

**THURSDAY, APRIL 2, 2020**

**1:38 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 members and visitors in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Wednesday, April 1st.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Wednesday, April the 1st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes. I'd like to, Mr. Speaker, thank the members for their cooperation this week and encourage them and let them know that we will continue to need that same level of patience and cooperation they have demonstrated this prior week as we continue to work on our budget. I would also like to remind members that we will be continuing the procedures that we have had for the past week in terms of debate, voting and social distancing. Members have on their desks an A-Calendar from which at some point we will be taking up Rules Report No. 16 on page 4. The Ways and Means and Rules Committees have already met today. These meetings have produced a [sic] A-Calendar, comprising of Assembly Bill No. 9508, the TED Budget Bill, which we will be taking up now. Members should be aware that there will be a need for additional committee meetings that will produce a new calendar, and we are fully prepared to keep members apprised of that schedule as we move forward.

With that, Mr. Speaker, I would ask to advance the A-Calendar.

ACTING SPEAKER AUBRY: Before we do that, we do have some housekeeping on the main Calendar.

On a motion by Ms. Wallace, page 38, Calendar No. 245, Bill No. A.6787-C, amendments are received and adopted.

On a motion by Ms. Paulin, page 48, Calendar No. 358, Bill No. A.7759-B, amendments are received and adopted.

On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, if we could begin our work by going to Rules Report No. 21. It's on page 3.

ACTING SPEAKER AUBRY: The Clerk will read. Page 3, Rules Report No. 21.

THE CLERK: Assembly No. A09508-B, Rules Report No. 21, Budget Bill. An act to amend the Highway Law and the Transportation Law, in relation to Consolidated Local Highway Assistance payments (Part A); to amend the Vehicle and Traffic Law in relation to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); to amend the Vehicle and Traffic Law, in relation to the display of amber and blue lights on safety service patrol vehicles (Part C); intentionally omitted (Part D); to amend the Vehicle and Traffic Law, in relation to the maximum dimension of certain vehicles proceeding to and from the New York State Thruway Authority (Part E); to amend the Public Authorities Law, in relation to agreements for fiber optics (Part F); intentionally omitted (Part G); to amend the Vehicle and Traffic Law, in relation to

penalties for unlicensed operation of ground transportation to and from airports (Part H); to amend the Public Authorities Law, in relation to setting the aggregate principal amount of bonds the Metropolitan Transit Authority, the Triborough Bridge and Tunnel Authority and the New York City Transit Authority can issue (Part I); intentionally omitted (Part J); to amend Chapter 54 of the Laws of 2016 amending the General Municipal Law relating to the New York Transit Authority and the Metropolitan Transportation Authority, in relation to extending authorization for tax increment financing for the Metropolitan Transportation Authority (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend Chapter 21 of the Laws of 2003, amending the Executive Law relating to permitting the Secretary of State to provide special handling for all documents filed or issued by the Division of Corporations and to permit additional levels of such expedited service, in relation to extending the effectiveness thereof (Part R); to amend the General Business Law, in relation to prohibiting pricing of goods and services on the basis of gender (Part S); intentionally omitted (Part T); to amend the State Law, in relation to making changes to the Arms of the State (Part U); to amend the Executive Law, the Real Property Law and the General Business Law, in relation to qualifications for appointment and employment (Part V); to amend the Real Property Law, in relation to home inspection professional licensing (Part W); intentionally omitted (Part X); to

authorize utility and cable television assessments that provide funds to the Department of Health from cable television assessment revenues and to the Department of Agriculture and Markets, Department of Environmental Conservation, Department of State, and the Office of Parks, Recreation and Historic Preservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend Chapter 584 of the Laws of 2011, amending the Public Authorities Law relating to the powers and duties of the Dormitory Authority of the State of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part CC); to amend the Infrastructure Investment Act, in relation to requiring certain contracts to comply with service-disabled veteran-owned business enterprises, negotiating prices in certain lump-sum contracts, referencing certain sections of law and providing for a date of repeal (Part DD); to amend the New York State Urban Development Corporation Act, in relation to extending the authority of the New York State Urban Development Corporation to administer the Empire State Economic Development Fund (Part EE); to amend Chapter 393 of the Laws of 1994 amending the New York State Urban Development Corporation Act, relating to the powers of the New York State Urban Development Corporation to make loans, in relation to extending the general loan powers of the New York State Urban Development Corporation (Part FF); to amend the Economic

Development Law, in relation to Economic Transformation Program eligibility (Part GG); to authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY Program, as well as climate change related expenses of the Department of Environmental Conservation and the Department of Agriculture and Markets' Fuel NY Program, from an assessment on gas and electric corporations (Part HH); to amend the Labor Law, in relation to the definition of farm laborer and labor practices for farm laborers (Part II); to amend the General Municipal Law, in relation to procurement procedures for school districts in relation to New York State products (Part JJ); to amend the Public Authorities Law, in relation to the Water Pollution Control Revolving Fund and the Drinking Water Revolving Fund (Part KK); intentionally omitted (Part LL); to amend the Financial Services Law, in relation to student debt consultants (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); to amend the Environmental Conservation Law, in relation to expanded polystyrene foam container and polystyrene loose fill packaging ban; to amend the State Finance Law, in relation to moneys collected for violations of the expanded polystyrene foam container and polystyrene loose fill packaging ban; and providing for the repeal of certain provisions upon expiration thereof (Part PP); authorizing the creation of State debt in the amount of three billion dollars, in relation to creating the Environmental Bond Act of 2020 "Restore Mother Nature" for the purposes of environmental

improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); to amend the Environmental Conservation Law and the State Finance Law, in relation to the implementation of the Environmental Bond Act of 2020 "Restore Mother Nature" (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to authorize the County of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); to authorize the Village of East Rockaway, County of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the Village of Rockville Centre, County of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part UU); intentionally omitted (Part VV); to amend the Environmental Conservation Law, in relation to banning fracking (Part WW); to amend the Vehicle and Traffic Law, in relation to bicycles with electric assist and electric scooters (Part XX); to amend Chapter 62 of the Laws of 2003, amending the Vehicle and Traffic Law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend Chapter 84 of the Laws of 2002, amending the State Finance Law relating to the costs of the Department of Motor Vehicles, in relation to the effectiveness thereof (Part YY); to amend the Vehicle

and Traffic Law, in relation to the acceptance of applications for accident prevention and pre-licensing Internet courses; and to amend Chapter 751 of the Laws of 2005, amending the Insurance Law and the Vehicle and Traffic Law relating to establishing the Accident Prevention Course Internet Technology Pilot Program, in relation to the effectiveness thereof (Part ZZ); intentionally omitted (Part AAA); intentionally omitted (Part BBB); intentionally omitted (Part CCC); intentionally omitted (Part DDD); to amend the New York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); to amend the Labor Law, in relation to prevailing wage requirements (Part FFF); intentionally omitted (Part GGG); intentionally omitted (Part HHH); to amend the New York State Urban Development Corporation Act, in relation to the Corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); to amend the Public Authorities Law, the Executive Law, the Public Authorities Law, the Environmental Conservation Law and the State Finance Law, in relation to accelerating the growth of renewable energy facilities to meet critical State energy policy goals; and providing for the repeal of such provisions upon expiration thereof (Part JJJ); to amend the Economic Development Law, in relation to extending the application deadline for businesses to participate in the START-UP NY Program (Part KKK); to amend the Public Authorities Law, in relation to authorizing the Metropolitan Transportation Authority to borrow money and issue negotiable notes, bonds or other



obligations to offset decreases in revenue; and providing for the repeal of certain provisions upon expiration thereof (Part LLL); to amend the Public Authorities Law, in relation to the Central Business District Tolling Lockbox Fund (Part MMM); to amend the Mental Hygiene Law, in relation to admission to residential treatment facilities (RTF) for children and youth (Part NNN); to authorize the transfer of certain Office of Mental Health employees to the secure treatment rehabilitation center (Part OOO); to amend the Mental Hygiene Law, in relation to the amount of time an individual may be held for emergency observation, care, and treatment in CPEP and the implementation of satellite sites; to amend Chapter 723 of the Laws of 1989 amending the Mental Hygiene Law and other laws relating to comprehensive psychiatric emergency programs, in relation to the effectiveness of certain provisions thereof; and to repeal paragraphs 4 and 8 of subdivision (a) and subdivision (i) of Section 31.27 of the Mental Hygiene Law, relating thereto (Part PPP); to amend the Insurance Law, in relation to penalties relating to mental health and substance use disorder parity compliance requirements; and to amend the State Finance Law and the Public Health Law, in relation to establishing the Behavioral Health Parity Compliance Fund (Part QQQ); to amend the Mental Hygiene Law, the Social Services Law and the Public Health Law, in relation to providers of service (Part RRR); to amend the Education Law and other laws relating to applied behavior analysis, in relation to extending the expiration of certain provisions thereof (Part SSS); to amend Part Q of Chapter 59 of the

Laws of 2016, amending the Mental Hygiene Law relating to the closure or transfer of a State-operated individualized residential alternative, in relation to the effectiveness thereof (Part TTT); to amend the State Finance Law, in relation to providing funding for the Metropolitan Transportation Authority 2020-2024 Capital Program and Paratransit Operating Expenses; and providing for the repeal of certain provisions upon expiration thereof (Part UUU); to amend the Public Authorities Law, in relation to acquisitions or transfers of property for transit projects; and providing for the repeal of such provisions upon the expiration thereof (Part VVV); to amend the Tax Law and the Administrative Code of the City of New York, in relation to decoupling from certain Federal tax changes (Part WWW); to amend Chapter 492 of the Laws of 1993 amending the Local Finance Law relating to installment loans and obligations evidencing installment loans, in relation to extending the effectiveness thereof (Item A); to amend Chapter 581 of the Laws of 2005 amending the Local Finance Law relating to statutory installment bonds, in relation to extending the effectiveness thereof (Item B); to amend Chapter 629 of the Laws of 2005, amending the Local Finance Law relating to refunding bonds, in relation to extending the effectiveness thereof (Item C); to amend Chapter 307 of the Laws of 2005, amending the Public Authorities Law relating to the special powers of the New York State Environmental Facilities Corporation, in relation to extending the effectiveness thereof (Item D); to amend the Environmental Conservation Law, in relation to extending the authority of the

Department of Environmental Conservation to manage Atlantic and Shortnose Sturgeon (Item E); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage Atlantic Cod (Item F); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage Atlantic Herring (Item G); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage Black Sea Bass (Item H); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage Blueback Herring (Item I); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage crabs (Item J); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to restrict the taking of fish, shellfish and crustacea in special management areas (Item K); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage of Fluke-Summer Flounder (Item L); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage scup (Item M); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental

Conservation to manage sharks (Item N); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage squid (Item O); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage Whelk and Conch (Item P); to amend the Environmental Conservation Law, in relation to extending the authority of the Department of Environmental Conservation to manage Winter Flounder (Item Q); and to amend the Environmental Conservation Law, in relation to commercial fishing licenses (Item R)(Subpart A); to authorize certain health care professionals licensed to practice in other jurisdictions to practice in this State in connection with an event sanctioned by the World Triathlon Corporation; and providing for the repeal of such provisions upon expiration thereof (Item A); to amend Chapter 510 of the Laws of 2013, authorizing the City of Middletown to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such city to a private party or engage a private party to collect some or all of the delinquent tax liens held by it, in relation to the effectiveness thereof (Item B); redistributing bond volume allocations made pursuant to Section 146 of the Federal Tax Reform Act of 1986, relating to allocation of the unified State bond volume ceiling, and enacting the Private Activity Bond Allocation Act of 2020; and providing for the repeal of certain provisions upon expiration thereof (Item C); to amend Chapter 448 of the Laws of 2017, amending the

Canal Law relating to the Upstate Flood Mitigation Task Force, in relation to extending the effectiveness thereof (Item D); intentionally omitted (Item E); intentionally omitted (Item F); intentionally omitted (Item G); intentionally omitted (Item H); intentionally omitted (Item I); intentionally omitted (Item J); to amend Chapter 454 of the Laws of 2010, amending the Vehicle and Traffic Law relating to authorizing a pilot residential parking permit system in the City of Albany, in relation to the effectiveness thereof (Item K); to amend Chapter 465 of the Laws of 1994, amending Chapter 285 of the Laws of 1891 relating to charging a fee for admission to the New York Botanical Garden, in relation to the effectiveness thereof (Item L); to amend Chapter 414 of the Laws of 2018, creating the Radon Task Force, in relation to the reporting date and effectiveness thereof (Item M); to amend Chapter 435 of the Laws of 2014 amending the Environmental Conservation Law relating to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters, in relation to extending the effectiveness thereof (Item N); to amend Chapter 330 of the Laws of 2014, amending the Environmental Conservation Law relating to aquatic invasive species, spread prevention, and penalties, in relation to the effectiveness thereof (Item O); to amend Chapter 104 of the Laws of 2005, enacting the September 11th Worker Protection Task Force Act, in relation to extending the expiration of such chapter (Item P); to amend Chapter 266 of the Laws of 1981, amending the Civil Practice Law and Rules relating to time limitations, in relation to extending time limitations for certain actions (Item Q); to amend

Chapter 455 of the Laws of 1997 amending the New York City Civil Court Act and the Civil Practice Law and Rules relating to authorizing New York City Marshals to exercise the same functions, powers and duties as Sheriffs with respect to the execution of money judgments, in relation to extending the effectiveness of such chapter (Item R); to amend Chapter 490 of the Laws of 2017 amending the Insurance Law relating to limits on certain supplementary insurance, in relation to extending the provisions thereof (Item S); to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie (Item T); to amend Chapter 846 of the Laws of 1970, amending the County Law relating to payment in lieu of taxes for property acquired for park or recreational purposes, in relation to extending the term of effectiveness of such chapter (Item U); to amend Chapter 821 of the Laws of 1970 amending the Town Law relating to payment in lieu of taxes for property acquired for park or recreational purposes by the Town of Hempstead, in relation to the term of effectiveness of such chapter (Item V); to amend Chapter 20 of the Laws of 1998, amending the Education Law relating to the provision of physical therapy assistant services in public and private primary and secondary schools, in relation to extending the effectiveness of such chapter (Item W); to amend Chapter 549 of the Laws of 1994, amending the Public Authorities Law relating to the membership composition of the Metropolitan Transportation Authority Board, in relation to extending the effectiveness of such provisions (Item X); to amend Chapter 62 of the Laws of 2003, amending the Public Authorities Law relating to

establishing the New York Telecommunications Relay Service Center, in relation to extending certain provisions of such center (Item Y); to amend Chapter 55 of the Laws of 2014, amending the Real Property Tax Law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to the effectiveness thereof; and to amend Chapter 129 of the Laws of 2014, amending the Real Property Tax Law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities, in relation to the effectiveness thereof (Item Z); to amend Chapter 427 of the Laws of 2017 amending the State Technology Law relating to the creation of a State Information Technology Innovation Center, in relation to extending the provisions thereof (Item AA); to amend Chapter 606 of the Laws of 2006 amending the Volunteer Firefighters' Benefit Law relating to creating a presumption relating to certain lung disabilities incurred by volunteer firefighters, in relation to the effectiveness of such chapter (Item BB); to amend Chapter 668 of the Laws of 1977, amending the Volunteer Firefighters' Benefit Law relating to disability due to disease or malfunction of the heart or coronary arteries, in relation to extending the expiration of such provisions (Item CC); to amend Chapter 217 of the Laws of 2015, amending the Education Law relating to certified school psychologists and special education services and programs for preschool children with handicapping conditions, in relation to the effectiveness thereof (Item DD); to amend Chapter 192 of the Laws of 2011, relating to authorizing

certain health care professionals licensed to practice in other jurisdictions to practice in this State in connection with an event sanctioned by New York Road Runners, in relation to extending the provisions thereof (Item EE); to amend Chapter 378 of the Laws of 2010 amending the Education Law relating to paperwork reduction, in relation to extending the provisions thereof (Item FF); to amend the Local Finance Law, in relation to bonds and notes of the City of Yonkers (Item GG); to amend the Local Finance Law, in relation to the sale of bonds and notes of the City of Buffalo (Item HH); to amend Chapter 401 of the Laws of 2002, amending the Real Property Tax Law and the Nassau County Administrative Code relating to assessment and review of assessments in the County of Nassau, in relation to extending certain provisions thereof (Item II); to amend the Insurance Law, in relation to extending provisions of the Property/Casualty Insurance Availability Act (Item JJ); to amend Chapter 548 of the Laws of 2004 amending the Education Law relating to certain tuition waivers for police officer students of the City University of New York, in relation to extending the provisions of such chapter (Item KK); to amend Part U of Chapter 56 of the Laws of 2018, amending the Education Law relating to requiring regulations to permit tuition waivers for certain firefighters and fire officers for CUNY, in relation to the effectiveness thereof (Item LL); to amend Chapter 274 of the Laws of 2010 amending the Environmental Conservation Law relating to repair of damaged pesticide containers, in relation to the effectiveness thereof (Item MM); to amend the



Environmental Conservation Law, in relation to pesticide registration time frames and fees; and to amend Chapter 67 of the Laws of 1992, amending the Environmental Conservation Law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Item NN); to amend Chapter 130 of the Laws of 1998, amending the General Municipal Law relating to temporary investments by local governments, in relation to extending the expiration of the provisions thereof (Item OO); to amend Chapter 779 of the Laws of 1986, amending the Social Services Law relating to authorizing services for non-residents in adult homes, residences for adults and enriched housing programs, in relation to extending the effectiveness of certain provisions thereof (Item PP); to amend the Local Finance Law, in relation to the sale of bonds and notes of the City of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the City of New York, the refunding of bonds, and the down payment for projects financed by bonds; to amend the New York State Financial Emergency Act for the City of New York, in relation to a pledge and agreement of the State; and to amend Chapter 142 of the Laws of 2004, amending the Local Finance Law relating to interest rate exchange agreements of the City of New York and refunding bonds of such City, in relation to the effectiveness thereof (Item QQ); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to certain payments to the Horsemen's Organization (Item RR); to amend Chapter 237 of the Laws of 2015 amending the Judiciary Law, the Civil Practice Law and

Rules and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof (Item SS); to amend Chapter 890 of the Laws of 1982, relating to the establishment of certain water charges for hospitals and charities in New York City, in relation to the effectiveness thereof; to amend Chapter 573 of the Laws of 2011, amending the Correction Law relating to the boarding of out-of-State inmates at local correctional facilities, in relation to extending the expiration of the provisions thereof (Item UU); to amend Chapter 29 of the Laws of 2011 amending the Executive Law and other laws relating to the adoption of the Interstate Compact for Juveniles by the State of New York, in relation to the effectiveness thereof (Item VV); to amend Chapter 363 of the Laws of 2010, amending the Judiciary Law relating to granting the Chief Administrator of the Courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session, in relation to the expiration date thereof (Item WW); to amend the Economic Development Law, in relation to an advisory panel on employee-owned enterprises within the Division of Small Business Services; and to amend Chapter 435 of the Laws of 2017 amending the Economic Development Law, relating to establishing an advisory panel on employee-owned enterprises within the Division of Small Business Services, in relation to the effectiveness thereof (Item XX); to amend Chapter 522 of the Laws of 2000, amending the State Finance Law and the General Business Law

relating to establishing the Underground Facilities Safety Training Account, in relation to the effectiveness thereof (Item YY); to amend Chapter 141 of the Laws of 2014 amending the Environmental Conservation Law relating to authorizing the hunting of big game in the County of Albany with rifles, in relation to the effectiveness thereof (Item ZZ); to amend Chapter 396 of the Laws of 2010 amending the Alcoholic Beverage Control Law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness of certain provisions thereof (Item AAA); to amend Chapter 473 of the Laws of 2010 amending the Racing, Pari-mutuel Wagering and Breeding Law relating to the New York State Thoroughbred Breeding and Development Fund, in relation to the effectiveness thereof (Item BBB); to amend Chapter 451 of the Laws of 2012, amending the Labor Law relating to permitted deductions from wages, in relation to extending the effectiveness of such provisions (Item CCC); to amend Chapter 456 of the Laws of 2018 relating to establishing the Digital Currency Task Force, in relation to extending the provisions of such chapter (Item DDD); to amend Chapter 548 of the Laws of 2010, amending the New York City Charter relating to authorizing the City of New York to sell to abutting property owners real property owned by such City, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof (Item EEE); to amend Chapter 402 of the Laws of 1994, amending the State Administrative Procedure Act

relating to requiring certain agencies to submit regulatory agendas for publication in the State Register, in relation to the effectiveness thereof (Item FFF); to amend Chapter 378 of the Laws of 2014 amending the Environmental Conservation Law relating to the taking of sharks, in relation to the expiration thereof (Item GGG); to amend Chapter 306 of the Laws of 2011, authorizing owners of residential real property in high risk brush fire areas in the Borough of Staten Island to cut and remove reeds from their property, in relation to extending the expiration and repeal date thereof for an additional year (Item HHH); to amend Chapter 110 of the Laws of 2019, relating to creating a temporary State Commission to study and investigate how to regulate artificial intelligence, robotics and automation, in relation to the effectiveness thereof (Item III); to amend the Real Property Tax Law, in relation to the determination of adjusted base proportions in special assessing units which are cities (Item JJJ); to amend the Real Property Tax Law, in relation to extending limitations on the shift between classes of taxable property in the Town of Orangetown, County of Rockland (Item KKK); to amend the Real Property Tax Law, in relation to extending limitations on the shift between classes of taxable property in the Town of Clarkstown, County of Rockland (Item LLL); to amend the Real Property Tax Law, in relation to allowing certain special assessing units other than cities to adjust their current base proportions, adjusted base proportions for assessment rolls, and the base proportion in approved assessing units in Nassau County (Item MMM); to amend the General Municipal Law and the

Retirement and Social Security Law, in relation to increasing certain special accidental death benefits (Item NNN); to amend Chapter 633 of the Laws of 2006, amending the Public Health Law relating to the home based primary care for the elderly demonstration project, in relation to the effectiveness thereof (Item OOO); to amend Chapter 329 of the Laws of 2015 amending the Vehicle and Traffic Law relating to the residential parking system in the Village of Dobbs Ferry in the County of Westchester, in relation to the effectiveness thereof (Item PPP); to amend Chapter 383 of the Laws of 1991, relating to the incorporation of the New York Zoological Society, in relation to extending the expiration date of free one day admission to the zoological park (Item QQQ); to amend the Real Property Tax Law, in relation to increasing the average assessed value threshold and to eligibility for J-51 tax abatements (Item RRR); to amend Chapter 831 of the Laws of 1981, amending the Labor Law relating to fees and expenses in unemployment insurance proceedings, in relation to the effectiveness thereof (Item SSS); to amend the Insurance Law, in relation to extending authorization for certain exemptions from filing requirements (Item TTT); and to amend the Tax Law and the Administrative Code of the City of New York, in relation to extending the tax rate reduction under the New York State Real Estate Transfer Tax and the New York City Real Property transfer Tax for conveyances of real property to existing real estate investment funds (Item UUU)(Subpart B); to amend the Tax Law, in relation to the imposition of sales and compensating use taxes by the County of

Albany (Item A); to amend the Tax Law, in relation to extending the expiration of the provisions authorizing the County of Allegany to impose an additional one and one-half percent sales and compensating use taxes (Item B); to amend the Tax Law, in relation to extending the authorization of the County of Broome to impose an additional one percent of sales and compensating use taxes (Item C); to amend the Tax Law, in relation to extending the expiration of provisions authorizing the County of Cattaraugus to impose an additional one percent of sales and compensating use tax (Item D); to amend the Tax Law, in relation to extending the authorization of the County of Cayuga to impose an additional one percent of sales and compensating use taxes (Item E); to amend the Tax Law, in relation to authorizing Chautauqua County to impose an additional one percent rate of sales and compensating use taxes (Item F); to amend the Tax Law, in relation to extending the authorization of the County of Chemung to impose an additional one percent of sales and compensating use taxes (Item G); to amend the Tax Law, in relation to extending the authority of Chenango County to impose additional taxes (Item H); to amend the Tax Law, in relation to extending the expiration of the authorization granted to the County of Clinton to impose an additional rate of sales and compensating use tax (Item I); to amend the Tax Law, in relation to sales and compensating use tax in Columbia County (Item J); to amend the Tax Law, in relation to extending the authorization for imposition of additional sales tax in the County of Cortland (Item K); to amend the Tax Law, in relation to extending the

authorization of the County of Delaware to impose an additional one percent of sales and compensating use taxes (Item L); to amend the Tax Law, in relation to sales and compensating use tax in Dutchess County (Item M); to amend the Tax Law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County (Item N); to amend the Tax Law, in relation to extending the authorization granted to the County of Essex to impose an additional one percent of sales and compensating use taxes (Item O); to amend the Tax Law, in relation to extending the expiration of the authority granted to the County of Franklin to impose an additional one percent of sales and compensating use taxes (Item P); to amend the Tax Law, in relation to the imposition of additional sales and compensating use tax in Fulton County (Item Q); to amend the Tax Law, in relation to extending the expiration of the authorization to the County of Genesee to impose an additional one percent of sales and compensating use taxes (Item R); to amend the Tax Law, in relation to extending the authorization for imposition of additional sales and compensating use taxes in Greene County (Item S); to amend the Tax Law, in relation to extending the authorization of the County of Hamilton to impose an additional one percent of sales and compensating use taxes (Item T); to amend the Tax Law, in relation to extending the period during which the County of Herkimer is authorized to impose additional sales and compensating use taxes (Item U); to amend the Tax Law, in relation to authorizing the County of Jefferson to impose additional sales tax (Item V); to amend the Tax Law, in relation to authorizing

the County of Lewis to impose an additional one percent of sales and compensating use taxes (Item W); to amend the Tax Law, in relation to authorizing the County of Livingston to impose an additional one percent sales tax (Item X); to amend the Tax Law, in relation to extending the authorization of the County of Madison to impose an additional rate of sales and compensating use taxes (Item Y); to amend the Tax Law, in relation to the imposition of sales and compensating use taxes by the County of Monroe (Item Z); to amend the Tax Law, in relation to the imposition of sales and compensating use taxes in Montgomery County (Item AA); to amend the Tax Law, in relation to extending the authority of the County of Nassau to impose additional sales and compensating use taxes, and extending local government assistance programs in Nassau County (Item BB); to amend the Tax Law, in relation to continuing to authorize Niagara County to impose an additional rate of sales and compensating use taxes (Item CC); to amend the Tax Law, in relation to authorizing Oneida County to impose additional rates of sales and compensating use taxes and providing for allocation and distribution of a portion of net collections from such additional rates (Item DD); to amend the Tax Law, in relation to extending the authorization of the County of Onondaga to impose an additional rate of sales and compensating use taxes (Item EE); to amend the Tax Law, in relation to extending the authorization for Ontario County to impose additional rates of sales and compensating use taxes (Item FF); to amend the Tax Law, in relation to extending the authority of the County of Orange to impose an



additional rate of sales and compensating use taxes (Item GG); to amend the Tax Law, in relation to extending the period during which the County of Orleans is authorized to impose additional rates of sales and compensating use taxes (Item HH); to amend the Tax Law, in relation to extending authorization for an additional one percent sales and compensating use tax in the County of Oswego (Item II); to amend the Tax Law, in relation to extending the authorization for imposition of additional sales tax in the County of Otsego (Item JJ); to amend the Tax Law, in relation to the imposition of sales and compensating use taxes in the County of Putnam (Item KK); to amend the Tax Law, in relation to extending the authorization of the County of Rensselaer to impose an additional one percent of sales and compensating use taxes (Item LL); to amend the Tax Law, in relation to authorizing the County of Rockland to impose an additional rate of sales and compensating use taxes (Item MM); to amend the Tax Law, in relation to extending the authority of St. Lawrence County to impose sales tax (Item NN); to amend the Tax Law, in relation to the imposition of sales and compensating use tax in Schenectady County (Item OO); to amend the Tax Law, in relation to extending the authorization for imposition of additional sales tax in the County of Schoharie (Item PP); to amend the Tax Law, in relation to extending the authorization of the County of Schuyler to impose an additional one percent of sales and compensating use taxes (Item QQ); to amend the Tax Law, in relation to extending the expiration of the authorization to the County of Seneca to impose an additional one

percent sales and compensating use tax (Item RR); to amend the Tax Law, in relation to extending the authorization of the County of Steuben to impose an additional one percent of sales and compensating use taxes (Item SS); to amend the Tax Law, in relation to extending the authority of the County of Suffolk to impose an additional one percent of sales and compensating use tax (Item TT); to amend the Tax Law, in relation to extending authorization to impose certain taxes in the County of Sullivan (Item UU); to amend the Tax Law, in relation to extending the authorization of the County of Tioga to impose an additional one percent of sales and compensating use taxes (Item VV); to amend the Tax Law, in relation to extending the authorization of the County of Tompkins to impose an additional one percent of sales and compensating use taxes (Item WW); to amend the Tax Law and Chapter 200 of the Laws of 2002 amending the Tax Law relating to certain tax rates imposed by the County of Ulster, in relation to extending the authority of the County of Ulster to impose an additional one percent sales and compensating use tax (Item XX); to amend the Tax Law, in relation to extending the additional one percent sales tax for Wayne County (Item YY); to amend the Tax Law, in relation to extending the expiration of the authorization to the County of Wyoming to impose an additional one percent sales and compensating use tax (Item ZZ); to amend the Tax Law, in relation to extending the authorization of the County of Yates to impose an additional one percent of sales and compensating use taxes (Item AAA); to amend the Tax Law, in relation to extending the

authorization of the City of Oswego to impose an additional tax rate of sales and compensating use taxes (Item BBB); to amend the Tax Law, in relation to authorizing the City of Yonkers to impose additional sales tax; and to amend Chapter 67 of the Laws of 2015, amending the Tax Law relating to authorizing the City of Yonkers to impose additional sales tax, in relation to extending provisions relating thereto (Item CCC); to amend the Tax Law, in relation to extending the authorization of the City of New Rochelle to impose an additional sales and compensating use tax (Item DDD); and to amend the Tax Law, in relation to revising the period of authorization for the County of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester County Spending Limitation Act; to amend Chapter 272 of the Laws of 1991, amending the Tax Law relating to the method of disposition of sales and compensating use tax revenue in Westchester County and enacting the Westchester County Spending Limitation Act, in relation to revising the period of authorization for the County of Westchester's additional one percent rate of sales; and to amend Chapter 44 of the Laws of 2019, amending the Tax Law relating to authorizing the County of Westchester to impose an additional rate of sales and compensating use tax, in relation to extending the authorization for the County of Westchester impose an additional tax rate of sales and compensating use taxes (Item EEE)(Subpart C); to amend the Tax Law, in relation to extending the authority of the County of Nassau to impose hotel and motel taxes in Nassau County; and to amend Chapter 179 of the Laws

of 2000, amending the Tax Law, relating to hotel and motel taxes in Nassau County and a surcharge on tickets to places of entertainment in such county, in relation to extending certain provisions thereof (Item A); to amend Chapter 405 of the Laws of 2007, amending the Tax Law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions (Item B); to amend the Tax Law, in relation to extending the expiration of the authority granted to the County of Suffolk to impose hotel and motel taxes (Item C); and to amend Chapter 105 of the Laws of 2009, amending Chapter 693 of the Laws of 1980 enabling the County of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany County relating to revenues received from the collection of hotel or motel occupancy taxes, in relation to the effectiveness thereof (Item D) (Subpart D); to amend Chapter 333 of the Laws of 2006 amending the Tax Law relating to authorizing the County of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the effectiveness thereof (Item A); to amend Chapter 326 of the Laws of 2006, amending the Tax Law relating to authorizing the County of Hamilton to impose a county recording tax on obligations secured by mortgages on real property, in relation to extending the expiration thereof (Item B); to amend Chapter 489 of the Laws of 2004, amending the Tax Law relating to the mortgage recording tax in the County of Fulton, in relation to the effectiveness of such chapter (Item C); to amend the Tax Law, in relation to extending the expiration of

the mortgage recording tax imposed by the City of Yonkers (Item D); to amend Chapter 443 of the Laws of 2007 amending the Tax Law relating to authorizing the County of Cortland to impose an additional mortgage recording tax, in relation to extending the effectiveness of such provisions (Item E); to amend Chapter 579 of the Laws of 2004, amending the Tax Law relating to authorizing the County of Genesee to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the provisions of such chapter (Item F); to amend Chapter 366 of the Laws of 2005 amending the Tax Law relating to authorizing the County of Yates to impose a county recording tax on obligations secured by a mortgage on real property, in relation to extending the provisions of such chapter (Item G); to amend Chapter 365 of the Laws of 2005, amending the Tax Law relating to the mortgage recording tax in the County of Steuben, in relation to extending the provisions of such chapter (Item H); to amend Chapter 405 of the Laws of 2005 amending the Tax Law relating to authorizing the County of Albany to impose a county recording tax on obligations secured by a mortgage on real property, in relation to extending the effectiveness thereof (Item I); intentionally omitted (Item J); intentionally omitted (Item K); to amend Chapter 218 of the Laws of 2009 amending the Tax Law relating to authorizing the County of Greene to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof (Item L); to amend Chapter 368 of the Laws of 2008, amending the Tax Law relating to authorizing the County of Warren to impose an additional mortgage

recording tax, in relation to extending the effectiveness thereof (Item M); and to amend Chapter 549 of the Laws of 2005 amending the Tax Law relating to authorizing the County of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property, in relation to the expiration thereof (Item N)(Subpart E); to amend Chapter 556 of the Laws of 2007 amending the Tax Law relating to imposing an additional real estate transfer tax within the County of Columbia, in relation to the effectiveness thereof (Subpart F); to amend the Tax Law, the Administrative Code of the City of New York, Chapter 877 of the Laws of 1975, Chapter 884 of the Laws of 1975 and Chapter 882 of the Laws of 1977, relating to the imposition of certain taxes in the City of New York, in relation to postponing the expiration of certain tax rates and taxes in the City of New York (Subpart G); and to amend the Tax Law and Part C of Chapter 2 of the Laws of 2005 amending the Tax Law relating to exemptions from sales and use taxes, in relation to extending certain provisions thereof; to amend the General City Law and the Administrative Code of the City of New York, in relation to extending certain provisions relating to specially eligible premises and special rebates; to amend the Administrative Code of the City of New York, in relation to extending certain provisions relating to exemptions and deductions from base rent; to amend the Real Property Tax Law, in relation to extending certain provisions relating to eligibility periods and requirements; to amend the Real Property Tax Law, in relation to extending certain provisions relating to eligibility periods and

requirements, benefit periods and applications for abatements; and to amend the Administrative Code of the City of New York, in relation to extending certain provisions relating to a special reduction in determining the taxable base rent (Item A); to amend the Real Property Tax Law, in relation to extending the expiration of the solar electric generating system and the electric energy storage equipment tax abatement (Item B); to amend Chapter 54 of the Laws of 2016, amending Part C of Chapter 58 of the Laws of 2005 relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof, in relation to the effectiveness thereof (Item C); to amend Part D of Chapter 58 of the Laws of 2016, relating to repealing certain provisions of the State Finance Law relating to the Motorcycle Safety Fund, in relation to the effectiveness of certain provisions of such part (Item D); and to amend Chapter 589 of the Laws of 2015, amending the Insurance Law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof; and to amend Chapter 588 of the Laws of 2015, amending the Insurance Law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof (Item E)(Subpart H)(Part XXX); to amend the Vehicle and Traffic Law, in relation to the disclosure of certain records by the Commissioner of Motor Vehicles (Part YYY); and to amend the Election Law, in relation to public financing for State Office; to amend the State Finance Law, in relation to establishing the New York

State Campaign Finance Fund; and to amend the Tax Law, in relation to establishing the NYS Campaign Finance Fund Check-Off (Part ZZZ).

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 for the bill has been asked.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes. This bill would enact into law major components of legislation that are necessary to implement the New York State fiscal year '20-21 budget as it pertains to Transportation, Environment and Economic Development. Mr. Speaker, this bill also contains essentially all of the statutory-required legislation that we need to do throughout the year, including every sales tax, every mortgage recording tax, and all laws that would expire prior to next Session should in case we are not able to reconvene for any reason. Much like yesterday, there were a number of chapter amendments that needed to be done to keep government going. This bill actually takes up quite a few of those, and particularly in light of the needs of local governments. So that is essentially what we have before us. I am delighted to be joined by several members, chairs of



committees -- respective committees in the Assembly who will assist in explaining the details of this Budget Bill. And, Mr. Speaker, we look forward to any opportunity that our colleagues have to ask questions.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

Mr. Ra.

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

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

MR. LAVINE: Of course.

ACTING SPEAKER AUBRY: Mr. Lavine yields.

MR. RA: I'm -- I'm going to give the Majority Leader a -- a break on this one and get right to -- right to Part ZZ. You're -- you're very welcome, Madam Majority Leader.

So, Part ZZZ [sic] of this bill is a -- or my understanding is it's a codification of the recommendations that had come from an entity which we created in last year's enacted budget, which was a campaign finance commission. Are -- is everything in this bill identical to those recommendations? Is it straight from those recommendations at all?

MR. LAVINE: Good -- good afternoon, Mr. Ra. Um, essentially, yes. You know, I don't want to say it's identical because I haven't checked it off against every grammatical

consideration, every comma, every semicolon. But it is the heart and soul and more of what was in that recommendation.

MR. RA: Yes. And their -- their recommendations were -- were not a -- a bill or a statute, so certainly the format may be different, but in substance, it is different.

MR. LAVINE: They -- they were not a bill and they were not a statute, and that's why they were set aside by a Niagara County judge.

MR. RA: Yes. Some -- feel like some may have predicted that -- that might happen. So I just want to go through some of the pieces of this. You know, I --I would say, generally there are -- there are a couple of major parts of it. Obviously, the most detailed sections of this -- of this piece are about the actual public financing system. The ways in which it will be financed, the ways in which, you know, contributions will be matched. So -- but let me start with the financing of this system. Where will the dollars come from that will then be disbursed as part of this public campaign finance system?

MR. LAVINE: So, I would initially say to my friend from Nassau County that while some may have predicted what occurred eventually in a court in Niagara, some ought as well to be cautious about what they wish for because that -- that judge said that the infirmity here was that we had delegated certain powers and authority that should only be the subject of statute. And I do believe that we are here today to enact or argue for and against the enactment of a statute which comports entirely with the recommendations of that

-- of that board. So, the funding mechanism comes from a tax check-off on tax returns. People will be able to check off and contribute as much as \$40, if they're married, it's \$80, to this fund. And the projected overall cost -- and -- and again, we're not talking about any expenditures until the year 2022 -- is estimated at approximately \$100 million. And where will the balance come from if there's insufficient amounts garnered through the check-off? They will come from the General Fund.

MR. RA: Okay. Now -- and -- and thank you for that regarding the -- the judicial decision. I certainly agree with that judge that we delegated, you know, legislative power to a commission. I think myself and many of my colleagues argued that on the floor last year as we were adopting that. But in terms of that check-off, is there any type of projection as to what we think would come in from that check-off?

MR. LAVINE: I -- I just want to refine something that I -- I had mentioned before. There will be several million dollars associated with start-up costs to establish this that will come from the General Fund. And much like you, my friend, I always agree, and all the years I served in -- in courts, Federal and State courts, I always agreed with whichever judge whose courtroom I was -- I was in. And -- I'm sorry, I just want to be able to pick up on the exact nature of the question you just asked.

MR. RA: The question was, do we have any type of projection as to what that check-off would bring in?

MR. LAVINE: No, we do not.

MR. RA: Okay. And that -- that \$100 million you said, that would be an annual cost, correct?

MR. LAVINE: Yes.

MR. RA: So, I don't know if -- if you're -- you're aware, but are -- are you aware of what currently is brought in by tax check-offs in the State of New York? The Comptroller put together a report, and as you know, we have many tax check-offs. Many of them are charitable in nature. We have a breast cancer check-off. We have one for the World Trade Center Museum. Do you know what generally is brought in by those types of check-offs?

MR. LAVINE: I do not offhand know, Mr. Ra. But I do strongly suspect that many New Yorkers will want to take the steps necessary to contribute to a public financing program, the objective of which is to foster greater public participation in elections, and as well to take the steps necessary to avoid any appearance of impropriety. And by the way, it turns out that the Campaign Finance Institute, which is the nation's leading impartial entity that deals with campaign finance has said that this program that we are advocating today will represent and have dramatic impacts on the sources of election money in New York State and will also serve as a model for the nation to follow. And I think that that's a good thing, and I think you would agree with that.

MR. RA: Well, thank you for that. I -- I certainly -- well, we may come at it from different angles. I think we both, you

know, want to foster participation in our democracy. So thank you for that. And I know that it's been at the core of your mission during your chairmanship of the Election Committee.

MR. LAVINE: Thank you, Mr. Ra.

MR. RA: So, but -- but what I -- what I do want to mention is, all the tax check-offs we currently have, according to a -- a report from the State Comptroller that came out in April of 2018 for -- for the ten years previous, the range had been \$1.8 million to just below \$2.2 million annually from all of the check-offs, the charitable check-offs we have. So, I would say perhaps you're more hopeful than I am that we're going to get a lot of funding in from this check-off program, but I am of the belief that the bulk of the funding that is going to go into this is going to come from the General Fund.

MR. LAVINE: While -- yes, bless you. While, my friend, hope springs eternal, the crisis that we face today, the international crisis that we face today, seems very much to have focused the attention of many Americans on the function of government. And so we are -- we live today in a time very much unlike the world we lived in just a few months ago. And people are infinitely more aware of the need to have a government that really works to the benefit of all of us. It wasn't too terribly long ago that you and I would go to political events, and some of our colleagues would say, *Well, I'm from the government. I'm here to help. Ha ha.* That philosophy has certainly assisted to lead us to the crisis that we face today. So while you may very well be correct, none of us knows

what the future holds in store. It's tough enough to figure out what's happened in the past. But I strongly suspect that many Americans and many New Yorkers will want to stand up for democracy, and that means removing the undue effect of money from political campaigns.

MR. RA: Well, thank -- thank you, Mr. Lavine.

Wishes to you and your family for health and then safety in the days to come.

Mr. Speaker, on the bill.

MR. LAVINE: Thank you, Mr. Ra, and -- and to you as well, and your family.

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

MR. RA: Thank you, Mr. Speaker. So as -- as many are aware, the other part of -- of this deals with minor parties' ballot qualifications. And many of us are familiar with every four years a party, based on the number of votes cast on that ballot line for Governor, determines whether they have permanent ballot status for -- for the next four years, and that determines both their status and placement on the ballot. That threshold is being changed by this. It is going to go from 50,000 votes to 2 percent of the total votes cast in the last Governor election or 130,000 votes, whichever is greater, or the presidential election. So -- so, two things are happening here. That threshold is being increased, and we're also doing it every two years rather than every four years. This will cause many of the minor parties to likely cease to exist. In fact, it was pointed out by one of my colleagues in the Senate yesterday that there is a party with a -- with a

ballot status in New York State right now that by their bylaws do not endorse the presidential candidate. So essentially, by this bill passing, they will cease to exist after -- after this year because they don't -- they -- they wanted to just participate in -- in State and local elections. They did not want to get involved in -- in the presidential election. That's a problem for me in terms of just the general democracy of potentially silencing, you know, grassroots entities, smaller political parties, that in my opinion do have a role to play in our system. I think they tend to keep us honest, so-to-speak, in -- in the major parties on -- on any number of issues.

But I want to go back to just this system as a whole of public -- of public finance. So I mentioned earlier, \$1.8 million to \$2.2 billion being the numbers for the -- for the ten years prior to this April 2018 report from the State Comptroller that were brought in by tax check-offs. So we -- we shouldn't really assume in any way that we're going to get any significant portion of that \$100 million annual need from a tax check-off. I also then went and looked, because I'm sure as many of you are aware, on our Federal taxes there is a check-off that could go into the Fund that is the public fund for presidential campaigns. Nationwide, obviously. 2019 brought in \$25 million nationwide. So at the end of the day, this is going to come from the General Fund. I know it doesn't start for a couple of years, but as we move out of this situation, the economic ramifications of it are going to be there into the future, and at that point we're going to be having somewhere close to \$100 million coming out of the General

Fund to fund all those fun stuff that the public loves like tech ads and consultants and -- and -- and things of that nature. And I -- I find that to -- to really be a problem. And in particular I want to point out the provisions of this as it relates to their effectiveness, their effective date. So, this goes into effect after the 2022 election. Conveniently right after that election, actually, when the Executive would be up for election the next time. So, the Executive won't have to worry about it. And then we'll have it for the first cycle after that in the -- going into the 2024 elections.

Last year on the floor when I talked about this Campaign Finance Commission and the way it was structured, which was, you know, very biased towards -- towards one political party because that was the political party that controls both Houses of the Legislature and the Executive, and there were even provisions made to ensure that a State and local Chair was -- was on the Commission and trying to rewrite our laws. So, many in the public may have thoughts on what this end product is that is going to become part of the laws of the State of New York. But the record should, for the future, for anybody that comes back and looks at it, should indicate that we are putting something into law that was written by an entity largely led by the Chair of a political party that controls New York State government. And I don't think anybody, with that being the case, should think that it's not thought that it's going to benefit that particular party and whether it's these ballot threshold questions or -- or the public financing piece of it.



So I'm going to be casting my vote in the negative and I -- and I urge others to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra. Mr. Norris.

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

MR. LAVINE: Of course.

MR. NORRIS: Oh! I want to do the electric --

ACTING SPEAKER AUBRY: (Unintelligible) of the --

MR NORRIS: Part JJJ, electrical siting provision.

MR. LAVINE: Okay.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

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

MR. NORRIS: Thank you very much, Madam Majority Leader. I have several questions regarding this new provision regarding electrical siting. So, I may ask them. And I just want to commend you for your leadership throughout this process. I know you've stepped in for our Ways and Means Chair, and I appreciate all your work including the Speaker and as well as the Minority Leader throughout this process.

MRS. PEOPLES-STOKES: Thank you. Thank you very much, Mr. Norris.

MR. NORRIS: Thank you. My first question

regarding this new proposal is, the Director being appointed. Who appoints that director in this situation?

MRS. PEOPLES-STOKES: Mr. Norris, I certainly do appreciate your question and thank you for your kind comments, but, however, I would like to direct those questions to my colleague, Mike Cusick.

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

MR. CUSICK: Yes, Mr. Speaker. I will yield.

ACTING SPEAKER AUBRY: Mr. Cusick yields.

MR. CUSICK: Thank you. Mr. Norris, if I heard your question correctly, the Director will be hired like other positions in the Administration for hire.

MR. NORRIS: By the Executive. Will there be any confirmation process? Like sometimes the commissioners are confirmed by the Senate.

MR. CUSICK: There will not.

MR. NORRIS: Okay. Does this individual, this director, have sole control over the process to make the determination whether or not a permit is granted or not?

MR. CUSICK: Well, the Director will be required -- the Director of the new office will be required to consult with DEC and with the Public Service Commission and the -- and the agricultural agency in making decisions. So they -- they will be required to work with other agencies.

MR. NORRIS: Under the current Article 10 process, there is a siting board that's in place which includes five members of departments, and also local representatives of the municipalities where these projects are proposed to be sited. Will there be local representation in determining the siting board?

MR. CUSICK: The -- the answer is no. There won't -- there won't be that -- that make up. But putting the new office together in negotiations, the office will be within the Department of State, which we thought was better suited for the municipalities and local governments because the Department of State has routinely provided technical assistance to municipalities in other areas in the State. So we felt that that was a good fit in order to help with municipalities' needs.

MR. NORRIS: All right. So just to be clear now, this one individual will have the sole authority to determine whether or not a massive electrical generation system can be placed in a local community? This one individual?

MR. CUSICK: Yes. The -- the Director will act as a coordinator with -- with other parties in order to make those decisions. It won't be unilateral. They -- they will -- they will, and they're required to work with other parties, like I mentioned, and other agencies.

MR. NORRIS: They may work with them, but ultimately, that individual will sign the --

MR. CUSICK: After consultation, yes.

MR. NORRIS: Very good. Okay. Now, in terms of when the process begins, how long is it to take place? Is it an expedited process?

MR. CUSICK: It's an expedited process. They -- they have to have a completion determination, and there -- it will be about six months to a year.

MR. NORRIS: Six months to a year. Do they have to have a decision within one year of the application being filed?

(Pause)

MR. CUSICK: Right. No, they don't -- it doesn't have to be in a year if the developer is -- doesn't want it within a year, and they have to continue past that year, it will continue past a year.

MR. NORRIS: Does that extension only go for 30 days and it stops? It can't go beyond 30 days?

MR. CUSICK: Yeah, it does.

MR. NORRIS: Okay. So one year and 30 days a decision has to be made on a massive project in a local community.

MR. CUSICK: A decision to approve or deny. That is correct.

MR. NORRIS: Okay. Very good. Now, you know, this application process can be awfully extensive. I mean, under Article 10 there's public comment periods, there is experts that are brought in. The local municipality has to weigh in on this. Experts regarding health and the environment. Are all these things going to be able to be done within one year and -- and 30 days?

(Pause)

MR. CUSICK: There's a uniform criteria that -- that allows for the condensed time frame for all of this to be done, and we're confident that it can be.

MR. NORRIS: Okay. I respectfully disagree. I think it could be done within that period of time. Just -- I've been in Upstate New York, where I live, and these projects are often very controversial and complex, and they're very important issues dealing with the environment and local control. So, I just put that out there for the record. Now, will there be public notice to the residents in the community whether or not an application has been filed, for example, like a mailing to them?

MR. CUSICK: I'm sorry, I missed the first part of that, Mike. I'm sorry.

MR. NORRIS: Sure. I'll repeat the question. Would there will be a notification to the residents in those jurisdictions on whether or not an application has been filed? Like a mailing?

MR. CUSICK: Yes, there will be notification.

MR. NORRIS: Will there be a mailing to each household?

MR. CUSICK: It's not necessarily a mailing. It could be electronic, it could be by other means. But there is a requirement for notification.

MR. NORRIS: Okay. Well, I would respectfully request that maybe a mailing be sent to all the households where this

project would be sited, and look into the regulation --

MR. CUSICK: Right. And -- and it's our hope that you can have -- that people can have that dialogue, and that's why we have -- we had suggested for the Department of State to be the agency because we know that many members have relationships with the folks who work there now because of their expertise of working with municipalities.

MR. NORRIS: Okay. Now, in terms of the hearing itself, where there has -- will there have to be an evidentiary hearing for sure, where testimony and evidence are submitted, or will it be just based on papers?

MR. CUSICK: There will be an evidentiary -- evidentiary hearing, yes.

MR. NORRIS: In every case.

MR. CUSICK: In -- yes.

MR. NORRIS: Okay. Now, I just point to the bill itself. On page 109, under number 41, line 41. And it talks about a substantial and significant issue. Now, how will that be determined when weighing the public comments on these issues?

MR. CUSICK: Okay. That's the current standard for permits across the board right now in the State.

MR. NORRIS: Okay. Now in terms of other factors, for example, in a local municipality. You know, where I come from, we're along the southern shore of Lake Ontario. It's very pristine. We have agricultural land. People choose to actually live there because of

the environment and their family. Will considerations be given to these physical characteristics of the community under their local laws?

MR. CUSICK: Well, you know, the bill does not preempt local laws when it comes to including those related to zoning and public health or safety. I'm just reading the language here. So, that's the intent, is that it will still be under local law.

MR. NORRIS: Okay. In terms of the term "unreasonable burdensome," this is a term that's within the proposed legislation. How do you define that term as the sponsor of this legislation?

(Pause)

MR. CUSICK: Okay. Sorry about that, Mike --

MR. NORRIS: It's okay.

MR. CUSICK: I've just got to get my -- my notes here. So, "unreasonable burdensome" is -- would be unreasonable in the case of a renewable proposal the standard would include consideration and it would remain the same as it is now under Article 10.

MR. NORRIS: But how would you define unreasonable burdensome? Like, what would be the factors that when a court looks at this one day, this legislative history, what would you say the factors would be?

MR. CUSICK: The factors would be determined by -- by the regulation.

MR. NORRIS: Okay. All right. Now, it's also in

conjunction with -- it actually goes further than Article 10 currently does, in my opinion, because it says it's in view of the CLCPA targets, the Climate Act, and the environmental benefits of the proposed facility. So it's going further right now under the general scope than the local control of our municipalities, where individuals choose to reside and want to have a voice in their zoning. Just like buildings, just like condos, just like developments.

MR. CUSICK: Yeah, the -- the new office would have to make that decision that it doesn't match, so the -- the new laws would still apply.

MR. NORRIS: That's one of my concerns about this, is that we're the Legislature and we should be setting a standard to how these applications are actually weighed. And I think the factors, whether it be the physical characteristics of a community, the public health factors of the community, zoning preferences within a community. Also sounds and flicker. And in terms of the environmental impact on solar panels, for example, in a community, to make sure there's a proper plan for decommissioning. Either it be solar panels or large wind turbines. I think that we should be the ones taking a look -- more look at that instead of weighing that over to an agency. So I -- I appreciate that.

One more question that I have is in terms of the appeal process. If the permit is approved by this one individual who ultimately has that authority, I understand that's appealed to the Appellate Division. But if it's denied, it's only within the county



thereof. So does the appeal for the denial go to a trial court judge or does it go to the Appellate Division and they have to sit in the counties to hear the denial?

(Pause)

MR. CUSICK: Yes, I'm being told that it would go -- it would jump to the Appellate Division.

MR. NORRIS: Okay, so they would just hear it within that county.

MR. CUSICK: Yep.

MR. NORRIS: Okay. You know, if I could just go on the bill because there's some things I want to say and I know my time is going to be ending up. I want to thank you for answering my questions, Mr. Sponsor, Mr. Cusick. I really appreciate that.

MR. CUSICK: My -- my pleasure, Mr. Norris,

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: Individuals in the State of New York choose to live within certain communities for various reasons; the education systems, they look at the physical characteristics, rural versus urban versus suburban. All different types of factors when they actually choose to live within that jurisdiction. And it is critically important to the character of that community for them to determine whether or not they want to have a massive, large wind turbine factory in their community or a massive solar panel facility in their community. The locals need to have a voice. They need to have a

substantial voice. This bill right here takes away the individuals to serve on the local siting board. That just tramples upon local control. And I think it's critically important that we recognize - whether it's in New York City, whether it's in Long Island, Buffalo, a rural community - that each community is unique. Each community needs to determine their own zoning procedures and choose what do they want in their community. And there's no question that there needs to be a diversification of energy as we move forward. But at the same time, it is critically important that individuals within the community have a full voice and have the opportunity to be heard on these issues. Particularly when it's impacting where they live, where they reside, where they work. And I have seen this firsthand in the communities where I live in Upstate New York where it really has torn apart these communities. And they have spoken up in large voices that they do not want these projects in their community, and they should be heard. And they should be -- have the opportunity to determine whether or not they want these projects within their jurisdictions. And I'm -- I just want to make sure another point, is that there are many factors. And this time frame of one year and maybe one year and 30 days is completely unreasonable. It is completely unreasonably burdensome on the public, and it's also completely unreasonably burdensome on the local municipalities to properly put forth in the evidence all of the experts, the testimony, the information about public health, the information about how it might impact military bases, how it may impact their community, the decommissioning process long-term

when companies may walk away down the road. All of these factors need to be weighed, and they need to be weighed in a much longer period of time than one year and 30 days.

So, Mr. Speaker, I respectfully ask all my colleagues to take a very careful look at this bill, and recognize that it is trampling on the voices of people within in all of your communities. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague.

MR. TAGUE: Well, thank you, Mr. Speaker. I also want to bring the same respect to the Majority Leader and thank her for her very hard work that she has done the last couple time -- days in these very uncertain times. And I wanted to apologize ahead of time. If I get a little passionate, I want you to know that I have the utmost respect for you and it is not my frustration with you, but these bills. Because I think you do one heck of a job, and we can tell the reason why you are the Majority Leader of the Majority. So, thank you.

Madam Majority Leader, would you answer a few questions on Part FFF?

MRS. PEOPLES-STOKES: Yes, I will. And thank you so much for your kind words.

MR. TAGUE: Yes, ma'am.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields, sir.

MR. TAGUE: Thank you, Mr. Speaker. Is our

prevailing wage actually a -- a prevailing wage? Does it include both union and non-union data to establish the wage and benefits?

MRS. PEOPLES-STOKES: Thank you so much, sir, for your kind comments. And I do appreciate your passion, because I understand sometimes we feel things so deeply and so strongly that we feel it's important to convey that through raising our voice and being very passionate. I can tolerate passion. And so thank you very much for your comments. But I will want to direct your questions to my colleague, Mr. Bronson.

MR. TAGUE: Thank you.

ACTING SPEAKER AUBRY: Mr. Bronson.

MR. BRONSON: Yes, the prevailing wage is set through a formula. And through that formula, both union contractors and unions can submit data as well as non-union contractors can submit data to determine that wage.

MR. TAGUE: And -- and do we follow a -- a similar process as to what the Federal government uses with the Davis-Bacon rates?

MR. BRONSON: The process is similar, but it's not identical.

MR. TAGUE: Okay, thank you. And who gets to determine New York State's prevailing wages?

MR. BRONSON: I believe it's the Department of Labor.

MR. TAGUE: You sure it's not something that's

negotiated between the union contractors and the unions and then given to the DOL?

MR. BRONSON: They submit data, but I believe the DOL -- DOL actually makes the official prevailing wage.

MR. TAGUE: And -- and how much higher is our prevailing wage than -- than the rest of the country?

MR. BRONSON: That's a difficult answer -- question to answer because prevailing wage is determined by the geographical area where the work is performed, as well as the type of trades that's performing the work. So a direct comparison would be like comparing apples and oranges.

MR. TAGUE: Okay. And have any parts of the State already tried this, and -- and are you aware of any results?

MR. BRONSON: Not off the top of my head, no.

MR. TAGUE: Well, I can tell you, Mr. Braunstein [sic], that it has been done in other areas. We had Yonkers. They tried to put a PLA and prevailing wage rates on their projects. They did no work while in -- while in New Rochelle. Where they didn't have the PLA, work exploded. One year later, they pulled it back and now Yonkers is again building.

And lastly --

MR. BRONSON: If -- if I may respond to that just so that the record is clear, first of all, I didn't understand that was the comparison. I thought you meant other states. But in that example, it's pretty clear from the -- the public comments that it wasn't

intentional. Because the system was put in, it knew -- that the contractors knew it was going to be sunsetted within a year, and they intentionally did not bid on those -- that work because they wanted to kill the project and the plan the way it went. And that -- that's pretty clear from public comments that have been made. So I don't think that actually is a good indicator whether or not a requirement of paying prevailing wage on private projects that are subsidized by taxpayers is -- is really a good comparison here.

MR. TAGUE: Well, here's another example: In Ulster County, the Ulster County IDA tried to -- around -- around a decade ago, for two years the IDA -- IDA did no projects. They took it away after two years and then all the projects came back. So, you know, we can argue one way or the other. But, you know, as someone who has spent nearly 30 years in the heavy highway construction materials business as an executive, I know firsthand that such -- that these such policies would not only hurt the workers that it's intended to help, but will also significantly hinder New York State's recovery efforts, especially in the coming months. So, you know, now more than ever, I think we need to be advancing policies that will get people back to work and encourage future growth and -- and development. Simply put, now is really not the time to enact such a detrimental mandate on a vulnerable industry that will be in the forefront of influencing how the Empire State bounces back, especially after this crisis.

MR. BRONSON: You're entitled to your opinion,

but I would think that we should look at the 1930's when Franklin Delano Roosevelt, the past Governor of this great State and then President, decided that the way to get the -- the country back on its footing economically was by using taxpayer dollars and -- and creating public works projects to actually get money in the hands of individuals and families so they can, in turn, contribute that through purchasing as consumers. And, indeed, every time this country has had a downturn in its economy, every single time, the sitting president, whether it was a Republican or a Democrat, would encourage consumers and families to go out and spend money because two-thirds of our economy is based on consumer spending. Indeed, every time we've increased the minimum wage in this State, consumer spending has gone up and the economy has increased. So the idea that when you pay additional money to workers, somehow that's going to hurt the economy, is just misplaced. And, indeed, we have had several studies done in connection with this particular proposal where economists have shown, using New York State as a specific example, that the economy is going to benefit from paying workers a higher hourly wage.

MR. TAGUE: Mr. Braunstein [sic], I want to say thank you very much for your time. We're going to agree to disagree, but --

MR. BRONSON: Okay.

MR. TAGUE: -- I have a lot of respect for you and I appreciate your answers.

And I'm going to move on now, if I can, Mr. Speaker,

to campaign finance. And I would assume Mr. Lavine, Madam Majority Leader?

MRS. PEOPLES-STOKES: Yes, sir. You would be correct in that assumption.

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

MR. LAVINE: Of course.

MR. TAGUE: And Mr. Lavine, I want to extend my graciousness towards you as well. We've worked together on the Election Committee, and you are a very nice man and very respectful, although we very -- we very rarely agree on policy.

(Laughter)

You've always given me the opportunity in committee to explain myself and -- and give my opinion, and I truly appreciate that.

MR. LAVINE: So, Mr. Tague, may I -- may I just interrupt for a moment to say two things: I have truly enjoyed working with you, and many thanks. And the third thing, as they say in Brooklyn, *Comin' right back at ya*.

MR. TAGUE: Thank you. Thank you, sir. I just -- a couple quick questions because I don't have a lot of time and I have two other issues I wanted to get to. What are the contribution limits for an individual running for Governor, Attorney General, Comptroller, and for the Senate and Assembly?

MR. LAVINE: Well, unfortunately, the thresholds



for the Governor are a lot higher than for those of us running for the -- the Assembly. But the Governor is half-a-million. That includes at least 5,000 matchable contributions. The Lieutenant Governor and Attorney General and Comptroller are at \$100,000, with 1,000 matchable contributions. Senate is \$12,000, which includes 150 matching contributions, and we're at \$6,000 with at least 75 matchable contributions.

MR. TAGUE: Well, thank you, Mr. Chairman. And again, unfortunately, we only have one 15-minute round to -- to ask a lot of questions, and I do appreciate that. I -- I just wanted to say that, you know, I just -- I have some concerns when I have constituents in my district that have been laid off due to this corona -- COVID-19 crisis. They don't have ability to earn a paycheck right now, and we're going to take more money from them to fund campaigns. It just, to me, is ridiculous. If you can't raise money - and this is my opinion - if you can't raise money or help fund your own campaign then you shouldn't be running for office. That's my opinion. Using taxpayer-funded money, we could use some of that money for respirators right now in the State of New York. I understand your logic and reasoning behind it and I respect it. I just disagree with this bill, and I -- and I thank you for your time.

MR. LAVINE: And may I just add --

MR. TAGUE: Sure.

MR. LAVINE: And this doesn't take away from your time. You raise a compelling point. And yet, our responsibility is to

meet many different challenges at the very same time. And as far as the 15 minutes that we've been allotted, I'm -- I always remember that it only took Lincoln - not that any of us is a Lincoln - about three-and-a-half minutes to do the Gettysburg Address in times at least as compelling as these. But you have made a point. It is a matter of balance. No money will be spent on this for a couple of years at least. And look, we will always have to wait and see what the future holds in store. I wish you only the best, my friend.

MR. TAGUE: Yes, sir. You, too. And stay safe and God bless you.

Mike, I'm going to take it easy on you because I don't have enough time. But just because you're a fellow Irishman I'm going to take you off the hook.

On the bill, Mr. Speaker.

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

MR. TAGUE: This bill characterizes the kind of lawmaking constituents in districts like mine fear the most. The kind that takes power away from the local residents and puts it in the hands of a faceless network of bureaucrats. Regardless of how noble the goal of increasing the amount of renewable energy production is in our State or how much it may be, this law completely disrespects the concept of Home Rule. Districts such as mine in rural Upstate New York are struggling with economic development already, and should be trusted with as much control of their local economies as possible to

best make use of their local resources and economic strengths. It is insulting to many communities, big and small, across the State that we would tell them we know better than they do about the projects that best suit their needs. These projects will be going up in people's backyards, and it is disrespectful and arrogant to think people living and working in these localities don't know what's best for themselves. Our nation was founded on the principle of ruling with the consent of the governed, and bills like this only reduce people's faith in us and our ability to respect -- respect the basic concepts of governance. Our constituents deserve a meaningful say in what goes on in their communities. So far, that reason -- so for that reason, I will not be supporting this bill.

You know, what troubles me the most is when you, Mr. Speaker, have -- at times we talk about this being the People's House. And no matter what party you're from or -- or your beliefs, we all sit in this House and we all have policy differences. But I -- I feel that each and every one of us respect each other for the effort that's put forth and for fighting for what we believe in. And it saddens me today, because I feel that chill up my back, my shoulder, when you say those words, "The People's House." I don't feel that this is the People's House anymore. I feel that this is the Governor's House. And I feel that this budget has been pushed through with policy that is not in the best interest of the people of the State of New York.

Ladies and gentlemen, it is our duty to stand up and vote no on this bill and I ask each and every one of you to join me.

There's only one thing good -- good place for this bill in this Chamber. (Indicating) Right there in the garbage. Stand up for New York, stand up for the people we represent. God bless you all, and thank you.

ACTING SPEAKER AUBRY: Unfortunately, it's you, Mr. Goodell.

MR. GOODELL: I have to get my energy up.

ACTING SPEAKER AUBRY: I appreciate your problem.

MR. GOODELL: Would the Majority Leader yield?

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

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

MR. GOODELL: Thank you, Madam Majority Leader. I have a number of questions relating to some of the environmental provisions, particularly relating to Styrofoam containers, fracking ban and some of those related items. Would you like me to start or are you -- did you --

MRS. PEOPLES-STOKES: Mr. Goodell, if you could address those questions to the Chair of our En Con Committee, Mr. Englebright. Professor Englebright is here with us.

MR. GOODELL: I would be happy to if Mr. Englebright would yield.

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

MR. ENGLEBRIGHT: I yield.

MR. GOODELL: Thank you, Mr. Englebright. I note that this legislation contains a ban on Styrofoam containers with a few exceptions. Of course, a lot of our restaurants who have been otherwise completely shut down are using Styrofoam containers to stay open as part of their takeout service. Is it my -- is my understanding correct that the reason this legislation bans Styrofoam containers is a belief that the Styrofoam is non-biodegradable?

MR. ENGLBRIGHT: That's a fundamental part of the rationale, yes. Biodegradable and accumulating in our waterways in a -- in a very problematic way, also clogging drain lines and -- and the like.

MR. GOODELL: And was -- does this legislation contemplate, then, that the Styrofoam containers would likely be replaced by cardboard containers or paper containers?

MR. ENGLEBRIGHT: There's no specific commandment in that direction. One might reasonably draw that conclusion, but it's not part of the language of the bill.

MR. GOODELL: So the Styrofoam containers consistent with this bill could be replaced with hard plastic?

MR. ENGLEBRIGHT: They could be, yes.

MR. GOODELL: I note that there's also language regarding a fracking moratorium that would involve any use of liquified natural gas or liquified petroleum products as a fracking entity. That's simply a moratorium until the DEC completes an

environmental review; is that correct?

MR. ENGLEBRIGHT: Until the DEC completes a study, correct.

MR. GOODELL: And was it your belief that the DEC would issue permits without completing a study if we didn't tell them to complete the study first?

MR. ENGLEBRIGHT: It would have to be a site-specific review for any application.

MR. GOODELL: I see. And it also contains an absolute ban on hydraulic fracking; is that correct?

MR. ENGLEBRIGHT: That is my understanding, yes.

MR. GOODELL: Those are the only questions I had on those two items. Thank you very much, Mr. Englebright.

MR. ENGLEBRIGHT: You're welcome.

MR. GOODELL: I had another question for the Majority Leader.

ACTING SPEAKER AUBRY: One pause.

(Pause)

Madam Majority Leader, Mr. Goodell has a question for you.

MRS. PEOPLES-STOKES: Thank you so much. My apologies, Mr. Goodell, I was off doing my other role as Majority Leader.

MR. GOODELL: You have been doing an incredible

amount of work with juggling everything.

I note that this legislation eliminates any requirement that an individual who is a notary public or a detective or a licensed security guard be a resident or a citizen -- a resident of New York State or a citizen of the United States. Does that legislative change, then, mean that those individuals who are here undocumented could apply for and receive an occupational permit from the State of New York?

(Pause)

MRS. PEOPLES-STOKES: Yes, you're correct in your assumption.

MR. GOODELL: So an individual who is here in the United States illegally could get a license to serve as a security officer or a detective?

MRS. PEOPLES-STOKES: Yes. I'm sure they have to go through a number of other qualifications, but yes.

MR. GOODELL: Thank you. I'm looking at provisions in Section LLL dealing with MTA bonding cap. Am I correct that with this legislation, the cumulative amount of debt that the MTA would be authorized to acquire would rise to \$90.1 billion?

MRS. PEOPLES-STOKES: Yes.

MR. GOODELL: So in other words, we're authorizing the subway and transportation system in the City of New York to acquire a debt that's 50 percent higher than the debt authorized for the entire State of New York under our bond cap?

(Pause)

MRS. PEOPLES-STOKES: So, yes, that -- the answer is yes that -- but it is a strategy that is used to hopefully allow MTA to have a long-term longevity both in the bond market and delivering service to the ridership.

MR. GOODELL: As you know, included in this legislation is an authorization for the MTA to borrow up to \$10 billion, with a B, to cover operating losses. And, as you know, most lending organizations are very reluctant to lend to entities that are losing money, and their confidence in the entity's long-term financial stability is even less when the entity comes and says, *Hi, I'm losing lots and lots of money, and I want to borrow lots and lots of money to cover my operating losses, with no corresponding investment in any assets*. Isn't that exactly what we're doing here when we authorize the MTA to borrow up to \$10 billion without using any of that money necessarily for any assets, but to cover operating losses?

MRS. PEOPLES-STOKES: Well, we're actually allowing the MTA to borrow money to offset operating revenue decreases and cost increases as a result of COVID-19. Authorization will expire in three years and is subject to approval by both the DOB, as well as the Comptroller's Office. And as you stated, the debt issuance is not to exceed \$10 billion.

MR. GOODELL: Now this -- thank you for that clarification. I just want to put out a word of caution. If the MTA is operating with \$10 billion in operating losses and it borrows \$10



billion to cover those operating losses, presumably at some point in time the MTA is going to have to bring its finances in line with generally accepted accounting standards, raise the fares necessary so that they at least make some profit, and then raise the fares even more in order to repay the \$10 billion. Have we done a projection on how much after three years the MTA will have to raise fares if they were going use the fares to make enough profit to repay the \$10 billion to cover these projected operating losses?

MRS. PEOPLES-STOKES: Okay. So, they have a need for \$4 billion. This legislation will allow them to have access up to \$10 billion, not to necessarily have that much. And they also got \$4. -- \$3.8- from the Federal government. So, I guess that math is somewhere around \$1.7 billion that they actually are -- may need to borrow, not --

MR. GOODELL: So --

MRS. PEOPLES-STOKES: -- \$10 billion.

MR. GOODELL: So, my question is, have we done any analysis on how much the MTA would need to raise their rates in order to make enough profit to pay off the amount we anticipate they may borrow which, as you indicated may be somewhere between \$10- -- between \$1- and \$10 billion? In other words, if it's only \$1 billion they borrow, how much would they have to raise their rates in order to be profitable and repay that \$1 billion?

MRS. PEOPLES-STOKES: I actually don't have that specific data, Mr. Goodell, but, as you know, MTA does have a board.

It's an authority and they've done the proper assessments on how much they should need to borrow and I think that's probably a better question asked of them, but if you would like, I could have the staff do the research and get back to you.

MR. GOODELL: Oh, that would be great. And do you know as part of their analysis, did they tell you how much they'd have to raise the rates? Was that part of their analysis?

MRS. PEOPLES-STOKES: The -- no.

MR. GOODELL: So they just said, *We're losing our shirt, we don't know when we're ever going to make money so we just want to be able to borrow as much as we possibly want, and we'll take it from there and worry about the consequences later.*

MRS. PEOPLES-STOKES: I'm not sure that their statement was exactly in line with your thoughts, Mr. Goodell, but I do think it was a business decision. They do operate a very large business that provides service to millions of people, and hopefully those millions of people will be riding MTA transportation soon.

MR. GOODELL: Now, I know it would be a historic event when the MTA starts paying its own bills and making a profit. We, I'm sure, are both looking forward to that -- that event. Again, thank you so much for your considerations and for your answers.

On the bill, sir.

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

MR. GOODELL: This is a bill that I find

extraordinarily troubling for many reasons. First, we start out by saying during this crisis where we've shut down all restaurants and we only allow takeout service, we're saying to all the restaurants, oh, by the way, we're going to eliminate one of the most popular means for you to meet the only way you can stay open. So, we're going to ban all Styrofoam containers at the very time when we're banning the restaurants from even being open. And we're told that we're banning Styrofoam container because it doesn't biodegrade and we'll likely replace it with either other things that don't biodegrade, like hard plastic, or with cardboard. And the problem when you replace something like Styrofoam with cardboard is in order to make cardboard, we cut down a massive number of trees, it uses a massive amount of energy and a massive amount of water and it has huge pollution consequences that have to be addressed. And then when the consumer is done with the cardboard container because it's biodegradable, it biodegrades and releases methane, which is 80 times more potent greenhouse gas than carbon dioxide. So, I question both the environmental standard and the economic consequences for this ban.

We've talked extensively about eliminating any local zoning involvement on a siting board, or local zoning control on a siting of industrial wind farms, huge issue in my county because they want to place the wind farms in Lake Erie, right offshore from all the people who moved to my county so they can enjoy the spectacular sunsets that are on Lake Erie. Instead, we'll destroy that so that they

can produce energy that's not needed anywhere in my area and shipped somewhere else.

We talked about, in this bill, public financing of campaigns. Now think about this, we're going through a horrific financial crisis. We're telling everyone else they want to tighten -- they've got to tighten their belt. But when it comes to us, we want the taxpayers to dig deeper and come up with \$100 million in cash so that we can benefit from all their cash for our campaigns. In my opinion, it's -- it's completely tone deaf. We shouldn't be putting ourselves first in this Budget Bill by making sure that our campaigns are financed. We should be focusing first on helping our taxpayers.

But I have deeper problems with the public financing, because it gives a horrific, unfair advantage to incumbents. Because in order to be eligible, you have to get -- raise \$6,000 from 75 contributors. Well, I have 75 contributors in my database. That's great for me. It's easy for me. None of my opponents have ever raised that much. Ever. As an incumbent, I have always raised more money than my opponents. This bill says you take my fundraising advantage, and yours as well as incumbents, and multiply it by six. I had an opponent once that stood up and said, *I support public financing in campaigns*, and I said, *Really? Because if this were in place I'd have \$175,000 and you would have less than \$6-*. Don't pretend to the taxpayers that this, in any way, is -- any shape is fair to challengers, or fair to the taxpayers.

We talk about extending prevailing wages to private

sector businesses that have the audacity to seek our help to recover from this horrific crisis that was created by government edict. So the government shuts down all the businesses and when they come to ask for our help we say, *Oh, and by the way, you've got to pay a lot higher wages.* In my county, prevailing wages are not based on my local wage base, they're based on the wage base in the largest urban area, which is about 20 to 25 percent higher. This bill is not intended to help our taxpayers and our businesses recover, but, rather, imposes more and expensive burdens on them and for those reasons, I will be voting against it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano.

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

I'm going to start out how I started out last night. I am not Ken Blankenbush, I'm just playing him on TV. Safe distancing. I have several questions for some -- several of the members, so I'm going to be bouncing around. First I'd like to start with the Chairman of the Energy Committee, Mr. Cusick, if he would yield?

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

MR. CUSICK: Yes, sir.

MR. PALMESANO: Thank you, Michael. I know we had some questions in -- in Committee about the -- and my colleague touched on this siting law. Particularly, I want to zero in on the issue of pilot agreements and who has the authority. And when we

-- when I go through and look at, you know, line 112 -- or page 112, line 50, it talks about empowering NYSERDA. Then you go to page 113, line 33, it talks about the powers and duties the authority is hereby authorized. And then near the end, page 39 to 50, that's where it gets into negotiating the pilots and entering in an agreement, and it grants that -- that authority to NYSERDA. The way we read this, the way I read this, is that the way you read this? Are you saying emphatically here in this Chamber that this bill does not empower NYSERDA the authority that they can negotiate pilot agreements with local communities that would benefit as a town or school district in a county instead of the IDA doing it? Because right now, the IDA does it.

MR. CUSICK: Right. And -- and, Phil, thank you and -- and I first want to say thank you, you know, through this process and through the year working with us on the energy issues. It's been a pleasure you being the Ranker on the Committee. The -- you know, the Executive's original proposal, you know, unlike that, standardized assessment and pilot procedures would not be imposed. I think what you're -- you've pinpointed in your question and your reading of the -- the bill is when it comes to the -- the Build-Ready Program, which is going to be run by NYSERDA, that that's where NYSERDA would have control of the pilot, because they would be doing the development of -- of those projects. But only -- only in -- our understanding is only in the Build-Ready projects --

MR. PALMESANO: Okay.

MR. CUSICK: -- NYSERDA would have that.

MR. PALMESANO: All right. I think -- obviously, I think there's some questions about that. I think interpretations of that -- I'm sorry, any -- like any law, it's all subject to interpretation how that goes. I guess I would ask you, would you not agree that if this bill language is interpreted and implemented in a way that empowers NYSERDA to handle all the pilot agreements for the school, the town and not the -- the IDA, who knows that community, would that not be a problem that would need to get fixed, would we have the commitment --

MR. CUSICK: Right.

MR. PALMESANO: -- from your side that you will come in here and fix this bill right away? Because that's -- would be a bad thing.

MR. CUSICK: Well, again, I -- I'm just going to state that our -- our interpretation is that it's NYSERDA's authority is with the Build-Ready only projects. So it would only be the projects that NYSERDA is developing on their own. So that -- that's our interpretation and that's -- you know, we -- that's how we would interpret anything that would happen after this bill is passed.

MR. PALMESANO: All right. So as -- so as long we got that clarification I think there's some (unintelligible) -- all right. Thanks, Michael, and it's been a pleasure to work with you --

MR. CUSICK: Thanks, Phil. Thank you.

MR. PALMESANO: -- and I look forward to

continue to work with you.

Actually, I have a -- a few questions. I think Mr. Bronson on the prevailing wage. Would Mr. Bronson yield for a couple of questions?

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

MR. BRONSON: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Bronson yields.

MR. PALMESANO: Thank you, Harry. I wanted to talk about -- I'm not going to get into the whole context of prevailing wage in the -- and the intent of it or whether it's good or bad, necessarily. But I want to talk about some of the exemptions. When I was going through this, some of them kind of struck me. When I go through and it said any funding for downtown revitalization initiative is exempt. That's the Governor's money that he brings forth and provide for those communities; that is exempt, correct?

MR. BRONSON: Yes, that is correct.

MR. PALMESANO: I also looked into it a little further and saw where for -- for New York City where there's a -- a construction project that are improvements for an expansion that's under 10,000 square feet that is -- that's gone through the New York State Economic Development Council Corporation; that is exempt, correct?

MR. BRONSON: Yes, it is.

MR. PALMESANO: But let's talk about an IDA in



Upstate New York that is doing a similar work under 10,000 square feet trying to provide some assistance. That IDA would not be exempt under this legislation in the language of this bill, correct?

MR. BRONSON: That is correct.

MR. PALMESANO: Thank you, Mr. Speaker. No further questions on that. I guess -- well actually, I would, Harry. Doesn't that seem a little, kind of --

MR. BRONSON: Could I clarify one thing, though?

MR. PALMESANO: Yeah, go ahead.

MR. BRONSON: In this version of the bill, first of all, some of those specific exemptions for New York City relate specifically to school construction and it also relates to some of the ordinances that already exist in New York City. So --

MR. PALMESANO: Right.

MR. BRONSON: So, that's part of it.

MR. PALMESANO: Okay.

MR. BRONSON: The other aspect of this, however

--

MR. PALMESANO: That's great.

MR. BRONSON: -- is that there is a -- a subsidy board that's created in this legislation --

MR. PALMESANO: Okay.

MR. BRONSON: -- that will be put in place in the middle of next year and they're going to be examining some of those issues that you just raised.

MR. PALMESANO: All right. Thank you, Harry, I appreciate it.

MR. BRONSON: Yep.

MR. PALMESANO: I don't know, who would I be talking to about the -- the -- the Green Light Bill and the Trusted Traveler Program. Is there someone who I could address those questions to?

ACTING SPEAKER AUBRY: Mr. Magnarelli, I believe, might be able to answer those.

MR. PALMESANO: Oh.

ACTING SPEAKER AUBRY: Will you yield, Mr. Magnarelli?

MR. MAGNARELLI: Yes, Mr. Speaker.

MR. PALMESANO: Thank --

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. PALMESANO: Thanks -- thank you, Mr. Magnarelli. It's my understanding that this -- the legislation regarding the Trusted Traveler is specific to try to open up the Trusted Traveler Program and the import/export issue that's -- and -- that has not been going on since the Federal government shut it down earlier in the year; is that correct?

MR. MAGNARELLI: That's right.

MR. PALMESANO: Now, does this do anything -- is there any language here that would provide DMV data -- access to

the DMV database to Federal agencies, like specifically Customs and Border Protection, do they have the unfettered access to the DMV database for Customs and Border Protection?

MR. MAGNARELLI: Only for the Trusted Traveler Program.

MR. PALMESANO: Okay. So, I guess I want to ask you, did you vet this language? Did you go -- because part of the problem with the Green Light Bill is it was never sent up to D.C. to look at and see if it was going to cause a problem. Have you -- has this language been sent to the Federal government to review it and it said, *Yes, this is going to be okay?* Because if not, we're going to be back here again trying to do something. Has that -- do you have assurances that the language has been vetted?

MR. MAGNARELLI: Well, what we understand is that the -- the Executive Branch has discussed this with the Federal government and it's their interpretation that this language will work.

MR. PALMESANO: All right. Thank you, Mr. Magnarelli.

All right. I think I'm going to go on the bill for a little bit here.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues, here we are again with another piece of legislation, I'm going to talk about some of the issues that have been talked up. First of all, the siting law, I didn't get into it with my debate, my colleague

covered it all. I think this is just an assault on local governments, local control, local input. Before, we had two local representa -- representatives on a board. Now, there's no representatives on a local board, it's basically Albany gets to make the decision regardless of what the local laws are, regardless of what the local community says about this, no right to overrule it, no right to take into -- consider local ordinances, setbacks, height, none of that. Basically it's whatever Albany says is what's going to happen.

Also, I want to say, I do want to do -- bring up the consideration that I have, I still think there's a very great -- grave concerns about the language, especially with the pilots, because if for some reason NYSERDA is interpreted to be the one who does authorize these pilots, that would not be correct. NYSERDA doesn't care about the local community, they don't know the local community like the IDA does. IDAs are doing those negotiations now. This would be -- be very problematic if we stopped our IDAs from negotiating these pilots. And I know why this legislation is being brought forward, because of the passage of the C -- the CLCPA last year, the so-called "Green New Deal", and I voted against that bill. I would vote against it again today. The only thing green about that bill is the green tax dollars it's going to cost our taxpayers in this State, the green dollars it's going to cost to increase in their electricity rates and bills, the lost -- the green dollars in lost jobs and revenue. The green dollars in lost manufacturing and our farmers leaving the State. And, quite frankly, it's not going to make a difference in the big scheme of

things, because right now New York only contributes .5 percent of the total carbon emissions in the entire world, and only 3.3 percent of the total carbon emissions in the country. This bill does -- that bill we passed does nothing to affect China, Russia or Brazil, or Pennsylvania, North Carolina or Ohio. So, we're not going to impact this. It's not going to make a difference. But what we are going to do is we're going to continue to drive our businesses out of the State, our farmers, our manufacturers, and jack up utility costs. There's estimates this is going to cost billions of dollars to implement and that's what we're seeing. This is another -- this is going to be another challenge for our businesses.

Relative to the prevailing wage, our businesses right now are facing an unprecedented challenge. They're in crisis, they're trying to keep their doors open. They're struggling. And now to try to put this back on them when they're going to try to rebound it, it's not going to help them open, it's going to put a death nail in their business. When the cost or projected increase, construction cost estimates, anywhere up to 30 percent. That's going to stymie businesses, investment. It's going to hurt our economy, it's going to hurt job creation.

As I said, businesses are shuttering right now. They're losing revenue, investment, jobs. It's increasing the burden. This is not going to help our businesses stay afloat or survive. This will not help them, and it certainly will not help them right now.

Regarding the Trusted Traveler Program, I

understand why -- or the Green Light Bill. I understand why this legislation was advanced last year and pushed it, I understand it. And everyone is trying to fix the Trusted Traveler Program. The -- it was the -- it was shut down not because of trying to track down undocumented individuals. It was shut down because New York State denied access to the DMV database, to our law enforcement personnel. This had nothing to do with the inconvenience for the Trusted Traveler Program. It's about not providing the tools and resources our law enforcement need to do their job, to do it safely. Again, it's not trying to track down undocumented citizens. It's about trying to track down and combat drug cartels and human trafficking and violence all across our State. That's what this is about.

But -- and the fact of the matter is, everyone says we're going to be in compliance with the other states. That is not true, because New York State is the only state that denied DMV access to Customs and Border Protection. The other states provided that access to Customs and Border Protection. I know the Governor was trying to negotiate, you know, he said, *I'll give you the -- the DMV database without the Social Security Numbers*; maybe that could be a possibility, but this, ladies and gentlemen, is not going to solve the problem. The Trusted Traveler Program is not going to be reopened, the import/exports are not going to happen until the -- New York State provides unfettered access to Customs and Border Protection and the Federal government so that they can combat crime, keep us safe. That's unfortunate that we -- we're having this argument and

discussion. I don't understand why, but it is --

Listen, another piece I didn't talk about, the taxpayer funded campaigns. Are you kidding me? We talked about how our communities are struggling, our taxpayers are struggling, they're worried about their jobs and their -- and their education and -- and what's -- where the paycheck is going to come. Well, we're going to insult them and say we're going spend \$100 million of their money to fund political campaigns? Wouldn't that money be better spent on roads and bridges? Wouldn't that money be better spent on education, or for our hospitals or nursing homes, or to help our libraries, or our small business relief for the small businesses that are being crushed under the current situation with this coronavirus? But, yet, we're going to say we're going to spend \$100 million of taxpayer funds so they can see our commercials and radio and our palm cards and -- and -- and yard signs? I mean, that's ridiculous.

If you're so confident this is the right thing to do, you should put this up for a referendum. You know it won't pass. This is just an insult to the taxpayers of the State. I understand our campaign system -- finance system is not perfect, certainly can make changes, but certainly the way it was -- it is, this is voluntary. If somebody wants to contribute, they can. If they don't want to contribute, they don't have to. But now, you're mandating that they contribute. So if someone that doesn't agree with my position on an issue, their tax dollars are coming to me? If someone disagrees with you, your tax dollars are coming to you. That shouldn't be that way. And it's

wrong. It's a misplaced -- another misplaced priority.

And the Styrofoam ban, why are even talking about this right now? We know our -- our restaurants and takeout places right now, all they can do is do takeout and delivery. Many of them use Styrofoam cartons. Why are we -- this is just not a good thing. I -- this makes no sense whatsoever, and this legislation even -- goes even further because it gives broad authority to the DEC to make other adjustments and -- and other decisions on other package-type products that they can eliminate. And let's not forget, we also have ten Upstate manufacturing plants with about 2,000 employees that deal with some of these types of products. I don't understand where the -- where the Governor and the Majority is going on some of these things.

Our economy is in crisis. Our small businesses are in crisis. Our -- our families and residents are in crisis and we're pushing some of these priorities? This makes no sense to me. It's -- it's -- it's an assault on our small business community, it is an assault on the taxpayers. It certainly is an assault on our local communities, because now alls you're going to do is have all these windmills and solar panels be all shut -- scattered throughout Upstate New York without any voice for the local residents. If the Governor and his person says it's there, then it's there. This is -- this is not right. This is wrong. I could go on and on about this, but I only have three seconds.

For this and many, many other reasons, I will be voting in the negative on this legislation and I certainly urge my colleagues to do the same. Thank you.



ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. Mr. Speaker, once again, this budget season and, like others, we're put in a tough position about choosing. And in this particular bill, we're put in a tough spot, especially on my side of the aisle, that it contains many good things that we'd like to see implemented for the benefit of our residents. But, once again, there are things in here that make it so impossible to stand here and vote in the affirmative on this type of bill.

So, when we look at -- my colleagues have addressed the Styrofoam container issue, but one of the things that was a positive thing that I looked at initially that I wanted to support was the Restore Mother Nature Bond, and that's the \$3 billion Environmental Bond Act that would go to the public for a referendum this November. How in this time and crisis that we have, and the condition our State is in, can we float a bond of this nature while it -- we need it, it's necessary, it's just the wrong time to do it. It should have been visited maybe for next year.

The renewable energy siting, which has been spoken about by my colleagues, is a problem throughout the State. It is -- and the Governor kind of alluded to this in his State of the State when he talked about projects he wants to get done and they will get done, and

people don't want it, but I'll get it done, and this is an example how he's getting it done. He's going to circumvent local government, the citizens from the different communities that are going to be affected, not interested in what they have to say, taking their representatives off of the siting board and he will just plow along. And, you know, when we talk about there's a -- of course, an environmental reason to cut back on fossil fuels and different types of fuels we use to generate power and electric; however, a couple of years back, the utility company on Long Island, the Long Island Power Authority turned around and ran this big program for LED lights and all these types of conservation measures, they were very generous with rebates and things of that nature. And on Long Island we saved a tremendous amount of fuel and power, and we've cut our power needs down substantially.

So, on our utility bills we get two different rates. We get the usage rate for how much power you use related to the fuel it takes to make the power, and then you have a delivery charge and what it cost to deliver the power to your house. So, of course the one side of the bill went down a little bit, the consumption side went down. But the delivery side didn't and in some cases it went up. And when the utility company was confronted with the issue, their answer was, *Well, we lost money on one side, it still cost us X-amount of dollars to run the utility company, so we're going to make it up on the delivery side.*

So, this argument that when we go to wind power,

solar power and everything, it's going to save money, it's not going to save the consumer a dime because, first of all, they have to make up their difference somewhere. You have to pay for the investment of these projects. And we know, as from past experiences, our consumption is down. All this power generated, whether it be Upstate New York or on Long Island, is going to be sold outside the State of New York. When we had the hydrofracking issue, the -- the -- the vendors told us all this power will be sold outside of New York, we don't need it here in New York. So, why should New Yorkers suffer the expense, the pain and the disruption to their communities for the benefit of people in other states? So, that's why that issue just doesn't sit well in this particular bill.

And then when we talk about, again, the public financing for campaigns and, again, I know my colleague spoke about this, and not only is it the wrong time to be going into the taxpayers' pocket now, although this doesn't come in for another two or three years, the issue is we should never go to the taxpayer and ask them to fund political campaigns. It's just not appropriate, it lends itself to corruption because of the recordkeeping. As a matter of fact, several people in New York City government were charged with corruptive practices on this campaign financing which they implemented on their own under their own New York City Law.

So -- but to come around and -- and tell the public they've got to pay for your campaign, it just doesn't make sense. And one of my colleagues pointed out before, when you look at the ratio of

the dollars, it's favorable to incumbents. And everything we hear in the media and the good government groups tells us, well, incumbents always have an advantage when they run. Well, this will add more to the advantage of the incumbent. If we're truly looking to make the playing field more level for people that want to come into government service, then there's other different things we have to look at rather than make the public pay for the public, you know, for our campaign financing.

So, basically what my comments are is that, again, while there's great things in this particular bill that would really benefit society, we're not going to get there doing it this way. And I just want to touch for a moment on the MTA with the lockbox. And we all use this term, so with the lockbox and when we passed -- when this House passed congestion pricing, so we created this lockbox so all the money from the congestion pricing goes into the lockbox for the benefit of the MTA, their Capital projects, so on and so forth. Everybody loved it, it's a great idea.

Now, here we see a piece of legislation that will allow the MTA to penetrate the lockbox, take out funds to use for losses they sustained because of this COVID-19 crisis. And, yeah, there's provisions in this bill that they have to account for it, and if they get money from Federal government, State government, they've got to put that money first back into the lockbox before they use it for anything else. If anybody believed that is going to happen, you know, is really a fool. Because there's no way that money finds its way back

into the lockbox. Just look at the Tappan Zee Bridge project -- excuse me, the Thruway Authority with the Tappan Zee Bridge. They had a lockbox for years. Well, guess what? They never put the money into the lockbox. So now, when we had to replace the bridge, we have to go out and borrow all kinds of money, we had to get Federal funding to pay for the bridge that really would have been paid for had they been putting the money away all these years.

So, the same thing will happen with the MTA. The only way the MTA is ever going to get its house in order is they really have to make a concerted effort to cut their overhead. And when they did take a position a couple of months ago about cutting their overhead through attrition, laying people off, eliminating certain jobs and titles, what did they do? They went out and hired an outside consultant at hundreds of millions of dollars to advise them how they should implement that program. Does it make sense? Whatever they're going to save they just paid to a consultant, also known as patronage. So, the lockbox is not a great idea.

When we talk about the Green Light Program, one of the things that was addressed by my colleagues is about making databases available to custom and border patrol, making the database available for the Trusted Traveler Program; however, what we're not realizing is they slipped into this piece of legislation that when that information is provided, or a database access is permitted and our government feels that there's a misuse of it or misappropriation in the information, or improper recordkeeping, the persons responsible could

be charged with a Class E felony. That has never existed in the legislation before. This is a new addition. And there's two different Class E felony violations in this particular bill for the Green Light Law.

So while we're turning around and saying, *Look, we're offering an olive branch and we're going to give you access to certain information, which is still not sufficient, but we're going to give you that information, if we find for any reason that you improperly used it, you didn't keep the records right, a piece of information slipped out, we're going to prosecute you as an E felony.* Not a misdemeanor, not a violation, not a civil fine, a Class E felony. So, so much for the Green Light Law.

So -- so for many of these reasons, a bill that has many things in there that would be favorable to the public, would address a lot of concerns that we have out there, especially even on the prevailing wage, a well-thought-out piece of legislation, while certain people don't agree with it, it's come a long way since it -- when it first came out, it's just -- it just I -- I -- I can't even get the words out about what this Governor is thinking about. He's taking the advantage of this crisis, he's plowing all his policy into these Budget Bills and puts us in a precarious situation of choosing sides. So, I made the decision of which side I'm going to choose, and I'm going to choose the side of my constituents and protect their interest the best I can; therefore, I'll be voting in the negative on this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker, can I please ask some questions about the Green Light Law amendments, please?

ACTING SPEAKER AUBRY: Mr. Magnarelli will answer those questions, Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Magnarelli.

MR. MAGNARELLI: You're welcome.

MS. MALLIOTAKIS: So, just to reiterate what was said a little bit earlier and to confirm, the only change -- well, it was a couple of changes, but the -- the main change to the Green Light Law, which is the law that allowed those who are in our country illegally to apply for driver's licenses here in the State of New York, is that now we will provide access to the DMV database when it is regarding an applicant for one of the Trusted Traveler Programs?

MR. MAGNARELLI: That's correct.

MS. MALLIOTAKIS: Okay. Has -- and -- and you had indicated that the Governor has had conversations with the Department of Homeland Security, and that passing this legislation will restore everyone's ability to now move forward with either applying for the program or renewing their expired Trusted Traveler program.

MR. MAGNARELLI: That's my understanding.

MS. MALLIOTAKIS: Okay. Interestingly enough, there was a provision that was also added in this bill which reiterates

that individuals -- and this was in the -- the prior law, actually, but there was an amendment here -- so the prior law did say that any individual, person or entity that receives or has access to records of this information. I assume that would be either individuals that work at the Department of Motor Vehicles or law enforcement that would have those records. If they were to disclose such records or information to any agency that primarily enforces Immigration Law, then they would receive a penalty of a Class E felony for doing so.

MR. MAGNARELLI: This -- listen, the -- this law is to allow only the records and information that are specific to a particular individual who is applying for one of those programs. So if you let the information out to someone else, then you could be in trouble with the -- with the law.

MS. MALLIOTAKIS: Okay. So, basically, we would turn our DMV personnel and our local law enforcement into criminals by charging them with a Class E felony if they were to cooperate with this Federal law enforcement agency.

MR. MAGNARELLI: Well, they're making a certification as to what they're using the information for. And the law is stating that it's a Class E felony if you make a false certification.

MS. MALLIOTAKIS: Well, there's two parts to that. And the first part says that you have to do the certification. The second part would be if you were to disclose such records or information to any agency that primarily enforces Immigration Law. So --



MR. MAGNARELLI: I'm sorry, would you repeat the last part of that again?

MS. MALLIOTAKIS: If you disclose such records, DMV records, or information to any agency that primarily enforces Immigration Law, which we assume we're talking about either, you know, the Department of Homeland Security, we're talking about ICE and we're talking about Custom and Border Protection. So if any law enforcement agency here in the City or an individual from a law enforcement agency were to provide that information, they would be charged with a Class E felony under the change to this (unintelligible) statute.

MR. MAGNARELLI: I don't think it's -- well, I'm looking at it in a different light. The only -- the only reason for this change is for -- for someone to certify that they have to look at an individual's records for the purpose of Trusted -- the Trusted Traveler Programs, basically. That's it.

MS. MALLIOTAKIS: That's it.

MR. MAGNARELLI: So if you're looking for something else, you can't make that certification. If you do make that certification, then you're breaking the law.

MS. MALLIOTAKIS: Yes. And you will be charged --

MR. MAGNARELLI: Yes, you will.

MS. MALLIOTAKIS: -- with a Class E felony.

MR. MAGNARELLI: I assume you will.

MS. MALLIOTAKIS: And that -- and that -- that is the answer. So basically, my question was, are we going to charge local law enforcement for providing the information, you say, yes, it's going to be done by charging them with a Class E felony. It's unbelievable.

Let me ask you a question. In -- in 20 -- December of 2019 there was a teenager who killed his grandmother and was attempting to flee to Canada though Upstate New York. He was stopped by Customs and Border Protection. Under this new law, would Customs and Border Protection, upon stopping his vehicle, be able to scan his plates and have access to the DMV database?

MR. MAGNARELLI: Under this -- under this particular law, only if it was an application for the Trusted Traveler Programs.

MS. MALLIOTAKIS: So the answer is no.

MR. MAGNARELLI: Under this law, yes. The answer is no.

MS. MALLIOTAKIS: Well, is there any other law in New York State in which Customs and Border Protection would be able to run someone's plates if they are stopped at the border?

(Pause)

MR. MAGNARELLI: I'm not exactly sure of what you're asking here. We have a difference of opinion just listening.

MS. MALLIOTAKIS: Okay. Well, the DMV can only provide the information on a license plate or a driver's license to

an individual who is applying for the Trusted Traveler Program, right? So my question would be is, would the local law enforcement, would DMV be able to provide information if someone was stopped at the border trying to flee this country after murdering his grandmother and they wanted to scan the plates of that vehicle?

(Pause)

MR. MAGNARELLI: Are you asking if they can ask for this information just on a traffic stop?

MS. MALLIOTAKIS: Yes. If -- if --

MR. MAGNARELLI: Okay. Then is the answer is no.

MS. MALLIOTAKIS: The answer is no. Okay. So, I -- I'll just speak on the bill, please.

ACTING SPEAKER WOERNER: On the bill.

MS. MALLIOTAKIS: Well, I want to thank all my colleagues who are here in Albany working on this budget, which is a very important thing for us to be doing. I really have a lot of issues with various pieces of this budget, and I -- and I support other parts. However, you know, we took what was supposed to be an easy fix and just not only fixed just a piece of it, but then made it a lot more worse. So with this Green Light Law, which I originally voted against, which provided driver's licenses for those who are in our country illegally, it was -- it -- it restricted our local law enforcement, our DMV, from cooperating with Federal authorities, from cooperating with Department of Homeland Security and its divisions. Now, that is why

the people in the State of New York can no longer apply for the Trusted Traveler Programs or they can't renew their eligibility. We here now in this bill are making a tweak to fix that one component where information can be given over to Customs and Border Protection so people can move forward with the Trusted Traveler Program. And I'm happy about that. However, there are things that are missing in this, very much so. And -- and the fact that we changed this law and actually made it worse to say that if a local law enforcement official were to cooperate with their Federal counterparts, we're going to charge them violation, a Class E felony? This coming from a House that they -- they want to decriminalize everything? That's unconscionable that we would actually look to charge our local law enforcement with a felony for simply cooperating with Federal law enforcement to put bad people behind bars. And I'll give you an example, because I just asked this question. In December of 2019, a teen killed his grandmother, stole her car, attempting to flee the country going through Upstate New York. That was when we did cooperate with CBP. He was stopped, scanned the plates. We found out it was a stolen vehicle. And guess what? He was apprehended, now he's sentenced for 15 years. I just asked the question, if we would no longer cooperate and I was told no, we would no longer cooperate. How can anyone think that is acceptable? And I know there's such a focus here that it's about immigration. But Customs and Border Protection does not just deal with immigration. They deal with protecting our borders, protecting our nation, working under the

Department of Homeland Security Division. Here are some other headlines: "Thirty million dollars in illegal drugs seized from across border tunnel in San Diego." So they deal with taking deadly drugs that are killing our children off the streets, stopping them before they even enter our country. "Customs and Border Patrol arrest teen driver found with 15 pounds of meth at El Paso border." Well, it's a good thing it was in El Paso, because if it was in New York, you wouldn't be able to scan his plates to find out who he was. Or where did he come from, where did he get those drugs? "Border Patrol arrests four in failed human smuggling." You know, I understand that everyone wants to play politics, and immigration is an interesting issue to play politics with, on both sides. That's fine. Unfortunately, there are real people that are going to get hurt and killed and be victims of crimes or victims of -- of drug overdoses because of what we're doing here today. The fact that you want to take away a tool out of the toolbox and say it's, *Oh, well, they deal with immigration, so we're not going to cooperate with them anymore.* As you can see, they play a very important role in not only securing our borders -- and in a post-9/11 world, the fact that we would take away Customs and Border Protection's right to access DMV database to be able to start an investigation to -- to run a plate to see if a vehicle was stolen, to find out the whereabouts of someone, is really unconscionable. It's a disgrace. And it really is not in the best interests of the citizens that elected us to represent them and keep them safe.

So I will be voting in the negative and I urge my

colleagues to do so. And I really urge that we revisit this because this is a serious issue. It is about the national security of our nation. It's about getting human -- drug trafficking -- trafficking to stop. It's about curbing drug -- drug trafficking into our nation. And these are serious issues. Customs and Border Protection just doesn't deal alone with immigration. That is a part of what they do, and they do it well. But this has much more serious ramifications than just that, and I urge a no vote.

ACTING SPEAKER WOERNER: Thank you, Ms. Malliotakis.

Mr. Carroll.

MR. CARROLL: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. CARROLL: Priorities matter. Values matter.

And they matter most especially in a time of crisis. Almost everything we're doing here today we could put off to a later date. There's a lot of great things in this Budget Bill and in other Budget Bills. But they are not germane to the crisis that we face with COVID-19. They are not germane to helping those who are sick or will become sick. They're not germane to those folks who will lose their jobs, their business, their housing. And that's only the least of it. The worst parts about this budget are truly repugnant pieces of legislation that would not be good on a normal day, but are truly terrible on a day like today. Last year, the worst thing that this Legislature did was to enact a

commission to rewrite our election laws. And it's déjà vu. I spoke out on the floor a year ago saying that they would do anti-Democratic things. That they would subvert the will of the people of the State of New York. That they would squash political dissent and diversity. And they did just that. A court, in its great thoughtfulness, struck down that commission. Said it was unconstitutional. Well, boy, do I wish this matter was dead, but no. In the dead of night, in the time of crisis both financially and for the health of the people of the State of New York, we've decided that it's important to squash Democratic debate. We've decided it's so important to destroy third-parties. We've decided that is it's so important to create a feckless campaign finance system that will not deliver better campaign finance. It is a rouse. It is a mirage.

This is a great legislative Body. There are wonderful people in this Chamber. This budget has wonderful things in it. But it is peppered with poison pills. It makes no sense. Why are we allowing this to happen? I don't want to be hysterical or dramatic, but there are people who are losing their lives. There are people who will lose their lives. There are people whose businesses and homes will never be the same again. And we've decided as if none of that's happening, and our political battles, our policy battles, should continue on. That's terrible judgment. That's terrible priorities. Those are terrible values. And I hope that the 150 of us here will realize that and that we'll vote no on this, and we'll vote no on the coming bills, which are even more pernicious. Because they'll end up putting people --

more people in jail and making more people vulnerable in a time of real crisis.

Vote no. Vote your values.

ACTING SPEAKER WOERNER: Thank you, Mr. Carroll.

Mr. Garbarino.

MR. GARBARINO: Thank you, Ms. Speaker. Will Mr. Magnarelli yield for a couple of questions?

ACTING SPEAKER WOERNER: Will the speaker -- will the sponsor yield?

MR. MAGNARELLI: Yes.

ACTING SPEAKER WOERNER: Mr. Magnarelli yields.

MR. GARBARINO: Thank you, Mr. Speaker -- Madam Speaker. I have a couple of questions about the electric bike and scooter program --

MR. MAGNARELLI: Sure.

MR. GARBARINO: -- in this year's budget. I was just going through the language. Is this an opt-in or an opt-out or does it depend where -- what county you're in? Can you ex -- explain really how this -- how it -- at least for -- for bikes. I know there's different language for the scooters.

MR. MAGNARELLI: So, it is different between the bikes and the scooters?

MR. GARBARINO: Yes.



MR. MAGNARELLI: Okay. Let's see now which one is which.

MR. GARBARINO: I was reading this. It looks like it says that everybody -- other counties and towns or villages have to opt out in the State unless you live in Nassau, Suffolk or Westchester, and for --

MR. MAGNARELLI: Right.

MR. GARBARINO: -- those scooters -- for the bikes to be legal they have to opt in before any other --

MR. MAGNARELLI: It's not -- it's not really an opt-in. The county has to basically pass a -- a law allowing them to do what they want to do.

MR. GARBARINO: Okay. So the State, right now we're passing in this budget of law allowing the electrical bikes anywhere in the State except for Westchester and Nassau and Suffolk.

MR. MAGNARELLI: Excuse me, I -- I didn't hear that. But let me just say that anyone can prohibit the bikes anywhere in the State, any -- any municipality. Okay? It's regulating them, how they're regulated. In Westchester, in Nassau and Suffolk, it's a little bit different.

MR. GARBARINO: So after we pass this bill, in Albany County electrical bikes will be legal if they follow State -- if they follow what the State law, Albany County can then further regulate it if it wants.

MR. MAGNARELLI: Correct.

MR. GARBARINO: Okay, so they could -- so right now -- so they -- they can opt out if they don't want them at all, or they can further regulate them.

MR. MAGNARELLI: That's correct.

MR. GARBARINO: But when it goes to Nassau, Suffolk and Westchester, they are not going to be legal unless Nassau, Suffolk or Westchester opts in and allows them?

MR. MAGNARELLI: No, they are legal. It's the regulation that is different.

MR. GARBARINO: So -- so what you're saying is they'll be legal, but the -- the Town of Hempstead in Nassau County or the Town of Islip in Suffolk County can't do their own regulation, further regulations, unless Suffolk and Nassau come in as well?

MR. MAGNARELLI: No, no. The towns and villages in Suffolk would have -- if they want to regulate, they're going to have to get, like, a - I don't know how to say this - but some kind of a Home Rule type of message or piece of legislation from the county.

MR. GARBARINO: So the county has -- so, okay --

MR. MAGNARELLI: So that the regulations would be more or less uniform throughout that county. That was the rationale I thought was given for doing that.

MR. GARBARINO: So villages and towns and counties Upstate can each do what they want --

MR. MAGNARELLI: Yes.

MR. GARBARINO: -- by regulation without having to go to the county.

MR. MAGNARELLI: Correct.

MR. GARBARINO: But Nassau and Suffolk -- or I guess it splits it up. So Suffolk County will have to give permission to the ten towns in Suffolk County to make their own regulations, unless those counties want to opt out completely.

MR. MAGNARELLI: Correct.

MR. GARBARINO: Okay. Now, when you -- I don't understand -- I -- I -- I know it's in the bill, I just don't understand why we're giving the counties so much control over the municipalities there when Upstate we're -- we're treating them differently. But now you -- there's something else here that says a -- a town and county or a village or city can opt out, and -- but it's provided that there's adequate signage is visibly posted outside the bound -- the boundaries of such prohibited areas. What's adequate signage?

MR. MAGNARELLI: The -- the concern that came up was that when you're going from town to town you could have different regulations. So you have to put up the signage as you're going into those towns or villages, whatever it may be, so that people will understand what the regulations are.

MR. GARBARINO: I under -- I understand that. So what's adequate? Is it -- do you have to put it on every street entering into the town, or only the streets that are 30 miles and below where

you're permitted to ride these, or... Do they have to go on highways?

What's -- what's adequate signage? How much -- how many signs --

MR. MAGNARELLI: I would say any place coming into the --

MR. GARBARINO: -- have I got to tell my -- my town to --

MR. MAGNARELLI: Excuse me. Any place coming into the town where you could ride these types of vehicles.

MR. GARBARINO: So they're going to have to -- so the -- the town is going to be required if they decide to opt out of this, to put a signage -- a sign up at every street entering that town saying that these -- that bikes are prohibited?

MR. MAGNARELLI: Well, or some way to let people know that it's not allowed in that town.

MR. GARBARINO: Well, I mean it says adequate signage at the boundaries. And so I would think if they can ride these on a -- on a street, that means every street coming in.

MR. MAGNARELLI: I would assume they're going to have to put up a sign.

MR. GARBARINO: That's going to be a lot of -- I think that's going to be a huge cost on the local municipalities by -- by them doing this.

I want to get back also now to, you have certain bicycles -- you have three classes, Class 1 and 2 can be up to 20 miles an hour, Class 3 is up to 25 miles an hour, and I believe that's only

permitted in the City. Is there any regulation or registration for these -- for these electric bikes? Do they have to register? Sort of like what we do with a vehicle or a motorcycle?

MR. MAGNARELLI: There's no registration. The bikes are treated like bicycles.

MR. GARBARINO: Okay. So there's no requirement to have insurance, there's no...

MR. MAGNARELLI: Correct.

MR. GARBARINO: So if somebody riding a -- a bicycle in New York City going 25 miles an hour -- that can go up to 25 miles an hour and hits somebody walking or hits a car, there's no requirement under this law that they have any insurance?

MR. MAGNARELLI: No. You could -- you could get hit by someone on a regular bike going that fast.

MR. GARBARINO: I -- I feel like they'd have to be pretty good.

MR. MAGNARELLI: Seriously.

MR. GARBARINO: I don't think I can get up to 25 miles an hour on my bike.

MR. MAGNARELLI: Neither -- neither can I, but...

MR. GARBARINO: But so, I -- I understand that, but we're now allow -- I think it's a lot easier to get up to 25 miles, and the odds that you're going to get hit now, in New York City with all the pedestrians walking around. That we're now legalizing a motorized bike up to 25 miles an hour, I think it's a -- a lot more likely

that you're going to get hit. So there's no -- there's nothing there to protect anybody who gets hit by one of these -- by one of these bikes.

MR. MAGNARELLI: No.

MR. GARBARINO: No insurance requirement.

Okay. Thank you very much.

MR. MAGNARELLI: Thank you.

MR. GARBARINO: Now, the shared systems of the bikes. That -- so, you know, there's some companies out there that do electrical bikes. You can -- you can rent those -- who -- who authorizes those? If somebody can have that in your -- in your --

MR. MAGNARELLI: The local governments would have to authorize that.

MR. GARBARINO: So, any town, village, county?

MR. MAGNARELLI: Yes.

MR. GARBARINO: Okay. Now is there -- it says authorize and regulate. Now that -- now you have -- you're adding a commercial aspect into this, somebody -- somebody's owning the bike, somebody else is riding the bike. Is there anything in here that requires any of these -- any -- any of these people in this commercial transaction to have any insurance to protect either the rider, the owner or a third-party?

MR. MAGNARELLI: No.

MR. GARBARINO: Was that specifically done or was this left out? Because I know other states, when they've authorized these riding programs, especially with the shared programs,

insurance coverage for both the rider, the owner and third-party is a big portion of -- of the bills.

MR. MAGNARELLI: No. There -- there isn't anything in the bill on that.

MR. GARBARINO: So it's specifically left out.

MR. MAGNARELLI: Yes.

MR. GARBARINO: Okay. All right, I'm going to move over to scooters, because I know lot of the -- a lot of the language is similar. There was one portion, though, it looks like there is -- we legalize these electric scooters, except we specifically leave out one area. It's defined by a -- any county that had a certain population of 1.5,085,000. No less than that. And 1.5,087,000, it looks like from my research that's only in 2010 that was only Manhattan.

MR. MAGNARELLI: Correct.

MR. GARBARINO: Is there a -- is there a reason why we are specifically singling Manhattan out in this legislation and saying they are not -- they are not prohibited to have -- or they're not permitted to have electric scoot -- or scooters?

MR. MAGNARELLI: Well, basically, the -- the representation from that area didn't want it there, and the location itself doesn't lend itself to those types of vehicles, the congestion within Manhattan. So that's why it was taken out.

MR. GARBARINO: Okay. So Manhattan, unless we change the law, can never have them. Every other location,

locality in the State, whether it be another county, borough, village, city, town, they can --

MR. MAGNARELLI: These are just shared scooters, now.

MR. GARBARINO: Yes, these are shared scooters. Okay.

MR. MAGNARELLI: You can still have one individually.

MR. GARBARINO: Yes, everybody can have them Statewide. And you can only have a shared -- but the only areas that are -- Manhattan's the only place in New York where the municipality can't opt in to a shared scooter program, correct?

MR. MAGNARELLI: Correct.

MR. GARBARINO: Okay. Again, we're working on some legislation at NCOIL, the National Council of Insurance Legislators, in my legislation dealing with this right now, and we've been dealing with Lime and Bird - who are two of the biggest shared scooter providers - about insurance coverage and what happens -- how much insurance has -- it has to be covered for. The owner of -- of the -- of the scooter, the rider who is using the scooter. Whether or not, you know, someone's act -- riding it improperly. You know, who -- whose -- whose fault is it if they are riding them on the -- on the sidewalks and they're not permitted. Who's -- who's covered if they get hit. I read through the bill. It doesn't look like there's any -- anything that deals with any insurance or any -- anything that protects



either the rider, the owner or a third-party in this commercial transaction.

MR. MAGNARELLI: You know, I understand what you're saying, and I think all along I've always felt that the locality should have a say in what's going on within their boundaries. And what we tried to do is allow that to happen. This is a new area as far as -- as far as I'm concerned. Scooters and bikes are proliferating throughout our villages and towns, and I think what we're trying to do is allow those localities to make the regulations and the requirements that are going to be needed as we go forward.

MR. GARBARINO: No, and I -- I understand that. I think when it deals with where you can ride, when you can ride, where you can leave the scooter, where you can leave the bike, that should be up to the locality. That -- that's a local rule. But when we're talking about insurance coverage, you know, that -- we -- that's left to the states. That's, you know, each State does it individually. It's not Federal, it's not -- towns don't really regulate insurance coverage, we do, by the Legislature and through DFS. So I'm just wondering, we -- we -- it specifically says authorize and -- and regulate. Are we saying that each local municipality, if they opt in to this program, they're going to be responsible for regulating the insurance coverage of that shared program?

MR. MAGNARELLI: They could be. They could be.

MR. GARBARINO: Is that something we really

want to do?

MR. MAGNARELLI: That's something we're going to look at as we go forward.

MR. GARBARINO: Okay. Thank you very much.

MR. MAGNARELLI: You're welcome.

MR. GARBARINO: On the bill, Ms. Speaker --  
Madam Speaker.

ACTING SPEAKER WOERNER: On the bill.

MR. GARBARINO: Thank you. We're in a -- as we've heard from many of our colleagues today, we are in a troubling time. Again, we're speaking here. The Chamber is mostly empty because of health precautions. You know, this budget we have, what they're saying now is possibly a \$10 billion deficit, maybe it could even go higher. We don't know what's going on with the economy. And I'm very troubled that when we can't fund our schools, we can't fund our veterans programs properly, we can't help -- we can't fund the people with disabilities properly. We have a huge homelessness population that we can't take care of. Our local governments need our help. Our first responders need our help. We're doing -- all -- all these really good programs need money, and somehow were slipping in public finance of campaigns. I don't know how that makes sense. I know we're not funding it this year, but I don't know if we're going to come back from a \$10 billion deficit over the next couple of years and it's going to be tough to bring the economy back on track. And the fact that we are putting this public financing in just blows my mind

when we have all these other problems, all these other issues that need our help, that deserve our help.

It just doesn't make sense to me, and I can't support this bill because of it. Thank you, Ms. Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Garbarino.

Mr. Kim.

MR. KIM: On the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. KIM: You know, when we have environmental disasters like Hurricane Sandy, we spent years building environmental resilience. But why is it that after an economic and financial crash like the last one in 2008, we don't build any economic resilience? For years, you know, my colleagues and I have joined economists, experts and advocates to rethink and redesign the way we conduct economic development. Arguing that the billions of dollars we give away to some of the biggest corporations in the world are not creating the jobs and revenue we desperately need. In fact, our economic development through the Urban Development Corporation Act has resulted in the extraction of wealth, money and value out of our communities into the pockets of wealthy executives outside of our State. That is not building economic resilience. That builds secondary markets for consultants to monetize off economic development. Imagine if we spent ten years phasing out the \$4- to \$6 billion a year of corporate subsidies disguised as economic development, calling back subsidy

money from corporations that did not -- did not deliver jobs to our communities, and invested all of it back into our neighborhoods toward care work, local commerce, small businesses, schools, libraries, public transit. I promise you, if we did all that, our communities would have been much better positioned to weather this supernova economic and financial meltdown caused by the coronavirus. For the last few years, my colleagues and I have introduced a number of legislations to reform and transform economic development agencies to make our communities economically resilient by making sure money is flowing inward and circulating in our communities. But instead, after years of failed economic policies, our people are living paycheck to paycheck, many unbanked and relying on check cashers and predatory lenders to survive, and at best, living off credit cards that charge out-of-control interest rates. Sure, like we've done some positive work like raising minimum wage and fighting for prevailing wage that's intended to bring more cash flow to our working families. But without money going back in, and more importantly, circulating in our communities, raising wages merely become a symbolic win for us. From basic auditing and callbacks in subsidies that are underperforming to bold ideas that get to the root problems of our failing economy like public takeover of for-profit energy companies, investing in worker-owned cooperatives, establishing a public banking system and a public payment platform or portable and fluid benefit systems, we have all the solutions that we need in this Chamber to build true economic resilience. There are

progressive environmental policies, as well as legalizing e-bikes that I fully support in this bill. And there are obviously some last-minute (unintelligible) perks of this bill like reforming Election Law and giving a facade of a campaign finance reform that most of us here reject. But this Economic Development Budget Bill just protects the status quo at a time when we need to end corporate subsidies, and once and for all, all the failing legacy programs like START-UP NY.

For years, we've been sleepwalking into a recession, just putting Band-Aids and hoping to keep this party going. All the signs were in front of our eyes before this pandemic. Twenty straight months of household debt was going on. Eighty percent of our people are living paycheck to paycheck. One point seven trillion dollars in student debt in this country. The homeless crisis. If it wasn't for the coronavirus, it would have been something else that would have triggered an economic downturn. Now is not the time to legislate around the edges. Now is not the time to protect broken economic development agencies and empower them to borrow more so they can continue to subsidize multinational corporations.

For these reasons, I can't support this Budget Bill, and I encourage my colleagues to say vote -- to vote no. Thank you.

ACTING SPEAKER WOERNER: Thank you, Mr. Kim.

Mr. Walczyk.

MR. WALCZYK: Thank you, Madam Speaker. I'm wondering if someone is prepared to answer questions on Part U, as

we in the front yard of America fly many flags in the great State of New York.

ACTING SPEAKER WOERNER: Madam Majority Leader, will you take some questions?

MRS. PEOPLES-STOKES: If the gentleman would like me to yield, I'll be happy to, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Madam Majority Leader. The Majority Leader yields.

MR. WALCZYK: I would -- as always, I appreciate the time. The -- Part U was last amended on March 16th of 1778. Why are we choosing today to amend it now?

MRS. PEOPLES-STOKES: Granted, Mr. Walczyk, that, you know, this is something I think that didn't necessarily have to be in a Budget Bill. But it is what we have. It is in a Budget Bill. This will not be probably the first time that either our country or a State's motto has -- has been changed. You might be aware that these words actually mean many out of one which really is reflective of how our State looks. And it's kind of the reason why back in 1782 the United States actually used that as a motto because it -- it knew that it was a -- a country of multiple states and it knew it was a country of multiple people. And so I think this desire here - albeit, I think, at an inappropriate time, but it was what we have -- is -- is to speak to the value of -- of New York's multiple population that we have here. I mean, we're going to have Latinos, Black people, Irish people, Italians, Native Americans, Mexicans. And so I think this motto

speaks to that. While I personally like the United States motto that was changed in 1956 to, *In God We Trust* - I think we should all have that as a motto - but this is the bill that we have before us today, and I think we should go forward with moving it forward.

MR. WALCZYK: Thank you. Through you, Madam Speaker, just a quick point of clarification. The 13 colonies actually adopted *E Pluribus Unum* in 1776, officially, the seal was approved in 1782. But I wondered if the sponsor would continue to -- to yield. I -- I shot the Governor after I saw his original proposal in this budget to change our motto in New York State, I shot him a note asking him to watch a Roman Mars video, a TED talk on vexillology. And I'm wondering if -- if you've heard from the Governor about the design of flags, or have you heard from any designers throughout this budgetary process about New York's flag design?

MRS. PEOPLES-STOKES: I have not.

MR. WALCZYK: Okay. Thank you.

On the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. WALCZYK: So Roman Mars points out in this excellent video, which I suggest, about vexillology. He would refer to the New York State flag as a lazy flag. We've taken a New York State seal and we've put it on what he calls a "bedsheet," or in vexillology they'll call it an SOB, a Seal On a Bedsheet. They give a -- a bunch of great design tips, and I -- I wish the Governor had watched the video, consulted with me, or maybe had a more open process because I know

we've got a lot of great artists and designers in New York State. But since he hasn't consulted New Yorkers, out of many, come one really good idea, or maybe out of one comes one idea to change the seal of the State of New York. I hope you'll indulge for a moment as I speak on this bill. So we'll start off with definitions. I had to look these up because some of these colors aren't described this way in our modern day, but azure is blue, gules is red, sable is black, argent is silver. And if you hear the terms "dexter," that means to the right. Sinister means to the left. Fess means from left to right in the center of the shield. Cincture is a waist rope. Fillet is a cloth headband. And blazon is the formal description of the coat of arms. So here's the blazon of New York State. Charge. Azure, in a landscape, the sun in fess, rising in splendor or, behind a range of three mountains, the middle one the highest; in base a ship and sloop under sail, passing and about to meet on a river, bordered below by a grassy shore fringed with shrubs, all proper. The Crest. On a wreath azure and or, an American eagle proper, rising to the Dexter from a two-thirds of a globe terrestrial, showing the north Atlantic ocean with outlines of its shores. The Supporters. On a quasi compartment formed by the extension of the scroll. Dexter. The figure of Liberty proper, her hair disheveled and decorated with pearls, vested azure, sandaled gules, about the waist a cincture or, fringed gules, a mantle of the last depending from the shoulders behind to the feet, in the dexter hand a staff ensigned with a Phrygian cap or, the sinister arm embowed, the hand supporting the shield at the dexter chief point, a royal crown by her sinister foot



dejected. Sinister. The figure of Justice proper, her hair disheveled and decorated with pearls, vested or, about the waist a cincture azure, fringed gules, sandaled and straight sword hilted or, erect, resting on the sinister chief point of the shield, the sinister arm embowed, holding before her scales of justice proper. Motto. On a scroll below the shield argent, in sable, Excelsior. Excelsior, meaning ever upward. *E pluribus unum*. And as we've already said, *Out of Many, One*. And in 1776 when 13 colonies came together to become one nation, that's what "*Out of Many, One*" meant.

In New York State, out of how many become one? Nineteen million. Represented by 213 legislators that make up our legislative Body. A check on the Executive. In this Body, 5.6 million of those New Yorkers are represented by Minority members, and we know what party politics means there. Out of 213 legislators, what we've done in this budget is we've decided there is only one that can decide what laws to uphold and -- and to suspend. Out of 213 legislators that are supposed to be a check on the Executive of, we decided there is only one who can decide where -- where energy projects are going to go, despite what localities are going to say. Out of 213 legislators that make up a separate and equal branch of government, we've decided that there is one individual who can decide which prisons to close, and give the families 60 days notice that they'll be relocated. Out of 213 members of this separate and equal branch, there is one who decides what programs to cut with a rolling budget power throughout the year that we've handed over. Out of 213

separate and equal members of the Legislative branch, which highway projects will get funded. What downtowns will be revitalized. Who gets a pay raise, how much. Even to that one individual themselves we've consolidated that power on that one individual. Out of 213 legislators representing 19 million New Yorkers, one decides what people can do with the land under their feet that they own. Whose guns to take. What businesses to close. Which immigration laws to enforce. What grants to hand struggling schools, which businesses win the economic hunger games. Which airport runways are safely repaired. Which college dorms get fixed. What tobacco products a New Yorker can put in their mouth. How many -- how much your energy bill is going to be, and which Hollywood firms get New York tax credits. Out of many, 19 million many, one decides which political parties have access to a ballot in this State.

A royal crown, by her sinister foot dejected. The crown is kicked. It's kicked by Lady Liberty. You see it right there on the flag. The crown in New York is not placed on the head of the Governor. That's not our government in this State. Last year 76,000 New Yorkers fled this State because of failed policies like the ones we're putting forward in this budget. And yet this Legislature, with one party control, still wants to coalesce that power on to one individual.

I vote Excelsior. I vote ever upward. Because I think those 19 million New Yorkers have a lot more to offer than the 213 that they put in these seats, unfortunately. I misunderstood the

Governor's intent. Originally I thought he was just redesigning the seal and the flag. I thought I'd send him a video from Roman Mars on some design ideas that we could make it better. But the Governor's Message wasn't about unity and togetherness, ladies and gentlemen. It was about coalescing power on to one individual. Out of many, one. We've misinterpreted it, and it's been bastardized.

I vote to restore the power to the people, and Mr. Speaker, on this budget, I vote no.

ACTING SPEAKER AUBRY: Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker. On the -- on the prevailing wage bill, will the sponsor yield?

MR. BRONSON: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BICHOTTE: Thank you. This bill would have a provision on construction projects perform under private contract that will subject them to pay prevailing wages to union and non-union workers. Is that true?

MR. BRONSON: Yes, union and non-union contractors and workers.

MS. BICHOTTE: And there's a threshold of \$5 million? The cost of the construction to be \$5 million coupled with getting 30 percent of the public financing.

MR. BRONSON: Yeah, the threshold is at least a project that is over \$5 million and a project that is receiving at least 30 percent of the construction costs in taxpayer subsidies.

MS. BICHOTTE: Okay. So when you're saying taxpayer subsidies, that's like tax abatements, non-cash savings, loans, credits? These types of tax savings?

MR. BRONSON: Yes, to -- to name a few.

MS. BICHOTTE: Okay, great. And on this bill there are some exemptions like affordable housing, owner-occupied dwellings, as well as owners who own no more than four dwellings, non-profits and more?

MR. BRONSON: Yes, the intent was to have some exemptions that would leave out the smaller type of projects throughout the State.

MS. BICHOTTE: Okay. Okay, great. Can you tell me how the diversification of workers being hired will be enforced?

MR. BRONSON: Yes. That will be enforced through the Department of Labor, and in particular, the fiscal officer as defined in the statute, which is the Commissioner of the Department of Labor.

MS. BICHOTTE: Okay.

MR. BRONSON: Let me -- I'm sorry for interrupting, but I should say that the provisions also require the Commissioner to collaborate with the Director of the MWBE program.

MS. BICHOTTE: Okay. That's -- that's interesting. I want to know also, are MWBE firms, are they exempt?

MR. BRONSON: No, they are not.

MS. BICHOTTE: Okay. Just a note: Do you know the population of minorities and women in the State or in the City, in the big, large City? Do you know, like, the overall population?

MR. BRONSON: Not off the top of my head, no.

MS. BICHOTTE: Well, there are more than 50 percent. In New York City, I can say that the population of minority and women are at least 60 percent. So when we think about the population and the tax dollars that we're getting, a lot of them are coming from minorities and women.

MR. BRONSON: And -- and that's a very good point to raise. I would say that under this bill, we are now creating projects that are requiring that participation by minority and women business enterprises that prior to passing this into law there is no requirement. The requirement is currently with public projects. It's not on all of the projects that would -- that are financed through private dollars. What this will do is say if there is that threshold of taxpayer dollars used, then now, like public works projects, you now have to hire whatever those standards are for minority and women business enterprises.

MS. BICHOTTE: And how could we ensure that the non-union workers will get the prevailing wage?

MR. BRONSON: It will be done exactly the way it's -- it's enforced under the current system for public projects.

MS. BICHOTTE: Okay. Thank you.

On the bill, Mr. Speaker.

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

MS. BICHOTTE: Thank you for allowing me to speak on this bill addressing prevailing wages. As the Chair of the Minority- and Women- Owned Business Enterprise, I'm always in support of a thriving economy. This promotes the health and the welfare all around. As we have seen during -- during this very unfortunate circumstance, we are in -- with the coronavirus pandemic, we are all connected. All industries, all of the workforce. All of the people in our society are connected. When we increase wages for workers, we stimulate the economy. And this is proven. Increased wages will help yield increased living standards, which will yield increased spending, which will yield increased bill payment, which will yield increased profits, which will then yield increased and improved personal welfare, which then yields a healthy economy. We, as a people, can, and we stimulate economy.

I want to thank the sponsor of this bill for introducing and ensuring that fair wages -- living wages, especially in places like New York City with a high cost of living, are -- are instituted in these type of projects that are typically are always getting public-funded support from our taxpaying constituents. With that said, I'm happy to see that there are some exemptions for this project, like affordable housing, non-profits, smaller developments, which, by its own definition, are doing the work of the people. Developing good public projects so that our people can benefit. Our community members, many of them who are unfortunate.

Now, I do look forward that the provision for

MWBEs and hiring minorities and women are intact. We need to collect the data, not only on the apprentice level -- apprenticeship level, but on the whole workforce level. Very often there is a disparity in terms of how many minorities and women are hired in the construction field. We have a pool of people who are hired through an apprenticeship pipeline which has been a progressive movement and tool to hire more minority and women, but still, we can do a lot more. We need to understand how many of these minority womens [sic] are -- are excelling, are becoming journeymen, and are represented -- a representation of the entire workforce.

I also want to thank the sponsor for making changes to this bill. For meeting with myself and my colleague Assemblymember Dickens, who could not be here today, and people like -- representatives like the 400 Foundation, who were a group of pastors who represents churches and represent developments in their community who were fighting to make sure that when we institute this, that affordable housing and smaller developments aren't included in the discussion. I -- I certainly want to call them out, Reverend Mootoo, Reverend Bachus, Reverend Miller. I want to thank them, because they've been here every, every week, educating. And our sponsor was very open-minded in working with staff, Program and Counsel, and making sure that they, too -- those communities and small projects were included.

Mr. Speaker, I'm going to be voting in affirmative on this bill because I believe in fair wages. I believe that this bill will

help achieve that. Obviously, there are areas that needs to be tweaked, and I look forward to working with the sponsor so that we can continue to promote and expand the concept of prevailing wage that will stimulate the economy, and making sure that it's an equitable one, as well. In particular, with the minority and women business enterprise, there needs to be a system where there's an equitable distribution. We've -- we have had histories, as mentioned, where minorities and women enterprise, as well as minority and women workers were not getting their fair share. This is now an opportunity to do so. Sometimes it's just very hard to get the resources, the liquidity, the working capital to do these projects. This is the right time.

So, again, I look forward to making sure that as we progress with this bill and everything that we do here in the State of New York, that equity is looked in all aspects and that we invite our stakeholders and our colleagues to participate in these discussions. Again, I thank the sponsor and I will be voting in the affirmative for this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. I would -- I would like to see if Mr. Magnarelli would yield?

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

MR. MAGNARELLI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The gentleman



yields.

MR. REILLY: Thank you, Mr. Magnarelli. I have a couple of questions about the Green Light Law part of this legislation. I know that you touched on it with a few of my colleagues earlier. One thing that I -- I want to just clarify, with this legislation as it's written, I think you noted earlier that it's only for the Trusted Travel Program --

MR. MAGNARELLI: Correct.

MR. REILLY: -- verification? So it would be only someone that has a license that's above the one that we're talking about given to undocumented immigrants, correct? So it would be like an Enhanced Driver's License or one --

MR. MAGNARELLI: Yes.

MR. REILLY: -- that fits the Federal guidelines?

MR. MAGNARELLI: The NEXUS Program Fast Global Entry Incentive.

MR. REILLY: Okay. All right. But -- but the document -- but the driver's licenses that we're talking about would be the ones that fit the Federal guidelines, right, for -- for traveling?

MR. MAGNARELLI: Yes. Right.

MR. REILLY: Okay. So that's the only -- the only part that the Federal government, basically Customs, Border Patrol can have access to, correct? With driver's information, is for those traveling programs -- for those programs.

MR. MAGNARELLI: Right. They only have access

to the individuals who are applying for those programs.

MR. REILLY: Okay. So, now that we have the ability for undocumented immigrants to get driver's licenses that don't qualify for that enhanced or Federal guidelines to travel across borders, if we do have that driver's license and they register vehicles, I surmise that we're opening up the opportunity for people to come to New York that may want to partake in some criminal activity in other states and we're limiting the opportunity for Federal investigators to investigate those crimes. Is there -- do you see that happening with this?

MR. MAGNARELLI: I -- I don't. I don't see that happening here.

MR. REILLY: Okay. So, back in last June when we debated this bill and when it passed in this House and in the Senate and the Governor signed it, I raised a question about being able to -- to run license plates and driver's licenses as a police officer when I -- when I say run, I mean check it in the computer system in the field while you're doing a car stop. We found out, of course, later on that that could not be done. Does this bill fix that issue?

MR. MAGNARELLI: This bill only deals with the Trusted Traveler Program, that's all.

MR. REILLY: Okay. So, it doesn't correct the problem of Homeland Security investigators that are investigating human trafficking at our ports here in New York, because they can't run driver's license checks or license plate checks in the field at this

time. Is -- would that fix that problem now?

MR. MAGNARELLI: I am not prepared to go into that. That's what we debated last year, or was debated last year. This is a different bill, it takes care of one problem that was brought to the Executive's attention in the State of New York, and that's what we're debating today.

MR. REILLY: All right. Well, I appreciate that and I'm not --

MR. MAGNARELLI: And I don't have --

MR. REILLY: -- picking on your --

MR. MAGNARELLI: I don't have the answer.

MR. REILLY: I'm not -- I understand you may not have the full -- but that's why we have these debates so we can get out and flush out the -- the problems that we have with this legislation. Once again, it's the same scenario over and over again, I think, that we're so worried about moving forward with something that we -- we're rushing to do something that we don't really get it right. And the one part that I really hope that we can work on and it should -- I mean, it's too late now because we know we're going to wind up passing this, I think, right?

MR. MAGNARELLI: I hope so.

MR. REILLY: So, when -- hopefully you think; I -- I don't think it should, but that's for another debate. So, the issue now, this doesn't correct those Homeland Security investigators that are doing surveillance around our ports for human trafficking.

MR. MAGNARELLI: Well, I'm not sure --

MR. REILLY: Can --

MR. MAGNARELLI: -- I'm not sure I agree with your premise to begin with. I'm not sure that you're correct.

MR. REILLY: I can call a Home -- a Homeland Security investigator now that I spoke to today and verify again.

MR. MAGNARELLI: And it wouldn't prove anything to me, okay? So the bottom line is, I think that there are other ways that they can do their investigations, and I think they are. What this is basically saying is you can't use the -- the DMV to do a fishing expedition and get lists to take a look at. That's what this is about. That's all it is. And we're trying to make sure that we can keep these programs in place for the people of New York State and so we can cross the Canadian border, et cetera, the way we were in the past. That's all this is for.

MR. REILLY: I appreciate it. Thank you.

MR. MAGNARELLI: Okay. You're welcome.

MR. REILLY: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So, we say that is just to make sure that they can't do a fishing expedition. This is much, much more. This is about officer safety. Mark my words, this is going to result in a tragedy. And there's a reason why I made sure that I came here to talk on this, because I know firsthand what this is about. You have an officer shot, you pull out everybody in every agency to do that search

to help investigate that crime. But now if you have a Homeland Security investigator that comes to help the FBI in New York City so that they can look for a cop shooter, they can't even hand them that DMV picture and say, *Here's who we're looking for*. Because you know why? Because you're going to charge that FBI agent with an E felony. An E felony.

I am passionate about this. Why? Because I know what happens when these words move from here to the street. They are going to hurt someone. And I cannot live with that without standing here and explaining that. It is something that I find reprehensible, that we're looking to charge a law enforcement officer potentially with an E felony because he's helping to solve a crime. As a matter of fact, Homeland Security investigators like I mentioned earlier focus on human trafficking. They are part of ICE. They're not allowed to have access to our DMV records.

This isn't about a fishing expedition. That's not why I'm standing here. I'm standing here because I'm trying to correct the things that I tried to tell you about last year, and it fell on deaf ears all around. All I care about is officer safety and public safety. That is what we're concerned about, because when you impact these investigations, I pray it's not one of your family members or anybody that we know that's impacted by this. It shouldn't be anybody. We should be doing our best to help stop human trafficking, to help stopping that drug shipment coming through our ports.

But, remember, as that Homeland Security

investigator is sitting in that unmarked car risking his life watching those cartels bring in that stuff, and he wants to run that license plate so it can help that investigation, he can't. And God forbid that driver drives away and now peddles that poison and kills someone you love. That's what this is about. This nonsense about the travel system and how to go through it, that's a political nonsense. That's what that is.

And I'll be honest with you, from both sides. I don't want to hear it. I want to hear that if we're going to do it, we make sure that we give those law enforcement officers the resources they need to protect -- protect themselves and to protect us. Maybe next time this year if I'm lucky enough to get reelected, I'll be talking about this again because maybe you'll listen and fix it in the next budget. But I can only hope.

Thank you for your time, Mr. Speaker. I vote in the negative.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. Will the sponsor of the bill -- the Majority Leader yield for some questions and possibly refer to some of our colleagues, but...

ACTING SPEAKER AUBRY: Madam --

MR. BYRNE: I'll start -- I'll start with you, if that's okay.

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

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields.

MR. BYRNE: Thank you, Majority Leader. I just wanted to --

MRS. PEOPLES-STOKES: You're welcome.

MR. BYRNE: -- follow-up with some of the questions my -- my colleague was asking regarding the -- the updating of the State Seal and the State Flag. Reading the -- the actual text in the bill, just for the record, as our finances are obviously hard-pressed and many categories, many groups are facing cuts, we're not increasing spending on this initiative. This is to replace -- we're not replacing flags, we're not mandating the replacement of flags or of the seals, this is just as you order new flags, it will -- it will be replaced; is that correct?

MRS. PEOPLES-STOKES: That is correct.

MR. BYRNE: Okay.

MRS. PEOPLES-STOKES: In fact, the Executive estimates that there are no fiscal impacts to the State to implement this proposal due to the fact that the items will be replaced only after the end of its useful life.

MR. BYRNE: And for monuments that may have that State Seal, God willing, they'll be there for a very, very long time without having to be replaced. What about folks who manufacture

and sell flags, they're able to still sell those flags, right? Like if they -- they sell a flag and they don't have the -- they're able to do that?

MRS. PEOPLES-STOKES: Yes.

MR. BYRNE: The value, I would assume, goes down, much like my Mark Sanchez -- Mark Sanchez's New York Jets jersey, it's not worth much anymore, but --

MRS. PEOPLES-STOKES: Yes.

MR. BYRNE: -- you could still buy it. Okay. Good. Thank you. I also had some questions more Transportation-related. Oh, actually, before I did that, I -- I did want to thank you for your comment when my colleague was asking about the Seal and the appropriateness of that budget -- that item, that policy item being in this budget. I do think it's inappropriate, like a lot of other things that find their way into our State's Budget.

I also don't understand why the public financing measure is in the Transportation, Economic Development and Environmental Budget Bill. Could you shed some light on that, why that would be in this budget?

MRS. PEOPLES-STOKES: I'm sure my colleague, Mr. Lavine, would love to shed some light on that for you.

MR. BYRNE: Thank you.

MR. LAVINE: So --

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

MR. LAVINE: Mr. -- Mr. Byrne, your -- your



concern is the placement of a particular provision in the New York State Budget? I mean, I would -- I would just as soon be happy to speak to you about the -- the Seal, because it's much more fun to discuss than so many other things that are of pressing concern. Do you have a particular problem with the -- the placement?

MR. BYRNE: No, I'm just -- I'm just curious how that found its way into this budget. I mean, it just seems a little bit odd. I mean, maybe we should start calling this the T Bill instead of the Ted Bill, I -- I'm just -- it seems that we're going to be facing a lot of other different policy changes in our State's Budget, I was just curious if there was a particular reason that this found its way into this budget. Was it -- it's a pretty straightforward question. If it's just that's where it found -- found its way in and it needed a place to be, then -- then so be it. But that was -- it's a pretty simple, straightforward question.

MR. LAVINE: Well, I think you have answered it by asking it.

MR. BYRNE: Okay. Thank you. A -- another question, if you would, Madam Majority Leader, more Transportation related regarding the provision in I believe it is Part C, for allowing safety patrol vehicles to display rear facing blue lights for -- for various reasons.

MRS. PEOPLES-STOKES: Thank you for your question, Mr. Byrne. We would, again, ask Mr. Magnarelli to yield as the Chair of the Transportation Committee.

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

MR. MAGNARELLI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Magnarelli yields.

MR. BYRNE: Thank you, Mr. Magnarelli. And I know you -- you've been speaking a lot about the Green Light Bill this -- this afternoon and I certainly have concerns about that, but this is, I guess you could call this the Blue Light Bill. We've debated similar legislation in the past, and it was -- was stalled I think primarily because of concerns from those in the volunteer fire service community. The blue light has always traditionally been used as a courtesy light for emergency service vehicles. This would be expanding the ability for people to use that blue light on rear facing -- rear facing vehicles for it looks like pub -- safety patrol vehicles, but also explains the functions, including towing. So would that include tow trucks, as well, and other hazardous vehicles?

MR. MAGNARELLI: I believe so, yes.

MR. BYRNE: And this would be rear facing, right?

MR. MAGNARELLI: That's correct.

MR. BYRNE: But I -- I mean, and maybe I'm incorrect, but unlike the bill before, which I thought was one light, this could be multiple lights and combinations of lights, it's not just one blue light, this could be several, correct?

MR. MAGNARELLI: Combination of blue and

amber lights.

MR. BYRNE: Combination. But it could be -- it could be multiple blue lights, right?

MR. MAGNARELLI: Yes.

MR. BYRNE: It could be different pat -- okay. Because I'm pretty sure that blue lights, although maybe not everyone observes it, the volunteer fire service, when they respond, it's supposed to be one forward-facing blue light. I -- I appreciate the -- you answering my questions, Mr. Magnarelli. Thank you and --

MR. MAGNARELLI: Thank you.

MR. BYRNE: -- going back to the Majority Leader. And perhaps you could refer this, as well. I do want to thank you for filling in for the Chair of Ways and Means. I know it's been a very -- this is a trying time for many of us, for many different reasons, and I want to thank you for your patience in a limited time as I try to plow through this. We -- I just had a question about the ban on fracking and specific to the State's uses of natural gas.

MRS. PEOPLES-STOKES: Mr. Byrne, I -- I appreciate your really kind words, thank you so much. But we're going to need to ask my colleague, Mr. Englebright, if he would yield, to respond to your questions as it relates to his Committee.

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

MR. ENGLEBRIGHT: I yield.

MR. BYRNE: Thank you, Mr. Englebright. I -- I

understand this is a -- an expansion of the -- the ban on fracking. It's making it permanent, but it also expands the -- what was a moratorium to ban specific use of jelled propane and liquified petroleum as a fracking method; is that correct?

MR. ENGLEBRIGHT: That is correct.

MR. BYRNE: May I ask why?

MR. ENGLEBRIGHT: While we are in the process of trying to better understand what the environmental implications are of using jelled propane as a substitute for water and a witch's brew of other chemicals which has been typically used for the fracking fluid in the past, that's sometimes referred to as a surfactant.

MR. BYRNE: And this is -- but this is going to be making it essentially permanent. So regardless, fracking will be eliminated permanently in the State of New York unless the Legislature revisits and changes its decision in the future. I had a question, I'm not sure if you can answer this or Chair of Energy, but do you know how much the State of New York relies on natural gas for its energy needs? No? Okay, that's fine. Thank -- thank -- thank you, sir.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: I appreciate the patience and attention of my colleagues for these questions. By going through all these different items, it kind of brings up the point that this bill doesn't really hone in on one issue. None of our Budget Bills typically do, they --

they're always expansive and have many different issues in them addressed.

I brought up that question about natural gas because according to the U.S. Energy Information Administration, analysis was done in 2018 that about two-fifths of the electricity -- net -- the net generated electricity used in the State of New York comes from natural gas. It's a significant amount. And I -- and I -- I bring that up because just outside of my district in Westchester County, we're looking to close - it's going to be happening very, very soon - partially the Indian Point Nuclear Power Plant. Why are we doing that? Oh, because what -- what's going to be happening following that is we're also opening up natural gas plants to -- to fill the replacement power needs for our area.

So, the State of New York is banning natural gas, but in the same breath, we're relying on it for baseload energy to support our State's energy needs. It just seems to kind of fly in the face of logic when we're saying, we're going to be banning natural gas, but we're becoming increasingly relying on it for our energy needs. It -- it doesn't make sense to me. We're just going to be relying on natural gas, but it's going to be developed and harnessed from out of the State of New York.

One of the bills or the items in this budget I think is well-founded, I voted for -- I supported it in the past, it's making the New York Buy American Act permanent, so we want to buy things that are made in America. Great. I also would like to buy things made

in New York and not rely on products or fossil fuels that are out of the State of New York.

I also wanted to comment on our -- the -- the Blue Light and the Green Light Bill. When I was speaking with my colleague on the Transportation concerns with the blue light, we've spoken about this in the past, debated about it. I completely understand and appreciate the merits of what my colleagues are trying to do to support the safety of our -- our tow drivers and those that work on our -- our highways and roads, but the reality is that blue light that has served as a courtesy light for many years for our men and women who serve in a volun -- volunteer fire service, has been a critical tool that has allowed them to respond to the scene of an incident, of a medical call, of a -- a motor vehicle accident and get to that scene quicker to be able to deliver care, perhaps deliver CPR. Every second, every minute means something. And when we start putting those blue lights on other vehicles, it diminishes the value of that blue light. So, people will be less responsive to the blue light when volunteer firefighters are responding to the call of an incident. Right now, we're relying on all of our first responders, our health care workers like never before and I wouldn't want to impede any -- do anything that will impede their ability to care for the -- the folks of this great State.

Before I run out of time, Mr. Speaker, I wanted to talk about some of the good things in this bill. Obviously, I have strong objections: The Green Light legislation has been affirmed by

this bill. It's not being fixed, it's not being amended, it's being affirmed. U.S. Customs and Border Protection relies on information from states in their DMV database. When we were briefed from the Department of Homeland Security and we spoke with representatives from U.S. Customs and Border Protection, they said every investigation starts with a DMV database check. That's for the public health and safety. We hear about public health and safety a lot these days. Well, that's for public safety. They rely on this information for investigations to combat drug trafficking, human trafficking, weapons trafficking. All very important things. I -- I can't believe that's in this bill. We -- we obviously have so much more work to do.

I have objections to the ban on natural gas -- hydrofracking, public financing of campaigns, welfare for politicians. Absolutely sending the wrong message to hardworking taxpayers across the State of New York as they're just trying to get their paychecks or stay employed that we're going to be using tax dollars so we can pay for mailers that are going to hit their mailboxes. Unbelievable.

For those reasons, I have to vote no. But I do want to say there are still good things that are in this budget, in this particular bill, things that do help the volunteer fire service, extending benefits for lung disease presumptions, extending benefits for heart disease -- for heart disease, and it's just -- it's a shame, because at the end of the day we have to vote "yes" or "no" and there's just -- the negative and the -- the poison pills that are riddled throughout this -- this, in

particular, Budget Bill, doesn't give me a real choice. I know we have colleagues that have worked very long and hard for a proper definition of "public works", and I do believe that public subsidies come with public responsibilities, and I think we've come a long way in a lot of other different things.

But as I started in the beginning as I asked my question about the appropriateness of certain items in this budget, I think that's a trend in almost every single Budget Bill that we're talking about, yesterday, today, tomorrow. We have people right now that work for the State of New York that haven't even collected their checks yet. Public employees. Because we haven't been effective in doing our job and passing an on-time budget. And with all this going on, we're still cramming in inappropriate policy items into our State's Budget. I do find it unconscionable. I'm not trying to disparage my colleagues, I know a lot of folks have worked long and hard for things that are put in this budget and with the looming -- well, not looming, the pandemic that we're all dealing with right here and now, we're forced to make very difficult decisions. But this budget doesn't reflect the priorities of the people of New York. It doesn't reflect the priorities of the people of the Hudson Valley, of Westchester and Putnam County. For those reasons, Mr. Speaker, I will be voting no.

ACTING SPEAKER AUBRY: Ms. Niou.

MS. NIOU: Oh, sorry, I didn't hear you say my name. Thank you, Mr. Speaker, I apologize for my confusion. I wanted to start with a brief statement not about the substance of what



is in the bill, but the process of including non-budgetary items in our Budget Bills, which I believe undermines not only our Democracy, but also undermines the people's faith in our government, which we have all been working to restore after a generation of scandals and shortcomings.

I am sitting in a nearly empty room except for some of my favorite Chairs of different Committees and sponsors of different policy issues that are included in this bill, because obviously they are important, worthy proposals in this bill, some which I will discuss, but truly these policies each deserve their own analysis and public debate and their own vote on their relative merits, but jamming them into the budget makes that impossible.

Among these is language to permit the legal use of electric bikes, e-bikes, an issue I support and feel very strongly about. Under this "budget", we are defining e-bikes and giving local governments the right to allow their usage. This is a good thing. E-bikes are extremely environmentally-friendly and an important means of transportation for many New Yorkers. In addition, e-bikers are also a lifeline for -- e-bikes are also a lifeline for immigrant workers, especially the delivery workers who are right now our heroes on the frontlines of health care in response to the COVID-19 crisis, working day after day so that we can stay safe and sheltered at home. For our local restaurants and their workers, e-bikes are vital for their livelihood and, let's face it, for those of us who live in New York and many of us outside the City, ordering delivery is part of our everyday

lives.

We depend on these delivery workers, yet rather than support them, we have been harassing them with racialized enforcement and predatory ticketing just for doing their jobs. Workers are hit with outrageous fines of \$500 for simply having an e-bike, ten times the fine for running a red light, or face outright confiscation of their e-bikes by the police for simply working. When we do this, we take away their livelihoods and their ability to provide for their families. Regardless of this law, the harassment of delivery workers has been shameful, but hopefully now we could put that in the past and support these members of our community as they seek a better life for themselves and their families.

Conversely, I am disappointed to see e-scooters in this Budget Bill, given the fact that their usage makes our sidewalks less accessible for seniors and people with disabilities, and e-scooter companies' histories of going around the public and regulatory agencies to force these onto our streets and sidewalks.

This budget also includes a shameful capitulation to Donald Trump and ICE by rolling back our Green Light protections, undermining one of the signature immigrant rights victories of recent years. This bill gives the DMV very wide discretion to share info with our Federal governments, including providing direct access to the Department of Homeland Security to the DMV's records. The DMV essentially has a blank check to share info as necessary for New York to try to negotiate TTP access, which outs our immigrant brothers and

sisters at risk of cruel harassment, roundups, family separation and deportations.

This bill also includes a misleading section on so-called "campaign finance reform". I strongly support campaign finance reform, but I can never support what is in this bill. For real campaign finance reform, I am one of the State's strongest advocates. I have testified in favor it, sponsored legislation, spoken out it in public and always voted my conscience. I know that we need real reform, decrease the influence of money in politics, and that means real public financing which empowers the communities we represent. It encourages small dollar individual donations and helps level the playing field for people of color and women, and it gives us the opportunity to fairly fund campaigns and win. A strong public financing system restores trust in our Democracy and helps elect the best representatives to office, not whoever happens to be the most well-connected to special interests.

What is in this budget is not campaign finance reform. Not only do we fail to create real public financing, this bill also makes changes to our party nomination system to effectively kill fusion voting, which is a direct assault on our Democratic process. The language we have in this bill is meant to exclude and remove parties and organizations who have been fighting for working families in New York for generations.

This budget takes an important step towards implementing crucial environmental protection legislation, which will

institute a permanent prohibition on hydro -- hydraulic fracking, allocate billions of dollars toward environmental conservation and ban all single-use polystyrene food containers. In the five years since hydraulic fracking was banned, New York has been a leader and pioneer in clean energy. The efforts to prohibit fracking in the Southern Tier has proved that there are other economic opportunities, opportunities that can lead New York forward with renewable, non-fossil fuel energy that powers our State without making climate change worse.

The Restore Mother Nature Act will provide \$3 billion to preserve and enhance New York's natural resources. With the Federal rollback of landmark environmental policy, it is our responsibility to push for legislation that will protect our environment and our families for centuries to come. This fund intends to address environmental challenges such as restoring wetlands, fight -- fighting algal blooms, restoring dams and preserving our forests. While \$3 billion is a step in the right direction, it is not nearly enough to address the environmental challenges that we face in the coming years. We must work to find additional revenue sources to ensure our conservation efforts are robust and well-funded and continuous.

This bill bans the use of polystyrene single-use containers, eliminating an environmental menace throughout New York State. This material, which is widely used for takeout containers, cups and packaging, pollutes our rivers, lakes and streams. It lingers in our soil and will remain there for centuries to come. The

waste that the polystyrene industry produces is ranked as the fifth largest creator of toxic wastes in the United States, not to mention the potential negative health impacts that consume -- that consuming petroleum-based substances -- substances -- may have on the human body. I am proud to support the steps that our State is taking to advance conservation efforts and will continue to support and champion these crucial environmental protections.

There are also many constituents in my district and across our State who are crippled with student loan debt. An entire industry exists built up taking advantage of individuals with student loan debt with so-called "student loan debt consultants" offering fraudulent services or charging a fee for loan consolidation or payment plan changes that can be done for free. The budget process -- the budget proposes language that would regulate this industry and ensure we have better protections for our consumers. We need to be looking at further ways to provide relief for individuals with student loan debt. But the regulation of this predatory industry is a step in the right direction. And I want to thank my colleagues, especially Assemblymember Zebrowski for his leadership in these issues.

With all of these different pieces, and this is just a few, we also have things like prevailing wage and other powerful pieces throughout, but all these different issues warrant individual consideration and we cannot ignore all of the unfortunate steps backwards from the progressive ideals we should champion. I find myself needing to speak up for the danger that we are putting people

and our Democracy in when we vote for this bill. I will be voting no on this bill and I encourage my colleagues to vote no, as well, but I do understand the considerations that we must make because of all of the other powerful pieces in this piece. Thank you so much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. MANKTELOW: Thank you. There are some good points in this bill and some really bad points in this bill. One of the good points -- excuse me. One of the good points I'd really like to discuss is at the section of the State and local extenders, Part XXX, item Q, it is "Action for inquiry or debt as a military member who served in Indochina." This item extends the period of time a member of the Armed Forces of this United States who served in Vietnam and was injured or killed as a result of contact with or exposure of phenoxy herbicides, also known as Agent Orange. They may bring forth a civil action from June 16th, 2020 to June 16th, 2022. I applaud this extension. The part that saddens me is when this came through Committee, I wanted an extension of who this covers. There are many members of the United States Armed Services that handled this material not only in Indochina -- Indochina, but also in bases here in the United States, ports throughout the world, whether it was on a -- a U.S. Navy ship, an Air Force plane; they also need to be covered. So, I give you my word that when we get back to Committee, I will

progress and move this forward to make sure those individuals are also covered. So, that's one of the better points.

So, we've talked about this bill, we've beat this bill to death today on a lot of the good points and a lot of the bad points. I just want to take a little different view, so I'll share this a little bit. There is a common thread here it seems to be. The Styrofoam container ban, I was thinking about this and about a week or so ago when I was home, one of our local restaurants who I tend to go there quite often, as you can see, we went there and picked up four meals. And just about every part of that meal was in a Styrofoam container, whether it was the soup, the salad, the steak, the shrimp, I forgot what else we had, but anyways... and I watched the owner of that restaurant. He was busting his hump to make sure everybody got food, got it done quickly and was able to make it happen. The least amount of staff there to cut the cost. He was doing everything he could to make his business go in this sad economy due to the COVID-19 virus.

The part that really struggled -- that I really struggle with here, it really bothers me, is it's not that we want to get rid of the Styrofoam ban -- or the containers, I understand that, and there probably are better things out there, but the part of this bill that really bothers me is the civil penalty. On the first offense, somebody using these, we're going to charge somebody \$250. On the second offense, \$500? Oh, and by the way, \$1,000 on the third -- third offense.

Our restaurant owners are struggling. They have inventory. Why on Earth would we hurt our -- our businesses in -- in

all of New York State, not just Upstate, but all of New York State? It just doesn't make sense. Again, a small business is going to have to deal with another regulation that they're going to have to take care of. It's just another headache to all of our businesses.

The second thing, the renewable energy project siting. We've heard about this throughout the last few hours. The part that really scares me here, as one of my colleagues said earlier, we're going to give one person more power to be able to do this wherever that person wants throughout New York State. That's our Governor; yes, our Governor. Back in my home district right now in one of our small communities, there's a company that wants to bring sludge out of New York City right now and -- and bringing it back up to our district. Right now that decision is really going to be up to that town board. If we continue to do things like this, there's going to come a point where it's possible our Governor is going to say we need to do this, we need to make it happen for the betterment of New York State. That's going to take control away from our local governments and our local people, the people that live in these communities. We really need to think -- think seriously about this.

Also, one of my other colleagues made the point of make permanent the New York Buy American Act, which I fully support. We should always buy American. This is a great country, we need to support it. But there are some quirks to this piece of legislation. One of the businesses in my district who I met with about three months ago has done business with New York State for over 21



years, on an average -- an average income from doing business with the State of about \$320,000 over those 21 years; \$321-- \$320,000 every year on average. But because the State decided to change that threshold from doing business at a minimum of \$200,000 to \$400,000, when they submitted their application to do business for the next several years, they were denied. A company of two brothers with about 50 employees in the small community in my district. We challenged that. We worked with the State trying to get them to change that. Nope, it wasn't going to happen, *You don't qualify*.

So, there was about 20 applicants under this part -- under this part. So, I did the research on those 20 applicants. Believe it or not, of the 20 applicants, 80 percent of them came from outside of New York State. What are we telling our local businesses? Oh, and by the way, three other companies were out of the U.S.; so our local industry, our local businesses, our local-owned businesses lost business to do within New York State and we're going to send it out of the country. This is absolutely crazy. Again, a common thread of hurting our local people, hurting our local businesses.

And we'll continue to move forward. Public financing of a campaign? We beat this to death again today, as well. We do not need to do this. We have our local schools. I talked to a school superintendent at 11:00 o'clock last night who's probably going to lose a half a million dollars in our small communities, their small school districts, a half a million dollars because the Governor is playing -- playing with the money again. Why on Earth would we not

take \$100 million and distribute that to our schools, or our libraries who had \$20 million cut from the Capital projects? These are the backbones of our small communities, our community centers, a gathering place. This is just absolutely how we do not do business in New York State; but, yet, we want to spend money advertising, come to New York State, great place to do business, great place to live. Is it really? I don't think our people feel that way. As we know, our people are continuing moving out and out and out. Again, another bad section of the budget. We don't need this.

And this one here really -- really kind of -- really bothers me - and I'm not trying to go negative, but this is what's going on - expand the definition of an immediate family member in farm labor's Fair Labor Practice Act. So now we're going to have a farm labor review board. They're going to make the determination if the employee shall be excluded from the negotiating unit. An employee, maybe one my loved ones, maybe one of my family members, we're going to have a whole different board make that determination? This is America, this is New York. This is what we do. Why on Earth would we do that? What's really the backbone? What's really the crux of this? We all know what that is, I don't need to say it, but we do know. So, again, we're hurting our local businesses.

And the next one, requiring prevailing wage to be paid on certain private construction projects. I commend the sponsor, because I know I met with him on several different occasions talking about some of the things, and they did expand that and I thank the

sponsor for that. But I really thought about this. So as a taxpayer, as a business owner, I pay my taxes, I pay my bills. I send that money to New York State and, oh, by the way, maybe in two or three years I'm going to apply for some money and I'm going to get some of that money back from New York State, which was originally my money and now, I'm going to have a higher cost possibly to do the project? Does this sound right? I don't think so. It's our money. It's our residents' money, not New York State, not the government. We need to continue to push and to make sure we get that message out there that we need to keep that money in their pockets, and they shouldn't be hurt because they decided to spend or grow their business.

Here's another good one: Extend for one year the authority of the Secretary of State to charge increased fees for expending -- for expending handling of documents. Oh, no, I'm sorry, expedited handling of documents. Are we serious? A -- part of the State that works for us because we want to do business, they're going to charge us more money? Why? We're already paying them. Why are we going to hurt our businesses? This is a -- this is a part of the Division of Corporations and an increased fee until March 31st, 2021. At a time in our life right now with what's going on, as we've all said, we don't need to be taking every little dollar out of everybody's pocket.

One of the last ones I just wanted to share with you. We all know as we travel the Thruway and travel around the State, especially now with everything going on, our truck drivers are so valuable to us. Our truck drivers. We can't get enough truck drivers.

We can't get enough bus drivers. It's so hard to get them to want to do the job. And here we're going to increase penalties for oversized and unauthorized vehicles. Again, making it harder and harder for us to do business in New York State.

These are just a few of the examples that we're -- we're faced through -- through this bill, through this part of the Budget Bill. There's no way I could support this. Absolutely not. So, I do encourage my colleagues to vote no on this. Let's support the residents of New York State, the people that we really serve. It's not us, it's them. It's their State, not our State. We're just part of the tool to help them out. So, again, please vote no on this and let's take care of the people that we really represent, everybody back in our districts. Let's never forget about them. Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Epstein.

MR. EPSTEIN: Will the sponsor yield?

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

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

MR. EPSTEIN: Thank you. And these might be mostly directed to Mr. Englebright, if that's possible, Madam Majority Leader.

MRS. PEOPLES-STOKES: I'm sorry, can you repeat that and speak into your microphone?

MR. EPSTEIN: Yeah, some of these might be

directed to Mr. Englebright, if that --

MRS. PEOPLES-STOKES: Sure. Mr. Englebright will be happy to yield, I'm sure.

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

MR. ENGLEBRIGHT: Yes.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. EPSTEIN: Mr. Englebright, just on the -- the polystyrene ban, is all of it banned or is there some exclusions within that ban?

MR. ENGLEBRIGHT: There are a couple of exclusions. One is for meat in Styrofoam and rigid polystyrene.

MR. EPSTEIN: And can you explain why we had those exclusions in the bill, just so I know?

MR. ENGLEBRIGHT: Obviously, a lot of people eat meat, and so --

MR. EPSTEIN: Even though I'm not one of them, I appreciate other people do.

MR. ENGLEBRIGHT: But a lot of people do. And so there's a health consideration. And the rigid polystyrene is recyclable.

MR. EPSTEIN: And so it's only the rigid polystyrene that --

MR. ENGLEBRIGHT: It's reusable.

MR. EPSTEIN: Oh. And --

MR. ENGLEBRIGHT: It can be reused.

MR. EPSTEIN: But not all meat is put in polystyrene. There are other forms of containers that they could use.

ACTING SPEAKER AUBRY: Would you talk into your mic? He may not like the back of your head, but it's easier for us to hear you.

MR. ENGLEBRIGHT: Can you hear me now?

ACTING SPEAKER AUBRY: There we go. You're a genius. You're a genius.

MR. ENGLEBRIGHT: Sorry, Harvey. Go ahead.

MR. EPSTEIN: Yeah, I was just wondering, like, sometimes meat and fish can be put in other forms of containers. I'm wondering why we felt it was necessary to exclude it here when there were maybe other options for that type of food.

MR. ENGLEBRIGHT: People have been eating meat for thousands of years, and polystyrene is a relatively recent addition to that tradition and that practice. So, no. You don't have to have polystyrene.

MR. EPSTEIN: Thank you. Just another question just on the amazing movement on the Bond Act. I really want to applaud your leadership in getting that done, and I'm great [sic] that there are different categories set out. I'm just inquiring about one of the categories where retrofitting buildings that -- you know, there's \$700 million that are set aside. Could some of that be used for our

public housing developments that might need some retrofitting?

MR. ENGLEBRIGHT: Some of our public buildings fairly beg to be retrofitted. They're inefficient, and people own them. And so if we're going to publicly move in the direction as -- as the general population of reducing our -- our greenhouse gas imprint, we should start with our public buildings, many of us believe, including myself. And so that's why we pushed for that and I'm very grateful to the staff, particularly this person sitting here who helped negotiate that.

MR. EPSTEIN: Yeah, it's pretty amazing. I really -- I applaud that effort and I'm glad we got the categories. I want to encourage us as we move forward if the Bond does get on the ballot in November and it gets passed, that we really think about our public housing and our public space, because that's a really important resource for us all.

Just one other question for you, if I can, just on the --

MR. ENGLEBRIGHT: Surely.

MR. EPSTEIN: -- fracking, which is -- I want to just applaud your effort to -- to ban fracking. Just so I'm clear, that's to frac gas in New York, or frac gas that is brought to New York from other jurisdictions or both?

MR. ENGLEBRIGHT: No. This would only be New York. It would not involve interstate commerce.

MR. EPSTEIN: Okay. So, is there a reason we didn't include fracked gas from other jurisdictions?

MR. ENGLEBRIGHT: This only in New York relates to the active drilling within our borders.

MR. EPSTEIN: So, someone could be shipping through a pipeline from Pennsylvania, frac gas to New York and they could continue to do that after we pass this?

MR. ENGLEBRIGHT: Yes, and we'll have to approach that part of the problem separately.

MR. EPSTEIN: Thank you. That was -- that was -- thank you. I appreciate that.

MR. ENGLEBRIGHT: You're welcome.

MR. EPSTEIN: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: Yeah. I -- I do want to applaud these amazing environmental movements that we were able to do today. And I -- it's really an historic moment. But I have to raise some really troubling issues that have come out as I've read through the bill, and things that have come really last minute. So, actually, before I do that, I want to also applaud the work around prevailing wages. I think that's a really important move forward.

And so, but -- but I wanted to just raise some of these issues. And the first and foremost thing is around the public financing. And while I support public financing and I believe it's an important step in New York State, I worry that we're being a little tone deaf in this moment when we're seeing the greatest probably economic collapse of our lives, to be pushing forward a bill on public financing.



And to me, the most difficult part of this is changing the ballot admission for parties. I -- I -- I deeply believe in Democracy and the Democratic process. But I am so troubled that we believe that we have to change a threshold for parties to be able to get on the ballot. It will basically destroy some of the smaller parties here in New York. And we had a commission. The commission came out with a report. The report said the commission didn't have the authority. To think that we should do this legislatively now is beyond me. It is something that is deeply troubling and deeply problematic to me and my community.

I really am also concerned about allowing us to invade the MTA lockbox. We created a lockbox for a reason. We knew that crises were going to happen and we were going to ensure that the money was left aside. And I know congestion pricing is on hold and I was proud to vote in favor of congestion pricing last year. But the idea of saying well, just because we don't have congestion pricing for a couple years, we're going to take whatever little money we have to make sure none of those capital improvements happen is -- is really -- really not the path forward.

So while I support a lot of these concern -- these issues, I can't in good conscience support this bill. I can't because of the rollbacks on Green Light, which was historic last year. I'm worried, not about this Governor but future Governors, giving access information for our so many vulnerable New Yorkers who we said, *Come get a license, come get insurance and we'll be able to protect*

*you*. I worry that's going to happen. I know there's a Manhattan exclusion for the e-scooters and in my district I can't tell you how many times I hear from a senior who was run over by a bicycle, an e-bike or an e-scooter who now is hospitalized. Who now can't walk. Whose family member has passed away because of how dangerous it is without any insurance, without any oversight. In my neighborhood, it's terrible. I fundamentally believe our workers who drive e-scooters have a right to make that legal, but what we're doing here goes well beyond what I believe.

So I say with a heavy heart that this is not a bill I can get behind, and this is not a bill we can support. So at the time, I'll be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CRESPO: So I -- I -- first of all, I'm grateful and I will be voting in the affirmative. And I know that there are -- there's so much in this budget to lament, there's so much to be grateful for. It is a difficult budget, as has been expressed over the last two days in so many ways. And I know in this particular budget I'm grateful for the prevailing wage legislation and the considerations that have gone in, and grateful to the sponsor of the bill and -- and the leadership for -- for negotiating that. And there's other things that are crucially important. But I wanted to just take this opportunity to

maybe share a sentiment here around this bill and what is and isn't in it. And -- and I say that because this may actually be -- could be -- as you know, I -- I've made it clear I'm not running for -- for reelection, and we don't know how this will play out, so it could be one of the last times that I have a real opportunity to express some sentiments about some of our work. But I know that in the 17 years that I've worked up in Albany, everything we do - and I know that everybody here, despite their political affiliation or whatever -- does so out of their values and the representation that they owe to the people who elected them. We all do that in our ways, and we can disagree about some issues. But the values of every member of this Chamber, no matter what side of the aisle, should never be questioned. I -- I believe that, and I support and really try -- I have always tried to listen carefully to the concerns of the other side, even when we disagree. As you know, I was a sponsor of the Green Light Bill, and we debated that for a long time, and we can agree that there are areas of any policy where we won't meet in the middle. We'll just have to, you know, stand on different ends of how we move forward on certain issues. But why do I say that? I say that because as I sit here and listen carefully, I've heard a lot of reminders about the instances where immigrant families or immigrants in this country have committed crimes or instances where law enforcement put themselves on the line to investigate and to do their work. And trust me, let me begin by saying that I commend and support the work of all law enforcement agents. But just like in every area of life, not everyone does what they're supposed to do the way

they're supposed to do it. Just like we see examples of elected officials who, you know, cross a line, or teachers or priests or you name it. We also see examples where law enforcement has crossed the line, and we want to hold anybody - because no one is above the law - accountable. So if you do something with your power that you're not supposed to do, you should be held accountable. And we may not like that, but that's -- should remain true. I say that because I understand that what's in this bill is simple. For the Trusted Traveler Program, we ensured - and I pushed for an inclusion of the word "individual" because I, too, as the sponsor of the bill, would never want to support anything that undermines what my father, as an undocumented immigrant, had an opportunity for and a privilege for -- for his entire time living in New York, which was an access to a driver's license. And -- and I wouldn't want to undermine that nor the trust in that process, and I truly believe, having talked to the Governor's team and our team, that this language that says that as necessary for an individual applicant to apply for temporary -- for the Trusted Traveler Program, you know, is -- is -- is not going to undermine our legislation. And I want to be clear in expressing my sentiments about that, and -- and for those who disagree, I respect that. I also want to say about that - and I know it came up - you know, local law enforcement, I remember when we debated that bill, we made sure that they had access to local law enforcement, you know, work. If they needed to run a plate, they can do that. I understand Border Patrol can't do that now. I'm not going to argue that point. And we

can discuss further in the future how we do that. But let me remind you that for every story that can -- that can be brought up around an undocumented immigrant who committed a crime, I could also point to the many horrible stories of mothers dragged out of vehicles with their children in the car by ICE agents. Or instances like the man in Brooklyn who was shot in the face during a particular intervention with ICE. Or instances where agents did not identify themselves properly, did not follow protocol in their zealousness to ensure that they, you know, caught someone. And they've made their mistakes, too. I say that because I wanted to make sure that the only instances where the immigrant community came up today in the context of this budget and what's happening with COVID in our communities doesn't only express a one-sided view. Let me tell you why. In the unemployment insurance, we have undocumented workers in the State. We have folks who are undocumented paying income taxes. This State receives almost, on average, half-a-billion dollars in income taxes paid for by undocumented immigrants. We don't return their money and say, *You shouldn't be here, therefore, take your money. We don't want it.* No, we keep that money and we spend it on the needs of all New Yorkers. And they keep our farms, our great farms in this State, many of them, they wouldn't be open without the amazing families who for generations have run their family farms. But they would even tell you if not for the support and the contributions of that immigrant workforce, even those farms would not be viable. When we talk about our small businesses, and we've

heard a lot of talk about small businesses -- don't forget that after 9/11, look at the data. Our growth economically happened because of the small business contributions, many of which started by undocumented or immigrant families starting their shops, keeping their businesses open. You know why? Because they don't have another choice but to be entrepreneurial. So let's not only highlight the negative few instances. The other fact that's come up a number of times in this House is the fact that on average, crime is not committed more by undocumented than -- than not. It's actually the reverse. They're less likely to commit crimes. And I say that because my father was somebody who was undocumented, and his son gets to now complete -- this would be my 11th Session as a member of this Body. I've been here 17 years when I came as an intern. And everything that I've ever fought for, I've tried to remember who I am, where I'm from and what I represent. I'm also -- I consider myself a, you know, proud American. I celebrated Thanksgiving every year, despite my friends who remind me about the negative connotations that's had on my Inca traditions or my Taino traditions, but I celebrate Thanksgiving, and I've learned to be grateful. I'm grateful for my time here. I'm grateful for the friendships and I'm grateful for what I've learned from everyone in this Chamber and in this Body and the staff and everybody who works in the New York State Assembly over these years. But I'm also grateful for our immigrant families who today don't have access to unemployment insurance. Who today don't have access to health coverage. They cannot even go to the health

exchange and buy a plan to protect themselves and their families. They are not allowed to do that, even if they pay market rate. We are -- we -- we -- we -- we benefit from the contributions of immigrants, but we don't provide anywhere near similar compensation for what they get. But yet in this tragedy, as COVID has reminded us that nature and a virus could care less where you're from, what you look like, what your political affiliation. Any one of us is as susceptible to the impacts of COVID as anyone else. But yet, immigrant families across this State, across this country, are more vulnerable than anyone else. They live in the neighborhoods where the highest density of impacts are. They live in the communities that get the less amount of support and resources. They -- they're limited to going to emergency rooms because they don't have the coverage to get telehealth and other things that everyone else gets. They're not going to get any support financially, so therefore, they will find themselves homeless. But they are the ones out there delivering food to families who must remain safe. They are the ones out there taking care of the elderly and others when they're alone. They fill those jobs that are necessary to be filled and we don't question that. But we can't also forget them and only remind the -- the public about them when -- when -- when in a few instances where criminal action are -- are -- are committed. I want to, in the spirit of Thanksgiving, in the spirit of gratefulness, I want to say thank you. I want to say sorry, also, to those immigrant families who are not getting enough support. I wish we had a different status or situation where, you know, in the middle of a pandemic we wouldn't

treat you differently or leave you out.

I wish we could do more in this budget. I'm grateful that we got Green Light done and that we do nothing to undermine Green Light - let me be clear about that in this - at least in my opinion. And I'm grateful that they at least have access for some to that driver's license so they can identify themselves. Think about a mother having to go to a hospital to bring their sick child in the middle of this pandemic and can't even say who she is. That is what Green Light did. And so I get it. There are other things that we should talk about. I would hope we never prove correct the instances where something bad can happen, but the majority of the examples of interactions with immigrants families in the State are nothing but positive. The majority of the contributions of those immigrant families are nothing but helpful to this country, to the State. And -- and in the middle of this crisis, they should not be left behind. I wish we could be doing more. So for that, I say sorry. But thank you for your entrepreneurial spirit. Thank you for those of you that are out there riding bicycles, delivering food. Thank you for those that are still trying to figure out how they're going to keep a roof over their head and -- and follow the guidelines and stay out of the line of -- of infection and everything else. I want to say thank you for your contributions to us, to the State. I know that as we come out of this crisis and we need to reignite our economy, I assure you, look at the data, that it will be our immigrant entrepreneurial spirit that will see us through an economic renaissance. So I hope that if nothing else, if nothing else, we don't forget to



mention the contributions when -- and -- and -- and I'm going to say this very respectfully. I know the term "politicizing" this issue has come up. Everybody politicizes, there's politics in everything. But I don't fight for immigrant communities because they can vote for me. They can't. I fight for them because in the eyes of every one of those immigrants out there, right now wondering how they're going to deal with this, what help is coming their way, what I see is my father's eyes. A father whose son got to serve here for 11 years.

For that, in the spirit of Thanksgiving and the spirit of the Pilgrims, the original undocumented immigrants, I want to say to all of them, Gracias. God bless you, and I will be voting in the affirmative.

ACTING SPEAKER WOERNER: Mr. Schmitt.

MR. SCHMITT: Thank you, Madam Speaker. I was wondering if the Transportation Chairman might be able to yield for a few questions?

I will -- don't start that clock yet.

No problem.

ACTING SPEAKER WOERNER: Mr. Magnarelli, will you yield?

MR. MAGNARELLI: Now I will, yes.

ACTING SPEAKER WOERNER: Mr. Magnarelli yields.

MR. SCHMITT: Thank you, Mr. Chairman.

MR. MAGNARELLI: You're welcome.

MR. SCHMITT: I just wanted to review a few points that I know you previously stated on the Green Light modification that is in this Budget Bill. I believe you previously stated that the Executive had cleared this language or had at least intimated to the Legislature that they had cleared this language. Could -- could you just specify if they -- is that -- is that correct? Is my understanding correct of your previous answers?

MR. MAGNARELLI: It's my understanding that the Executive has gone -- the Executive branch has gone over this with the Federal branch of our government.

MR. SCHMITT: Do you know who they supposedly ran it by?

MR. MAGNARELLI: No, I don't.

MR. SCHMITT: Are you able to, or -- or is the Majority able to state who in the Executive Branch intimated that this was ran by or approved or reviewed?

(Pause)

MR. MAGNARELLI: Only that they have had private conversations with Federal government employees who said that this would take care of whatever situation we've -- we have. Nothing in particular. No specific names, okay? I'm not trying to dodge the question.

MR. SCHMITT: No, I -- Madam Speaker -- well, Mr. Chairman, first, thank you.

MR. MAGNARELLI: You're welcome.

MR. SCHMITT: I'm going to say a few things and hopefully clarify some of the stuff.

On the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. SCHMITT: Madam Speaker, I appreciate the Chairman's comments in response to my questions, and I do believe he is providing responses to the best of his ability based on the information that this Chamber may have been given by the Executive. But sadly, those representations are a complete and utter falsehood from the Executive to this Chamber. The lead negotiator with DHS on this issue with New York State has never seen this language. There hasn't been communication in weeks over anything related to the Green Light Bill and the -- the dispute between the Federal government and New York State. No one has ever asked DHS anything about this language in part, in whole, potentially anything. This is coming directly from the highest-ranking officials at DHS within just the last hour. They are open and willing to work. But no one in New York wants to work with them. No one in the Executive Chamber, at least. So I'm going to stress to -- to the Chairman and to -- to the Majority, and if the Executive's listening, to -- to do that outreach. I have the contact information, direct cell phone and e-mail of the individuals at DHS who, despite us being in a COVID-19 crisis, would be more than happy to accommodate all New York State citizens and put language together with the State that actually would accommodate our first responders and law enforcement on the front

lines. DHS considers this language to be worse - and I think most law enforcement considers this to actually be worse than the current Green Light law. Actually criminalizing our men and women on the front lines, especially with Customs and Border Protection. People might not be flying right now. No need to really be concerned with the Trusted Traveler Program at the moment. But people are being human trafficked, and New York is one of the worst states in the nation for human trafficking. Many men and women, particularly younger men and women, still, during this crisis, are suffering from the scourge of human trafficking. And because of current Green Light Law, and should this become -- should this, as expected, become law today, will get even worse for the ability of the Federal government to track down and save countless lives who are being human trafficked. This language, they said, would be turned around in 24 hours if asked by the Legislature or the Executive. So again, by no means trying to cast doubt onto what the Chairman was told. I'm sure that is what was told. But it's unacceptable that those representations were made when, directly from the highest levels of the Department of Homeland Security and the Federal government, being told that is not the case. So this language goes further, is more dangerous than the existing language. It will do nothing to protect our State and the countless number of men and women who are human trafficked. It's going to handcuff first responders during a crisis. And I would wish - and I'm sure there could be bipartisan agreement on this one - I'd wish that the Executive wouldn't misrepresent or make statements that are

completely inaccurate when it comes to our budget negotiations. There's nothing more important than getting a timely budget done. And when you see that this is the type of statements that have been intimated to the Legislature during the negotiation process, one is left to wonder if something of such significance that comes from the Federal government on down and affects -- impacts every, you know, citizen of this State could be misrepresented in a best-case scenario or completely manufactured in a worst-case scenario. What else are we dealing with when it comes to the many other aspects of the budget and this budget process?

So again, I -- I thank the Chairman for answering all these questions. I have grave concerns. I extend to the Chairman, to the Executive or anybody on the Majority side, and I know that our leadership is going to be forwarding over that contact information immediately to say there is an openness and willingness to actually resolve this in a manner that moves forward in a positive direction and is agreeable. But we have learned today that that is not the case, and I appreciate you allowing me to speak on this matter, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Schmitt.

Mr. Bronson.

MR. BRONSON: Yes, Madam Speaker.

On the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. BRONSON: So, I want to start with talking

about what my colleague just mentioned, and that is that we all bring values to the People's House. One of the values that I bring is to ask this question before I make any policy decision. And that is, *Will this policy move us closer to the ideal of equity, or will this policy remove barriers to equity?* And if it does one of those two things, then we're in the right track. I want to commend - and with your permission,

Madam Speaker, I'm going to use the member's name -

Assemblymember Crespo. Your presentation you just gave is the essence of moving us closer to equity. And I remember when I first met you that we had some discussions about my community, the LGBTQ community. And I saw you grow and start from a point of dignity of all human beings. And you have brought that to this Chambers, the People's Chambers. And I want all of those listening to applaud you - in the event that this is the last time you get to speak on the floor - for your efforts and moving us closer to the ideal of equity for all people. So thank you, Assemblymember Crespo.

It turns me now to -- one of my colleagues brought up the prevailing wage and that's what I want to talk about. But I want to talk specifically first about one aspect of it and the -- it is the provisions we put in prevailing wage to encourage diversity within the construction trade. Under current law, there's not a requirement for MWBE in private contracts. This bill will require that. But it does much more than just requiring that, and I'm going to talk about MWBE, but it also includes disabled veterans as well. But let's talk about MWBE. It requires the Fiscal Officer, the Commissioner of the

Department of Labor, to develop training and to use funding to help MWBEs understand the mechanisms and procedures of prevailing wage. That's a good step forward. It also requires an annual report on the utilization in these projects by MWBEs. It requires an analysis of their antidiscrimination and EEOC policies. It requires also data about not only the MWBEs, but also the number of workers who are people of color or women or other minorities. This is a good step forward. It also requires that the MWBEs can have input in any changes of the procedures under these projects. So we have work to do, because remember I said I start each policy with whether it'll move us closer to equity or remove barriers. These steps will move us closer to equity, but what it doesn't do is remove barriers to MWBEs' participation in these larger projects. So we have to work on doing that, and I have come -- indicated to my colleague that I'm willing to work with her and others to make that happen. So this is a good step, but we have work to do.

Let me talk about the bill. The bill itself is also a good step because it moves us closer to the requirement in the Constitution that in Article 1, Section 17 that says workers are not a commodity. And on public works projects, we must pay them prevailing wage. So we move closer to that. It also moves us closer, as one of my colleagues mentioned, taxpayer dollars of the businesses. Well, guess what? These workers also pay taxes. We all pay taxes. And taxes are to be used for the benefit of the whole State. And this is when taxpayer dollars are being used, we're working for the benefit of

the workers. This is good for workers because they get increased pay. It's good for our communities because they use that pay to then spend money for our small businesses and others, whether it's movies, whether it's my coffeehouse. Whatever it is, they go out and spend that money. It's good for the local economy because sales tax dollars are going into the local government as well. It's good for the State because income taxes are going here, and it's good because they can buy homes and then we get real property taxes as well. It's a win-win for the workers. It's a win-win for the economy. It's a win-win for local and State government. It's also a stimulus. As I mentioned during the debate, every single president in a recession has said we need people to go out and spend in the economy. What did the Federal government just do? One thousand two hundred dollars to every person in New York State, and if you have a child, \$500 for the child. That's putting money in the pockets of people so they can go and spend, but it also helps them in this difficult time. That's what this bill will do. It will put money in the pockets of workers so they can spend that money in our economies and on their families.

Some folks mentioned the cost of the project. We have many studies that show the cost of the project is not substantially going to go up. Now, granted, if you compare, like many want to do, the non-prevailing wage rate and the prevailing wage rate, it's higher. So there will be more cost there. But the overall cost of the project is not higher, and most peer review studies indicate that, indeed, 82 percent of all peer review studies show there is not a substantial



increase in the project when it's prevailing wage. And why is that? It's because when it's prevailing wage, contractors find savings in materials. They find savings because there's increased labor productivity. They find savings because it's higher-quality workers. They find savings because there's fewer change orders. They find savings because the workers are trained in safety. They're more safe, they don't have accidents, therefore, the insurance coverage is lower. For all these reasons, prevailing wage on projects that are funded and subsidized by your taxpayer dollars is the right policy to do. And when we've added the MWBE - again, admittedly, it's a start - that makes it positive, too, because we need more minorities and women in the construction trades.

Madam Speaker -- Mr. Speaker -- you switched on me -- this is a good bill. I encourage people to support it. I know it's mixed in with other policy issues, but I am pleased. And I want to thank, as I end, I want to thank the Speaker for being with us on this. I've been working on this issue before I was an Assemblymember. I've been working on this issue since 2004, 16 years, and we've got it over the finish line. And that's because of the Speaker, it's because of cooperation from the Senate, and it's because the Governor partnered with us to make it happen. This is a good day for New Yorkers and I'm pleased to have been a part of it.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

This is a Party vote.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to thank all of our colleagues in and around the Chambers for engaging in the debate on the bill before us. And clearly state again, for the record, that this is a Party vote in the affirmative with the exception of Charles Barron. Members who are in and around have a desire not to vote with the party, you should be in the Chambers to do that. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Caucus is opposed to this bill. And as part -- as voting as a party in the negative, I would remind any member of the Republican Caucus, if you would like to vote for this, please contact to us or come to the Chamber and vote in the affirmative. Otherwise, it will be in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Party line votes on both sides. Members choosing not to vote with their party please come to the Chamber and cast your vote. Thank you so very much.

Ms. Byrnes to explain your vote.

MS. BYRNES: Thank you, Mr. Speaker. I'm voting

no, but I want to briefly explain why, especially with the Accelerated Renewable Energy Growth and Community Benefit Act. I believe that Article 10 already has adequate protections with rigorous public involvement and environmental review scoping. Enough to make our communities feel that they're -- they, as the host communities, are protected. This act would usurp existing local approval authority for any renewable energy product greater than 10 megawatts, which will further expand the substitution of the judgment of the State over local residents with respect to local land use. It also will expand the power of the State to supercede local zoning laws solely for the purpose of seeking to achieve the Governor's target goal under the Renewable Energy Act passed last year. I've received many resolutions from throughout my district. They indicate that by expanding State control over local land use, by expanding the authority of the State to supercede local zoning laws in an arbitrary manner, by inserting the State into negotiations over and determination of local tax rates, by limiting public participation in environmental review and land use decisions, and by allowing renewable energy projects to be approved with insufficient staffing, that this act is in contravention of our Home Rule provisions of Article 9 of the New York State Constitution. It infringes upon the towns' right to ensure the safety, health and well-being of persons or property within the town. It infringes on the towns' power -- power to regulate and levy taxes and the administration of local taxes.

I'll be the first to admit that there are disagreements.

However, we, in our area, we stand united that we, as a community, should make the decision, not Albany. And for that reason, I am here to strenuously vote no.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker, to briefly explain my vote. Mr. Speaker and my colleagues, to approve a taxpayer-funded campaign system that we say is going to only cost \$100 million - we know it's going to cost more - when we're facing a healthcare and economic crisis and when we're facing a \$10 billion budget deficit; services and programs are being cut; individuals and families are hurting and need help; our small businesses are getting crushed with closures, lost revenue, investments, jobs. Unable to make payroll, pay bills. This proposal is so totally out of touch. Another misplaced priority when so many people are hurting, and it certainly sends the wrong message.

I'd also like to comment on the Renewable City Law that we passed that's part of this bill. This -- this totally eviscerates local laws, ordinances, local input, local authority and control, just so we can place wind and solar farms and developments all over Upstate New York, wherever the State wants to put them, regardless of whether the local community wants them or not. Why? Just to meet another very costly mandate that's going to cost billions and billions and billions of dollars for the so-called Green New Deal in New York, that in the end is not going to make a bit of difference in reducing the total global carbon emissions in the world when New York only

contributes .5 percent of the total global carbon emissions. But what it will do is it will devastate manufacturers, small businesses, family farms, taxpayers, ratepayers, and we're going to continue to see the exodus of people and businesses continue to leave our State.

So for this and for a whole host of other reasons that I'm not going to talk about now that I talked about earlier, I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. As we all know, we are at a challenging moment in our history, in world history, and the State's history. We have a major crisis, a crisis of historic proportions. And yet, we as a Legislature, we as a State, we are doing our job. We are doing the work that needs to be done. It is not easy. There are complicated issues. I want to highlight one issue especially relevant because we are facing a health crisis right now, a health crisis. And one of the things that we continue to do in this budget is to do our job on related health issues as it relates to the environment. This budget includes our next installment in \$500 million for clean water projects. This budget includes an Environmental Bond Act that is going to address important issues facing the health and safety of New Yorkers. This budget includes a continued funding of the Environmental Protection Fund. This budget includes something that comes from this House, which is a proposal in the Bond Act, for a Storm Water Grant Program for municipalities to help them pay for important clean water projects. I want to thank our Chair of the

Environmental Conservation Committee, Steve Englebright, for his leadership. For Speaker Heastie, for everybody in this House, for keeping our eye on many things at once, and making sure that we do our jobs for the people of New York, for the health of New Yorkers. We do that with this budget, and we should recognize the important step we're taking for the environment with all the other things we are challenged with today.

It is an honor to be able to work together with all of you in these difficult times.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Phillip Steck.

MR. STECK: Thank you, Mr. Speaker. There are many things in this legislation that I support. I particularly enjoyed the excellent, excellent explanation of prevailing wage by my colleague from Rochester. On the other hand, I voted against creation of the commission relating to elections, public financing and the minor parties. The report of that commission was unsatisfactory and highly politicized. And to be spending hundreds of millions of dollars on public financing at this time when the Governor's claiming there is a crises that requires him to be able to make unilateral cuts in the budget, it does not seem to make any sense whatsoever.

Therefore, I will be voting in the negative on this bill.

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

Ms. Griffin.

MS. GRIFFIN: Good afternoon, everyone. I appreciate being able to explain my vote. New Yorkers -- New York's workforce is the backbone of our society. They deserve to be paid a living wage and benefits that keep them and their families healthy and able to thrive economically. I support the long, hard fight for prevailing wage measures in this budget because it ensures the recruitment of workers who are trained and have the expertise necessary to maintain a safe job site, and this culminates in a sustainable and lasting end product. Without prevailing wage, our local economies suffer because out-of-State workers are recruited, and they -- they will spend their wages back in their home state instead of New York State, and then New York State uses -- loses reinvestment in their economy. Once our businesses reopen after this pandemic, our economy is going to need stimulation. And it's these people with their increased wages that can shop more, can eat at restaurants, can buy homes and be part of a vital -- vital economy. Unfortunately, this bill also contains provisions to publicly finance political campaigns which we, as taxpayers, can simply not afford to do, especially during this economy.

I am voting in favor of this package because it contains prevailing wage and because we are not expending any taxpayer funds at this time for public campaign financing. Rather, I am asking the Comptroller to provide us with cost feasibility and a viable funding source before public funding is allocated for this

measure in the future. In recognition of and appreciation for our State's workforce, I vote in favor of this bill. I applaud -- applaud and thank Assemblyman Bronson for his dedication to this important issue of prevailing wage. I thank all of the Assembly Chairs for their work on these important issues.

Thank you very much, and I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Thank you very much. Members are reminded to in explaining your votes don't use another member's name. Thank you very much.

Ms. Simotas.

MS. SIMOTAS: Thank you, Mr. Speaker, to explain my vote. Budget votes are always difficult because bills contain some good and some bad. I'm happy to see that this bill includes some important measures to legalize e-bikes and e-scooters, pay prevailing wage for certain projects, ban Styrofoam and ban fracking, and streamline the siting process for renewable energy projects. However, given the magnitude of the climate crisis that we are facing, this Budget Bill does not go far enough. While the reforms we are passing are important victories, we are still not tackling the root of the problem that ails our environment. We need a real Green New Deal to power New York that reimagines the way we produce power and energy for our communities. We need to create publicly-owned utilities that mitigate environmental damage that is wreaking havoc on our neighborhoods. Air pollution drives high rates of asthma and



respiratory illnesses that have left so many New Yorkers incredibly vulnerable to COVID-19. This pandemic has illustrated just how urgent it is to enact major structural changes and fully transition to clean energy and protect public health from the harm -- the harms of carbon emissions. I will continue to fight for climate justice because I want a better State. I want a better future for my daughter. We cannot stop working until we take every measure to ensure that the future generations have a safe, livable planet to inhabit.

And with that, on this Budget Bill, I will be voting no. Thank you.

ACTING SPEAKER AUBRY: Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker. Today we are faced with a bill that contains a last-minute unnecessary change to the language of our Green Light Law. As many of you know, I grew up undocumented and understand firsthand the pain and fear of being found out, deported and separated from your family. Last year, as we faced countless attacks from the Federal government in our immigrant communities, our Legislature took a gigantic step to ensure that we could protect our undocumented neighbors, coworkers and friends. We passed the Green Light Bill which allowed anyone regardless of immigration status to be able to apply for a driver's license. The bill was drafted with the understanding that the Federal government would likely seek the opportunity to invade our privacy, deport our families, and attack our values. We carefully included language to protect information from the Federal government. We made these promises to

families. Months later as we face continued attacks from the Federal government and attempts to gain access to our systems, our refusal to comply led the Federal government to suspend New York's participation in the Trusted Traveler Program. This brought us here to this amendment. Instead of standing strong against the bigoted attacks coming from the Federal administration, which have -- we have now arbitrarily sought to change this law. Please know that this program has been suspended and likely won't start until the end of the year, but yet here we are. While people are dying, this is what we're seeking to do. The language that's drafted is overly broad. It makes us vulnerable and it's penetrable. While our present State Administration touts itself as being pro-immigrant, we can't say the same for future administrations. So I'm saying to the DMV today, we will be watching as you implement this. It is foolish to think that the Federal government will not continue to seek new and novel ways to come after our community. Sadly, this bill also includes e-bikes and the prevailing wage bill, which is sorely needed by the people in my community. And I have no choice but to choose some over others.

And for that reason, I vote no, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I rise to also explain my vote. And as was mentioned earlier, omnibus Budget Bills such as this are a series of trade-offs, especially when they do have a number of policy considerations in them or policy provisions. So once again, this is one that also has a number of trade-offs. But I want to

start on a number of the positive pieces of this and that particularly, this is good news for the environment, as we heard earlier. It may not go far enough, but I think this is a tremendous win, particularly with the Bond Act going forward. And I am particularly pleased. I had asked that we do set aside some climate and renewable energy provisions for SUNY/CUNY and it makes them eligible for up to \$350 million to make those buildings more green as well as other State-owned buildings. We've also got the Styrofoam ban, the fracking ban and other pieces of this. One in particular that I know has been very important to the environmental community is the Article 10, the siting provisions. And while I think we've made a very important step forward here, I want to commend the leadership for listening to those of us who have towns that have had some concerns, a number of concerns here. I really appreciate some of the latter changes that were made into those provisions to make sure that we do allow for local input, make sure we protect those local property tax bases -- base, and -- and we will be watching that as -- as we go forward and continuing to have input.

With regard to some of the trade-offs on this, I recognize that public financing has caused a lot of concern. My understanding is there's no provision in here that is putting in \$100 million at this point, and it will be a couple of years. It will give us time to work on this. That said, I do think public campaign financing is a move forward.

With regard to another provision that has been

controversial for a number of years, it's prevailing wage. I know that this is probably not the best time to have adopted this measure, but I think we've adopted a very reasonable prevailing wage measure that will input on 2022.

And with that, Mr. Speaker, I stand in the affirmative on this bill as well as e-bikes. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. There is a lot in this bill to digest. And I think there are things that many of us have supported over the years and things that many have not. I do want to go back to the Election Law issue, the public financing that I spoke about earlier. But I want to quickly talk about a topic which I didn't have an opportunity to talk about, and that's the extension of START-UP NY, which is a program that has consistently under-delivered. And we need to put the reporting requirements back in that were previously there. Extending it without any new reporting requirements to ensure that we take care of our - our -- our businesses. We need at this time -- like I talked about last night, we need to support our neighborhood small businesses that are struggling, that are closed right now and that are going to need help getting back up off their feet. Anything we do to fund other economic development programs, especially ones that aren't proven to work, takes away from that goal. So I'm not supportive of -- of that.

And the last thing, I want to talk again about the

public financing commission. Yes, it's true, it doesn't start for another few years and we're not appropriating funding for it in this Budget Bill. However, we're committing the State to funding that program in the future. Unless we come back and repeal that program, we are committing the State to funding that program in -- in a couple of years when it gets up and running. So we are choosing that the -- the General Fund will have to backfill those dollars, which as I said earlier, are not going to come through the tax check-off, which is very unlikely to produce anywhere near the dollars needed for the program.

So for that and many other reasons, I'll be casting my vote in the negative.

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

(The Clerk announced the results.)

The bill has passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call on Mr. Goodell for an announcement?

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

MR. GOODELL: Thank you, Mr. Speaker. I'd like to announce that there will be a Republican Conference call. The Republican Conference will have a conference call at 6:00 p.m. today.

ACTING SPEAKER AUBRY: Republican Conference call at 6:00 p.m.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I would like to advise the members that there will be a Ways and Means Committee meeting in Hearing Room B at 7:00 p.m. Immediately following that there will be a Rules Committee meeting, and upon the completion of those two committees' work, we will come back into Session to finish up our work here. 7:30 -- 7:30 instead of 7:00, Mr. Speaker.

ACTING SPEAKER AUBRY: Ways and Means at 7:30, and Rules immediately following. And then immediately after that we will be back in Session.

MRS. PEOPLES-STOKES: Yes.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you put our House in recess.

ACTING SPEAKER AUBRY: The House will stand in recess.

(Whereupon, at 5:45p.m, the House stood in recess.)

\* \* \* \* \*

**AFTER THE RECESS**

**9:39 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

We do have housekeeping, Mrs. Peoples-Stokes, if you will indulge me.

On the main Calendar, on a motion by Ms. Weinstein, page 36, Calendar No. 226, Bill No. A.05991, amendments are received and adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can now advance the B-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. If we can take up the Rules Report No. 22, which is on page 3.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09506-B, Rules Report No. 2 -- 22, Budget Bill. An act to amend the Education Law, in relation to contracts for excellence and the apportionment of public moneys; to amend the Education Law, in relation to the Statewide Universal Full-Day Pre-Kindergarten Program; to amend the Education Law, in relation to conditions under which districts are entitled to apportionment; to amend the Education Law, in relation to courses of instruction in patriotism and citizenship and in certain historic documents; to amend the Education Law, in relation to instruction in the Holocaust in certain schools; to amend the Education Law, in relation to moneys apportioned to school districts for commercial gaming grants; to amend Part B of Chapter 57 of the Laws of 2008 amending the Education Law relating to the Universal

Pre-Kindergarten Program, in relation to the effectiveness thereof; to amend Chapter 756 of the Laws of 1992, relating to funding a program for work force education conducted by the Consortium for Worker Education in New York City, in relation to reimbursements for the 2020-2021 school year; to amend Chapter 756 of the Laws of 1992, relating to funding a program for work force education conducted by the Consortium for Worker Education in New York City, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend Chapter 169 of the Laws of 1994, relating to certain provisions related to the 1994-95 State Operations, Aid to Localities, Capital Projects and Debt Service Budgets, in relation to the effectiveness thereof; to amend Chapter 147 of the Laws of 2001, amending the Education Law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend Chapter 425 of the Laws of 2002, amending the Education Law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend Chapter 101 of the Laws of 2003, amending the Education Law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend Part C of Chapter 57 of the Laws of 2004, relating to the support of education, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary



expenses and public pension accruals; relates to authorizing the City School District of the City of Rochester to purchase certain services; relates to suballocations of appropriations; to amend Chapter 121 of the Laws of 1996, relating to authorizing the Roosevelt Union Free School District to finance deficits by the issuance of serial bonds; in relation to certain apportionments; to amend Chapter 89 of the Laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo Central School District, in relation to the effectiveness thereof; to amend Chapter 18 of the Laws of 2020, authorizing deficit financing and an advance of aid payments for the Wyandanch Union Free School District, in relation to the issuance of serial bonds; and relates to the support of public libraries (Part A); to amend the Education Law, in relation to establishing the Syracuse Comprehensive Education and Workforce Training Center focusing on Science, Technology, Engineering, Arts, and Math to provide instruction to students in the Onondaga, Cortland and Madison County BOCES and the Central New York region in the areas of science, technology, engineering, arts and mathematics (Part B); directing the Commissioner of Education to appoint a monitor for the Rochester City School District, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district; and providing for the repeal of certain provisions upon the expiration thereof (Part C); to amend the Education Law, in relation to predictable tuition allowing annual tuition increase for certain SUNY schools (Part D);

intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to utilize reserves in the Mortgage Insurance Fund for various housing purposes (Part H); to amend the Emergency tenant Protection Act of Nineteen Seventy-Four, in relation to authorizing a payment offset for rent administration costs (Part I); to amend the Labor Law, in relation to requirements for sick leave (Part J); to amend the Social Services Law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part K); to amend the Family Court Act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the Domestic Relations Law, in relation to restricting genetic surrogate parenting contracts; to amend the Public Health Law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the General Business Law, the Estates, Powers and Trusts Law, the Social Services Law and the Insurance Law, in relation to the regulation of surrogacy programs; to amend the Estates, Powers and Trusts Law, in relation to inheritance by children after the death of an intended parent; and to repeal Section 73 of the Domestic Relations Law, relating to legitimacy of children born by artificial insemination (Part L); intentionally omitted (Part M); to amend the Social Services Law, in relation to restructuring financing for residential school placements; to repeal certain provisions of the Education Law relating thereto; and providing for the repeal of such provisions upon expiration thereof

(Part N); intentionally omitted (Part O); to amend the Education Law, in relation to establishing the Curing Alzheimer's Health Consortium (Part P); to amend the Education Law, in relation to the Foster Youth College Success Initiative (Part Q); to amend the Social Services Law, in relation to the standard of proof for unfounded and indicated reports of child abuse and maltreatment; and to amend the Family Court Act, in relation to the admissibility of reports of child abuse and maltreatment (Part R); to amend the Private Housing Finance Law, in relation to increasing the annual amount of loans made to an agricultural producer from the Housing Development Fund (Part S); to amend the Private Housing Finance Law, in relation to increasing the bonding authority of the New York City Housing Development Corporation (Part T); to amend the Local Emergency Housing Rent Control Act, in relation to the date when the local legislative Body of a city having a population of one million or more may determine the continuation of the emergency (Part U); to amend the Social Services Law and the Vehicle and Traffic Law, in relation to photo identification cards (Part V); to amend the Tax Law, in relation to State support for the local enforcement of past-due property taxes (Part W); and to amend the Tax Law, in relation to the Employer Compensation Expense Tax (Part X); to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the Public Health Law, in relation to health care initiative pool distributions; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of

provisions thereof; to amend the Public Health Law and the State Financial Law in relation to eliminating programs that do not support the Department of Health's core mission; to amend the Public Health Law, in relation to payments for uncompensated care to certain voluntary non-profit diagnostic and treatment centers; to amend the Public Health Law, in relation to the distribution pool allocations and graduate medical education; to amend the Public Health Law, in relation to the assessments on covered lives; to amend the Public Health Law, in relation to tobacco control and insurance initiatives pool distributions; to amend Chapter 266 of the Laws of 1986 amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to extending the effectiveness of certain provisions thereof; to amend Chapter 62 of the Laws of 2003 amending the General Business Law and other laws relating to enacting major components necessary to implement the State Fiscal Plan for the 2003-04 State Fiscal Year, in relation to the deposit of certain funds; to amend the Social Services Law, in relation to extending payment provisions for general hospitals; to amend the Public Health Law, in relation to extending payment provisions for certain medical assistance rates for certified home health agencies; to amend the Social Services Law, in relation to extending payment provisions for certain personal care services medical assistance rates; to amend Chapter 517 of the Laws of 2016 amending the Public Health Law relating to payments from the New York State Medical Indemnity Fund, in relation to the effectiveness thereof; and to repeal

certain provisions of the Public Health Law relating to funding for certain programs (Part Y); to amend the Social Services Law, in relation to limiting the availability of Enhanced Quality of Adult Living Program ("EQUAL") grants (Part Z); to amend the State Finance Law, in relation to transferring responsibility for the Autism Awareness and Research Fund to the Office for People with Developmental Disabilities; to amend the Mental Hygiene Law, the Insurance Law and the Labor Law, in relation to transferring responsibility for the comprehensive care centers for eating disorders to the Office of Mental Health; and to repeal certain provisions of the Public Health Law relating to funding for certain programs (Part AA); to amend Chapter 59 of the Laws of 2016 amending the Public Health Law and other laws relating to electronic prescriptions, in relation to the effectiveness thereof; to amend Chapter 19 of the Laws of 1998, amending the Social Services Law relating to limiting the method of payment for prescription drugs under the Medical Assistance Program, in relation to the effectiveness thereof; to amend the Public Health Law, in relation to continuing nursing home upper payment limit payments; to amend Chapter 904 of the Laws of 1984, amending the Public Health Law and the Social Services Law relating to encouraging comprehensive health services, in relation to the effectiveness thereof; to amend Chapter 62 of the Laws of 2003, amending the Public Health Law relating to allowing for the use of funds of the Office of Professional Medical Conduct for activities of the Patient Health Information and Quality Improvement Act of 2000,

in relation to extending the provisions thereof; to amend Chapter 59 of the Laws of 2011, amending the Public Health Law relating to the Statewide Health Information Network of New York and the Statewide Planning and Research Cooperative System and general powers and duties, in relation to the effectiveness thereof; to amend Chapter 58 of the Laws of 2008, amending the Elder Law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to extending the expiration of certain provisions thereof; to amend the Public Health Law, in relation to issuance of certificates of authority to accountable care organizations; to amend Chapter 59 of the Laws of 2016, amending the Social Services Law and other laws relating to authorizing the Commissioner of Health to apply Federally established consumer price index penalties for generic drugs, and authorizing the Commissioner of Health to impose penalties on managed care plans for reporting late or incorrect encounter data, in relation to the effectiveness of certain provisions of such chapter; to amend Part B of Chapter 57 of the Laws of 2015, amending the Social Services Law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; to amend Chapter 57 of the Laws of 2019, amending the Public Health Law relating to waiver of certain regulations, in relation to the effectiveness thereof; to amend Chapter 474 of the Laws of 1996, amending the Education Law and other laws relating to rates for residential health care facilities, in relation to extending the effectiveness of certain provisions thereof; to amend Chapter 81 of the Laws of 1995,

amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to extending the effectiveness of certain provisions thereof; to amend Chapter 58 of the Laws of 2008, amending the Social Services Law and the Public Health Law relating to adjustments of rates, in relation to extending the date of the expiration of certain provisions thereof; to amend Chapter 495 of the Laws of 2004, amending the Insurance Law and the Public Health Law relating to the New York State Health Insurance Continuation Assistance Demonstration Project, in relation to the effectiveness thereof; to amend Chapter 563 of the Laws of 2008, amending the Education Law and the Public Health Law relating to immunizing agents to be administered to adults by pharmacists, in relation to the effectiveness thereof; to amend Chapter 116 of the Laws of 2012, amending the Education Law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents, in relation to the effectiveness thereof; and to amend Chapter 21 of the Laws of 2011, amending the Education Law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, in relation to the effectiveness thereof (Part BB); to amend the Public Health Law, in relation to the State's schedules of controlled substances (Part CC); to amend the Public Health Law and the Labor Law, in relation to the State's modernization of environmental health fee (Part DD); to amend the Public Health Law, the Tax Law and the General Business Law, in relation to the sale of tobacco products and

vapor products (Part EE); to amend the Public Health Law, in relation to the renaming of the Physically Handicapped Children's Program (Part FF); to amend the Social Services Law and the Public Health Law, in relation to creating a single preferred-drug list for medication assisted treatment; to amend Chapter 57 of the Laws of 2015, amending the Social Services Law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; to amend Chapter 165 of the Laws of 1991, amending the Public Health Law and other laws relating to establishing payments for medical assistance, in relation to the effectiveness thereof; to amend Chapter 710 of the Laws of 1988, amending the Social Services Law and the Education Law relating to medical assistance eligibility of certain persons and providing for managed medical care demonstration programs, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part GG); to amend the Public Health Law, in relation to expanding telehealth services (Part HH); to establish a pilot program for the purposes of promoting social determinant of health interventions (Part II); to provide for the administration of certain funds and accounts related to the 2020-2021 Budget, authorizing certain payments and transfers; to amend the State Finance Law, in relation to the administration of certain funds and accounts; to amend Part D of Chapter 389 of the Laws of 1997 relating to the financing of the Correctional Facilities Improvement Fund and the Youth Facility Improvement Fund, in relation to the issuance of certain bonds or notes; to amend Part Y of



Chapter 61 of the Laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 Budget, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in relation to the issuance of certain bonds or notes; to amend Part K of Chapter 81 of the Laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 Budget, in relation to the issuance of certain bonds or notes; to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the issuance of certain bonds or notes; to amend the New York State Urban Development Corporation Act, in relation to the issuance of certain bonds or notes; to amend Chapter 329 of the Laws of 1991, amending the State Finance Law and other laws relating to the establishment of the Dedicated Highway and Bridge Trust Fund, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in relation to the issuance of certain bonds or notes; to amend the New York State Urban Development Corporation Act, in relation to the issuance of certain bonds or notes; to amend the Private Housing Finance Law, in relation to housing program bonds and notes; to amend the New York State Urban Development Corporation Act, in relation to authorizing the Dormitory Authority of the State of New York and the Urban Development Corporation to enter into line of credit facilities, and in relation to State-supported debt issued during the 2021 Fiscal Year; to amend the State Finance Law, in relation to payments of bonds; to amend the Civil Practice Law and Rules, in relation to an action

related to a bond; to amend the State Finance Law, in relation to establishing the Public Health Emergency Charitable Gifts Trust Fund; and providing for the repeal of certain provisions upon expiration thereof (Part JJ); to amend the Public Health Law, in relation to the designation of Statewide general hospital quality and sole community pools and the reduction of capital related inpatient expenses; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part KK); to amend the Social Services Law, in relation to reimbursement of transportation costs; to supplemental transportation payments; to reimbursement of emergency transportation services; to manage Medicaid transportation services using the contracted transportation managers for transportation provided to enrollees of managed long term care plans; to transition to a Medicaid transportation broker; and to reimbursement of emergency medical transportation (Part LL); to amend the Social Services Law, in relation to changing the authorization requirements for personal care services; to amend the Public Health Law, in relation to integrated medicaid managed care products for dual-eligibles; in relation to licensed home care service agency contracting; to amend Chapter 60 of the Laws of 2014, amending the Social Services Law relating to fair hearings within the Fully Integrated Duals Advantage Program, in relation to the effectiveness thereof; to amend the Social Services Law, in relation to integrated fair hearing and appeals processes; to amend the Public Health Law, in relation to the Hospice Worker Recruitment and

Retention Program; in relation to licensed home care services agencies; to direct the Department of Health to contract with an independent assessor to conduct community health assessments; to amend Part C of Chapter 57 of the Laws of 2018, amending the Social Services Law and the Public Health Law relating to health homes and penalties for managed care providers, in relation to the effectiveness of certain contracts; to amend the Social Services Law, in relation to the medicaid eligibility look-back period and to the community spouse resource amount; to amend the Public Health Law, in relation to authorizations for personal care services; to direct the Department of Health to establish or procure the services of an independent panel of clinical professionals and to develop and implement a uniform task-based assessment tool; and in relation to managed long term care plans program oversight and administration (Part MM); to amend the Public Health Law, in relation to discontinuing return of equity payments to for-profit nursing homes (Part NN); to amend the Public Health Law and the Labor Law, in relation to wage parity enforcement (Part OO); to amend the Social Services Law, in relation to improving access to private duty nursing services for medically fragile children, removing limitations on alternative rehabilitative services and establishing pilot programs promoting the use of alternative treatments for individuals suffering from chronic lower back pain and diabetes and chronic disease self-management (Part PP); to amend the Social Services Law, the Public Health Law and the Insurance Law, in relation to managed care encounter data (Part QQ); to amend the

General City Law and the Administrative Code of the City of New York, in relation to authorizing providing relocation and employment assistance credits (Part RR); to amend the Real Property Tax Law and the Administrative Code of the City of New York, in relation to abatement of tax payments for certain industrial and commercial properties in a city of one million or more persons (Part SS); to amend the Election Law, in relation to omitting a candidate for the Office of President of the United States from the primary ballot (Part TT); to amend the Criminal Procedure Law, the Judiciary Law and the Executive Law, in relation to securing orders and pretrial proceedings (Part UU); to amend the Penal Law, in relation to transit crimes and prohibition orders relating to such crimes (Part VV); to amend the Hudson River Park Act, in relation to Pier 76 (Part WW); to amend the Insurance Law, in relation to prescription drug pricing and creating a drug accountability board (Part XX); to amend the Financial Services Law and the Insurance Law, in relation to claims payment timeframes and payment of interest, payment and billing for out-of-network hospital emergency services, claims payment performance and creation of a workgroup to study health care administrative simplification; to amend the Civil Practice Law and Rules, in relation to claims for medical debt; to amend the Public Health Law, the Insurance Law and the Financial Services Law, in relation to provisional credentialing of physicians and to amend the Insurance Law and the Public Health Law, in relation to preventing recoupment of COVID-19 related inpatient and emergency services

claims (Part YY); to amend the Tax Law and the Social Services Law, in relation to certain Medicaid management; and providing for the repeal of such provisions upon expiration thereof (Part ZZ); to amend Chapter 266 of the Laws of 1986 amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to extending the effectiveness of certain provisions thereof; to amend Part J of Chapter 63 of the Laws of 2001 amending Chapter 266 of the Laws of 1986, amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, relating to the effectiveness of certain provisions of such chapter, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend Part H of Chapter 57 of the Laws of 2017, amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part AAA); intentionally omitted (Part BBB); to amend Part H of Chapter 59 of the Laws of 2011, amending the Public Health Law and other laws relating to known and projected Department of Health State Fund Medicaid expenditures, in relation to extending the Medicaid global cap (Part CCC); to amend the Insurance Law, in relation to capping cost sharing for insulin (Part DDD); to amend the Public Authorities Law, in relation to the New York State Bridge Authority (Part EEE); to amend the Public Health Law, in relation to extending and enhancing the Medicaid drug cap and to reduce unnecessary pharmacy benefit manager costs to the Medicaid program; to direct the

Department of Health to remove the pharmacy benefit from the managed care benefit package and to provide the pharmacy benefit under the fee for service program; and to amend the Public Health Law, in relation to participation and membership in a demonstration period (Part FFF); to amend the Public Health Law, in relation to enacting the Emergency or Disaster Treatment Protection Act (Part GGG); to amend the Criminal Procedure Law and the Judiciary Law, in relation to automatic discovery (Part HHH); to amend the Local Finance Law, in relation to establishing a period of probable usefulness for airport construction and improvement of the Ithaca Tompkins International Airport (Part III); to validate certain acts of the Mahopac Central School District with regard to certain capital improvement projects (Part JJJ); to amend the Social Services Law, the Public Health Law and the Insurance Law, in relation to managed care encounter data, authorizing electronic notifications, and establishing regional demonstration projects (Part KKK); and to amend Chapter 141 of the Laws of 1994, amending the Legislative Law and the State Finance Law relating to the operation and administration of the legislature, in relation to extending such provisions (Part LLL).

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 is a -- an amendment at the desk by Mr. Manktelow to -- who will briefly explain the amendment while the Chair examines it.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, can you hear me?

ACTING SPEAKER AUBRY: Yes, sir.

MR. MANKTELOW: Thank you, Mr. Speaker. I offer the following amendment and request an opportunity to explain it.

ACTING SPEAKER AUBRY: Please do.

MR. MANKTELOW: Thank you, sir. This amendment adds to the bill-in-chief's a section that would prevent the use of monies appropriated to the Department of Health under the Medical Assistance Program to be used for elective abortions.

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

On the amendment, sir.

MR. MANKTELOW: Thank you, Mr. Speaker. This amendment prevents taxpayers' funding of elective abortions. This amendment would allow for taxpayer funded abortions in three circumstances: When the life of a mother is at risk, when the pregnancy was the result of a rape, and when the pregnancy is a result of incest. According to an October 2016 Harvard poll referred to as

the Clinton versus Trump Voters on American Health Care Poll, 58 percent of the voters opposed allowing Medicaid funding to be used for abortion services. The Harvard poll also found that women were more likely than men to support funding a Planned Parenthood, but not more likely to support Medicaid coverage of abortions. As recently as January 2018, a Marist poll found that 60 percent of the Americans opposed using taxpayers' dollars for abortion.

Every year, the abortion industry receives millions of dollars in direct and indirect government funding. Even though has -- even though Federal law has prohibited the use of the Federal funds for abortion since 1976, this House has yet to pass this amendment, even when offered year after year. Abortion providers also benefit from indirect funding when entities that receive government funding provide or fund abortions, allowing taxpayers' dollars to be funneled to these providers and allowing them to focus their resources on the abortion.

In 2015, the Majority in this House argued for the Women's Reproductive Health Act. The reasoning stated over and over was that Federal protections had been in place since 1973 covering the life and the health of a woman, and that it was necessary to make New York -- New York's law consistent with Federal law. However, we know that New York law is not consistent with Federal law because three years after Roe -- Roe v. Wade in 1976, Federal law was enacted to prohibit the use of Federal funds for abortions under the Hyde Amendment.



The reason why the Hyde Amendment continues to be in effect today and has been through numerous Democratic Presidencies is because there was a consensus that taxpayers who oppose abortion should not feel that they're -- that they are a party of the procedure because their hard-earned dollars are paying for the abortion. The public policy behind precluding taxpayer funding for abortions is not limited to the Republican Party; in fact, this amendment reflects the changes that were signed into law by President Clinton on October 22nd, 1993 when he signed into law the Department of Labor, Health and Human Services and Education and related agencies Appropriations Act of 1994. That act contained a new version of this Hyde Amendment that expanded the category of abortions for which Federal funds are available under Medicaid to include cases of rape and incest. This amendment, referred to as the Butler Amendment, has reflected the Federal language adopted under the Clinton Administration.

In addition, on March 24th, 2010, President Barack Obama signed Executive Order 13535 reinforcing a commitment to the preservation of the public policy restricting Federal funds for abortion within -- with the consent -- context of recent health care legislation. With the recent expansion of abortions rights in the State, those individuals who are morally opposed to abortions should not be required to foot the bill for elective abortions. This measure will not stop anyone from obtaining an abortion under the new expansion, but it would give taxpayers freedom from paying for the abortions that are

elective and are argued by the Majority in this House.

The laws concerning abortion in New York should be consistent with Federal law, that should mean in all aspects of public policy. I urge my colleagues today to support this amendment and vote on the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Glick on the amendment.

MS. GLICK: Thank you, Mr. Speaker. The right of women to terminate a pregnancy was determined in 1973 by the Supreme Court. And I'm proud that New York has decided that one's financial status should not be a barrier to women exercising their Constitutional rights. We do not take polls on people's Constitutional rights. And we could undoubtedly find polls that suggest that most people actually believe that one's economic status should not require them and force them into mandatory maternity.

This is -- the reason that this has been defeated, this amendment, in this House for as long as I have been here, now on 30 years, is because the people of the State of New York believe that the right to control one's body, for women, should not be dependent on whether or not they have the financial wherewithal in order to -- in order to terminate a pregnancy.

Now, of course before abortion was legal in this country, women got abortions. They just happened to be rich women. And they were able to go to another -- fly to another country or they were able to pay under the table to a doctor who was actually qualified

to provide safe services. Women who couldn't wound up either dead in a cheap motel somewhere, or in a back room somewhere, or had their ability to carry children in the future seriously diminished because of infection or outright loss of reproductive organs. I would hope that in this new century we would not be looking to turn the clock back to where women have to resort to wire hangers in order to terminate an unwanted, unintended pregnancy. Now, they didn't get pregnant on their own, but they are the, in too many instances, the only one who bears the burden. And that is why in this State we have allowed women to access Medicaid funding for abortion because it is a Constitutional right, and a Constitutional right should not be barred simply because of one's economic status. There are other instances when people have been denied their Constitutional right, their right to vote, because of a poll tax. That was abhorrent and this is abhorrent.

So, I would urge the Body to, once again, stand up for the simple proposition that women across this State have the right to exercise their Constitutional right to terminate a pregnancy even if they do not have the financial wherewithal. Thank you, Mr. Speaker, I urge that this be once again defeated.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I certainly want to concur with my colleague, Member Glick, and encourage my client -- the other colleagues who are in and

around the Chamber that this is a Party vote and all votes will be cast in the negative. Should you desire to cast a vote for this amendment, which I would encourage you not to, you should come into the Chambers and do so. With the exception of Member Buttenschon, Eichenstein and Mike Miller, everyone else will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is voting yes on -- in favor of this amendment. Thank you.

ACTING SPEAKER AUBRY: Thank you very much.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill.

An explanation has been requested by Mr. Ra.

MRS. PEOPLES-STOKES: Yes. This bill, A09506-B, by the way, which has been already passed in the Senate, this bill would enact into law major components of legislation that are necessary to implement State Fiscal Year '20-'21 Budget as it pertains

to Education, Labor, Family Assistance and Health. There are, among its provisions, it -- they go from Part A straight through, Mr. Speaker, to Part LLL.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields, Mr. Ra.

MR. RA: So I think we are finally at a stage where we could have that general conversation that we've been so much looking forward to about the overall financial plan in -- in this budget. So, just starting with the overall spending, how much does this budget spend on an All-Funds basis?

MRS. PEOPLES-STOKES: So All-Funds spending, Mr. Ra, is \$178 billion, a 1.2 percent increase over Fiscal Year 2020. All-Funds Operating Funds, State Operating Funds, spending total is \$95 billion, a 7.8 percent decrease from State Fiscal Year 2020. The General Fund spending totals \$71 billion, a decrease of 9 percent from State Fiscal Year 2020, and the State Fund spending totals \$108 billion -- \$108.5 billion, a decrease of 6.1 from State Fiscal Year 2020.

MR. RA: Okay. Thank you very much. Now, in terms of the final plan, we all know we are in a situation where, you know, we went through the process, the revenue consensus process,

and obviously something really unprecedented has happened in the interim, you know, relating to us to end up in this situation we're in now and dealing with, obviously, this reduction in funds that -- that we're dealing with.

So in terms of the overall picture, though, relative to the Executive's Budget Proposal, can you just go through those -- those numbers, again, as they compare to the Executive Budget Proposal.

(Pause)

MRS. PEOPLES-STOKES: The State is downward to account for the projected \$10 billion deficit across the board. All-Funds spending stayed level with the Executive's Proposal as it is assumed that Federal funds will offset the loss of tax revenue.

MR. RA: Thank you. In terms of the reserved funds, how much are found in the Rainy Day Reserve Fund, the Tax Stabilization Fund, and were any deposits made to these funds in this budget?

MRS. PEOPLES-STOKES: Tax Stabilization Reserve is \$1.3 billion; Rainy Day Fund is \$1.2 billion; Contingency Reserves, \$21 million; set aside for economic uncertainties, \$890 million; set aside for debt management, \$500 million and monetary settlements, \$2 billion.

MR. RA: Okay. And is there any cash behind appropriation for the Debt Reduction Reserve Fund?

MRS. PEOPLES-STOKES: Yes, there's \$500

million.

MR. RA: Okay. And what is the total debt outstanding for Financial Year 2020-21?

MRS. PEOPLES-STOKES: Sixty point three billion dollars.

MR. RA: And where does that leave us under the debt cap?

MRS. PEOPLES-STOKES: Three -- \$3.7 billion in 2020, \$20 million by 2024.

MR. RA: And how much does this budget increase the authorized bond caps?

MRS. PEOPLES-STOKES: Twenty billion dollars.

MR. RA: Okay. And is that in line with the Executive Budget Proposal or changed?

MRS. PEOPLES-STOKES: It's pretty much in line what the Executive proposed.

MR. RA: Thank you. One other item with regard to this. You mentioned the Economic Uncertainties Fund. Am I correct that is settlement funds that are being put into that?

MRS. PEOPLES-STOKES: Yes.

MR. RA: And what's the plan for spending those?

(Pause)

MRS. PEOPLES-STOKES: The Uncertainty Fund is -- is uncertain what it will be used for. But it could be used to fill gaps in the existing budget, but it's preferred not to be used at all and to use

Federal resources to fill gaps in existing budget.

MR. RA: Okay. Thank you for that. I want to move along more directly to this particular bill and the provisions dealing with debt in this bill that are chapter amendments, I guess, to -- to our previous work that we've done on this budget with regard to debt. I know there is some short-term bonding authority which is something we've been hearing about as -- as a need the State may have because of revenues being -- not coming in, revenues being delayed. So, can we -- can you go through what the short-term borrowing authority is that is being put forward?

(Pause)

MRS. PEOPLES-STOKES: Okay, Mr. Ra, there was -- actually be a little more clarity on this in the next bill. But I can tell you that right now this is authorizing the ability to use up to \$8 billion in PIT notes to help the State because of economic downturn brought on by COVID-19 and authorizing DASNY and/or UDC to enter into a \$3 billion line of credit for the State to draw upon.

MR. RA: Okay. And am I correct that those two sums of money are being excluded from being considered debt on behalf of the State, meaning that they will not fall under the debt cap?

MRS. PEOPLES-STOKES: Yes.

MR. RA: And is -- is there also language that would allow the Director of Budget to convert this bonding to long-term debt?

MRS. PEOPLES-STOKES: Yes.



MR. RA: And should that -- should that occur, at the discretion of the Director of Budget, it will not count under our debt cap, correct?

MRS. PEOPLES-STOKES: Yes.

MR. RA: Okay. Thank you. Is there any concern being addressed or -- or expressed in that regard as to -- we know -- we talked about this, you know, the other night on the Capital Bill, bonding is obviously difficult right now. I think many of us understand the -- the need to get through this period, but if this is converted to long-term debt, we're essentially at that point borrowing for operating expenses and we're saying that it's not debt issued on behalf of the State. Is there concern that this would be difficult to go out on the market with given those provisions?

(Pause)

MRS. PEOPLES-STOKES: Okay. So, Mr. Ra, the -- the State has already experienced this -- the issue that you bring up last month. The resources that we receive from the Federal government allowed us to get a line of credit that keeps this government going and will allow us to do additional borrowing in the future.

MR. RA: Thank you -- thank you for that. One last question, or area that I wanted to get into and it's -- it relates, though, to a -- to Part ZZ, which is a provision related to a funding pool for financial -- for financially distressed hospitals. I don't know if yourself or if Chairman Gottfried would be the appropriate person to

direct those to.

MRS. PEOPLES-STOKES: Actually accurate, Mr. Ra, Chairman Gottfried would be the appropriate person to discuss any health-related issues.

MR. RA: Okay. Would Chairman Gottfried yield?

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

MR. GOTTFRIED: Yeah, actually, if we're going to start the discussion of the health portion of this, I'd just like to make some opening remarks, and then I'll take your questions?

MR. RA: Well, my -- I only wanted to just ask quickly about that -- that one piece in Part ZZ, which is this Distressed Hospital Fund at it relates to the counties in New York City. And if you'd like to explain that, that would be great.

MR. GOTTFRIED: Okay. There will be, I guess a -- a \$500 million program of assistance to distressed hospitals and nursing homes, \$250 million of that will be raised -- will -- will come from the State, \$250 million will come from -- \$200 million from the City of New York, \$50 million from the other 57 counties. I think the -- the bill is relatively sparse on details of the criteria and processes, but that's what it is.

MR. RA: Okay. And -- and that's exactly what I was going to ask, what -- what the level of detail is or what the plan was to actually figure out what the share of any individual county is, but I think you just answered it, that -- that the bill does not speak in any

real detail as to how that -- how that will be done.

MR. GOTTFRIED: What each county pays and I guess what its hospitals will be entitled to receive -- no. Okay. What each county pays will be proportional to its share of local sales tax around the State. That's -- that's not necessarily how the money will be distributed. So, if a given county pays 5 percent of the State of -- of local sales tax around the State, they will contribute or they will pay 5 percent of the \$250-.

MR. RA: Well, but 5 percent of the \$50-, correct? Because it's the \$200 million --

MR. GOTTFRIED: Excuse me. It's -- it would -- for New York City it's a flat amount, \$200 million. Outside of New York City, it would be 5 percent of -- it would be their percent not of the Statewide sales tax, but of the non-New York City counties sales tax.

MR. RA: Okay. Thank you very much. My time is short so I want to just make a quick point. I appreciate you answering some questions.

Just quickly, there's a not -- a lot of provisions in this bill obviously with regard to Health and Medicaid, and I just want to quickly point out this is going to be another cost shift onto our counties. Last year, we shifted \$59 million of AIM-related payments that used to be made by the State onto the counties, it comes off the top of their sales tax. This is going to be another \$50 million on -- on those counties outside of New York City that comes off the top at a time when they're already experiencing great loss of sales tax

revenues. So, that is a huge concern that we're putting our counties into that situation that they're going to lose more and more revenue as a result of us shifting costs on -- onto their back. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield or the Majority Leader?

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

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MANKTELOW: Thank you. Thank you, Madam Majority Leader, and good evening.

MRS. PEOPLES-STOKES: Good evening.

MR. MANKTELOW: I just have a couple of questions in regards to A09506. The first one, the realigned financing for residential placements of children with special needs outside the New York City area; are you familiar with this?

MRS. PEOPLES-STOKES: Yes.

MR. MANKTELOW: That's Part -- that's Part N.

MRS. PEOPLES-STOKES: Yes.

MR. MANKTELOW: Okay. Having just been briefed on this like an hour and a half ago or so, what this does is it does a cost shift back to the schools. What's -- what's happening is the

-- the Governor's decided to take out the 56.8 percent that the State used to pay to help cover those costs and I was just wondering, are the schools aware of this?

MRS. PEOPLES-STOKES: They should be aware of it. It actually was in print in the Governor's Executive Budget since January.

MR. MANKTELOW: Okay. Because -- because yesterday, I had gotten some calls on the -- on the State -- the -- the runs for the schools, and I'm not sure they were all aware of this, maybe they didn't see it. But I just have concern here because we're going to put another cost back onto the schools, especially with everything going on with the COVID-19 and -- and some of the stuff that's going on with their -- their State runs. So I just want to be sure that they're aware of that and I just wanted to be sure you guys had reached out to the schools.

MRS. PEOPLES-STOKES: Yes.

MR. MANKTELOW: Okay.

MRS. PEOPLES-STOKES: Thank you.

MR. MANKTELOW: Oh, no, thank you. And I have just a couple of other questions on --

MRS. PEOPLES-STOKES: Okay.

MR. MANKTELOW: -- the paid gestational surrogacy. Who would I talk to about that, Madam?

MRS. PEOPLES-STOKES: Yes, if Ms. Paulin would yield, she would be able to answer any of those questions.

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

MS. PAULIN: I would be happy to.

MR. MANKTELOW: Well, thank you so much.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MR. MANKTELOW: Thank you so much, and good evening. Just have a few questions on this. So, would this person be a -- the surrogate, the carrier of the baby, would that person be a contract laborer?

MS. PAULIN: A contract laborer?

MR. MANKTELOW: Yes.

MS. PAULIN: Well, the -- the person who would be a surrogate would have a court order or they would have an agreement with the work -- I guess you could call it a contract with the intended parents under this -- under this bill.

MR. MANKTELOW: So, once -- once, if everything went well and the baby was delivered and turned over to the parents awaiting for the child, would the parents then issue this individual a 1099 for tax purposes?

MS. PAULIN: No, they would not.

MR. MANKTELOW: So the surrogate is going to carry the baby and make money, but does not have to pay taxes?

MS. PAULIN: You make an interesting point. It would be considered income, yes; in fact, we have a provision in -- in the -- in the bill that actually explicitly states that the -- notice has to

be given that because of the income they might receive, they have to be noticed that it could affect, if they're on public assistance, for example. So, it is considered income. I -- you know, I hadn't really -- there's no provision in here that requires a 1099, but it's an interesting concept that we'll have to look at.

MR. MANKTELOW: All right. Thank you. I appreciate that. And would the increase of minimum wage in New York State for all workers, how would that play into effect here?

MS. PAULIN: Well, you mean, considering -- so, I see. So, once you're pregnant, you're implying that you'd have to pay minimum wage for each of the hours of their...

MR. MANKTELOW: I'm just -- I'm just asking the question. I'm not implying anything, I just -- it was a question that came up.

MS. PAULIN: Well, I -- I think that, you know, these contracts or these relationships, these -- is happening all over this country and, in fact, the only state that has penalties like we do in New York is Michigan. There are 44 states that have some sort of surrogacy agreement. In those states, the intended parents and the surrogate establish a -- a fee. Sometimes it's uncompensated. For example, you know, sometimes it's a -- it's a relative who wants to do something for their -- for their relative. So there's all kinds of -- agreements that -- that happens as a result of legalizing surrogacy, as we are doing in this case.

MR. MANKTELOW: Okay. So, what if the

surrogate did -- if there was an agreement where they did get paid, after they carried the -- the child for nine months, at the end of the nine months the -- the surrogate says, *I'm not doing this anymore*. Would that surrogate be allowed to go on unemployment?

MS. PAULIN: Would -- would it go on what?

MR. MANKTELOW: Would the surrogate be allowed to go on unemployment?

MS. PAULIN: I don't know what you -- you're -- you mean. Like a --

MR. MANKTELOW: So -- so the surrogate's working for nine months carrying the child --

MS. PAULIN: Right.

MR. MANKTELOW: -- at the end of the nine months, *I'm done with this job, I'm not doing it anymore, I didn't like it, it's too hard on me*, would she be allowed to go on unemployment?

MS. PAULIN: Just like any agreement, and you're the one who implied that it was contractual, the agreement is for the duration of the pregnancy. So, there's no -- there's no provision in the bill that would say that somehow now they could go on unemployment as a result. I mean, there's -- there's no provision like that. There are --

MR. MANKTELOW: Okay. I know these are some odd questions, but I'm just thinking of some of the questions that could come up. And one of the other questions that I had thought about and, you know, I'm really going this -- going this -- or doing this



through my head over and over, you know, is this -- is this a good thing or not a good thing. There -- it's -- there's pros and cons to this, at least that's what I believe.

So -- so the surrogate carries the child. The child's born, she gives birth to the child, we're the parents waiting for the child, for some reason the child comes out and has a severe birth defect; what happens at that point?

MS. PAULIN: The intended parents, because of the obligation that they made early on, are the parents of that child.

MR. MANKTELOW: Okay. So, one step further. I hired a surrogate to carry my child for -- for me and my wife. Come to find out when she was pregnant carrying our child, she decided to do something bad that harmed the child. Well, what happens at that point?

MS. PAULIN: In any of these agreements, a lot of provisions are identified. And if there's any concern like that -- I mean, these -- these surrogates -- I mean, honestly I've never heard of that, I've heard of many other things. Been following this issue since 2006, but I've never heard of a -- of an occasion where the surrogate purposefully harmed the -- the fetus inside of her. It's -- there are provisions in the -- in the agreement to do all kinds of things. For example, they -- there could be provisions about even exercise. I mean, it's up to the two -- it's up to the two parties to make that -- to make those choices. So, you know, I -- I've just never heard of this. I can't say that it won't ever happen, but it's never happened to my

knowledge.

MR. MANKTELOW: Okay. I think that's all I have for you, so I appreciate the time and I appreciate your comments. Thank you.

MS. PAULIN: That --

MR. MANKTELOW: That's it, yes. I can come up with some more if you want me to. We could look -- we could look at overtime.

MS. PAULIN: No, it's okay.

MR. MANKTELOW: All right.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Thank you, sir. Last year, as -- as most of you know, I have two children that are adopted and last year when we debated the Reproductive Health Act I felt very strongly that I am -- I know that I'm pro-life and -- and I was just hoping that instead of aborting a child, we could give that child for adoption.

And one of the things that stuck in my mind since last year on this floor was when I was debating this bill, I was told by a Member of the Assembly that a -- a woman's body is not a vessel to use for -- for children and then giving them up. And I -- and I never really -- never really forgot that. And this is where I struggle, because to me every baby is so dear and so loved. That baby, from the day that baby is conceived as a child, and I struggle with some of this, I struggle with -- with the abortion part of this, with the abortions that

go on in New York State. And there's so many lovely children that we never get to see. And I just hope we're not going too far one way and not being to help those loved ones that are in those wombs and never actually make it here. Maybe some day they could be here on this floor.

So, right now I probably won't support this bill. I just think there's -- there's better options out there, especially when we can abort a child that we could give that child up for adoption, as I've been so fortunate to have two little ones, and now bigger ones and bigger problems in my life, through the adoption process. So, I thank you again, Mr. Speaker, for the time to speak on this. And I struggle with this one, I really do. So, at this point I think I would not support this, but I -- I do appreciate the thoughts and we'll see how this goes. So, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr.

Speaker. Would the Majority Leader yield?

MRS. PEOPLES-STOKES: Yes, be my pleasure.

ACTING SPEAKER AUBRY: As soon as she sits down she indicates that she will yield.

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

MR. GOODELL: I had a number of questions on the sick leave policy. Would you like me to direct those to you or to

anyone else?

MRS. PEOPLES-STOKES: I -- I would appreciate it if Mr. Crespo would yield and you can address them to him.

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

MR. CRESPO: Very happy to.

ACTING SPEAKER AUBRY: Mr. Crespo yields.

MR. GOODELL: Thank you very much, Mr. Crespo. Now, this legislation includes provisions that would require every employer in the State of New York to offer some type of sick leave to -- paid sick leave to their employees. And, of course, with a State the size of New York, we have enumerable variations on what kind of employment arrangements are made. So, historically, we've always left those to be negotiated between an employer and the employees. And I was hoping you could help provide some clarification on this language, because obviously if it goes into effect, people want to know, *What's it mean as far as I'm concerned*, right?

So, it starts out and it has different levels of sick leave depending on the size of the employer. For example, it says with employers of four or fewer employees in any calendar year, the employee is provided up to 40 hours of unpaid sick leave in a calendar year. My question is, what's meant by "four or fewer employees?" Is that a simple count? So, in other words, if I have four part-time employees with -- doing the equivalent of two full-time employees, do we do full-time equivalent or do we just have a counter?

MR. CRESPO: It's a straight count, four employees.

MR. GOODELL: So, if I only have one employee, I'm a, you know, very small business and that employee leaves, I hire a second employee, I'm starting to get closer, and if for some reason that employee leaves and I hire a third, or bring in two for the Christmas season, then that triggers this; is that correct?

MR. CRESPO: No. I -- my understanding you -- you would have to have four employees at the same time.

MR. GOODELL: And does that -- and my concern is it says for employees with four or fewer employees in any calendar year. But, even though it's silent, you mean at any time?

MR. CRESPO: At any time. But also keep in mind the -- the employee would have to accrue that time over time, so if it's someone you just brought on board, I'm not sure they would have accrued the benefit.

MR. GOODELL: Okay. So, when we're talking about the number of employees, it's at any given time, not --

MR. CRESPO: Yes.

MR. GOODELL: Okay. Second question, this is -- it doesn't refer to the average number of employees, right? So, if I have a small business and I average three employees, but I bring an extra one on for the Christmas season, that triggers this?

MR. CRESPO: That would trigger it, yes.

MR. GOODELL: Okay. We refer to income threshold, as well, and that refers to what's known as net income. In

the description given earlier, it was suggested that's net taxable income. Is that what we mean by income, net taxable income?

MR. CRESPO: Make sure I get you the right answer, Mr. Goodell. Net taxable income.

MR. GOODELL: Okay. So, it does reference your tax return, but as you know, we have GASB, FASB, generally accepted accounting standards. But for the purpose of this legislation, we're referring to taxable income --

MR. CRESPO: Yes.

MR. GOODELL: -- correct?

MR. CRESPO: Yes.

MR. GOODELL: Just touching base on the number of employees, I have a number of seasonal businesses in my county. For example, I have a ski resort. The ski resort might have 200 employees in January and two employees in July, because the only thing they do in July is mow the lawn. I mean, mow the slopes, you know, so it doesn't grow up in briars. But they might have a couple of hundred employees, hopefully, in a nice ski season. Would they then be considered a 200-employee employer even though on average they only have, instead of the three months -- I mean, for three months they have 200, the rest of the year they have two. Would it be an average that would bring them down to like 50?

MR. CRESPO: My understanding is they would, in fact, be considered an employer with 100 or more during that time that they have that many employees they would be accruing their time.

MR. GOODELL: And, of course, since it's a seasonal business, at the end of the season when it warms up, they lay everyone off except for the two guys that are doing the maintenance. Am I correct they would not have any obligation to pay sick leave after they laid somebody off?

MR. CRESPO: That's correct.

MR. GOODELL: And so, if you're a seasonal business that's only open for three months, you would be paying sick leave while you're open for the three months and then the other nine months they can be off, but you're not covering them for sick leave.

MR. CRESPO: They -- they would have to accrue that time while they were on the payroll.

MR. GOODELL: Now, most of us think of sick leave as being home while we're sick. Some employers -- I would say the vast majority of employers that offer sick leave also recognize sick leave if a close one, you know, your daughter, son or a parent or a sibling or a spouse is sick. But we always -- I mean, traditionally we think of sick leave as involving someone who's sick, hence the name, I suppose, right? But this bill applies to sick leave even though you are perfectly healthy and everyone around you is perfectly healthy, right? I mean, it applies, for example, if you want to take time off to enroll your kids in a new school, even though everyone is perfectly healthy, correct?

MR. CRESPO: This particular benefit would be used for mental or physical illness, injury or health condition of the

employee or their family member, as well as to seek services related to domestic violence, a sexual offense, stalking or human trafficking.

MR. GOODELL: Well, I'm looking at page 42 of the bill, the last line, line 55, it also applies if you need to take time off to enroll your kids in a school.

MR. CRESPO: Related to domestic violence, yes.

MR. GOODELL: So, all those subcategories have to tie in, in some way, to a family offense or domestic violence?

MR. CRESPO: Correct.

MR. GOODELL: And now I see it does mention domestic violence and, as we just mentioned, it also mentions family offense, correct?

MR. CRESPO: Yes.

MR. GOODELL: And family offense is the same definition that we've seen over and over in Section 510 of the Criminal Procedure Law?

(Pause)

MR. CRESPO: I would have to verify what's in the bill, I don't think --

MR. GOODELL: Well, the reason I'm concerned about that is because the definition of a family offense starts out with a definition that's -- it's very broad. It includes former boyfriends or girlfriends, former roommates, right? Because the concept of family is a very, very broad definition. Are we using that very, very broad definition --



MR. CRESPO: So --

MR. GOODELL: -- or a more specific?

MR. CRESPO: -- it doesn't seem to be defined in the bill, so I guess if there was an issue, the courts could either make a decision or it's something we may have to revisit at some point.

MR. GOODELL: And, of course, family offense also includes things that have nothing at all to do with violence or illness or injury. It could involve, for example, theft, right? That's part of the definition of a family offense. Identity theft. Your roommate uses your credit card without your permission and -- and charges some beer to it or something like that. Why would we give paid sick leave if you have something going on in your family life that has nothing whatsoever to do with your employer, nor with your physical or mental health?

MR. CRESPO: Well, I -- I -- if someone stole my identity and could possibly in the midst of committing a crime with my information or identity, I think that would cause me some mental stress, to say the least. But I think, you know, to your point, we're seeing now more than ever the many ways in which the impact to the health and well-being and mental state of an employee can -- can come in many forms. I think most employers care -- care deeply about the conditions of their employee. An employee who is in the midst of dealing with one of these many situations is someone that would probably not be very productive in -- in the job, and I would think that most employers would -- would, you know, actually willingly be

happy to give them the time to deal with that. We want to make sure that workers across the State have the benefits that right now all New York City employees have through a very similar program. We want to make sure that they have the benefits that public-sector workers with collective bargaining agreements, many of them have this already. And I think many private-sector employers already offer this. So I -- I hear you, and I think there's a lot of very technical things that may be up to DOL or the courts to ultimately decide as this get rolled out and implemented. But we're learning now more than ever that it is important to provide leeway for folks that deal with illness in many forms.

MR. GOODELL: Well, I have another question that hopefully you can help me on. I'm looking on page 43, line 28. This requires that the sick leave be paid, at the -- at his or her -- "the employee's regular rate of pay." In my county I have a number of manufacturers, and those manufacturers pay different rates sometimes, depending on what you're doing, what piece of equipment you're operating. If you're operating a high-tech C&C they might pay you a much different rate than if they same employee is doing a different job. And many of the manufacturers also pay what's called "piece work." So they -- they guarantee a minimum wage, and then you earn above that, sometimes substantially above that, based on the number of parts you produce per hour. So my question is, if you have somebody who's working at a variable rate or at piece work, what -- what basis do you use for calculating their sick leave? This is paid

sick leave. Obviously unpaid sick leave it's time.

MR. CRESPO: I believe it would come down to the average or minimum wage, whichever is higher.

MR. GOODELL: Okay. Now you mentioned, of course, that this is a very difficult time. We're all very much aware of that. Have you gotten an estimate of how much this statutory mandate on New York State employers will cost New York State employers?

MR. CRESPO: We have not done that calculation just yet. The bill does not take effect -- or the benefits of it don't begin to be drawn until January of '21. But I believe the time would begin to be accrued after a certain time after passage. And keep in mind, again, New York City, for example, being one of the largest employer markets in the State, already offers these benefits. And a lot of -- and most work -- most employees -- I would say many employees out of the rest of the pool already have these benefits. I -- we don't have a specific calculation as what you're asking about, but I -- I would argue that nonetheless, now more than ever, workers across the State -- it is imperative that they have access to this, as their peers.

MR. GOODELL: Well, we have a basis even from the text to get a sense of this. I mean, this bill provides that sick leave would accrue at a rate of one hour for every 30 hours worked, right?

MR. CRESPO: Yes.

MR. GOODELL: So it's accruing at a rate of just under 4 percent, right? So what we're talking about is a cost to the employers is roughly equal to 4 percent of their entire Statewide

payroll? I mean, the Statewide payroll is in the trillions of dollars, so this is probably hundreds of millions of dollars of additional burden, isn't it, on the employers?

MR. CRESPO: Well, what -- we're offering thresholds, minimums here. Employers could choose to offer more. So it's hard to get a specific calculation based on even that.

MR. GOODELL: But we're looking at at least --

MR. CRESPO: And while I appreciate the cost of salaries and payroll, but I think, you know, don't lose sight of the larger conversation happening around this country. Workers are earning less than -- than what the profit margins are, for particularly larger corporations. But I hear you, I understand that. It's -- it's still an important benefit that employees should be eligible for, sick leave.

MR. GOODELL: Thank you very much. I appreciate it.

On the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. GOODELL: Thank you, sir. Our employers are just, just being hammered all across New York State as a result of this virus. Small businesses in particular. We have businesses all across the State that have been shut down on literally two or three days notice with no income whatsoever. I mean, every small restaurant, family-operated bar, restaurant, gyms, manufacturing companies all across the State have been shut down. Yet all those employers still have costs that just keep right on going. They all still have to pay their

property taxes, their utilities, Workers' Comp. All the health benefits that they've already agreed to with their employees, all their mortgage payments, their loan payments. They have to deal with all their accounts payable. And so here we've taken a huge chunk of our economy, shut it down overnight, causing horrific, horrific financial challenges all across our economy. And in the midst of this, we are being asked as the State Legislature to increase their cost of doing business in New York State by over 3 percent. Right across the board, 3 percent on payroll. Why do I say that? Because it's one hour for every 30 hours worked. You can do the math. We are imposing a huge new cost on the very employers that we hope will survive and reopen. Not the time to pull the rug out from underneath our employers with a new expensive mandate.

Thank you to my colleague for responding to those tough questions. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you, Mr. Goodell.

(Pause)

Mr. Byrne.

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

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

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

ACTING SPEAKER PICHARDO: The Majority Leader yields.

MR. BYRNE: Thank you, Madam Majority Leader. I just had a quick question, and then I wanted to defer to some more health policy that's in the budget. But I -- I was actually very pleased to see one good thing in here that affects my district very directly, actually the school district that I live in, the Mahopac Central School District. Having the forgiveness bill that we passed last year, the Governor vetoed, Senator Harkin carried it in the Senate and it's actually in this bill. I'm very pleased to see that, but I know I'm not alone in this and there's a lot of other Assemblymembers that have similar issues. I'm not trying to stare a gift horse in the mouth here, but why didn't we do a Statewide bill to help all of our other colleagues?

MRS. PEOPLES-STOKES: So it was offered to all school districts, but yours was the only one that we could get through the agreement with.

MR. BYRNE: Well, I appreciate it. I know the people of the Mahopac Central School District - of which I am a taxpayer and a resident - appreciate it. Hopefully we can resolve this issue for all of our other colleagues and all New Yorkers across the State next Session or perhaps we could -- in a way, we're kind of overriding the Governor's veto from last time, so maybe we can just do that, too, for all of our colleagues. But thank you.

I'll -- I'll move to health policy now, if that's okay. If

the -- the --

MRS. PEOPLES-STOKES: Sure. It is --

MR. BYRNE: -- I'm assuming it's for the Health  
Chair.

MRS. PEOPLES-STOKES: Mr. Byrne, if you could  
ask Mr. Gottfried to yield.

MR. BYRNE: Thank you, Mr. Speaker. Will Mr.  
Gottfried yield for some questions?

MR. GOTTFRIED: Yes.

ACTING SPEAKER PICHARDO: Mr. Gottfried  
yields.

MR. BYRNE: Thank you, Mr. Gottfried. Actually, I  
wanted to start with some of the good things and just ask some basic  
questions that I was pleased to see in this budget. Regulation of the  
e-vape liquids. A question about the regulation on marketing for  
tobacco products, traditional and vape products, it even talked about  
limiting, marketing in exterior -- exterior windows in Part EE of the  
budget. My question is, is that specific just to 1,500 feet from schools,  
or is that just in general?

MR. GOTTFRIED: Yeah, the limitation on  
advertising is if it is within 1,500 feet of a school outside New York  
City, or 500 feet of a school in New York City.

MR. BYRNE: Okay. I think that's definitely a good  
step in the right direction. Maybe one of these days we'll expand that  
to libraries, because I have a vape shop right next to a public library --

library in the Town of Carmel, and they have a -- a big window with a huge vape sign in it. It just seems to me that it's the same logic -- the same logic or similar logic could be applied. Maybe that's an idea for the future. Also was pleased to see the limitation of the sale of tobacco products in -- in pharmacies. I know one of our colleagues carried a bill on that for quite some time. It seems it's a real big step in the right direction. Question: I couldn't really see this in the -- in the budget. I think the Executive had proposed expanded scope of practice for pharmacists and nurse practitioners to provide immunizations, but I couldn't see that in here. Was that eliminated or was that an extension?

MR. GOTTFRIED: That -- that -- that's not something that was done in any of the Health portions of the budget. Whether there may be something like that in the Education portion -- well, one of the Education people is coming over.

MR. BYRNE: Okay.

(Pause)

MR. GOTTFRIED: It's a -- there is a straight two-year extender on the immunization authority.

MR. BYRNE: Okay. I noticed that the certificate of need surcharge that was proposed by the Governor was eliminated as well?

MR. GOTTFRIED: That is correct.

MR. BYRNE: That's a good thing. I'm very glad. Particularly since we're mandating hospitals to expand capacity by 50



percent, it seems like that would be a very silly thing to do at this point. And the medical malpractice, the -- the (unintelligible) of that funding to prevent that cost from being shifted on the -- the providers has been restored as well?

MR. GOTTFRIED: Correct.

MR. BYRNE: That's good. I think for -- I want to thank the Majority in the Assembly for pushing back on some of these things that the Governor proposed. I don't think many of us realized how severe this pandemic would be, but I certainly don't think it's appropriate to be putting more burdens on our healthcare providers right now. So I thank everybody for pumping the brakes on that.

Now to go to a little more -- some more things that I have -- I have some more challenging questions on. We're -- we're moving forward on something that's been debated for years in -- in the Assembly on tobacco policy, specifically a ban on flavored vape products which, to me, almost includes all vape products for folks that -- that vape. I don't think they should do it. But also, essentially a ban on coupons for tobacco products. What reassurances can we have that this isn't going to encourage people to purchase these products either on the black market or out-of-State?

MR. GOTTFRIED: Well, it is certainly possible that people might do that. We're doing the best we can. We don't have authority to stop New Jersey from letting people poison themselves or get themselves addicted, but we can do what -- whatever we can.

MR. BYRNE: Well, I think that's going to be a

remaining concern. I know in New York we've had a lot of issues with black market products. And when we talk about vape and e-cigarettes with -- with the public health consequences that we read about this past year, a lot of it had to do with people using black market products. So I certainly wouldn't want to do something that had an unintended consequence of encouraging the black market. Even though I know that's not the intent here, I do think that is a concern and it's something that this Chamber, the Chamber in the Senate, and the Executive going to have to continue to follow very closely.

Another question --

MR. GOTTFRIED: If I could just comment on that.

MR. BYRNE: Sure.

MR. GOTTFRIED: Sale of flavored vaping products on the black market would be illegal under this bill. It -- making it illegal also makes it harder to get. If it's available on, you know, in your neighborhood store, it conveys a message to kids that not only is it easy to get, but, you know, what could be wrong? So while, you know, you could say about everything that we prohibit, there is leakage in every prohibition. That doesn't mean we don't do the best we can.

MR. BYRNE: No, I -- I -- I understand that. I would -- I would also say that if it's on the black market now, it's -- it would be illegal now. So, I -- I don't see that change if people are -- if you're just making it easier for them to go -- if they're hell bent on getting a

product, they're going to go to the black market that's -- that's not regulated.

Moving on, I'm running out of time. Going to some of the funding and questions in this particular budget, there was traditionally funding for a program called the Adult Cystic Fibrosis Assistance -- Assistance program and it was zeroed out. Can you explain why? It seems in the middle of a pandemic, people who are adults who are suffering from cystic fibrosis, you know, and we're dealing with a --a pandemic that attacks your respiratory system, it seems that we should -- you know, this is not someone we should cutting resources from. Can you explain how -- how that came about? Was that something that the Governor pushed?

MR. GOTTFRIED: Yes.

MR. BYRNE: Is there a reason why we weren't able to restore, I believe it was only \$800,000? I mean -- we --

MR. GOTTFRIED: We were making some very difficult choices to try to prioritize what we were able to buy back. Those aren't easy choices to make. Sometimes it has to do with whether the piece that we would be buying back is all of the funding for a particular program. And so we were protecting a program from being destroyed, or whether it was a -- a portion of the funding, public or private, that might be available for something. But your -- your basic question of where did this zeroing out of the State portion of the money come from, the answer is plain and simply the Governor.

MR. BYRNE: Yeah. I would say that's a failure.

Not on your part, not on the people here. But that's a failure from our State for people that are suffering from an illness that fortunately, many of them are growing older. I had a member of my team, a staff member, who is now 27 years old who's been blessed to actually live so long and -- and get treatment and has a job in the private sector, does have employer-based health insurance. And a lot of folks in that situation weren't even aware of this program. It seems that the elimination of this program is going to encourage more folks to just not work and go on Medicaid, and I -- I hope that this State revisits that. It's a crying shame, particularly when we're -- we're confronted with a virus, a pandemic that attacks your respiratory system. I can't think of anybody else that's more vulnerable than someone suffering from cystic fibrosis.

I'm running out of time --

MR. GOTTFRIED: All I'm saying --

MR. BYRNE: -- sir, so I want to move forward really quickly. The Drug Accountability Board. Initially the Governor proposed the -- in this -- I'm trying to be brief here -- the investigation from this Board would be prompted by 100 percent increase on medications, but the budget here seems like it would be initiated by a 50 percent increase. Is that correct? In the cost --

MR. GOTTFRIED: I didn't get which piece you're talking about.

MR. BYRNE: The DAB, Part XX. This is the Drug Accountability Board that --

MR. GOTTFRIED: Yes, you're -- you're correct.

MR. BYRNE: So what -- so some of the objections I heard from different folks was not against the principle or the idea because we want to control the costs, right? We don't want people to be victims of price gouging. The Attorney General I know has resources to go after price gouging. But some of the things -- well, if we start with 100 percent, what stops you from going to 50 percent? What stops you from going to 25 percent? Well then are we going to limit the private industry from investing in research and development? So when we need vital medications and -- and -- to fight off a pandemic or to fight off illnesses, what's to stop that from happening? And I have concerns that if we're already dropping it from 100 percent to 50 percent -- I also -- while I'm glad it seems the Legislature pushed back and put some of our own appointees on there other than just the Governor's, or the Secretary of the DFS, I have to say, I wish that it was more balanced and accountable by having representation from both of the Minority Conferences as well. We do have other boards that serve this State that have appointees from both the Majority and Minority Leaders. That is not the case on this Board, and I hope that can be remedied in the future.

One other thing before I run out of time, sir. We talked about the -- the sales tax intercept - or however we want to phrase it - coming from county governments. And I heard your comments with Mr. Ra and I need some clarification. I was looking at \$50 million, but it sounds like you're saying it's to fund \$250 million.

\$200- is the flat number from New York City, and is it correct that the \$50 million is -- is to be funded from all counties outside of New York City?

MR. GOTTFRIED: Yes. New York City will be hit with about four times the percentage of its sales tax as the rest of the State, yes.

MR. BYRNE: Thank -- thank you, sir.

On -- on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: I -- I think at a time when we're -- we're -- we're confronted with a pandemic and we do have to make some tough choices, I can't for the life of me see how you would cut \$800,000 to help people suffering from cystic fibrosis. It flies into the face of what we're doing here. It makes absolutely no sense. One hundred and seventy-six billion dollar budget and we're not trying to help adults suffering with a respiratory illness? It makes absolutely no sense. I know in our State Operations Budget coming up there's going to be funding cut to -- for the Center for Community Health Programs, our county local -- our county health departments. So there's going to be cuts for our county health departments, our county governments, and they're going to be asked to pay more from their sales tax when they have record low sales tax revenues from an economy that's been dealing with this pandemic, something that we've never seen in decades. It -- it is just asking more -- county governments to do more. They're going to be forced to dip into property taxpayer -- property

taxpayer dollars. I think I appreciate some of the accomplishments that this Chamber has done in this bill. I know there are some good things. But for some of the concerns I've outlined, I -- I cannot support this. Particularly the -- the change that forces more money coming from our county governments when they're limited in how they can raise revenues. And -- and quite frankly, I don't understand for the life of me how we couldn't restore \$800,000 out of a \$176 billion budget. It makes no sense.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Phillip Steck.

MR. STECK: Thank you, Mr. Speaker. I would ask if Mr. Gottfried would yield for some questions.

MR. GOTTFRIED: Yes, certainly.

MR. STECK: Thank you very much. As Chair of the Task Force on People with Disabilities, we're, of course, very concerned about the Medicaid program. And the first question I have is, are -- what are the new qualifications for getting home care in the Medicaid program?

MR. GOTTFRIED: Well, there -- there are a lot of restrictions on access to home care. That package is, to me, probably the worst part of this -- of the Health Budget. You will now -- your -- your prescription or your order for home care will now come not from your doctor but from a doctor from a pool of doctors who are approved by the Health Department for doing that ordering. So you'll have a doctor who you've never met, who doesn't know you from a

hole in the wall, and who is chosen by the Health Department. I would say based on your -- your predilection for just saying no. The criteria that are in the bill basically is you've got to have restrictions on either three or more activities of daily living, which is a lot. It's a pretty high threshold. Or have some form of dementia and two or more loss of activities of daily living.

MR. STECK: Dementia in itself is not enough?

MR. GOTTFRIED: That is correct. You've got to have dementia plus restriction of two or more activities of daily living. I think it's a -- a really unacceptably high and difficult threshold.

MR. STECK: Do you think this is designed to artificially restrict access to home care which, by the way, keeps people out of institutionalized care and saves the State a lot of money?

MR. GOTTFRIED: Yes. And the consequences of denying home care to people, some of them will end up unnecessarily in a nursing home. Some of them will get no care at all and will slowly or quickly deteriorate and die. Some of them, a -- a member of the family - and in our culture it's usually a woman - will give up a career or suffer a substantial interruption of her daily life in order to take care of that family member. And people who can't get Medicaid to help provide that care will find their -- their meager economic resources wiped out even further.

MR. STECK: So one of the principles that we operate under in the care of the disabled now is the government's responsibility under the Americans with Disabilities Act in accordance



with the Olmstead decision to allow people to live in the least restrictive environment. Do you believe that the requirements in this budget are consistent with the Olmstead interpretation of the ADA?

MR. GOTTFRIED: I think this bill - except for one point which I'll mention - I think that part of the -- of the Budget Bill does violate the Olmstead standards of protecting people in the least restrictive environment. And I expect that there will be well-founded litigation coming out of this. There are a couple of places in the bill where it -- where it does explicitly mention the Olmstead decision, and certainly seems to -- to apply the Olmstead decision as a -- as an overriding proposition that in many cases I think would -- would -- would negate some of the onerous limitations that are in the bill. I certainly would -- would want it to be interpreted that way. So the -- the Olmstead language that is in the bill in a couple spots may well help to significantly mitigate the impact of this -- this legislation. I certainly hope it will.

MR. STECK: It seems like there's -- there's going to be some significant litigation challenges coming to this type of language.

MR. GOTTFRIED: Yes, there certainly need to be.

MR. STECK: And does this -- does this language and these requirements also impact on the Consumer Directed Personal Choices Program?

MR. GOTTFRIED: The Consumer Directed home care program is not more poorly treated in -- in this bill than the rest of

home care. There's -- there are no new limitations specifically on the Consumer Directed program, but all of the restrictions on home care generally, and on managed long-term care plans and how many people they can enroll, et cetera, all of those limitations also apply to Consumer Directed home care.

MR. STECK: Thank you very much, Mr. Chairman.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. STECK: Being a legislator, of course, involves very difficult choices, especially when you've got a very large comprehensive Budget Bill like this one. Clearly, in the Medicaid area, as Chair of the Task Force on Persons with Disabilities who has to meet with all the advocates dealing with these programs, this -- this bill would be unacceptable. And it is certainly also wrong to cut Medicaid in the midst of a public health crisis. The healthcare of --of people of lesser means is critical for all of us because it protects all of us from healthcare risks. I've already expressed my opinion in that way by voting against the revenue bill and -- which -- because I believe that the revenue that we're raising is inadequate to fund programs like Medicaid and that's why we're in the position we're in at now. I also voted against giving the Governor extraordinary powers because the Governor's history is taking it out on people with disabilities in the budget process. However, I will be voting for this bill because of something that's unconnected to Medicaid, that is the changes in the bail law. The 110th Assembly District which I

represent, and I do have to serve my constituents, has expressed very strongly their belief in the fundamental principles of bail reform, but that many of the definitions of the crimes that were considered violent and, hence, subject to bail requirements were not -- were not adequately defined to include all violent crimes. One that I would point out that is remedied in this bill is Burglary in the Second Degree. That was something that I've discussed at length with many of my constituents. These are good, reasonable people, and they feel if someone invades your home even when you're not there, they consider that a crime of violence and something that is very disturbing to them and, therefore, they felt strongly that the bail requirement should embrace Burglary in the Second Degree. I know that the Speaker fought very hard to resist changes in the bail law, but I want to thank the Speaker for listening to those of us who come from districts like mine, which is predominantly single-family homes, and making Burglary in the Second Degree one of the crimes subject to the bail requirement.

So, unfortunately, because I am very opposed to the Medicaid changes in this legislation but believe that I have a duty to my constituents in the 110th Assembly District to support the changes in the bail law that are in this bill, I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Steck.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the -- the Chairman of the Health Committee yield for just, really, one quick area I just wanted to ask about real quick?

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

MR. GOTTFRIED: Certainly.

MR. PALMESANO: Thank you, Mr. Gottfried. One of the areas that -- when the Governor proposed this budget that certainly drew a lot of consternation was the proposal to deal with the Medicaid growth cap. And it's, you know, our -- our understanding that that is removed from this part of the budget where the -- any growth over the 3 percent that was going to -- could have been a shift to the county, that's been removed and that's what's kind of replaced with that -- the financially-distressed hospital section. Is that really kind of taken in its place? Is that -- is that accurate?

MR. GOTTFRIED: Yeah, I think that's a -- well, certainly the elimination of the shift to localities, that's out. The -- I think the characterization of the new tax for the distressed hospitals being sort of in exchange for that is probably accurate.

MR. PALMESANO: Okay, great. The one part I wanted to ask a little bit about is I know the Governor is, throughout many of these bills, is given a lot of authority to make adjustments with -- with the Medicaid savings allocation plan adjustment with the Department of Health. So would this -- just so I understand and everyone understands -- would this -- is this something where he

would be able to go -- maybe be able to go later on in the year and basically do an across-the-board cut to a hospital or nursing home or a service care provider or, like, a county Social Service agency if they so choose? If they determine that's what they needed to do to make things work, they would have -- he would have the authority to make those, like, an across-the-board cut to a nursing home reimbursement or a hospital reimbursement or a county Social Service agency or an OPWDD or an ARC that deals with the developmentally-disabled reimbursement? That -- that would be flexibility given to him under this -- that language? Is that correct?

MR. GOTTFRIED: So you're -- you're talking about essentially the superpowers, so-called, if Medicaid expenditures grow? Yes. That -- that authority is -- is basically in the discretion of the Health Commissioner and the Director of the Budget, which is something that we all ought to be concerned about. I would point out, though, that that kind of superpower, as people call it, has been in their hands relating to Medicaid since the 2011 first Medicaid Redesign package. I find that whole concept pretty scary, but it's one of the things that is going forward under this bill.

MR. PALMESANO: All right. That's I all have, Mr. Gottfried. Thank you for that clarification.

ACTING SPEAKER AUBRY: Ms. Byrnes.

MS. BYRNES: Thank you. Late edition. Mr. Speaker, would the sponsor yield so I could ask him just a couple of short questions?

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

MR. GOTTFRIED: Certainly.

MS. BYRNES: Thank you. I guess one of the dangers to the system is we have a lot of time to be in our office, thinking of things we've forgotten earlier and having people e-mail us. And so that's why all of a sudden I'm running over here. Thank you for indulging me. And, Mr. Speaker, thank you. The question, quite simply, is at least in my district there's been a big problem - and I mentioned it before at one of our meetings - with independent pharmacies. And I didn't see -- my question's really more about an omission -- I didn't see anything in this budget about any regulations or controls on PBMs, on Pharmacy Benefit Managers. And I was just wondering, sir, if there was any specific reason because it is certainly a concern, especially among the independent -- small independent pharmacies in my district. And I know -- I -- I think you had --

MR. GOTTFRIED: Yep.

MS. BYRNES: -- have a bill that I actually multi-sponsored on because I thought it was so important.

MR. GOTTFRIED: Yes. I and -- and -- and many of our colleagues support a bill that I think would provide very strong regulation of Pharmacy Benefit Managers that would be a benefit to -- to pharmacists and to consumers, and I think to employers as -- as well. Unfortunately, you know, the Governor vetoed that bill after we passed it last Session. What he has proposed -- what he proposed in

this year's budget was significantly less than half-a-loaf, and that's why we very much wanted to delete that from the bill, and -- and we did. Assuming that after today we get back into the business of legislating, I expect we will be advancing the full PBM bill again.

MS. BYRNES: Thank you. I appreciate knowing that, sir, and I'm sure that the independent pharmacies and the people who patronize them in my district appreciate that. And when you -- when we, knock on wood, get to that point in the future, I'll be very proud to continue to multi-sponsor it, sir.

MR. GOTTFRIED: Thank you.

MS. BYRNES: Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker. I believe it's Chairman Gottfried was answering questions about the vape -- vaping ban. Will he yield?

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. GARBARINO: Thank you, Mr. Gottfried. Just a quick question. I was -- just actually some clarifications. Now this is a full ban on any flavored vaping products, correct?

MR. GOTTFRIED: With one exception, and that is if any of the flavors have been approved for inclusion in -- in vaping products by the Food and Drug Administration, it could go forward.

MR. GARBARINO: Okay. Has any flavor been approved by the FDA?

MR. GOTTFRIED: No.

MR. GARBARINO: Has vaping been approved by the FDA?

MR. GOTTFRIED: Has --

MR. GARBARINO: Just -- the vaping with the tobacco-flavored?

MR. GOTTFRIED: No. They have not acted on -- on any flavors.

MR. GARBARINO: So even just regular tobacco-flavored, they have not approved?

MR. GOTTFRIED: Correct.

MR. GARBARINO: But under our bill we're still allowing the -- the sale and -- the sale of tobacco-flavored vaping products?

(Pause)

MR. GOTTFRIED: Tobacco flavor is allowed under our -- under our bill. Any flavoring other than tobacco flavor is banned by -- by this bill unless it has been -- unless it is specifically approved by the FDA.

MR. GARBARINO: I was reading a definition of what the -- the different flavors of what would be considered flavored. Is flavorless, since it's not a tobacco - since it doesn't taste like tobacco flavor - if there's no flavor, is that considered flavored based under this definition? It -- it seems that anything that's not tobacco-flavored --

MR. GOTTFRIED: Excuse me just a second.



(Pause)

Well, if the -- if the manufacturer or the merchant advertises or holds out a vaping product as being flavored, even if it is flavorless or has no added flavor, that would be outlawed. But if it has no added flavor and is not advertised as having a flavor, then it would not be banned. And you might ask, why do we care if they advertise something flavorless as having a flavor, and the answer is the reason they advertise it -- they would advertise it that way is to attract young people to use it.

MR. GARBARINO: Okay. So if the FDA tomorrow came out -- we pass this bill tonight, it becomes law -- in six months the FDA comes out and says bubble gum-flavored vaping product is okay, we -- you could sell that in New York?

MR. GOTTFRIED: Yes. We certainly hope that will not happen. If the FDA were to approve that kind of flavor, I am quite certain there are members of -- of this Chamber and -- and I hope of the other Chamber who would very strongly want to amend what we are making law tonight.

MR. GARBARINO: Okay. But what we're making law tonight says we're allowed to sell flavored -- tobacco-flavored vaping products even though they're not approved by the FDA. But in the -- in the future if the FDA approves any other flavored tobacco products, then that will also be legally allowed to be sold?

MR. GOTTFRIED: Well, any other flavored --

MR. GARBARINO: Vaping products, not tobacco.

I'm sorry.

MR. GOTTFRIED: Yes.

MR. GARBARINO: Okay. All right. I just want to switch over to the --

MR. GOTTFRIED: By the way, many -- many of us would have liked to have language that did not have the FDA provision in it, but there were some members of the Assembly who very much wanted that exception in the bill.

MR. GARBARINO: Okay. I was -- I was just doing it for clarification because I was reading it and it was a little confusing to me. So thank you very much.

MR. GOTTFRIED: Okay.

MR. GARBARINO: I just wanted to follow up and move over to the Drug Pricing and Accountability Board. I remember in the original proposal, the Governor's proposal, there were some teeth that went along with the Board, with the Drug Accountability Board. You know, there were fines I think that were -- that they could -- they could issue. Now it looks like all they do is if the -- if the Superintendent of DFS sends them a drug to review, all they do is write a report addressing four or five issues.

MR. GOTTFRIED: Well, that is what the bill does say. But while DFS may not have a -- a penalty role here, they can -- they can refer the matter to the Attorney General, under which may well trigger action under the Attorney General's general powers.

MR. GARBARINO: So the DFS can -- once the

report comes in from the -- the board after its investigation, if the DFS -- Superintendent of DFS can share that with the Attorney General's Office?

MR. GOTTFRIED: Yes.

MR. GARBARINO: What are -- what are the -- but does the Board look at to see whether or not any laws are being broken? I thought it only looked at certain -- certain items. The impact on premium cost, whether they were significant over time.

MR. GOTTFRIED: Well, the --

MR. GARBARINO: If it was -- whether -- whether it's --

MR. GOTTFRIED: The Board may not be making judgments about whether something is illegal. I mean, they have a -- a particular expertise that they're being asked to -- to use. It would be the Attorney General who would decide whether something that came in was a violation of law.

MR. GARBARINO: So if the Board determines under Part C that the drug may be priced disproportionately to its therapeutic benefits, if it says, *Okay, we think this drug is priced too high for what it does*, they then send that -- that report can then be sent to the Attorney General and the Attorney General could start a -- their own investigation and -- and suit?

MR. GOTTFRIED: If it -- if the Attorney General felt that it raised legal questions. But in addition, the findings of this Board could also trigger either regulatory action by DFS or DOH, or

legislative action by us. So having their findings may well trigger further action, even if they're not the one taking the action.

MR. GARBARINO: Okay. So it -- so -- all they -- their only responsibility now, after what was proposed in the Governor's Executive Budget, is they -- they meet -- they have -- if the Superintendent sends them a drug to review, they have items to look at and they come up with a report and then either DFS, DOH or the Attorney General takes that report and decides whether or not they're going to do something with it.

MR. GOTTFRIED: Or the Legislature.

MR. GARBARINO: Or the Legislature.

MR. GOTTFRIED: Correct.

MR. GARBARINO: Okay. Thank you very much, Mr. Gottfried.

MR. GOTTFRIED: You're welcome.

MR. GARBARINO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. I have two areas of questioning; one in Part R and one in Part L. So starting with Part R, I'm wondering if Ms. Jaffee would be so kind as to yield for some questions.

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

MS. JAFFEE: Absolutely.

ACTING SPEAKER AUBRY: Ms. Jaffee yields.

MS. WALSH: Thank you so much. I'm -- I'm wondering if you could answer some questions for me regarding the standard of proof for unfounded and indicated reports of child abuse and maltreatment. Now, this was a bill that we debated last year, and the bill was ultimately vetoed by the Governor in December of last year. And in his veto message he talked about - I have it in front of me - he talked about some difficulties with an immediate effective date - which I believe has been corrected in this version of this bill - but would also have significant fiscal implications. I'm wondering if you could speak about what those fiscal implications were, and if there's any type of -- if that's being addressed at all in this legislation.

(Pause)

MS. JAFFEE: Well, in -- in the original legislation there was -- there was language that only would allow one fair hearing. But -- well, originally it was more than one fair -- fair hearing, but -- but we've moved within the language and now there is definitely one fair hearing that would be provided.

MS. WALSH: Oh, so rather than the possibility of multiple fair hearings there's only to be one now?

MS. JAFFEE: The legislation, the language, makes really certain changes to the Statewide Central Register for Child Abuse and Maltreatment, the SCR. The language is similar to a bill that passed both Houses last Session, but -- but then, as you noted, was -- was vetoed by the Governor.

MS. WALSH: Right.

MS. JAFFEE: But the provisions included in this SCR proposal are able -- they really able to achieve through existing Office of Children and Family Services resources and it -- what it does, it addresses all of the concerns raised by the Executive while still implementing, truly implementing, the spirit of the bill that was passed in last Session. Now, there -- there were some changes that were made, and -- and to respond to that to create that. Raise -- first of all, raising the evidentiary standard, which was required when indicating a future abuse or maltreatment report from some credible, you know, evidence --

MS. WALSH: And -- and you're right, ma'am.

MS. JAFFEE: -- to -- to a fair preponderance of -- of -- of what --

MS. WALSH: And as somebody who has practiced extensively in family court and used to actually do these fair hearings, I'm really familiar with the fact that going from some credible evidence to a fair preponderance of the evidence at a fair hearing is a pretty significant shift in increase in the burden of proof. But I'm wondering if I could just re -- just direct you back to what my original question was.

MS. JAFFEE: Okay.

MS. WALSH: Which is that the Governor noted in his veto message that there were fiscal implications involved in the original bill. And my question to you is, how has that been addressed? You mentioned something about how there were -- under the original

bill there was a possibility for multiple fair hearings, and now there's only one. Is that how that fiscal implication was addressed, or was there anything else?

MS. JAFFEE: Yes. Well, that's exactly -- that's exactly what was -- what was put within the context of -- of the legislation that responded to the concerns that were being raised.

MS. WALSH: Okay. What was the rationale for increasing the -- the burden of proof from some credible evidence to a fair preponderance of evidence?

(Pause)

MS. JAFFEE: Well, certainly there -- within the context of the case law, what the goal is to align the -- the issue and with -- with the assurance that it's within the context of the case law. You know, really basically creating a rebuttable presumption that there was not a fair preponderance of evidence. And I'm reading this quote because it really does respond to the concern of the evidence to prove alleged abuse or maltreatment was committed by an individual during a fair hearing process. When during an Article 10 proceeding, a family court, child protective service, withdraws a petition with prejudice, the family court dismisses the petition or finds on the merits in favor of the respondent. So, it really has evolved to a -- to a place where it responded to the concerns raised.

MS. WALSH: Thank you very much for your answers. At this point, just in the interest of time, if it's possible I'd like to shift over and I'd like to ask Ms. Paulin if she would be so kind

as to yield for some questions about the paid gestational surrogacy portion of this bill.

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

MS. PAULIN: I will. Thank you.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MS. WALSH: Thank you so much. So, could you briefly explain how this would work, this -- this piece of legislation, within -- within this bill?

MS. PAULIN: Absolutely. So, if there was intended parents, they typically would go to a -- an agency. Now under this proposal would -- that agency would be overseen by -- by New York State and they would search with that agency for an appropriate surrogate. The surrogate would be screened. They would each have lawyers. That's a provision in the bill, a requirement that they both have lawyers that the intended parent pays for. I mean I'm being a little -- I'm going through it a little quickly here, but --

MS. WALSH: That's okay.

MS. PAULIN: -- but I know you don't have a lot of time left.

MS. WALSH: Thank you.

MS. PAULIN: There would be -- they -- they'd strike an agreement. The -- there's a lot of provisions required in the -- the bill that the agreement would contain. Both lawyers would attest that the -- that the agreement had all of the provisions that are identified in



the bill, and then when the child is born -- and that agreement takes place before any of the -- before the pregnancy and before any of the assisted reproductive technology is used at all, right? And then at the -- when the child is born, essentially there's a court order, and -- and then the intended parents become the -- the parents of that child.

MS. WALSH: Very good. Thank you. Could you explain, does this legislation impact -- I did a little bit of research, I guess --

MS. PAULIN: Okay

MS. WALSH: -- quickly, but there appears to be a difference between traditional surrogacy where the woman's egg is used, the birth mother's egg is used, and gestational surrogacy, where the child has no genetic relationship to the birth mother.

MS. PAULIN: Yes.

MS. WALSH: Does this legislation cover both of those or just one?

MS. PAULIN: The -- the current law, current New York State law essentially criminalizes both. This does not touch traditional surrogacy. So under New York State statute, traditional surrogacy, that when, as you point out that there's a genetic relationship between the mother and that child, is still illegal and there's criminal penalties, where this only legalizes gestational.

MS. WALSH: Okay. So, is there a model contract that would be used in this instance, or is it strictly up to the parties to the agreement to develop a contract?

MS. PAULIN: I think there soon will be because of all -- it's very specific. You know, all of the things that it has to contain. It's not limiting to those things, but it is very specific about what has to be in the agreement. So I think very soon we will see models. We are -- we have developed what is probably the strongest protection for both surrogates and intended parents in this country, and the agreement will reflect that.

MS. WALSH: Great. Now you mentioned the independent counsel that the birth mother would have. Is that a -- a requirement that she actually have independent counsel or that she just simply be offered independent counsel?

MS. PAULIN: No, it is a requirement that she actually has it and that the intended parents pay for it.

MS. WALSH: And how about the counseling? I saw that also in the Surrogates' Bill of Rights. Is that -- is -- is counseling required or only must be offered to the birth mother?

MS. PAULIN: It -- it's offered, and it's offered throughout that pregnancy and post. The -- it's very common for the surrogate agencies to highly recommend it, and often some of them even require it. But the -- the bill itself simply offers and -- but continues to offer post-partum, pre-pregnancy, et cetera, et cetera.

MS. WALSH: Very good. And are there any restrictions in the legislation as far as the number of times a woman could act as a surrogate?

MS. PAULIN: There are no specific limitations.

However, there are guidelines, medical guidelines, that -- that are used commonly in these situations. So it's -- it's most common that surrogates are only accepted if they had a prior pregnancy. It is most common that there will not be more than six pregnancies all together. So if a woman had six children and wanted to do this, she would probably be denied.

MS. WALSH: Thank you very much. I -- I have so many more questions for you, but time doesn't permit it. So at this point, Mr. Speaker, I'll go on the bill.

MS. PAULIN: Thank you.

MS. WALSH: Thank you.

So, taking first -- I guess I'll address first the first set of questions that Assemblywoman Jaffee was so great to -- to answer as far as the indicated reports of child abuse and maltreatment. I was -- I am -- I remain very concerned about this change. This -- this is a real sea change in the way that these fair hearings are conducted. So, when you have a suspicion of child abuse or neglect, you have mandated reporters who file a hotline and then that's investigated within a period of time by Child Protective Services. And under our current law, if there is some credible evidence, then it's enough to indicate and then the -- the individual has an opportunity to go to a fair hearing and challenge that. And at that fairing hearing, depending upon how that proof comes out, the indication could be sealed for employment so that the individual could still get a job someplace even if their -- their name is on the Registry so long as certain conditions

are met. Things like that. I -- I understand that this is in an effort to help people who are indicated and the perception is that they're on the Registry for a really long time. But I think that the real basic public policy that we, as the State, need to have is for the protection of children. And I think that, you know, many times in these types of matters all we have for proof is the child's version of events. And if we had to indicate based on fair preponderance, we might not meet that burden on many cases, that the child would then be placed at great risk of their life or health with this change in the burden. So for that reason, I'm -- I'm not in favor of that section of the bill.

And moving over to the paid gestational surrogacy, you know, the lawyer in me was just going crazy reading through this bill because I was just thinking of so many different hypothetical situations. I think that this is such an interesting area of the law, but also very emotional and -- and potentially very -- very messy. Not that the family court doesn't often deal with a lot of messy things, but I think that this could be one of them. Here were some of the things that kind of came to my mind as I was researching this quickly. So, how does this legislation address the inequality of the parties in the negotiation? And I do think the sponsor really did address the issue of independent counsel and -- and a Bill of Rights. I think that -- what if the child has birth defects? What if the child in-utero has problems? What -- what happens then? What -- what about if the birth mother wants more money in the ninth month? What if the contract requires the mother to avoid drugs and alcohol but she doesn't? Could the new

parents sue if the child was not healthy as a result? Does the surrogate still get paid in that situation? Could she be sued? Is -- is this treated purely as a contractual matter between the parties? You know, some women have reported that you're treated more like a piece of medical equipment than as a human being. And I think that it's really important in this situation to acknowledge that any woman who bears a child has formed a connection, an emotional connection to that child, and many, many women are not going to be prepared for that. So, I do recognize that this will be part of our law soon. But I -- I do remain very concerned, in some respects excited, for other people who will have an opportunity that they did not have before in our State, but still kind of concerned about the -- the emotional aspect that this presents.

But thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: 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, I will, Mr. Speaker.

MR. SCHMITT: Thank you, Madam Leader. I wanted to ask a few questions regarding Part EEE related to the New York State Bridge Authority.

MRS. PEOPLES-STOKES: Related --

MR. SCHMITT: I wanted to start out.

MRS. PEOPLES-STOKES: I'm sorry, sir, related to?

MR. SCHMITT: The New York Bridge Authority --

MRS. PEOPLES-STOKES: Okay.

MR. SCHMITT: --- Part EEE. Would it -- would I direct those questions to you?

MRS. PEOPLES-STOKES: Mr. Schmitt, if you could ask Ms. Paulin to yield --

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

MRS. PEOPLES-STOKES: -- being that she chairs that Committee.

MR. SCHMITT: Sure.

MS. PAULIN: I'd be happy to.

MR. SCHMITT: Thank you. All right. Getting to Part EEE or on the New York Bridge Authority, according to my reading of -- of the bill text, it would call for immediate expiration of all current board members; is that correct?

MS. PAULIN: Yes.

MR. SCHMITT: Can -- has that happened in the past? Are there examples in the past where this has happened?

MS. PAULIN: The only example that I can relate to that I remember that I've been involved with is when we changed the -- the appointments for the -- on the MTA Board, you know, for the, you know, where we -- I don't remember exactly what we did last year, frankly, but we did -- we did something to that effect so that there -- they would coincide with the elected's terms, and so, in effect,

they were -- they were immediately expired.

MR. SCHMITT: What is the justification for doing an immediate expiration in this case?

MS. PAULIN: The Governor's Office asked for it.

MR. SCHMITT: Well, at least we have that clear. Will there be any input by the Legislature other than State Senate consents in the appointment process for these new appointees?

MS. PAULIN: It's the same appointment processes as we always use.

MR. SCHMITT: Will any of the current appointees be barred from being reappointed should the strange occurrence occur where the Governor might want to keep somebody he's forced out?

MS. PAULIN: No. No, they would absolutely not be barred.

MR. SCHMITT: Further reading, I see that this bill text or this language mandates the Bridge Authority and the New York State Thruway Authority to enter into a coordination agreement to address the optimization of services, to create effectiveness between the two agencies; is that a correct reading of the text?

MS. PAULIN: Yeah, I -- I think you might remember that in the -- the Governor's bill in -- in the Executive's bill there was -- there was a merger, right, and essentially the whole agency would be subsumed into the Thruway Authority. So, this -- a lot of members objected to that. They enjoy or like very much the independence of the -- of the Bridge Authority, in terms of the smaller

bridges and the relationship that the people have to the agency to take care of the bridges and deal with the revenue and all that. So, the goal of the Executive was to -- to deal -- to, you know, to have the agencies cooperate so that they're more cost-effective, to share services and this was the mechanism to do that.

MR. SCHMITT: Well, I certainly appreciate the opposition to the merger proposal being part of the opposition there, bipartisan opposition. Representing Bear Mountain Bridge, or at least half of that -- that portion and many of my constituents also drive over the Newburgh-Beacon Bridge, but to me, it seems like a merger by any other name. The Governor is forcing everybody out, taking full control and mandating a coordination agreement and coordination of services with a new board that is not the local people from our communities that we know possibly.

MS. PAULIN: Well, we don't know who's going to be on the board, but it is still an independent board and there will still be an independent pot of money. And I think some of the concern that I heard from members was that the merger of the monies was problematic, and here we know that the monies will not be merged, and the monies that will be raised by the smaller bridges will then be used for -- for that purpose, as well. So, I -- I think this was a -- a compromise position to allow for the shared services and, at the same time, preserve the autonomy of the -- and -- and lockbox, so-to-speak, of the funds.

MR. SCHMITT: Does this bill text in any way



prevent a merger unauthorized by the Legislature?

MS. PAULIN: It -- it's not intended to do so and I don't think we -- they could just do that without coming back to us.

MR. SCHMITT: But there is nothing specifically barring them after entering into a coordination agreement to address optimization of services if all the new appointees decided the best optimization would be to merge? There's nothing specifically preventing them from doing that.

MS. PAULIN: I don't know if they could do that. I would -- do you think they could?

So, again, the -- the fiduciary aspect of it, the bonds and so forth, all of that was in the prior language of the Executive and we've taken it out. I think you could point to that and say no, they can't because it was purposefully taken out of the original language. You know, a board just has so much authority.

MR. SCHMITT: Well, thank you very much for answering some of these questions.

MS. PAULIN: Thank you.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SCHMITT: To me, this sounds like a merger just by any other name. The Governor has been able to take now full control of the Board of the New York State Bridge Authority. Many local leaders and community members currently sit and serve on that board, people that are easily accessible, people that are known in the

community that have a long-term history in the community, who stood up and opposed this merger, conveniently, now around midnight, they are all being forced out to be re -- to be appoint -- to have somebody else fill their spot. Who knows who the Governor is going to pick, but I have a strong feeling the Executive is not going to pick somebody who opposes mergers, and I have a strong feeling that the -- these potential future appointees are likely going to have a merger, like I said, by any other name. Strongly opposed to this.

There's a lot of whoopla in a previous bill that we were -- you know, that there was not a merger. Again, this is a merger by any other name coordinated -- a coordination agreement. The Bridge Authority is being prepared to be assumed by the Thruway Authority. The Governor's going to have full control, silence all dissent. I'm extremely disappointed to see that this has made it through. I do believe it's going to negatively impact services for commuters and residents and business -- anyone who has business or recreation use throughout the Hudson Valley, both in my district and in counties on both sides of the river. I think that this is -- this is gravely concerning, abdicating authority to the Governor to achieve a goal by any other name. It's a -- a -- sadly, nothing more than a re-branding of a bad policy.

I urge my colleagues on both sides of the aisle, particularly those in the Hudson Valley, to vote no against this just a -- a failed policy idea with a new name. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

I am remotely recognizing Ms. Melissa Miller for questions, and I will be the vessel of that question, or questions.

For Mrs. Peoples-Stokes, question one, I have a question regarding the elimination of the State's share of funding for special education children who need placement in a residential facility. This elimination puts the burden entirely on the district, many of whom are already struggling to function within their budgets. Do you think it is fair to be concerned that maybe districts would no longer recommend a residential placement, even if it is truly in the best interests of the child, because they cannot afford it? It is always a very tough decision, both on the part of the family and a school district to decide that the best school placement for a child would be in a residential facility. This is never recommended unless all-day programs have been unsuccessful. I would hurt -- hate for that option to not even be considered because the cost was too much for the district.

MRS. PEOPLES-STOKES: I certainly want to honor our colleague, Melissa Miller. We know what a diligent mom she is and a diligent advocate for the disability community. But it's really clear that this Education piece was taken out of the Governor's proposal. It carries a cost to school districts of \$25 million .9 dollars [sic] and we were unable to find the resources to put that back in the budget this time. But one of the things we did say to the Governor and the Senators is that you can't eliminate this for life. So, we're looking forward to the opportunity when we are in a better condition in terms

of our economy and the State's fiscal condition and this could get returned to our budget as an opportunity for school districts to have available to them.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

The second question is for Chairman Gottfried, if he will yield.

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: I have a question regarding the changes in long-term managed care plans. This bill puts a two-year moratorium on the long -- new long-term plans, and it also increases the lookback period from three months to 30 months. Do you acknowledge that not being able to enroll in a managed long-term care plan makes it more difficult to care for individuals with long-term home care needs at home? Families need help to care for their loved ones at home, but if they cannot get into a long-term plan, they cannot provide the care that is needed, especially if there is a lengthy period -- lookback period, like two years.

Family members have had to stop working to provide care. They get tired. They can burnout. Ultimately, the risk is that their loved ones would get sick or hurt because they aren't getting that necessary -- that necessary care and wind up impatient. We, as a State, consistently push to keep individuals with special needs in their home care environments, which is a great thing, but this change is just another obstacle to being able to provide that care. Why make such a

drastic change in the lookback period and put a moratorium for two years?

MR. GOTTFRIED: Well, Missy Miller is 100 percent correct. The provisions she is referring to in the bill are there because the Governor insisted on them. The lookback period, we had proposed a -- a much shorter lookback period in an attempt to try to satisfy the Governor's demand, and he insisted on -- on the two-and-half-years that are -- that are now in the bill.

You know, it is -- it's not surprising that Ms. Miller's statement is an -- an extraordinarily eloquent and powerful statement of the problem, she's entirely correct. And these restrictions, along with several others on home care, I think are -- are very -- are very dangerous and will -- and will do a lot of damage.

ACTING SPEAKER AUBRY: Thank you. And we hope that Missy is looking on now and we send our love to her family, to Oliver and her husband and herself, and hope that soon she will be able to rejoin us and bring that family love that she carries with her back to the Chamber.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. I have a few questions relative to bail reform and some criminal justice issues, so I believe Chairman Lentol might be the person to yield.

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

MR. LENTOL: Yes; yes, I will Mr. Speaker.

MR. PALUMBO: Thank you, Chairman. With respect to the bail reform changes that are in here, just generally speaking. And I know we discussed this last year when the original package came through the budget that the Governor had proposed that judicial discretion be allowed for the purposes of determining the dangerousness of a particular offender, that the current bail that is not the one that's about to be enacted or the one that is currently law, has not -- allows no discretion for judges. And that was originally something that we discussed and I heard that some iterations of this particular bill actually included that, much like the Federal system. And can -- it's not included -- I guess, just to be clear, right?

MR. LENTOL: It's not included and it was never included in the law of New York State.

MR. PALUMBO: Understood. And -- and that was at one point, though, considered for some of these changes. And -- and as I indicated earlier, it was originally in the Governor's budget and I think it may have even been in his budget this year --

MR. LENTOL: Yes.

MR. PALUMBO: -- as well. Can you tell me why that was removed?

MR. LENTOL: Last year, not this year.

MR. PALUMBO: Okay. Well, even speaking then, can you tell me why it was not added to this, some judicial discretion regarding some dangerousness level or dangerousness to the community that may be exhibited by --

MR. LENTOL: Sure.

MR. PALUMBO: -- a particular defendant.

MR. LENTOL: Well, the answer is a very simple one and you, as an attorney, I'm sure, understand that the purpose of bail is to assure a person's return to court. And the question of dangerousness, although relevant in the criminal case, it's not relevant for the purpose of bail, nor should it be. Because the only question is whether the person is going to return to court, and that's always been the law of New York State. And the bail reform law that we passed last year didn't really affect that at all. It just made it clearer that people were still being held on high bail and unable to get out because they were poor and were being held not because they were a flight risk or because they weren't going to return to court, but in most cases because the judge made an opinion, without expressing it, that they were dangerous.

MR. PALUMBO: Certainly. And -- and I would agree that certainly it has never a part of New York State law, but I just -- I know it was a consideration at one point.

And now, relative to the expenses of this, or someone's ability to pay, under -- in Part UU, where these amendments are incorporated on page 303, lines 14 through 17, that -- that was added that, "and reasonably assure the principal's compliance with court conditions..." and then the last sentence, "a principal shall not be required to pay for any part of the cost of release on non-monetary conditions."

Now, currently, for probation and so forth and pre-trial supervised release, they do have a standard where they would determine someone's ability to pay and there would be a schedule down to zero. Can you tell me why we needed to add that provision so that now no, even wealthy defendants, will not incur any costs because, of course, that will now be borne by the local municipality.

MR. LENTOL: Because it was already in the law. It was just moved from one place to another.

MR. PALUMBO: Okay. And was that in -- in the bail reform from last year --

MR. LENTOL: Yes.

MR. PALUMBO: -- that they weren't going to bear

--

MR. LENTOL: Yes.

MR. PALUMBO: -- bear any expense? Got it.

And now, if we can flip to the next page, on 304.

And I know I had mentioned this to you previously. There are some changes with regard to a number of crimes that have now been added, fortunately, as qualifying offenses, where the court can consider setting and fixing bail. There was a modification specifically made to Burglary in the Second Degree. And just for clarification, as you are certainly aware, so our colleagues understand, that 70.02 of the Penal Law is the statute that defines violent felonies. And by law, Burglary in the Second Degree is a violent felony, and the first subsection still qualifies. Right? Is that accurate?



MR. LENTOL: Yes.

MR. PALUMBO: Where -- and that involves physical injury, displaying what appears to be a firearm. But the second subsection only aggravates it to Burglary in the Second Degree if it's a dwelling. And so now, in this one section here, I'll read this section so you -- you -- you're -- should -- you know where I'm looking, line 23: *Provided, however, that Burglary in the Second Degree as defined in Subdivision 2... which is the dwelling section, of Section 140.25 of the Penal Law shall be a qualifying offense only when the defendant is charged with entering the living area of the dwelling.* So, I direct your attention to that point because my question is: In that section we have *living area of the dwelling*.

MR. LENTOL: Yes.

MR. PALUMBO: I don't see any specific definition for that. Could you please tell us what that means?

MR. LENTOL: Well, first of all, last year the whole dwelling piece was out. So this is --

MR. PALUMBO: Correct. The whole section was not qualifying.

MR. LENTOL: The whole section was out. So, this is a new section and this is a new provision that we're adding in.

MR. PALUMBO: And I -- I understand that. And I -- just for the areas -- just by way of clarification, because a *dwelling* is somewhat -- is a place that's usually an abode, or where someone would reside at night is what it --

MR. LENTOL: That's correct.

MR. PALUMBO: -- and I believe it's specifically -- it's usually occupied by a person lodging -- *lodging therein at night*. That's a specific definition in our Penal Law. And that, of course, someone's home. But the living area isn't specifically defined. So, is it a garage? Is it a foyer? Is it a kitchen? Is it a bedroom that would not -- would only be considered a living area? So, I'm just looking for some clarification because I think there will be some issues regarding how it -- that would be charged. If you're in someone's basement and you're confronted by a homeowner --

MR. LENTOL: Sure.

MR. PALUMBO: -- is that, in fact, a living area that would make it a qualifying offense or not?

MR. LENTOL: Well, I think that --

MR. PALUMBO: Do you understand where I'm going?

MR. LENTOL: -- under the law, counsel informs me that *living space* is already well-defined. So that it's -- it's something that can be examined by a court and there's precedent for what would constitute or what would not constitute a living space.

MR. PALUMBO: A living space. So, along the lines of almost like a town code, where in certain towns they would -- they would indicate that you can't have, for example, a living space over your garage? Is that where we're going? Because I don't know of it anywhere in the -- in the Criminal Code.

MR. LENTOL: That -- that could be informative to the court. It's relevant to a collection of evidence as to whether it is or is not a living space.

MR. PALUMBO: Understood. Thank you, Joe.

A little further down, now we're going to get into some of the specific additional offenses that have now been stricken, that it was -- that there was only really one subsection of Article 220, the -- the Controlled Substance statute, that was qualifying. Now, that's been stricken. And it reads: *Provided that for all Class A felonies under Article 220 of the Penal Law, only Class A-1 felonies shall be a qualifying offense.* So, A-2s and lower, of course, are still mandatory bail. Am -- am I accurate when I say that? *Mandatory* meaning release. When I say no -- no cash bail can be set.

MR. LENTOL: They are released under non-monetary conditions.

MR. PALUMBO: Understood. So, for example, Criminal Sale of a Controlled Substance of less than two ounces is an A-2 and, of course, the lower the amount, you can go all the way down to a B-felony for selling drugs. So, drug dealers who sell smaller amounts must be released, as they currently do under the current bail statute; is that accurate?

MR. LENTOL: Well, they could be subject to electronic monitoring or some other lesser --

MR. PALUMBO: Understood. But non-monetary conditions, correct?

MR. LENTOL: Yes.

MR. PALUMBO: Thank you. Now, one other comment and a few questions. In regard to page 306, really starts on 305 and goes through -- it's Section T, where it indicates that -- it's the *reasonable cause* section that we mentioned earlier, that, *Any felony or Class A misdemeanor involving harm to an identifiable person or property where such charge arose from conduct occurring while a defendant was released on his or her own recognizance or released under conditions for a separate felony or Class A misdemeanor involving harm to an identifiable person or property provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in the subdivision.*

So, in other words, this is -- this applies to someone who's out on a crime and commits a second one. And now it indicates, though, the -- the court must make a finding and the --

MR. LENTOL: Right.

MR. PALUMBO: -- prosecutor must prove -- am I right? That they -- by reasonable cause, which is probable cause, our standard in New York, *by way of a hearing or some other manner of...*

MR. LENTOL: There would likely be a hearing. But, remember, he's being charged with a crime and out -- could be out on liberty being charged for another crime, as well.

MR. PALUMBO: Certainly. And -- and the reason I

ask that question is just to give an example of it. Is that the only reasonable cause findings that we -- that I would say in our current legal system, as you know, having practiced for many years, done this for many years, and me being a prosecutor, is either by way of a felony exam, where you call witnesses and have an actual hearing in court, or, you present something to a grand jury, where they find a true bill based upon reasonable cause, which I've done hundreds of times.

So, now, we need an actual evidentiary hearing. So, for example, if someone commits a burglary in Florida and then comes up to Onondaga and commits an A-misdemeanor against a person, an assault, for example, they will need to make a finding. So, my question is, for clarification for the record, specifically, what is the burden of proof other than reasonable cause? Meaning, is it legally sufficient evidence? Can they use, for example, a certified copy of an information, which is a sworn document that a police officer found probable cause? Or do they actually have to get a witness from Florida and put on live testimony?

MR. LENTOL: Well, I believe that there ought to be a hearing. But the courts will eventually decide --

MR. PALUMBO: Certainly.

MR. LENTOL: -- what the --

MR. PALUMBO: Certainly. Okay. And -- and just for example, would the -- a similar type hearing for -- is -- is a Pringle Hearing. I was trying to think of one, where, when someone appears on a DWI, it's considered a, quote, "hearing". But the judge looks at

the accusatory instrument and says, *I find that this is in proper form and I find reasonable cause to believe that the defendant committed Driving While Intoxicated per se, because they took the test, and as a result I'm suspending their license.* That, in and of itself, is a hearing. Even though it's the judge making a finding from the bench. There is no evidence, they're basing it on the documentary evidence provided and the misdemeanor information that's sworn to by the police officer. Would that be sufficient, in your mind, to give some clarification or maybe some guidance to our courts?

MR. LENTOL: Well, my mind is not relevant, it's what the judge will decide when the case is before him and -- and making a determination as to whether there's sufficient grounds to believe that the person should then be -- bail should be set on that person because the evidence is sufficient to sustain the charge.

MR. PALUMBO: Okay. Well, then, by way of legislative intent, can we at least say that it would be discretionary with the court and their finding will be --

MR. LENTOL: Well --

MR. PALUMBO: -- valid?

MR. LENTOL: -- I intend it to be -- I would intend, only *I* would intend this to be a hearing with witnesses.

MR. PALUMBO: Fair enough. Fair enough. Now, if we could move on, please --

MR. LENTOL: Sure.

MR. PALUMBO: -- to the next part relative to the

crime and some conditions that can be imposed on individuals with respect to crimes committed on the subway, MTA, things like that, against an employee or otherwise. And just very quickly, if I could move along because I know I'm running out of time. It's -- it's unlawful sexual conduct committed against a Metropolitan Transportation Authority passenger, customer or employee, or a crime involving assault. And then later on in that paragraph it says, *For purposes of this section, a crime involving assault shall mean an offense described in Article 120 of this chapter, which has an element, causing physical injury or serious physical injury.* And I understand it's limited to that. But, the *unlawful sexual conduct*, there is no specific definition of *unlawful sexual conduct*, but there is, in fact, a definition of *sexual contact*. So, when we look -- when we look in Article 130, there is -- it's not *unlawful sexual conduct*, but do we mean when we say, *sexual conduct*, as defined in Article 130 for sex offenses, subsection 10, which is *sexual conduct, it means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual conduct.* Or, *sexual contact*? Would that be applicable here so that they could invoke that provision?

MR. LENTOL: Well, I think the court would look at the sections to determine what the contact could consist of in order to make a determination.

MR. PALUMBO: Certainly. And the -- the sanction would then be the court could impose that they can't use the subway anymore as a result of that. And I just wanted to -- because I know

*forcible touching* was a concern. *Jostling*, where they would grab the intimate parts of -- of a passenger, someone would do that, and they were obviously a menace on -- to people who were going to work or wherever they're going on public transportation. So, those folks should be sanctioned and not be allowed for a period of time, upon sentencing, to use the public transportation system. So, would that apply to, say, *forcible touching*, which is sexual *contact*, not unlawful sexual conduct.

MR. LENTOL: I think the courts have to interpret that. I don't -- I don't know that *jostling*, by definition or for purposes of this section would -- would apply.

MR. PALUMBO: Not *forcible touching*, if they're doing that to an employee? That wouldn't -- they wouldn't be able to invoke --

MR. LENTOL: The courts will have to work that out, I think, the -- what the intent of the -- of the statute is.

MR. PALUMBO: Okay.

MR. LENTOL: Because it would seem to me that we're -- we're interested mostly in sex offenders. And *jostling* connotes something not necessarily a sex offense.

MR. PALUMBO: Got it. Thank you, Mr. Chairman. I have just a few seconds.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill.

MR. PALUMBO: Now -- now this is, unfortunately,



as I mentioned the other day is -- is what happens when we're amidst a pandemic and we push legislation through, much like the current bail reform, and what -- it's the same as what we're doing here, because we have now excluded robbery. We've excluded kidnapping. We have only assaults in Article 120, we don't have any rapes in that -- in that statute where they can impose a condition that someone not be allowed to use the public transportation system, which would be appropriate.

So, unfortunately, this is -- this is a similar situation, and I would equate it to -- and the bail reform, as well, to the Green Light Bill, where now we made some changes earlier in the previous bill today that would supposedly fix the Trusted Traveler Program. It's not going to fix it. We're trying to do just the bare minimum. And, unfortunately, this bail reform statute should have been repealed. There are many -- there's no judicial discretion. Again, we have a judge who basically could be a robot. He or she has absolutely no ability at all to make any game-time decisions about someone who may be dangerous, or the specific facts of a case that don't render this a qualifying offense, but it's someone who needs to be held.

And these are the big -- these are the significant concerns that we've had. There is a balancing test that needs to be employed. We have very, very serious crimes that are no longer included, so as a result -- and I see I'm out of time, Mr. Speaker --

ACTING SPEAKER AUBRY: Yes, sir.

MR. PALUMBO: -- I appreciate it. I will be voting

no. This is not good government and I request that my colleagues do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker.

On the bill.

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

MS. BICHOTTE: On the part of bail reform, although cashless bail is still law, bail reform was modified in this budget allowing misdemeanors and non-violent charges to be bail eligible pre-trial detention. Also, on discovery reform, it was rolled back to extend the discovery time from 15 days of arraignment to 20 if you're in custody, and 35 days if you're not in custody.

Mr. Speaker and my colleagues and I passed the bail reform because we believed that the justice system was broken and it did not fairly serve the citizens of the State. I stand by the Bail Reform Act. I believe we have been entrusted as legislators to do everything in our power to ensure that citizens in our State are protected and have equal opportunities. Some of the changes proposed to the bail reform I believe is a rollback and will wrong the very thing we successfully righted. Allowing disparities in our justice system is simply unjust. For that reason, in the spirit of Kalief Browder, I strongly oppose this part of the bill.

On the vaping, although I'm in -- in support of banning flavored vape -- vaping products and have been working with

our sponsor and the advocates, I would like to express my opposition for the FDA language in combatting the use -- the use of harmful vaping and nicotine products. I don't have the confidence that the FDA will eliminate the sale [sic] of vape -- vaping and nicotine products under this Administration. They stated earlier this year they would defer action against companies selling these products until companies submit applications for authorization to market and sell these products. This means that these products can still be sold, but under the FDA's rules.

So, to all the anti-vaping and tobacco advocates, do not get your hopes up high. Don't hold your breath. This loophole was suggested by the Big Tobacco and, in fact, was said that they even came around to threaten some of our colleagues in government. Though it is important for there to be vaping prevention control and awareness programs to educate the youth and adults, it would be much easier if we banned the products altogether. For a very long time we passed this in the Assembly, and now we have compromise. Massachusetts did it, New York City did it. And I want to tell the Governor, Governor Cuomo, we can do it here the right way in New York State.

I want to thank the sponsor of this bill. I want to thank Flavors Hook Kids NYC, NAACP, Hands to Action Network, American Cancer Society, Parents Against Vaping and all the advocates who has been working on this. This is a progress, but there's still more to go.

On surrogacy, raising a child is a precious opportunity that every man, woman who is interested in doing so should have. Thankfully, due to modern day technology of gestational carriers, this dream is a possibility, including for those who may experience challenges in the traditional process, like myself. Today we have the ability to provide a resolution for both parties engaged in this process, the surrogate carrying the child, and the parent, the parents awaiting the child. We need to make this a safe and fair opportunity for all. I want to thank the sponsor for fighting for this for many years and finally getting this through. And I want to thank, because a person like me, a woman, a woman of color who has experienced the loss of two babies and have had reproductive issue, and also of the unage now have new hope. So, I am support [sic] of making gestational surrogacy legal.

And, lastly, on Medicaid and MRT, Medicaid Redesign Team, recommendations. I -- I completely oppose the \$2.5 billion cut, especially during this pandemic. Although the Federal stimulus will supplement the intended cause, we're going to have an issue next year. With our current health care crisis of COVID-19, this is not the right time to make cuts. I also oppose the two-and-a-half-year lookback on the home care. It will significantly impact eligibility for people who are -- many of whom are seniors who really need long-term managed care.

I want to say that I'm very happy that the funding and supplements to the ambulance industry was restored, especially during

this COVID-19 pandemic. Recently, just two days ago, I had two people who almost died, and I had to rely on the private ambulance. They are now stable in the hospital. I also rely on the care of my 81-year-old mom with the private ambulance.

So, Mr. Speaker, this is a big and ugly. Every year we -- we come across a big and ugly, and I hope we can work on the things, they are not great, the ugly things. But in all, Mr. Speaker, I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Quart.

MR. QUART: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. QUART: It is always difficult to vote against a Budget Bill, even under the unusual circumstances we are working under this year. Each bill represents dozens of policy initiatives, some good, some bad. In a normal year, and this is anything but normal, we all work around the clock for weeks to make that balance the best it can be, in consultation with our constituents, and significantly with advocates who work tire -- tirelessly to help us get the policy choices right so that we can pass things that will make a difference in our constituents' lives.

This year, we didn't have that option. And, unfortunately, you can tell by looking at this budget language that rolls back portions of the landmark bail reform we fought so hard to pass last year. The fact that this bill is not worse is solely, and I mean

solely, due to the work of the leadership of this House. And for that, Speaker Heastie deserves great credit.

However, the portions of this bill that remain are deeply flawed. It undoes what we so painstakingly negotiated for months last year. In the last drafts of this legislation, few directly impacted people were consulted on the budget language pertaining to bail that is in front of us this morning; in fact, the people who will be most severely impacted by these changes asked us, no, begged us not to make these changes, as have defense attorneys, faith communities and the *New York Times* editorial page. But here we are. These groups all recognize what should be obvious. These rollbacks, or the rollbacks in this bill, undermine some of the core values of our legal system: The presumption of innocence, and that all people, regardless of income, regardless of wealth, or the lack thereof, have equal protection under the law.

I don't need to remind this House why we fought for bail reform in the first place. We're all familiar with the statistics and the stories of this oppressive system, how it impacts real people, human beings, people who are and must be at the center of this fight. Unfortunately, today, those statistics, those stories and those human lives have been subjugated to a false narrative put forth by the prosecutors, the District Attorneys Association, police unions and the *New York Post*.

Even worse, we do this, we have done this, when there is nothing more important than protecting all of our constituents

from the coronavirus. We know that the prisons and jails are especially vulnerable to the virus's spread, transforming every person incarcerated in our county jail system as a potential next case for the coronavirus; essentially, a sitting duck. Passing legislation that allows for the possibility, the likelihood, I would argue, of more people being incarcerated is a terrible mistake. And it is a terrible mistake at this particular moment in our State and our country's history. Two hundred and thirty one inmates at Rikers Island have tested positive for the virus, at a rate nine times faster than the spread of the virus in New York City. Let that soak in for a second.

I have been in this Legislature for nine years, and this is my ninth budget. And you learn as a legislator that there are good nights and there are bad nights, and you must be thankful and appreciative in the bad nights for that great honor that your constituents bestow upon you to allow them to serve their interests. My debt is always to my constituents, the people who send me here. And I think about what it is, what is my obligation? I think about two things: One is to fight as hard as I can for budget language to legislation that, yes, will bring resources back to them for their -- for our public schools, for our hospital workers, to make their lives just a little bit better, to improve their quality of life the best I can. But I also owe them something else, something more.

Not every issue is a budget issue. Some, it's not just about money, about dollars and cents, there's something else at stake. Sometimes an issue is so important that you just must speak out, you

must say what is just, you must say what is right and, equally so, you must say what is not. Last year, we passed legislation that changed our bail system in a significant way. It did a whole host of things. But to me, the two most important things it did was establish that the presumption of innocence exists for all New Yorkers, not simply the wealthy or the well-connected, but those at the bottom end of the economic spectrum, those who have been marginalized. And it's those that we in this House, we as Democrats, spoke to last year, those who were marginalized, those who have not received the resources necessary, those who may have made mistakes in their life, but as someone who believes in redemption, we gave them that. We took them out of their cages and we did that through the courage of our activity in the budget last year.

Ninety-two days later, 92 days later, we reversed course. And we do so with no evidence, with no data, with no documentation, with no statistical analysis of recidivism rates, of bench warrants, with no documentation to suggest that there's a problem with the existing law. We go back on our sacred promise to those communities that we were sworn to protect and that we were sent here to fight for. I cannot in good conscience vote for legislation that does that and for that reason, I'll be voting in the negative.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker.

On the bill.



ACTING SPEAKER AUBRY: On the bill.

MS. SIMON: This budget that we have spent so much time on, frankly, stinks. It's pretty heartbreaking. There are too many gimmicks, too many things that look like they are good compromises but are hollow. Like the sharply-narrowed criteria for home care eligibility and the other cuts to Medicaid that will make even our most vulnerable -- our most vulnerable even more so.

Now, I'm a Libra. I know everybody is really interested in that. But the reality is that the astrological sign for Libras are scales. And I find myself seeking balance in everything, so don't come to me with an asymmetrical pattern. As we have heard from our colleagues all day, that balance, which I believe all humans seek at some level, is different for everyone. And I respect that. Sometimes it's hard for me to understand it, but I respect it. And my reflections this evening on this bill and others reflect this search for balance and equity. Last year our State budget enacted sweeping and long-overdue Criminal Justice Reforms to ensure that New York treats all defendants fairly and equally. Our bail system was deeply flawed, perpetuating racial bias and economic bias, leaving individuals who couldn't afford bail behind bars for months or even years. To remedy this, the State budget eliminated cash bail for misdemeanors, excluding sex offense misdemeanors and non-violent felonies so that we would no longer criminalize poverty. But in the wake of certain bias attacks last fall, and a lot of fearmongering, Governor Cuomo proposed further changes dressed up like reform. These attacks have

been on the rise for quite some time and are atrocious and intolerable. But unfortunately, they were happening well before bail reform law went into effect. The State Senate also proposed legislative changes which, again, may have sounded positive to the uninitiated, but sadly, would have rolled back rights for more than five decades. That was unacceptable. In New York, the purpose of bail is to secure a defendant's return to court and -- and nothing else. It is not about dangerousness or preventative detention. I'm proud to say that the Assembly fought back hard and -- and stuck to its guns when it was at impasse. I'm very grateful to Speaker Carl Heastie for his steadfast and thoughtful leadership, and his absolute commit -- commitment to the reform of our criminal justice laws. Our Assembly staff worked long and hard and creatively to secure the best possible budget in these very trying times, and we owe them a great deal of gratitude. But make no mistake about it. The compromise that the Assembly has reached on bail, which retains the key principle that bail is about securing a return to court, not preventative remand or a dangerous -- assessment of dangerousness is a compromise that the Assembly want for the people of New York. The crimes added to the list of bailable offenses are on the whole, relatively low incidence crimes, and the data from Rikers pre-bail reform supports that. Nevertheless, I cannot in good conscience vote for this rollback because I promised no rollbacks, because I believe in the presumption of innocence. And that even considering such an action during a pandemic spread by a virulent virus is downright dangerous. No matter what one's view on

bail reform, we didn't need to go there this year. This will not protect anyone. It will consign pre-trial detainees to illness and, heaven forbid, possibly death, for an alleged crime for which they have not been convicted. And even if they had, death would not be the penalty. Moreover, they'll be endangering corrections staff and their families and further endangering the public. This, to me, makes no sense and achieves no balance. Last year I also wrote that we had reformed discovery procedures to move away from what was then the current Kafkaesque discovery laws to assure expeditious and fair exchange of information in criminal cases. So let me be clear that automatic routine and scheduled disclosure is the norm in states around the country and in the Federal system. New York has take -- taken a step back, although fairly minor, on discovery as well. I'm profoundly disappointed by this. This Budget Bill also includes what may look like flat funding for our schools, and we made progress on that front. The infusion of badly-needed Federal dollars helped make this flat, but costs keep going up, and the impact of coronavirus is astronomical, ensuring that those dollars will go more quickly and translate into an effective cut. Given the great uncertainty in the country's economy, this will -- the future for even that flat funding is shaky at best, and will further harm students with disabilities, for example. I'm profoundly disappointed that we were not able to fund Foundation Aid at the level it deserves. Fund civics education or screening for pre-K to 2 children to determine whether they are at risk for reading disability, but I am hopeful for the future.

I support the surrogacy provisions in this bill and wanted to mention that as well.

This is a time for us to be investing in the people of New York and in the structure and institutions that care for our people and lift them up. We need an investment budget, not an austerity budget. We need to help people who have lost their jobs or have been forced to close their businesses for an as yet un -- undetermined period of time. To pay their rent. About a third of my district are independent contractors, and their line of work is completely dried up. Their clients are gone, they don't have jobs, and they have no way of paying rent, which are among the highest in the entire State. We need to help small businesses survive, and in this time when New York is on pause, ensure that they are not penalized for nonpayment through late fees and penalties that are often the part of commercial leases. And again, these commercial leases are very expensive. Or by insurance companies that refuse to cover losses for the result of COVID-19 under business interruption policies. These people are our neighbors, they're our friends, and they are the backbone of our economy. It should be against public policy to enforce such provisions in the time of a historic pandemic.

I'm a lawyer. I understand that the law is an imperfect tool. That simple reality frustrates people to no end, and makes for inequitable outcomes. But without the rule of law, our country and our State will vanish from the Earth. I value our Democracy, as imperfect as it is, and so I cast my bal -- my vote in the

negative for Democracy and the rule of law. Thank you.

ACTING SPEAKER BLAKE: Thank you, Ms. Simon.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. I rise to speak to address this budget. I also want to thank all the folks who worked on it so hard. But I speak out of a sense of sadness, anger and frustration. My district was hit by COVID-19 before we, as the State, knew what the scale of this crisis would be. And what we suffered from was not the disease, but the xenophobia and racism against Asian-Americans that started to spread around the world. My small businesses started to see less and less foot traffic months before there was a single case in the United States. After the actual COVID-19 virus started to spread, the other epidemic of xenophobia was fueled further by the racist fearmongering of our President and allies that he has that sought to shift blame after failing to do their job to keep our nation safe. In my district, we are months ahead in the economic devastation of this disease. Since January, my district has been acutely aware of just how much this pandemic has changed and will change our City and State. This pandemic has put up a harsh spotlight on a reality in which was not enough -- has changed to meet the needs of today. A reality which existed long before this moment and which will continue into the future, made worse by the budget that we are being presented today. The simple fact is our criminal justice system, our court systems, our financial systems, are all built to trap certain

people in a cycle of poverty. All the while, our public health system, our hospitals, our schools and our housing have been underfunded for years and years, leaving us more vulnerable to this crisis than need be. This virus has laid bare just how weak our institutions have become in a time when we need them to be strong. Now in this moment we are being asked to respond to decades of shortfalls by cutting more, even as we know, we know, that the needs will be greater than ever before. Amongst the harshest and most unthinkable cuts we are being asked to consider are the cuts to Medicaid. I find it difficult to even say this, because I don't understand how we can think this is a right policy when we look at our communities and see the abject suffering and fear happening right now because we don't have enough hospital beds. We don't have enough PPEs. We don't have enough nurses and doctors and ventilators and tests and countless other elements of a robust public health system. People are literally dying in the halls of our public hospitals because they simply don't have the capacity. A direct result of years of cutting hospital beds and funding. We are setting up field hospitals in parks, sports stadiums and convention centers to deal with the structural shortfall in our public health system, yet we are standing here today being asked to cut it even further. Cutting Medicaid in any other budget year means that New Yorkers suffer, the hospitals go without, that nursing homes close and that there are staff shortages. But this year, this year, cutting Medicaid means that a lot of people will die. Older adults and people with disabilities will end up in our emergency rooms because they can't be cared for in their

homes, and they will die. Immigrants, black and brown New Yorkers. LGBTQ New Yorkers who can't get care in our community health centers will die, and health care professionals who are already overworked and underpaid yet still on the frontlines, putting themselves in harm's way to keep the rest of us safe will continue to get infected and die. But the sad reality is that this is only part of the problem. Because the outcomes of this crisis will not only be in the lives tragically lost or the long healthcare recoveries that many will face, it will also be in the devastated economy that awaits us once the pandemic has eased. It will be the people who are ready to work again but find countless small businesses bankrupt. That find jobs that they left no longer exist. That find themselves deeply in debt from weeks or months without a paycheck. It will be the immigrants who are shut out of government relief. The students who missed school for months. The families that couldn't find a way to make ends meet. For these people, we need to plan now. And that planning should be in these budget documents which can and should reflect our values as a State and as a legislative body. Because as we well know and as many of us have said in past years, when budgets were more flush, a budget is a values document, Mr. Speaker, and a reflection of who we care about and what we prioritize. We know that many, many people are suffering now, and far more will suffer in the future. My question about this budget is simple. Are we doing all we can to alleviate that suffering, or are we making it worse? And sadly, I look at this budget and know that it will make many things worse. I know that there are

those who say that financial costs of fighting this virus means that we'd have no choice but to cut and to cut deeply. But is that our only choice? Of course not. And it's certainly not the best choice. Are we actually choosing to cut hospital funding and Medicaid while in the middle of the worst public health crisis in a century? Are we actually choosing to underfund our schools where millions of kids will miss out on school for literally months on end and will need extra help to catch up once this is all over? Are we choosing to cut our social safety net when the needs have never been greater and we are headed into an economic crisis worse than the Great Recession? Are we choosing a budget that fails to keep New Yorkers in their homes but manages to keep them in our jails? Are we making deep, devastating cuts to our basic needs while protecting tax credit programs for big businesses, yet taking our revenue ideas about where we could have raised the money, like an ultra-millionaire's tax and the billionaire's tax, marihuana legislation or a pied-à-terre tax, or even a corporate stock buyback tax off the table. To blindly continue to worship the false idea that we somehow should not ask the wealthiest among us to pay their fair share. Are those our values? Are those the choices we want to have attached to our names for all of history when people look back and say, *What did they do in this time of crisis?* History is an important guide here, because nearly 100 years ago we faced an equally devastating economy. One in which the market crashed, bankruptcy skyrocketed, jobs disappeared in record numbers. Savings were depleted, and families were left waiting in lines for hours for



bread and other essentials. What we learned then was seemed to have forgotten now. It's that you don't cut your way out of an economic crisis. You don't get people back to work by starting the engine of government while bowing to the ideas of protecting the wealthy and bailing out and giving into big business interests. In the recovery that must come after this crisis, what we need is not the cuts proposed by our Governor, but strong investments in our infrastructure and the public assets that could have mitigated this crisis had we only been willing to fund them previously. This budget, this values document, makes a terrible statement that we value big businesses and profits more than we value people. Our people. The people of this State. And that is simply not who we are. Certainly, our Governor has been a powerful and decisive figure, one that many people took strength from during this crisis. In this time of great national crisis he has been like Winston Churchill, the great British bulldog who stood up to tyranny and rallied the nation to stay strong in the face of adversity. And while I give him credit for that, in our right-now moment, perhaps a leader in the model of Churchill was what was required. But in the hours of far greater need that are coming, we need a Governor who evokes a leader closer to home. A former Governor of our own who chose unprecedented investment in our nation, in our people and in our future, and led us through the Depression as no one else could have. We don't need a Governor who will consolidate power and push through an austerity budget that further hurts those New Yorkers hardest hit by this pandemic.

My friends, my colleagues, what we need in the days ahead is not another Churchill, but instead, another FDR. A leader who was willing to stand up to big businesses and the wealth barons of his time to secure the funds necessary to invest in our nation's future. FDR was a leader who had the vision to see the great needs our nation faced, and who put people to work, making that vision a reality. Investing in infrastructure and housing. Energy production and transmission. Rural and urban communities, and transformative projects that laid the ground for the post-war economic expansion that defined our nation for generations to come. Because in the months ahead when the USS Comfort has left port, when the emergency ventilators finally sit idle. When makeshift emergency hospitals at the Javitz Center, the U.S. Tennis Center and Central Park are a memory, what will be left behind will be the people of this State. Grieving for those we've lost, and desperate to see a way forward when we are bereft of savings and without work. And right now with this budget we are choosing to make that problem worse. When we cut health care spending, what will mean -- that will mean hospitals shut, nurses and medical professionals, the people that we are hailing as heroes right now, are out of work and without income. When we cut deeply into our schools it means layoffs for teachers and education professionals when kids will need them now more than ever. And all of the layoffs caused by the cuts we are considering today, will have a cascading negative effect, dominos. As out-of-work New Yorkers are unable to stop and spend, unable to support local stores and

restaurants that employ so many of our neighbors and unable to pay their rent or their mortgage. Meanwhile, we know that we have great needs that can and should be addressed by smartly investing in public assets. Seeing how we are educating our kids now online, we need to expand broadband access to our rural communities and for low-income city residents. We need to radically increase clean domestic energy production for our climate, our -- our economy and our national security. We need far more extensive mass transit systems, not just in my City of New York, but also high-speed rail across the State. Our NYCHA housing is desperately in need of extensive repairs and -- and rebuilding, yet we have not given in a single dollar of new funding. No hot water. No heat. Lead, mold. We are asking people to stay inside their homes right now, and their homes shouldn't be what's making them sick. It is shameful. And we need to be preparing our waterfronts for rising seas, inevitable climate change and coastal resiliency, as we should have prepared for this pandemic. We should be expanding upon last year's criminal justice reforms, not walking them back. Right now we should be freeing New Yorkers trapped in jails at the epicenter of this epidemic, not finding ways to incarcerate more of them. We need to end systems designed to hurt, and build systems that will heal our State and our country. Beyond big-picture infrastructure, we must also be investing directly in the families of our State to ensure their future financial stability, rather than condemning them to deeper debt, greater economic instability and higher levels of homelessness. For these

needs, we must expand and extend the eviction ban. Temporarily suspend rents and implement a commercial and residential rent freeze, and create a tax holiday for small landlords. We should expand SNAP and seek ways to target subsidized food purchases to our Upstate farmers. The path to receiving unemployment benefits needs to be eased, and the duration of these benefits needs to be extended. And when this crisis is over and our restaurants are reopening, let's provide State-funded vouchers that can be used like cash in non-chain restaurants across New York. Our infrastructure and economic needs are great, but the opportunity here is just as great. If we have the -- the opportunity to encourage to let go of the misguided fallacy of trickle-down economics and return to FDR's ideological roots, creating the new New York Deal, which can be a model of healing for our nation. As President Roosevelt famously said, *We have nothing to fear but fear itself*. Yet it feels like fear has stopped us from standing up for the values that I know we all share. This budget not only takes us away from the values we have been working toward for years, it takes away our ability to recover from this crisis. And this is why I'm sad, Mr. Speaker, angry and frustrated when I look at these Budget Bills. I am sad because I know that this budget will leave many people, many programs and many policies that we all agree are vital for our State, unfunded and unable to fulfill our goals. I am angry that we, as legislators, are left with so little choice but to vote for what we all know is a flawed budget, despite our misgivings, and despite the fact that it further erodes the balance of power that should exist

between the Legislative and Executive Branches. And I am frustrated, deeply frustrated, because I believe that we had the opportunity in this budget to make a bold shift in the State's spending plan that truly values all people and embraces the future in which we are actively moving to reduce poverty. To build strong infrastructure. To expand housing and transit. To honor our healthcare workers, our teachers and our first responders, and to create great jobs across our State while preparing for future challenges. We had that opportunity, and we are letting it pass us by in a favor of a budget that allows New York to barely get by, but does little more.

I will be voting against this bill, specifically because I cannot accept the choices that have been made here. And I do so with this hope that one day we pass a budget that does so much more. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker. This budget has left me heartbroken. People across the State are dying. There were 200 deaths in 24 hours. And we're here fighting over trivial policies that could have been decided at a later time, because some of our leaders chose politics over serving people. I represent Jackson Heights, Corona and Elmhurst, where more than 60 percent of my constituents were born in another country, and where 40 percent of them are undocumented or have another form of status. Many lived in the fringes of poverty before this epidemic began, relying on hourly or

daily work, they lacked health insurance and faced homelessness. I also represent the neighborhood where Elmhurst Hospital is located, where just a week ago, we lost 13 people in 24 hours to COVID. I am eternally grateful to our Speaker and our team. The folks here at the Assembly worked extremely hard, because while others saw this budget as a chance to play politics with the lives of people, they worked to reduce the hit on our communities, even during this financial crisis. But this, this is not the New York I love. This is not who we are, because we do not forget our principles during a crisis. We do not forget our values. And no matter how you feel about undocumented New Yorkers, the fact remains that we have contributed over \$40 billion to our State economy every year, paying \$1.1 billion or more in taxes every year. This budget is deeply disappointing to immigrants, to our black and brown community and to those who are already living in poverty. They have been hit the hardest by this pandemic, and this budget will create an even deeper wound in their lives. Their already difficult existence has been made nearly impossible by this health crisis. Most of them can't benefit from unemployment insurance, from a Federal or a State bailout, and they can't even take advantage of the paid sick leave law that we passed last week. So even though they pay billions of dollars into our State economy every year, our budget, for the most part, has turned its back on them. This budget includes cuts after cuts after cuts. All while we refuse to raise the taxes on the uber-rich in New York State, which could have left, to some extent, to \$40 billion to plug many

holes that we have in this budget. Instead we chose power over people.

I want to tell you the story of a mom who came into my office last week. Many of you don't know this, but during this crisis we have turned our office into a food pantry. Because the members in my community have nowhere else to go and eat sometimes. I had a mom walk into my office and tell me, *I've worked for this particular company for ten years. I paid taxes, and I was laid off and I can't get unemployment. I can't get benefits, and I have a special-needs child. What am I going to do to eat?* And she has our community helping. We have had restaurants, we have had people willing to help. But why should it depend on the rest of us when government's duty is to protect those in need and we have failed her we have failed her child. And we have failed the people in my community. We are faced with unconscionable cuts to our healthcare system, and I understand that we don't have the money but we could have raised it. I represent Elmhurst Hospital, a safety net hospital that deserves this money because for years they have served thousands of people. And that as of late, as many of you know, has become the epicenter of this epidemic. And despite promises of aid from many of our so-called leaders, we've been left in the cold, facing billions of dollars in cuts and depending on donations and the kindness of strangers. We should be supporting the staff, the doctors, the nurses, the people who are saving lives. The proposed Medicaid cuts will also directly impact my community health clinics, because they are the

ones that when people cannot go to Elmhurst Hospital are picking up the slack. They are the only source of medical care for many people in my district, for thousands of people that otherwise would probably die. I am deeply concerned with the proposed lookback period that would affect a person's ability to access home care. The way that it's set up in this budget, it would likely leave thousands of people without services. And today, rather than looking for ways to protect fundamental and basic rights under our Constitution like we were sworn to do, in order to save people's lives we've created a sideshow of smoke and mirrors where we address the bail reform rollbacks under the guise of protections for our community. I began fighting against bail reform rollbacks because let's get it right, that's what this is before this health crisis began. But right now in the middle of this pandemic where we could have chosen to have the conversation at a later time, they have become absolutely a matter of life and death. For those of you who may not know or may not care, when an inmate gets sick at Rikers Island, they end up at Elmhurst Hospital. In a hospital that's already been devastated by this crisis. As my colleague said earlier, the rate of COVID inside of Rikers is nine times higher than in the regular population. There are 29 people per toilet. Hand sanitizers are contraband, and the products that you and I take for granted, such as soap and cleaning products, are nearly impossible to come by. Cafeteria workers are serving meals to inmates without masks and gloves and on dirty trays. Yet here we are, looking at an introduction of an additional 20 bail eligible offenses, looking to lock up more



people after vowing that we would not go back. And I reiterate again what one of my colleagues said. I want to thank the Speaker because this could have been so much worse. I have seen reports that estimate that we could see an increase of up to 1,000 more people in our jails every day because of this change. Many more people will go to Rikers. Many more people will get sick. And when they do, they will end up at Elmhurst Hospital and expose the doctors and nurses and the rest of us. Ultimately, many, many more people will die because of this. These people have not been charged -- excuse me, these people have only been charged. They have not been convicted. They have not been proven guilty of any crime, and yet here we are, looking to cage them in a facility ravaged by a pandemic. Exposing them to a disease, overcrowding, unsanitary conditions, and essentially sentencing them to die. These bail reform amendments are set -- are set to go into effect in 90 days. That's 90 days. And this pandemic, I can guarantee you will not be over in 90 days. We have no idea if we will even be successful in flattening that curve by then. The Mayor and other officials have spent the last few weeks freeing hundreds of inmates in order to reduce the spread and save lives. Yet here we are, blindly enacting dangerous legislation that will put people back in jail.

Bail reform was not created in haste and without consideration. I want to repeat that. It didn't happen overnight. I need people to understand that last year's reform took years, took decades of advocacy, data collection and the deaths of imprisoned black and brown brothers and sisters who endured painful and

unnecessary ends while they sat in jail for months and years awaiting trial. It's the people of color rising up and running for office and winning the seat at the table, to begin the end of what remained in our slavery system. And last year we took five steps forward and today we take ten steps back. When the media onslaught of fear mongering and misinformation began, even before the January 1st enactment date, we knew we were facing an uphill battle. We fought back against the inclusion of dangerousness and the judicial discretion because we knew that these changes would result in further imprisonment of black and brown folk. These facts will not change, no matter how many examples you take from the media. No matter how many facts you twist and you try to change the narrative. Make no mistake. People will be unjustly imprisoned and people will die. These are people who were not in prison because of a crime they committed. They were only charged. They have not been proven guilty, but because they're too poor to afford justice. Do we no longer care about the Constitution? Isn't it our job to protect these basic rights? For years, district attorneys and court judges have used bail as a mechanism to alter the burden of proof and over-incarcerate the masses. The accused, many of who have jobs and families to support, took pleas in desperation because they were what they need -- they want -- excuse me -- the accused, many of them who have jobs and families -- and desperate to avoid imprisonment were willing to take pleas, despite their level of guilt or innocence, or the district attorney's ability to prove that they were guilty or not, beyond a reasonable

doubt. Bail reform leveled the playing field back where the Constitution intended it to be, where the State had the burden of proving someone was guilty beyond a reasonable doubt. And the threat of indefinite imprisonment could not be used to modify the legal standard in favor of the district attorney. I'm not sure what communities these changes will actually protect, but it's certainly not mine. Black and brown communities are overexposed, over-policed, over-exploited and over-imprisoned. People don't seem to understand that including non-violent misdemeanors and other non-violent offenses to bail-eligible crimes will lead to more people going to jail before they have an opportunity to have their case heard. Caging people indefinitely was never the purpose of bail, and rehabilitation over restriction should have been the goal. The deaths resulting from this callous change will be in the conscience of those who chose power over people. I hope it's worth it. Serve with compassion, understanding, and care for those who are incapable of caring for themselves. These were the lessons I learned from Father Antonio Checo, one of the religious pillars of my community. He passed away two days ago from COVID. And as I stand here, I remember these words and I get ready to vote. And while there are key issues that I have been supporting for a very long time, including surrogacy, Mr. Speaker, I will be voting no on this Budget Bill because I cannot in good conscience put the political needs of a few over the lives of thousands. Over economic justice, over racial justice, over the needs of my community, because this budget is not compassionate. It is not

dutiful, and it is absolutely not honorable.

ACTING SPEAKER AUBRY: Ms. Walker.

MS. WALKER: I can't believe I'm even standing here doing this, but thank you, Mr. Speaker, for allowing me to speak on the bill. Two years ago, a lot of people thought that a leadership change would result in a seismic shift in how New York State is governed. We stood ready in the Assembly to pass laws that not only create more fairness and justice in New York, but to undo 400 years of oppression suffered by black people in America. Last year, one of the proudest moments of my life. We took important steps towards that by passing bail and discovery reform laws that not only decarcerated jails, but forced more racial equity in a pretrial system. We secured greater equal access to justice for tens of thousands of people. And this is important. Because if we look at criminal justice reform efforts across the country, far too often we see measures that provide relief for our white people and the wealthy, but ensure that communities of color continue to suffer. We heard the horrific stories of legally innocent people like Kalief Browder languishing in jail because of our inherently and equitable pretrial system and we responded. We passed historic reforms that didn't just tinker with long strides towards righting wrongs, but it uprooted injustices. We severely and deeply addressed an unfair system. And doing so, we put a stop to our abhorrent in jails and warehouses for people that needed social services and support and housing and healthcare instead of incarceration. Most simply, we began to even the playing field for

countless people who were trapped in wealth- and raced-based detention. However, tonight as we vote in the midst of a global health pandemic, we will change the world as we know it. That seismic shift is nowhere to be found. The very same people who elevated their political stature based on claims of being liberators of New York's jails have stood silent, have been complacent in dismantling the very laws that they championed. They stood silent as bail reform was being weaponized to uphold the systems of white supremacy, social stratification and the commodification of black and brown bodies upon which this country was built. They stayed silent as nearly each and every fearmongering article that claimed the sky was falling because of bail was debunked. Not only had they stayed silent, not only had they been complacent, but in the fact that they have pushed for bail law rollbacks that ensure that more people and more black people are forced into jails before they even have their day in court. The bail reform we passed last year has only been in effect for three months. And in those three months, it has been working. Each day there are 6,800 fewer people in jail pretrial. This means that tens of thousands of people who were able to return to their jobs and their families while they await their day in court. This rollback of the bail reform law massively expands who can be incarcerated pretrial. In doing so, we reverse the progress New York has made in decarcerating our jails and instead, dramatically increased the number of people subject to jail before trial in the midst of a global pandemic. We must have a clear understanding of how we got to this point in the

State of New York. James Baldwin said that if anything is to change, if we are ever to end this racial nightmare and achieve our country, we must confront this system and the blighted history that created it.

Many black and brown and low-income communities are forced to participate in a judicial system that sees our guilt before they see our innocence. This is not a case-by-case scenario. This is a systemic problem that was out in place from the moment of Reconstruction to far beyond the seating of President Barack Obama. Not having fairness and equity in our court system is nothing new. After the 12 years of Reconstruction, a group of specifically-defined rollbacks in advancement that ex-slaves had to go through was organized by white merchants, planters, businessmen and politicians that followed Reconstruction. Redeemers employed vicious racial violence, and State legislation as tools to prevent black citizenship and equality promised under the 14th and 15th Amendments. The Federal government passed up on an opportunity and another to intervene, and once again, we, as a government, are passing up on an opportunity to protect the social ills of an oppressive criminal justice system. The new racial cast system was not nearly political and social, it was thoroughly economic. Black men and sometimes women and children were arrested and convicted of crimes enumerated by things that they called Black Codes. These were State laws that criminalized petty offenses and things of that like aimed that keeping free people tied to their former owners, plantations and farms. The most sinister crime was vagrancy. The crime of being unemployed. The crime of being

homeless, which brought a large fine that few blacks could afford to pay. Ironically, white leaders found a solution in the 13th Amendment which ended slavery in the United States in 1865 by exploiting the provision allowing slavery and involuntary servitude to continue as a punishment for a crime. They took advantage of a penal system predicated on the Civil War, and used even during Reconstruction. With the help of profiteering industrialists, they found yet a new way to build wealth on the bounds and the backs of black Americans. The convict lease system. Does any of this sound familiar? Convict lease ended at different times across the 20th century, only to be replaced by many states as convict labor, i.e, the chain gang, i.e., something that we see very similar across the State of New York. Convict labor is similar to lynching, but White Supremacist ideologies of Jim Crowe supported them and produced a bleak social landscape across our country for African-Americans. But in the decades that followed, a tough war on crying politics when racist overtones produced, among other things, harsh drug and mandatory minimum sentencing laws that were applied in racially-disparate ways. The mass incarceration system exploded with the rate of imprisonment quadrupling from the 1970s to today. And we, as a society, have been brainwashed to think that bail is a form of punishment. For decades we perverted a mechanism that was designed to ensure people return to court instead of using it to criminalize black and brown and poor communities.

Now, rather than building on the historic reforms that were enacted last Session, we are taking a huge step backwards. We

are capitulating to an over -- overtly racist fearmongering campaign without any basis in objective fact or data. We are caving to the backlash that seems to be inevitably followed by any civil rights victories that we have accomplished by just our representation of values and we've heard that early -- earlier. That any elected official who chose to spend their time fighting to roll back a policy that strikes at systemic racism when they should be pouring all of their energy into structuring a social safety net to protect New Yorkers from COVID-19 pandemic and prevent a public health crisis to suggest that mass incarceration is an idea rather than something that people have had to live with for hundreds of years is insulting. These rollbacks presented to us are not thoughtful policy. They do not make the law fairer. They do not make our communities safer. Instead, they represent the prioritizing of politics over people. The Senate has obsessed over this notion of repeat offender. Even the term suggests a failure to take seriously the presumption of innocence. What's more is that we know misdemeanor rearrests are a function of policing tactics, not behavior or crime rates. It is black and brown and poor communities who will be at the brunt of this. To stand here today, a mere year after passing one of the most effective laws our State has ever passed, and be asked to vote on a bill that increases mass incarceration while the rest of the country scrambles to release people from jails and prison is a betrayal, plain and simple. Let's also not forget that the enactment date as we've heard on these rollbacks to bail reform is 90 days, which we know is clearly politically motivated. You know, they say that the greatest



trick that the devil ever pulled was to prove to the world that he didn't exist. We are in the midst of a global health pandemic, wherein the Governor himself has said we should expect this crisis to last for almost nine months. To choose an enactment date for the gutting of bail reform that allows for elected officials to publicly say that they didn't sentence people to death by coronavirus in this moment yet and still conveniently enacted before general elections and before this crisis resolved is shameful. Clear evidence that this has always been about politics. Court data suggests crime has been decreasing, not rising, since bail and discovery took effect. The most important statistic of all is that the number of criminal court cases in New York City has declined by 20 percent in the first two months of this year over the same period last year. This is a massive, almost unprecedented drop, and happened long before the coronavirus pandemic affected us. I want to be clear. The attacks on bail reform have been entirely racist in nature. And for New York State to respond by these racist tactics by gutting bail to validate the dangerous opinions and to set our State and country back hurts. I have never been called a nigger. I have been called an ape. In fact, someone wrote on one of my walls to tell the police to shoot them dead on the spot, and that will put a stop to bail reform. Today, the U.S. has the highest incarceration rate of any country in the world, with 2.2 million people behind bars. And while black Americans make up only 13 percent of the U.S. population, we make up 37 percent of the incarcerated population. Those in my community, my constituents,

have suffered at the hands of New York's unjust pretrial system for decades. I cannot, I will not casually accept that thousands more of my neighbors will languish behind bars pretrial in a fool-hearted attempt to pacify critics who care little for the lives of the people that I represent or my neighbors. It is in the memory of Kalief Browder and my cousin Ivory Rolling and so many others that I vote no, and I encourage other people to do the same. This does not help us. This misdemeanors situation where we are allowing more misdemeanors for the -- even if you just take all things aside, if somebody is charged with a misdemeanor on a first offense, most likely they won't get bail. And then to say that on the second time this offense occurs now the bail statute is back invoked, is shameful. What was it all for? What did we do all of this for?

Thank you, Mr. Speaker, for allowing me to express my feelings, my analysis of what happened here under these very, very concerning times. And also to say to Speaker Heastie that I applaud you. That I lift you up because I understand the odds that you were against, and the fact that you've done everything possible that you could have done to protect and make sure that this bill was not ten times worse than what's presented today.

Again, I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Blake.

MR. BLAKE: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLAKE: Mr. Speaker and colleagues, on this

third day of April in 2020 just after the midnight hour, we are here to debate on the budget. We understand that this is the beginning of a new fiscal year in New York State. It's upon this day where this may seem like it's just April for others, but this is a chance for us to set a new beginning. It's for those of us with the awesome responsibility to ensure that our budget reflects our values and it reflects our priorities. It's that time after extensive negotiations where consciousness may wane out of fatigue, but we should not lose our conscience. April is when we rebegin our fiscal work in the People's House to ideally help someone stay in their own house. It demonstrates the reality that we must reflect on what has occurred before our arrival in this august Chamber, to understand the history of past decisions, to instill the clarity on future actions. What happened in the past prepares us for tonight. Courage is displayed in the moment of great discomfort. Courage is doing what's right even when it's not easy. Recognizing the great Reverend Dr. Johnnie Green in Harlem mobilizing pastors and communities, he said often that when you reflect on ancient Greek timing, they had two different words for time. Chronos and Chyros. Chronos logically tied to chronological order of sequential time. But Chyros is what's quite appropriate at this hour in our lives. Chyros means moment. What shall we do in this moment is what shall define us for our future. In the midst of this coronavirus pandemic and we understand that lives are being lost by the minute, we pause to thank the healthcare heroes and the grocery workers and the airport workers, educators, transit workers, communication workers, first responders.

All those in public sector. The family members that are all wondering if they'll make it another day, we say thank you. But we must realize that the pandemic of poverty, of health disparities, educational insecurity and criminal injustice existed long before this virus hit our shore. Unfortunately, many of us feel that the vaccine for this illness, of coronavirus, will arrive far faster than the ailment for the poor. It's in this moment where we must truly ask ourselves what is more important, rushing to vote on a budget when many of us are afraid of being paid for a day or rushing to lock up more black and brown folk who get paid cents in a day. We must reflect on time and moment in our recognizing in unison that there is that order that brings us to tonight of the moment, that Chyros moment for courage and justice. For students, our seniors, our humans behind bars, this Budget Bill is not justice. It is the justification of continuing 401 years of injustice. All of us are excited when new years arise, yes, either in a calendar or fiscal. But you have to realize that within the black community there's a deeper reflection when we think about the stroke of midnight. See, December 31st, 1862 was the night that black folk thought we were going to have freedom. Frederick Douglass spoke of it, and saying it was a day of poetry and new song. These cloudless skies, this balmy air, this brilliant sunshine making December as pleasant as May, our harmony with the glorious morning of liberty about to be dawn upon us. You see, we thought by the stroke of midnight there would be justice. That's what we felt a year ago. We understand that when you think about January 1st and sometimes in other manners emancipation,

freedom, liberty all because of a politician following justice. But you understand that when it comes to criminal justice, sometimes it takes a little bit longer to achieve that. It took them a few extra years to June 19th of 1865 when the announcement of abolition finally occurred to our brothers and sisters in Texas. It led to the emancipation of those that were there. Now you're asking me, how is that tied to what we are discussing on tonight. You have to understand that the actions are typically rooted in sustaining injustice and impression. See, one year ago we took the steps to finally provide bail relief and speedy trial and open discovery, following upon the action of raising the age. But ironically in *Time Magazine* on March 6th of 2019, a powerful article was written that is also appropriate for today. How did the United States get its police force? Gary Potter, a crime historian, stated, quote, "First, the publicly-funded organized police force were officers in full-time duty in Boston in 1838. Boston was largely about shipping as a commercial center. Businesses had hiring people to protect their property. But in the South, however, the economics that drove the creation of the police forces were centered not on the protection of shipping interests, but the preservation of the slavery system. Some of the primary policing institutions that were there were slave patrols. Tasked with chasing down runaway slave revolts. Potter said that the first formal slave patrol was in 1704 in the Carolina colonies. During Reconstruction, many local sheriffs functioned in a way and now, I guess, to the slave patrols before that.

See, I can acknowledge, yes, there may be legitimate

quality within this legislation. But to the Governor and the State Senate, you have put forth legislation tonight that is more about maintaining criminal injustice than keeping people alive. I'm just asking for a Chyros moment of courage and justice. In the midst of a public health crisis where as of today, close to 52,000 people have tested positive in New York City, with 94 -- 9,400 cases in the Bronx. We should be investing in keeping people home, not locking them up. Yes, I can acknowledge quality items such as Diversity in Medicine scholarships. Yes, I can acknowledge things that are happening. But I cannot justify how in a public health crisis we are cutting Medicaid. How in this moment are we actually saying that it's easier to put people behind bars than to give them hope. We should be getting people more Personal Protective Equipment to our health professionals so they can don a uniform of pride and honor, rather than changing and having bail rollbacks so we have more black and brown folk donning on a uniform that will take them into prison cages. Jails are effectively petri dishes of spreading illness of dormitories. There's no possible way that you can be safe in that kind of environment. It's stated that hundreds of people in the Department of Corrections orbit all have been contracting and testing positive. It's close to nine times higher the rate of what we're seeing at Rikers and other places. Alcohol is a contraband. Dr. Ross MacDonald said very simply, it is a cruise ship recklessly boarding more passengers each day, and issued an ominous warning that a storm is coming. A storm. That is what's happening when we lock up more people. A storm.

That's what happens when you don't invest in public housing. A storm. When you don't give more money for education. A storm. When you have the audacity to cut Medicaid. That is what's happening. And this is not theoretical for me. See, I am someone who has had two brothers incarcerated, a mother who is battling asthma right now, was the person who represented Kalief and his mother as my constituents. So, colleagues, simply put, every arrest during the coronavirus pandemic is a death sentence. Plain and simple. I'm asking for that Chyros moment of courage and justice. How do you justify cutting Medicaid at this hour? How do we go back to the Bronx to Lincoln Hospital and Bronx-Lebanon, Montefiore, all the things that are there and say, *We're cutting you right now?* How do we say to the students who don't have sufficient funding for their tablets and their laptops that *we're not getting you more*, but how in good conscience do we have the audacity to lock up more black and brown folk, put them in jail and know that they will die? Why are we here? A vote yes, is saying that you're fine sending more black and brown people to jail. A vote yes, is declaring that you are in good conscience ready to see us die. A vote yes, is saying you don't believe our lives matter. A vote yes, is that you're comfortable with the reality that when you see freezer trucks that are serving as morgues, imagine what it's like at a jail. A vote yes, is synonymous to supporting modern day Rockefeller Drug Laws. A vote yes, is supporting a modern day crime bill. A vote yes, is saying simply that you don't care about black and brown folk. Governor Pritzker said in

Illinois, the decision is about life and livelihood. It seems here to me that the decisions being made for some people about an election versus eternity. About reelection versus restoration. It is clear to me that some people are more comfortable banking on black and brown folk to go vote for you than to go protect us. It seems to me that there's not that Chyros moment of courage and justice. I hope that me speaking these words won't lead to me not getting the support that I'm supposed to get, like all of us are supposed to get. I hope it won't mean that we won't get the hand sanitizer which, ironically, are being made by those that are incarcerated. I hope it won't mean that you will feel too uncomfortable to talk to me about what is true and real right now. But I hope you may feel that knot in your stomach and in your throat, not from a physical illness, but more from your conscience kicking in. I hope that you feel that sense of conviction that something is not right. A vote today can lead to one person being locked up and losing their life in 90 days. The continuation of racism and sexism and criminal injustice. Rather, it should be easier for someone to go across a graduation stage.

I salute you, Speaker Heastie, because you stood up when so many others would not stand up. We thank you for pushing back against morally reprehensible, unconscionable, inhumane proposal that came from the State Senate and the Governor. But I have to say, this is not right. It should not be this easy to lock up more people. Why? Because our people already felt they were socially distant from justice. Why? They felt like politics wasn't working in



the first place. Why? Because they felt that the mask of injustice was more present than the masks we're getting for our nurses. Why? They feel like this is the continuation of the new Jim Crow. There should be no rollback on bail. All of this we must ask ourselves and say why are we here, in good conscience?

So, imagine this: Ninety days. When we think about as Congressman Cedric Richmond has said that it could be the generation's Vietnam. Instead of preparing for summer vacations preparing for educational commencements, you have people that will be preparing for jails and courtrooms. So in 2020, this vote will lead to locking up more people. It won't lead to more money for public housing. Not more money for schools. And will lead to us cutting back on Medicaid. Where is our Chyros moment?

So in the words of Walter McMillian in the movie *Just Mercy*, where you feel like you are guilty from the moment you are born. In the words of Congresswoman Ayanna Pressley, where you're your own existence is resistance. Sometimes there are moments that are more important than a vote. Sometimes when you decide on things tonight, it's more important than your paycheck and your election.

This might be my final time standing before you, and there is no way in good conscience I could vote for a bill that is going to lock up more black and brown people. It is wrong. I'm asking for your Chyros moment. I'm asking for that John McCain moment where you walk on down and you do what is right. I'm asking for you to be

that legislator who understands that your friends and family may not look at you in the same way. I'm asking for you to understand that this is what you're supposed to do when it's not easy. For the ultimate banquet table up in heaven when the sheep and goat are separated, they will ask you, *Did you feed me when I was hungry? Did you clothe me when I was naked?* They're not going to ask you, *Did you lock up folk when you had a chance to vote on the budget?* And if they do, be correct in that vote. Have the courage to do the right thing. Do not vote out of a place of fear. Vote for life. Vote no, so that people have a chance for freedom. Vote no, because it's our time to speak up for our people. Vote no, because for so long we have not a chance to live. In the words of Bryan Stevenson, *The opposite of poverty is not wealth. The opposite of poverty is justice.*

Tonight, colleagues, you have a chance to come down here and do the right thing. I am asking for you to live out that moment of Chyros, of courage, of justice. Vote no so our chance for our people to live is a yes.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Is Chairman Lentol -- is he still here? May --

ACTING SPEAKER AUBRY: Mr. Lentol is here. Mr. Lentol, you would like --

MR. SMULLEN: Will he yield for a few questions?

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

MR. LENTOL: Yes, I will.

MR. SMULLEN: Mr. Lentol, thank you very much. I was listening to the debate in our -- our socially-distanced Assembly that we have here, and -- and I was compelled to come down to follow-up on a couple ideas, if you will, that Mr. Palumbo and you were discussing in this discussion we've had tonight. Here we are again -- I believe, again, we're on a Message of Necessity, is that true, again for this -- for this bill?

MR. LENTOL: Yes, that's correct.

MR. SMULLEN: And it is a Message of Necessity. This is a Budget Bill and here we are in the middle of the night, past April 1st, I believe, past the time that the budget should be in and should be done. And I was reflecting on that in that from January into February and then the early part of March, we seem to have had a lot of opportunity to discuss such things, and I wondered why such a -- a powerful issue such as what we've just been discussing, bail reform, is in a Budget Bill on a Message of Necessity in the middle of the night in the midst of a health crisis that's quite serious. I've listened very eagerly to my colleagues reflect on the -- the urgency, the emergency, and I think it's quite regrettable that we are, indeed, here discussing such an important issue which should be given the full attention in the full light of day in the middle of the night on a Message of Necessity in the budget during a health crisis.

But I do have a couple of questions that I'd really, in fact, a couple ideas that I'd like to question you on, because I think it's

important. And that has to do with my discussion since this bill passed last year under similar circumstances and we had a very public, very bruising, very unproductive, in my mind, discussion across New York State on this issue, and here we are. And one of those is judicial discretion. You'd reflected earlier that bail wasn't about judicial discretion, dangerousness wasn't the issue. Can you recap, again, so we're having a dialogue here on why that is not so?

MR. LENTOL: Well, I think that under the bail reform bill that we passed last year, judges have more judicial discretion than what we're offering them now in a bill that -- that the great folks in the Senate would now roll back on, and the Governor has given us, which would have been a dangerousness bill, as you know, a bill with dangerousness in it, as well as judicial discretion.

MR. SMULLEN: And now the -- the law that was in effect before we passed last year's law, did -- did judges at that point, did they have discretion in how they could set bail for people that came before them?

MR. LENTOL: They had very little discretion. They could set bail or remand.

MR. SMULLEN: Should judges --

MR. LENTOL: Now they have other tools that they can use. They don't have to set bail, they have electronic monitoring, they have pretrial services that they can provide, probation; it's not all about money anymore. So, there's more judicial discretion.

MR. SMULLEN: Certainly, and I -- and I think it

should never be about money. What I think it should be about is judgment. In fact, I think judges are appointed or elected in order to be -- to sit in judgment of their fellow citizens; is that the general theme, the idea behind that?

MR. LENTOL: Not specifically, but all I can tell you, though, is if you add the ingredient of dangerousness when we've never had it in New York State, you almost --

MR. SMULLEN: Excuse me, sir. I'm -- I'm not talking about dangerousness.

MR. LENTOL: I know you're not, but I want to --

MR. SMULLEN: Yeah.

MR. LENTOL: -- I'm talking about judicial discretion so I want to explain it to you.

MR. SMULLEN: Sure.

MR. LENTOL: So if you have dangerousness in a statute that never was there before and the judge is required to make a decision on bail of the person before him, and the -- and he knows that it's on him, because it's in the law now; it was never in the law. So, am I going to take a chance that this guy is going to be a repeat offender and go out and do something, or am I going to put this guy in jail. What do you think he's going to do, or she?

MR. SMULLEN: Most certainly. That's a -- that's a -- a bureaucratic dilemma that the --

MR. LENTOL: So what kind of judicial discretion is that?

MR. SMULLEN: It's not, in fact, in my opinion.

MR. LENTOL: Exactly.

MR. SMULLEN: Now, what I'd like you to -- what I'd like to ask you about is if we could go back a couple years and you could give judges discretion to be able to solve such dilemmas, would you be in favor of that as a way of making the criminal justice system more fair for everyone that came before it?

MR. LENTOL: Yes, and that's what last year's bill was about. It was about judicial discretion and allowing judges to make other decisions other than bail or remand.

MR. SMULLEN: And now we've had last year's debate, now we're having this year's debate. Should next year's debate be about judicial discretion?

MR. LENTOL: No, next year's -- next year's discussion should be about pretrial services, but what will happen next year, believe it or not, is if we don't pass this bill, is that next year's discussion will be about bringing dangerousness into the statute, because it's not going to be enough of the different changes that we've put in this bill in order to make a compromise. You know, compromise is a dirty word anymore, and we have the great Senate of the State of New York that left town and was a partner with our Governor - you know, that liberal Senate that we heard got elected last year - and left the Speaker holding the bag to try and hold off an onslaught of a lack of judicial discretion in the bail process. That's what we're left with, and next year it'll only get worse.

MR. SMULLEN: Now, wouldn't -- would a possible solution be to give judges discretion to be able to judge?

MR. LENTOL: Yes, the judges can judge, but when it comes to a question of bail, they have little discretion in judging or in deciding what else to do besides, *How much money do I place on this person, or do I remand them?*

MR. SMULLEN: But shouldn't judges have the ability when someone comes before them for the first time to decide how that they would be directed to come back to the court to -- to -- to face the criminal justice system?

MR. LENTOL: Yeah, they still have that under this, that's what I'm trying to get at.

MR. SMULLEN: Right.

MR. LENTOL: They can set bail in -- in certain instances, because we don't have what the Senate said they wanted last year, no cash bail for anybody, violent felons or any crimes whatsoever, okay? That's what they wanted. And what kind of judicial discretion was that? So, in this bill that we have now, under the law, there is judicial discretion because the judge has an opportunity to choose different mechanisms in order to make sure the person comes back to court.

Now, a lot of people think that that's not what the purpose of bail is, and I'm not surprised at that because of all of the discussion and all the fearmongering that was talked about here tonight, because most people think that the purpose of bail is to get

somebody off the street so he doesn't commit the crime again. That's not the purpose of bail, it never has been in our State and I dare say it hasn't been the law in many other states of the Union, either. The purpose of sentencing is to get people off the street after they've been convicted of a crime.

MR. SMULLEN: So the reason we -- we went for bail reform last year was to change a system that was widely viewed as broken by the -- the people that brought it forward; is that true?

MR. LENTOL: That's correct.

MR. SMULLEN: And why is that system broken?

MR. LENTOL: The system is broken because poor people go to jail and rich people get to go home.

MR. SMULLEN: Because of bail, that's the -- that's the thing that was --

MR. LENTOL: Because of the concept of bail.

MR. SMULLEN: Now -- so, in -- in looking at this situation, I'm from Upstate New York. I'm from a district that has five counties, Fulton, Hamilton, Herkimer, St. Lawrence and Oneida Counties. It's a very rural district, it's very spread so out. It's a -- it's an area where people take to governing themselves very seriously at the town, at the county and at the State level, sort of thing. May I ask, sir, where is your home?

MR. LENTOL: Brooklyn, New York.

MR. SMULLEN: Brooklyn, Brooklyn.

MR. LENTOL: Very proud of it.



MR. SMULLEN: My brother-in-law lives in Brooklyn, my sisters, little brother, we love going down to Brooklyn to visit him.

MR. LENTOL: He knows what I'm talking about.

MR. SMULLEN: That's right. I know what you're talking about. Now, what I wanted to ask you, though, and this is the -- the point of my discussion and my point of coming out tonight, is how are judges, how do they come to become judges in Brooklyn?

MR. LENTO: In a variety of ways. They have judges who are elected in primaries, and judges who are selected by judicial convention and -- and then elected in November elections.

MR. SMULLEN: And are any of those judges --

MR. LENTOL: And some judges are appointed.

MR. SMULLEN: How many -- how -- what is the percentage of judges that are appointed?

MR. LENTOL: I'd have had to ask the Chair of Judiciary, who is not here tonight, but --

MR. SMULLEN: Just in general, half?

MR. LENTOL: I would say half, that's a pretty good guess.

MR. SMULLEN: So, one of the things that I was reflecting on when this whole discussion came out, and I -- and I took a very careful listening tour to listen to -- really, to everyone in my district who is involved in this from all sides. My background, you probably don't know it, but I was in the military, the Uniform Code of

Military Justice. A commander has responsibility for all aspects of the justice system. So I took that -- that idea, that model and I went around and I asked people and I listened to people. And one of the things I heard is that in Upstate New York there aren't nearly as many issues with the criminal justice system as there had been which prompted the discussion and the need for bail reform, because judges are almost, to a number, elected. And they're very close to their communities because at all levels, they are very tightly knit into their communities. Would that be a -- would that be a possibility that it could make the justice system not only more fair, but more accountable to the people if they -- all the judges in New York State were elected?

MR. LENTOL: I don't know, it's --

MR. SMULLEN: You see, in my -- in my mind and what people told me --

MR. LENTOL: There is a difference of opinion about that. A lot of people have told me that they think the system is fairer because -- the selection system is fairer rather than the election system, because you get to a point, people who might not get elected, minorities, women and -- and others who might otherwise not get elected to office.

MR. SMULLEN: But in -- but in every community at the town level with only 1,000 people voting, it's the people in that community that would vote for that person to sit in judgment of them.

MR. LENTOL: That's true. And they might not want

to vote for a minority candidate or a woman candidate. I don't know, it depends on the jurisdiction that you're in.

MR. SMULLEN: Well, I trust the people. I generally trust the people in the --

MR. LENTOL: But I know that -- I know that in Brooklyn, we have more people of color on the Supreme Court bench in Brooklyn because of the judicial nominating process, which is really a selection process and sort of what you're speaking about, and not a primary or -- or a primary election process.

MR. SMULLEN: And how many judges in New York State, do you know, have been recalled from the bench in the last ten years?

MR. LENTOL: That have been what?

MR. SMULLEN: Have been recalled from the bench in the last ten years?

MR. LENTOL: They don't get recalled, they get removed by the Commission on Judicial Conduct.

MR. SMULLEN: How many have been removed from the bench in the last ten years?

MR. LENTOL: I don't know. I haven't checked.

MR. SMULLEN: So, my -- my idea, my contribution to the discussion tonight and what I wanted to make sure was on public record, because we haven't really had a -- a debate that's been in public, except in the middle of the night on a Message of Necessity two years running now, is that -- that there are a lot of different ideas

that ought to be brought into the conversation, and the -- that the conversation will obviously continue going forward, and I would ask that if you could, in your role, is to be able to bring some of these ideas into the conversation so as we continue to have them going forward, that we're able to get all the ideas out there and get all the good possibilities to make the criminal justice system as fair as it can possibly be for New York State, so all of our citizens are treated fairly and equally.

MR. LENTOL: Yes. So, you should probably know, you probably don't know that, you've not been here long enough to know that, we have met with the District Attorneys, we've met with defense lawyers. I'm on the Task Force set by the Chief Judge to bring justice, their justice task force that they have, in order to discuss ideas so that we have a cross-section of society. There are police officers, judges, District Attorneys and that's what -- that's what goes on.

And as far as this bill is concerned, the Speaker met with District Attorneys, as well as others, in order to come to a conclusion about many of the aspects of what should or should not be in the bill and how we could improve. It's just because of the fearmongering that went on and the call for a reform of the reform. Now, a lot of people think that it was not given enough time, and a lot of people think that conclusions were jumped to about putting in a reform of the reform, and I believe that, too. I think that it certainly didn't have enough time to work and a couple of cases don't really mean that we have to change what we did last year. We should have

given it a better opportunity to go forward, but as you know, we're in this position tonight when we shouldn't be here, and I want to congratulate the Speaker for being the one with courage to hold out until the very end of the process for the right reform and to try to do the right thing for the members, as well as for the people of the State of New York.

MR. SMULLEN: Well, thank you, Mr. Lentol. I've run out of time, but I really want to thank my colleagues and I'll be voting no alongside them tonight. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. Here we are at - what time is it here - 1:30 in the morning on April 3rd, two days past the deadline for the budget. I was sitting in my office watching the debate online on one computer, and on another computer, I was reviewing the news. The world outside is fixated on COVID-19, the pandemic that's sweeping the world, and rightfully so. It's bizarre that when I look at the other computer, and I see what we're discussing, we're discussing issues of public policy.

With a background of a pandemic that needs our attention, we're talking about issues that are so far afield from the budget. Policy issues that should not be discussed at two o'clock in the morning and should not be discussed in the context of a budget. Some of them are very bad. Some of them are poorly conceived, solutions to real-life problems. Some of them are poorly drafted, some

of them are wasting money on wrong-headed priorities that could wait.

And why are we here? We're here because the Governor insists that his agenda be dealt with first. There's an old line that says don't waste a crisis; well, he's misusing this crisis to the fullest extent. And I want to just express a -- a disappointment. Our current Governor has risen to the occasion. He has provided leadership in a world that is lacking leadership, to deal with a -- with a pandemic that's sweeping the world. He's declared war, he's rallied everyone around him and he's gained the admiration of almost all of the people who see him. But at the same time, he somehow cannot continue with the same approach when it comes to governing the State of New York outside of the pandemic. And that's why we are sitting here discussing all of these issues.

We should be talking about a COVID budget. Out in the real world, people are starting to go hungry. People need food because they don't have jobs. Yes, there was a problem before this, but now it is really exaggerated. We need to be doing something to make sure there is enough food out there for all of the people of the State of New York, and I see very little in this budget that has anything to do with that problem.

We need to have medical care for an awful lot of people who don't have health insurance and have no way of getting medical care. We should be waiving the requirements for Medicaid. We should be inviting everyone into Medicaid. We should be providing everyone with health care -- health care who doesn't have it,

and we should be using Medicaid to do that. But instead, Mr. Chairman -- Mr. Speaker, this Budget Bill does just -- just the opposite. It's really bizarre. It's really bizarre, but it puts further restrictions on Medicaid. Thirty percent of the people of the State of New York are touched by Medicaid, 30 percent. Three million adults, two-and-a-half million children, 600,000 seniors are dependent on Medicaid. And this budget makes it more difficult, more difficult to access Medicaid, and this budget will provide fewer services through Medicaid.

I want to talk, in particular, about people with special needs. There has been almost no discussion about our most vulnerable. When we started to discuss this budget, I was hoping there was going to be a chance to improve an inadequate system, a system that is so inadequate that it's often an impediment. But this budget will actually make it worse. The biggest need is for staff. There are so few, and all are underpaid. This budget is no help. And this budget makes it more difficult. It increases the requirements to become eligible for Medicaid. It's declaring war on our most vulnerable.

I just want to refer to one thing our Health Chair referred to before. He used the example of someone with -- was asked a question about dementia. Can somebody get home care if they have dementia? And he said this budget adds an additional requirement, it's not enough that you have dementia. And I thought of a story that I -- actually two new stories that I read for two different incidents about a

month ago, about a woman who works in Manhattan, lives in Manhattan, her mother lives in the Bronx, and she would everyday go see her mother because her mother lived alone and had dementia. And the health insurance that she had would provide only four hours a day. And she actually had a camera in various parts of her mother's apartment so she could watch her mother. And one day, she found that her mother wasn't there. She rushed to the Bronx and found her a couple of blocks away. Called the insurance company and said, *I need more than four hours*, and they said no. A second time she rushed to the Bronx because her mother wasn't there, and her mother wasn't to be found. Four days later her mother was found dead in one of the rivers in the Bronx. There was another story very similar that repeated that.

So now not only is it private insurance that creates that kind of a situation, thanks to the leadership of the Executive, we're going to do the same thing with Medicaid. Medicaid requires that you be in poverty. It forces people into poverty to qualify. And now, people will have to wait two-and-a-half years in poverty before they get help, before they get Medicaid. That's despicable. Totally despicable. And, at the same time, this budget continues corporate welfare in the guise of economic development, and it even -- even settles some scores that somebody had with the minor parties. And at a time when we're trying to make ballot access easier for people, this budget limits the voter's choices by making it harder for minor political parties to get on the ballot.



So, Mr. Speaker, I think this is a terrible budget. But we don't have much choice. We tried, we even waited past the April 1 deadline. Our Speaker and our staff fought day after day around the clock in very difficult circumstances for the things that, we, in this House believe in, and we ended up with this. I just looked on TV and see all of those nurses, all of those doctors, all of those first responders. So, despite my feelings about this budget, I'm going to vote yes for the first responders because they deserve to get paid, but I'm really ashamed of the vote and ashamed that we were forced into the situation of having to deal with these issues and to come up with the end product that we did. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Good morning, Mr. Speaker.

Would Mr. Gottfried yield for a couple of questions?

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

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. WALCZYK: Thank you, Mr. Chair. You've been Chair of the Health Committee for a long period of time, and I was just wondering if, for the record and to enlighten a freshman Assemblymember like myself, what's your overall opinion of the MRT process that went on throughout this budget process?

MR. GOTTFRIED: Well - 33 years, by the way, so far - the first one and the second one, a sham, theatrics, and I didn't

care for the output of the first one, and the output from the second one is, I don't know, about the same, maybe worse.

MR. WALCZYK: All right. Question number two: What roll do you envision the Division of Budget playing in determining the right to receive payment?

MR. GOTTFRIED: Well, I'm not quite sure what you mean by "the right to receive payment". They are -- they play a major roll in decision-making about what things the Health Commissioner will cut if and when he uses his superpowers. So, they are -- they will be very actively involved in -- in all of that.

MR. WALCZYK: So, my understanding, Mr. Chair, is all Social Service districts who receive Medicaid funding must make a fiscal and statistical record and report, records demonstrating right to receive payment, and all underlying documents and books available to the Commissioner of Health and to the Director of the Division of Budget. So the question is, what role does Division of Budget play in determining what that right is to receive payment?

MR. GOTTFRIED: It's not entirely clear what the purpose of making Social Services districts, and I think that sentence also imposes that reporting obligation on Medicaid providers, which would seem to mean like an individual physical therapist who -- who is part of the Medicaid Program. It may be, for the purpose of, you know, making sure that there is honesty in the program. It may be for the purpose of, down the road, determining what rates of -- of payment ought to be. It's not entirely clear what they're going to do with all that

data, other than imposing a tremendous burden on everybody to have to produce that data.

MR. WALCZYK: Thank you. And through you, Mr. Speaker, how often do they have to produce that data?

(Pause)

MR. GOTTFRIED: Apparently it doesn't -- the bill doesn't have a -- a timetable.

MR. WALCZYK: Okay. And do you think there's specific circumstances in which that data will be deemed as unacceptable or denied, and what if there's a conflict? What if our local Department of Social Services sends the data up? Who's sort of the determiner there, or the juror of what data is good and acceptable?

MR. GOTTFRIED: I don't think the legislation speaks to that if there is such a dispute.

MR. WALCZYK: My final question would be if there was such a dispute, but it may be even difficult to determine without a lot of guidance in this legislation, who ultimately would -- would make the call on, you know, what data is acceptable and complete?

MR. GOTTFRIED: I mean, I suppose if DOB is the recipient of this data, it could announce that what they got from a particular county or a particular, you know, doctor or dentist or physical therapist was inadequate. What the consequences of that determination would be, I think may not be spelled out in the language.

MR. WALCZYK: Thank you very much for your 33 years of service, as well as your explanations this morning.

MR. GOTTFRIED: Yeah, and, you know, I -- I trust you can tell that I don't have that high an opinion of a lot of this package.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: And I -- I would agree. I jotted in, because I asked for the record, I jotted down "sham" and "theatrics" was my note on MRT, too, so thank you, Mr. Chair, I think that's -- that's pretty telling. Counties -- on the bill, Mr. Speaker. Counties will have sales tax intercepted to the tune of \$50 million over the next two years. New York State puts one handout and asks for assistance from the Federal government; they put the other hand out and they ask the counties and local governments to pay more. Somehow, New York State came up with a third hand and stuck it into the pocket of the taxpayer in New York, and with their fourth hand, they picked up the telephone, dialed the bank and asked, *How can I take out a loan on future interest, or future income of my grandchildren?*

This budget is egregious. Paid Sick Leave, that only guarantees that the paper COVID sign that you see giving you instructions on a business or why they're closed, the paper signs that we're seeing all over on their door, that will be a padlock before this is over. Last year, we gave the DAs a pig and we named it discovery.

This year we threw them a tube of lipstick and we said, *You put it on, District Attorneys*. Last year, we took jurisprudence, *juris*, law, and we took the law apart and we turned that into politics; *prudence*, discretion, we eliminated that altogether. So what do judges have today? Well, they get to keep the politics. We talked about that, you saw plenty of it in this Chamber earlier. They still don't have the prudence, we didn't return their discretion. Judges deserve better.

There's three branches of this government. The Bodies in this Assembly, the People's House, in the Upper House in the Senate, they need to think long and hard, especially when we've got one power rule -- or one-party rule in New York State. Think long and hard about what it would mean in -- in -- and I mean this in a political way, what would it mean at the edge of -- at the end of this budget process, what would it mean to you and your Majority's being Democrat in the Senate and in the Assembly, if we elect a Republican Governor. Think about the powers that you would be handing that individual, through this budget process, through the continued legislation that we keep doing, forking it over. How would you feel if someone of the opposite party is all of a sudden, you've handed them the keys? That's how I feel.

And it's probably not going to surprise you, Mr. Speaker, but like every other bill in this egregious budget, I vote no.

ACTING SPEAKER AUBRY: I am charged with, once again, reading a statement from one of the members who is with us remotely. The statement is from Assemblyman Charles Barron.

"Giving judges more discretion over bail is what created the problem of mass incarceration of black and brown people in the first place. The present bail reform law did not go far enough. Judges still have the discretion to apply bail to certain criminal offenses, to install ankle bracelets, house arrest and court supervision. For us to give judges more discretion, which is what the bill does, makes no sense. It is like asking an arsonist to help you put out fires.

The 13th Amendment didn't really abolish slavery. It says, *Slavery shall be abolished accept*, emphasis on accept, *as a punishment for a crime when one is duly convicted*. Black people went from slave labor on the plantation to slave labor in the penitentiary. The leadership of the Assembly and the Senate must stand up to Cuomo, who is pushing watered down bail reform even more than the first watered down law.

There were a few sensational articles that made the news that falsely blamed our bail reform law, when judges release suspects on their own recognizance who subsequently committed a crime. That had nothing to do with the bail reform law. We must remember that over 80,000 people were released on their own recognizance because of our bail reform, and they did not commit a crime. They didn't make the news.

My colleagues, I implore you to stand up to the Governor, to the leadership of the Assembly and the Senate and say no to bail reform that was already watered down from the first time around. I will vote no on this bill and I urge you to vote no and stand

up for black and brown people who will be victims of mass incarceration and the profiteering of the prison industrial complex if this bill is passed. My colleagues, revolution is the only solution".

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.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Caucus is voting no against this particular legislation, with the exception of Ms. Malliotakis. If there are any other Republicans that wish to vote yes, I would urge them to contact us and make their way to the Chamber. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: This is going to be a Party vote in the affirmative, with the exception of some members, some of whom you've heard speak in the Chambers, and some of whom I'd like to give you their names now: Barron, Rosen -- Linda Rosenthal, Aravella Simotas and those that you heard speak in the Chambers. I want to say their names are Walker, Cruz, Niou, Blake, Wright.

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

MR. EPSTEIN: Thank you, Mr. Speaker, I rise to explain my vote. Malcolm X said, "I'm for truth no matter who tells it. I'm for justice no matter who it's for or against." Truth and justice are on the cuts for health care. Truth and justice on us giving up our power to modify this budget. Truth and justice to ensure that here, the struggles for our seniors with all the cuts. Truth and justice that we're locking people up in the middle of a global pandemic. Truth and justice that COVID-19 will kill thousands, and maybe tens of thousands of New Yorkers, and what we heard is letting people out and today, we are making the decision to lock more people up.

This is about truth and justice. How do we stand here in a Body that's about justice and values, when we know we're not giving any money for public housing. We know we're telling students in Higher Ed we're turning your back on them. In public schools, we're turning your back on them. What is the truth and justice to black and brown New Yorkers today?

Yes, I know, Mr. Speaker, you stood up for us. Thank you for all your work. Thank you for what you've done. Thank you for what you've been through, but this is about truth and justice for all of us, truth and justice for New York. And the truth here is what we're doing today is telling thousands of people, *You're going to be locked up pretrial. You're going to jail and we don't care. You're going to be incarcerated.*

So why -- one last thing, just again about Malcolm X, that you're not to be so blind with patriotism that you cannot face



reality --

ACTING SPEAKER PICHARDO: Mr. Epstein.

MR. EPSTEIN: -- wrong is wrong no matter who does it or says it.

ACTING SPEAKER PICHARDO: Mr. Epstein.

MR. EPSTEIN: I vote no.

ACTING SPEAKER PICHARDO: Thank you.

Ms. Wright to explain her vote.

MS. WRIGHT: Each year the Budget Bill presents a challenge that we are faced with trying to balance that which we advocated for and supported alongside a number of items which are hard to absorb. Unfortunately, this year's bill includes that which we cannot accept. After exactly 93 days of bail reform and without any quantifiable proof, we are being asked to rollback our bail laws. We are being asked to rollback to a time where the lowest level offenses can result in a person being locked up for days, weeks or even months. We are being asked to repeat history, the ugliest part of our history. The history that is peppered with civil rights violations, unequal enforcement of the law and an exponential growth of the prison industrial complex. We are being asked to make it easier for unconvicted people to be locked up in jail. We're being asked to allow a person charged with a Class A misdemeanor involving harm to an identifiable person or property to be jailed. For that person to be jailed while -- while we provide even more time for enforcement to figure out what parts of the body cam or surveillance tapes to hand over as

evidence.

This flies in the face of all the people who have advocated, struggled, shared their stories, sat unnecessarily in jail cells waiting for us to do the right thing. After decades of testimony, personal stories, data, social isolation, abuse and death, we were finally able to pass bail reform and now 30 -- I'm sorry, and now 93 days later, we're being asked to roll it back? I cannot. I cannot deny the humanity of my neighbor. I cannot pretend that these rollbacks are not a playbook to be used to incarcerate more people.

I appreciate all the work of our Speaker Heastie, of all my colleagues and the staff, and I wish these rollbacks were not -- were rooted in something other than what they are. Criminal justice is rooted in justice, a moral principle that helps us determine what is right and equitable and moral.

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

MS. WRIGHT: This undermines the spirit of our society and I vote in the negative.

ACTING SPEAKER PICHARDO: Thank you, Ms. Wright. Ms. Wright in the negative.

Mr. LiPetri.

MR. LIPETRI: Thank you, Mr. Speaker. I call it like I see it: This budget is an abomination. What are we doing? It's 1:30 in the morning. Right now, our priorities should be solely focusing on ending this pandemic as soon as possible and getting people back to

work. But no. Rather than doing the reasonable thing and passing a budget extender to keep the status quo until the dust settles, instead, Governor Cuomo is exploiting this pandemic as cover, as cover to push forward a budget mired in mud, what ifs, I don't knows and maybes. How am I supposed to go back to my constituents and say I voted for this? Absolutely not.

Looking at this budget, what do I see? Allocating State funding on legislative pet projects and State political campaigns rather than ventilators or masks? I mean, where's the allocation for hazard pay for our nurses, our doctors, our health care workers on the front line? What about hazard pay for our police officers, firefighters, first responders who are patrolling our communities, keeping us safe? No, none of that. There's nothing for small businesses. You have superficial cosmetic bail discovery law changes that do nothing for law-abiding Americans to keep us safe. Nothing for small businesses, even though we promote -- we pushed forward a Small Business Emergency Recovery Act that was shut down by this very Chamber.

And last, but not least, you surrender legislative budget authority to Governor Cuomo, giving him unilateral authority to do whatever he wants with this budget. And after this budget, you've dubbed him Governor -- you've dubbed him now King Andrew I. He's now King Cuomo because of this budget. He gets to be the almighty decision maker, not us. What kind of budget is that? What kind of leadership is that? That's not who we are. This is the Assembly. We're separate. We should be the ones to decide what

happens, not him.

This budget lacks common sense in its entirety. We can't be pushing this. I urge all my colleagues, like I am, to vote no. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. LiPetri in the negative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I wish to explain my vote and clear up some misconceptions which I heard earlier in the debate tonight. In no way, shape or form does this bill allow or imply a merger of the New York State Bridge Authority into the Thruway Authority; in fact, it does just the opposite. Only the Legislature can authorize a merger. The original bill did that. Under this bill, it does just the opposite. There is no merger. Under existing law, only the Legislature can decide what the -- cannot -- enact in a merger. That isn't done here. Currently under the existing law, the Bridge Authority can only use its money to pay for and maintain bridges of the Bridge Authority. Nothing has changed there.

There is something in -- in this bill that says that the Bridge Authority and the Thruway Authority may work together to save money for procurements. Guess what? They do it now already. Nothing has changed. And as far as the Commissioners are concerned, right now they are appointed by the Governor, subject to the approval of the Senate, so nothing has changed there either. So, this was so important to save our quality of life in the Hudson Valley,

so the money would not be transferred to pay for the -- for the debts of the Thruway Authority. The Bridge Authority is run very efficiently now.

And I want to thank my colleagues on my side of the aisle. We fought so hard to kill this merger. I want to thank the Chair of the Corporations and Authorities Committee for her support, and the Speaker for his support, and I will be voting in the affirmative for this bill. Thank you.

ACTING SPEAKER PICHARDO: Mr. Jacobson in the affirmative.

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you, Mr. Speaker. I'm happy to have the opportunity to explain my vote. The people of Assembly District 21 have made themselves perfectly clear about two major issues in this bill: Opposition to paid gestational surrogacy and support for correcting criminal justice reforms enacted last year. By placing these two highly controversial issues in one bill, like many other things, it makes it -- it does a disservice to the people who elected all of us to represent them in -- in their district because we're -- we often have to choose between a number of things. So as I -- as I vote, I want the women's groups and Catholics in my district to know that they were heard when they raised objections to paid surrogacy. Many agree with them here, and that -- that there's potential for the exploitation of young women, and I regret that this policy is included in the budget. I truly feel for the plight of women seeking support for

fertility and the desire for people in the LGBTQ community to have children. But not on the backs of uninformed young women, military wives, immigrants and women facing financial struggles. In light of our economic downturn with the pandemic, this weighs even heavier. Nevertheless, I stand here prepared to vote because I have a duty to my constituents who have significant -- significant safety concerns with the criminal justice laws that passed last year. They, and I, too, have an abiding respect for our police and want to make sure we have the laws necessary to protect the communities themselves. I've shared the recommendations and challenges of mayors, law enforcement, DAs and justices with Assembly attorneys and leadership, and I vote in the affirmative since I'm confident that these corrections to bail and discovery resolve the widespread concern in the district. I also think it's -- it's really tough in this bill, the restrictions to home care, the cuts to Medicaid, make this extremely difficult, especially in the time -- in this time, for these drastic cuts.

So if the bills were separated, I might vote differently. Criminal justice weighs heavy. My vote is yes. Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. You know, in an average year, these omnibus Budget Bills are challenging. Each -- each bill is going to have items that resonate with some of my constituents and some that the hard-working independent generous of spirit people I represent object to. And this is far from a normal year. In the prior bill there

were a number of items my constituents asked me to champion. Changes that were critical to farm families, to horsemen to thoroughbred breeders and to the small rural school districts that educate our children. Changes that will lead to a cleaner environment and that will ensure that the people of New York when they're asked to invest in a project know that there's no incentive to bring in cheap labor from out-of-State to do those projects. But I could not, I will not support a public financing system of campaigns that also undermine our Democracy. And in this bill, the cuts to Medicaid, however necessary, are hard to accept. That we are unable, in this year, to invest as much in Education as we want, and as we will -- as we would like to, for the future, will have long-term implications. But everybody deserves to feel safe and secure in their own home, and the changes this bill introduces to the bail and discovery laws are an important step in restoring the balance necessary to protect those who make the 113th Assembly District their home. There are few issues that they have spoken louder to me about than this. And so with this bill, while it is not as far as many would have liked, I think it is an important step that ensures that for the people of the 113th Assembly District that they can feel safe, once again, in their own homes.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker. This bill tonight is ugly, as we call it, the "Big Ugly," but it's really hideous. Candidly, the one word that describes this -- describes this is

irresponsible. This bill is irresponsible, as it does nothing for educating -- funding our education for our children. Our children have been without proper funding for decades, and at this time we are -- when we are reinventing how we teach them, it is irresponsible to not invest in our future -- in their future. It is irresponsible to not provide resources that our future workforce needs to bring -- bring us back out of this healthcare and financial crisis that we're facing. Not properly funding our children's education right now will certainly prove to be the wrong decision. We are in a time when COVID-19 is spreading faster than we can track it. It is irresponsible because we know that our jails and prisons are becoming hot spots -- hot spots for infection. During this pandemic it is irresponsible to put more people in jail based on accusations. Imagine getting accused of robbery, say stealing a backpack and being in jail for a week and, fortunately, being able to post yourself out and go home and then infecting your loved ones. It is irresponsible to risk more deaths because of skewed narratives, and I'm not willing to take that chance. And on top of it all, during a pandemic, it is absolutely irresponsible to cut Medicaid and not accept Federal funding that would help New Yorkers across the country who've lost their jobs. My district contains some of the highest counts of COVID-19 in the Bronx. It is not a time to cut Medicaid, crippling these institutions financially when we have nurses and doctors literally dying in a fight against this disease along with their patients. Here in New York we are responsible for leading, and not bending to political pressures.



Colleagues, this bill is irresponsible, and it would be greatly -- it would be terrible if we supported this short-sided legislation. It is for these reasons that I must live up to my responsibility as an elected official and do what is right here tonight. And, Mr. Speaker, I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. Last year we were brave, and we passed a reform to bail that was just and right. And I wish tonight that we were made of sterner stuff. Because we have decided in less than a year to roll back a great reform. A reform that was just and right. Because we fell prey to fearmongering that was not just and right.

I urge you to vote against this bill. I vote in the negative.

ACTING SPEAKER AUBRY: Ms. Reyes.

MS. REYES: Thank you, Mr. Speaker. This has been, indeed, a difficult budget. We are facing a pandemic unlike any other in our lifetime. There are parts of this bill that I support unequivocally, like paid sick leave and gestational surrogacy. I am proud of the work we achieved last year when we took a stand against the criminalization of poverty and ended cash bail. I am deeply troubled by these rollbacks. My colleagues who practice law have so eloquently and passionately described how these rollbacks will negatively impact communities like the one I represent. I reiterate that this pandemic is like nothing health practitioners like myself have ever

seen. And though there is language that provides for the implementation of these savings after we've overcome the worst of the current crisis, I am of the clinical opinion that there will be hundreds of thousands of people who will have to contend with the long-term effects of COVID-19 infections. We are currently just trying to put out the fire, but I assure you that when the smoke has cleared, there will be patients needing acute or subacute rehab related to the deconditioning from prolonged immobility while they were intubated. And as our healthcare system gets stretched and overwhelmed, so does our response time. And we have to anticipate and prepare for the hypoxic -- the hypoxic brain injuries or the irreversible organ damage requiring long-term care, just as a moratorium on long-term care enrollment kicks in like in this bill. There will be people in this State who will be permanently unemployed and potentially facing new health challenges, just as these Medicaid cuts kick in as well. During a time when all of us are asked to make sacrifices, we fell short of asking the wealthiest among us to pay a little more. And while we all stand here and vote our conscience, our State Senate -- our Senate colleagues have already decided for us. I have to thank the Speaker and the staff for all their work, and we know they held the line until the very end. But I can -- but I can very clearly diagnose what's to come. I cannot comfort another family member on the phone because they -- they can't be by their loved one's side. I cannot look another one of my patients in the eyes terrified as they prepare to be intubated, uncertain of their fate. And I cannot go home to a district in the

borough with the worst health outcomes in the State, knowing that I voted for this.

I vote in the negative.

ACTING SPEAKER AUBRY: Ms. De La Rosa.

MS. DE LA ROSA: Thank you, Mr. Speaker, to explain my vote. We knew this budget would not be easy. But we didn't expect for it to be this heartbreaking. Today, Mr. Speaker, I cannot in good conscience vote for this budget. Because I cannot in good conscience stand here and roll back bail. This rollback will put people's lives at risk in this moment of pandemic. People who represent parents, brothers, husbands, wives and children of New Yorkers. The work that we achieved under -- under the Speaker's leadership last year, was an act of -- of justice. An act of justice motivated by the desire to dismantle a system built on racism and economic oppression and inequality. A system that has plagued communities like mine for decades. A system that holds people pretrial and does not -- people who do not have the ability to make bail. Any rollback to the bail system is a gross miscarriage of justice and a failure to our communities, and I cannot in good conscience fail the people who sent me here. Yesterday the first person who was incarcerated in New York State died in Sing Sing Correctional facility, and his name was Juan Mosquero. We need to remember Juan. We need to remember that we have the responsibility to keep people from dying in our prisons, and now is our moment to act. Our moment to be brave and our moment not to fold to political pressure. Juan was

the first, but unfortunately, he will not be the last. I cannot vote yes on a bill that will further oppress and devastate our communities and our families. And I know that our Speaker did all he could to hold the line and push for dangerousness to be out of this budget. Unfortunately, we did not have partners on the other side. This bill in the same spirit does nothing to address the historical negligence of education funding in communities like mine. And I cannot vote on a bill that will not fund our children's education, our future, and I will continue to put the burden on working-class New Yorkers.

I vote no.

ACTING SPEAKER AUBRY: Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I rise tonight as well -- or this morning -- to explain my vote. And I want to echo the comments earlier that this truly is a Big Ugly and it's very clear that all sides of the aisle have been very, very unhappy. But in the end, when everybody is unhappy I guess it's a sign of a -- of a compromise. This Budget Bill and this budget year have been by far the most difficult, but this budget in particular, this Big Ugly, is by far the most difficult vote tonight. A couple of things. The Medicaid funding, very difficult, obviously, at this time when we are facing the worst crisis, whether it's the coronavirus as well as a budget crisis of our lifetime. The Medicaid cuts are tough, especially the 340-b which affect two different health facilities in my district. Whitney Young, as well as the Damien Center. So I really hope we will be able to go back at that.

I still have concerns about surrogacy. I would have much preferred that be out of the budget so that we could have time to address that. And, I, along with the healthcare changes, I desperately want to see us get -- work together on a stimulus forward to advocate that we get more aid from the Congress.

With regard to probably the most difficult piece of this, and that is the bail reform as well as discovery, I supported the historic change that we made last year. It was an omnibus bill, but it did have some weaknesses and we have spent a lot of time over the last year trying to go through some of those. I do not believe tonight's bill is a rollback. It is somewhat of a tightening up. I do wish it had been accompanied by a proposal for some compassionate release of those in prison and jail right now who are facing and are trapped, if you will, in many cases with this COVID -- the COVID -- the COVID crisis. But on bail, let's remember the Chief Judge, as well as the Attorney General, have both recommended changes on various changes on bail and reform. I think we've achieved some modest changes on both, and again, hope we will have a stimulus for and I vote in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. I am again required to read a -- an explanation for a vote from Assemblywoman Miller.

*Each year I find myself struggling tremendously with the Budget Bills that are presented before us. There are so many*

*things that are necessary and beneficial, but each bill is also so laden with items that are just policy that the Governor wants passed. This year I was praying it would be different in light of this life-changing pandemic that we are all living with, but sadly it is not. The beneficial items in the bill are diminished by the things that don't even belong in a Budget Bill. I cannot fathom how our State can continue to underfund programs that help our seniors or vulnerable populations. How can our State continue not to care about the libraries that are so vital in every single community? Each year we meet with so many people competing against each other for some funding to continue to help the children, seniors, individuals with special healthcare needs, or intellectual or development disability that live with us. All around us. Funding goes to programs that year after year don't flourish, or to Capital projects that are not necessary. I struggle to support a budget like that.*

*I took an oath to represent my constituents and fight for what they need, and that is what I will always do, and that is why I cannot support -- support this budget. I vote in the negative.*

Mr. Blake.

MR. BLAKE: People are going to die. Let me make it as clear as I can with you right now. You vote yes on this, people are going to die. They're sitting in NYCHA developments where we get our damn money for lead remediation. Our kids don't get food. Our families don't get help. Every person that votes on this, people are going to die. Where is your conscience right now? You

understand clearly it is a death sentence for anyone that is being locked up in this environment. Don't tell me about -- about your politics. Don't tell me about what you think is convenient. You are literally saying to every black and brown and low-income person in this State, you are fine with them dying for your reelection. It is that simple. There's not enough money for our schools, there's no money for our public housing, there's no money to do the right things. At the end of the day, you have a choice to make tonight. What is more important? Your election or eternity? Once again, emphatically, I vote no.

ACTING SPEAKER AUBRY: Are there -- read the last -- I'm sorry, the Clerk will record the vote.

There are -- are there any other votes? Sorry, skipping around. Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call an immediate Rules Committee in Hearing Room B?

ACTING SPEAKER AUBRY: Immediate Rules Committee --

MRS. PEOPLES-STOKES: And ask the House to stand in recess until they are completed.

ACTING SPEAKER AUBRY: Immediate Rules Committee in Hearing Room B. The House will stand in recess.

(Whereupon, at 2:19 a.m., the House stood in recess.)

\* \* \* \* \*

**A F T E R   T H E   R E C E S S**

**2:56 A.M.**

ACTING SPEAKER AUBRY: The House will come back to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we can go to go to Rules Report No. 16. It's on page 4, and take up the Legislative and Judiciary Bill.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09501, Rules Report No. 16, Budget Bill. An act making appropriations for the support of government, Legislature and Judiciary Budget.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

This is a Party vote.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is a Party vote in the affirmative. Members who choose not to vote for



this can -- we'll talk to you later if you choose not to vote for this one.

(Laughter)

ACTING SPEAKER AUBRY: Mr. -- well, Mr. Goodell, how do you match that?

(The Clerk recorded the vote.)

MR. GOODELL: I can't. And I liked it so much better earlier. I'm going to explain my vote and then -- first though, the, if I may, the Party vote, the Republican Caucus in the negative, and we are checking to see if anyone would like to vote in the affirmative.

Now to explain my vote.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. GOODELL: This is a very simple budget, the simplest we've had. It's has a 2 percent increase, and normally, a 2 percent increase would be well within reason and that 2 percent is designed to provide salary increases for our staff, not for us. We're not getting any increase. But under the circumstances, I think it's appropriate for us to lead by example. And I'm hesitant to vote for an increase for the Legislative Budget of 2 percent when we're holding all of our schools at flat funding and they may be facing up to a half-a-billion in cuts. And we're talking about contingency cuts that are going to just nail organizations and great operations all across the State. And so I'm just not comfortable taking a raise in our budget when we're asking everyone else to tighten their -- tighten their belt

and take cuts. That explains my vote.

Now I'm willing to see if any of my Republican colleagues disagree, in which case they should come over or contact us right away.

ACTING SPEAKER AUBRY: Party votes, anyone not voting with your party, please come to the Chamber and cast your ballot and do so expeditiously. There's not a lot of time.

Mr. Barron on the Democratic side is a no vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to advance the C-Calendar and go to page 3 and take up Rules Report No. 23.

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

The Clerk will read.

THE CLERK: Assembly No. A09500-C, Rules Report No. 23, Budget Bill. An act making appropriations for the support of government; to amend a chapter of the Laws of 2020, enacting the Debt Service Budget; and to amend a chapter of the Laws of 2020, enacting the Aid to Localities Budget, in relation to the support of government, State Operations Budget.

ACTING SPEAKER AUBRY: Mr. Ra.

One minute.

MRS. PEOPLES-STOKES: Yes, of course.

ACTING SPEAKER AUBRY: One minute. Oh, one minute. Oh, and it is -- I was busy signing that first bill, and I should have said 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: And now, 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: Yes, Mr. Speaker, I will yield.

MR. RA: Thank you. I just want to go quickly through a couple of pieces of -- of this bill. First, the special emergency appropriations language. In this bill there is \$29.04 billion worth of special emergency appropriations. I -- I know this is a dry appropriation, but where does that number come from?

(Pause)

MRS. PEOPLES-STOKES: Okay. So Mr. Ra, there's \$25 billion from the Federal government. There's \$4 billion

from the State, and we're reappropriating another \$40 million from the State as well.

MR. RA: Okay. And so that's in anticipation that perhaps if the Federal government is able to give us some -- some aid to deal with this situation, that is more kind of general in nature that we can -- we can utilize it through this line?

MRS. PEOPLES-STOKES: Yes.

MR. RA: And one of the things that was, I guess, a little different in looking at the language was, you know, appropriations normally are subject to the approval of the Division of Budget, but these three special emergency appropriations specifically reference that the Governor will decide the transfers to other funds. Any particular reason why it's the Governor rather than the Director of Budget?

MRS. PEOPLES-STOKES: Well, these two gentlemen do work together, the Governor and the Budget Director.

MR. RA: I do assume they get along well together. I don't doubt that. But it just seemed like an interesting way of writing the language.

MRS. PEOPLES-STOKES: Okay. So this is an opportunity for the Governor to expedite the expenditure of the resources to deal with the coronavirus.

MR. RA: Okay. And lastly with regard to that, does the Comptroller have any role in the -- in the disbursements of that funding?

(Pause)

MRS. PEOPLES-STOKES: The Comptroller maintains his role of monitoring all expenses for the State.

MR. RA: Okay. Thank you. One other issue I wanted to ask about quickly is Economic Development. Last year's budget included \$500,000 to support the development of an online database of economic development projects. Is there any update as to where we are with creating that database and -- and timeline of when it would be made available to the public?

MRS. PEOPLES-STOKES: It's anticipated that that will launch at the end of this year, the end of 2020.

MR. RA: Okay. And will that database, when it's made public, include all projects approved for funding through the regional economic development councils?

MRS. PEOPLES-STOKES: Yes.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: And first let me again thank and commend the Majority Leader for her leadership in leading this House under very difficult circumstances the last few days, and certainly all of her courtesies in -- in answering our questions, aided by the very able Majority Ways and Means staff, so I thank them as well for -- for their work with -- with our staff. And -- and certainly, I want to thank our Ways and Means staff, led by Lauren O'hare who's in her first budget

as director. So, we got to have -- we got to do this for the first time together, and it's certainly a budget neither of us are ever going to forget, nor do I think any of us will. So I -- I just want to thank -- thank our entire staff who probably are falling asleep in the Alfred E. Smith Building at this point, but they -- they did a great job under difficult circumstances and I know all of our members very much appreciate their work. As we complete this process with this last bill, there's certainly -- all budgets, I think -- I can't count the number of times in the ten years I've been here that I've used the term a "mixed bag," because it really always is, and we've heard a lot of colleagues say that this evening about, you know, the good and the bad of -- of different bills. You know, we -- we ended up with a budget that certainly does some things to respond to the times we're under, but we have a lot of work ahead of us. We need to adjust our priorities to make sure we help our neighborhoods recover from this as -- as we're able to move forward. But we also need to focus on those immediate needs. You know, there was still way too much policy in this budget that didn't belong there, particularly given the circumstances. But when it comes to this particular bill, there are some excellent restorations in it for programs that -- that are important. Obviously, this is one of those bills that helps ensure that all of the people who are doing great work on behalf of the residents of the State of New York and providing the services the residents the State of New York are -- are taken care of and able to do their jobs, so -- so that's a positive. So I am going to be voting for this particular piece of this budget. But I

hope in the -- in the days and weeks and months ahead, this Legislature can -- can come together and hopefully we'll have a partner on the Second Floor to do what's right for the people of our State to help keep us strong and healthy and -- and come together to move forward.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker. I think maybe would the Majority Leader yield for a couple questions, if possible?

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

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

MR. PALMESANO: Thank you. I think there's a couple areas I just want to touch on quick, one that my colleague mentioned with the \$25 billion, and then I might want to flip it over to the -- some of the Federal Medicaid money a little bit. So I don't know if that would go to Mr. Gottfried or you or however that would work. But regarding the \$25 billion, and we know that -- that appropriation is there. Is -- that appropriation is to be determined on how that's going to be used as that money would come in in the future? Is that correct?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: And now some of that, would

that be for the State to accept any COVID-19 Medicaid funding for the COVID virus? Would that be part of that as well, for the State to accept some of that money through that \$25 billion?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: I'd like to kind of flip over to the Federal FMAP money, if I could, for a little bit if that's all right? On the Medicaid.

MRS. PEOPLES-STOKES: Sure.

MR. PALMESANO: I know there's been a lot -- and I apologize, this is something I've been trying to get my hand around and trying to understand because there's been so many different plans from the Federal government, there's been different phases. And then we've had a lot of discussions, especially with the Executive with the \$6.7 billion, which I think it was out of phase two. Is that correct, the \$6.7 billion -- there's a \$6.7 billion out of phase two that came down, and I think that's where the Governor was saying he initially wasn't going to accept it, or we didn't know if he would accept it. And out of that \$6.7 billion I think there's a breakdown of \$5.2 billion for the State and about \$1.5 billion for the City and for the counties. Is that accurate?

MRS. PEOPLES-STOKES: Mr. -- could you restate your question?

MR. PALMESANO: Sure. Out of the -- out of the \$6.7 -- when we talk about the Federal FMAP money --

MRS. PEOPLES-STOKES: Yes.



MR. PALMESANO: -- I believe we're talking about phase two, that there was a lot of talk about with the money coming in to the State, whether we would accept it, whether we wouldn't accept it. And I believe it was \$6.7 billion. Is that correct?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: And out of that \$6.7 billion, the breakdown would be maybe \$5.2 billion for the State. And if I understand it, \$1.5 billion for the locals with New York City getting about \$1.1 billion?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: And our counties getting \$400 million. Is that accurate?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: Now, is -- based on from what you understand what we're doing with this budget and the discussions that are going on, out of that \$5.2 billion for the State, are -- is the anticipation - is the State accepting any of that \$5.2 billion? Is there -- is that being used or drawn down, and if so, about how much? Do you have a plan for accepting the \$5.2 billion or is it being drawn down for anything?

MRS. PEOPLES-STOKES: So, the State of New York is accepting the money, and I'm sure they'll be some sort of formula that gets it out to counties.

MR. PALMESANO: So the State of New York is accepting the \$5.2 billion that was part of the phase two Federal

Medicaid?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: And then so also, that \$1.5 billion for -- I know we had to accept the money for the locals to be able to accept their share of the money, is that correct?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: And so it's our understanding because we're accepting -- you're saying we're accepting the \$5.2 million -- the \$5.2 billion in the State money, now the City of New York would be eligible for their \$1.1 billion share and our counties would be eligible for that \$400 million share now. Is that right?

MRS. PEOPLES-STOKES: Yes.

MR. PALMESANO: And they'll be able to receive all of that, or is that going to be phased out based on -- on the period of how the -- when the reimbursement comes in and how long this whole process goes on?

MRS. PEOPLES-STOKES: Well, as long as it continues to flow from the Federal government, which it could be stopped at any point, it will work exactly the way you described it.

MR. PALMESANO: All right. So just to -- just to reaffirm, we are -- the State is accepting the \$5.2 billion, and then the counties and the City of New York is eligible now for the \$1.5 billion that they could use for their needs given the COVID-19 crisis that's going on, so they'll be able to draw down on that \$1.5 billion for the City and the \$400 million for our counties, correct?

MRS. PEOPLES-STOKES: Yes. It's still -- the answer to that is still yes.

MR. PALMESANO: Okay. That's why I -- I -- and I thank you for your patience because that's the thing I've been trying to get my hands around because there's been so much talk whether we are taking money, whether we're not. So -- so it's good to know that we are taking that money, and so --

MRS. PEOPLES-STOKES: We're taking money.

MR. PALMESANO: Okay, good. So I know -- because I know -- that's good to know. And really that's all the questions I have for you. I just wanted to get some clarification on that, so thank you.

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

MR. PALMESANO: Really quick, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Not -- I just wanted to get some clarification on this issue because there's been so much discussion in the news about this -- the Federal FMAP money, the \$6.7 billion. I -- that's why I wanted to ask the question, you know, does it come out of the \$25 billion, is it eligible to come out of the \$25 billion emergency appropriation? And then would we accept -- is the State accepting that \$5.2 billion for the State? So I was glad to hear that we are, and - and are going to draw down on that. And then by us accepting that money, the City of New York would be eligible for the \$1.1 billion and our counties would be eligible for the \$400 million,

which we know they desperately need given the COVID-19 crisis that's going on. So I'm glad that the State of New York is accepting that money, and I'm glad we have confirmation for that, and on the record, and so I just want to say I'm glad to hear that. And I also just wanted to say thank you to our Ways and Means Ranker for the job he did, our incredible Ways and Means staff, and certainly thanks to the Ways and Means staff on the Majority who were helpful and put up questions through committee meetings. Appreciate working with you, even at this late or early hour. So thanks for all you do. We appreciate your dedication. So, I do have concerns regarding this -- the overall bill and this overall budget process. I'm going to remain consistent with my -- my no vote because I think there's things we could have done a lot better. But so from that perspective, I will just be voting in the negative. But I'm -- thank you for the answers to the questions and the clarifications. Thank you so much.

ACTING SPEAKER AUBRY: 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.

MR. ASHBY: Thank you. First, I just want to publicly thank you for all the efforts that you put forth in restoring the veterans funding that we see in this bill, and, you know, being true to your word in what you said yesterday. And also thank everybody in

this Body who helped make that happen; staff and Assemblymembers alike. One question that I have --

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

MR. ASHBY: Thank you. One question that I do have was the \$2.8 million appropriation from the Federal government regarding State veteran's cemetery that the Governor was putting forth and it was eliminated from this budget, and I'm wondering why that was.

(Pause)

MRS. PEOPLES-STOKES: So, it wasn't in the original language, but we did not add -- include this in this current budget for cemeteries.

MR. ASHBY: Could you repeat that explanation? I couldn't -- couldn't hear you.

MRS. PEOPLES-STOKES: No, it is not in this budget.

MR. ASHBY: Why?

MRS. PEOPLES-STOKES: We didn't come to an agreement with our -- our other parties.

MR. ASHBY: Perhaps next year?

MRS. PEOPLES-STOKES: Yes, perhaps next year. I would --

MR. ASHBY: Well, in 2016 I just want to point out that the Governor did cut indigent burial funding for veterans, and it had never been restored. And it is something that my office hears

about not so much on a regular basis, but enough to where it's noticed. And having the opportunity to travel across our great State and hear about a lot of different veterans issues, the fact that the Governor was taking up an effort through the congressional delegation that represents this State for a veteran's cemetery and the State was -- it gained a lot of notoriety and it was something that a lot of our veterans and our families were looking forward to. So I sincerely hope that this Body will, you know, make the right decision next time and I have confidence that you will, based on the funding that we were able to obtain this year.

Thank you.

MRS. PEOPLES-STOKES: You're so welcome. I -- just based on your comments yesterday on how valuable and important veterans are to our -- our entire community across the State, actually across the nation, I'm happy to look forward to working with you on the next budget to make sure that we can deal with things like that.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I think I have the pleasure of being the last one on the bill.

ACTING SPEAKER AUBRY: Well, not quite.

(Laughter)

MR. GOODELL: Well, maybe after I talk for 15 or 20 minutes, I will be.

ACTING SPEAKER AUBRY: I doubt it.

MR. GOODELL: I just -- normally, as you know, at

this time of the night the room would be packed. We have staff hanging around here to help us. I didn't mean to say hanging around like they -- but we have staff, and -- and I know the Majority Leader appreciates the incredible amount of work that's been done by staff and the incredible amount of work that's been done on -- on our side. Our staff has been working literally days without sleep. And every time I start to feel sorry for myself for getting very little sleep, I know they were working straight through the night. And on the Minority side, we are blessed to have a detailed summary that's put together in an extraordinarily short time, and I know the Majority staff has done an incredible job not just this week, but for the last couple of months. And what I find is -- is particularly extraordinary is that Helene Weinstein, the head of Ways and Means, and Ed Ra, our Ranker, attended literally, you know, probably close to a hundred hours of hearings over a period of weeks and took all that information in and digested it and worked on it with staff and did a phenomenal job. But when Helene came down with the COVID-19 disease, the Majority Leader stepped in. And we've now completed 20 or 30 hours of debate with the Majority Leader stepping in with virtually no advanced notice, picking up and doing an incredible job. This is the first year for our Ranker, Ed Ra. We are delighted that Mr. Ra is our Ranker because he really is on top of this and a very, very smart guy. And so, please recognize our great appreciation for the special work that's been done by Mr. Ra and his team on the Minority side and the Majority Leader, Ms. Weinstein and their team on the Majority side.

Thank God we finally got here in an incredibly difficult time. But our appreciation to everyone who was involved, including those who hopefully have left the building and are now sleeping. So, thank you.

(Applause)

ACTING SPEAKER AUBRY: As advertised, not the last, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I certainly want to thank Mr. Goodell and Mr. Ra for their very kind words, and I want to thank the Speaker to forcing me into an -- this opportunity. It has been quite unique, to say the least. But I also -- before I make a few other comments, I just want to really honor the Speaker and this entire staff. His Ways and Means staff as well as his PC staff, because for the last -- ever since January they have been negotiating with people who didn't really want to negotiate with us, and pushed back on so many of the opinions that we had that would add value to New Yorkers' lives. And they still came out with a product that's fairly responsible to the constituency across the State of New York. So I -- I really do think -- and the Speaker said this on several occasions, that he did the best he could and I believe that. That he did the best he could because I actually know the people who he had to be in the same room with and negotiate. And I know what their positions were. And so again, I want to commend him.

Mr. Speaker, these are really strange and difficult times. As you stated, we are living in a brave new world. I want to take a moment to thank my colleagues on both sides of the aisle for



their patience, their understanding and cooperation throughout this process. My thoughts are with my colleagues and everyone that's been impacted by COVID-19. I am praying for a speedy recovery for those dealing with the disease, and I'm praying for our State, our nation and the world to overcome this pandemic, and I am trusting God that He will guide us, and He will heal our land. It is my hope that while we shelter at home, which we should be getting to tomorrow, later on today sometime, we will use this time to contemplate and reflect on where we are, who we are, and where we come from. This virus doesn't discriminate. All of us are susceptible, regardless of our age, our race, our socio-economic status, our backgrounds, where we come from geographically, our region, our religion or creed. This virus has highlighted that we are literally, literally all in this together. We cannot flatten the curve without working together. As such, racism, classism, sexism, inequality in any way, oppression have no place. We are uniquely poised -- uniquely poised, put in this position to bring about a new order and change the society so that's these "isms" don't negatively impact people's lives. This crisis has resulted in individuals being furloughed or unemployed in staggering numbers. Staggering numbers. Numbers you could never even contemplate that many people applying for unemployment. Businesses of all types and industries are laying off people or shutting their doors. Five-star restaurants are serving you dinner in takeout packages. We have healthcare systems that are blowing through their insurance dollars, their budgets, trying to deal with this virus. Community schools are

doubling as community meal centers. School districts Statewide are coping and feeding children who rely on schools for their meals, providing childcare to essential workers and continuing to educate children in unfamiliar online strategies. Parents are finding themselves forced to home school and work from home at the same time. There are domestic violence victims living indoors with their abusers. There are people incarcerated and correction officers without adequate equipment to protect them against the virus. There are non-profits struggling to stay afloat and to continue to provide critical services to our constituencies. There isn't one area of our society that's not feeling this virus.

Mr. Speaker, to adopt a budget in a time when COVID-19 is a tough thing to do is very difficult. This budget is especially challenging. There were incredibly difficult and unpopular decisions that were made. All of us as leaders in the State often have to make hard decisions. I must be honest. I'm not happy with all of the items in this budget. I've shared my stance on several items that I opposed included in this budget, and I find myself in a position where I must focus more on the issues that I agree with than the ones that I disagree with. That's my Christian proud moment. Christian proud taught me that these budgets are always big and ugly, and you're going to like some of it and you're not going to like some other parts of it. The aspects that do help society are ones that I'm going to stay focused on. This budget process has been a painful, for me personally, as I know it has for very many -- and I saw my colleagues' emotion and

passion on how they felt about issues that were in this budget. Our focus must now be on overcoming this pandemic. Righting the State's economy, and taking care of New Yorkers as best we can within the conditions and constraints that we are living with and that are presented to us in this budget. We are New Yorkers, and we are resilient. And we will get through this together. Let's continue to love one another, respect one another. Practice social distancing, washing your hands. Thanking those amongst us who are sacrificing themselves every day to deal with this virus. And above all, take care of each other. And again, I want to thank Taylor's father, Carl Heastie, for his efforts in pulling all this together with so many people opposing him and still making it happen in the best interests of New Yorkers.

Again, Mr. Speaker, all -- all the best to the staff that's done a phenomenal job, and certainly to you, too, Mr. Speaker Pro Tem, because as long as I've been sitting here, you've been sitting there, and I thank you for that. And I trust that everyone would have a good evening, and I look forward to saying one more time, that there will be a Party vote in the affirmative on this budget.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. I suggest that as Assembly family, we give each other a virtual and remote hug for the work that you've all done together. Thank you so very much. This is our family.

(Applause)

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will  
record the vote.

(The Clerk recorded the vote.)

This is a Party vote.

Mrs. Crystal Peoples-Stokes.

MRS. PEOPLES-STOKES: Party vote in the  
affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. And  
thank you for all you've done for us. The Republican Minority will be  
no with the following members voting yes: Assemblywoman Walsh,  
Assemblyman Montesano, Assemblyman Schmitt, Assemblyman  
Ashby and Assemblywoman Missy Miller.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Barron in the negative on the Democratic side.

Anyone who is in the sound of our voice and wants to  
come in and vote against their --

(Pause)

There we go. Technology. Even the technology gets  
tired at three and four in the morning.

Anyone who on either side of the -- the aisle who  
wants to vote other than the Party vote, other than those named, please

come to the Chamber as quickly as you can. And I bet you, you can't get here quick enough.

Because, are there any other votes? Announce the results.

Mr. Palumbo, did you want to explain your vote?

MR. PALUMBO: Thank you for allowing me to interrupt the proceedings, Mr. Speaker, to explain my vote. This is going to be my last budget vote in seven years in this Assembly, and -- and -- I just -- and we're usually doing this, of course, in a packed Chamber with all of our staff and friends here, and this is such a very different time that we're in today. And of course we -- extend to our prayers to our friends and our residents of this State who are suffering from this -- this terrible pandemic. And I just wanted to say that it's truly been an honor to be in this Chamber to serve with you folks on both sides of the aisle, despite our differences in ideology. And particularly, Mr. Speaker Pro-Tem, I've been pleading my case to you now for seven years in the Minority and you've always been respectful, as has your Conference and the Speaker, Mr. Heastie, as well. And it's just really a pleasure and an honor to have served here in such a cordial group with the ideological differences that we've had over the years. We've always remained friendly and kind and courteous. And sometimes we certainly have emotions and we've had some heated situations, but this is truly the best House I think in this country, and I'm so proud to have been a member of this place. I will truly miss it.

I withdraw my request and I vote in the affirmative.

Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker, to explain my vote. When I first got here eight years ago, I thought that budget was crazy and I didn't -- I didn't think it could get any worse. And since then it's just been different every year, and this is going to be my last budget vote. Hopefully it's not the last vote of the Session. Hopefully we get to come back and see each other again. But this will be my last budget vote, and I'm proud that it will be a yes vote because we were able to restore the veterans cuts that were in previous Budget Bills, and I was -- I am very happy that I'm proud to be an affirmative on this. But I just want to thank all the colleagues, all the members and staff that sat in this room over the last couple of days that did not have the chance to leave while certain members got to vote from their offices or members got to vote from home. Several -- both Ms. Walsh and Mr. Goodell and Mrs. Peoples-Stokes and you, Mr. Speaker, who sat here and all the staff sat here and -- and really put your time in, and, you know, it's really just amazing. And I'm so proud to be a part of this Body, to have been a part of this Body, and I want to thank Leader Barclay for allowing me to present the hostile amendment to -- for the Small Business Recovery Act of 2020. That was something that I was very honored to be a part of, and it's something that I'll never forget that he allowed me to do, and I want to thank him from

the bottom of my heart. But this is -- we're in the morning right now, so I want to just vote in the affirmative and thank everybody for my eight wonderful years up here. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Announce the results.

(The Clerk announced the results.)

The bill has passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do we have any housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have neither, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Good. Then I move that the Assembly stand adjourned until tomorrow, Friday, April the 3rd, and that we reconvene at the call of the Speaker.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 3:37 a.m., the House stood adjourned at the call of the Speaker.)