WALCZYK: Okay, thank you. The -- my understanding is there's a wait list for the Summer Youth Employment Program. Is that your shared understanding?

MRS. PEOPLES-STOKES: I'm not so sure if that's accurate. Would that be in your county, or are you suggesting that it's a wait list all over the State?

MR. WALCZYK: All over the State and especially with a focus in New York City.

MRS. PEOPLES-STOKES: I'm not aware of it. It's a very good program. It works very well in Buffalo, I can tell you

that.

MR. WALCZYK: I just -- and possibly it's in feedback. It's not an area that I represent, but I noticed that we're expanding the program to include 25-year-olds in the Summer Youth Employment Program. That's a little on the older end of youth, I think. We have members of this Legislature that have reached that age. I'm glad that they're finding gainful employment, but I -- I hope that we would prioritize, as parts of this budget do, the -- the actual youth, the younger youth, and encourage them.

I'll -- I'll just go on the bill, Mr. Speaker.

Thank you, Madam Majority Leader.

MRS. PEOPLES-STOKES: Yes.

ACTING SPEAKER AUBRY: On the bill, sir.

MRS. PEOPLES-STOKES: I did want to just respond, though. But that -- that is a local option. So, in your community you might want it to be 18 or 26, so it's -- it's the local government that decides what the age limit is for me or some of you, chapter amendment.

MR. WALCZYK: Thank you.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: So, the -- the role of the Legislature here and I think this is the biggest -- I mean, there's plenty of concerns within the Aid to Localities Budget and I know I've had my time cut from 30 minutes to 15 minutes. A debate on this bill

could go much longer than 30 minutes for sure as I've still got questions and plenty of issues to bring up.

But the thing that strikes me as the most dangerous, and I think it's something that every member of the Senate and Assembly should be thinking long and hard about is the expansion of powers to the Executive in New York State. We raised our right hand, we swore an oath to the Constitution. Thinking about your Constitutional purpose as a member of the Legislature is something that you should do every day before you walk into this Chamber.

What the Governor has done here in -- in a moment, he's changed his Executive -- original Executive Proposal. He's asked for sweeping authorities to change the budget throughout the year without even asking the Legislature whether that makes sense. He just reports back and say's here's -- here's what I'm doing. We've got -- in this same bill we've got \$9.5 million in pork barrel spending while we're cutting. What's the total budget? We don't know. There's cuts to veterans' programs, though. We waste money on TV ads, marketing to Arizona that New York State is a great place to come and do business. We put our hand out and we ask the Federal government for help while we supplant local governments in our Aid to Localities Budget. We tell counties, hey, take that sales tax revenue that you've traditionally supported yourselves with, you're now going to shift that on to backfill where we failed to support you in AIM and aid to localities.

Look, this is a year where obviously we were looking

at a \$6.1 billion deficit. We've run into this COVID-19 crisis, our economy's been shut down. There's no question that we were going to have tough choices to make. But what's tough for me is the choices that we're -- the priorities that we continue to make here. Our priorities are out of whack. If it was across the board cuts, I could handle it, but I'll vote no, Mr. Speaker, because I think our priorities are out of whack. I see I've expired in my time. Good morning and thank you.

ACTING SPEAKER AUBRY: Good morning and thank you.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Good morning.

ACTING SPEAKER AUBRY: Good morning.

MR. PALUMBO: Would the sponsor yield for a few questions, please?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALUMBO: Thank you, Crystal, how are you? Good morning. Just a few questions, please. I'm going to just be in a few different areas, but I'll start with the Public Protection if I could. This bill appropriates \$40 million to local district attorneys and law enforcement for the Criminal Justice Discovery Compensation Fund;



is that accurate?

MRS. PEOPLES-STOKES: Yes, that is correct.

MR. PALUMBO: And is -- are there any changes going to be made to the Discovery Law that was passed last year in the Criminal Justice Package?

MRS. PEOPLES-STOKES: The Legislature provides \$40 million in funding --

MR. PALUMBO: Yes. And are there any changes --

MRS. PEOPLES-STOKES: -- for Criminal Justice Discovery Compensation Account to support discovery implementation.

MR. PALUMBO: Yes, ma'am. And in that regard, though --

MRS. PEOPLES-STOKES: Indigent services --

MR. PALUMBO: -- is it going to remain the same?

MRS. PEOPLES-STOKES: -- technology -- oh.

MR. PALUMBO: I'm sorry. I'm sorry. I understand -- and I -- and I have the bill in front of me and it indicates and really where I'm going to go with this and my points are directly regarding the monies of the Criminal Justice Discovery Compensation Fund following appropriation by the Legislature and allocation by the Director of Budget shall be made available for local assistance services and expenses related to, as you were about to indicate, all that discovery reform and implementation. So, initially, are we going to make any changes to the discovery reform that you know?

MRS. PEOPLES-STOKES: It's still in negotiations.

MR. PALUMBO: Yes. I mean -- anything to it as far as the Article 7 language, the implementation of it, is it going to be changed at all, or will it remain the same?

MRS. PEOPLES-STOKES: Sir, it is still under negotiations.

MR. PALUMBO: Oh, it is. Okay. How will this specifically be distributed, these amounts, because -- will it be competitive grants or will it just be at the discretion of the Budget Director?

MRS. PEOPLES-STOKES: Okay. So, I wanted to try to explain that to you, but you stopped me in the middle of the --

MR. PALUMBO: I'm sorry, I -- I just wanted to clarify my question.

MRS. PEOPLES-STOKES: The Legislature provides \$40 million in funding for Criminal Justice Discovery Compensation Account to support discovery implementation, digital evidence, transmission technology, administrative support, computers, hardware, software, data connectivity, training, overtime, litigation readiness, pretrial service costs of counties, cities and law enforcement, and prosecutorial entities within towns and villages. So --

MR. PALUMBO: And that's --

MRS. PEOPLES-STOKES: So, towns, villages, law enforcement, cities and counties.

MR. PALUMBO: And they will basically be outside of New York City; is that accurate?

MRS. PEOPLES-STOKES: Yes.

MR. PALUMBO: Okay. And that money -- and the reason why I just asked those questions and I want to know how it's distributed, if we do know, is because, for example, in Suffolk County we have had to implement -- our District Attorney had to hire several new prosecutors to help comply with the new discovery law. And then as a result of the timeliness and the 15-day schedule for discovery, the police costs and overtime costs have skyrocketed into the millions. So \$40 million is a good start, I don't think it's going to be anywhere near the real number. I -- I remember -- I recall last year our Attorney General Tish James thought that she would need at least \$10 million just to get started with the Law Department to try to comply with this.

So, my -- my question is that I know -- I see and it looks as though that even law enforcement is also eligible for some of these -- of this funding, which is wonderful, but my question is as to how they will be able to get it. Is it just discretionary or are they competitive grants where they'd have to make an application for it?

MRS. PEOPLES-STOKES: The -- the process will be to apply for the Division of Criminal Justice Services, and the \$40 million is for two years.

MR. PALUMBO: Okay. So --

MRS. PEOPLES-STOKES: So, a total of \$80- for

two years.

MR. PALUMBO: A total of \$80-, I'm sorry?

MRS. PEOPLES-STOKES: For two years.

MR. PALUMBO: Okay, very good. Thank you.

MRS. PEOPLES-STOKES: You're welcome.

MR. PALUMBO: And lastly on the Public Protection, I see that we did appropriate for prisoner's legal services another \$2.2 million in new funds are related to representations and assistance for indigent inmates, which was in the Governor's Budget; is that accurate, as well?

MRS. PEOPLES-STOKES: Which one is that?

(Pause)

So, the Executive had a base of \$2.1 million and we're actually adding \$900,000 to that amount.

MR. PALUMBO: Okay. So we're putting over \$2 million into that fund --

MRS. PEOPLES-STOKES: Yes.

MR. PALUMBO: -- but --

MRS. PEOPLES-STOKES: So --

MR. PALUMBO: Now, in light of the new discovery reform, aren't our prison populations reducing significantly as a result?

MRS. PEOPLES-STOKES: Population in county jails is going down.

MR. PALUMBO: Understood. So, those funds, that \$2.2 million that we're appropriating for indigent prisoners who

already certainly would be entitled to representation and will have representation from the Legal Aid Society, I just contrast that with the Defenders Association for Veterans Defense Program, including the one on Long Island which is being reduced by about a half million dollars. So, we're reinstating those funds for the veteran defenders and we're increasing it for the prisoners; is that accurate?

MRS. PEOPLES-STOKES: Yes.

MR. PALUMBO: We're going to at least maintain the same levels as last year for the veterans? That's what I'm concerned about.

MRS. PEOPLES-STOKES: Yes, we are restoring those programs.

MR. PALUMBO: Excellent. I look forward to it.

Nextly -- next, if we could move over to the Mental Hygiene section, please. And I heard you say -- I'm excited to hear that we're going to reinstate the Joseph P. Dwyer funding for the peer to peer funding for our PTSD suffering, or the veterans who are suffering from those injuries, the invisible injuries as we certainly discussed at length for Posttraumatic Stress Disorder. But I saw in that Mental Hygiene section as well there was some legislative additions. I believe -- it looks as though the Governor did not include 22 programs that I guess were all in last year's budget. And then I see there's \$4.9 million was added -- that there were -- there were 12 various programs, I believe, that were removed that were funded last year. And one of them particularly that -- that concerns me is the

North Fork Mental Health Initiative.

And that, just to give you a little bit of background and then I'm going to ask you question on it, that is a program that was only \$175,000 a year. It was -- for the past two years we funded that. And that was for mental health services for students. There was a program that was created by my colleague on the South Fork of Long Island and Senator LaValle that started that program as a result of suicides and attempted suicides by students.

Now out on the East End, not many people realize the rural nature of that part of Long Island so there were not intermediate mental health services for these students. So the kids would either have to go to a school nurse or be in a hospital setting. They did not have the ability to even speak to someone who's a mental health professional. So, this program was created seven or eight years ago and then we did the exact same thing on the North Fork because of that nature. This was critical in light of the social media becoming so prevalent, bullying and all these other issues.

So my question is - if you could get me the answer I would really appreciate it - as to why, I know several programs in the Mental Hygiene area were reduced or ultimately eliminated, but this \$175,000 a year program is eliminated and we're very concerned about that. So, could you tell me how that slipped off the table?

(Pause)

MRS. PEOPLES-STOKES: Okay. In the Aid to Localities Budget, the Legislature restores \$175,000 to the South Fork

Behavior Health Initiative.

MR. PALUMBO: And that is the concurrent, that is the South Fork Mental Health Initiative. There was a completely separate program in my district, the North Fork Mental Health Initiative, which was not funded. So, I don't know if that was some confusion because I know we were asking for it, but when we saw the ultimate bill today, that program no longer exists. So, there's two mental health professionals that provide walk-in services, confidential services to these students because they wouldn't have to, then, tell their teacher or tell someone else in light of the sensitive nature of the mental health issue. They are now losing that entirely on the North Fork and my district is extremely concerned about that.

MRS. PEOPLES-STOKES: Well, the Legislature has accepted the Executive's recommendation on that, and that's where we are with that.

MR. PALUMBO: And that was the Governor's recommendation, right, to eliminate that program?

MRS. PEOPLES-STOKES: Yes.

MR. PALUMBO: Understood. Thank you very much, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: You're welcome.

MR. PALUMBO: On the bill, please.

ACTING SPEAKER BENEDETTO: On the bill.

MR. PALUMBO: Thank you. And, you know, as I mentioned the other day, these are the things that happen when we,

and I'm going to say it, my friends, are irresponsible. We were all here two weeks ago and we had a significantly lower rate of cases of coronavirus of this pandemic in this State. We had a significantly lower number of deaths. We were all here in town to do what we had to do. Now, as everyone knows, when we don't pass or reject the Governor's Budget by April 1st, he has all the control. Whatever the Governor wants, the Governor gets. We can't even submit our own bills after April 1st if we haven't rejected his.

That's the kind of irresponsibility that ends up cutting programs like the North Fork Mental Health Initiative. This is for children who are struggling with suicidal ideation. Those programs and intermediate services, as I said, are not available on the East End of my district. There was -- there were suicide attempts and some successful suicides, unfortunately, on the South Fork that created this program, and then we brought it up to my district. But, you know what? We've got all this policy that we thought was a great idea to throw into this budget and we can talk about them, we have. We talk about -- we don't include the small business incentives and tax cuts, but we can certainly include a \$400 million tax credit to Hollywood, right? Two million dollars cut -- \$2.1 million cut so far and we think it's going to be restored, hopefully, to the Dwyer fund.

We have a bill coming up later in the day that's going to publically finance campaigns. We think that's more of a priority than the Mental Health of the children on Long Island. And it's -- it's irresponsible, it's reckless and you've heard it from several of my



friends and colleagues here talking about how can we do this to our businesses when we have a \$144 million I believe it was for ski resorts in this budget, in this midst of a pandemic, of a crisis that we don't even know what our revenue projections are.

So what do we do? We then give the Division of Budget and the Governor a ten-day tight window to get both Houses a quorum up here and to fix whatever they suggest if we have a problem with it. The difficulty of that we all know, I don't need to go into it. It's very unlikely. It might have -- it should have been an hour because that's just about as convenient as ten days for us to try and get in and change this. So now they have even more power, we don't know what the -- the revenues are going to be, so we have to guess. But we could keep everything flat. We're keeping -- our school aid is -- not only is it flat, we're getting a \$250 million subsidy net result because we're getting the COVID funding from the Feds. We're getting \$1.2 billion.

So when we have a program, think about this, it's \$175 billion budget, with a B, \$175,000 million and this program costs one millionth of this budget that we're passing right now recklessly and indiscriminately. Throwing out a program like that is shameful. I vote no.

ACTING SPEAKER AUBRY: Mr. Johns.

MR. JOHNS: Good morning, Mr. Speaker.

ACTING SPEAKER AUBRY: Good morning, sir.

MR. JOHNS: Would you ask the Majority Leader if she would yield for a two-part question?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield for a two-part question? Or one.

MRS. PEOPLES-STOKES: Yes. I like the specificity of his question.

MR. JOHNS: One question, two parts.

ACTING SPEAKER AUBRY: Two parts for you, Mr. Johns.

MR. JOHNS: Crystal, the only thing I wanted to know in this is, is there money in this section of the bill for a special monitor for the City of Rochester School District?

MRS. PEOPLES-STOKES: Yes.

MR. JOHNS: And there was a promise of \$35 million for the City of Rochester School District to help them balance the budget through this fiscal school year from now until July 1st. Is that in this section of the budget?

MRS. PEOPLES-STOKES: It is a spin-up, yes.

MR. JOHNS: It's in this section, as well.

MRS. PEOPLES-STOKES: A spin-up, yes.

MR. JOHNS: Okay. That is all. Thank you.

MRS. PEOPLES-STOKES: You're so welcome, sir.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield, or Mr. Benedetto, because I do have some Education questions.

MR. BENEDETTO: Certainly.

ACTING SPEAKER AUBRY: Mr. Benedetto will yield first, Ms. Walsh.

MS. WALSH: Thank you very much. Good morning, Mr. Benedetto.

MR. BENEDETTO: Good morning, Mary Beth.

MS. WALSH: It's my pleasure to serve with you on the Education Committee and I'm sure it doesn't surprise you that that would be where my questions would at least start.

MR. BENEDETTO: Your pleasure is only exceeded by mine in serving with you.

MS. WALSH: Oh, you charmer. You're a charmer.

All right. So, the way I look at the Education portion of this budget in -- in this bill, would it be fair to say that education funding represented is pretty flat; would you say it's -- it's pretty flat?

MR. BENEDETTO: I would think that would be a very fair statement, yes.

MS. WALSH: Okay. That -- that's kind of what I was looking at. So, I -- you know, my question really, I -- I was happy to see, I think, that the Foundation Aid formula is -- doesn't appear to be changing, although that had been sort of discussed. Do you have any -- I know that that might be a little bit beyond the bill, but as far as Foundation Aid, is it your understanding that the formula is going to remain this year kind of the same as it has in the past?

MR. BENEDETTO: Over the past year there has been interest both in the Senate Chamber and this Chamber, as well as,

I believe, on the Second Floor in looking at the formula for allocating education funds; however, that is still being looked into and we -- I -- we think it deserves a lot closer and maybe longer look. So for this year, it is staying the same.

MS. WALSH: Very good. Thank you. So, there is a different term now if -- I couldn't wrap my mind around Foundation Aid, now I have to understand what a pandemic adjustment is. So, I'm wondering if you could please explain what the pandemic adjustment is and what it means.

MR. BENEDETTO: Well, one of the problems is that I don't know if anyone really fully understands what the pandemic adjustment means. But as I understand it, and correct me if I'm wrong, basically, the Feds are going to be sending us money, money to help us in the education sphere. Whatever money we get from them and that money seems to be in and around \$1 billion, give or take a little, and whatever we get from them will be money that we will be taking from the Foundation Aid and supplementing it with the money we get from -- from Washington, and then reassigning the money that was there to worthy projects elsewhere in the budget.

MS. WALSH: Thank you for that. So just to follow up with a few clarifying questions. The -- do we know how the Federal money will come in? Will it be, for example, heavier in the Title I schools, poorer districts? The -- the language doesn't seem to be real clear about that. Could you shine a little light on that?

MR. BENEDETTO: It seems to follow Title I

funding, and so the money should be going to those districts that we generally look at as being more in need.

MS. WALSH: Okay. And so, what -- what factors were used to determine each school's adjustment?

(Pause)

MR. BENEDETTO: We have no control over the distribution of the Federal funding. Whatever individual districts will be getting from the Federal monies coming in will be based on their formulas for Title I funds and, therefore --

MS. WALSH: Okay.

MR. BENEDETTO: -- some districts will be getting more based on they'll be getting more Title I funding money. And it will be based on that. And whatever they get, they will also be carved out.

MS. WALSH: Okay. So the State, in other words, does it have control in any way or has it come up with any definitions or criteria that the Federal government's going to use? They're going to make their own determinations about how that funding is going to get distributed to schools throughout New York State then; is that correct?

MR. BENEDETTO: Essentially that is the case.

MS. WALSH: Very good, okay. And I'm being hopeful here, but what happens if our economy turns around or additional Federal stimulus funding becomes available to support education, what will happen then?

(Pause)

MR. BENEDETTO: It is -- it is assumed -- assuming that we have control of the money that should come in from the Federal government, that the new money that might follow in months to come or weeks to come will go back to the districts in direct proportion to the monies that were taken away previously.

MS. WALSH: Okay. All right. And -- and I apologize if you've already been asked this question, but just so that I'm clear, if -- if revenues continue to decline, what is the maximum amount that the Governor could cut school aid?

MR. BENEDETTO: One point six billion.

MS. WALSH: Okay. That -- that was what my notes said, I just wanted to clarify, thank you. Let me just see. I think that that probably is about what I had for the Education questions. There's a lot more I could do, but those were the main questions I had, so thank you so much and --

MR. BENEDETTO: You welcome to search for any more.

MS. WALSH: And, Mr. Speaker, would Mrs. Peoples-Stokes please yield for some questions that are unrelated to Education?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: I will.

ACTING SPEAKER AUBRY: She yields.

MS. WALSH: Thank you so much. So, I'm -- I'm afraid that because I -- I believe I am the last speaker this evening on this bill that I'm -- I'm batting cleanup a little bit, so I'm going to be jumping around -- I know you look excited, but --

(Laughter)

-- we're going to be doing a little lightening round here a little bit so... I wanted to start in the -- in the area of agriculture. So in the past few weeks, we've seen very clearly how essential farmers are to New York's economic and social well-being. So why are cuts to agricultural local assistance being put in place while our farmers are currently faced with such an unsettled economic picture?

MRS. PEOPLES-STOKES: Just a minute.

MS. WALSH: Of course.

(Pause)

MRS. PEOPLES-STOKES: So, Ms. Walsh --

MS. WALSH: Yes, ma'am.

MRS. PEOPLES-STOKES: -- there were a lot of cuts to agriculture, but we actually restored many of them. I have a whole list here. I can read the whole list off to you or I can give you a synopsis of the total, which is around \$5 million.

MS. WALSH: Okay. So --

MRS. PEOPLES-STOKES: Would you like me to read the list?

MS. WALSH: No, no, that will --

MRS. PEOPLES-STOKES: Okay.

MS. WALSH: -- probably take too long. I think I'd rather move on to some other questions.

MRS. PEOPLES-STOKES: Okay.

MS. WALSH: Okay. So Cornell FarmNet, though, tackles some of the most challenging and thankless jobs in the agricultural field, why are they having their budget cut? Maybe you could specifically speak to that one, especially with the economic and social challenges currently faced by New York State.

MRS. PEOPLES-STOKES: Which Cornell, there's a ton of Cornell's on here.

MS. WALSH: FarmNet.

MRS. PEOPLES-STOKES: Hops, farm labor, farm classroom, disease, grapes, honey bees, maple research, onions. I don't see it.

MS. WALSH: You know what?

MRS. PEOPLES-STOKES: Small farms.

MS. WALSH: In the interest of time, let's -- we'll just move on. We'll just move on. The -- under Human Services, the Adult Youth and Dislocated Worker Employment and Training Local Workforce Investment Area Programs, that is --

MRS. PEOPLES-STOKES: Cornell Farm --

MS. WALSH: Oh, you're still on the other one.

MRS. PEOPLES-STOKES: -- family assistance,.  
FarmNet, \$118,000.

MS. WALSH: Okay. So let's just -- let's just keep



going here and I don't want to read --

MRS. PEOPLES-STOKES: Okay.

MS. WALSH: -- that whole list again. The Adult Youth and Dislocated Worker Employment and Training Local Workforce Investment Area Programs --

MRS. PEOPLES-STOKES: Oh.

MS. WALSH: -- had their funding cut in the Department of Labor by approximately \$13 million compared to last year's enacted budget. Are these programs considered to be critically important to fund and maintain during this period of economic uncertainty? Could you explain the reasoning behind this cut?

(Pause)

MRS. PEOPLES-STOKES: So it's a Federal appropriation that changes every year and this year it got cut.

MS. WALSH: Okay. Do -- do you know whether in -- maybe in some other part of the budget, did the Majorities or the Governor have any kind of a program that would take its place or supplement the program where cuts were made?

MRS. PEOPLES-STOKES: No, I -- I don't believe it's anywhere else in this -- in another part of the budget.

MS. WALSH: Okay. All right. So, moving on to the Mental Hygiene part of the bill.

MRS. PEOPLES-STOKES: Mental Hygiene?

MS. WALSH: Mental Hygiene, yes.

MRS. PEOPLES-STOKES: Okay.

MS. WALSH: Last year's budget included salary increases that were to go into effect in January. Constituents from around the State have raised concerns that these increases had not been disbursed for weeks or months after their intended date. What was the reason for this delay, if you know?

(Pause)

MRS. PEOPLES-STOKES: Actually not sure why they got rid of that, but I'll find out and get back to you.

MS. WALSH: Okay. Okay. So, thank you so much.

Mr. Speaker, on the bill.

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

MS. WALSH: So I think as everybody here knows between Health Care and Education that forms the lion's share of our State Budget. And I've been getting a lot of calls from very worried people in the education field. They're really concerned because they know what a budgetary crisis the State is facing and they're really concerned about what impact that might have on education funding. So, for those reasons I guess I'm happy to see that at least it's just more flat than really deeply cut. You know, it -- it's -- the trouble I see is that although it's not cut on paper, the way that this construct is with the -- with the contingency language, it -- it just creates, I think, a lot of uncertainty for schools and school districts to know what they can really rely on, what -- what is going to be actually funded, especially as we're going through these different quarters in the year.

So, that kind of insecurity and uncertainty is what I'm hearing from the people in my district, and I do hope that we can provide some reassurance as we move forward throughout this fiscal year that -- that between the Federal funds that are coming in to help and also hopefully better economic times at the State level we can make sure that we really continue to provide, I think, the quality programming in Education that the people of the State really want and that the children really deserve. So, thank you very much.

ACTING SPEAKER AUBRY: Thank you. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will rec -- record the vote. This is a Party vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, Party vote in the affirmative with the exception of Mr. Barron.

ACTING SPEAKER AUBRY: Party vote in the affirmative with the exception of Mr. Barron.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. There's party vote in the negative by the part of the Republican Caucus with the exception of Mr. Johns and Ms. Malliotakis. If there are any other Republicans that would like to come to the Chamber and vote in favor of this, I would certainly encourage them to come at this time.

ACTING SPEAKER AUBRY: Party vote by the Minority in the negative, exception Mr. -- Mr. Johns and Ms. Malliotakis.

Members from both parties, if you choose to vote other than your Party vote, please come to the Chamber and cast your vote.

Mr. Phillip Steck to explain his vote.

MR. STECK: Thank you very much, Mr. Speaker. I am voting against this bill. I am against giving extraordinary powers to the Governor. My constituents did not elect me to be a potted plant for the Governor and the -- the ten-day period allowed for this bill for what I would call a voluntary legislative oversight is far too short for action by a legislative Body. It's impractical and, hence, not real. My constituents elected me to make hard choices if hard choices have to be made, and not to punt with the Governor. And I have not been historically very impressed with the Governor's budgetary choices, so I vote no on this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Phillip Steck votes in the negative.

Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Mr. Speaker, I'd like to explain my vote. I'm going to ask my colleagues to vote no on this this evening -- or this morning, I should say, not evening. Going through the budget, having done many a budgets whether through my farm business, the town, the county, the way we're doing this this

evening, the way this budget is coming into play, it's not going to work. And we're playing games with our veterans, we're playing games with our children and their school systems, schools not knowing how to budget. Just getting the runs today, counting -- gotten many calls from the schools back home, they're not happy playing the shell game with the money. We should not be doing that in these times. We are going to set ourselves up for failure as New York State people, as New York Staters, as New Yorkers. We need to take a harder look at what we're doing here and create a real, honest down-to-Earth budget. And I'm going to, again, vote no on this budget because it's not good. As one of my colleagues spoke about some of the ag programs, FarmNet. FarmNet plays a huge part in the agricultural community, whether it's from Western part of New York, central part of New York or up in the Long Island area. In these times, in these days when suicide is such a high rate, we're going to take those dollars away from FarmNet that help our farmers get through these tough times? We cannot do that. There are better ways to do this.

We don't have to entice people to stay or to come here. We can do better jobs of budgeting, better ways of cutting taxes, better ways of spending taxpayers' money, and we'll stay here, we'll build here and our State will grow. We can do this, we can save a lot of money. And, by the way, our budget would be better off. We need to have some cash flow so when we have these tough times, we don't have to make all these cuts.

So, I encourage both sides of the aisle to continue the fight, to continue to push forward for a better -- a better budget process, and especially not doing it in the middle of the evening, again, like last year. So, again, I will be voting no. So, thank you for the time, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. Mr. Manktelow in the negative. And take heart, sir, it is evening somewhere on the planet.

Mr. Schmitt to explain his vote.

MR. SCHMITT: Thank you, Mr. Speaker. Earlier in this debate I was obviously, you know, glad to hear that some of the many cuts that are concerning in this Budget Bill are expected to come up in future Budget Bills, but the fact that they're cut out of this Budget Bill and we're still going to have final budgets showing those restorations. The reason I will be voting no and urging my colleagues to vote no, we have local municipalities who were cut out of this particular Budget Bill. We have critical veterans' programs that were cut out of this Budget Bill, money moved to, really, you know, programming to help prisoners with legal defense who already have appropriate mechanisms to have a proper legal defense. We're -- we're not helping our veterans and their mental health. I urge the State Senate and the Governor to get on board with the Assembly, fully restore these cuts and ensure that we do not leave this city until our local municipalities are properly funded and until our veterans' programs are properly funded. And I'm going to continue to stand up

and oppose any additional Budget Bills that do not go and do the right thing and restore this critically-needed funding. So on that, I vote no and I urge everyone to vote no until we do the right thing by our local communities and our veterans. Thank you.

ACTING SPEAKER AUBRY: Mr. Schmitt in the negative. Thank you.

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 can now go to Rules Report No. 19 on page 4, Budget Bill No. 9505-B.

ACTING SPEAKER AUBRY: Page 4, Budget Bill [sic] No. 19, the Clerk will read.

THE CLERK: Assembly No. A09505-B, Rules Report No. 19, Budget Bill. An act to amend Chapter 887 of the Laws of 1983, amending the Correction Law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend Chapter 428 of the Laws of 1999, amending the Executive Law and the Criminal Procedure Law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend Chapter 886 of the Laws of 1972, amending the Correction Law and the Penal Law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend Chapter 261 of the

Laws of 1987, amending Chapters 50, 53 and 54 of the Laws of 1987, the Correction Law, the Penal Law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend Chapter 55 of the Laws of 1992, amending the Tax Law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend Chapter 339 of the Laws of 1972, amending the Correction Law and the Penal Law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend Chapter 60 of the Laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by Chapter 50 of the Laws of 1994 enacting the State Operations Budget, in relation to the effectiveness thereof; to amend Chapter 3 of the Laws of 1995, amending the Correction Law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend Chapter 62 of the Laws of 2011, amending the Correction Law and the Executive Law relating to merging the Department of Correctional Services and Division of Parole into the Department of Corrections and Community Supervision, in relation to the effectiveness thereof; to amend Chapter 907 of the Laws of 1984, amending the Correction Law, the New York City Criminal Court Act and the Executive Law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend Chapter 166 of the Laws of 1991, amending



the Tax Law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the Vehicle and Traffic Law, in relation to extending the expiration of the Mandatory Surcharge and Victim Assistance Fee; to amend Chapter 713 of the Laws of 1988, amending the Vehicle and Traffic Law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend Chapter 435 of the Laws of 1997, amending the Military Law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the Correction Law and the Penal Law of such chapter; to amend Chapter 412 of the Laws of 1999, amending the Civil Practice Law and Rules and the Court of Claims Act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the Civil Practice Law and Rules and general filing fee provision and inmate property claims exhaustion requirement of the Court of Claims Act of such chapter; to amend Chapter 222 of the Laws of 1994 constituting the Family Protection and Domestic Violence Intervention Act of 1994, in relation to extending the expiration of certain provisions of the Criminal Procedure Law requiring the arrest of certain persons engaged in family violence; to amend Chapter 505 of the Laws of 1985, amending the Criminal Procedure Law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend Chapter 3 of the Laws of 1995, enacting the Sentencing Reform Act of

1995, in relation to extending the expiration of certain provisions of such chapter; to amend Chapter 689 of the Laws of 1993 amending the Criminal Procedure Law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend Chapter 688 of the Laws of 2003, amending the Executive Law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2009, amending the Correction Law relating to limiting the closing of certain correctional facilities, providing for the custody by the Department of Correctional Services of inmates serving definite sentences, providing for custody of Federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend Chapter 152 of the Laws of 2001, amending the Military Law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend Chapter 554 of the Laws of 1986, amending the Correction Law and the Penal Law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend Chapter 55 of the Laws of 2018 amending the Criminal Procedure Law relating to pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend the State Finance Law, in relation to establishing the Criminal Justice Discovery Compensation Fund; to amend the

Criminal Procedure Law, in relation to monies recovered by county District Attorneys before the filing of an accusatory instrument; and providing for the repeal of certain provisions upon expiration thereof (Part E); in relation to the closure of correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part F); to amend the Correction Law and the Executive Law, in relation to moving adolescent offenders to the Office of Children and Family Services; to repeal paragraph (a-1) of subdivision 4 of Section 70.20 of the Penal Law and Section 77 of the Correction Law relating thereto; to repeal paragraphs (a) through (e) of Section 508 of the Executive Law relating to a technical correction; and providing for the repeal of certain provisions upon expiration thereof (Part G); intentionally omitted (Part H); to amend the Tax Law, in relation to suspending the transfer of monies into the Emergency Services Revolving Loan Fund from the Public Safety Communications Account (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the Criminal Procedure Law and the Family Court Act, in relation to establishing the Safe Homes and Families Act (Part M); to amend the Penal Law and the Executive Law, in relation to firearm licenses (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the Criminal Procedure Law, in relation to determining whether certain misdemeanor crimes are serious offenses under the Penal Law (Part Q); to amend the Penal Law and the Criminal Procedure Law, in relation to enacting the "Josef Neumann Hate Crimes Domestic

Terrorism Act" (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the Civil Service Law, in relation to continuing to protect and strengthen unions (Part W); intentionally omitted (Part X); to amend the State Finance Law and the State Technology Law, in relation to defining the term technology to include computer information, electronic information, interconnected systems and related material thereto (Part Y); to amend Section 1 of part S of Chapter 56 of the Laws of 2010, relating to establishing a joint appointing authority for the State Financial System Project, in relation to Statewide financial system procurements (Part Z); to amend Chapter 95 of the Laws of 2000 amending the State Finance Law, the General Municipal Law, the Public Buildings Law and other laws relating to bonds, notes and revenues, in relation to extending the effectiveness thereof (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); to amend the Alcoholic Beverage Control Law, in relation to establishing the hours during which alcoholic beverages may be sold in certain international airport property (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the Election Law, in relation to conducting a full manual recount on all ballots (Part JJ); intentionally omitted (Part KK); intentionally omitted (Part LL); intentionally omitted (Part MM); to amend the Tax Law and the Public Authorities Law, in relation to AIM-related sales tax

payments in the Counties of Nassau and Erie (Part NN); intentionally omitted (Part OO); to amend the Domestic Relations Law, in relation to including acts of domestic violence in the criteria the court shall consider in determining the equitable disposition of property during divorce proceedings (Part PP); to amend the Public Authorities Law, in relation to ensuring pay equity at State and local public authorities (Part QQ); intentionally omitted (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to amend the Executive Law, in relation to disclosure requirements for certain non-profits (Part UU); intentionally omitted (Part VV); 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 WW); to amend the Public Health Law, in relation to rights of sexual offense victims; and to repeal Section 631-b of the Executive Law relating thereto (Subpart A); to amend the Executive Law, in relation to regulatory fines for small businesses; and to amend a chapter of the Laws of 2019, amending the Executive Law relating to regulatory fines for small businesses, in relation to the effectiveness thereof (Subpart B); to amend a chapter of the Laws of 2019, authorizing the Commissioner of General Services to transfer and convey certain State land to the City of New Rochelle, as proposed in legislative bills numbers S.6228-A and A.7846-A, in relation to specifying the use for which certain State lands are to be transferred to the City of New

Rochelle (Subpart C); to amend the Social Services Law, in relation to exempting income earned by persons under the age of twenty-four from certain workforce development programs from the determination of need for public assistance programs (Subpart D); to amend the Real Property Tax Law, in relation to making technical changes to allow exemption from certain special districts (Subpart E); to amend the Labor Law, in relation to adding components sold with instructions to combine such components to create combustion or detonation to the definition of "explosives"; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the Private Housing Finance Law, in relation to persons and families in company projects who are required to pay a rental surcharge (Subpart G); to amend a chapter of the Laws of 2019, relating to directing the Metropolitan Transportation Authority to rename certain subway stations, as proposed in legislative bills numbers S. 3439-A and A. 1512-A, in relation to directing the Metropolitan Transportation Authority and the New York City Transit Authority to rename certain subway stations (Subpart H); to amend Chapter 383 of the Laws of 2019 amending the Public Authorities Law relating to the Roosevelt Island Operating Corporation, in relation to the continuity of the Roosevelt Island Operating Corporation (Subpart I); to amend the Elder Law, in relation to the State Office for the Aging Sexual Discrimination Training Program; and to repeal certain provisions of such law related thereto (Subpart J); to amend the Insurance Law, in relation to policies or contracts which are not included in the definition of student

accident and health insurance (Subpart K); to amend the Family Court Act and the Social Services Law, in relation to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings (Subpart L); to amend the Election Law, in relation to voter registration form distribution and assistance (Subpart M); to amend the Election Law, in relation to canvass of ballots cast by certain voters (Subpart N); to amend the Labor Law, in relation to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices; to amend the State Finance Law, in relation to availability of funds from the Elevator and Related Conveyances Safety Program Account; to amend the Administrative Code of the City of New York, in relation to the definition of elevator work and elevator agency technician license qualifications and exemptions; to amend Part B of a chapter of the Laws of 2019, amending the Administrative Code of the City of New York relating to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the City of New York as proposed in legislative bills numbers S. 4080-C and A. 4509-A, in relation to the effectiveness thereof; to amend Part A of a chapter of the Laws of 2019, amending the Labor Law and the State Finance Law relating to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices, as proposed in

legislative bills numbers S. 4080-C and A. 4509-A, in relation to the effectiveness thereof; and repealing certain provisions of the Labor Law and the Administrative Code of the City of New York relating thereto (Subpart O); to amend the General Municipal Law, in relation to proof of eligibility for volunteer firefighter enhanced cancer disability benefits; and to repeal certain provisions of the General Municipal Law relating thereto (Subpart P); to amend the Insurance Law, in relation to "lease-end" charges (Subpart Q); to amend the Labor Law, in relation to the New York Call Center Jobs Act (Subpart R); to amend the Public Health Law and the Executive Law, in relation to HIV post-exposure prophylaxis and other health care services for sexual assault victims; and to amend a chapter of the Laws of 2019, amending the Public Health Law and the Executive Law relating to HIV post-exposure prophylaxis and other health care services for sexual assault victims, as proposed in legislative bills numbers S. 2279-A and A. 1204-A in relation to the effectiveness thereof (Subpart S); to amend a chapter of the Laws of 2019 amending the Tax Law and the State Finance Law relating to gifts for the support of the New York State Council on the Arts, as proposed in legislative bills numbers S. 3570 and A. 7994, in relation to making technical corrections thereto (Subpart T); to amend the Tax Law, in relation to the Senior Wellness in Nutrition Fund (Subpart U); to amend the Tax Law and Administrative Code of the City of New York, in relation to the definition of a research tobacco product (Subpart V); to amend the Alcoholic Beverage Control Law, in



relation to authorizing retail licensees to purchase beer with a business payment card; and to repeal certain provisions of such law relating thereto (Subpart W); to amend the Tax Law, in relation to a television writers' and directors' fees and salaries credit; and to amend a chapter of the Laws of 2019 amending the Tax Law relating to a television writers' and directors' fees and salaries credit, as proposed in legislative bills numbers S. 5864-A and A. 6683-B, in relation to a television writers' and directors' fees and salaries credit and the effectiveness thereof (Subpart X); to amend the Public Service Law, in relation to the payment of wages to workers; and to repeal a chapter of the Laws of 2019, amending the Labor Law relating to ensuring that utility employees receive the prevailing wage (Subpart Y); to amend the Real Property Law, in relation to regulation of reverse mortgage loans issued under the Federal Home Equity Conversion Mortgage for Seniors Program (Subpart Z); to amend the Environmental Conservation Law, in relation to regulation of toxic chemicals in children's products (Subpart AA); to amend the Local Finance Law, in relation to the Electronic Open Auction Public Bond Sale Pilot Program (Subpart BB); and to amend Chapter 9 of the Laws of 2020 relating to allowing the Commissioner of Transportation to impound or immobilize stretch limousines in certain situations, in relation to the effectiveness thereof (Subpart CC)(Part XX); to amend the Public Authorities Law, in relation to the Nassau County Interim Finance Authority (Part YY); to repeal subdivision 1 of paragraph b of Section 33.10 of the Local Finance Law, relating to the issuance of bonds in

the County of Westchester (Part ZZ); and to amend the Election Law, in relation to time allowed employees to vote (Part AAA).

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, 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. Ra asked for an explanation, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Absolutely. This bill would enact into law major components of legislation that are necessary to implement State Fiscal Year 2020-21 Budget as it pertains to Public Protection and General Government.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. I just have a -- a few general questions and then I have a -- something a little more specific about a couple of things local to myself and my county, Nassau County. But just to start off, generally, this would be the bill where we would see language regarding sweeps and transferred language, but it's intentionally omitted. Do we know if that language has been signed

off on and which bill we'll be seeing it in?

MRS. PEOPLES-STOKES: You probably will see that in a later bill, Mr. Ra.

MR. RA: Do we know which bill or...

MRS. PEOPLES-STOKES: No, not yet.

MR. RA: No, we don't. Okay. Thank you. So, I want to ask some general local government questions before I get into my specific questions there. You know, we know right now as we look at our revenues and -- and the situation we're in as a State, our counties are dealing with the -- the same issue with -- with regard to their sales tax revenues. Obviously, with so many businesses closed, with people losing their jobs, they're not, you know, obviously spending as much, there's not too many places to go anyway that you would be spending money. And our counties are -- are rightfully concerned about what the ultimate fiscal hit is going to be to -- to them. Is there any changes made in this bill with regard to these AIM-related payments, which was something that last year was created as a mechanism to kind of make the towns and villages whole who had experienced a -- a cut in AIM funding?

MRS. PEOPLES-STOKES: So, there are technical chapter amendments that are essentially just are cleaning things up from a technical perspective.

MR. RA: Okay. And I believe one of those relates to Nassau and Erie?

MRS. PEOPLES-STOKES: Yes, Part NN to be

precise. The Legislature included in the Executive proposal to provide technical corrections to the process of providing AIM-related sales tax payments to municipalities in Erie and Nassau counties, as these two counties have fiscal control boards in place.

MR. RA: Right. And there's one that we can, I think, both be happy about for our respective districts, that that language is fixed so that our respective counties can remit those payments to our -- to our local governments and they don't have to worry about any delay in receiving that funding. So -- so thank you -- thank you for that.

So, one of the -- the concerns that's, you know, come up from the very beginning with the Executive Budget proposal related to Medicaid and -- and the potential shift of costs onto the counties. And that was before we dealt with, you know, the -- the current situation we're under, you know, and our local counties, they had a couple of components that part of it was staying within a -- a Medicaid growth cap, and part of it was staying under the real property tax cap.

Now, counties certainly are going to be looking to make up some of their lost revenue. Some may be in a position that they need to exceed the real property tax cap. Do we know where we're -- we're going to be with regard to that Medicaid proposal, because that action by the county that has to exceed the property tax cap is going to put them in a situation where they will have to take on increased Medicaid costs under the Executive Budget proposal. Do we know if that language is going to be in a -- in a final Budget Bill?

MRS. PEOPLES-STOKES: Mr. Ra, that is still under negotiations and I think they were actually closer with health, but we don't have the final results yet.

MR. RA: Okay. Thank you. So, I -- I want to, then, move on to a very specific piece of this as it relates to Nassau County and the Nassau Interim Finance Authority. And I know there -- I think you have your -- your staff in place that would be knowledgeable about this. So, for -- for my colleagues, you know, we have this Financial Control Board, we actually spoke about it a minute ago because it was one of the things that came up as an issue last year with regard to AIM-related payments. And the problem is that the county has asked for in this budget, or I guess I should start there. This provision I assume was asked for by the County of Nassau, and was it inserted by the Legislature or was this inserted into the budget by the Executive?

MRS. PEOPLES-STOKES: So, it is my understanding that Nassau County requested this of the Executive Branch, and they concurred and put it in the budget. So, we left it.

MR. RA: Okay. And this -- this doubles the bonding authority for that entity from \$400 million to \$800 million?

MRS. PEOPLES-STOKES: It does.

MR. RA: Now, am I correct as a result of that it -- it could extend the life of that entity because the bond payments will then not expire until January 31st, 2051?

MRS. PEOPLES-STOKES: Yes.

MR. RA: And do we know, was there any analysis made with regard to the difference in cost of bonding? The -- the impetus for this, as I understand it from the County Executive, was that they believe that because of the County's fiscal situation, bonding would be cheaper if it's bonded through the Nassau Interim Finance Authority. That entity, though, costs Nassau County \$2 million for its annual budget, you know, for the operation of that authority which comes out of Nassau County sales tax revenue. And, you know, we just talked a minute ago about the fact that sales tax revenues have taken a major hit because of the economy. Nassau County was one of the hardest-hit counties with regard to the AIM-related payments because we have some of the largest townships and villages in -- in the entire State. And this is another \$2 million that comes out of sales tax before the County sees any of that money. So has there been any comparison made as to whether the bonding really is more beneficial to the County when you take into account that this is extending for basically another 25-plus years this extra \$2 million, which I'm sure will only grow over time, in money that will come out of our sales tax revenue to operate this entity?

(Pause)

MRS. PEOPLES-STOKES: So I'm sure your County Executive, as well as the Interim Finance Authority, probably understands this a lot better than I do, but I'm being told that if it's all -- all of the bonding is put together, you actually end up with a better product. So, this is what that effort is right here.

MR. RA: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: My -- my concern with regard to this, and the County Executive late last week provided our -- our Assembly and I'm sure Senate delegation as well as the -- the leadership and the Executive with -- with a letter requesting that such a provision be inserted into the -- the budget. Now, you know, unfortunately, that happening at this late a date -- I mean, it's not a new issue. It's something that the County has sought before. But, you know, that left us late the week before the budget was due, as -- as negotiations are getting near the finish line, and I -- you know, I've reached out to the -- the County Legislature to see what their thoughts were. And our presiding Officer of the County Legislature put a letter out on, I guess it was technically yesterday, but it was on March 31st, which requested that this not be considered as part of the budget. Why? Because he felt that we should have a discussion about it outside the budget process and talk about what I just mentioned, which is does the overhead of operating NIFA mitigate the potential savings of doubling the bonding authority and -- and bonding through -- through NIFA rather than through the County. This is an entity that, unfortunately, our County has been under for a long time, and, you know, there was reason for it to come into existence. And I think our County, whether it's on the Executive level, the legislative level, I think everybody's goal should be to get to a point that we don't have this entity that has a

ton of power over our budget, over -- overseeing our County. That we put ourselves on firm financial footing, and that we move forward and allow the elected officials, the County legislators, the County Executive, to -- to run our County without -- without an entity that basically because of the format in appointing them has a lot of people that are -- really are from outside the County who may have their own agenda politically in -- in operating -- in operating our County and -- and telling our County Legislature what they can and can't do from a budgetary standpoint. So it's very concerning to me that as a result of doing this increase in bonding authority, we are going to perpetuate that entity for another 25-plus years and it's going to just make it harder to eventually move on from that because now their bonding will be -- will be tied in and -- and -- and we'll be stuck with them for -- for that time. So I think it would have been wiser that this provision not be considered as part of a Budget Bill, but be done on its own, and especially not be introduced really at the 11th hour into the budget process.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- Ms. Byrnes. Excuse me.

MS. BYRNES: Mr. Speaker, now, I haven't been here in a while. Good to see you, sir.

ACTING SPEAKER AUBRY: Good to see you.

MS. BYRNES: Will the sponsor yield?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes,



will you yield?

MRS. PEOPLES-STOKES: Yes, of course.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields.

MS. BYRNES: Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome.

MS. BYRNES: And thank you, sponsor. Madam Majority Leader, the questions I have center on the provision to close correctional facilities in 90 days. And the question I have, prefaced by the fact that the DOCS Commissioner, Acting Commissioner, back during our budget hearings indicated that one year wasn't appropriate and the 90 days was appropriate because he specifically indicated it kept the communities and it kept State employees from joining forces to try to keep a closure from happening. So my question to you is, do you think it is appropriate to craft a Budget Bill that is specifically designed according to the Acting Commissioner to curtail the rights of State employees to organize?

MRS. PEOPLES-STOKES: Thank you for your question, but gratefully, we have the Chair of our Corrections Committee here, Mr. Weprin, who will answer that for you.

MS. BYRNES: Thank you very much.

MR. WEPRIN: Could you --

MS. BYRNES: Would you like me to repeat the question, sir?

MR. WEPRIN: Could you repeat the question,

please?

MS. BYRNES: Absolutely. The -- the Acting Commissioner indicated that when he was asked previously about one -- he indicated one year was no good for closing correctional facilities, which is the current rule, or had been the current rule, and that 90 days was appropriate. And he particularly indicated because when you give people a year, that gives them a chance to organize, their communities a chance to organize. So my question, sir, to you is, do you think that it is appropriate to craft a Budget Bill like we have here today that is specifically designed to curtail the ability of State employees to organize?

MR. WEPRIN: Well, actually, by -- in addition to the 90-day notice, we -- as part of the negotiations on that, we instituted a couple of additional provisions that will help the -- the local communities and the employees. For example, the bill also requires that the Commissioner of DOCS provide a detailed report to the Speaker of the Assembly and Temporary President of the Senate on the results of staff relocation efforts within 60 days of that closure. There will also be money -- Part G -- TED Part GG would extend the Economic Transformation Program, which is a program designated for communities affected by prison closures since April 1, 2011, and by extending the eligibility cut-off date to March 31, 2020. The economic development assistance funding would include communities affected by this year's prison closure and would be about \$10.5 million, which would be reappropriated to fund the project's needs this

year.

MS. BYRNES: That's great for recording purposes, but as far as the initial closing being done with 90 days, within 90 days, do you think it's reasonable for an employee to be able to get out of a mortgage or a lease in that time period to be able to relocate?

MR. WEPRIN: Well, first of all, it's not 90 days, it's at least 90 days. So it could be, you know, longer than 90 days. It could be six months. We have no way of knowing.

MS. BYRNES: Well, when Mount Morris -- or when Groveland -- excuse me, Livingston Correctional Facility closed in Groveland, it was done in 90 days, and it left everybody in a lurch. And how do parents get kids pulled out of school? Do spouses change jobs? How do these things happen within, potentially, 90 days, which, historically, happened one year ago to my correctional facility, sir? So I speak from personal knowledge.

MR. WEPRIN: Okay. Well, we would hope that the detail that would be provided and the relocation of all the employees. Because in the past, when the last two closures took place, there were no employees that lost their jobs. They were relocated in the system, and the intention here is to do that as well, and to work with DOCS on making sure that that happens.

MS. BYRNES: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. BYRNES: With all due respect to the sponsor,

this was exactly didn't -- didn't happen when Livingston Correctional Facility was closed. When it was closed, which, again, I personally witnessed, I saw what the employees, their spouses, the children, the community went through on zero notice. In real time, zero notice for making these kind of life changes. Any time you're losing a job -- and people did lose jobs. Maybe some of the corrections officers who didn't retire were relocated. However, people that were civilian employees did lose their jobs. This is scary. And the fact that the Acting Commissioner, I thought very cavalierly felt that it was really done just to sabotage the ability of the employees and communities to organize to fight a closure. That was his justification for why it had to be done in 90 days. I just think it's a crying shame that our communities are disrupted to this degree when a year, which has been the rule up until a year ago, gave enough time for people to make decisions. They gave them the opportunity to get out of a lease, to relocate with their house. And before I run out of time I also want to mention that now we add COVID-19. Right now there has been a tremendous push within the prison system, after tremendous opposition from community and corrections officers and employees, to finally stop transports of prisoners within the system from prison to prison. This was causing a spread of COVID-19. If we just - hopefully when we're coming off of the worst of this horrible disease - start reinstituting, moving people around, in the case of Livingston Correctional Facility, it was over 800 inmates that were moved in a very short period of time. Literally, they brought buses after buses

after buses because the more the community protested the faster the buses came. And I think we run the risk of even spreading further out into our communities this horrible disease and this horrible virus. So on top of the devastation and what happens not just to the families in the communities, but also the inmates and the families of the inmates, because I saw a lot of families of inmates relocated from Downstate to our communities so they could be closer to their loved ones, and then their loved ones were moved away and they were left now also trying to get out of leases and obligations in order to follow their own loved ones. This is a devastating effect to every single person that's involved. When you compound it with the COVID-19 and the fact that we're trying to prevent transportation of this virus through the prison system -- I mean, it was only yesterday I think that the prison system finally agreed that corrections officers could have masks. That -- it's just reprehensible that if we include this in the budget, we're doing this to our citizenry, to our other State employees and to our law enforcement officers.

I'll be voting no, needless to say. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker. Will the Chairman of the Corrections Committee yield -- yield for a few questions?

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

MR. WEPRIN: I'd be happy to.

MR. PALMESANO: Thank you, David. I do have some questions but I think I'm going -- the way I want to do it -- we talked about it before -- I want to try to -- I think I know the answers to all of them. Maybe if you could just acknowledge or if you have to correct a little bit, please do that. It's my understanding right now under current law - and I'll go through it - the Governor has the authority to close down any correctional facility within a one-year period of time. But this bill gives him the authority to do it 90 -- 90 days, which we have to provide. And it's also my understanding that, at least I've heard, that they're talking about two prisons, medium security. I wonder if that's accurate. And also is the main reason that the prisons are being -- being closed primarily for fiscal purposes? The decrease in inmate population so they're saying it's not justified to keep them open. Is that a fair and accurate assessment?

MR. WEPRIN: Well, not -- not completely. First of all, it's at least 90 days, so it's not within 90 days.

MR. PALMESANO: Okay.

MR. WEPRIN: And the prison population has gone down significantly over the last few years, and, you know, that's also one of the justifications for closing some of these facilities.

MR. PALMESANO: Sure, and I understand, you know, estimates are made about saving -- what a prison closure will save. And -- and yesterday when we were in the Ways and Means Committee, one of our colleagues asked - who is in this room - asked

a -- a good question of the Ways and Means Committee and said have we seen any savings from the previous prison closures and it was indicated that we really have not. And so along with that -- along that lines -- and I'll get to my next question in a moment, David -- I'm trying to understand why the urgency, why the need. Why give him this authority. And I guess the other reason I ask this question, does it really make sense in the health crisis that we're having right now to close down facilities within -- up to -- let's say within 90 days, and move hundreds of inmates --

MR. WEPRIN: No --

MR. PALMESANO: -- who are in one -- I'm --

MR. WEPRIN: At least 90 days.

MR. PALMESANO: I got it, I got it. Sorry. So -- and move hundreds of inmates who are in one location around the State to a whole bunch of other facilities and then jam them into other facilities and making them more crowded, which we know leads to more violence. The numbers show that. Does that really make sense, especially with the coronavirus, the COVID-19 that's starting to spread in our prisons? Does that make sense to transport hundreds of inmates all around the State with this going on?

MR. WEPRIN: Well, probably not. And that's why there's a moratorium right now on people moving around the system, and, you know, there -- there's a lot of things on hold now. We -- we we're hoping it's only going to be a shorter period of time, but we don't know yet. I don't think anyone knows. You know, all the work

release programs are basically stopped. So, we're kind of in a -- a state of limbo right now.

MR. PALMESANO: Sure. I understand that. Thank you. And I -- I know -- I know certainly you, David, and -- and members on your side have certainly recognized a closure, the disruption it has on the employees and the families and the commun -- the local economy. And -- and obviously with the situation we're facing now it's going to be even more devastating with what's going on and trying to bounce back. I understand that you understand that and that we need to acknowledge that. I'm not saying you don't understand. I know you understand that. So I don't even need to ask the question. You understand that, right? There's definitely a challenge and it definitely has an impact on the community. I understand you know that, so I don't even have to ask that.

MR. WEPRIN: Yes, definitely. And I -- and I would anticipate that while this COVID crisis is going on, that the Governor and the DOCS Commissioner would not anticipate, you know, closing prisons during this state of unknown duration.

MR. PALMESANO: I would -- I would hope so. Thank you. And I know you realize -- I want to talk about a couple issues around double-bunking, if I could. I know you realize and your side realizes that right now in the system we have over 6,000 double bunks and double cells in our State facilities. I also know that -- and I assume that you and many of your colleagues agree that double-bunking is not a humane practice to jam two inmates into one



space probably the size of a parking spot. That's not really a humane practice. I understand you -- I would assume you agree with that, right?

MR. WEPRIN: I actually -- I'm opposed to double-bunking, and I actually spoke to Commissioner Annucci directly about it and he did a survey of all the double-bunking, and he has told me during this COVID crisis that they've eliminated double-bunking in all their facilities.

MR. PALMESANO: That's good to know because they should eliminate and remove all the double-bunking. So that-- that's what I was wondering. You know, earlier we were asking have we gotten any assurances that the Governor will eliminate and end the dangerous practice of double-bunking and double-celling of our inmates.

MR. WEPRIN: Well, Commissioner Annucci didn't promise me that he was going to totally eliminate it. He did say he's eliminating it during this COVID crisis.

MR. PALMESANO: Okay, so just during the COVID crisis but not permanently. And I know you're opposed to it, David. I guess because the Governor won't commit to it, moving in long-term, in light we know that it's an inhumane practice for inmates to be crammed into a -- a space, a double bunk or double cell, the size of a parking spot. Based on that, does the Majority -- does your Majority have any plans to pass legislation to end the dangerous practice of double-bunking and double-celling, and if so, when?

MR. WEPRIN: Yeah, that was actually a bill that's pending in my committee, and I had actually hoped to put it on an agenda and pass it out before this crisis, and I don't know when we'll be back to, you know, doing regular legislation.

MR. PALMESANO: I understand that. And I -- I guess I want to ask you: Wouldn't it be a better, a safer and more humane to end the dangerous practice of double-bunking and double-celling our inmates and not jamming them into more crowded facilities before we even start shutting down any more correctional facilities? Wouldn't it be best first to eliminate, get rid of all the double bunks and double cells? Don't use them, period, before we even talk or shut -- about shutting down a correctional facility or shut down another correctional facility? Wouldn't that be the best thing to do in your perspective?

MR. WEPRIN: Well, no, I think they're not related. I think they're separate issues. I am a co -- a prime sponsor of the eliminating double-bunking, and I've been on record against double-bunking. You know, the prison closure issue is -- is an issue based on individual facilities, how many inmates are there, what the capacity is. So, you know, it is what it is.

MR. PALMESANO: I understand.

MR. WEPRIN: I don't -- right now I don't have the information whether it justifies a closing or not closing depending on the particular facility and the particular number of inmates and correction officers.

MR. PALMESANO: All right. Thank you, David. Appreciate for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Mr. Speaker and my colleagues, I have to say I'm appalled. Here we are again giving legislative authority to the Governor of this State, the second year in a row, to close down any correctional facility in this State with 90 days notice. One-year notification is bad enough. But to -- to tell to the employees and the families who work in those facilities, *You don't even have any time to prepare. Ninety days and you're out of a job or you're moving or relocating.* I just think to do that and not give this -- give a little bit of respite, a little bit of time for those families is not compassionate, and quite frankly, it's an insult and just wrong. When you talk about families having to get up and move, take their kids out of school and relocate, sell a house, buy -- getting out of an apartment. And, Mr. Speaker and my colleagues, it's not just the employees. Think about some of the inmates. I know we talk about inmates a lot. A lot of inmates' families move up to those locations where their loved one is, in that correctional -- near that correctional facility so they could visit. It's going to disrupt them and having to get up and move around. We know -- you did it last year, we're doing it again. I don't understand it. We know how disruptive this is for our families, we know how disruptive it is to a local economy, and I just don't understand why the Majority would want to partner with the Governor

to allow a 90-day closure. If he wants to close it, let him close it. That's his right. But go through at least a year notification to give a little bit of a chance for these families. It makes no sense to me, Mr. Speaker. And I guess I have to ask the question again: Do we really want, with what's going on, to move hundreds of inmates around the State who are in one location to countless other locations and facilities around the State? This doesn't make any sense to me. And we're not just talking about the inmates, we're talking about the employees and their families and inmates' families as well.

Now, I know the Governor loves to take credit for all the prisons he's closed. He brags about it, he talks about it all the time. That's fine. But if he's going to do that, the Governor also has to take credit and ownership for what these closures have caused. And let's talk about some of these things. Over the past six years with these closures, coupled with some of the other bad policies - which I'll talk about in a minute - has led to a dramatic spike in violence and assaults and created a dangerous powder keg environment in our prisons for our corrections officers and our staff and even inmates. From six years ago, our inmate-on-staff assaults are up over 38 percent. This year there were over 1,000. Inmate-on-inmate assaults were up over 47 percent or 1,200 this year. Nothing is being done to stop the drugs getting into our prisons. It's a huge problem. It spurs the violence. Even by the Department of Corrections' own numbers, there are thousands of inmates who test positive for drugs in their system. That shouldn't be happening. Why is it happening? Because we're not --

we're taking away tools and we're not giving tools to our resources and our corrections officers. So what do we know? The two main ways that drugs get in our prisons is through visitation and through the mail. So what can we do? How about on visitation, how about put a drug dog at every correctional facility in the State. We brought that up to the Corrections Commissioner, he says it costs too much money. That's nonsense. It doesn't cost too much money. We're talking about the public safety of our corrections officers and others. We should make that investment. And what about the mail packages? We had a secure vendor program that started, and before it even got off the ground, the Governor and the Administration stopped it. So now we aren't screening packages and getting the drugs coming in. We haven't reinstituted anything else. I don't understand. Why aren't we giving a screened package to allow that to happen? I don't understand why we're not having secured vending packages and visitation. We've also took two of the eliminate to restrict -- and restrict the use of Special Housing Units to deep dangerous and violent inmates separate from the general population. This has also led to more violence. So if someone's attacking or stabbing, we can't use that tool.

And we've got to talk about double-bunking. We have over 6,000 double bunks and double cells in this system. We agree that it's a dangerous and inhumane practice to have two inmates in one area about the size of a parking spot. It's dangerous, it's inhumane, it's irresponsible and it's ridiculous. And it leads to more violence and assaults. It's terrible. And I know many of you, when

we talk about this, we talk about the inmates. If you care about the inmates, then you should also demand an act that we finally eliminate this dangerous and inhumane practice of double-bunking and double-celling our inmates. And, quite frankly, before we consider closing one more correctional facility in this State, we should first end this dangerous and inhumane practice of double-bunking and double-celling inmates.

Mr. Speaker and my colleagues, these prison closures -- these closures, coupled with the other failed policies and not providing -- the lack of tools and resources to our corrections officers, this is the cause of the increased violence and assaults that are going on in our facilities. It's a fact. The numbers don't lie. Again, if the Governor wants to take credit for these prison closures, he must also -- also take credit for his policies and take ownership of the policies that he's putting in place that has led to this dramatic rise in violence. Again, a 38 percent increase over the past six years with all these prison closures, with all these other policies. Not dealing with the drugs, not giving the tools and resources. Thirty-eight percent inmate-on-staff assaults over the past six years. Forty-seven percent increase inmate-on-inmate assaults. It's his closures. It's his actions. His policies. It has created the dangerous situation that our corrections officers face every day when they go into -- into work.

Mr. Speaker and my colleagues, before I close, I just have a few comments that I want to say to our brave men and women who are dedicated corrections officers serving our State. First, I'm

sorry. I'm sorry. So very sorry. This State and this Administration has failed you. We should be showing you that we have your back. Instead, policy after policy, action after action, every closure after closure is like stabbing you in the back. And for that, I am sorry. And finally, and most importantly, on behalf of myself and all our Conference and all of our colleagues, I want to say thank you. Thank you for what you and your families sacrifice for all of us, to keep us safe. My words -- no words can do justice for the thanks and gratitude that we all owe you. So from the bottom of my heart, thank you for what you do for all of us.

Therefore, Mr. Speaker, for the reasons I brought up during this debate and discussion, I will be absolutely voting in the negative on this bill and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Could I ask the Majority Leader to yield, please?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, will you yield?

MRS. PEOPLES-STOKES: Yes.

MR. MANKTELOW: Well, good morning, Madam Majority Leader.

MRS. PEOPLES-STOKES: Good morning.

MR. MANKTELOW: Maybe you'll make me smile,

too.

MRS. PEOPLES-STOKES: You're already smiling.  
That's great.

MR. MANKTELOW: Absolutely. Just a couple of  
questions on some of the -- part of these --

MRS. PEOPLES-STOKES: Sure.

MR. MANKTELOW: -- bills here. The first one is  
Part M, the removal of guns from a domestic abuser.

MRS. PEOPLES-STOKES: Thank you for your  
question, but I believe Mr. Weprin is going to respond to that question  
as well.

MR. MANKTELOW: All right. Thank you, Madam.

MRS. PEOPLES-STOKES: You're so welcome.

MR. WEPRIN: Part M allows a police officer  
responding to a family offense to take temporary custody of certain  
weapons. It allows a police officer responding to a family offense to  
take temporary custody if it's in plain sight. The firearm must be  
discovered through a lawful search or in possession of the alleged  
offender, and allowing the court to order the seizure of certain  
weapons not surrendered pursuant to a court order.

MR. MANKTELOW: Okay. So under Part M,  
Section 2, subdivision 6, lines 38 through 41, it says an officer who  
takes custody of any weapon pursuant to this paragraph shall also take  
custody of any license to carry, possess, repair and dispose of such  
weapon issued to the person arrested or suspected of such family



offense. The officer shall deliver such weapon and/or license to the appropriate law -- law enforcement officer as provided in subparagraph (f) of paragraph 1 of subdivision (a) of Section 265.20 of the Penal Law. Can you just explain that to me just a little bit?

MR. WEPRIN: Well, you know, I think it's -- this section is meant to deal with situations, you know, domestic violence where a gun could be illegally held or -- or could be prohibited under an existing court order. And, unfortunately, there have been too many incidents when the use of that gun resulted in -- in the loss of a life or a serious injury, and I think this is meant to prevent that.

MR. MANKTELOW: So, what do you mean by illegally held? I don't quite understand that. If we're going to take a license, isn't that license legal?

MR. WEPRIN: Well, there's 48 hours for an investigation, and if the investigation discovers that that individual should not be in possession of that firearm, it -- it'll be confiscated. So there's a 48-hour period of investigation.

MR. MANKTELOW: So whether it's legal or illegal it's going to be confiscated.

MR. WEPRIN: It could be. It depends. Again, there are situations where you could have a legal weapon, but in a case of a domestic violence ongoing dispute, there could be a court order prohibiting that weapon to be used or to be in possession.

MR. MANKTELOW: Okay. So one of the other questions that I have in reference to this. I have many small gun shops

in my district, and so if there's a disturbance at a home of a gun shop owner and he gets either arrested or they come in and take his guns and they take his license, that's also the license for the gun shop as well?

MR. WEPRIN: It's -- it's up to the police discretion based on an investigation or evaluation, and they would make that determination.

MR. MANKTELOW: And how are they going to do that? How would a police officer make the determination of the owner's gun shop?

MR. WEPRIN: Yeah, there's 48 hours for the investigation. Like any police investigation, they interview individuals and -- that are involved and they make a determination based on that 48-hour investigation.

MR. MANKTELOW: So this happens on a Monday evening --

MR. WEPRIN: Okay.

MR. MANKTELOW: -- so they have two -- two days to basically do the investigation. So during those two days, the person that owns the gun shop, what does he or she do with the employees that they have at that point?

MR. WEPRIN: Well, I think -- well, it's really the gun license, it's not discussing whether, you know, it should affect an ongoing business or --or employees in that business. I think it's specifically that individual's license for that particular firearm.

MR. MANKTELOW: But if the -- if the owner owns the gun shop, he has to have the license to buy the guns within the gun shop. That's under his license. So what happens in this situation?

MR. WEPRIN: Yeah, the store license is not necessarily related to the individual, you know, gun that's involved in this domestic incident. It wouldn't prohibit him from not running his business or --or having a license in -- in other guns.

MR. MANKTELOW: So -- so help me understand this. So if it's a domestic violence case, they're going to take his guns just in case something happens, correct? At the home. At the home.

MR. WEPRIN: They could, based on the investigation, but that doesn't mean they have to.

MR. MANKTELOW: But the possibility is there. Absolutely.

MR. WEPRIN: Yes, there is a possibility.

MR. MANKTELOW: So if they take his or her guns at the home, that same individual who has the license for the gun shop can now go to the gun shop, and if he wants to grab a gun from his gun shop, what are we doing here?

MR. WEPRIN: Well, they need a license to possess the handgun, so --

MR. MANKTELOW: But part -- part of their license is to own all the guns in their gun shop.

MR. WEPRIN: Yeah, that's an unusual circumstance. I mean, the idea here is there are often domestic disputes in the heat of

the moment. And it's -- it's usually based on what's in possession in the home at the time. That's kind of far-fetched that he would go back to his gun shot -- gun shop and, you know, use those weapons in a -- in a similar situation. Look, you can't prevent against all incidents, but that's not the -- the situation that is -- that this particular situation -- law is trying to prevent.

MR. MANKTELOW: Okay. So in this situation the police officer that -- that responds to the situation, he or she, as a police officer, needs to make that determination, correct?

MR. WEPRIN: That -- that's the idea, yes.

MR. MANKTELOW: So we're putting that -- that on the backs of the police officers.

MR. WEPRIN: Well, you know, they already investigate situations all the time. This is meant to prevent an unfortunate incident where someone could be seriously injured or even, you know, killed in a domestic violence incident.

MR. MANKTELOW: Okay. Well, I -- I appreciate the -- the time and the answers. I -- I think we need to take that into consideration. You -- you may say it's unique, but in a rural area where we have lots of uniqueness -- uniqueness, however you say it -- any -- different options in different situations, I think those things need to be looked at before we pass this. Just my -- my thoughts.

Thank you.

MR. WEPRIN: Thank you for your thoughts.

MR. MANKTELOW: Yes.

May I -- Mr. Speaker, may I go back to Madam Majority Leader?

ACTING SPEAKER AUBRY: You certainly can ask her to yield again. Mrs. Peoples-Stokes, will you re-yield?

MRS. PEOPLES-STOKES: Yes, I will.

MR. MANKTELOW: Thank you, Madam Majority Leader. We're doing good this morning. Part XX, subpart P, the Volunteer Firefighter Enhanced Cancer Disability Benefit, can you just explain -- explain that to me really quick?

MRS. PEOPLES-STOKES: The chapter amendments? You said XX, P?

(Pause)

MR. MANKTELOW: Pardon me, ma'am?

MRS. PEOPLES-STOKES: Which part did you say again?

MR. MANKTELOW: It's Part XX, subpart P. It's -- it's called the Volunteer --

MRS. PEOPLES-STOKES: It's subpart B.

MR. MANKTELOW: It's called the Volunteer Firefighter Enhanced Cancer Disability Benefit.

MRS. PEOPLES-STOKES: So it looks like chapter amendments.

(Pause)

MR. MANKTELOW: That -- that's okay, Madam. We can -- we can skip that part if you want. That's fine.

MRS. PEOPLES-STOKES: I'll look it up.

MR. MANKTELOW: Okay. But that's -- that's a policy and that's a good policy for our volunteer firefighters, correct, throughout the State?

(Pause)

MRS. PEOPLES-STOKES: Okay. So it relates to benefits provided to firefighters, volunteer firefighters, who were a part of 9/11.

MR. MANKTELOW: Yeah. Say that one more time.

MRS. PEOPLES-STOKES: It relates to volunteer firefighters who were a part of -- first responders during 9/11.

MR. MANKTELOW: Only those responders, not all firefighters?

MRS. PEOPLES-STOKES: Sir, I believe it's all firefighters.

MR. MANKTELOW: Okay, that's good.

MRS. PEOPLES-STOKES: Volunteer firefighters.

MR. MANKTELOW: All -- all volunteer firefighters. All right. So, yes, all volunteer firefighters?

MRS. PEOPLES-STOKES: Firefighters. All firefighters.

MR. MANKTELOW: All right.

MRS. PEOPLES-STOKES: I know you have this.

Go to page 72 in the Budget Bill --

MR. MANKTELOW: Okay.

MRS. PEOPLES-STOKES: -- subpart B -- P. You got it?

MR. MANKTELOW: That's all right. I'll -- I'll take your word for it. That's fine.

MRS. PEOPLES-STOKES: Okay.

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

MRS. PEOPLES-STOKES: You're so welcome.

MR. MANKTELOW: And -- and that's -- that's a good benefit for our firefighters throughout New York State.

MRS. PEOPLES-STOKES: I think so.

MR. MANKTELOW: Okay, good. So, I got one last question on another section of this bill, and it regards small business. Just like our -- just like the many colleagues that spoke about small business and what we can do for small business. So Part XX, subpart B, regulatory fines for small business chapter amendment. I was just wondering how this got into the budget.

MRS. PEOPLES-STOKES: So it's a chapter amendment that was passed in 2019 and we actually do all chapter amendments in this particular budget. So that's how it got in there.

MR. MANKTELOW: Okay, so this is -- this is the new me, being -- being only my second year in the Legislature -- as a legislator here in -- in Albany. So when this piece of legislation came through committee, it was held up in committee? From -- it was. I -- I

was part of that committee.

MRS. PEOPLES-STOKES: Okay, that's not a question, then. That's a statement.

MR. MANKTELOW: Okay, I'm sorry.

MRS. PEOPLES-STOKES: Okay.

MR. MANKTELOW: So because it was held up in committee, it can still get to the budget?

MRS. PEOPLES-STOKES: Yeah.

(Pause)

So, we're trying to be proactive and do chapter amendments that are going to be important to our constituencies now in case we -- things happen, the virus gets worse and we're not able to come back and deal with things like this. So we're trying to get them all done in this budget.

MR. MANKTELOW: Okay. But -- but this chapter amendment, when it came through committee, on both sides of the table, both sides of the aisle, we both didn't support this bill in committee. So my question is -- so -- so basically what it's doing --

MRS. PEOPLES-STOKES: I'm being told that there was never a vote on this in committee. It was actually withdrawn by the Chair. Are you on the committee?

MR. MANKTELOW: Yes, ma'am, I am.

MRS. PEOPLES-STOKES: So you know exactly what happened then.

MR. MANKTELOW: Yes, ma'am, I am.



MRS. PEOPLES-STOKES: Okay.

MR. MANKTELOW: And whether Upstate, Downstate, we both felt very strongly, because what it does is it takes a business that may be fined by a regulatory issue at the business before they had 90 days minimum to take care of that.

MRS. PEOPLES-STOKES: Mm-hmm.

MR. MANKTELOW: Now it's down to 15 days. And in this situation with everything going on and how tough it is in small business, especially with the COVID-19 - of course this was before COVID-19 - we felt very strongly that this would not be advantageous to our small businesses in New York State. So -- so here's the issue I have, the crux I have. We have the good piece of policy for the firefighters, we have the bad piece of policy for the business owners because it's in one -- one bill. Not separate bills, not separate parts of the bill. We can't vote on it separately. We're going to hurt small businesses in this -- in this bill, but at the same time we're going to help firefighters. This is one of the issues why, in my eyes, policy should not be in a budget. Maybe once in a while there might be a situation where it needs to be, but in this situation, not.

Thank you, Madam.

MRS. PEOPLES-STOKES: Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

MR. MANKTELOW: Thank you.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Will the

Chair of the Corrections Committee yield for a few questions on Part M?

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

MR. WEPRIN: I'd be happy to.

MR. SMULLEN: Thank you, Mr. Weprin. We're -- we're here in I believe -- are we on a Message of Necessity for this bill? I can't tell because there's a lot of text up there.

MR. WEPRIN: I think so.

MR. SMULLEN: This is a Message of Necessity and we're here in the middle of the night. And we're talking essentially about a gun control bill that -- it's removing guns from domestic abusers, which on the face of it, the title of the bill sounds -- sounds reasonable. But what I think -- I have some questions for you regarding the current law, and then I'd like to talk about some technical aspects of the bill, and then some constitutional issues to make sure that it's given a full and fair public hearing in this case.

MR. WEPRIN: Sure.

MR. SMULLEN: So, what does the current law state regarding domestic abuse? And isn't this already sufficient for balancing public safety with the public's rights under the Second Amendment?

(Pause)

MR. WEPRIN: My understanding from counsel is that we have mandatory arrests in the case of a lot of these domestic

violence situations after -- after an investigation.

MR. SMULLEN: Sure. And I'm glad you brought up the word "arrest," because that's what's come up in my discussions with law enforcement, specifically about the provisions of this bill. Now, how does this bill differ from last year's Red Flag Law and the Safe Storage, which was passed and why -- why is this needed in addition to those laws that were passed last year?

MR. WEPRIN: Well, you know, I think it was felt that this was kind of a loophole in that law and it didn't cover certain situations that could occur with this, and basically it's just closing the loop. It's along the same lines, but it doesn't -- the other bill didn't address every situation. This will address a domestic violence situation after an investigation.

MR. SMULLEN: So you're saying it's along the same lines as the legislation last year, which was in addition to the SAFE Act which was passed several years ago?

MR. WEPRIN: Well, you know, they're all along the lines of preventing unnecessary gun violence.

MR. SMULLEN: So I want to talk a little bit about some technical questions. I know we've got a lot to do, and -- and I know we've changed our rules to have only 15 minutes, but I want to make sure that I'm heard in my entirety tonight on this bill. Some technical aspects. What is a family offense according to this law?

MR. WEPRIN: It's defined in the Family Court Act and in the Criminal Procedure Law.

MR. SMULLEN: And does that's necessarily lead to an arrest?

MR. WEPRIN: It doesn't necessarily lead to an arrest.

MR. SMULLEN: It does not.

MR. WEPRIN: It does not.

MR. SMULLEN: It does not. And so what does -- in police parlance, what does "respond to a report" mean?

MR. WEPRIN: I -- I would think it would be responding to a 911 call.

MR. SMULLEN: Okay. Now, it can mean some other things as well, according to what my law enforcement sources are -- are telling me. But how will law enforcement know that the person that's being observed, surveilled or investigated has a pistol permit?

MR. WEPRIN: I think that would be part of the investigation.

MR. SMULLEN: And could that be done on scene for most -- most cases of domestic abuse?

MR. WEPRIN: It could be.

MR. SMULLEN: Would an officer know that they were going into a situation where one of the parties may have a pistol permit?

MR. WEPRIN: It could, but not necessarily. And that's why I believe the law would apply to a 48-hour investigation

where that particular individual could have time to produce that type of evidence.

MR. SMULLEN: Now, you said that, you know, usually these are situations that happen in the heat of the moment. You've said that a couple times with my colleague.

MR. WEPRIN: It could, yes.

MR. SMULLEN: So, would that constitute probable cause to allow such a review of a license?

MR. WEPRIN: It would depend on the circumstances, and that could be determined through questioning by the police officer at the scene.

MR. SMULLEN: Okay. So it -- it mentions specifically in the law about taking possession. In this case, many times in the text of the law it says "seizure of firearms." And it's defined in many ways. It's many different devices, including antique firearms, stun guns, shotguns, rifles, as well as pistols. But does that taking possession of those particular devices, does that apply even if someone is ultimately not charged with an offense?

MR. WEPRIN: It could be.

MR. SMULLEN: It could be. So you could not be charged with something but you could have your possessions taken by law enforcement in this case.

MR. WEPRIN: Yeah, but the -- but taking the possession would only be temporary. If the -- if the person is ultimately, you know, vindicated, they would get the firearm back.

MR. SMULLEN: But permanently and temporary does not matter. Doesn't that taking violate their right to due process? Especially -- especially due process under the Second Amendment, the right to keep and bear Arms which shall not be infringed.

MR. WEPRIN: Well, that would be decided by a court of law and that would be, you know, up to a particular judge to make that determination.

MR. SMULLEN: Well, I -- I think we should pass a good law that would then obviate the -- the necessity of a judge having to decide such things. But that's probably an area where we agree to disagree on at this point. So, now we're talking about weapons being taken from -- from someone, from a citizen. Isn't 48 hours too long to return a firearm when the State is actually violated a citizen's civil rights?

MR. WEPRIN: Well, I -- I think the intention is to protect that individual and other individuals in the household in the case of police responding to a domestic violence incident.

MR. SMULLEN: Well, good intentions. I understand the idea behind the law, but they don't necessarily lead to proper treatment of people's civil rights, in my opinion. Now, why is there a two-year limit on -- on this legislation to keep firearms that have been taken, perhaps without due process?

MR. WEPRIN: Well, I think the two-year limit, I -- I understand from counsel, is to allow an adjudication of a particular case, and it could take up to two years. It doesn't have to be two years,

but the idea would be to give time to have a court of law make a -- a legal determination.

MR. SMULLEN: Well, it shouldn't take long at all if there's no offense, if no one is ever charged or arrested. It should be almost an immediate --

MR. WEPRIN: It could be --

MR. SMULLEN: -- situation to be resolved sort of thing.

MR. WEPRIN: It could be.

MR. SMULLEN: So it seems to me there's some problems here that this law may give a citizen's standing to sue for a civil rights violation. Was that taken into account when the -- the language and the text of this law was revised from the current law? About opening -- opening the State up to civil rights violations that they could be sued for?

MR. WEPRIN: Well, my understanding is that if the investigation makes a determination that the gun is legally owned and -- and there's no reason not to return it, the gun should be returned.

MR. SMULLEN: So that would be an unconstitutional taking, then.

MR. WEPRIN: It's not -- it's not me to determine whether something is unconstitutional, it's up to a court of law or a higher court to make that determination.

MR. SMULLEN: Well, thank you for that. So, I'm -- I'm new to the Assembly. I watched the Red Flag Law be passed last

year, I watched the Safe Storage Law be passed. It seems like this is all part of a -- of a big plan, a second SAFE Act, that's going to go ahead and further restrict the rights of citizens to keep and bear Arms. When was the SAFE Act passed?

MR. WEPRIN: Well, when you speak to your law enforcement friends, why don't you ask them whether it's a smart thing for them to leave the gun in the possession if they don't know if there was a potential domestic violence incident where there could be a danger by leaving that gun in that particular situation. Again, that's why there's supposed to be a 48-hour investigation and it would be up to the law enforcement personnel to make a determination.

MR. SMULLEN: Sir, I -- I certainly trust and respect our law enforcement personnel and especially their judgment in these matters. Some of them say that the bar should be that someone would be arrested in order for there to be a taking in this case for being on the scene, let alone having a judge issue -- issue an order, which would certainly be lawful. But what I'm reflecting on mostly is that, you know, here we are in the middle of the night, when the SAFE Act was also passed in the middle of the night, under a message of -- of necessity and it really -- I don't think it has anything to do with the current health crisis that's got this Budget Bill being debated in an empty Chamber with hardly any review by anyone outside of what's -- what's going on here. So --

MR. WEPRIN: Well, it is -- it is April 2nd, our budget was due before April 1st, so it's already late. Had it not been



for the coronavirus pandemic, we would have had more time to negotiate, you know, in public and -- an extended period of time for negotiation. Obviously, our current situation has limited that and I think that has something to do with us being in this situation now in the middle of the night on April 2nd.

MR. SMULLEN: Well, certainly I've been in Session since January and I would have been delighted in January or February to delight -- to debate this bill so we could have a proper airing of it as opposed to in the middle of the night. But, Mr. Weprin, thank you very much for your -- for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. SMULLEN: So what I've just said is fact: We are here in the middle of the night on a Message of Necessity adding an addendum on to a -- a SAFE Act which has done anything but make some of the citizens of this State any more safe. And what I think it is, this is a death by a thousand cuts strategy for -- for something that's clearly prohibited by the United States Constitution. And -- and that's because this is a slippery slope. Really, it's a progressive social policy that's been inserted into a fiscal budget passed in the middle of the night in the midst of a genuine health crisis. And I hope to bring that light to bear on this issue.

That's because this is very important. This is because when only a State has a monopoly on the use of Arms, tyranny is bound to ensue. It's human nature and it's wrong on so many levels

and will not stand the test of time. And that's what I'm determined to bring to light here tonight in this Chamber. So thank you, Mr. Speaker, and thank you, Mr. Chairman, for your comments.

MR. WEPRIN: You're quite welcome.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would Mr.

Weprin yield?

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

MR. WEPRIN: I'd be happy to, Mr. Goodell.

MR. GOODELL: Thank you, Mr. Weprin. I apologize, my back's to you, the microphone is in front of me. Please accept my apologies. Thank you for yielding.

We keep talking about domestic violence in connection with the seizure of guns from people who are suspected of its commission, but the law actually doesn't talk about domestic violence at all, does it? It's triggered by what's known as a report of a family offense.

MR. WEPRIN: Right. Well, this actually is a bill that was introduced early in the Session. It was a Rozic bill. And I think because of the circumstances that we're in with the coronavirus pandemic, a lot of these bills are becoming part of the budget. But this was not one that was necessarily contemplated to be part of the budget, it was an individual bill that got combined.

MR. GOODELL: I -- I think you're absolutely -- absolutely correct on that, and I appreciate that observation. When you look at the definition of "family offense," it includes things like identity theft or grand larceny and other property crimes. And, of course, you can have a situation involving identity theft if somebody uses a credit card without authorization, right? You can have grand larceny if someone uses a car without authorization or some other property without authorization, or steals it. So, my question is if somebody is engaged in identity theft and has absolutely no evidence of violence --

MR. WEPRIN: Well, my understanding --

MR. GOODELL: -- why would we authorize a police officer to seize all their guns?

MR. WEPRIN: Well, my understanding is it's discretionary on the part of the police officer. He can seize the gun, but it's not required.

MR. GOODELL: Well, I -- I would be much more comfortable if it were discretionary. But if you look at the actual bill on page 16, line 16, it says, "And shall take temporary custody of any such weapon that's in the possession of a person arrested for the commission of such family offense, or suspected of its commission." Now, the word "shall" is not optional, right? That's mandatory.

MR. WEPRIN: My understanding --

MR. GOODELL: That's on page 16 --

MR. WEPRIN: -- is it says "may."

MR. GOODELL: I apologize --

MR. WEPRIN: Hold on, hold on, hold on.

MR. GOODELL: Let's take a look at page 16 --

MR. WEPRIN: I'm looking at page 16 --

MR. GOODELL: -- line 36.

MR. WEPRIN: -- Section -- Section 1 --

MR. GOODELL: Line 35 and 36?

MR. WEPRIN: Line -- no, I'm looking at line 31 --

MR. GOODELL: Right. So there's two provisions --

MR. WEPRIN: -- where it says "may."

MR. GOODELL: Right. It says, "A police officer who responds to a report of a family offense", that might include identity theft, for example, "may take temporary custody of a number of items that are in plain sight", and continuing on line 35, "And shall take temporary possession of any such weapon that's in the possession of the person who is suspected of its offense", right? The word "shall" is the last word on line 35. I mean, that's not optional.

MR. WEPRIN: It is, but there's also the word "may" before that, depending on the particular facts.

MR. GOODELL: So, we have two sections. One's discretionary. If they come into the house and there are certain weapons that are in plain sight or they find that are not in the possession of the person, then it's they may. And if it's in possession of the person, they must, right?

MR. WEPRIN: Well, I think if it's in the possession

of the person, I think it has to do with a potentially dangerous situation on the spot, and I think that's why the -- the "shall" is in that particular case as opposed to the "may."

MR. GOODELL: Now, this doesn't require that the person actually be arrested, right?

MR. WEPRIN: No.

MR. GOODELL: So, you can have a police report and the person is just suspected of being engaged in, say, identity theft, and just the mere suspicion is enough for the police to confiscate any weapon?

MR. WEPRIN: Well, I think the difference is that obviously there's a danger of someone getting killed or seriously injured in the case of a weapon. Not that there's not serious injury in the case of, you know, the other situation, but it's not the same imminent danger.

MR. GOODELL: Now, this requires or authorizes the seizure of not just a gun, but presumably a stun gun, electric dart gun, an imitation weapon, right? I mean, it doesn't even need to be capable of firing anything, it could be an imitation gun. All those are subject to being seized, correct? I'm referring to lines 31, 32 and 33 and 34.

MR. WEPRIN: I think the idea is that, you know, in many of these situations you don't know if it's -- if it's an imitation weapon and the police officer might not know that when he seizes the weapon. So, I think the intention is to confiscate a real gun. I think

there are many situations where a look-alike gun is hard to detect and -- and could easily be mistaken by that particular law enforcement officer as a real gun. And it's happened many times.

MR. GOODELL: Well, I can assure you that at least in my district, plain trained police officers can almost immediately recognize an imitation weapon as soon as they have it in their hand. But I can't speak for officers across the State. What if the person who's the suspected -- who's suspected of -- of these offenses, is themselves a security officer or a police officer? This provides that their service revolver can be immediately seized, or their stun gun or their TASER can be immediately seized, right?

MR. WEPRIN: Well, it's based on the determination by the investigation and the situation. You know, there are many times --

MR. GOODELL: Well, again, I come back to the word "shall" take temporary custody.

MR. WEPRIN: Well, you know, if it's determined to be unconstitutional, that would be a determination that's made. But I think the intent of this law is to prevent a potentially hazardous situation on the spot, especially when you're dealing with a family domestic violence incident --

MR. GOODELL: Now the bill --

MR. WEPRIN: -- or potential incident.

MR. GOODELL: Now the bill thankfully says that if any person demonstrates that they're the -- that the person is the lawful

owner of the weapon and was not even suspected of committing a family offense, then they can get the gun back, right? I'm looking at page 17, line 19 through 25.

MR. WEPRIN: That sounds about right.

MR. GOODELL: But the problem I have, and maybe you can help me, with the exception of handguns, most guns don't have a certificate of title and are not registered, nobody registers shotguns, stun guns, TASERS, antique firearms that may not even work, black powder rifles -- none of those are registered. So how is it that a person is to establish that they're the lawful owner?

MR. WEPRIN: Well, that's what the investigation is about and that's a determination to be made.

MR. GOODELL: But the obligation --

MR. WEPRIN: And it's based on the facts.

MR. GOODELL: The obligation is not on law enforcement or the people who have seized the weapon to demonstrate that the person who's suspected of a family offense is the one that owns the gun, right? The obligation is on the owner to establish that it's their own gun, correct?

MR. WEPRIN: For the most part it would be on the part of the owner. But, again, the police officer is not necessarily required if he makes a determination that, you know, that particular owner, you know, is legitimately an owner and -- and there's no imminent danger. So, I think it's up to that police officer to make that determination at the time. As they do in many, many cases in similar

situations.

MR. GOODELL: Now, I -- I very much appreciate your comments earlier and I -- I'm sincere when you said this was not originally part of the budget, it was a separate, standalone bill and it was put in the budget later. I -- I think that's --

MR. WEPRIN: Yes, I think the situation now is based on the fact that we don't know when we're going to be taking up normal bills, legislative bills that we've been having all Session. I -- I don't know -- I don't know if you know, Mr. Goodell, I mean, I'd be happy if this pandemic was gone, you know, soon, but I don't think we necessarily know that. And I think that's one of the reasons why some of these pieces of legislation are being inserted in the budget.

MR. GOODELL: So, recognizing the fact that this was never part of the original budget, am I correct also, then, to assume that there's no appropriation or any budgetary line item that relates to these provisions?

MR. WEPRIN: I would -- I would -- I've been told no, there's no appropriation attached to it.

MR. GOODELL: Well, if there's no appropriation whatsoever attached to this, and I think you're absolutely right, how can we constitutionally include such an unrelated matter in the budget itself? Because Article VII, Section 6 of our State Constitution states, quote, "No provision shall be embraced in any appropriation bills unless it relates specifically to some particular appropriation in the bill, and such provision shall be limited in its operation to such



appropriation." If there's no appropriation whatsoever, it seems to me that first of all, it shouldn't be in this bill under the Constitution. And, secondly, if we do include it in the bill and there's no appropriation, under the plain language of the Constitution, any such provision shall be limited to its operation to the appropriation. There's no appropriation, so it's meaningless; am I correct?

MR. WEPRIN: I -- I take your guidance many times on the Constitution, I believe you probably know the Constitution better than I do, but I think you also know that this isn't the first time that the Governor has issued an Article VII unrelated to the budget and without an appropriation, and he's been doing this for many years so -- the reason I think it's being taken up now is because of the situation, but he certainly has introduced other -- other Article VII's that became part of the budget without an appropriation. And I think you --

MR. GOODELL: In --

MR. WEPRIN: I think you've lived through a few of those.

MR. GOODELL: Indeed, and I would remind you that every year, the New York State Courts invalidate some provision that's in the budget for one reason or another on Constitutional grounds. We've seen it this last year where a couple of bills that were passed were thrown out as being unconstitutional. And I don't know about the Governor, but I, and I believe you and all of us here took an oath of office to uphold the Constitution, including the New York

State Constitution. So, if we're serious about our oath of office, it seems to me that we should enforce the State Constitution and not just hope or pray someone else might live up to their Constitutional oath and enforce it.

But I want to move to a little bit of different section, if I may, if I can take a look --

MR. WEPRIN: Sure.

MR. GOODELL: -- at Part N, as in Nancy.

MR. WEPRIN: Mm-hmm.

MR. GOODELL: Part N, as I understand it, says that if you're a New York resident and you've been accused of an offense in a different state, you can lose your right to carry a firearm in New York State. And we have a list. I'm looking at page 24, if that's a help, things that include like Obscenity in the Third Degree; Criminal Possession of a Controlled Substance, I -- I get that; using drug paraphernalia, Criminal Possession of Methamphetamine Manufacturing Material, I guess that means you have too many Sudafeds - and I'm not in any way making light of the seriousness of methamphetamine. My question is, why should New York residents lose their gun rights if they've been convicted of a crime in a different state that has nothing whatsoever to do with any misuse of a gun, or even anything to do with any violence? Look, I -- I'm not recommending that anyone promote obscenity.

MR. WEPRIN: See, I think --

MR. GOODELL: -- but I don't understand --

MR. WEPRIN: See, I think the thought process --

MR. GOODELL: -- why we're passing a law that would call for them to lose their gun license if they did commit something that was considered obscene.

MR. WEPRIN: My -- my understanding, Mr. Goodell, is this would only apply to convictions of a particular subject that would bar you from owning -- from having a gun license in New York. So they're basically using, even though the conviction may have occurred in a different state, it was for the same subject that would have barred that individual from possessing a gun license in New York State.

MR. GOODELL: Mr. Weprin, again, I want to thank you very much. You've been patient and -- and thoughtful and your answers have been clear and articulate and straightforward, which is a great blessing at this hour in the evening. Again, thank you so much for your comments. Thank you, Mr. Speaker.

(Pause)

ACTING SPEAKER WOERNER: Mr. Walczyk.

MR. WALCZYK: Thank you, Madam Speaker.

Would the Chair of the Corrections Committee please yield?

ACTING SPEAKER WOERNER: Mrs. Peoples-Stokes, do you yield --

Oh. Mr. Weprin, do you yield?

MR. WEPRIN: Yes, I'd be happy to.

MR. WALCZYK: Thank you. I wanted to start off

by continuing on Part N with particular attention to the Obscenity in the Third Degree. I wondered if you could let us know, obscenity, is that -- would that be at the discretion of the arresting police officer or police officers on the scene?

MR. WEPRIN: It's already -- my understanding it's already a disqualifying crime in New York State.

MR. WALCZYK: Obscenity in the Third Degree is already a disqualifying crime in New York State?

MR. WEPRIN: For possessing a firearm, yes.

MR. WALCZYK: Okay. Would you define "obscenity" for us?

MR. WEPRIN: I could say you know it when you see it, but in this particular case I'm not sure.

MR. WALCZYK: I think that's -- I think your -- your answer is perfect, and while I'm not an attorney, I called one up because I was curious about obscenity laws --

MR. WEPRIN: Well, I am an attorney, but I still -- I'm -- I'd have to be advised by counsel. Counsel? Obscenity in the Third Degree?

Okay. Let's turn to the Penal Law. "Obscenity in the Third Degree: A person is guilty of Obscenity in the Third Degree when knowing its content and character, he promotes or possesses with intent to promote any obscene material or produces, presents or directs an obscene performance or participates in a portion thereof which is obscene or which contributes to its obscenity. Obscenity in

the Third Degree is a Class A misdemeanor." And if you want to know what obscenity is, I think the Supreme Court has said, you know, they know it when they see it.

MR. WALCZYK: And that -- thank you for reading the definition in 235.05. That's the reason that I made a phone call, because when -- when you're defining "obscenity" and you use "obscene" three times, it doesn't really make "obscene" or "obscenity" more clear to a -- a layman like me. But that makes sense when you call it like you see it.

So, I had an attorney explain to me today and I -- I wondered if you would agree, obscenity is basically what 12 people in a jury decide that it is, or what they agree upon.

MR. WEPRIN: My understanding it's an old statute, it's still on the books, but it's not used very much today.

MR. WALCZYK: Would you say that this a -- a subjective term? Does it fit across all cultures that are so diverse in all United States, E Pluribus Unum in United -- in the United States of America?

MR. WEPRIN: I don't know about the E Pluribus Unum remark, but -- my understanding is that there are very few prosecutors that actually prosecute for that type of obscenity, but I do remember reading in law school about the definition of obscenity determined by the United States Supreme Court at the time, that they knew it when they saw it.

MR. WALCZYK: Thank you. One more question

on that -- on that particular section, and it's honing in on something my colleague brought up. And not to be flippant about methamphetamine manufacturing whatsoever, is Sudafed considered a precursor to methamphetamine manufacturing, and if so, how much would a person need to have in their possession in order to have their guns taken from them?

MR. WEPRIN: Well, Sudafed, as far as I know is an over-the-counter, you know, medication that anyone can purchase over-the-counter, so I would imagine it probably would not, you know, qualify as that.

MR. WALCZYK: Okay. Thank you.

And through you, Madam Speaker, if the sponsor would yield?

ACTING SPEAKER WOERNER: Will you yield, Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: Yes, I will, Madam Speaker.

MR. WALCZYK: Madam Majority Leader, wonderful to have a dialogue with you again this morning. In Part Victor Victor, Part VV, this section was left intentionally blank and I'm wondering if you could explain to me the process here when sweeps are left out, looking particularly, the Governor proposed sweeping \$23 million from NYSERDA into the General Fund. Would those \$23 million then, would the authority -- would NYSERDA maintain those funding? What -- what happens to it?

(Pause)

MRS. PEOPLES-STOKES: Okay. It's actually been moved to a different bill which we probably will see tomorrow.

MR. WALCZYK: Okay. So sweeps entirely --

MRS. PEOPLES-STOKES: The entire \$23 million moved to a different bill, yes.

MR. WALCZYK: Thank you very much. I'll -- I'll move quickly off of that one. The next on Part E as in Echo, the discovery funding for district attorneys, my district attorneys in St. Lawrence and Jefferson County, probably representing the front yard of America, I had a couple of really excellent questions here. Would District Attorneys' offices that already spent the money be able to be reimbursed for monies already spent in this? This, being more specifically, the \$40 million for discovery compensation.

MRS. PEOPLES-STOKES: These funds will be distributed pursuant to a plan submitted to the Commissioner of Department of Criminal Justice Services and approved by the Department of Budget.

MR. WALCZYK: So that's not -- that's not submitted by the Legislature, that's not a part of this proposal?

MRS. PEOPLES-STOKES: Again, your District Attorneys would have to go through the Department of Criminal Justice Services, as well as be approved by the Department of Budget to get access to these funds that are specifically for \$40 million for two years; \$40 million this budget year, \$40 million next budget year for

the Criminal Justice Discovery Fund.

MR. WALCZYK: Understood. Moving on to Part XX, X-ray X-ray, subpart b, the small business cure period. What is in a -- and I know this is a relatively new law and we're already changing it. What -- what was the intent here? What would be a good example of something that a -- a small business would cure in the 90-day now moving to 15-day period?

(Pause)

MRS. PEOPLES-STOKES: Okay. It looks like it's a chapter amendment and it relates to the regulatory fines for small business authorizing the Commissioner of -- Commissioner of the Office of General Services to transfer and convey a parcel of land. Okay. It's a chapter amendment.

(Pause)

So, this is about signage that small businesses are required to post, be it through Department of Labor, Department of Environmental Conservation, this is about those postings that should be in small businesses. When they're not, you could be fined.

MR. WALCZYK: Thank you. And I wondered what the benefit of moving a 90-day fix to a -- a 15-day fix would be for small businesses in the New -- in New York State?

MRS. PEOPLES-STOKES: It was recommended that it be 30 days, but the Governor suggested 15, and so it is 15 days that we're putting forth in this budget.

MR. WALCZYK: So, the -- okay. Under --



understood. Part X-ray X-ray, subpart 0, the Elevator Commission. This is another chapter amendment. We passed Assembly Bill No. A04509 last year, it was unanimous in both Houses, signed into law of January 1st of this year. It looks like this chapter amendment increases the maximum fine of these elevator contractors or repair companies to \$25,000. I was just wondering how this -- how this big piece of policy ended up in the State Budget?

(Pause)

MRS. PEOPLES-STOKES: Okay. This is similar to the previous answer to the previous questioner. This is a chapter amendment and much like the other chapter amendments, the thought process was to get them all in now in case there's some issues with our capacity to be able to get back and do them in the future.

MR. WALCZYK: Thank you, Madam Majority Leader.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: We have cancelled Session days so far this Session. Members have automatically voted yes or no in this Chamber by Party vote. Some of them are asleep while doing so. Judges aren't going to work as a result of the COVID-19 crisis. We have opted in Part WW to, again, take what I view as a legislative responsibility in budgeting and giving salaries out as part of that and put it on to a commission so we don't have to vote on our own pay raises. That's wrong.

The obscenity charges in the third degree that we discussed a few minutes ago, there's a proud history in New York State and some of you were probably around when Lenny Bruce, a comedian from New York was pardoned by Governor George Pataki posthumously. It -- this was a guy who was a -- a comedian saying some crude things, doing it because he believed it was his First Amendment right to sometimes offend people. It was fighting across cultures, and when you look at how diverse New York State is, certainly there are some things that may be seen in -- as obscene in Alabama and those are different than things that are seen -- obscene in Montana or California or New York State. And I wouldn't want to see someone's Second Amendment rights infringed because of their First Amendment beliefs.

Taking the Executive power and expanding it to close a prison within 90 days, 60 days notice for families, for teachers that go into our prisons to teach every day. Manual recounts of elections have proven to be less accurate than machine counts, and that's in this bill. Small businesses, we've gone backwards again in this piece of legislation for small businesses.

ACTING SPEAKER AUBRY: Mr. Walczyk, I wouldn't want to emulate the judge who took away Mr. Bruce's freedoms, but you have elapsed your time. Thank you.

MR. WALCZYK: I'll talk to you again soon, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: I wait.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will Mrs. Peoples-Stokes please... yield. That's the word I'm looking for.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes will yield.

MRS. PEOPLES-STOKES: I absolutely will, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

MS. WALSH: Thank you very much. I -- I can understand my colleague's frustration. There -- this is a very rich, shall we say bill, there are so many different things that we could talk about, so I'd like to try to get through as many of the things that I wanted to talk about as we possibly can. The first thing I'd like to talk about is the automatic manual recount of elections, Part JJ. Who -- who pays for this, this automatic recount?

MRS. PEOPLES-STOKES: County Board of Elections.

MS. WALSH: All right. And does it apply to all elections?

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: So it applies to primaries, caucuses, if that's how the community selects their --

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: -- candidates? Okay. It applies to large communities, small communities, village elections --

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: -- regardless of the population or the -- of the particular governmental unit?

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: Okay. So the county is going to pay for it. So we -- our favorite phrase, unfunded mandate, right? It's an unfunded mandate on the -- on the County Boards of Elections in the counties. And that's a statement, not a question. But here's a question: So, I saw that this Part rejected the Executive's proposal that required the recounts to occur within 15 days of an election. How much time will the County Boards of Elections have to do the recounts?

(Pause)

MRS. PEOPLES-STOKES: Okay. So, that is something that is done by court order and the courts will set the schedule.

MS. WALSH: Oh, okay. So, how will the -- how will the court intervention be -- be started, then? After -- after a race, who will be -- will somebody be petitioning the Court for a schedule, or how exactly does that work?

MRS. PEOPLES-STOKES: Okay. So I guess it would depend on the candidates. Someone would be unhappy or disappointed with what the results, or think that there was something wrong with them, they would -- they would bring it to court.

MS. WALSH: Okay, so that's kind of what -- what we have now, where we have an aggrieved candidate that begins a

legal proceeding and asks for a recount.

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: Okay. All right. So it's being done the same way. All right. So, what -- what was the -- the rationale or the reasoning behind an automatic manual recount in close races?

MRS. PEOPLES-STOKES: We're trying to codify a standardized practice for those issues when they come up. So, it wouldn't necessarily be different -- all over, it would be a Statewide practice that people would have to follow.

MS. WALSH: Was -- was there any concern, though, that there was a -- a lot of machine error or was there a problem? Because New York State, from what I -- what my research shows, that New York State was the last State to implement the HAVA, the Help America Vote Act, and it had the opportunity to learn from a lot of other states about what they were doing and kind of learn from their mistakes. And through all of that, a tremendous effort was made to research and to test out our voting systems and it -- it, as a matter of fact, it takes over a year to get certified, and before and after every election, the machines are tested. So I guess my question is, is there a lack of confidence in the machines that are being utilized and feeling that they're going to give us an erroneous result?

MRS. PEOPLES-STOKES: No, I don't think that's the case. I do think it's just an opportunity to adopt a Statewide uniform policy.

MS. WALSH: Okay. Even when there's no evidence

of a malfunction or anything like that?

MRS. PEOPLES-STOKES: Say that again.

MS. WALSH: Even when there's no evidence of a malfunction or any kind of a problem with the voting equipment?

MRS. PEOPLES-STOKES: Clearly, there has been some issues with people wanting recounts, for whatever reason. And this is just an opportunity to establish a Statewide uniform policy that will give not just the Boards of Elections, but the citizens some confidence that this is the process that everybody's going to use and it won't change county by county, issue by issue, race by race.

MS. WALSH: And -- and -- and I appreciate your answer, but I -- in my opinion, I think that it would run contrary to the finality of -- of elections and allowing a court to set a schedule for a manual recount, which could be a big one or a small one, but it would under -- I think it would undermine public confidence. But we'll agree to disagree on that one and I'll move on to my next -- my next thing, which is, let's see, I feel like -- I'm going to try not to be repetitive.

The -- the Part PP, which was the -- the part about domestic violence victims seeking a divorce and it would consider the effects on an individual's ability to earn a living or obtain meaningful employment as a result of domestic violence. So, that reminded me of a bill that this Chamber passed not so very long ago that I believe I spoke on. Is this provision, Part PP, any different from Mr. Zebrowski's bill that we had passed here not -- recently?

MRS. PEOPLES-STOKES: This is Mr. Zebrowski's

bill.

MS. WALSH: Oh, okay. All right. And so, let me ask you just as a refresher for me, does that -- does this legislation say that a -- an alleged victim of domestic violence could make allegations of domestic violence and that would be sufficient to trigger this provision, or would there need to be actual charges, criminal charges, or convictions to have -- have a judge consider that?

MRS. PEOPLES-STOKES: This provision allows for the courts to expressly consider domestic violence when distributing marital assets and replaces the Governor's language with Assemblymember Zebrowski's bill which, as you noted, we have passed.

MS. WALSH: But I'm afraid that didn't answer my question. Did -- so, the judge could consider something like, say, an affidavit that the -- that the domestic -- alleged domestic violence victim filled out as part of the divorce proceedings saying, *I was -- I was a victim of domestic violence and these are my allegations?* It doesn't have to be a criminal conviction, for example, or criminal charges; is that -- is that correct?

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: Okay. Very good. Thank you. Now, I'd like to jump over to Part G, which talked about the authorization of adolescent offenders who are younger than 18 and it would say that you were going to transfer them from DOCS over to OCFS, the Office of Children and Family Services. So -- and I just want to get the bill

language in front of me, just give me a quick second. Part GG. Okay. So, what's the reason for this?

MRS. PEOPLES-STOKES: PPG, G -- Part G authorizes the transfer of adolescent offenders from Department of Corrections to community supervision, Office of Children and Family Services.

MS. WALSH: Right. Yeah. What's the reason for -- for this bill -- or for this provision?

MRS. PEOPLES-STOKES: This is literally taking minors out of State prisons and putting them into facilities that are designed for children and families.

MS. WALSH: Okay. Okay. So in -- in this -- how many -- do you know how many individuals this would be affecting? How many of these under 18-year-olds would be subject to this transfer from DOCS over to OCFS, if you know?

MRS. PEOPLES-STOKES: Thirty.

MS. WALSH: Just 30; okay, great. And in -- that would be -- that transfer would occur regardless of the offenses committed by the -- by the youth? That doesn't matter? It could be murder, it could be anything or -- or --

MRS. PEOPLES-STOKES: I think you're reaching there, Counselor, but I think that it -- it does matter -- the determination what they did will determine where they go.

MS. WALSH: But they would go --

MRS. PEOPLES-STOKES: It won't be in a



correctional facility.

MS. WALSH: Okay. So would there be some OCFS facilities that would be better equipped than others to handle, for example, a -- a 16-year-old murderer, for example?

MRS. PEOPLES-STOKES: This is actually a part of the whole Raise the Age thing. And so, there are secure facilities for younger people, but they just don't happen to be housed in the same facilities with adults.

MS. WALSH: Okay. All right. And would there be, because the language didn't seem to indicate it, but maybe it was in a different part, whether there would be a consideration of the other youth that this youth would -- would be placed with and what they had -- what things they had done or what their backgrounds were?

MRS. PEOPLES-STOKES: Yes.

MS. WALSH: And there would be a -- a higher level of supervision, I -- I'm assuming, or hoping, for an individual that created --

MRS. PEOPLES-STOKES: If it's a secure facility, yes --

MS. WALSH: -- that did -- it was a serious offense?

MRS. PEOPLES-STOKES: -- if it's not, no.

MS. WALSH: I'm sorry, I -- we were talking over each other.

MRS. PEOPLES-STOKES: If it's a secure facility, yes, it would be a higher level.

MS. WALSH: Okay.

MRS. PEOPLES-STOKES: If it's not a secure facility, then probably it wouldn't be.

MS. WALSH: Very good. Okay. And the staffing would be -- yeah, the staffing would be up to for those -- okay. So, moving on... okay. Okay. Okay. So, if we could jump over to Part XX, subpart 1, the double X, the changes of placement in child protective and voluntary foster care placement and review proceedings. It states in this section that if a child -- or when a child is remanded or placed in the custody of the local Social Services district that there needs to be notice given, including to the attorney for the child and the attorneys for the parties no later than one business day of the move of the child. Really quick question on that. What happens if that report is not made timely? What's the consequence? Is there one?

MRS. PEOPLES-STOKES: I'm not sure what the consequences for that would be. If there was a --

MS. WALSH: Were we losing kids, or...

MRS. PEOPLES-STOKES: There would not be a consequence that I'm aware of.

MS. WALSH: Were we losing children or something? It just seemed like a very short time frame, very -- possibly an unrealistic time frame for notification. That's -- that was where my question was going.

MRS. PEOPLES-STOKES: Okay.

MS. WALSH: Okay. Okay. And... okay. Totally

different topic now. We're getting out of the children and families realm.

MRS. PEOPLES-STOKES: You're leaving the children? Okay.

MS. WALSH: All right. Now I'd like to talk about Part XX, subpart y. Three minutes? Okay.

All right. That -- that's the one that ensures the utility workers reveal -- receive, rather, prevailing wage. So -- actually, you know what? I only have a couple of minutes left, so I think I'm -- with all due respect, I think I'm just going to go on the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. WALSH: Thank you so much.

So, that section ensured that utility workers were going to receive prevailing wage and that -- that struck me, because that -- I'm wondering if that is even Constitutional or -- or possibly it might be illegal, because I don't know how we, as a State, can mandate prevailing wage on a private business who isn't taking any kind of a subsidy or government money or a grant. I mean, I can understand that we've had in the past rules saying that if you're getting funding like through an IDA or something like that, you have to pay prevailing wage. But in this case, it just seems like a very dangerous precedent to put on private sector business which, as we know and we've been talking about all evening, and morning, is put under, you know, a lot of pressure these days. To have them have the prevailing wage on top of that just seems like a lot.

So, I think that that pretty much covered the different things that I wanted to cover. The only thing I guess I would say and I think I'm piggybacking on what one of my colleagues said, you know, it's not because of COVID-19 that we've got a bill like this that's stuffed with policy, we always do. Every year we do. And sometimes it's in the Big Ugly, sometimes it's in other bills, but let's not blame it on that because, you know, whether -- we're going to be able to pass more bills this Session because we've passed all kinds of different rules changes that are going to allow for remote voting, open seat voting and all kinds of ways to preserve our own safety, thank God. And so, I -- I don't see why this is necessary. I do object to doing it this way, but I appreciate the answers that I was given and thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a party vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a party vote in the affirmative unless members and colleagues want to come over and cast a different vote, they're certainly welcome to do that, but we also want to make sure that we get Mr. Barron in as a no.

ACTING SPEAKER AUBRY: And Mr. Barron --

Party vote in the affirmative. Mr. Barron is a negative.

Mr. Goodell.

MR. GOODELL: Mr. Speaker, the Republican Conference is delighted that Mr. Barron is joining us casting a negative vote. And as far as I'm aware, all of the Republicans are also voting in the negative, following Mr. Barron's lead. And if I am mistaken, I would invite any of the Republican legislators who are not already on the floor and are still awake at 3:00 a.m. to come on over and cast a contrary vote. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. Republican Conference in the negative. Any member of either conferences wants to vote opposite their conference vote, please come to the Chamber and do that now.

Mr. Manktelow to explain your vote.

MR. MANKTELOW: Thank you, Mr. Speaker. As we went through this bill, we've looked and talked about small business again. I was very fortunate last year at the end of 2019 to go around parts of the State with the Small Business Committee to do roundtable discussions with small business owners. And, again, part of this bill tonight does exactly what these small businesses do not want to happen in New York State. We're, again, putting another - I won't use the word unfunded mandate - but another -- another obstacle in their way doing with the time to cure from 90 days to 15 days. So I ask that my colleagues again vote no on this, because again, we're hurting small business and we need to grow small business and help

these individuals in our State. So, as I said, I'll be voting no. And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Manktelow.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker. This is a terrible bill. I'm voting no.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As you know, once in a while I read the State Constitution and I try to take it to heart. This -- unfortunately this bill violates several provisions of the State Constitution. We have previously discussed one where there's language in this bill that has absolutely nothing to do with the budget and the Constitution is quite clear that that kind of language should not be included in the budget.

I would note that at this point we have 96 yes votes, which I might point out is not enough votes to pass any bill that involves a transfer of real estate, or real estate interest. This bill contains a provision that purports to give to the City of New Rochelle a [sic] option of first refusal on a reversionary interest on some State-owned property that was previously transferred. That type of provision involves a transfer of real estate and, therefore, would trigger a two-thirds vote, which means we'd have to wait around until

we got at least four people to switch their vote in order to pass that provision.

I will note, thankfully, that this bill also contains a severability clause, so that if a court should determine that we actually should follow the Constitution and have the right number of votes on each provision and not include non-budgetary items in a Budget Bill, those provisions that remain would still be valid. So, for those who are worried about having to rush over here and cast a vote at three in the morning, that severability clause will allow you to sleep relatively peacefully unless you're worried about reversionary interests in the City of New Rochelle. For all the reasons mentioned by my colleague -- my colleagues, I will be voting no on this bill, as well as the Constitutional infirmities. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

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, would you please recognize Mr. Goodell for the purposes of an announcement?

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

MR. GOODELL: Thank you for recognizing me, sir. I know my hair is getting longer since we've shut down all the barber shops around the State, but I'm still glad you recognize me. And if --

if you would note, kindly, sir, that the Republicans are anticipating a Republican Conference at 9:15 a.m. tomorrow morning. Bright and early.

ACTING SPEAKER AUBRY: Republican Conference, 9:15 a.m. in the morning. And in the Parlor?

MR. GOODELL: No, sir. It will be either by conference telephone or Zoom.

ACTING SPEAKER AUBRY: Brave new world, Mr. Goodell, brave new world.

MR. GOODELL: I almost had to consult my grandson to find out how to do that, but...

(Laughter)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I did have to consult my grandson --

(Laughter)

-- to figure out how to do Zoom, but it's quite a nifty thing.

I would -- just wanted to mention, Mr. Speaker, that there is going to be a Ways and Means Committee meeting tomorrow morning at 10:30. It'll be in Hearing Room B, and it will be immediately followed by a Rules Committee. And that Rules Committee will be immediately followed by Session.

So, I now move that the House stands in recess until that time.



ACTING SPEAKER AUBRY: The House stands in recess.

(Whereupon, at 3:07 a.m., the Assembly stood in recess.)

\* \* \* \* \*

**AFTER THE RECESS**

**1:35 P.M.**

ACTING SPEAKER AUBRY: The House will come back to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, before we call ourselves back together into order from our recess last night I -- I would like to just share a motivational quote. It is from former First Lady Michelle Obama, and it says, *You should never view your challenges as a disadvantage. Instead, it's important to understand that facing and overcoming adversity is actually your biggest advantage.* Again, Mr. Speaker, that is from our First Lady Michelle Obama. I realize that it's very difficult to see opportunity in what we are experiencing now as a result of this pandemic, but I do think that there are opportunities, and a part of those opportunities are what we are doing in this Chamber this week.

So now Mr. Speaker, do you have any housekeeping or resolutions?

ACTING SPEAKER AUBRY: No, we have neither.

MRS. PEOPLES-STOKES: Then I move that the Assembly stand adjourned and that we reconvene on Thursday, April

the 2nd, today being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 1:37 p.m., the House stood adjourned until Thursday, April 2nd, that being a Session day.)