

WEDNESDAY JUNE 19, 2019

10:03 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, June 18th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the Journal -- the further reading of the Journal of

Tuesday, June the 18th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, it's my honor to have the opportunity to share again with my colleagues and friends and staff that's in the Chambers [sic] thoughts about Admiral Michelle Howard. Yesterday, as you know, we gave some very profound words that Ms. Howard has shared. And right after that, our own member, Mr. Smullen, came up to me and said, *Oh, wow. We actually served together.* He in the Marines and her in the Navy. So, Mr. Speaker, I would like to give Mr. Smullen - I should say Officer Smullen - an opportunity to share for a few minutes his opportunity to serve with Admiral Michelle Howard.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Mr. Speaker, thank you very much. And Mrs. Peoples-Stokes, thank you for the opportunity to just make the one degree of separation connection between this Assembly and -- and the quote that was yesterday. I was pretty excited about it, so when I -- when I mentioned it that we had served together, it's a good story because it's a -- it's a story of America. Here I am from New York and I went into the Marines and began my service. I was stationed in Camp Pendelton, California with First Battalion, First Marines. When we were assigned to go to sea with the United States Navy, with the 11th Marine Expeditionary Unit, Special Operations

Capable with Amphibious Ready Group out of San Diego, the big port there. And we were excited to find out that we were going out with the USS Peleliu, but also one of the ships was LSD 47, the USS Rushmore. And the commanding officer of that fine Navy warship was Commander Michelle Howard, the first African-American Naval officer to be a female in command of a mainline ship in the -- in the US. Navy. And it was one of those situations where we knew and -- and -- and my Marines were embarked aboard that ship and we had a very great relationship of getting on and off ships because we were going to deploy into harm's way, in this case into the Persian Gulf. So the Admiral at that time, Commander Howard, many times in her wardroom, we did all of the workups and then we went to sea for six months in -- in June of 1999. And we deployed to the Persian Gulf and we actually on the way back from that operation, we did humani -- humanitarian operations in East Timor. Now, Admiral Howard went on a very successful command tour, went on to great heights into the United States Navy. She continued to command Expeditionary Strike Groups, Amphibious Ready Groups. Went on to command one of the fleets, and then became the Vice Chief of Naval Operations. For her last job, a four-star Admiral in the United States Navy. So hats off to Mrs. Peoples-Stokes for the -- the excellent quote yesterday. And really, hats off to Admiral Michelle Howard for her success in the United States Navy on behalf of the United States of America.

Thank you.

ACTING SPEAKER AUBRY: Certainly.

(Applause)

That's right.

Thank you, Mr. Smullen, for sharing that with us.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members do have on -- on their -- on their desks a Calendar which we are going to get started with a very, very busy day much like yesterday. A lot more work to be accomplished. So I'm going to ask for everyone's cooperation again as we try to get this work done in a timely and efficient manner. So there is a Calendar on the desk and there will soon be a debate list. After any introductions and housekeeping we will take up resolutions on page 3, and we will continue to consent bills we left off with. There are -- Ms. Solages has comments on our resolution page. We're going to be -- start our consent where we left off at with Rules Report No. 431. It's on page 17. And we're going to go right through to Rules Report No. 580, which is on page 48. We'll also be taking up bills from that debate list that's soon to be out. Today we're going to begin with Rules Report No. 579 by Ms. Nolan. It's actually on page 47. Ways and Means and Rules Committees will need to meet, and their work will produce another A- and B-Calendar. There were likely be a need for party conferences, I'm pretty sure, Mr. Speaker.

So that's a general outline of where we're at today. If there's any introductions or housekeeping, it would be a great time to do that now.

ACTING SPEAKER AUBRY: We have a gift today, Mrs. People-Stokes. You know what that is? No introductions and no housekeeping.

(Applause)

MRS. PEOPLES-STOKES: And no housekeeping!

(Applause)

Well, Mr. Speaker, I'd say we're on a roll. And we can go right to Rules Report No. 479.

ACTING SPEAKER AUBRY: I will concur with that.

MRS. PEOPLES-STOKES: Apologies, Mr. Speaker. I got excited. We do need to go to resolutions on page 3 first.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 620, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 27, 2019, as Normalizing Breastfeeding Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Solages on the resolution.

MS. SOLAGES: Thank you, Mr. Speaker. From human milk to formula to solid foods, you know, the infant and -- and newborn nutrition provides our youngest New Yorkers with optimal growth and be able to build generations. And so regardless of your nutritional preference, we support all mothers. And we encourage all

mothers to feed their baby as they will. But with this resolution I wanted to just pause because on June 27th, I want to encourage all New York women to breastfeed their -- their babies in public. And that's because the concept of normalizing breastfeeding has been around since the '70s. It started with groups like La Leche League. And we reached a milestone that breastfeeding in public is now protected in all 50 states in our country. And so I just wanted to pause and also acknowledge Vanessa Simmons, as she is the founder of the Normalizing Breastfeeding movement. And that's because in 2014 she felt compelled to organize women because she was discriminated in public while she was breastfeeding her child. And so, you know, she wanted to encourage women and encourage them to share their stories, to empower them and to really ask questions and get support. And so with this movement, we want to empower families and members of the infant feeding community to connect and build locally. So to all the women, I encourage you to nurse your baby whenever and wherever you want, and take a stand against the taboo that exists in our modern society.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Solages.

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

THE CLERK: Assembly Resolution No. 621, Ms. Richardson.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2019, as Gun Violence Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, Ms. Richardson.

MS. RICHARDSON: Thank you, Mr. Speaker. This is a very important resolution not only for the 43rd Assembly District, but for the entire State of New York as we call on Governor Cuomo to memorialize June as National Gun Violence Month. As we know, when the summer months do come we see an uptick in violence in our communities, particularly communities of color. And so we are trying to promote healing, community unity and our strength. We are more alike than we have differences. We need to put down the guns, find peace, arm people with resources, and let's -- let's live our lives together and safely.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Richardson.

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

THE CLERK: Assembly Resolution No. 622, Mr. DeStefano.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 9, 2019, as Emergency Nurses Day and October 6-12, 2019, as Emergency Nurses Week in

the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the resolution.

MR. DESTEFANO: Thank you, Mr. Speaker. As the father of a nurse myself, I would like to rise to honor the more than 100,000 emergency nurses nationwide that act on the first line in patient care in emergency room departments. They have continued to grow in number and gain respect through our nation. They selflessly dedicate large portions of their lives through caring for and comforting those who need help the most. On a daily basis, the challenges of verbal and physical abuse, patient adverse -- adversity and hardship does not stop them from getting out of bed the next day and doing it all over again. They continually demonstrate their professionalism and strive to improve patient care. They educate the public in the prevention and treatment of injury and illness and the proper use of emergency services. I urge all of you in joining me in celebrating the dedication and professionalism. And to all those who are either parents, brothers, sisters, husbands, wives of people that are in the nursing profession, I commend you and I know what you go through because I worry about my daughter every single day that she goes to work.

So thank you, and thank you for accepting this resolution.

ACTING SPEAKER AUBRY: Thank you, sir.

On the resolution, all those in favor signify by saying

aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 623, Ms. Jaffee.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 21-25, 2019, as Walk With Me Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jaffee on the resolution.

MS. JAFFEE: Thank you, Mr. Speaker. This initiative created to face -- to actually give face to domestic violence. Walk With Me Week will take place October 21st through the 25th, 2019, simultaneously on college campuses across New York. For the event, a silent procession of college students symbolizing victims of domestic violence will walk to bring students face-to-face with the reality of domestic violence. And domestic violence, also known as partner abuse, intimate partner violence or battery is a widespread problem that occurs when one person inflicts either emotional, physical, psychological injury to control another person that they have or had a relationship with. Researchers report that children with domestic violence -- who -- who witness domestic violence are at a greater risk of developing psychiatric disorders, developmental problems, school failure, violence against others and low self-esteem. As a former educator, I can tell you, unfortunately, I've had to see too many of our youth impacted with this kind of issue. Researchers report that children who witness domestic violence are greater risk, so

much greater risk of psychiatric disorders and the lower self-esteem. So, the proliferation of domestic violence in communities across New York State can be combatted in part by raising society's awareness and -- and sensitivity to this prevalent and far-reaching issue. And so, Walk With Me is one way to mobilize future generations to get involved and create movement against domestic violence with simultaneously letting people know that they are not alone and have a right to be safe.

So this -- we pause in our deliberations to memorialize Governor Cuomo to proclaim October 21st through the 25th as Walk With Me Week in the State of New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 624, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim November 3-9, 2019, as Veteran's Awareness Week in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We're going to go now to our main Calendar, Rules Report No. 431 on page 17 by Mr. Dinowitz.

ACTING SPEAKER AUBRY: Rules Report No. 431, page 16, the Clerk will read.

THE CLERK: Assembly No. A08189, Rules Report No. 431, Dinowitz. An act to amend Chapter 164 of the Laws of 2017, relating to terms and conditions of employment of certain nonjudicial officers and employees of the Unified Court System and Chapter 400 of the Laws of 2014, relating to terms and conditions of employment of certain nonjudicial officers and employees of the Unified Court System, in relation to rates of pay on and after April 1, 2020; and to establish certain conditions relating to salary and compensation increases for certain nonjudicial officers and employees of the Unified Court System.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: This is our first vote of the day, colleagues. So, Mr. Speaker, if you could remind folks who are in and around the Chambers [sic] to please come in, cast your vote. The sooner we do this, the more efficient we'll be and we'll get a lot more in today.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes. First vote of the day. Members who are in your seats, please vote immediately. Those who are outside of the Chamber but hear our voices, please come to the vote -- floor and vote. Remember, the faster we vote, the quicker we get away. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08225, Rules Report No. 432, Lifton. An act to authorize the board of supervisors of Tompkins County to contract with certain entities for the development, maintenance, or management of affordable housing.

ACTING SPEAKER AUBRY: On a motion by Ms. Lifton, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08227-B, Rules Report No. 433, Taylor. An act to amend the Election Law, in relation

to party committee meeting and organization requirements.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08228-B, Rules Report No. 434, Jacobson, Burke. An act to amend the Election Law, in relation to change of enrollment by previously registered voters.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08256, Rules Report No. 435, Gottfried, Griffin. An act to amend the Public Health Law, in relation to consideration and prescription of non-opioid treatment alternatives for treatment of neuromusculoskeletal conditions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08279, Rules Report No. 436, Quart. An act to amend Chapter 538 of the Laws of 2013 amending the Tax Law relating to the estate tax treatment of dispositions to surviving spouses who are not United States citizens, in relation to extending the expiration of the provisions thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Quart, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08282, Rules Report No. 437, Abbate, Griffin, Malliotakis. An act to amend the Military Law, in relation to age requirements applicable to appointments or promotions of public employees in cities with a population of one million or more who have been absent on military duty.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00117-A, Rules Report No. 438, Buchwald. An act to amend the General Business Law, in relation to prohibiting telemarketers from knowingly placing unsolicited telemarketing sales calls during a state or emergency or disaster emergency.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly -- Assembly No. A00129, Rules Report No. 439, Cahill, Ortiz, L. Rosenthal, Gottfried. An act to amend the General Municipal Law and the Tax Law, in relation to community preservation funds.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00492, Rules Report No. 440, Lifton, Stirpe, Hunter. An act to amend the Insurance Law, in relation to policies or contracts which are not included in the definition of student accident and health insurance.

ACTING SPEAKER AUBRY: On a motion by Ms. Lifton, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01503, Rules Report
No. 441, Vanel, Galef, Cahill, Barron, Pichardo, Montesano, Blake,
Rivera, Ra. An act directing the study of the future implementation of
the fifth and future generation wireless network system technology in
the State.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we
could now go to Rules Report No. 579 on page 47 by Ms. Nolan on
debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08419, Rules Report No. 579, Nolan, Bronson, D'Urso, Lifton, Mosley, Reyes, Colton, Sayegh, Perry, Simon, Rodriguez, Cruz, Glick, Dinowitz, Epstein, Englebright, Gottfried, Griffin, Jaffee, Fall, De La Rosa, Pretlow, Jean-Pierre, Abinanti, Arroyo, Ortiz, Aubry, Crespo, DeStefano, O'Donnell, Blake, Hevesi, Cook, Rivera, Williams, Wright, Richardson, Steck, Fernandez, L. Rosenthal, Hyndman, Cahill, Weprin, Benedetto, Simotas, Carroll, M.G. Miller, D. Rosenthal, Niou, DenDekker, Lavine, Barron, Ramos, Seawright, Barnwell, Raynor, Otis. An act to amend the Labor Law, in relation to granting collective bargaining rights to farm laborers and allowing farm laborers one day of rest each week and including farm laborers within the provisions pertaining to overtime compensation and unemployment insurance; to amend the Public Health Law, in relation to the application of the sanitary code to all farm and food processing labor camps for migrant workers; to amend the Workers' Compensation law, in relation to the eligibility of farm laborers for Workers' Compensation benefits and the provision of claim forms to farm laborers injured in the course of employment and in relation to service as farm laborers; to amend the Labor Law, in relation to labor on a farm and regulating the employment of certain employees whose earning capacity is affected or impaired by youth or age; and to amend the Labor Law, in relation to unfair labor practices, impasse resolution procedures and the convening of a Farm Laborers Wage Board.

ACTING SPEAKER AUBRY: We are on debate, ladies and gentlemen. I would appreciate your silence and your cooperation. Conversations on the back need to be taken outside of the Chamber. Members should have their seats.

Ms. Nolan, proceed.

MS. NOLAN: Thank you, Mr. Speaker and my colleagues. Today when this bill passes the New York State Assembly, as I believe that it will, we here in New York State will have finally addressed a wrong that has existed in our State for many, many years. At a time of great polarization in our country, we, in New York State, have decided to say we are moving up. We are writing wrongs. We are fixing what needs to be fixed on behalf of the workers of our great State. This bill, Assembly Bill No. 8419, with a Majority sponsor in the Senate and a program bill from the Governor, will establish the Farm Workers Fair Labor Practices Act. It will grant farm workers overtime, a day of rest, disability insurance, unemployment benefits and other labor protections granted to other workers in our State for over 80 years. Most importantly, it will grant collective bargaining rights to farm laborers. There's many, many provisions of the bill, and I certainly would be happy to enumerate them all. But I know that there will be questions, and so I just want that to be a basic overview and will be happy to do what we can. We have a wonderful team to answer questions and help me. And I just want to thank our colleague, Mr. Bronson, who the very first time we put this bill on the floor was our counsel at that time. So we even

have backup if we need a little extra support.

And again, thank you to Speaker Heastie, to Leader Andrea Stewart-Cousins and to Governor Cuomo for putting this bill together and our wonderful staff, which has worked so hard to strike the right balance between support for the farm industry of our State and the farm owners of our State, and yes, the workers, the farm workers of our great State.

ACTING SPEAKER AUBRY: Mr. Blankenbush.

MR. BLANKENBUSH: Thank you, Mr. Speaker.

Will the sponsor yield?

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

MS. NOLAN: Yes.

ACTING SPEAKER AUBRY: Ms. Nolan yields.

MR. BLANKENBUSH: I -- if I remember correctly, the last time we debated this bill, this is not the exact same bill as you proposed. There's been changes.

MS. NOLAN: Yes, there have, Mr. Speaker. Changes that reflect the input of the Farm Bureau and the result of the feedback that we got. We participated in hearings that the Senate organized, and of course, our door has always been open to suggestions and we've heard from many stakeholders in this debate.

MR. BLANKENBUSH: Going back to that original debate, one of the -- one of your comments during that debate, if I remember correctly, was that you had several workers come to you

and talk to you about conditions on farms, and that was one of the reasons why you brought forward a bill like this one. My question is since the last time we debated on this bill, has there been more laborers, workers come to you and talk to you about this bill?

MS. NOLAN: Yes, Mr. Speaker.

MR. BLANKENBUSH: Now, when they came to talk to you about conditions on their own individual farms, is that correct?

MS. NOLAN: I would not characterize it that way, Mr. Speaker. We sat and listened at a hearing out in Suffolk County, for example, if the gentleman would like an example, where a very distinguished older gentleman spoke out as a retired farm worker and said that he loved his job, he loved working the land. But he also recognized that he had injured his health over the many years that he had worked 60 and 65 hours a week at a very physically-challenging job. And two years ago, in his best year - and this is in Suffolk where there is a higher minimum wage - he made \$28,000. So I would like to challenge colleagues here and remind colleagues, I don't know what any of us could do on \$28,000 a year, but that's a pretty low wage for extremely demanding physical work. And he was there as a sort of a retiree, in a sense, to speak out so that others would not have to endure what he endured, even with a job that he loved. And, yes, a farm employer that he respected and felt had treated him reasonably fairly. But obviously, if he had a union or he had more protections under New York State's law, he would have been in a better circumstance.

MR. BLANKENBUSH: So then most of the complaints that you've heard was wages?

MS. NOLAN: I wouldn't call them complaints, Mr. Speaker. I would call them people speaking out, asking for better working conditions, better wages, yes, of course, overtime and very much the day of rest. It was very poignant to hear people over all the years I've been involved with this bill, talk about how they would like to be able to attend a church service, perhaps a child's graduation, and how they often were not able to do that because they were not guaranteed a day of rest. This bill guarantees a day of rest. It has flexibility. And I want to remind my colleagues and thank the gentleman for reminding me. This is not the bill that the Assembly has passed on three separate occasions in this House over 20 years. This is a bill that has tried to reflect the concerns of the Farm Bureau and the farm industry. And I want to particularly thank -- I mentioned Mr. Bronson, I want to particularly thank Assemblywoman Lupardo, the Agriculture Committee Chair, and other colleagues on both sides of the aisle who brought forth many of the concerns of the farm industry and farm owners, and we did try to reflect those concerns in the bill.

MR. BLANKENBUSH: Okay. So let's -- let's talk about the bill. Let's -- let's talk first of all about the wage board. Who appoints the wage board?

MS. NOLAN: I'm sorry, Mr. Speaker.

MR. BLANKENBUSH: Who appoints the wage

board?

MS. NOLAN: The wage board, which is a -- a process that has been used several times, many times in our State's history, would have a -- the Commissioner of Labor will convene a wage board. It will hold hearings. It will provide recommendations on overtime work. The wage board would be comprised -- as most wage -- as all wage boards are in our State -- of a representative of three members. In this instance, one would be a representative of the Farm Bureau, one would be a representative of the State AFL-CIO, and one would be a member of the general public appointed by the Labor Commissioner.

MR. BLANKENBUSH: So what are the powers of that wage board? What's their -- what's their job? What -- what are they going to do?

MS. NOLAN: I want to make sure I get this just so. Within 45 days of the appointment of a wage board -- by the way, a quorum is two-thirds of the members. The board, as I said, would conduct hearings. The first hearing must take place no later than March 1, 2020. They would have to make a report to the Governor and the Legislature with recommendations on overtime no later than December 31, 2020. The board may, indeed, recommend lower overtime thresholds. I want to remind colleagues that this bill is different in a very significant way, and in the spirit of compromise - certainly not my first choice, right - 40 hours is the threshold for overtime for almost every other industrial worker in our State, right?

Everyone knows the 40-hour work week. Well, news flash. Farm laborers have not ever had the 40-hour work week. Ever. They were denied those protections in the 1930s when we passed -- when the Federal government passed the National Labor Relations Act, and they have been denied those protections ever since. After much consultation with members, with listening to people, we have agreed here, myself and -- and those of us who would have preferred the 40 hours, we have agreed to accept a 60-hour trigger for overtime. And I want members to know that, you know, we all have those hours where we soul search. Have we -- have we over-compromised? Have we made bad judgment caused by the excitement of getting the deal, as my colleague Dick Gottfried said once many years ago. I hope and pray we have not here. I accepted the 60-hour trigger because I believe in the good faith negotiations of the Farm Bureau, and I believed my colleagues from more rural parts of the State who felt that 40 hours would be impossible to implement. I want to -- at least at this time. I want to remind my colleagues, however, that ten states do have collective bargaining rights for farm workers, and our friends in the great State of California have, indeed, last year adopted a bill that will get them to 40 hours overtime for farm workers by, I think it's 2022. So it is hopeful that at some point in the future we will have a better overtime trigger for farm laborers. But in the spirit of compromise and the spirit of understanding the needs of the farm community, we have a 60-hour trigger in this bill. And again, I hope and pray that in the -- in the effort to get something done, we haven't

gone too far on the employer side. I know for some of you, you may not want to believe that. But as the daughter of a shop steward, believe me, I can hear my father's voice in my ear, and I only hope and pray that we've done the reasonable thing, the right thing. And yes, indeed, a 60-hour trigger is a very long work week, but we are going to do that in this bill.

MR. BLANKENBUSH: Is it not true that on January 1st, 45 days after January 1st that the wage board can change the 60 hours, can drop it back down to 40?

MS. NOLAN: No.

MR. BLANKENBUSH: That's not the way I read the bill. How -- it says that it could convene, it could have public hearings, and it could adjust wages and -- and the 60 hours a week is not a guarantee in this bill. It's only a "trigger" like you said. So my understanding is that 45 days after January 1st, that -- that this wage board can meet, and that is one of the things that they can change.

MS. NOLAN: The bill requires the wage board to make a report. They could recommend thresholds, but that's not until December 31, 2020.

MR. BLANKENBUSH: Well, that's not exactly what I am -- I'm seeing -- I'm seeing March 1st of 2020. I don't know -- I don't know what the difference is. But let's go on.

MS. NOLAN: If I could just answer the question.

MR. BLANKENBUSH: The way -- Mr. Speaker, the

--

MS. NOLAN: If I could just answer the gentleman's question, that's not our reading of the bill. That's just the first meeting. That's not a decisive action that would affect the threshold or the trigger.

MR. BLANKENBUSH: Okay. So that doesn't mean it can't do it, though. Where does it say it can't do that?

MS. NOLAN: It recommends a report.

MR. BLANKENBUSH: Okay. But -- and by the way, Mr. Speaker, 1 -- less than 1 percent of the farm laborers in California are part of the union, just to clarify that statement a little bit.

Let's talk about the 60 hours now. My understanding is that -- and I know most of the farmers in my district already have a day off, so I -- I don't know whether parts of the State are different than where I grew up and where I live, but I -- I think every farm that I know of in my district has a day off. So this is not -- this isn't going to affect them that much because we already have that day off. But what my understanding is, though, if there's bad weather and they can't work, let's say, Monday, Tuesday, Wednesday they can't get in the fields, they can't work. So Thursday, Friday, Saturday and then Sunday's their day of rest, just for our discussion right now. The -- the way I understand it and the way this bill is written is that the farmer could work these people those three days for 60 hours. That equals 20-hour a day week. I mean, I know they weren't going to do that, but isn't that the way this bill is written?

MS. NOLAN: Let me just clarify for the colleagues

and for the question. The bill would require that every farm laborer be allowed at least 24 consecutive hours of rest in each and every calendar week. They can, of course, offer, if asked to work that and if they do work that they are compensated for it, again, at a lesser standard than, say, my father was at the phone company. It will be the same standard we use for domestic workers. So we -- it's time-and-a-half. It's giving a little more, but not as much as people have in some of the big muscular industrial industries of our State. But it does have a provision, again, in the spirit of compromise and in the spirit of supporting this important industry and recognizing that, yes, indeed, there are many magnificent employers in the State who, indeed, have treated their workers well. But employers can take into account 24 consecutive hours of rest caused by circumstances such as weather or crop conditions. And then as I said, it's recommended in the law that the day of rest can coincide whenever possible with the traditional day of rest reserved for religious worship, depending on what group would -- would practice if there is a group. But that's just a recommendation. It does allow, as I said, a voluntary agreement to give up the day of rest, but would include some additional wage, time-and-a-half -- again, not the kind of premium pay that many employees enjoy in other industries, but it would give them something. And employers can take into account days of rest caused by circumstances such as weather or crop conditions. So that's a very big change from our original bill. Again, in the spirit of compromise and trying to respond to the legitimate concerns of what is -- I want to

remind the colleagues -- a many-billion-dollar industry in our State. Again, this is not the image, perhaps, we have of our youth in a television show with someone wearing cover-all and being out there with two or three employees. This is a major economic driver in our State, and we respect that. But we also know that the employees of that major economic driver need to have the basic rights of all employees. And so we have in this bill offered them the option to have collective bargaining and a series of other things. And with respect, we have tried to recognize and be sensitive to this important industry and respect the good faith of so many of the farm employers in our State.

MR. BLANKENBUSH: The -- the day of rest, I understand, is that if a farm worker volunteers to work, they -- he'll be paid time-and-a-half, correct?

MS. NOLAN: Yes.

MR. BLANKENBUSH: Even if he volunteers.

MS. NOLAN: Yes.

MR. BLANKENBUSH: Okay. Let's go on to the definition of farm laborer. Because in many farms that I represent are family farms. News flash, I guess -- you said news flash -- most of the farms are not corporately-owned farms. They're small farms. They're farms that milk 100 or less cattle. We don't -- I don't have very many big corporate farms. But on any of those farms or most of the farms that I have, the definition that I read in this bill says "immediate family." Can you tell me what the immediate family is? Is it --

MS. NOLAN: Yes. Again, Mr. Speaker, we wanted to make provision for the family farm. No news flash, I didn't use that word. I understand, though, that there is sometimes a difference between what we might envision in our head is farming and what is the actuality of this multi-billion-dollar industry. And it is a multi-billion-dollar industry. And -- and by the way, I say that with respect. We don't -- we want to do what we can. And I would remind colleagues that every year we vote for hundreds of thousands of dollars in various subsidies, millions of dollars in various tax breaks. We -- over my time here, we've done many, many things for the farm industry --

MR. BLANKENBUSH: Mr. Speaker --

MS. NOLAN: -- and I gleefully -- you know, happily voted for them. Let me just see if I can answer the question about the family.

MR. BLANKENBUSH: The question was immediate family.

MS. NOLAN: Yes.

MR. BLANKENBUSH: Just -- I -- the --

ACTING SPEAKER AUBRY: Ms. --

MS. NOLAN: Let me -- let me just quickly add --

ACTING SPEAKER AUBRY: Ms. Nolan can answer this question --

MS. NOLAN: Yes. Parents --

ACTING SPEAKER AUBRY: -- and you certainly

can come back for the next 15.

MS. NOLAN: Yes.

MR. BLANKENBUSH: It looks like that's going to happen.

ACTING SPEAKER AUBRY: Okay.

MS. NOLAN: Right. Let me just say -- I apologize. Parents, spouses and children and the Department of Labor can add in siblings, in-laws and others. Cousins and things like that.

ACTING SPEAKER AUBRY: Thank you.

Mr. Crouch.

MR. CROUCH: Thank you, Mr. Speaker. My past is, I was raised on a dairy farm. I operated a dairy farm with my wife for 22 years. Formally Ranker of the Agriculture Committee here in the Assembly. And in that position and even my prior on-farm experience I traveled across New York State and I visited many farms, especially as the Ranker. We hosted a number of forums from Eastern Long Island to Buffalo and Chautauqua County and the North Country, Plattsburgh area, all around the State, and we talked about issues that this Body could -- could help with the farming. And one of the issues was adequate labor. And as we've seen what's happened over the last few years, more of the labor comes from outside of the United States. They have difficulty getting residents, we'll say, to -- to work on some of these farms. They don't want to pick apples and things like that. So they import a lot of this labor -- labor. And -- and a lot of it's under the regulation -- most of it's under the regulation of

the US Government. But not once in my -- my travels did I see any negative treatment to farm laborers. As a matter of fact, on one apple farm I was introduced to this gentleman who was the foreman of the picking crew, and he very proudly stated he'd been on that farm for 23 years. He could have gone to other farms, but they -- he stayed there because they treated him like family. And that's what I've seen on most of my -- just about all of my tours, basically, that the workers are often treated like family. They have other opportunities if they're not, believe me. The -- the people that come in for seasonal crops, they're here for 90 days. What will happen if you mandate that they take a day off, they're going to lose money because they want --they want to work every day they can for 90 days, and they -- they're going to have to not work some days because of the weather. But if you mandate certain times that they have to take off, they're liable to go down to the neighbor farm and work down there because they want to make all the money we can -- that they can. So we have a possibility of decreasing their income. They're going -- you want them to join a union. So now you've got these individuals that come from a poor country, and you're going to extract a certain amount of money out of their paycheck every week. And the opportunity to get any more benefits from joining a union is pretty slim because they're going to go back to their country in 90 days. And so one of the things that we've looked at at this bill is whether or not the farmers have to pay unemployment on somebody that's a seasonal worker, because after 90 days you're no longer working there. Can they collect that if they're in Honduras or Mexico

or anything like that?

So I have real concerns about this. And I -- I just -- one of the things that we've talked about in the past is whether the sponsor of the bill or any of the supporters of the bill, now even the sponsors in the Senate, whether or not they've actually been on a farm and toured the farm. You hold a hearing, yes, but you really need to go beyond that because a hearing can be staged. You can get a certain number of people in there that say what you want. But if you go to certain farms and -- and they give you a tour and you talk to the laborers right there, you can get a good sense of what they feel like and what's going on. And I have a little problem with somebody that's not ever been on a farm, from an area that does not have any farming in the district, writing legislation that's going to impact all of Upstate New York, all of the New York agriculture and -- and agriculture on Long Island. New York City's got a lot of problems on their own. They've had problems with people being pushed off of subway platforms. Upstate legislators don't write bills to control that or make it better. I feel it's not for us to do. We don't understand all of the problems that they have. We don't understand all of the problems they have with homeless and mentally-ill on those subway platforms. A lot of those things we just don't have a -- have an issue with that because we're not going to write legislation that controls that because we have a different lifestyle up here. But to have somebody write legislation that controls our lifestyle, our businesses, our agricultural community, to me, is wrong. And we have -- you know, we've -- we've struggled

over the last few years to make the points on this bill - and yes, there are some changes - but I'm -- I'm real concerned with the -- with the change -- changes that the -- the labor board has -- does not have the Commissioner of Ag and Markets on -- on the labor board. I think that's wrong. You've got a member of Farm Bureau. Okay. But you ought to have somebody like the Commissioner of Agriculture on there, too. The fact that you can -- 60 days after the first of January, 2020, the labor board can start meeting. Now, supposedly they're going to hold hearings and issue a statement or a recommendation on minimum wage -- or the overtime. The fact is, we've not gone through a whole season at that point with that labor board in force. So what kind of a data are they going to use to make that decision, whether it's going back to 40 hours? In January, February, March, you've got dairy farms and a handful of other agricultural businesses that might have laborers on it, but the overtime issue comes with the field crops, vegetable crops, the fruit crops because you have a limited timeframe to get that crop harvested and taken care of. And so there's -- there's overtime there. Longer days, obviously. But in my tour around the State on different farms, I never had one laborer complain about the long days. They were there to make money for that 90-day segment and then they would go home. But, you know, I -- I have a lot of issues with this. It's touted as a compromise, but it doesn't quite compromise enough, quite frankly. When we could go -- by next May we could go back to a 40-hour overtime week. I have a real problem with that. The composition of the labor board, I have a real problem

with that. And I understand the sponsor just made some comments about, you know, including other members of the family. I've -- I've got two farms I could spout off the top of my head right now. The son was not interested in following in his father's footsteps, but his nephew was. And so the nephew is now taking over the farm, eventually. So there's got to be more inclusion of other members of the family on this bill. And we can talk about -- you know, we can discuss maybe how great it is or how great it's not. But this is going to impact Upstate agriculture. And ultimately, if Upstate farms and Long Island farms can't make it economically and the dairy industry, I'm telling you right now, they've been struggling for the last two to three years. We've got dairy farms going out of business. You start tagging on regulations like this, they're going to be folding their tent like you can't believe. Other farms, fruit farms or whatever, crop farms, they'll go to crops that have mechanization in order to be able to still farm their land and follow their heart.

So I have, again, big issues with this and I'm going to just encourage a no vote. Let's go back to the drawing board. Let's hold some true hearings. Let's have some tours out on a farm so we get the -- the real perspective of what's going on. And let's have a -- if -- if there's an issue, we can identify it. Let's have it sponsored by somebody from a farming area so they have a perspective of what's going on.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the sponsor yield for a couple quick questions?

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

MS. NOLAN: Yes.

MR. TAGUE: Just wondering, do you have any farms in your district?

MS. NOLAN: Mr. Speaker, I'm privileged to have a great variety of businesses in my district, including some that process food that comes from farms. We had for many years a dairy processing plant --

MR. TAGUE: So the answer is no.

MS. NOLAN: -- things like that.

MR. TAGUE: You don't have any farms in your district.

MS. NOLAN: Certainly not on the scale of some of my colleagues. We have some small independent operations as young people have gotten into that. We actually do now -- different than when I first debated the bill, we have a number of very small farms. And -- and I would just say, Mr. Speaker, and my colleagues, quickly, because it came up earlier and I didn't want to respond because I have great respect for my colleague from Norwich, New York. But of course I had visited farms, and I'm the daughter of someone who was a Fresh Air Fund worker who worked on a vegetable farm all the years he was in the Fresh Air Fund because that's what the Fresh Air Fund

was in those days. And he loved it. So we love our State. I also just want to say to my colleague - many people here know this, but this colleague may not - I happened to have been born in Syracuse, New York. And I always say, *Can't you tell from my accent?* Obviously not an Upstate accent. But my family, we love Upstate. My father was a Fresh Air Fund kid. We'd go to the fair every year, and we have great respect for the farm industry in our State and the farmers of our State.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: It's obvious that the sponsor has not worked on a farm, doesn't have any farms in her district. Well, I'm a former dairy farmer. I managed my own farm, done my own inventory, set my own hours. I know how the business works intimately. Agriculture does not function as a typical 9 to 5 business. To try to convince yourself that that's how things are done is going to devastate our farm industry and the rest of the State as a result. Overtime, set hours, controlled days to work, collective bargaining, none of these things are part of the agriculture industry because they won't work, period. Some days you're working 19 hours. Some days you're working four. It all depends on the farm, the animal you're tending, and how far along the grow is. All of these var -- variables are taken into account when you try to legislate something this complex. This is essential to our day-to-day lives. Things are fluid on a farm. But I wouldn't expect someone who has never set foot on one

to understand that.

Mr. Speaker, we have put the cart before the horse. Now what I mean by that is there are some things in this bill that may be good ideas, but the truth of the matter is that farmers don't run their business the same way most business people do. And the reason is, they have no control over the price that they're paid in the market. When you own a business, you set your prices because you know what your overhead is. A farmer can't do that. A farmer has to face labor increases, fuel and energy costs. They have no control over that. And by the way, they have no control on the amount of money that they are paid for their product.

Ladies and gentlemen, this bill will devastate the rural Upstate economy. A report in today's local paper in my home county, my little county of 30,000 people, the income from agriculture was over \$50 million last year. This bill will kill agriculture in rural Upstate New York. It puts our farmers at an uncompetitive edge compared to other states, and it's just a bad bill. I would recommend that the sponsor take this bill back. I'd be willing to work with her, because that's where I come from. Let's put the horse back in front of the cart. Let's work on the pricing structure for our farmers, and then come back with some ideas for this bill.

Mr. Speaker, I urge every one of my colleagues to stand up for agriculture, stand up for our farmers. No food -- no farms, no food. Stand up for the farmers and vote no on this bad legislation. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

Will the sponsor yield for some questions?

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

MS. NOLAN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Ms. Nolan. I have a series of questions for you and I kind of want to walk through some issues here, if we could. The first question I have for you, do you know what the number one industry in our State is?

MS. NOLAN: Yes.

MR. PALMESANO: And what is that?

MS. NOLAN: I think it's agriculture, don't you?

MR. PALMESANO: Agriculture. We're off to a good start. So --

MS. NOLAN: Thank you for starting with an easy one.

MR. PALMESANO: So recently, because this bill has obviously gotten a lot of attention, have you spoken to any farmers recently about your bill, the impact it's going to have on them? Have you sat down with a number of farmers to talk to them?

MS. NOLAN: I've had the great privilege, Mr. Speaker, I've had the great privilege on meeting on many occasions

with the representatives of the Farm Bureau of our State. They have a competent and professional staff that represents them with great vigor and ardor - just as energetically as my colleague who spoke prior did - and it's been my great pleasure to have met with them many, many, many times over the many, many years that we have fought for collective bargaining rights for farm workers. Yes, indeed, I have.

MR. PALMESANO: And during those meetings, did they explain to you the struggles that they're facing, whether it's relative to cost, other issues? They -- they've laid that out to you, the challenges that they're facing?

MS. NOLAN: Yes, Mr. Speaker. And that is one reason why we have compromised significantly in this bill and put in place a 60-hour trigger for the overtime, which again, would not have been my preference. We carried and passed a bill with a 40-hour trigger on three separate occasions. But on this occasion, in deference and understanding the work of -- of this important industry -- yes, the number one industry in our State -- we have put in effect a 60-hour trigger.

MR. PALMESANO: There's a lot of talk about farms. I think there's a misconception, especially from people not from an agricultural area, when they think of farms, they think of big corporate operations, corporate farms. But do you know what percentage of farms in New York State are family-owned farms?

MS. NOLAN: Many of the farms in our State, perhaps predominantly, are small family farms. But I would remind

the gentleman, I think he did participate - and I want to thank the Chair of the Labor Committee, Mr. Crespo, as well as I mentioned Ms. Lupardo - in a roundtable that the Assembly had where we heard from a farm laborer, a farm worker whose job was to set up the mechanical equipment for 2,500 cows three times a day. Now I don't know about you, Mr. Speaker, and my colleagues, but 2,500 cows is not the image that most people have when they say "family farm." That's a lot of cows. And as I understand it, the farm that he works for had many more cows, and he was expected, as other workers would, to set up the equipment. So again, I'm well aware of what is happening in this critical industry, and have spent a great deal of time listening to my colleagues who have talked about its importance. And one of the things I've learned is that through mechanization and technology, this is a highly-sophisticated business. And the image of just a humble person milking a cow on the family farm - while perhaps true in the 1930's when the farm laborers were excluded from the Fair Labor Standards Act - is not true in 2019. Twenty-five hundred cows milked three times a day by one farm laborer through the technology and the mechanization of the farm. So much so that when the gentleman cut his hand, he could not stop setting up the equipment because there was no time to take care of that injury.

MR. PALMESANO: Thank you, Ms. Nolan, because I know the question was do you know what the percentage of family-owned farms is. It's 98 percent.

MS. NOLAN: And if you --

MR. PALMESANO: And I guess -- that's fine if you want to go on and keep talking.

MS. NOLAN: And I would just say to the gentleman, the 98 percent figure, yes. But the image of the family farm is not necessarily two or three people eking out a living on the homestead on some television show. It is a successful, large business that we want to support and we have supported with tax breaks and incentives and business things that we have done over the years. And yes --

MR. PALMESANO: I can --

MS. NOLAN: -- it's something we want to support by bringing them into the 21st century to employ their workers.

(Applause)

ACTING SPEAKER AUBRY: Ladies and gentlemen. Ladies and gentlemen.

MR. PALMESANO: I can -- I can appreciate your comments, Ms. Nolan, but I have some more questions. And I think what you've already guaranteed is I'm going to be using second 15 minutes if you keep talking and you don't answer the question. But I have more questions.

MS. NOLAN: Yes.

MR. PALMESANO: So, how many hearings did the Assembly hold on this issue, public hearings? I can answer it. Zero. How many did the Senate have? Three. In what parts of the State? Don't you think an issue as big as this that's impactful - I know you

believe this is a big issue - as impactful as this is to farms, farm workers deserve to have a hearing? Don't you think it's an insult to our farmers, the number one industry in your State, that they didn't get to have their voice heard on this issue? And I'm not talking with individual meetings and stuff like that. I'm talking about just having public hearings where they can travel. Some of them had to travel hours away to the Senate hearings. There were no hearings in the Finger Lakes, there were no hearings in the Southern Tier, none in Western New York, none in the North Country. Isn't it kind of an insult to our farmers that we couldn't hold a hearing in those areas to hear from them?

MS. NOLAN: No.

MR. PALMESANO: All right. Well, listen. Every member of our Conference sent a letter to the Speaker, to the respective Agriculture and Labor Chairs on this, pleading for hearings. Asking to give a voice to our farmers, let them come and talk to you. Let them explain what's going on, the struggles they're facing. And the Assembly could not bother to have one hearing, even one hearing? So what I believe you've done, if you told farmers that they're not valued, it's an insult. Their voice doesn't matter.

So I have some other questions for you. The Farm Credit East did a study a couple of years ago, right around the time of the minimum wage. Do you know what farm labor costs as a percentage of net farm income in the United States was?

MS. NOLAN: Labor costs are a very high driver of

course on farms, yes.

MR. PALMESANO: Yes. So, in the United States it was 36 percent. But in New York State it was 63 percent. So doesn't that right there tell you right there, our farmers in New York State are already at a competitive disadvantage when they're -- compared to their neighboring states, surrounding states? Pennsylvania, Ohio, other farm states. Isn't that -- we're already at a competitive disadvantage.

MS. NOLAN: It doesn't tell me that.

MR. PALMESANO: No. That's surprising. I think most people would think so. Do you know how many --

MS. NOLAN: I could give a longer answer, but then the gentleman will tell me I'm talking too much, and so I don't want to do that. But no, I don't agree with his -- his --

MR. PALMESANO: All right, that's fine. Do you know how many dairy farms we've lost in New York State in the past five years?

MS. NOLAN: I'm well aware that in my 35 career [sic] history here, we have lost dairy farms all of those years. And guests what, colleagues? Never once have the farm laborers been responsible for that because we don't have collective bargaining rights for them. So when I got here we had 15,000 dairy farms, now we have less than 8-. That's not because the farm laborers are getting a day of rest. That's not because the farm laborers are getting overtime. That's not because the farm laborers are getting time-and-a-half.

That's not because they have a union. If dairy farms are closing it's because people have moved from a small model of a handful of animals to big farms. Yes, indeed, family-owned, but big farms with 5,000 cows, not little farms with 100 cows.

MR. PALMESANO: Well --

MS. NOLAN: And I would also remind the gentleman that fluid milk production in our State has gone up pretty much every year that I've been here, because through the technology and the innovations and, yes, the hard work and dedication of our farmers, farms are producing more milk even with fewer numbers of actual farms. The amount of milk produced and the call that the Federal government puts for the milk has increased in our State pretty much every year I've been here.

MR. PALMESANO: I know on the original bill there was an estimate done that if this bill -- obviously, the normal -- the original would went in and it would have increased farm labor costs by \$300 million and decrease net farm income by 25 percent. I know with the modifications, that's probably narrowed. But still, it impacts nonetheless. But do you know what? Net farm income has dropped over the past few years by 50 percent. Did you know net farm income has dropped by 50 percent over the past several years? So I know you're saying about farms closing. It's not because they're making a lot of money. And I noticed you mentioned that well, they're producing a lot more milk, but are you aware that our farmers have little or no control over the prices they receive and they produce,

unlike other manufactures who can increase the price of a product? Or a restaurant, when you increase the wages, you can increase the price of a meal. Farmers have no discretion to increase prices. They're just dealt the price and have to deal with it.

MS. NOLAN: It's my understanding, Mr. Speaker, that this is a multi-billion-dollar industry, and that the innovation that collective bargaining and the treating of the workers will -- a rising tide lifts all boats. And as we have seen with minimum wage legislation, paying people an adequate wage helps contribute to the economy of the communities that they are in.

MR. PALMESANO: I want to get to the issue -- I know there's a provision in this legislation that says there's a no strike provision, but there's a lawsuit that's pending. Does this legislation supercede that lawsuit so that if there's -- if there's appeals that where they could, you know, they could strike during a harvest season? I know this legislation doesn't. Does this supercede that? Does that overrule that if something were to change?

MS. NOLAN: Not that I'm aware of. The courts can do what they wish, and they do.

MR. PALMESANO: All right.

MS. NOLAN: But obviously they take into consideration what we do here as a separate but equal branch of government, and I'm sure that the consideration that we have shown in this bill to try to strike a balance - I know a balance that some do not see, but that I certainly think we have struck a balance because we

have gone from a 40-hour overtime trigger in the original bill to a 60-hour overtime trigger in this bill. I believe that that balance will be read by the courts as an attempt to be fair to all sides and may, indeed, change the outcome of any legislation that would -- any lawsuits that were to continue. But I certainly don't know and can't speak to it, not being a -- not -- I'm not an attorney, either. And it's amazing, right, the careers that we bring here. But we do things on behalf of people. I'm a woman, and yet men here talk about women all the time, right? I don't say I have to be able to talk about men. You know, we all have different capacities that we bring here. That's the genius of American democracy. So I think I am, as best I can in my own modest way, trying to be as educated as I can and bring this bill to the floor.

MR. PALMESANO: Thank you. I know there's now with this legislation, Paid Family Leave would be an eligible benefit for -- for the farm workers. Is this -- is there any clarification on when that Paid Family Leave could be taken? Could it be taken in the middle of a harvest time? Is there any -- is it whenever it's needed, whenever it comes up? Are there any guidelines or restrictions on when it can be used?

MS. NOLAN: Not that we're aware of, no.

MR. PALMESANO: Okay. I know my colleagues might talk back about this again, about the definition of a family member, you know, and I hope he does. It's when you talk about like a -- a relative that's not a -- a brother or a spouse. We're talking about nephews and cousins, how that's -- how family farms -- I hope my

colleague brings that back up again when he comes back up. I think that's an issue -- I wish they would have looked to modify that a little bit because there are instances where a -- a son and a nephew, the nephew works on the farm but now he's going to be held outside that wage, outside of the family definition, and then ultimately he would be a owner -- possibly an owner of a farm. But this could cause problems with that by the language you have in this bill, the narrow scope of family.

MS. NOLAN: Yes. We -- we believe, Mr. Speaker, that the Commissioner of the Department of Labor can address this issue and expand to include, you know, second-cousins three times removed if the Commissioner of Labor needs -- feels it needs to do that. So it's a wide definition of what is family, and we certainly support that and understand that. I think the bill talked about siblings -- I -- I'm going to look at it in a minute -- but we certainly -- I have no particular objection to the Commissioner of the Department of Labor expanding the circle of family members who would not be eligible for various benefits under this bill.

MR. PALMESANO: I want to get to the wage board issue again. Was there any rationale or reason why the Ag and Markets does not have an appointment or is not part of that wage board and it's just the Department of Labor, given we're impacting the agricultural industry?

MS. NOLAN: Thank you, Mr. Speaker, for my colleague asking this critically important question that I'm happy to

answer. Most -- all wage boards, except for this one, are just the Commissioner of Labor. But again, in deference and understanding the unique needs of the farm industry and in support of our farm owners and in support of our farmers who put so much of their lives - as our colleague so eloquently said - into their business, the Labor Commissioner must consult with the Ag and Markets Commissioner at -- at the wage board. So that actually is language that applies to no other industry. We don't ask the Commissioner of Labor to talk to the Transportation Commissioner if it's the Transportation Wage Board. We don't ask the Labor Commissioner to talk to the DEC Commissioner if it's a group on the water. Only in this one industry have we carved out an additional step that the Labor Commissioner must consult with the Ag and Markets Commissioner. So I felt -- again, in the spirit of compromise, something that wasn't in the original bill -- I felt it was important to do that. To make that concession, if you will call it that.

MR. PALMESANO: Thank you for that clarification. Regarding the -- the wage board itself and how they -- it could take up possible changes in the future, I know right now we have a 60-hour as part of the bill. But now the wage board can convene and they can at some point -- I think it's December, by 2020 -- they can make a recommendation if they want to lower that amount from 60 hours to 50 hours or 40 hours if they so choose. Would that automatically be implemented, or does it have to come back to the Legislature to ratify whatever that wage board decides? That's what

happens? So if they decide arbitrarily to make it 40 hours within a year, they can do that?

MS. NOLAN: Well, again, Mr. Speaker and my colleagues, there is a -- language in the bill that would require if a wage board was to act in that manner, which I find hard to believe because the Farm Bureau would be part of the wage board, as well as the AFL-CIO, which is a responsible group in our State with a long history of working through these types of labor agreements and labor issues. The AFL-CIO is not a radical organization. It is a responsible organization that has existed in our country for a very long time that occupies a seat on these wage boards and is well aware that a job is better than no job. So presumably, responsible people will come up with achievable goals. But if in the event that they run wild and they do something that, you know, very dramatic, the Commissioner of Labor has the ability to not listen to the wage board. Again, I think something -- all wage boards have that, but I think we've put some additional language that the Commissioner could modify it, they could confer, they could reconvene. So again, we've tried in every way that we could to empower the farm owner so that they would understand that we care. We don't want to put this important industry in any way in a negative position, we just want justice for the worker and of the balance scale.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker.

Thank you, Ms. Nolan. And as Arnold Schwarzenegger said, I'll be

back.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: Thank you, Mr. Speaker. I don't know where to start. This could be the biggest joke bill I've ever seen in the Assembly history. Twenty-five hundred cows, one person. That's called technology. The guy isn't slaving, the woman isn't slaving. This isn't 1920's factories. It's called technology. The cows walk in, he pushes a button, it takes care of itself. So if you don't know what you're talking about on how cows get milked, don't make it sound like one guy is hooking up 2,500 cows to eight or ten different nipples. It doesn't work that way. So, please. If you don't know what you're talking about, please don't talk about it. My whole district is farm. In Wyoming County there are more cows than people. About 48,000 cows to about 35,000 people. The day of rest, I understand that, being a religious person. Forty-hour work week, no one has come out to my district and talked to any of my farmers. I've talked to 50 to 60 of them. None of them want this. None of them want this bill. None of the workers I've talked to want this bill. Why is that? Because if you don't understand what you're talking about, don't talk about it. The workers come up here, especially the migrant workers who come up here for 100, 120 days, they want to work every single hour because when they take that -- they take that money and they ship it home. And when they go home, they feed their family, they live high on the hog because they worked in America. They worked in New York where the wages are substantially higher than our

surrounding states. That's why it puts us at a disadvantage. If you don't know dairy prices, please don't talk about it. Of a hundred-and-some people on the other side, I'll bet 90 don't know how dairy prices are actually fixed. It's by weight. It's Federal. A dairy farmer just can't produce milk and go sell it. It doesn't work that way. Our dairy farmers have been getting crushed because the price is hovering at \$13 to \$15, \$16 a hundred. To make a profit you needed about \$17 to \$19 or more. And it's been about three years since it's happened. It fluctuates. That's the market. So when you add on these costs, these dairy farms are going out of business. I've talked to three farmers in my district that are going out of business. They're selling their assets. And it's not another farmer moving in, they're just selling because they can't make any money in New York State because of what this Body does. Don't sit here and not take blame for it. When the minimum wage was raised, it went up, and that's great. But don't forget, dairy farmers and farmers were paying more than the minimum wage. They make it sound like workers are working subminimum, like farm workers are working for below minimum wage or at minimum wage. They are not. I sat with Mr. Wick, a 75-year-old man, four years ago. He just passed way. I sat at his dining room table, he told me a story about a month earlier where he had a 23-year-old, 6'4 kid come in, he needed to work on the farm and drive a truck and do a lot of the -- do a lot of the driving in between the different fields. At that time, minimum wage was \$8 an hour. He was offering this kid \$16.50. And he told me -- he sat there and he said, *You know what? You're*

great for the job. You've got the credentials. You have the job. The kid, 23 years old, took out his -- his cell phone in front of Mr. Wick and started doing something. He said, What are you doing? He said, I can't work for that, Mr. Wick. I'll make too much on my benefits.

That's what we've done in New York State. Twenty-three-year-old kid, 6'4, able-bodied, would rather get the free benefits out of New York State than work. So when I see this, this is nothing more than a payback to New York City unions. I've been told it forever. I've talked to union people. Look at the wage board -- or the board -- the board. Why is there only one Farm Bureau? It should be -- all three should be from the Farm Bureau because they know the industry.

Why is the AFL-CIO on there? They have nothing to do with the farm. It's all about unionization. The wage board. The 40-hour work week. You go to a 40-hour week, the farmers are going to find a way to work their employees 40 hours and then bring in a different set of employees if they have to. And you don't understand that the workers come here, they want to work. You will -- tell -- bring some workers from my district up here, migrant workers, New York State, whoever. Bring them on the floor and let them tell me they don't want to work more than 40 hours or they want overtime. Because they're getting, in my district, \$15 to \$17 an hour. They're making great money, and they want to work as many hours as they can so they can take it back home to their families. That's why they're here. When you limit it, you know what they're going to do? They're going to go to another farm and work more hours. Or they're not going to come to New

York. If it gets to a point where they can't make the money here, they're not going to come here. What wouldn't you understand about that? They're not going to come. I've been told that by farmers and the workers alike. If you limit their hours, they're not coming. They want to work 50 to 70 to 80 hours, whatever they can. They want it. They're not being forced. Tell me one worker who's being forced to work on a farm. They're not. They come here for what they can get to take home. They come here so they can work the hours and make a ton of money. It just -- it just flattens me. If you've never been on a farm -- and not even just walked on it, you never worked it. You've never stood there for ten hours and seen how it works. It's different than any other business you've ever run or been a part of or walked into. And the people that do that job do it because they want to. They're not forced. No one is forced. If you don't want to work on a farm, you don't work on farm. If it's too much work, you don't do it. So why sit here and make it sound as if we're oppressing all these people? Because we're not. And the proof is that when you put this bill together, no one came out to my district, no one called me. I've been a Circle of Friends Farm Bureau since I was elected. I've got the number one dairy county, I think, in the State. So why didn't they come and call me up and say, *Hey, we want to take a tour today*. I would have taken you to 20 farms. Why didn't anybody call me? Because it wasn't about seeing what the farmers really want. This was about running over the farmers. They're predicting in Wyoming County about 7 to 8 percent next year and to go out. In a small

county. Because this bill will put a foot right on their head.

I just think it's ironic when you don't even know how dairy prices. We did the same thing with gun control. AR-15. I'll bet 90 people in this Chamber still think an AR means assault rifle, when they have no clue that it's just the name of the company, the manufacturer. But they think it's assault rifle. It's the same mindset we have now with this farm bill.

Also, I heard someone say that -- a comment that it's a great benefit to our communities. These farm workers, they come here, they work 10, 12 hours a day. They go to sleep, they get back up, they work as many hours as they can. They tell the farmer, *I'll work more. I'll work in the night. We got to get everything together.* They don't go out and support the community by spending their paycheck. That's a joke. They take it, and they take every penny. You don't understand the mindset of a lot of these farm workers that come here from other countries. They are so thankful to be here, and they're so thankful to make that money to support their family at home. They feel ashamed if they go out and spend some money. They want to make sure they give their family every penny. So I hear this is a big benefit to our communities. It's not. It's not. It's got a residual effect, minimal at least. Again, don't put into a -- a false narrative into something that isn't true.

So, this bill brings back just what we don't need in New York State. It shows the divide between New York City and the rest of the State. And while New York City has one way of thinking

and we see it all here -- I do -- it doesn't always match up to the rest of the State. And this bill is a total equivalency of that mindset. This bill has nothing to do with farmers, nothing to do with workers, giving them better protection. I -- I've been on the farms and I've seen their housing. I've never heard one complaint about migrant or a farm worker's housing. They make sure -- the farmers aren't there to -- to put their foot -- they're not going to make their employees unhappy. They give them everything they need. They need them to be happy and work 12, 14 hours a day. They depend on them. As a small business owner, I gave my employees everything I could. I depend on them. When I open the doors at 7:00 in the morning, I -- I needed to make sure they were there. And if they didn't like it they could go elsewhere.

So I would like everyone to think real seriously about one thought. It's time to split the State. I have a bill to split New York City and New York State into three autonomous regions. It doesn't make another state, it just gives New York State three autonomous regions for control. Think about it. Because all I've heard from a lot of people here for years is how New York City welfare's money to the rest of the State, about \$8- to \$10 billion. Well, I would say in our proposal we don't want the money anymore. You keep it and do what you want. Very respectfully, let's all go -- let's go each our own way. And I'm being very serious about it, because that's all I hear in Western New York. *We have to get rid of New York City. They're drying us up. They're killing us. We can't deal with all their things.*

So tell me -- I would like to know why -- if you're from New York City, come talk to me. I'd like to know why you think that Western New York should adhere to New York City. They're totally two different places. And I get it, two different sets of values, two different sets of mindsets. Two different work ethics. Whatever it is, it's all different. I have the bill. I'd like someone to take it and I'd like someone to seriously think about it, because it would be a benefit to New York City. We will -- we will -- we could give -- New York City could get back that \$8- to \$15 billion that they give us, reluctantly. That would help them with their MTA problem, help them with a lot of the programs they want to do. But on the other hand, what would it hurt? Because the West -- Western New York, the rest of this State really doesn't contribute to New York City. So I'm being serious.

This bill goes way too far. There were so many things when we conferenced and talked about by farmers that they would have liked to have done, but they weren't given a voice, and could have changed this bill and made it a little bit better, but none of their input was listened to. Especially in my district where no one came out. No one talked to us. It's time to sit at the table and actually seriously talk. This bill goes too far, Mr. Speaker. It doesn't do what it's going to intend to do. Unintended intentions -- good intentions, however they are, have unintended consequences. And you can't tell me a bill is great when they predict 7 to 10 percent of farms are going to go out of business because of it. That's not helping the farmers. That's not helping the workers. That's not helping the migrant workers

that come over that depend on us.

So with that, I will be voting in the negative. But I wish, I wish someone would have sat down and really made some serious effort to make this bill palatable to the rest of the State, because right now it's not. It's a horrible, horrible bill. It's going to put people out of work, jeopardize families again, and we're going to have to live with it. And in my district, that's catastrophic. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Brian Miller.

MR. B. MILLER: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. B. MILLER: I'm a former apple grower. I owned and operated my own orchard in the Mohawk Valley. I hired workers who worked very hard and were treated very well. I worked out in the orchard with all of them, in all conditions, for whatever amount of hours were necessary to get the job done. My district is heavily agricultural. I represent many of the farms, orchards, vineyards and other agricultural businesses that keep this State's economy up and running. I've also been in contact with our Farm Bureaus throughout the State. I've attended the forums this year and heard from both farmers and farm workers on this issue. I've taken what I already known about the industry and learned some more by listening to others. I like to think I'm qualified to speak on this issue,

and I have some very grave concerns regarding this legislation. Agriculture is a major driver of the economy of this State. The agricultural industry is worth more than \$5 billion to our economy. There are more than 35,000 farms and more than seven million acres of farmland here in New York. Dairy and milk production alone account for more than 25,000 jobs in our State. And that's the amount of jobs that Amazon was supposed to create. If my memory serves me correctly, many of my colleagues here in the Chamber were very much in favor of those jobs. Why now are you willing to risk that many jobs and more? Agriculture as a whole is responsible for nearly 200,000 jobs in New York State. That's the whole industry, from the farmer to the producers. As a State, we rank nationally the top five production of yogurt, cottage cheese and sour cream. Apples, maple syrup, dairy cows and milk production. Grapes, total cheese and many more. This legislation risks doing all of that. This legislation will decimate New York's agricultural industry and, thereby, the State's economy. In case anyone in this Chamber needs a reminder where our county ranks nationally, according to a recent report we are 31st in the nation. That isn't anything to be proud of. And rank -- and ranking 50th in the nation will be a whole lot worse. If you want to experience what 50th in the -- 50th ranked in the economy in the nation looks like, making -- making the mistake of passing this legislation will be a big step towards it. Imagine what our economy will look like with a \$5 billion hole in it after you take our agricultural industry. This State has already driven more than one million former residents out of the State

because of its terrible economic policies, and even worse tax climate. You've driven some of our best and brightest young people out of the State to find work and raise their families. Now you're about to push through legislation that will force family farms to close, and young third- and fourth-generation farmers, who are some of the best in the nation, to also leave the State to pursue their passion elsewhere. And if you don't believe me, come to my office and meet some of the young people from the 4-H programs and the Future Farmers of America in my district. They'll educate you like you wouldn't believe. I'm not against protecting laborers and providing fair working conditions. I don't think anyone is. If you went and spoke with the farmers in my district or anywhere in the State and really listened to them, they would tell you they also believe in treating their workers well. They know they can't produce without their laborers. But the policies proposed in this legislation will put New York State in a competitive disadvantage to other states. This legislation, while I believe its intentions to be noble, has missed the mark. It will drive up costs for farmers in this State, forcing them to charge more for their products and lose business to farms in other states who don't have this mandate weighing them down. New York State is at a constant rush to be one of the first with everything we do so we can brag that we're the leader in this or that. Since when does being a leader involve making a rash -- rash decision that will -- that will negatively impact millions, simply so we can brag, *Look at us?* This type of regulation needs to be done at the Federal level so that -- so that these measures

are instituted across the board in a fair manner that does not put our farmers at a disadvantage and our economy in jeopardy. If we are smart, we would -- we would vote this legislation down and let the Federal government take it up.

I urge all of my colleagues consider the severe long-term impacts this legislation will have on our State. Too often here in Albany, we are short-sighted. This can -- this cannot be one of those times. Too much -- too much is on the line. I urge all of you to vote no on this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Salka.

MR. SALKA: Will the -- will the sponsor yield?

MS. NOLAN: Yes.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. SALKA: Thank you. Are you -- are you aware of what the price of milk right now is going for in New York State on the average? I think -- I think my counterpart -- or my colleague might have given you an indication.

MS. NOLAN: If the gentleman wants to share it, I don't have it in front of me. I'm -- I'm -- I have often read about it, studied it and follow it. I don't have it in front of me today, so perhaps the gentleman will enlighten the Body.

MR. SALKA: Well, I -- I -- I'd like that. Right now it's going for \$17.10 per hundred. And of course that's the way milk is produced and -- and sold. And not trying to put you on the spot, but I

just want to kind of get a background of your knowledge. Do you know how much it cost to produce that 100 pounds of milk?

MS. NOLAN: I'd be happy if the gentleman would share that with us.

MR. SALKA: It's around \$20 or \$21 a hundred. So if you look at it - you don't have to be a big mathematician - you can realize that most of these farmers, most of these dairy farmers -- regardless of what size, whether they're milking 60 head like I have in my district or whether they're milking 3,000 like I have in my district -- they're still basically getting the same amount per hundred weight, and they're basically spending the same amount to produce that hundred weight. So, they're probably pretty much, generally speaking, working at a loss. So if you take a business that's working at a loss, the -- the future for that business can be pretty bleak. So what you try to do then is you try to cut costs wherever you can so you can keep overhead to a minimum. And one of the biggest overheads for these farms right now is labor. That's always a sizeable cost because agriculture is very labor intensive. Although we're starting to see more and more of a shift to automation. As a matter of fact, a couple of the farms that I know are automating, the main impetus for them to automate is to make sure that they can keep their overhead low, keep their labor costs low. So by then cutting these positions by automating, now you're eliminating jobs. So it's kind of a -- a Catch 22 in a way. So, you know, I -- I -- I've had -- this is my first term, and it's been a fascinating journey in different cultures that I had the

opportunity to -- to be exposed to and people from all over the State that have different ideas and have the same passions for representing their districts as I do. So I could understand why those who don't drive by a dairy farm every day, who aren't stopping by farms on a regular basis like I am, might not be able to conceptualize, might not be able to appreciate the effect that this bill is going to have on the well-being of the farmers in my communities. My e-mails and my texts have been buzzing from farmers, organic farmers, conventional farmers. People that are milking 100 to 250, people that are milking 3,000. And they're saying, *John, this bill is going to devastate, it's going to devastate our operation. We value our employees. When we get a good person, with the labor shortage being the way it is, we want to keep that person. We want to treat them well --*

ACTING SPEAKER PICHARDO: Mr. Salka, is there a question for the sponsor, sir?

MR. SALKA: No, I'm just going to address the bill.

ACTING SPEAKER PICHARDO: On -- on -- on the bill, Mr. Salka.

MR. SALKA: Thank you to the sponsor. As I said, time and time again I've heard over the past couple of months from my farmer friends, from people that are struggling in business, people that are no longer in business, that this industry is going through a lot of changes. When you have the price of your product that you're selling today in 2019 basically giving you the same return as it was in 1973, well then you know something's wrong. My suggestion is this:

Instead of writing bills that we know - at least in my heart of hearts, I know from the people I speak to - is going to ultimately hurt them, let's talk about writing bills that increase markets. Let's talk about bills that allow farmers to make a decent living. These are good, hardworking people. People have said to me, *John, I'll open up my books to whoever wants to see them, to see in black and white how much this is going to hurt us.* And those farms that are teetering, those farms that are right on the edge of solvency and going out of business -- sometimes third- and fourth-generation farms -- are ready to say, *We've simply had enough.* And when farmers go out of business, it isn't just another job change for them, it's their way of life. It's something that they have in their bones, in their fingers, in their hearts. And when they lose those businesses, families break up, people, farmers commit suicide. This breaks their heart when they see those cows being taken to auction. I've been there, and I've seen farmers literally shed tears because those farm -- those cows are like their family. Those cows have kept them producing a living. Those cows have been taken care of. Those cows are their investment. And we're seeing more and more farmers lose that way of life and losing that investment.

So my -- I appreciate the sponsor's intent to improve the working conditions for farm laborers. You know, when I attended the one of three public hearings that the Senate had up at Morrisville College, which is an ag-tech college in my district, two of the sponsors, two of the people that were supposed to be at the hearing

came an hour-and-a-half, two hours late. Stayed for about an hour, hour-and-a-half and left. What they did miss and what we did - and I attended it with Assemblyman Miller - is we heard from a lot of farm laborers who love what they do, who want the hours, who need the hours to be able to send home those monies to their families. Because in their home countries, they're not going to come close to earning this kind of wage. And I heard from farmers that said, *We love the people that work for us. We want to treat them* -- there was even one farmer that gives his employees a 401(k). They wanted to take care. This is their investment. This is as much of an investment as they have in their livestock and their machinery. So in my understanding from traveling around farms many, many times each week, that I see how they're treating their employees, how they're treating their farm workers. And they're good to their people, and their people are good to them.

My fear is that this is going to be -- this bill is going to be counterproductive. It's going to hurt agriculture, it's going to hurt farm laborers, and it's ultimately going to hurt the quality of life in New York State. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you, Mr. Salka.

Mr. Hawley.

MR. HAWLEY: Well, thank you, Mr. Speaker.

On the bill, if I might.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. HAWLEY: Like Mr. Crouch, Mr. Manktelow, Mr. Tague, not only did -- was I born and raised on a farm, my grandfather started that farm back at the turn of the century. My father and uncle continued that farm, and as did I after -- after college. Unfortunately, I suffered a back injury and was unable to continue that. We farmed over 1,200 acres in Batavia, New York, that romantic interlude between Rochester and Buffalo, New York. And a number of my colleagues have actually come to my district from New York City, from the boroughs and from Long Island to see what it is that farming is all about. I call it up close and personal. I've had Mr. DenDekker from Queens to my district. I've had Mr. Cusick from Staten Island to my district. I've had Mr. Benedetto last year from my district to come up and take a look and see how those of us that live in Western New York and depend on the number one job in this State, agriculture, how it operates. They've been to dairy farms. They've talked to immigrant laborers. They've been to small businesses. And they've seen the long hours that are required to work in agriculture. And Mr. Blankenbush pointed out earlier, if it rains on Monday, Tuesday and Wednesday -- there's an old adage where I'm from, and it says, *Make hay while the sun shines*. You are subject to the vagaries of weather when you're involved in agriculture. And so when the sun shines, you may not be making hay, you may be planting. You may be harvesting. You may be picking berries and apples and other assorted agricultural products. Or you may be a dairy farmer who not only has to plant farm -- plant corn and harvest it so that those cattle can eat it

so that they can produce milk for all of us in this State and around the country. What's the deal with the dairy -- the dairy part of agriculture? As has been mentioned already the past several moments, they've been losing \$3 per hundred weight of milk for the past three years. When you're losing money and you increase the costs of doing business, no matter what that business is, you're in trouble. Because increased costs at a business where you're already losing money means you're losing more money each and every day.

This State is dependent upon agriculture, and it's a proud tradition for decade after decade, generation after generation. I was proud to be the third generation in my family. Unfortunately, it's now operated by another farm. But that other farm may not be in business as a result of even this compromise bill that changed it from 40 to 60 hours for mandatory overtime. And even though farm workers cannot strike under the collective bargaining, neither of those things are guaranteed forever. Because the wage board -- compromised of a Farm Bureau person, Department of Labor and one other entity -- what's the other entity -- and the AFL-CIO -- there is no guarantee that when they meet on January 1st and hold some hearings that they aren't going to change what we're talking about today. That would be a travesty because it could go even worse.

So, I would appeal to everyone -- a number of years ago, somebody just walked by my desk and saw this book that I bought over 350 of -- and I know I can't use props, it's going down now -- it's called *Farmhands*. It's a book that was written by a

gentleman, a newspaper reporter in my district, who worked on eight different types of farms so he objectively could experience, write articles and report on it to the general populus. Many of you hopefully still have that book. It's an objective viewpoint. It's not based on the favoring of agriculture or anything else. He worked on dairy farms, he worked on crop farms, he worked on cabbage farms. He work on apple and grape farms, the vineyards in Western New York, and he reported on those. And in the front there's a quote from quote, unquote, "Stretch," an apple picker from Jamaica who spends ten weeks every year at the farm in Western New York. He says, *It's a tough job, but it's a skill job. You have to maintain your instincts at all times. Yes, you miss your family, but I handle it. I've been doing it a long time. It's a great job, and it's great for my family.*

I have a number of farms that I have been working with for years in my business, and several of them have already decided, in anticipation and fear that this bill may come to the floor, they've purchased farms in other states. One farm flies each and every week from Oakfield, New York to the State of Ohio, on the west edge of Ohio, and that's where their dairy farm is going to be after this bill passes. Unless some of you change your mind. Unless some of you have visited us. Unless some of you who have actually listened to the realities of what agriculture is, another business, the number one business in the State of New York, is going to be leaving and already has.

So I want you all to think long and hard about what

this bill is, this compromise bill, and what it means to the number one industry in this State. We've lost so many folks - not only individuals, but businesses - as a result of the policies that are put in force.

Well-meaning, I understand. But these policies are not reality. The reality is that agriculture, the number one industry, will no longer be the agriculture as we know it. And they will be gone. Another industry out of the State of New York. The number -- the number one business, agriculture, it will be the nail in the coffin that puts my grandfather to rolling in his grave, my father and my uncle are rolling in their grave if this bill becomes reality.

I urge all of my colleagues to think long and hard about your vote on this bill and the realities of life. Thank you.

ACTING SPEAKER PICHARDO: Thank you, Mr. Hawley. And again, to remind members, please, no props during the debate and/or explaining your votes.

Mr. Walczyk.

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

ACTING SPEAKER PICHARDO: Ms. Nolan, do you yield?

MS. NOLAN: Yes.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. WALCZYK: Thank you. Through you, Mr. Speaker, I -- I know that the things that we do in this Chamber have a

Statewide impact, but we all represent different areas of New York State. And that's why I wondered if the sponsor would enlighten us -- she's already informed us that there are no farms in -- in the sponsor's district, which I can appreciate. But I -- I wondered if the sponsor could tell us if there's any grocery stores in her district.

MS. NOLAN: Mr. Speaker, I mentioned that there are emerging farms in Queens County, so perhaps the gentleman did not hear me when I answered the question. I answered that the farm industry is a key driver in our economy, but I did not point out that financial services and healthcare are actually more dominant. I'm trying to answer these questions as quickly as I can, but I would say to the gentleman that I worked in a grocery store. And yes, of course I have many grocery stores. I probably have more grocery stores than the gentleman has rent-stabilized apartments. But that doesn't mean that we don't comment --

(Applause/Cheers)

It doesn't mean we don't comment -- and every member here, every member -- every member here -- I say it with deep respect and not in an effort to antagonize. I have great respect for my colleagues and a great respect for the questions that they ask. But the obvious answer to his important question is yes.

MR. WALCZYK: Thank you, Mr. Speaker. And through you, I appreciate the sponsor's brevity and quickness in her answer. I wonder if she could tell us if she has restaurants in her district, if people eat apples in the fall. If people drink wine in her

district, if mothers pour milk on cereal in the morning in her district since I'm not familiar with Long Island City, Sunnyside, Dutch Hills or Hunter's Point.

MS. NOLAN: Yes.

MR. WALCZYK: Excellent. And through you, Mr. Speaker, if the sponsor would continue to yield, does the sponsor believe that farmers in New York State are rich or abundantly wealthy?

MS. NOLAN: No.

MR. WALCZYK: Excellent. And if the sponsor would continue to yield, I would ask her, how long has this bill been before the New York State Legislature and how long has she been working on this piece of legislation?

MS. NOLAN: Thank you, Mr. Speaker. I'm thrilled to suggest to the colleagues that in 1991, Cornell University produced a report that came to the conclusion that farm workers in New York should be granted the right to organize unions and bargain collectively. That's where we started our journey, when I was newer to the Legislature and Chair of the Labor Committee. Then with the help of Senator Joseph Bruno, in the Senate Majority at that time, we were able to do a number of pieces of legislation about health and safety. But we continued on the path to collective bargaining rights starting in the 1991 report and then following up in a 1995 report by the late State Senator Olga Mendez and our colleague, Assemblyman Hector Diaz at that time.

MR. WALCZYK: I -- I thank the sponsor for the response, and if she'd continue to yield. It's -- I was -- I was only in first grade in 1991, so there's some catching up here for me. Through you, Mr. Speaker, in the -- in the last 30-some-odd years that we've been working on this bill, what -- what is the analysis of what this bill will do to the price of food in New York State and to the agriculture industry? What are we anticipating that, you know, the price of milk in Long Island City will be impacted by this piece of legislation?

MS. NOLAN: We -- we anticipate and the studies have shown -- as have minimum wage studies -- that a rising tide lifts all boats, and that indeed, farm workers will have more money to spend in their economy and that the -- the principles of capitalism will continue, and we expect that -- I suppose if the gentleman is implying that there might be some slight increases in farm products that may, indeed, be the case. But in a competitive market structure, the market will resolve some of those things and we will all continue forward to a great tomorrow where farm laborers will be in unions and have the right to collectively bargain to get to those unions and make a decent wage, as will the farm employer who will continue to enjoy success in our State.

MR. WALCZYK: I'm -- I'm glad, Mr. Speaker, that the sponsor brought up the competition of the market, because when you look at where just milk or really any product in New York State goes, it's regionally. It's not just to Long Island City, it's not just to -- to feed New York City. We love to point that out when we proudly

represent Upstate New York farms that, you know, your grocery stores, your restaurants, your corner bodegas and -- and they -- many times you'll see the "Proudly Grown in New York State" label, and I hope you pick up those products. And I know you do, because you're New York State legislators and you love to support the agri businesses of New York State. But those aren't the only products that end up. You might get Arizona milk, or you might get, you know, wheat that's grown in -- in a neighboring state in the Northeast. So I wonder, will this be better for us in competition? Are there other states that have similar legislation like this -- through you, Mr. Speaker -- within the Northeast that will give them the competitive advantage?

MS. NOLAN: I'm sure the gentleman is aware, Mr. Speaker, that milk prices are -- as was discussed earlier by other of his colleagues said, so I want to just clarify my response about the effects of the market on that particular commodity. I also want to remind the gentleman that there are ten states that allow collective bargaining rights for farm workers, and we expect some of those states like California are the bread -- many are the dominant player in many industries. Of course New York is dominant in many particular fields of endeavor, including farm commodities like apples and other things. But yes, obviously, California, which has had collective bargaining rights for over 40 years and has continued to be a dominant player in the food world and in the food market that, yes, there will be good consequences that will come from this. And that yes, it's possible that some costs may rise. But I know that I go out of my way to buy food

that says "Grown in New York," and I think many of us will feel better about that, knowing that the hand that picked that apple was given a fair shot at being in a union and having collective bargaining rights as all other workers do.

(Applause)

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: And I -- I appreciate the sponsor's responses. I think some of them are -- are pretty telling. They tell a story of two different New Yorks in some cases, and we've got some different perspective on -- on what that means. And I encourage you to spend more time Upstate. Happy to take you around any farm in the front yard of America, as I proudly wear the Tartan that -- that represents the River District, the 116th Assembly District, that stretches from Sackets Harbor to Massena. There's a lot of proud family farmers that are really concerned about the family -- family farm piece in this legislation. They're telling me that it went too far. And there's a lot of small mom-and-pops that are worried about the day of rest and what that means in their harvest season when it's so critical to get that produce off of the field so that it's not spoiling and we have a slow food movement. So you're getting actually healthier food in your Assembly district whether it -- no matter what part of New York State you're in. And the wage board is especially a concern of constituents of mine, when we don't have a representation from the

agriculture community on that collective bargaining. Obviously, will put us at a competitive disadvantage in the Northeast region. I don't want to be buying more agriculture products from California. They may be great at growing it out there, but as you -- as you prepare to talk about a climate bill later, think about the fuel that it takes to get produce from California to New York. Think about it ripening on a truck instead of in the field in New York. And that's what this bill is going to prevent.

So as I close, Mr. Speaker, I just want to point out that the sponsor ceded the point that farmers are not considered abundantly wealthy or are grossly wealthy in New York State. And the organizations that are opposing this are the New York Farm Bureau, the New York State Vegetable Growers Association, the Northeast Dairy Producers Association, the New York Apple Association, Ag and Mark Dairy Cooperative, Upstate Niagara Cooperative, the Empire State Council of Agricultural Organizations, the New York State Horticulture Society, the New York State Wine Industry Association, the New York Wine Grape Growers, the Agriculture Affiliates, the Empire State Forest Products Association and the New York Association of Agriculture Educators. And that's just to name a few, Mr. Speaker. And they aren't -- this isn't some powerful lobbying group, as the sponsor pointed out, with wealthy farmers that are dumping money into coffers. We're talking about mom-and-pop agriculture, the backbone of our economy in New York State.

Farming is a way of life. And I ask that all my colleagues, before you vote on this bill, you vote for food, you vote for farms, you vote for the food that's coming into your Assembly district, and you vote no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker.

On the bill, please.

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

MR. PALUMBO: Thank you. And I'll be brief. A lot of these points were addressed, but many of you may not realize that in the 2nd Assembly District that encompasses the northeast part of Suffolk County and the entire North Fork of Long Island that has certainly more beaches, I think, than rent-controlled apartments, we were -- at one point Suffolk County was the largest agricultural producer as far as value in the State. And I believe we are still top three. I have at least 52 wineries in my district. When -- actually a lot of those tenants in those rent-controlled apartments, I expect, this weekend will be in my district drinking wine and spending money. But I've got a tremendous amount of wineries, I have sod farms, I have beer distributors and -- and other -- other -- many other -- corn growers. And -- and believe it or not, it's a significant farming industry in my area. And although you would consider a lot of it agri-tourism where we have many people coming out to tour these

farms and during the corn picking season and Christ -- Christmas tree growing season, this is going to have a very significant impact. And the way that I see this is, number one, when these employees accept a job, if they have any experience in the field, which they typically do, they know the nature of this business. That it is cyclical, that ultimately, there are days -- as another colleague mentioned, there are days when there are four hours that you work and there are days when there are 19, 20 hours that you work because of the nature of the business. And they accept the job understanding that and knowing what this business entails. And I -- I think of this bill similar to the minimum wage bills that we discussed and what this Body has done regarding the raising the minimum wage where it was discussed in a beautiful press release that people need to have a living wage at \$15 an hour. That's not bad, but \$33,000 a year, which is what that equates to, is not a living wage in New York State. It's certainly not on Long Island. I wouldn't agree with it, but the -- a living wage would be 30 bucks an hour. We can mandate that. But as a result of that minimum wage, what have we seen? We all see it on the way up when we take the Northway, come up on the Thruway. You've got automatic kiosks now in the fast-food restaurants. What will business do? They will tighten things up, and they will ultimately eliminate jobs or hire a number of people part-time who then clearly won't be able to make enough to support themselves. So it's counter-intuitive, believe it or not, the way that I see this. And there have been many studies in this regard, most have been mentioned. But when we take

the minimum wage, couple that with Paid Family Leave and all the other aspects of our current labor laws, we have the Farm Credit East pre -- predicts that the increase in labor costs will be approximately \$299 million. So \$300 million more in labor costs to our farmers. What does that cut into? Obviously, it's all net profits now that get reduced, up to 25 percent. So the automation aspect is going to certainly signif -- dramatically affect on the downside the workforce. And there are some -- the -- this is well-intended. And again, it sounds wonderful when we hear these flowery comments and press releases about fairness and equality, but the laborers don't even want this. No one has lobbied for this. This is something that sounds like a good idea because we think government, again, knows best. It knows better than everyone else. So this is going to have a significant detrimental effect -- effect. And -- and when I think about the last aspect of it, we again, are -- are abdicating our duties as legislators. Why do we have a mystery unnamed wage board making the decisions on this bill? How many more times are we going to do this, folks? We have an ob -- an obligation to do this ourselves. We had zero public hearings. Why can't we do this? That's what we're hired and elected to do. We have congestion pricing. We have -- well, let's talk about the first commission. We have several -- several commissions that are unnamed that are going to make very significant decisions about public financing, fusion voting, congestion pricing. We had one that already dealt with legislative income, and what's happened with that so far? Well, the Supreme Court said they went well beyond their

authority and struck most of what they did. And those are supposed to be experts. We're the experts. We're put here for that reason. So why are we doing this again? We have an unnamed wage board that can basically change this law without further legislative action, and even make this worse than it currently is.

So folks, there were some generally good ideas, and we get it. But this is not the way to do it. We should be voting no on this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Cruz.

MS. CRUZ: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. CRUZ: I want to thank my colleagues over in the Senate and here in the Assembly for sponsoring this bill. I began working on the issue of farms workers' rights about ten years ago. The denial of fundamental workers' rights to farm workers is not only inconsistent with the values of New York State, it's inconsistent with the principles of international human rights. It has been over 80 years since New York passed its first comprehensive Labor Law to address worker exploitation. And for 80 years, the men and women who do the back-breaking work of tilling the land we love and harvesting the food that we eat have been excluded from protections of the law that we all get. For 80 years, farm workers have not had access to the rights that all of us would get -- hourly workers, including myself, that

I was once an hourly worker. For 80 years, this valuable workforce has been excluded from the right to fair pay, a humane work schedule, safe working conditions, and even the right to organize and engage in collective bargaining to try to improve their work situation. How can this be? The simple answer is that in like -- in many states, New York's labor laws were modeled after Federal labor laws which were part of the FDR New Deal legislation back in the 1930's. At that time, in order to win support, lawmakers -- in order to win support of lawmakers in the Jim Crow South, FDR had to agree to exclude agricultural workers from the law, who at that time were mostly African-Americans laborers. Today the workforce is still almost completely comprised of people of color. But now they're undocumented and brown. And they're still treated as second-class citizens. Not even citizens, as less than human. It's long last past time that New Yorkers -- that lawmakers acted and corrected this injustice and put an end to the last vestiges of the Jim Crow era and make good on our promise to be one of the most economically-progressive and pro-labor states in the nation. To stand here and say that any human would work more than 70 hours a week and not complain about being --

ACTING SPEAKER AUBRY: Mr. Tague, why do you rise?

MR. TAGUE: I was sitting down.

ACTING SPEAKER AUBRY: Oh.

(Laughter)

Well, Mr. Tague, sometimes when you stand and you put your light on it means you want to ask a question or ask someone to yield.

MR. TAGUE: Well, my back's a little sore, so....

(Laughter)

ACTING SPEAKER AUBRY: Well, stretch, Mr. Tague.

MS. CRUZ: Plus, we've been here for a long time.

ACTING SPEAKER AUBRY: I'm sorry, Ms. Cruz. We don't mean to interrupt you, but we would ask for a little quiet in that vicinity over under the eave. Thank you.

MS. CRUZ: This actually is great to my next point. To stand here and say that any human would work more than 70 hours a week and not complain about being tired and exhausted because they're thankful to have this job is disingenuous. We've been in this Chamber for almost 40 hours in three days and we are complaining. For approximately five years I traveled throughout the State of New York visiting farms in beautiful Batavia and the Hudson Valley, wineries in Long Island, and many other beautiful locations around our State. During my time working on this issue, I organized listening sessions all around the State, and I remember one particular one in Batavia with almost 100 farmers and 200 workers and community members. I've spoken to small farm owners, dairy farmers. I've spoken to farm labor contractors and I've spoken to workers. I worked alongside Commissioner Ball and Commissioner Reardon, and I sat

hours and hours with the Farm Bureau and its members. I may be a city kid, but I fully understand the concerns of both sides. And to imply that the sponsor or any of us city folk are incapable of understanding what happens in a farm, the needs of a farmer or a worker is, frankly, insulting to our intelligence.

(Applause)

I stepped foot onto many farms, and I saw firsthand that many farmers, indeed, treat their workers like family. But many times they also treat them as commodities, solely to help them make money. For many, these human beings are disposable cheap labor. I've also entered farms that provide housing. Some of these farms' housing, it's great. Some look like I was back in a third-world country and would make many of you cry. Several times I had to enter these farms with the State Police in order to pull out workers because they were living in inhumane conditions and were terrified of continuing to work there. And let me tell you the story of Tomas, whose name I changed for his safety. He found his job through a worker co-op. He trusted the farm owner, and initially he was treated well. But eventually his employer began to put profit over his workers. He wouldn't let him rest or even have lunch. He would take -- he would wet his boots and he couldn't change them because he had to continue working. And when we rescued him, his feet were so covered by fungus that man couldn't walk. A community organization tried to help him and his coworker, and when the owner found out that his coworker was talking to an organization, he fired the coworker. And

he threatened Tomas. The farm owner had a weapon, and the worker was afraid. And so he called us and we went and pulled him out. And to stand here and say that you've never met a worker who's been forced to work on a farm? Well, I have. During my time doing this work I met more than 50 of them. To stand here and say that these workers want to work in these conditions, you are wrong. They don't want to work, they need to work. They have no choice but to work under these horrific conditions because they need to survive and to provide for their family, just like you and I do. And to stand here and say that you own a farm and you have workers who work 15 hours and have never complained, then you were not listening to them. And to imply that Paid Family Leave should be influenced by the growing season is inhumane. You and I can't schedule when we're going to get sick; why should they? You and I can't schedule when I'm going to give birth; why should they?

(Applause)

This bill is not turning the farming industry into a 9 to 5. If you read the bill you would know that. So please stop being disingenuous and speak truth. This bill is seeking to treat workers who do the hardest job in our State with dignity and respect. The dignity and respect that you and I deserve and that we would want our children to have. To put profit over humanity of the workers in our State is shameful. To say that we should continue slave-like conditions in many of our work sites because we want to make sure people can make money is shameful. So that our fruits can remain

cheap and you and I can go buy a \$2.99 gallon of milk is shameful. I will gladly pay more if it means that people are treated with dignity.

We are being asked to stand up for farmers, but who's going to stand up for the humans that cultivate our food? Mr. Speaker, I am. And I will later be voting in the affirmative and I urge my colleagues to do the same.

(Applause)

ACTING SPEAKER AUBRY: Thank you. Shh, shh. Ladies and gentlemen...

Mr. Daniel Stec.

MR. STEC: Thank you, Mr. Speaker.

On the bill.

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

MR. STEC: Thank you. Wow. We have a very diverse bunch here in the Chamber. And that's -- that's a positive. We've got a lot of different experiences, life experiences. From childhood up to old enough to be grandpa. When we've got a law enforcement issue that comes up for debate, I think we're blessed to have a lot of police officers, former law enforcement officials here so we can draw from their experience. That matters. We may not always agree with their conclusion, but I'd be the first to say, you know, a guy that walked the beat for 20 years and then volunteers his time and service to the State, coming here, that person probably knows a lot more about law enforcement than I do, and I pay attention. As is probably the case for any Legislature, we've got a lot of lawyers in the

room. Love them or don't love them, they know a lot about the law, they all have a lot of experience in courts. So when we start talking about court matters and OCA issues, being a good guy/non-attorney that I am, I like to draw from their experience. I like to hear what somebody knows what a courtroom is like so I can benefit from their -- their knowledge and their wisdom and experience. Now, the nice thing about this bill is, it's a farm bill. And we all know where the farms are in our State, and we all know where they are not. And Upstate, we've got farms in Western New York. We've heard from some colleagues from Western New York, we've heard from colleagues in Central New York. Now you're going to hear from a colleague from the North Country that represents four counties, 41 towns and the city. A lot of farms in each of those four counties. All right, so I know what a farm looks like and I've driven by one. And we've got grocery stores and restaurants in my district, too. But what are my personal bonafides? It's very easy to carry a bill that doesn't affect anyone in your district. You're not going to tick off any of your voters if you get it wrong. But we're talking about the agriculture sector. This is not nail salon legislation that we're dealing with. This is the biggest economy sector of our State. If we screw this up, there's problems. And the bad news and what makes it a little worse is, we don't have a lot of margin for error in New York State. We're at the bottom of a lot of the wrong lists. And one of our colleagues made this point and I wanted to drive it home because it's true in Western New York, it's true in Upstate New York, in the North -- in the North

Country, about dairy farms. Now, my personal bonafides, while I was serving in the Navy, my wife and I bought a dairy farm. We've owned a dairy farm. I didn't say I was a dairy farmer, we owned a dairy farm. And I watched dairy farmer after dairy farmer work the farm that I owned, trying to make it -- ends meet. I saw how difficult it was for that tenant of mine try to operate and make a buck. And one thing that I did learn a little bit about is dairy farmers cannot set their prices. The Yankees go out and get more talent. They need to pay that talent. They can raise ticket prices, God bless them. They better be in first place. But dairy farmers cannot set the price. They're capped. It's set Federally. So our dairy farmers are constrained by a price structure that is set by other states that are doing it cheaper. And so if we're -- the price of milk is \$16 or \$17 a hundred weight and their costs to produce already in New York State is \$19, \$20, \$21 a hundred weight -- that's right, this isn't high math -- they are losing money. Our farms, our dairy farms are operating at losses. Who in their right mind would operate something at a loss year in and year out? Well, people that love it, people that value it, people that inherited it. People that only know this. They're going slug it out, hoping that one day, New York's going to do something that helps them. That hasn't happened yet. Well, you know, we're not losing farms. Look at our legislation in this Chamber. You go in there and you go into LRS and you see the bills that are out there that are subsidizing farms, that are providing grants to farms, that are bending over backwards to preserve open space that is farms so that they don't get turned into subdivisions. The values

that we see, the concerns that we see for our farms and our future of our farmers is witnessed in the legislation that our colleagues have put in.

So, we're trying to preserve our farmers. The dairy farmers are certainly losing money. Something's going to give sooner or later, and they can't raise their prices. So their -- their hands are tied. This is the same story in the North Country. It's the same story on the dairy farm that I once owned as it is in the dairy farms that we're hearing about in Western New York.

Now, the interesting thing that we're going to see when we vote is - and I hope that our colleagues pay attention to - like I said, I would be the last guy to try to opine or give wisdom on the does and don'ts of mass transit in our urban areas. Not an issue in my district. But my district, the district to the north of me represented by a colleague on the other side of the aisle, the district to the south of me represented by a colleague of mine on the other side of the aisle, districts on both sides of the aisle in Upstate New York that have farms, you watch how we vote. I can tell you that I have not had a single farm worker in my seven years in the Assembly ever walk into my office or call my office and express a burning desire for this bill. And this bill has been around a lot longer than the seven years that I have. All right?

So I implore you, this is not a good bill for agriculture, our biggest sector of our economy. This is not a bill that the average farm worker, at least in my district, is asking for. This is a

bill that the Farm Bureau and the farm owners that I know and I suspect that we all know and our friends and neighbors all over the State will tell you is another straw on the camel's back, and you're messing around with the biggest part of this State's economy.

I will be voting no. I encourage all of my colleagues to follow suit. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

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

MS. NOLAN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MANKTELOW: Thank you, Madam. Just a couple of quick questions for you. On -- when this -- when this bill was created on the Wage Board, was there ever any consideration to putting some farmers on there from every part of the State?

MS. NOLAN: The Wage Board will conduct public hearings and consult with agricultural employers, farm laborers, the Commissioner of Labor and the Commissioner of Agriculture and Markets. As I mentioned, the Commissioner of Agriculture and Markets will have a unique role here. And the Wage Bureau will have on it a representative of the Farm Bureau, which I want to say again, we have worked with extensively, met with many, many times over many, many years to try, in this bill, to put out some compromises to deal with concerns addressed.

MR. MANKTELOW: Okay. So there was -- there was never any consideration to putting a farmer on the Wage Board?

MS. NOLAN: Well, the -- the farmer is there through the Farm Bureau.

MR. MANKTELOW: Okay, but that's not a farmer. They're -- they represent our farms. They do a very good job at that, but they're not farmers.

MS. NOLAN: Well, Mr. Speaker, I've been led to believe that many of the people who work at the Farm Bureau are farmers at some time in their life, and they represent themselves that way at the roundtable and at the hearings that have been held. I want to remind my colleagues that there were three hearings this year alone, and there was a roundtable that went on all day, as I -- I guess this debate will be doing -- to make sure that we listened to the voices of the Farm Bureau and the farmers of our State, as well as the farm laborers.

MR. MANKTELOW: I'm sorry, I didn't -- I didn't hear that last part of your answer.

MS. NOLAN: The -- the Wage Board will have an employer -- an employer component. The AFL-CIO will represent the employee, and the Farm Bureau will represent the employers, the farmers, the owners of farms.

MR. MANKTELOW: Okay. So if this bill does pass and it goes into law, in -- in the part of the law or part of the bill that I read, if the union does form and the Board allows -- if the -- if we're

having negotiations and it ends up going into impasse, who will cover the cost of the mediator for the impasse?

MS. NOLAN: One of the studies -- the Fiscal Policy Institute was talking about less than 2 percent of an increase in cost. I want to remind the colleagues that though the bill extends collective bargaining rights and would deem individuals employed as farm laborers to be employees under the New York State Labor Relations Act, granting them the right to organize and bargain collectively, it does not mandate that. And many of the studies that I have going all the way back, yes, indeed, to 1991, Governor Cuomo and Cornell; 1993, State Senator Olga Mendez and Assemblyman Hector Diaz point out that it will probably take years to organize farm laborers into unions. So there is no suggestion that tomorrow everything changes. This will be a gradual process. I also want to remind the colleagues the start date is January 1st, 2020 for the 60-hour trigger. Again, a significant change and a significant -- certainly to me, a change in our bill, our original bill, from 40 to 60. But we listened to the voices of farmers. I want to stress that again to my colleagues today. We listened to the voices of farmers. They said they could not start at 40, so we are starting at 60.

MR. MANKTELOW: Okay. And -- and there's been conversation that California has already done this, correct?

MS. NOLAN: Yes, California -- I have the data if you would like.

MR. MANKTELOW: That's okay. Just yes or no is

fine. California has already did this?

MS. NOLAN: California has an effective date for 55 hours a week as of January 1st of this year for farm employers with 26 or more employees.

MR. MANKTELOW: Okay.

MS. NOLAN: For people with 25 or fewer it will be 2022. On January 1st, 2020, they'll go to 50 hours, so they'll be 10 hours less, 10 hours less than New York. We -- we're 10 hours behind them, okay? And then for the fewer than 25 it's 2023. And then 45 hours in 2021 and 40 in 2022. And for the fewer than 25, 2025. So we will actually be way behind them if we ever catch up, in the sense, from the point of view of the employee because the Wage Board could, indeed, say 60 hours for the foreseeable future. And we gave that concession to the Wage Board and to the farmers and the Farm Bureau. The Farm Bureau is going to be on the Wage Board. The Commissioner of Labor has to talk to the Commissioner of Agriculture. Those are unique to this Wage Board, unlike, say, Transportation or Health or some of the other wage boards, different workers in the food industry, et cetera, et cetera. So we have listened to the concerns expressed. And I want to correct some of the misinformation. I don't get up and ask people to yield, but I must, in answering your question, correct some of the information that others have said here. The Wage Board is the mechanism that the Farm Bureau and farmers will have to make their case. And thank you for letting me explain it.

MR. MANKTELOW: Oh, absolutely. Do you know what percent of the workers in California have unionized?

MS. NOLAN: I'm sorry?

MR. MANKTELOW: Do you know what percent of the ag workers in California up to now have unionized?

MS. NOLAN: It -- it's -- as is often the case, Mr. Speaker, it's probably a smaller percentage. But once collective bargaining rights are established, all employers usually up their game and try to do right by their employees. I -- I worked in a department store called A&S. Unfortunately, tried to get a union in there as a young woman, they weren't loving that. But Macy's down the street had a union, and so our wages and -- and privileges usually followed -- whatever the Macy's employees on Queens Boulevard got, the A&S employees got about six months later. So what happens is you set a -- you set a floor. Collective bargaining rights set a floor and then it follows.

MR. MANKTELOW: So you -- you don't know the answer to the question, then, what percent?

MS. NOLAN: Small -- I -- I think it came up earlier in the debate. What was it, 10 percent? One of your colleagues actually read it into the record earlier that it was a small percent, so...

MR. MANKTELOW: A small percentage. Okay, so -- so more than likely, if we continue to follow California, there's going to be a chance that somebody here will unionize in our State. Okay. I -- I appreciate those answers. The next question I had for

you, early on you had talked about a worker that was in, was it Suffolk County? And the individual only made \$28,000.

MS. NOLAN: Yes. Yes. His best year, he said.
That was his best year.

MR. MANKTELOW: That was his best year.

MS. NOLAN: It might have been \$29-, but his best year.

MR. MANKTELOW: It was what? Pardon me?

MS. NOLAN: I'm trying to remember now, but I don't have the transcript in front of me. It might have been \$29,000 his best year.

MR. MANKTELOW: Okay.

MS. NOLAN: \$28- or \$29-.

MR. MANKTELOW: Does -- does that individual still work for the same farm, do you know?

MS. NOLAN: He retired this year. That's why he was able to come to the hearing, because he's not working anymore.

MR. MANKTELOW: Okay.

MS. NOLAN: And he was, by the way, a legal resident of the United States, was here legally. Was very proud of that, proud of his children who were American citizens and had achieved more than he had. But his comments were that if he had had a better working condition and a union, he would have been able to do more for his children and for himself and contributed more to the Suffolk economy. And I would recommend to my colleagues who did

not attend the hearings and the roundtable that you go back -- and it's all online now, easy to access, you can see it for yourself. And we thank Senator Ramos and our colleagues in the Senate for holding those hearings. The one in Suffolk was attended by Senator Boyle as well. There were members of both parties there, and I appreciate the colleagues who took the time to spend six and seven hours at these hearings.

MR. MANKTELOW: Okay. So he -- he -- you stated he retired because he just couldn't make a go of it because he wasn't making enough money at the time.

MS. NOLAN: Well -- well, no. He was -- he was about my age -- since age has come up -- probably about 60, 61, and he had a lot -- a number of injuries and he couldn't work anymore. I mean, one of the realities is if you work at back-breaking work for 60 or 65 hours a week for 20 years, you're going to have some injuries at the end of it and cut the career short, and that's what happened to him.

MR. MANKTELOW: I fully agree with you on that one, believe me. So, you had -- had also stated he worked 60, 70, 80 hours a week?

MS. NOLAN: I -- I believe he said the most he thought he had worked in a week was 70-plus, 75. I don't want to -- because at the roundtable other workers were talking about working a 70-hour week, so -- and again I want to recommend the report by Senator Mendez from all those years ago. We're circulating that report around, it talks about workers sometimes even working more than

that.

MR. MANKTELOW: Okay. Well, I -- I appreciate that answer as well. As -- as a farm owner and business owner and having farm laborers, I -- I just did the math really quick on that. And with that increases in our minimum wage, if that individual today worked 50 hours at our minimum wage in Suffolk County, that individual would be making about \$31,000, a little over \$31,000. At 60 hours, \$37,000, and at 70 hours, \$43,000. So again, as some of our colleagues have said, because of the bump in minimum wage, we have absolutely helped our farm workers out versus what other states are doing.

MS. NOLAN: I -- I would agree with what the gentleman has said completely, and agree that minimum wage increases have helped. One of the things we do in this legislation is finally abolish the sub-minimum wage that many young farm workers - up until the Governor acted administratively a year or two ago - were actually getting paid half of the minimum wage to do things like pick apples at 17 and things like that. So, you know, we have abolished -- we've -- we've ended that in this legislation finally, and gone beyond just the administrative sanction. And, yes, minimum wage is important. But having the right to collectively bargain is -- is very, very significant because it encompasses more for -- for the employee.

MR. MANKTELOW: All right. Thank you. Just one last question if you can help me out. Can you again explain the day of rest and why we want to have that in there?

MS. NOLAN: A day of rest is one of the principles enshrined in the National Labor Relations Act and the Fair Labor Standards Act nationally in the 1930s, and beyond in our own laws in New York. Every day -- every farm laborer will be allowed at least 24 hours of rest in the calendar week. It does not apply to the employer's immediate families. We did want to continue to support family farm people. As I said, that definition could be expanded. Employers are allowed to take into account rest caused by circumstances such as weather or crop conditions so that they would not ask or could not ask the employee, *Would you give this up* if everyone has been, you know, rained out for two or three days. A farm laborer could voluntarily agree to work on their day of rest at an overtime rate equal to at least one-and-a-half -- time-and-a-half in common speech. And of course we do recommend that worship days be considered but it's not a mandate.

MR. MANKTELOW: Okay. On that day of rest, who came up with the one-and-a-half times the amount for the wage?

MS. NOLAN: Time-and-a-half in this instance is actually less than most employees receive. It is mirrored on what we did several years ago when Assemblyman Keith Wright and I think Speaker Heastie chaired the Labor Committee, to have -- the legislation we did to give various rights to domestic workers. So we mirrored that in the -- in the language so that there would be an even playing field with that type of laborer.

MR. MANKTELOW: So -- so even though that

supercedes Federal law that you have to work 40 hours in the week before you can get overtime. Is that -- that is correct?

MS. NOLAN: You have to work 60 hours to get overtime.

MR. MANKTELOW: No, I -- I understand that. But Sunday falls on the first day of the week, the first day of that week of the pay period they're going to get overtime before those other hours are worked?

MS. NOLAN: I just want to make sure I'm -- I'm saying it correctly.

MR. MANKTELOW: Take your time.

MS. NOLAN: Yes.

MR. MANKTELOW: Take your time.

MS. NOLAN: Yes, let me just clarify. A 60-hour trigger is a hard standard to meet. If in giving up your day of rest you reach that threshold, you would be entitled to some overtime. But you don't have to have the 60-hour trigger to have time-and-a-half on your day of rest.

MR. MANKTELOW: Okay. So yeah, so that would -- that would outweigh the Federal law where you have to have 40 hours prior to getting overtime.

MS. NOLAN: It would conform New York law to what we do for domestic employees right now. And of course not quite mirror, but also echo what we do for many other employees in the State.

MR. MANKTELOW: Okay. I -- I appreciate your time, Madam Sponsor, and thank you.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: So, most of you know I'm a farmer right now. I've -- I've dealt with this my whole life, 30 -- 33-plus years. I've been through it all. I've lost crops. I've had many workers come -- come and go from the farm. I had an apple farm for a few years, so I -- I'm well-versed in working with the individuals that come and help harvest our crops. And I could sit up here and tell you stories until I'm blue in the face about what we've run up against, and about the kind of a person that I am and the kind of person that I ran for for a farm owner. Anybody that knows me and has dealt with me knows I would give the shirt off of my back to anyone. And I took that same mindset as a farm owner and as an employer of many, many different employees throughout my -- my time as a farmer.

So we've had a lot of testimony here today, and as one of the colleagues said, because of this bill a few good things have come out about this and maybe some day I could support those.

(Buzzer sounding)

I appreciate that time.

ACTING SPEAKER AUBRY: I'm sorry, but your time has run out. But you can come back and finish your statement.

MR. MANKTELOW: Okay.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Byrnes.

MS. BYRNES: Thank you. Thank you, Mr.

Speaker. Will the sponsor yield?

MS. NOLAN: Always.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BYRNES: Don't say that. There may be a time you don't want to.

(Laughter).

I have one question. Awhile back you had -- excuse me, ma'am.

Mr. Speaker, could you please tell my fellow Republicans to be quiet?

(Laughter)

ACTING SPEAKER AUBRY: Gentlemen under the eave, your member asked you to quiet down.

MS. BYRNES: Well, blame goes where it is.

(Laughter)

ACTING SPEAKER AUBRY: Thank you.

MS. BYRNES: Thank you. All right. Madam sponsor, my recollection is that it's probably been about an hour, an hour-and-a-half ago that you had indicated on the floor that you made a comment along the lines of that you hoped farms will continue to do well in this State. Do you actually believe farms are doing well in this State?

MS. NOLAN: Farming -- the farm industry is a

multi-billion-dollar industry in our State.

MS. BYRNES: Yes. Do you feel that farms are doing well?

MS. NOLAN: I think that having a farm, as I've learned from all of you and from the hearings and the meetings and the listening that I've done and the touring that I've done, that it's a very wide range of what characterizes success. But there are thousands of farms in our State, tens of thousands of people who work in the industry, and many of them, yes, indeed, do quite well. I have supported every effort on this floor to assist farmers --

MS. BYRNES: Ma'am. Ma'am, with due respect --

MS. NOLAN: -- and will continue to do so.

MS. BYRNES: -- it was a simple question.

MS. NOLAN: Yes.

MS. BYRNES: Yes or no, do you feel that they are doing well? Yes or no.

MS. NOLAN: I'm not in a court of law.

ACTING SPEAKER AUBRY: Excuse me, Ms. Byrnes, you --

MS. NOLAN: -- and I don't have to answer it that way.

ACTING SPEAKER AUBRY: Ms. Byrnes, you can't -- you can't direct someone to answer the question the way you want them to, even if it may appear to be that it's something that you can do. You ask a question, they'll answer it in their way. Okay? It's

-- we're not in court. I -- and often have to tell lawyers that. You know, we're not in court, so... Thank you.

Proceed.

MS. BYRNES: Apparently you're allowed to proceed, not me. I was told to be quiet.

MS. NOLAN: I -- I thought --

ACTING SPEAKER AUBRY: I believe --

MS. NOLAN: My -- my apologies, Mr. Speaker and my colleagues. I thought I answered the question by saying there's a wide variety --

MS. BYRNES: Okay.

MS. NOLAN: -- of -- of what constitutes success.

MS. BYRNES: All right.

MS. NOLAN: This is a multi-billion-dollar industry. We have respect for it, we try to support programs that enhance it. And so I would say that I would want success for every farmer in our State.

MS. BYRNES: All right.

On the bill.

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

MS. BYRNES: Thank you. In my district, more and more farmers are going to leasing their farmland for solar panels because they can't afford to farm anymore. So we are losing thousands and thousands of acres every year to non-agricultural purposes that had been farmland. The gentleman who I know who is

the head of our Board of Supervisors, Chairman of the Board of Supervisors in Livingston County who is a farmer, you try to call him to chat at nine o'clock at night, he's busy. He's actually out planting corn so he can't even talk at nine o'clock at night because our farmers are working 24/7. It's not like they just give the workers all the work. Our farmers are the ones out there working harder -- harder than laborers that are with them. Both Livingston County and Steuben County that I represent have passed resolutions calling for us all to turn away this legislation because of the negative effects that it will have on our communities. Our farms have to compete for workers in a tight labor market. They respect their employees. They give a fair wage. And they need to in order to retain skilled workforces. Farming is already a highly competitive and regulated industry where, as we know, our dairy farmers work 24/7 every day because cows have to be milked multiple times every day, including in the middle of the night. And crop farming is climate-sensitive and seasonal. These are not your normal typical jobs that collective bargaining would normally apply to. The prices that are paid by our farmers for milk and for most of their crops are set by market conditions that are out of their control. And they have no way to recoup any additional expenses. They can't pass them on. They're going to end up eating them, and this is going to make farmers, many of whom are already working at a margin, become to a point where they can't continue. Our farmers, not only in Livingston and Steuben, but across this region are competing in a regional, national and global market, and

this legislation will make their abilities to compete in these markets even more difficult and put them at a competitive disadvantage.

Family farming is already on a decline in our State. Our farms are leaving. They're going to alternate purposes other than agriculture. They're trying to do anything they can just to save their land. The fear of Livingston, Steuben County and myself is that the net effect of increasing ag -- agricultural costs will simply be enough to drive what's left of our family-owned farmers out of this State to either other states to farm, as been referenced, or out of the business. We've got to fight and protect our number one industry and the number one industry in my district. And I will be very strongly voting no.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Jones.

MR. JONES: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JONES: Well, this is the first time that I've spoken on a bill in this House in my three years. And I only rise because this issue is very personal and important to me. First of all, I want to thank all of my colleagues for their comments, and I want to thank my colleagues for putting serious thought into this, even though if we don't agree on many of the elements in this bill. I want to thank Mr. Crespo for the roundtable we had a couple of weeks ago. He did a great job in -- in making all sides heard and deliberating on this. The

sponsor of the bill, the Ag Chair was there, Ms. Lupardo. We were there to discuss it. We heard many issues and many sides of this issue. We heard from farm workers. We heard from farm workers that were treated improperly and poorly. And we all agreed at that table. There were many organizations there, Farm Bureau, New York Growers, farmers, labor. We all agreed the stories those workers told were unacceptable. Their experiences on a farm were unacceptable. I think we can all agree with that. I know many of my -- some of my colleagues were there and we -- and we stated that. Those circumstances that they -- those things that they endured are not acceptable. But I can only tell you of my experiences on a farm. I grew up on a small dairy farm, family farm. It truly was a family farm. And I represent many, many farms. Anywhere from apple farms, vegetable farms, chicken farms. Dairy farms certainly a large part of that. Maple producers. Any kind of farming to be done, it's done in my district. So, I could tell you that when we speak about farming industry today, it is that the problem here is very profound. It's that our farmers cannot predict what they can get for their product. That is the bottom line here. No matter what we feel about this bill -- and I'll tell you my feelings on it in a minute. But they cannot predict what they're getting for their product. Dairy, the industry that I know most about, the price I believe one of our colleagues said today is \$17.10. Last year at this time I think it was around \$15, held steady at \$15, \$15.50 for four years. The year I was born, in 1974, the price was \$14 to \$15 per hundred. Sorry, I just gave away my age there. The

problem is on a larger scale, though. Like I said, the problem is the farmer cannot predict what he can get for that product. So if we're talking about the price of milk is the same as it was in 1974 as it is today, think about the costs that have -- that our farmers have incurred -- incurred in that time. I know a lot of my farmers treat their workers well. They respect what they do. And they would love to pay them more. And when we're talking about small farming -- family farming operations, let's talk about that. We've talked about how they have grown. When I was a kid, our farming operation was 60 milking dairy cows. I know the largest farm in our town, in our neighborhood, was 100 cows -- 125 milking cows. And that was huge. We were like, oh! Today they are at 2,000. Because we want to talk about the reduction of farms they've bought up, including my family's dairy farm, they've bought up all the farms around them. They haven't done that because they wanted to. They wanted to be generous to their neighbors. They wanted to say, *We're going to give you \$4,000 an acre for the farm.* They've done that out of necessity, because when the product they're getting is the same that they got 40 years ago, they have felt they've gotten -- they've had to have gotten bigger. So the 2,500-cow dairy farm is making less than it did with 100 cows 40 years ago. That's because of the price. That's because us, as a society, we expect our food to be cheap. We don't want to pay more for our food. That is the real issue here. We do not want to pay more for our food. That way there the farmer gets hurt, the farm worker gets hurt and our industry as a whole gets hurt, this huge agricultural industry we have in New

York State. We have to work on that together. This bill does not address that. But I will say, what this bill does address -- and I -- and I truly do thank our colleagues for working on it -- it addresses some things that needed addressing. The farm workers were already getting Workman's Comp, unemployment insurance and the minimum wage. That was -- that was already done. If you read the -- this bill people would say, *Oh, they didn't have that before*. They did. Most, if not all, of our farms are providing that. But the uniqueness of this business - and I say the uniqueness, and I said it at -- at the roundtable, and somebody said, *Unique, I don't like that word unique*. Well, it is a unique business because we have to depend on the weather. We have to depend on certain things. And the price that we get for our product is not what we need. This industry just cannot deal with these regulations right now. It cannot. And I know it's been said for 30 years, and I know -- I know the -- the sponsor of the bill has said that. But right now in my district, last year we were sending out notices in the checks -- we were sending out notices for a suicide hotline for our farmers. In this day and age we're sending out notices for a suicide hotline for our farmers because there were incidences where there's no other place and they took their lives. Farmers are upset with that, by the way. They're too proud. They didn't want that in there. But they needed the help. And they need help now. And I firmly believe this bill does not help them. But I want to get to a place -- I want to get to a place where we do help our farmers, do help our agriculture industry. We need to do that or else we're not going to have any of

this.

Let's talk about the product a little more. In New York State our large grocery stores and our vendors, they don't sit there and say, *You know what? This is a good apple. I like it. I think -- I think people will like this apple.* No, they sit there and they look at the bottom line. And if they can get that -- those pounds of apples or potatoes or whatever it is from Washington State or Idaho for a cheaper price, they're going to. That's the bottom line. They're just -- they're just going to do that. So if we are put at a competitive disadvantage, it does not help New York. I want to help our farm workers, our farmers. Everyone in this room that eats that product, no farms, no food. Right? We can all agree on that. We want to help this industry. I just don't think this bill addresses that. I think we can make strides, I think we have made strides, but we need to do more. We need to do more for all of us, and we need to do more for our farmers.

Please, I encourage you to vote in the negative on this, and I thank you all for your comments. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CRESPO: Mr. Speaker, first I want to thank the sponsor for her tremendous leadership and work on this issue for so many years, and to my colleagues on both sides of the aisle who have

been a part of the roundtable that we held and the conversations over a long period of time in regards to what passage of this bill will mean for the State of New York, for farmers and for farm workers. There's a few things that have been said that I -- I want to just kind of share my thoughts on. Number one, there were a couple of comments made in regards to this bill being rushed and not enough opportunity for feedback was given. I find that a little bit absurd when this bill has a 20-year history in this Body. When hearings and tours and visits have happened over decades, and other forms of this bill have actually been discussed on this floor and negotiated. And we all wish that this issue could have been addressed a long time ago when there was more bipartisanship in the leadership of both Houses but that opportunity was denied at every turn then, and here we are. There's -- I know that one of my colleagues pointed out a little bit of the history of how these farmers -- our farm workers were excluded from labor protections and it's important to be clear about this. There should be no industry in this State that relies on its viability by exploiting the men and women who make that business function.

(Applause)

Let me say that again. There should be no business allowed to thrive only under conditions where men and women who work long hours under dangerous conditions or all the -- the sweat equity that farmer workers have to put in, if -- if the only way to survive is by denying those men and women basic labor protections, then we have bigger problems in this conversation than this bill.

(Applause)

It has been pointed out, *Well what do you -- some of you who don't represent farms know about this issue?* Well, with all due respect, let me tell you what this young man from the Bronx knows about farming. First of all, I represent the community called Hunts Point. Hunts Point houses the largest produce market in the northeast United States. Many of your farmers depend on the marketplace that the produce market provides to sell their -- their goods. And we want to protect that. We have a mutual interest that that remain a viable and thriving opportunity. My constituents work at the produce market, they have a job because your farmers provide much of that produce so they can sell. So we agree that that's important. But let me tell you about the history of Hunts Point. Mr. Hunt was a farm owner in the Bronx. Bronx County was all farmland not that long ago. Mr. Hunt was a farmer who also owned slave workers. Slaves in Bronx County worked farms in the Bronx. So my community knows about that because the children of PS 148 just two years ago did a history study and found that in Drake Park, in Hunts Point, we were able to identify the unmarked graves of those slave farm workers and we were able to register that park as a -- in the National Registry of African Burial Grounds. So we know a little bit about farming in our community. And I talked to immigrant workers and I visited -- and I appreciate colleagues on the other side who have invited me to their district, and we have visited farmers in -- in different communities. And I care deeply and will work with our

colleagues to make sure that we continue to support the needs of our farming communities in the State. I assure you, count me in as an ally in that fight moving forward. But let's not misconstrue or misguide what the effort of this bill is. And let's not forget that we have all seen the decision in the Hernandez v. the State of New York case where the court held it unconstitutional to deny farm workers the right to collectively bargain. Let's not ignore the reality that basic labor protections -- we've done so many bills to extend those protections, and farm workers should not be excluded from that. Basic things like a day off, overtime. You know, we wanted 40 hours. We felt we had every right to demand 40 hours. But we listened intently to the concerns of the Farm Bureau and the farmers and we agreed to do 60 hours. We wanted the ability to strike. These are not public workers, why should they be denied the opportunity to strike? But we understood the realities of farming and we agreed, no strike provisions in the bill. We wanted a guaranteed day off. God forbid you have Sunday off, go to church. But we understood the realities of farming. And you know what? Fine, if the farm worker decides he's willing to work, let them work. But please, for those of you who have really spoken vividly about the needs of immigrant workers to work as many hours as they can to send money back home, please don't make it about them. Because if you cared about them, where were you when we wanted to give their children the opportunity to go to college? Where were you when we wanted to give those same farm workers the opportunity to drive to work?

(Applause)

ACTING SPEAKER AUBRY: Ladies and gentlemen, please.

MR. CRESPO: And -- and for those that say, *Well, whatever the City of New York wants to do to our farming community.* Well, you all had an opinion about NYCHA housing. You don't have NYCHA in your district. So -- so let's be honest. Let's remind ourselves, we're in this together. And I appreciate the difference of opinion and I understand this won't be easy for our farmers. But you know what? Again, I'll remind you that your viability and business should not be based -- or -- or rely on the -- on the exploitation of workers. Let's give them what they deserve and let's work towards figuring out other areas where we can provide resources and benefits. And I -- and -- and lastly, a lot has been said about the market conditions. We don't -- the farmers don't set those conditions, you're right. You're absolutely right. And they deserve a better playing field in the market. But guess what? That's a Federal problem with a Republican president who refuses to fight for farmers in this country and who continues to make policy decisions and political decisions that hurt farmers in this country.

(Booing/Applause)

I apologize if I went off on policy into something political. But I'll just say again. We have been told --

MRS. PEOPLES-STOKES: Mr. Speaker, Mr. Speaker. If we can ask our colleagues to refrain from using political

comments. Just talk on the issue. You're doing a great job, Mr. Crespo. Let's -- let's just leave that other --

MR. CRESPO: Well, I appreciate that, I respect that. I apologize if I -- if I went -- veered off. I just want to -- again, if we're going to be honest about the issue, let's be honest about this issue. We are extending basic protections to farm workers in this -- in this State. That is not a controversial thought. That is not a new concept. That is something the sponsor of this bill has worked for decades to ensure. But it is also not fair to assume that we have no knowledge of the issue. It is unfair to assume we don't care about the farm worker -- the farm owners. We care about you deeply and we will fight for you as well. But let's understand that those market conditions are not a State problem, those are a Federal problem and we should go together to seek those remedies. And if there's other things we can do -- and I support one of my colleagues, the Chair of Agriculture Committee, who has a bill to support other areas of -- of supporting our farms, I will cosponsor and support that bill and work as hard as I can to pass it. Because I want that food chain, that affordability of -- of that food chain to reach my community, the food deserts in the Bronx. But let's understand what this bill is and let's not misguide people to what it is not. This bill is about basic labor protections. That is what the State of New York should stand for. That is what all of us should strive for. And we will help those other issues, but do not deny those men and women. Most of them, many of them immigrants, please don't tell me that their needs supercede the

business interests of the owners of these farms. We can balance those two things and do right by those workers and still strive to protect those farmers. We can do that together. But you cannot make a good argument that denying basic protections is the only way for a business to survive. That is not consistent with our Constitution nor with the policies of this State.

And I'll vote in the affirmative.

(Applause)

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

Let me remind the House --

MR. FITZPATRICK: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Let me -- one minute. Let me remind the House that oftentimes both sides talk about the President, whatever President it was, and we rarely boo each other when those statements are made. So I would often hear laudatory statements about the current President and some negative about the past. We don't boo each other under those circumstances. So please try and constrain each other, but we do want to limit political conversations relative to the bill.

Thank you.

MR. FITZPATRICK: Thank you, Mr. Speaker. This is -- this has been a very interesting and a very passionate debate, and it's an important debate. You know, in 2018, in the 2018 election there was -- you could say a political earthquake occurred. And the epicenter of that political earthquake could be traced to a little

congressional district in the Borough of Queens. And that earthquake unleashed a progressive tsunami, I would call it, whose destructive power is reaching every corner of this State across a wide range of issues. And today that tsunami is about to envelop our agriculture industry. I appreciate the passion of Mr. Crespo, the eloquence of Ms. Cruz, the pain and suffering of our dairy farmers as eloquently stated by Mr. Jones. Farmers do not have pricing power. Especially in the dairy industry. There's a reason why we don't have regulation of the agricultural sector the way we do other areas of industry because of the fluidity and unpredictability of those markets, vagaries of the weather. But especially that lack of pricing power. And what we are doing here today by regulating an industry that can't, in a sense, fight back, farmers don't want to exploit their workers. And if there are some bad apples, that can be dealt with. These people in the Gallery who are hoping for passage of this legislation are very good people. They work hard, we need them. But we are -- we are doing something to this dairy industry and the agriculture -- agricultural industry that could not just do harm, but change the agricultural landscape of this State forever. We are not California, where we have thousands and thousands of acres and you have corporate farms. We don't have corporate farms. The sponsor maintains this is a multi-billion-dollar industry. Well, it may very well be, in the aggregate. But that figure is made up of many, many, many small farms. As Mr. Jones said, it takes 2,500 cows, you don't -- you still can't make as much as you did with 100 cows 40 years ago. The economics of this industry have

changed dramatically. I'm from Long Island. We had hundreds of farms at one point. We used to have 30,000 acres of potatoes; we have about 8,000 acres of potatoes. If it wasn't for the wine industry, we'd have no agricultural industry on the North Fork of Long Island. I have two vineyards in my district and I have one farm. But what I'm really concerned about here is what we are doing to the cost of producing milk and wine and vegetables and other agricultural products. Because this is a very competitive industry. And in a State like New York where the cost of doing business is so high, taxes, electricity, the cost of transportation, the Long Island farmers to get their vegetables and their crops into the Hunts Point market.

Both sides have good issues here. But my problem with the progressive approach to some of these problems, to most of these problems, is where a scalpel is needed, you're taking a sledgehammer. And that's what's going to happen with this legislation. Because if the cost of producing your milk, your wine, your vegetables, your nursery stock reaches a point where you can't compete anymore, you're going out of business. That's why there's a suicide line for farmers. This is a real problem. This State is not in a strong position because of our cost structure. And I worry for the people up in this -- up in the Gallery here who think that their lives are going to be much, much better because of what this legislation proposes to do, to be unionized, to get all of these benefits. Remember, folks, they come at a cost. And if that cost reaches a point where the -- your employer can no longer be profitable and they sell

the farm or they go out of business, those good people up there are out of luck. And then where do they go for help? Will the AFL-CIO be there for them? I don't think so. They've been given a -- a -- just a bunch of empty promises. This is a very fragile industry. The profit margins are very, very slim. What we are doing today is being done with the best of intentions, I understand that. But we could throw a lot of good people out of business and hurt the people we're trying to help. This is an industry unlike any other, and it's a very large industry in this State. But it's compromised of many, many small family farms, small producers, small employers who pay a lot of taxes, are paying high -- relatively high labor rates now. They're paying high electric bills and high transportation costs. And you're competing with producers in other states and even other countries like Mexico and Canada that are producing a lot less expensively than you can. And I know on Long Island where a lot of -- especially on the East End, on the North Fork and the South Fork, where a lot of City folk have their second homes, they buy out there because there's nothing more beautiful than a field of potatoes or a vineyard. It's one of the prettiest sights you'll see. But those are going to turn into housing developments, maybe. Or solar farms. They're not quite as attractive to see. We have a couple of those out on Long Island as well. But we need to be very careful.

This is not a good bill. It's not a good bill for the good people up there, even though they think otherwise. But the economics of this industry are very, very fragile. And we're playing a

dangerous game when government injects itself and tries to adjust those or bend the economic -- bend the economics of this industry. I urge a no vote for the benefit of the good people up in the Gallery who need these jobs. Thank you, Mr. Speaker.

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

Mr. Rivera.

MR. RIVERA: Thank you, Mr. Speaker. I want to begin by expressing my gratitude to Assemblywoman Nolan. I'm very familiar with the entire Nolan family, especially the one that lives in the Bronx. They have all made great contributions to our borough and our City. And I believe that our Assemblywoman, our Chairlady, Assemblywoman, is bringing this into the open because she's not a rebel without a cause. She must actually believe that there is a problem that we need to hear about. I want to continue expressing my gratitude because I'm a member of the Agriculture Committee. And I promised this young lady who's in my staff, Regina Reed, whose mother came to this country legally, with document, looking for the land of opportunity. She's in my staff. And I also want to speak on behalf of my Chief of Staff that's watching me on that TV and she said, *You've got to tone it down*. However, I would tone it down for them. But at the age of 83, being part of the civil rights movement in this country, I don't recall a moment when Dr. Martin Luther King, Rosa Parks, Medgar Evers and others tone it down when they was suggested, *Tone it down, tone it down*. They had to organize and

express and let out their anger as to what was happening to people of color in those -- in this country in those days. But I'm going to tone it down because my County Leader, Assemblyman Marcus Crespo, spoke with a passion and in anger. Speaking about him, we've done great this year. Him, the amount of bills that we debated and we passed, Carmen De La Rosa, then-Assemblyman and now Senator Lou Sepulveda, that contributes to the quality of life of people who are in this country looking for opportunity. They don't want handout. People we're talking about our hardworking people. And I want to thank the other side for also -- I know some of you, and I love you. I've -- I've gotten to understand you and -- and -- and -- and learn about your concern that when I was the Chairperson of the Farm and Nutrition Committee, we were instrumental in those years in being the people for this Body who introduced the farmer's market movement in the State of New York. I have the best and most beautiful farmer's markets because we're helping the farmer from Upstate. That's how you help, what you're doing for your farmers in your district. We're from the Bronx, that's how we help. I'll invite any one of you to come to Fordham Road, Fordham Plaza on -- on a Wednesday, on a given day in the week, and you will see farmers coming from Upstate to sell their products. Let me take it a step further. When George Pataki was Governor, a Republican, and Peter Rivera, the Assemblyman here, we went to George, because George I know since he was a young man and he was a farmer. We said to George, *We want to help the farmers in the State of New York. So we want to ship apples to Cuba.* We did

it for a brief moment and we helped the farmer from Upstate. Ask George Pataki. We helped the farmers from Upstate. So, we have legitimate concerns from both sides, and this debate is very welcome, it's being watched by everybody. There's a youngster up there. All these activists are watching us, if not from our balcony, from all the camera, because in this Body -- Senator Sepulveda, you were instrumental in making this Body more transparent. We have no fear of being videotaped so that all our constituents can see us. But your Body does not believe in transparency yet. We try to go over there to videotape and we were told, *You're not welcome here with your camera*. Oh yeah? That got to change, my brother. There's got to be transparency on the other side.

ACTING SPEAKER AUBRY: Mr. Rivera, try and stay on the bill.

MR. RIVERA: In conclusion, I know about farmers. My wife called me and said, *They're speaking about farm. And you're not a farmer, but your mother was*. My mother was a farmer from the mountain of Puerto Rico.

Moving it up quickly, in 1900 there was a hurricane that destroyed the sugar cane industry of Puerto Rico. Five thousand workers had to go to Hawaii to work. All right? By 1963, Joseph Monserrate was the person who wrote up the agreement for Puerto Rico and this State to bring the farm workers here to work. So it was Puerto Ricans in the 60 -- 50, 60, 70 that used to work in the farm. The reason the abuses stopped against them is that we found out we're

American citizens. But the people we're talking about by most part are not American citizens. They need -- they need for someone to speak up on their behalf. They're already here. They're entitled. Joseph Monserrate, even though he wrote the agreement by 1963 -- I don't make that up, sometime I got accused of making up good story, you know -- by 1963, Joseph Monserrate had enough. He helped mobilize thousands of Puerto Ricans to march hand in hand with Martin Luther King in the "I Have a Dream" march in Washington, D.C. You don't have to believe me. Look it up in the archives of Hunter College in the City. You look it up.

So, Mr. Speaker, I hope that I did tone it down somehow. But I think that at the end of the day we should continue to continue to help the farmers. I know that they get help, some kind of help from the Federal government. I don't think it's enough. I know they get help from the State. I don't think it's enough. I'd be willing to sign a letter from the other side to Donald Trump that he's got to do more. And if he doesn't, I'd be willing and ready to chain myself on the White House gates until he hears us. So are you ready to even take it to that level? I am. We need to help the farmers one way or another. No one should be a victim here.

So, I will vote and encourage a yes vote. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Bronson.

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

ACTING SPEAKER AUBRY: On the bill, Mr.

Bronson.

MR. BRONSON: I rise to talk a little bit about this bill that I have worked on for a number of years both as a staff person here and now as an Assemblymember. I'd like to point out that the suggestion that somehow to be a sponsor of a bill or to -- to be a cosponsor or to vote on a bill you -- you have to have direct knowledge of the industry. I would remind people that in the past budget we had measures that dealt with health care -- health care workers. Most of us are not in the health care industry. We had measures to deal with the direct service providers. Most of us are not DSPs. We just yesterday passed three of my bills that dealt with compensation and reimbursement related to mental health providers. Most of us are not mental health providers. And, indeed, many of you have cosponsored and voted for a bill that we've passed in this House twice for a prevailing wage on private contract projects. Most of us in this House are not construction workers. But let me give you this perspective. I grew up on a farm. A family farm just under 200 acres. It was my grandfather and grandmother's farm. It was my mom and my dad's farm. It's now my older brother and my sister-in-law's farm. The farm was a dairy farm in the beginning, converted to a bee farm in large part because the dairy industry changed in the '70s and the '80s. I would get up at five o'clock in the morning. We would do haying and other things, and more often than not, we would be done at dark, at night. On our farm, I assisted with my brothers and sisters and my mom and dad to log various trees over the years, and then we built the

buildings on our farm. Our farm was a family-sustaining farm. It's with that experience, it's with that perspective that I commend the sponsor for moving forward on this bill, for working on it for -- for decades, and more importantly, for listening to the voices of farmers so that we could balance the needs of the farmers and their business along with the farm workers. Some say it didn't go far enough, some say it went too far, depending on your perspective. But it was a compromise in policy. And, indeed, at one time in our history we all believed that compromise was the art of government. This bill is an artful piece of legislation. It's artful because it balances those competing interests. It's artful because it took into consideration the voices of the farmers who came into my office or when I visited their farms in my district. When they said, *All right, if you do collective bargaining, please, we can't allow strikes because that will interfere, especially on seasonal work.* We did that. They came into my office and they said, *Overtime, okay. It's going to be hard. But could you move it to 60 hours? Just move it to 60 hours and I can live with that.* We did that. They said, *On a day of rest, don't make it mandatory. Allow workers to voluntarily work on that day.* Farmers, we did that. It's a compromise putting the rights of workers, the dignity and the respect of workers in place like all of other workers have throughout this State. But we also did it acknowledging that there is something different about this industry.

The Wage Board. My colleagues, we have labor wage boards all the time. But usually it's all run by DOL and the

Commissioner. This Wage Board, again, an artful compromise because we have the Farm Bureau and we have the AFL-CIO to help the Commissioner. Why is that important? Because when you have management and labor together sitting at the table, walking and talking together, being able to come up with what's the best fit. They're the experts, we're going to let them do that.

Our Constitution recognizes that labor is not a commodity. Our Constitution says that workers have a right to organize and a right to bargain collectively. We have a court case now that says the same thing. This bill puts it in statute and recognizes the spirit of our Constitution that labor is not a commodity. It's not a commodity when you're talking construction workers, and it's not a commodity when you're talking farm workers. Once again, though, this bill compromised in that area because of the no strike rule and the no lock out rule. But it's important that we know that the bill puts a system in place for local control. It puts a system in place where the farm worker can stand with and talk with the farmer and they can work out those scheduling issues. They can work out those hour issues. They can be creative in making their partnership and making sure this business succeeds. They can cooperate to make measures work for that particular farm. You all know I'm a workers' rights guy. But I'm also a person who firmly believes when management and labor are talking to each other that they can work it out. And they work it out what's best for both of them because they're both -- they both have the same objective in mind. The business needs to be

successful for the worker to be successful, and the worker needs to be successful and productive for the business to be successful. There's no magic to this. We have it in all other industries, and we need it in the farm industry as well. This bill is a statement to the farming industry that we heard you. You may suggest we didn't go far enough, but we listened to their voices and we made compromises on the bill that we have previously passed in this House.

Some have mentioned the industry. I firmly believe that the agriculture industry is totally broken. It's broken with Federal subsidies, it's broken with tariffs, it's broken with a lot of the Federal regulations that are there. It's broken because there -- there's not control, especially in the dairy market, on the market price. And by the way, those market prices aren't set up for Western New York where I'm in, or Finger Lakes. They're set up for a huge region. A region that's very diverse and different, but yet the Federal government, that's how they choose what the market price is.

I think that what we need to do is get this bill passed, but then work with the Chair of Agriculture. Let's do more investment in our agriculture industry. Let's work on this in the budget. Let's make this work. And as has been mentioned during this debate previously, we can make this work for the farm owners and we can also honor the dignity and respect the workers.

Once again, I commend the sponsor for being steadfast, for continuing not to give up, and when we got to a point where it was possible for listening to both sides and coming up with a

way that it can be a win. And again, I'd remind people, if management and labor are working together to advance the business, that is the best scenario for our farm owners. I am going to proudly vote in favor of this measure, and I am proud to have been a part of it for so many years, and proud to have listened to the farm owners in my district and get to a point where we made the changes they asked for: No strike, overtime at 60 hours, and let us work it out.

So, Mr. Speaker, I proudly am going to be supporting this and I encourage all of my colleagues to do so as well. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Barclay.

MR. BARCLAY: Thank you, Mr. Speaker. Would the sponsor yield for a few quick questions?

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

MS. NOLAN: Yes.

ACTING SPEAKER AUBRY: Ms. Nolan yields.

MR. BARCLAY: Thank you, Ms. Nolan. Would you agree that by the very nature of this bill that farmers costs are going to increase?

MS. NOLAN: I wouldn't say not necessarily, no.

MR. BARCLAY: Well, if they have to pay overtime it potentially could be subject to collective bargaining. Isn't that going to increase their cost?

MS. NOLAN: Well, I think that the idea that people

will be able to work with less injury, for example, people will not move -- one of the things the hearings showed, Mr. Speaker, and my colleagues, was that farm laborers will often move around if they feel they're being mistreated, or that accidents happen if people are working seven days straight. So one of the reasons we put in the day of rest and the trigger for overtime was that so employers will get employees working at their best so there may be productivity gains. In addition, obviously, yes, some -- some additional wages, but there will be productivity gains and less injuries, all of which will contribute to less cost for the farmer.

MR. BARCLAY: All right. Well, theoretically, I think you could make the claim that this is going to increase the cost to farmers. Maybe they'll see some benefits from more productivity or whatever. But did you consider in this bill when you were drafting it any benefit for farmers in the -- in the draft? For -- for instance, when we raised minimum wage, we had a lot of not-for-profits from health care, et cetera, they couldn't struggle with the difference so we ended up getting them money to help them pay that minimum wage that we mandated. Is there anything or did you ever consider any benefit here for the farmer to help them stay in business?

MS. NOLAN: Yes, Mr. Speaker, and my colleagues. We have a specific piece in the bill that will fix the H-2A visa issue which required employers to make contributions to the Unemployment Insurance Trust Fund on behalf of workers, and since 1995 those workers were excluded from unemployment insurance benefits. So

that was a direct benefit in the bill. We have a list of things - and I know colleagues, there are 12 separate things, I think, floating around on a list somewhere -- that we did, for example, in the last budget to help the farm industry. And, you know, I want to say again, because I have always been sensitive to the fact that even though, yes, I was born in Syracuse, I know where I live and represent now, that we want to support our community and our farm community. So I have always supported issues that have come out of the Agriculture Committee to have tax breaks and subsidies and various programs that will assist -- a no-interest loan program, for example, that the Farm Bureau is asking us to do. It's one reason we postponed the date of the sanitary housing issue to January of 2021, because we know that we expect in this year's coming budget we will be doing more for the farm industry.

MR. BARCLAY: Well, thank you, speaker -- or sponsor, and I appreciate -- I look forward to working with you on those types of pieces of legislation because I think this bill, unfortunately -- and on the bill, please, Mr. Speaker. I think this bill is going to have an incredibly adverse effect on all our farmers. I just want to point out for my colleagues, we have heard a lot about the dairy farms and how it's going to affect the dairy farms. And no doubt it's going to have an adverse effect on dairy farms. But frankly, it's going to have an adverse effect on all farms across New York State. In my district I have a lot of vegetable growers and apple farms, and they've reached out to me and talked about how their margins are also very thin and any increased cost really would make them have to

decide whether it's worthwhile staying in business.

For that reason and many other reasons that my colleagues have pointed out, I would urge a no vote on this piece of legislation. Thank you, Mr. Speaker.

ACTING SPEAKER BRAUNSTEIN: Mr. Friend.

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

ACTING SPEAKER BRAUNSTEIN: Will the sponsor yield?

MS. NOLAN: Yes, Mr. Speaker.

ACTING SPEAKER BRAUNSTEIN: The sponsor yields.

MR. FRIEND: Thank you, Cathy. In a few places in the bill it mentions some exemptions are parent, child, spouse, immediate family, and I think you mentioned that the Department -- or the Commissioner of Labor might clarify what that "immediate" means. I think we'd all feel a little bit more reassured if "immediate" was defined in the bill or expanded. Can you touch on that for me?

MS. NOLAN: Yes. I'll get the section. I have it in front of me.

(Pause)

I have too many pieces of paper in front of me, I apologize. On page 3, lines three through six on the bill, the terms "employee" shall also include farm laborers, which means any individual engaged or permitted by an employer to work on a farm

except the parent, spouse, child or other member of the employer's immediate family. So in using the language which our wonderful bill drafters and, again, Assemblyman Bronson put it all so beautifully, you know, was an effort to try to thread that needle. The expression "other members of the employer's immediate family" we believe will cover, you know, the vast majority of cases. There is some provision here, I think the Commissioner of Labor can expand what that is. And there may be some other work to do on that, but we felt the words "other member of the immediate family" covered really everyone.

MR. FRIEND: Okay. We're -- I'm very hopeful that that will not become a problem in the future. We have many farms that have been passed down from generation to generation and may have been subdivided or may have actually purchased other farms then left the area. So they kind of expanded and other members of the family -- so now you have second and third cousins maintaining and running those farms and sharing costs and operation. Maybe sharing equipment, sharing labor so they -- they themselves are going to end up doing work on those other farms. Not necessarily bringing in outside labor, but just their own family working on it, and I'd hate to see that they would be inconvenienced because of that. Most -- on the bill, Mr. Speaker. Thank you, Cathy.

ACTING SPEAKER BRAUNSTEIN: On the bill.

MR. FRIEND: Most of the farms in my district have gone through a -- a lot of changes just in a very short time. But I've lived there my entire life, so we're looking at 46 years. And it used to

be that you could drive down just about any road in the town that I grew up on and you'd pass, easily, 10 to 11 farms and a wide variety, with dairy, chickens, cows, and you name it. We had a wide variety with even some tobacco farms that are still out there. I actually grew up on what used to be a dairy farm. Now, it wasn't active when I was there, I had the luxury of being able to roam through that -- that huge farm on my own and having great friends over there to -- to see what those cow stanchions were like. But that's where we're going in the -- in the State, is that we're moving away from the small farms that used to have 50 head or 25 head to be able to survive. Or a small chicken coup, one pasture, and one type of grain that they might've grown. And we're moving to the larger and larger farms, which I think we could all agree, we don't think maybe having the best intentions of the residents, the citizens, the workers of the State at heart, and that's where the accidents happen. It doesn't happen on that small-scale farm. And as was referenced in the bill, the US Department of Agriculture's 2017 Agricultural Census showed that 98 percent of the farms in New York are family-owned. There are 35,000 farms currently in the State. Ninety-eight percent of that's quite a large percent, but that does mean that there are couple of farms there that are starting to grow to be larger business farms. Not necessarily saying that's the wrong way to go, but it's another opportunity lost to New York State when we say that there no longer can be a family farm or another opportunity when you're down on your luck to go out there and start either growing crops or working with animals. And it's

another experience set that will be lost to our -- our economy. I can tell you that the businesses in my district are overwhelmed when they have the opportunity to hire a son or daughter of a farmer. And why is that? It's because that son or daughter has a very strong work ethic, a can-do attitude and they are great problem solvers. Why are they great problem solvers? Because when you go out there or to go out there and take in the -- either plant the seed, take in the seed or take care of the -- the crops that you're growing, if the equipment breaks down you can't just say, *Oh, crap. I've got to go over to Walmart.* It doesn't work that way. You got to figure out how to get that machinery working or how to solve that problem and make -- make things work. So every business in my community was overwhelmed when they could have a farmer who -- a son or daughter of a farmer come and work for them.

When we get to the Wage Board, understand that that has been one of the compromises that we've looked at. But the way that the bill is written, it's a two-thirds vote to determine what the Wage Board is going to do. Well, when you have the Commissioner of Labor - who is not appointed by farmers - you have the AFL-CIO representative - again, not appointed or represented necessarily by the farmer - and then you have the Farm Bureau. Two-thirds, it sounds like it's a stacked deck against the farmer. I think the appropriate compromise would have been a unanimous decision of those three members and to have them, those three, come to an agreement to make things work. That would have been a strong compromise, in my

opinion.

And we've talked a lot about the weight -- hundred weight for -- for milk and how Federal government sets the price of that. But yet again, I think we're kind of missing another point of that whole aspect of what's happening. Again, back in my district there used to be a lot of cooperatives and a lot of dairy farmers. Those dairy farmers had the opportunity to pick which cooperative they were going to sell their milk to to have it get to market. Because the dairy farmer, they don't have time to go ahead and milk all the cows, store all that, get it into a truck and then bring it to market. That's not how it works. It's sold to a -- a separate shipper. And there used to be lots of cooperatives that you could pick from. Well, today there's essentially one in all of the northeast. And if you don't work with that cooperative and somehow you get an independent trucking firm to get your milk to market, you eventually get squeezed out because of the price that the cooperative sets. Just to give you an example, we had a farmer in my district, and I also have a milk production plant in my district, but there's also another milk production plant in Ohio that the cooperative works with. And if you don't play well with the cooperative, well, instead of shipping the milk just a couple of miles down the road to the Waverly plant, they'll ship it several hundred miles away to the Ohio plant and you would get charged per mile to send your milk over to that one in Ohio. You don't get to pick where your milk is going. And that's not fair. And that's actually something that we could do right here in the State to help our dairy farmers. And

we keep referencing that it's a million -- multi-billion-dollar industry. Well, once again, it's a multi-billion-dollar industry operated by 35,000 farms. Thirty-five thousand farms across a multi-billion-dollar industry breaks down to be not much of a production at the end and you're not grossing a lot of money. And the cost of running larger and larger operations and trying to keep up with the technology means that you have to buy bigger and bigger equipment, you have to own more and more land in order to stay on top of that. Organic farming is very land-intensive. You no longer keep the cows in the -- in the barn all day feeding them grain. To do organic farming you have to have those cows to be able to roam out on your own land, again, and grazing on the crops, which means you need more and more land which is accessible to you. Once again, in my district I have a farmer who doesn't have that opportunity because when Route 17 went through the district they cut his farm in half. And unfortunately, the majority of the farm, the grazing land, was on the one side of that -- that region. And nothing was done to provide an underpass for him to be able to get his cows over to that -- that acreage. So now they want to go to be more organic. They've been doing everything they can to be more organic. They purchased more cows to try to stay ahead, but it becomes very difficult for them to be able to do that.

Now, we -- we keep pointing out different portions of this bill, how it's helping farmers or hurting farmers, and we're saying that it's -- it's all about helping the farm laborer and that it's not targeting any one portion of the farm industry. Under current law,

employees and dairies, creameries, milk condenseries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants and milk bottling plants where not more than seven persons are employed are exempt from the one day off. Employees whose duties include not more than three hours work on Sunday and setting sponges in bakeries, caring for live animals, maintaining fires or making necessary repairs for boilers or machinery are exempt from the one day off. So what do we do in this? We go ahead and we strike the dairies, the creameries that have fewer than seven persons employed, and we strike caring for live animals where it's fewer than three hours on Sunday. Well, right there that tells us that this isn't going after the big farms, this is going after the small farms. The small farms in my district that are struggling to stay ahead, doing everything they can to keep ahead. And my concern is that if we don't define "immediate" that we could very well be going after the family farms next. And I can tell you, the family farms are already disappearing from my district because of the utility costs, the high property taxes in the State. They are looking at Pennsylvania --

ACTING SPEAKER BRAUNSTEIN: Mr. Friend, excuse me one second.

Ms. Nolan, why do you rise?

MS. NOLAN: Mr. Speaker, and my colleagues, you'll notice that I never interrupt people when they're speaking and I never have --

MR. FRIEND: I haven't yielded --

ACTING SPEAKER BRAUNSTEIN: I --

MR. FRIEND: I have not yielded --

MS. NOLAN: I must ask him if he would yield for a point of clarification on the issue of the creameries.

ACTING SPEAKER BRAUNSTEIN: Mr. Friend, do you yield?

MR. FRIEND: Okay -- sure. We'll go ahead and yield.

ACTING SPEAKER BRAUNSTEIN: Mr. Friend yields.

MS. NOLAN: Yeah. I -- do you believe that -- do you understand from the reading of the bill that it actually grants those industries the protections that you think it does not? I just want to clarify that.

MR. FRIEND: Well, I mean, under the bill -- so, currently creameries are listed as being exempt if they have fewer than seven persons employed. We have stricken creameries from that part of the -- the section. Have you put them back in in another section in that case?

MS. NOLAN: So -- so they're being treated -- they're going to be able to not do what a regular industrial plant would do. They still get -- they still get treated like they're farms even though they're creameries and other --

MR. FRIEND: I'm just --

MS. NOLAN: -- industrial employees.

MR. FRIEND: I'm just reading current law versus what the new law does. That -- that's all I'm referring to.

MS. NOLAN: All right. We'll -- we'll try to make sure we get the gentleman the exact clarification. I don't want to take his time, but we will -- we believe -- there's a misinterpretation here. We'll try to figure it out. Thank you.

ACTING SPEAKER BRAUNSTEIN: Thank you, Ms. Nolan.

Mr. Friend on the bill.

MR. FRIEND: So in -- in the rest of the vain, again, talking about this bill and whether or not we're going after all farms, small farms, family farms, we go ahead and say in the Workers' Compensation -- or the unemployment insurance, it removes the limited exemptions, again, going after the small farms. Workers' Compensation, remove limited exclusion. All farm -- is -- all farm laborers where it's less than \$1,200 in the aggregate. Again, you're going after the small farms in that case, not the big farms. Disability benefits, remove an exclusion from the provisions of the Disability Benefits Law. Labor camps for migrant workers, removes the exclusion, once again, for where -- you have it's occupied by fewer than five people. These aren't big farms that we're talking about. It's the small farms. And I'm concerned that we're going to be targeting the family farms next by not defining "immediate" to well encompass what we're already seeing in our population set. And that's what we should've been doing during the roundtables and the investigations

during the last six months, is to get a good set of the data to say what would be immediate and how would we be able to protect those immediate family farms across the entire State before we move forward with it.

Just to move on with a memorandum of opposition. It just came through today because the bill was introduced this weekend. We have been debating it for 20 years, it's changed over 20 years. There were roundtable discussions for six months, the bill was introduced on the 16th. So this -- this opposition memo is from the New York Farm Bureau, the New York State Vegetable Growers Association, the Northeast Dairy Producers Association, New York Apple Association, Agri-Mark Dairy Cooperative, Upstate Niagara Cooperative, Cayuga Marketing, Cayuga Marketing Ingredients, Empire State Council of Agricultural Organizations, New York State Horticultural Society, New York Wine Industry Association, New York Wine Grape Growers, Long Island Wine Council, Agriculture Affiliates, Northeast Agribusiness and Feed Alliance, Empire State Forest Producers Association, New York Association of Agricultural Educators, New York Thoroughbred Breeders. It covers just about the entire gamut of what's covered in the State, and the entire State is represented in this opposition memo. "For the past six months, hundreds of farmers and farm workers spent countless hours meeting with legislators, testifying at hearings, hosting legislative farm tours --

ACTING SPEAKER BRAUNSTEIN: Mr. Friend, your 15 minutes are up. You could always come back --

MR. FRIEND: I will be back.

ACTING SPEAKER BRAUNSTEIN: -- for another
15.

Ms. [sic] Arroyo.

MRS. ARROYO: Thank you, Mr. Speaker, for giving me the opportunity to make a comment on this bill. I -- I am sitting here and learning and going to my years when I was a child. I was born and raised in a farm, and my father have business in agriculture. My experience of that those years was to work, see my family working with the people that were poor. And I remember that my mother prepare a room -- had a room in the house where when the children of the employees were sick, they -- there were people there to take care of them. But today what I am learning is something different. This is a political issue that we're making here. When we understand that the people that are here representing the workers is just a small percentage of the thousands of people that work in those farms. I know how they work, I have visit them. I have worked in the State when Olga Mendez was the Chairman [sic] of the Committee and Michael Bragman was here the -- the Leader, and he pay our expenses to go around. And I'm familiar. And I have to tell you something else, because there were something mentioned here of immigrants working in those farms. There is a lot of Puerto Ricans working in those farms. And remember, they are American citizens. It's important that we can understand what is the problem and how can, we as smart people, work with the problem. The owners of the

farms that are different -- each -- each program is different from the others. Adding one side -- and the employees that are in need because today's life is not the life of 40 years ago. Today everything is expensive, and today when a member of the family got sick you need a lot of money to get -- take care of that. But the farmers need help. We have to work together, Mrs. Nolan, to develop a bill, to develop a legislation that we can present to the Federal government where we can bring incentive to the owners of the farms, and then the people that we are defending today will have permanent jobs and will have better opportunities because there will be money to pay everybody. It is my intention to help. That's why I'm speaking, because I don't want to take time to, you know, talk about things that are not important. What is important here, there is a community out there that need, and there is a nation in problems because the Federal government -- that is Republican -- is not taking care of the business. Let's get together and take care of the business ourself. And with the help of God, we could do it.

Thank you, and God bless all of you.

ACTING SPEAKER BRAUNSTEIN: Thank you,
Mrs. Arroyo.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. So, today, though we celebrated Juneteenth on Monday, is the actual day for Juneteenth. And on this day we recognize that there was a quasi end to slavery. And the reason why I say quasi is because it's about

semantics. Slavery was replaced with many things, including sharecropping. So there was this amazing opportunity for individuals to have something that they considered 40 acres and a mule. And they were given many of these opportunities for land ownership after the Civil War. But during Reconstruction, that was rolled back. And it was rolled back under laws that were called the "black hole" that said any of the Federal land that had been given under the Civil War had to be returned back to their original owners. Then there were certain crises that took place in the South with respect to the sharecropping of cotton. And when cotton became a commodity that they had to roll back and increase the prices and roll back the production, the Federal government gave these landowners large amounts of monies in order to stop the production of cotton on their land. As a result of that, there was a wholesale eviction of what we knew of at that moment as sharecroppers, and this allowed for the creation of the first beginning of Southern farm workers unions. In that regard, there was a Freedmen Association that began to form in order to fight for work for farm workers' rights. A, including against being evicted off the land, but B, as -- they also fought for rights such as hours, fair wages, et cetera, et cetera. And this basically sounds just like the conversation that I've heard here today. So I think that in -- in -- in regards to what we're dealing with respect to Juneteenth, and looking at an eradication of we know of as indigent servitude and/or slavery, that we say today as a State that we are no longer going to go backwards in time and that we will continue to move forward, as we have, in a progressive

manner here in our State Legislature to finally sign and vote on in the affirmative the Farm Workers bill.

I want to commend the sponsor of this very lofty piece of legislation, because black farm workers hardly ever get their light -- or the day in the sunlight with respect to all of the plight that we've had to go through. So, I look forward to the successful passage of this legislation. I think that this really is a -- it really sort of works with the ebb and flow that we've been, you know, some organizing around, and finally we are saying that the plagues of yesteryear with respect to the unsafe, inhumane conditions on many of the farms around our State and around our country are no longer acceptable. And that we have a valuable workforce that needs and deserves the dignity, the integrity in terms of their careers, just as any other workforce in our country.

So, thank you, Mr. Speaker, for allowing me to make that statement.

ACTING SPEAKER BRAUNSTEIN: Thank you, Mr. Walker.

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. I -- I'd like to clarify a misrepresentation I heard early on in the discussions we had regarding our farm --

ACTING SPEAKER BRAUNSTEIN: Excuse me, Mr. Ashby. Colleagues, we're on debate. If we could keep the conversations down. Thank you.

Continue, Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. I'd like to clarify a misrepresentation I heard early on in this discussion regarding family farms. Contrary to what the sponsor alluded to in the farming industry, I have several family farms in my district, Wysocki Farm, Schooled Orchards, Peter's Dairy, B. Josh Deli Farms, Oom Farms, Swart's Farms, Harrington Farms. Those aren't catchy trademark names. Those are family farms. And they continue to struggle today, even having two to three generations of family working on them. Some of them with progressive neurological disorders that continue to get up each day and work that farm. Some of them supporting family members who are profoundly disabled, continuing to get up each day to support that farm, working other jobs because of their belief in -- in their mission as farmers. According to the *New York Times* and our own New York State Department of Agriculture, we lose 100 farms, roughly, a year. From 2012 to 2017 we lost 550 farms. I know that this financial bottom line has been cited and agriculture being a booming industry, but the fact that we have a suicide hotline being passed out to our farmers certainly speaks and should indicate to the fragility of this issue. And it's underlying. So when we talk about making massive changes to this industry, we should really consider what we're doing to this industry, what we're doing to the workers that are -- that are going to be faced with this each day. I would encourage the sponsor and any member of this Body to visit farms in my district. It's not that far away. It's right across the river. Rensselaer County,

Columbia County, Washington County. Talk with them. The fact that we didn't have hearings on this throughout the State that are -- that are loaded with farms speaks to the level of interest, I think, in the Majority and this Body and the sponsor, at times, who doesn't want to hear from farmers. That's -- that's very surprising and it's disheartening, and I would encourage a no vote on this.

Thank you.

ACTING SPEAKER BRAUNSTEIN: Thank you.

Mr. Epstein.

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

ACTING SPEAKER BRAUNSTEIN: Would the sponsor yield?

MS. NOLAN: Always, Mr. Speaker.

ACTING SPEAKER BRAUNSTEIN: The sponsor yields, Mr. Epstein.

MR. EPSTEIN: Yes. Assemblywoman Nolan, just -- just -- I -- I want to hear more about the balance that you tried to capture between farm workers and farmers in crafting this bill. Can you kind of educate us a little more here?

MS. NOLAN: Earlier in the debate, but I'm happy to repeat it again. We did - and I thank the sponsor -- the gentleman for asking me that because as colleague Bronson said, we did try to thread the needle in a fair way. We are listening to the farmers of our State. The original legislation had a 40-hour overtime trigger, as most workers in our State enjoy. We agreed, in the interests of moving

forward and in the unique challenges that the farm industry faces, to go to a 60-hour trigger. We also gave -- made a change in law so that people who were paying into unemployment insurance for H-2A workers will get a reduction in their unemployment insurance. We put in a day of rest feature, but the day of rest has to be agreed to. And they -- they can count rain and other things as the day of rest. So we put in a number of things that we think will keep the balance so that farmers who own farms in our State can continue to be successful, and yet give workers some basic protections that, again, the New York State Labor Relations Act which granted collective bargaining rights to employers -- employees was passed in 1937. It specifically excluded farm laborers. We've also modified or taken away their ability to strike, which was a very serious, very serious compromise in my part. But we did agree because the Farm Bureau itself, which, again, has been part of the discussion, has agreed to a no lockout card check type of process. So each step of the way we tried to match a compromise for the farm laborers with a compromise for the farmers, and walked them in tandem through the wage board and other things.

MR. EPSTEIN: Thank you.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: I -- I really want to thank the sponsor to try to figure out a compromise here. And it's our job as legislators around the State to think about the interests of every one. As someone who lives in New York City, it's our job to think about

supporting farmers going from being a part of our community and supporting agriculture, which I've been doing for almost 20 years, going to farms and working on a farm, which I've done. Having friends who -- who run farms. The people from my community go up to start farms around the State. Those are the things that we do in New York City. That's our job to understand it. And to say that going from 40 to 60 hours isn't a compromise, is exactly what that is. The understanding of the needs of family farms, understanding the needs of larger farm by making compromises is exactly what this bill seeks to do. But it also seeks to create bargaining power for people who are powerless. And what we're empowered to do here is to think about people who do not have power in our society. That's exactly what farm workers are like. They don't have power. They don't have rights to organize that we're going to create. They don't have the ability to get a day off or, say, one day every seven days. We're not even saying what day that is to give flexibility to farmers and make sure they -- they farm. As a person who is on the Agriculture Committee, we hear these concerns of farmers and we respect it. That's why we're looking at doing studying, what's going on on farms, understanding what the impact it has. But also thinking about the goals of not pitting farmers against farm workers. Farm workers need to have a right and need to have a protection. Our job is to protect those farm workers. And so we hear that people in New York City shouldn't be commenting on these or shouldn't be the sponsors of these bills. But we see this happening all the time, as we heard earlier. When we debated the rent

laws which affect millions of people in New York and tens of thousands of people in my district, I didn't hear folks not speaking on it. I didn't hear people saying -- not commenting on it. Things that affect all of us, we have an obligation to use our hearts and our minds to make the best decision. And that's what we're trying to do here. That's why we're pushing for this, and that's why I applaud the sponsor for pushing this bill forward, and I implore us all to vote in favor of this bill.

Thank you.

ACTING SPEAKER AUBRY: Mr. Ramos.

MR. RAMOS: Mr. Speaker, I commend the sponsor on this bill that defends the rights of farms workers. And -- and when I listen to the debate here, I get déjà vu. It's kind of the same -- same dynamic that we hear over and over again. Employers above employees. Economic interests above workers' rights. An industry more important than workers, predominantly people of color working. The same dynamic is déjà vu. We hear this all -- all the time. If we were to take this debate and rewind and go back in time, this same debate, go back to the time when they were talking about freeing the slaves. You would hear the same thing. The industry can't support it. We -- you know, it's just -- we're not ready for this, because it is going devastate agriculture. We need to be able to exploit human beings in labor. We need their labor in order for our country to move forward and our economy to have an advantage. Profits over people. We fast-forward a little to after the slaves were freed and we had

sharecroppers, as -- as was mentioned here, and they started off basically working for food because there were very few options. And when people started to stand up for their rights, we heard this same debate transposed to the early 1900's. Well, no, we can't start paying them wages. You know, they're -- they're able to plant their own crops and they can live on -- on that, and we need their labor. And it's going to hurt the industry if we don't allow a -- allow a system that exploits these farm workers. And then we go further up when we start talking about paying them the same minimum wage as everybody else. Because for a long time - and I remember when I was young - farm workers were allowed to be paid way below minimum wage. They were marginalized. And that same debate -- we can't because this way people can have their fruits very cheap and they can have their agricultural products and we have to have that. And that's more important than people. Fast-forward to June 2019. We're asking for them to have the same rights as any other worker. Compensation, decent wages, a day off to rest, and we're being told, *But the industry is going to be hurt*. That same reoccurring dynamic, that same dynamic of powerful against poor. Against people of color. Industry against workers. This is déjà vu over and over again.

I urge my colleagues to vote yes on this. I urge the Senate to stand up and do what's right and ratify this in the Senate. It is important that we pass this historic bill and do what's right for everybody. How can we ever in our minds have it as a given that if it's profitable, it's all right to marginalize any group? Any industry that

relies on marginalizing and exploiting as their profit mar -- profit margin should rethink a business model. How can we look at this with any sense of humanity and say, *No, of course we want cheaper food*. So let's marginalize people. Even at minimum wage and with the bare minimum that they're entitled to, it's almost impossible to live in New York State. But we want to take more from them. So I urge all my colleagues to do the right thing and yes -- and vote yes on this historic bill.

ACTING SPEAKER AUBRY: Thank you.

Ms. Lifton.

MS. LIFTON: Yes, Mr. Speaker.

On the bill.

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

MS. LIFTON: I want to thank the sponsor for all of her hard work over so many years on this important legislation. I was raised in Upstate New York, I was raised in Geneseo in Livingston County. A very rural county with lots of farms. I've been on many of those farms as a child and had friends who were on farms. I taught later kids who worked on farms with their families. Now I'm in Tompkins County, another rural county with lots of farms. I have visited many of those farms. I've listened to our farmers, I've listened to our farm workers. Our farmers work very hard. They're good and decent people. The people who work on our farms also work very hard. They are good and decent people. They mostly work very, very

well together. But this bill is about getting uniform State Law, about creating fairness across the board. It's about compromise. I'm grateful as I relayed the concerns from my farmers to the Assembly leadership, to the sponsor of this bill, I'm very grateful that they have listened carefully. They have gone to great lengths to make good compromises, especially on the issue of farm -- overtime that, as many people have said, is so important to farmers. And farm workers understand that issue very, very well. They certainly do want to keep their jobs on our New York State farms. And we now have a good and fair bill that I'm only too happy to vote for, Mr. Speaker.

Thank you. I urge all of my colleagues to support this bill.

ACTING SPEAKER AUBRY: Thank you.

For a second, Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. I just want to touch on a few things that's been said since I last addressed my colleagues. First of all, I think it's pretty sad that it seems like we are pitting the hard-working, dedicated farm workers against the farm owners and farm operators. Secondly, I want to remind my colleagues that it was a former administration that stopped the dairy milk program in our school system, which *devastated, devastated* the milk market. And when we use the phrase "profits over people," please know what you're talking about because let me tell you something. There is not one rich farmer in New York State. They aren't rich. Okay? Because they worked their tail off and they have to reinvest into their farms,

because most of them work. Like I said, there are no profits in farming. That's why we're in this place. That's why we're debating this bill. Because the farmer can't afford the increase in labor to keep their operation going, which goes back to the pricing and the market price of their product. I wholeheartedly commend the sponsor on this bill and would be happy, again, to work with her. But let's go after the real problem. It's the pricing. And I also reach out to my colleague, Mr. Crespo. I'd be happy to work with you, sir. I would never sit here and debate a bill that's important to you in the Bronx, but I could tell you that I would be there for you if it's going to help your people. Now I need your help because this affects my people.

So I'm going to tell all of you, I ask you to reconsider. If you were a yes on this bill, reconsider. Reconsider to go back and let's make this bill better, but let's also put pressure on our Senate and congressional colleagues in the Federal government to do what's right for the American farmer. It will help those people up there. But the real problem is and the reason why we're debating this bill is our farmers can't afford to pay any more in labor than what they're already paying. They'll be out of business. And I said this before. Don't kid yourself. We in this country take way too much for granted. There may come a day, no farms, no food.

So I say to each one of my colleagues, please think long and hard. We can do better with this bill. And I say God bless each and every one of you and God bless the American farmer and those workers up there. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

On the bill again, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: I apologize, I lost my train of thought a little bit from when I was speaking earlier, but I'll try to bring it back to where it needs to go. As we -- as we've talked about this bill for going on four hours now, and as I was explaining before, having -- having been a farmer, am a farmer, having worked with many of these individuals on my farm, and knowing who they are, what they stand for, and how truly they are there not only to make money, but to be part of my farm, part of my farming operation. These are not just employees. These are individuals that are helping me on my farm business, and believe -- believe me, nothing's taken for granted for these employees. And I -- I do commend the sponsor of the bill on -- on some of the things that were brought up, as I said earlier. And I -- I don't know of any farmer that does not want to give more money to their employees. But because of the economic structure of New York State, it is absolutely virtually impossible right now. I know this bill's been around for many, many years. But speaking as a farmer and for the farmers and for the employees, the individuals up there, we need to be very careful on where we're going to go with us. And I've been thinking about how to drive this home a

little harder -- or a little easier for everybody. And I've been thinking about this for quite some time, and the day off. My farming operation, we do not work Sundays. We gave the employees the day off. Did they like it? Absolutely not. Some of them did, but most of them didn't like it. Most of them wanted to work. And they were there to work, believe it or not, and they enjoy the work. But they enjoy being there, being part of the operation. And -- and I was kind of thinking back to this, this day off, this day off, this day off. We've got to make sure we mandate a day off, or at least a choice they have the day off. And I keep going back to our budget process here for the first time this year. We had to have the budget in place on April 1st. And I watched our staff members, whether they're my -- my office staff, the staff of our Conference, the staff of the Assembly, the staff that's here tonight -- or today, I guess -- today right now, the staff that's here today. Look how hard these individuals, these men and women, work for us in this Assembly. What they've did not because they have to, but because they enjoy what they do. They enjoy being part of the process. They enjoy bringing that stuff back to us, making sure we get our stuff done for all of New York State. Could you imagine if these individuals workers said, Okay. I've worked 11 days straight. It's two days before the budget. We're taking the day off. Should they have that choice? Absolutely. Why should they not have that same choice, the same choice that we're asking for the individuals on our farms? So why I'm going there, the direction I'm going is it's not just about the farm workers. This is about everybody that works for us here. We're

asking our members of our Conference, our members of this legislative entity, our office members to put in a lot of hours for us. Many, many, many hours. Well above some of the -- the hours that are worked on the farm. And if somebody says that farm work is hard, it absolutely is. But I can tell you what. I've been that farmer. And my workers are working 60 or 70 hours. I'm working 80 or 90 because I want to make sure they're ready to go. I want to make sure the job is there for them, making sure they have the ability to crop the harvest. Well, the same thing here. That's what our -- that's what's going on with our workers here on this floor. We need to help everybody. We truly do. And I want to give everything to these -- to these employees, absolutely. But the economics just does not allow that right now. So depending on where this bill goes, please. We've -- we've learned a lot from many of the speakers and -- and from the sponsor and what was brought forward in the roundtable discussions. I'm here to work with our colleagues. I'm here to push this forward in -- in a way that will benefit everyone. But I know right now if we push this forward with what's in this -- what's in this bill text, there's a good chance there's not going to be a lot of these individuals working here because they're going to go to another state where it's easier to work. And not because they want to, but because some of us, as farmers, are going to go out of business. Listen, we can say everything we want from every other organization, but I've lived this each and every single day, making sure that my employees have a job to come to, making sure they make a wage. Even at one point when

we only had 50 percent of a crop, I kept my employees on and I took a part-time job and took that money and gave it to my employees through the process because they are so important to us.

So, back to the bill. I just urge that we take our time and we really think about what we're going to do here. If we're going to hurt this number one industry in New York State, we better have a good -- a good reason why. And the times I've been in Europe, we have cheap food in the United States. We have cheap food here in New York State. You can't have cheap food and cheap labor. So we've got to work together, especially here in New York State, especially for our farmers, especially for these employees, making this happen. If we can change this bill a little bit, I would support it. Right now I cannot support it, I'm going to ask my colleagues not to support this bill at this time. But truly, it's not about the employees. It's about making this work and the economics of New York State.

So please, I urge you to vote no. Not because we don't want to help people, but because we need to make this work for everyone. Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for a -- just a quick second?

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

MS. NOLAN: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Ms. Nolan. Just really, I don't know if it's so much a question, just something to clarify. I think I know the answer, I just wasn't sure. I didn't get a chance to ask when we were talking before. As you're aware, a lot of farmers pay for housing and transportation costs for immigrant workers who come in. Now with this collective bargaining, is that something that can -- is -- is it going to be able to be taken into account when they're talking about wages and benefits, or is that something totally separate? I just wasn't sure of the answer to that.

MS. NOLAN: It's separate. And I -- I want to point out -- and I appreciate so much the gentleman's question that the section regarding housing will not go into effect until January of 2021, which will give our farm employer community time with our State budget, hopefully to do more support for them. And I also want to remind the Body that, remember, they also charge when housing and -- and other things are provided because of the distances and things like that. They -- they do charge the employees a -- a rate for the housing and what have you. So it's a -- like many things here, it's sort of two-way street in this very unique industry, and we're trying to thread the needle to keep the industry good, but also help the workers.

MR. PALMESANO: Thank you, Ms. Nolan. I know it's been a long day. I appreciate your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the -- excuse me

-- on the bill, sir.

MR. PALMESANO: Mr. Speaker, and my colleagues, listen, I know some of you have taken the time to sit down and meet with our farmers in an agricultural community, and I know when you did that it was sincere and genuine. I appreciate that. I know our farmers appreciate that. And I know some of you -- some friends have come up to visit, have been on farms in my district, have been to a dairy farm, have been to a vineyard, have been to a potato farm, took the time to listen and talk to our farmers. In my region, I know how much our farmers appreciated that. I just wanted you guys to know how much I appreciate that. It was very sincere and it -- and it was a great thing. And I know some of you have conducted some roundtables. But Mr. Speaker, and my colleagues, as a legislative Body, by not -- by not holding public hearings around the State in every agricultural region of this State, not even just one public hearing. And -- and -- and, you know, people say it wasn't necessary. I think you sent a very clear and, quite frankly, damaging message to our farmers and our agriculture industry that their input wasn't needed or valued. It did not need to be heard. And unfortunately, Mr. Speaker, and my colleagues, this bill we have before us is, quite frankly, going to destroy the family farm in New York State. Make no mistake about it. That's exactly what this bill is going to end up doing. It's going to destroy the family farm in New York State. I know some have said there was a negotiation, there was a compromise with the Farm Bureau on all this. I have a different take on that. Yes, I know

there are some provisions in the bill making it 60 hours, but that wage board can change that within a year. There's other things that can change at any time. And I don't -- I didn't view this as a negotiation or a compromise. I viewed it a little differently. It was a choice.

Basically, it was either a gun to the head or cut off the arm. A gun to the head, that's a quick death. But if you cut off the arm, you're still going to bleed out and you're still going to die. That's what's going to happen to the family farm in New York State. That's what I'm

concerned about. That's what a number of my colleagues are concerned about. And you say, well, how can I make that claim?

Well, let me go through some of the statistics again. I didn't make these numbers up, these are factual numbers. First, 98 percent of the farms in New York State are family-owned farms. Yes, I know some say it's a billion-dollar industry. Yes. But that doesn't mean our farmers are doing well. They're not. And I want to give you some numbers to back it up. There was a credit -- a study done by Farm Credit East in 2016, prior to the minimum wage passage. That study showed that farm labor costs as a percentage of net farm income in New York State -- or in the country was 36 percent, 36 percent in the country. But farm labor costs as a percentage of net farm income in New York State was 63 percent. So what does that tell you? That already tells me that the farmers in New York State already are at a severe competitive disadvantage to our farmers in other competitor -- in other states. We've lost 20 percent of our dairy farms in New York State over the past five years. Twenty percent of our dairy farms are

gone. The original bill - I know it's not the original bill - the study showed that would increase farm labor costs by \$300 million or 20 percent, and decrease net farm income by 25 percent. So maybe it's not that much, but they're still -- we can't deny there's going to be a significant increase in farm labor costs and a significant decrease in net farm income. And this is on top of, ladies and gentlemen, my colleagues, net farm income in New York State over the past several years has already declined by 50 percent. And let me remind you, this has come up over and over. Our farmers have little or no control over the prices they receive for the products they produce. Unlike other businesses like manufacturers who make a product, they can increase the price when the costs rise up. Our farmers cannot do that. It's impossible. I know some have said, *Well, I'll pay more for a gallon of milk.* That doesn't happen. It doesn't work that way. Our farmers are struggling. My colleagues, my friends, I know many of you want for your families and your constituents your milk, your vegetables, your fruit at a good price as soon as you get it, when you want it. But let me tell you, that just does not happen. There's a tremendous investment in costs to a farm. I know when you -- again, I'll re -- repeat that when you hear billions of dollars, you'd think, well, the farmer's rich, he's making a big profit. No, he's not. The -- or he or she is not. The farmer is not making a big profit. Again, I already talked to you about how net farm income is declined 50 percent over the past several years, and will decline under this bill. Our farmers are cash poor. Yes, they have land. You're going to say well, they have

all this land, they're wealthy. Yeah, they might have land, but ladies and gentlemen, they're not land rich. They have mortgages and double mortgages and second mortgages and triple mortgages. They are -- they are financed to the top that they can do. Put on top of it the highest property taxes they pay. Some hundreds of thousands of dollars in property taxes. Equipment. A -- a tractor or equipment to run a farm costs \$250- to \$500,000 or more. This is just not something they can write a check for. They have to finance it. They can't finance anymore. They are suffering. Even feed costs are costs -- some -- are their biggest cost. I remember when we visited a farm with my colleagues who came up, we were talking to the dairy farmer and we talked about her property taxes, we talked about the equipment. And I know you remember, they said their biggest costs were their feed costs. This is a challenge. Again, my colleagues, they cannot increase the price that they receive for the product they receive. They can't do it. We can't just pay more for a gallon of milk. It doesn't happen that way. It's not like any other business. Do you know how heavily regulated the agricultural industry and family -- and farms are? Federal, State and local, what they're facing? They're just trying to stay afloat, my colleagues. They're just trying to preserve their heritage. They're generational farms, they're family farms. But you know what? Maybe -- maybe, just maybe, you would've heard that message if you had public hearings around the State like the farmers asked, like our Conference asked of you. Why not have hearings around the State? This bill is too big, too important.

Something like that deserved to be viewed. At least the Senate had three hearings. Why couldn't the Assembly hold one hearing or several hearings? It sends the wrong message. It sends a very wrong message. You chose not to do it. You didn't think we needed to do it. That's unfortunate, that's very sad. You must thought you knew what's best instead of listening to the farmer. And let me add, some of our biggest advocates for our immigrant farm laborer is our farmer. They try to help. I know when -- years ago I used to work for a congressman and tried to get immigrant farmers to come -- labor to come over and having problems trying to help. The farmers were the ones that were advocating, trying to provide help. Providing housing, providing transportation. These are the things they want to do. They want to help the -- the farmer -- the fam -- the -- the -- the farm worker.

So, my colleagues, since I conclude my comments on this debate, as more -- as a result of this bill, as more and more of our family farms continue to close and are not going to be able to pass on their family farm to the next generation or family member, let me remind you, and I hope you remember one simple fact. If there are no farms, there is no food. If there are no farms, there are no farm workers.

Mr. Speaker, I'm going to be voting in the negative. This is a disappointing day, and I urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Blankenbush.

MR. BLANKENBUSH: Thank you, Mr. Speaker.

Will the sponsor yield?

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

MS. NOLAN: With pleasure, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Nolan yields, sir.

MR. BLANKENBUSH: I just had one question before I got beeped out, and so I'll bring that back to you. And I haven't heard anyone bring this up, so I just wanted clarification on something for me. As the -- the union election process -- or the single-employee organization, how -- how is that going to work?

MS. NOLAN: The collective bargaining rights deem individuals employed as farm laborers to be employees and grant them the right to organ [sic] and bargain collectively. It does not include a right to strike or conduct a stoppage or slow down, which as you know was of great concern to me. But it does also prohibit the employer from conducting a lockout. If employees are faced with selecting or rejecting one union organization, such choice shall be ascertained on the basis of dues, deductions, authorizations, rather than by election. An impasse would be established to resolve disputes, and the terms of any expired agreement would continue until a new agreement is reached. I don't know if that totally answers your question, but --

MR. BLANKENBUSH: So --

MS. NOLAN: -- the collective bargaining would be

done by -- individual unions may, indeed, compete against each other to try to sign people up.

MR. BLANKENBUSH: So I'm -- I'm talking about the individual worker, the -- the -- they -- the individual worker will not vote whether they want to participate in the union or not?

MS. NOLAN: Well, you -- you'd vote for a contract, but you -- but that wouldn't -- that's not the first step. The first step is the card check that says you want to be in a union.

MR. BLANKENBUSH: Card check for deduction on --

MS. NOLAN: That you want to be in a union. Right, a -- a dues deduction. Yes. I'm sorry. You're correct, a dues deduction through a card check.

MR. BLANKENBUSH: So if -- if a worker checks that block, say there's 20 -- 20 workers in a farm, 11 of them check the block, nine don't. They win. It's a win. So my -- my concern about that is that with -- because of not being a secret ballot type of an election, I am concerned that some of the workers who do not want to participate would have some peer pressure put on them so that they -- they won't be able to reflect their own individual vote. So why wouldn't we do a secret ballot type of thing to see whether the majority wins or loses? I....

MS. NOLAN: Card check actually has an element of secrecy to it. You -- you fill out your card and you hand it in. So there's less, I think in some ways, opportunity for peer pressure

because it's almost like a ballot. You know, your card check is your -- your private expression of your feelings. So there was a lot of feeling -- I think if I understand the negotiations correctly, there were people on the employer side, as well as the labor side, who felt that this would expedite things. Things could be resolved more quickly with less labor unrest, if you will, and -- and having a kind of a quick resolution. Especially remember, no strike provision would give the employers a strong hand, if you will, to try to move it forward and -- and allow them to come to quick agreements with various parts of the AFL-CIO.

MR. BLANKENBUSH: Okay. Thank you.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLANKENBUSH: During this debate I've heard a couple things that I just want to clarify and -- and mention. First -- first of all, I want to thank the Chairman of the Labor Committee and the Chairman of the Ag Committee for the roundtable that I participated in. It was a cross-section of many of us sitting there. And actually, I just want to commend the sponsor. She sat there for the four hours and never said a word until the very end. So her -- she was, I think, moaning and groaning a couple times, but -- and -- as a -- as a matter of fact, we were supposed to be done at 4:00 and the Chairman extended it to at least 5:00. So there was good discussions going on between all of the members of that community. But I want to -- I want to mention one thing that was said in that

meeting about the market, the produce going to Hunts Point or down into the City. One of the -- one of the women that were there who was a grower made the comment that it's getting harder and harder to compete when she goes down into those marketplaces because she's competing against New Jersey and Pennsylvania. Her comment is that if something like this happens, the bill passes, she would not be able to compete and she would not be able to bring those produce down to New York City, where it was mentioned just a little while ago. So we've got to -- we've got to listen to the full stories when we're listening to -- to the farmers and to the growers. I just wanted to mention that.

I also heard about the cost of milk. And I -- I -- I've been to several meetings in my district and we've heard it during that open meeting. And I'm not going to -- I'm not going to go on much to say about that because every one of the speakers have mentioned that except for this: In years past -- excuse me -- in years past, you could go back -- and slumps in the market for milk usually would last a three-year cycle and then they'd pull out of it. We are now in the fifth year of that low -- low pricing on milk. Now, I can do math. I know who the President was five years ago. So let's not confuse the issue by bringing up when and where the cost of milk started to be low. It started five years ago. And I'm not blaming anybody, except that let's be clear. This just didn't happen two years ago.

The other thing I want to mention is during this debate, I've heard -- I've heard about California and Florida. Why

we're comparing California and Florida to New York is beyond me because California and Florida have a 12-month growing season. Twelve months. Here, we're lucky if we have six to seven months. So for growing our products here in the State of New York, you can't compare the differences in California and Florida who can produce those products year-round. So, it's an unfair comparison.

The other thing I -- the other thing I heard, again, at that roundtable, was that the farmers talking about the H-2A workers and how restricted and how they are regulated and -- and inspected and so forth about certainly the housing, and they have to keep the housing up. These are regulated -- this is a regulated industry by -- by those -- the Department of Health, I believe, is the one that does that. So that housing is not charged. They are living on -- the H-2A workers are living on that property, the housing is given to them by the farmer. And regulated and regulated and inspected and inspected. So, the housing is -- is an issue that the farmers have taken care of. The other thing I -- the other thing I -- I worry or am a little concerned about is that if a worker came to my office and talked to me about conditions on a farm, like was said by our member who said she visited a lot of farms, if I had someone come to my office and talk to me about conditions on the XYZ farm and how bad they were, the first thing I would do, number one, I would call the Department of Labor -- or the Department of Health I think it is, excuse me. And I would report the farm and they have a -- they have people in the Department of Labor that do spot checks on farms. They do it every year. They

can't hit every farm, but they hit farms and they inspect those farms and they write those farms up for anything or any violations that they do. The last figures I heard, most of the violations that are written up are because the farmer didn't have the Department of Labor -- Department of Labor postings in the right place for the farmers to look at. But for me, something that -- living in an agricultural area, if a farmer came to -- if a worker came to me and talked about how bad things are on that farm, I know I could pick the phone up and call the Department of Labor -- I think it's Health -- Department of Health, report that, and they would be inspected there. Why we haven't done that, why we just sit there and listen to them and then say, *Well, I might as well put a bill in.* We already have protections for the farmers. And for someone in this House to sit there and listen to complaints on a farmer and not follow up to help that worker I -- is -- I just can't believe that that's done. So by sitting around, putting his name in a file, talking about it in open sessions and not doing anything about it, I don't understand it. I would call and I would have an inspection on that farm, and it would've been done the right way.

I encourage everybody in the House here to be voting no on this bill. The one thing that I want to talk about is the word "compromise." The compromise that happened is not really a compromise in -- in one sense. And that's like my colleagues have said. The 60-hour overtime work week is not a guarantee. It's not set in writing except for right now, and can be changed in the middle of next year by the wage -- wage -- wage board. So the compromise was

to put it up right now so everybody could talk about 60 hours, but they're not talking about how the world -- we can change that in an about a year-and-a half or less. So I encourage my members in this House to be voting no. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Friend.

MR. FRIEND: Mr. Speaker, will the sponsor yield?

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

MS. NOLAN: With pleasure, Mr. Speaker, and my colleagues.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. FRIEND: Thank you, Cathy. Just -- I'm just kind of curious. I have an apple orchard in district, and they like to -- they have far more than they can actually pick on their own and they have to donate some of those apples to the food bank. If the food bank brings in people to pick those apples, how does -- does that get caught up in any of this legislation? Under labor agreements or anything, or...

MS. NOLAN: If -- if they're not paid, they're not employees. So those pickers that want to do that as a charitable thing, they're not getting paid to begin with. They're volunteering.

MR. FRIEND: Okay. But if they have -- if they were to have employees pick those to donate, is there any kind of exemption or break for them?

MS. NOLAN: Well, it would really depend on who

they're employees of. Is it a -- is it a company in Upstate. Is it the University sending people and they're -- I mean, a lot of that would -- I'm sure will work out as we go through the stages of the bill.

MR. FRIEND: Okay. So just as long as they're kind of designated as volunteers in some respect, then it wouldn't fall under this law then?

MS. NOLAN: Right. Volunteers are not employees.

MR. FRIEND: Okay. Thank you very much.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FRIEND: I'm going to carry back -- get back to the memo of opposition that I was reading from the various organizations across the State. So they -- they begin their letter by stating, *For the past six months, hundreds of farmers and farm workers spent countless hours meeting with legislators, testifying at hearings, hosting legislative farm tours, engaging in roundtable discussions, and turning out for a rally at the Capitol to tell their story and demonstrate that there is a path forward to address civil rights issues while not unduly burdening our farm families. They [sic] are appreciative of the leadership and support from Senate and Assembly legislators who worked tirelessly to find this path forward while keeping our New York agriculture industry in business. On this last day of the State legislative Session, we unfortunately announce that our work is incomplete and does not receive our endorsement. The Senate and Assembly bill that will be debated today does not create a*

path that will assure an economically-viable New York agricultural industry. Unfortunately, this bill will hurt farm workers the most because their work hours will be restricted and their income reduced. New York's agricultural community will continue to work to find the balance required to grow New York farms and keep farm workers working. Over the past several days, New York's agricultural community has been seeking to correct four fundamental flaws contained in the new legislation that was drafted this past weekend and submitted on 6/16. If these flaws remain, we recommend legislators vote no on both the Assembly and Senate bill. The agriculture community is concerned about, number one, requiring wages paid at an overtime rate on the prescribed day of rest if the employee accepts additional hours by declining the option of a day off. As it is currently written, managing payroll costs and the workers' objectives to optimize their time and wages will lead to several realities: Number one, reduced farm worker earnings and wages because farmers cannot afford to pay overtime. Number two, extended work days, forcing 60 hours into six days to ensure wages are paid at straight time. Number three, a shut down of farm operations when storms and other weather-related events interrupt work schedules, creating statutorily-compliant periods of rest. And number four, a dissatisfied and unstable farm workforce. The welfare of animals and crops will be compromised due to workers seeking other opportunities that optimize their wages.

Their second concern with the bill, limiting the family

farm definition to parents, spouses, and children. *This limitation fails to recognize that many extended families have consolidated agricultural operations, and that the involvement of various family members of multiple generations and degrees of separation is routine. This element of this legislation is punitive to those who seek to maintain the agricultural tradition and interest in the family business.*

Their third concern with the legislation is, The composition of the wage board is too narrow, and its associated actions recklessly implemented. The Assembly and Senate establish statutory provisions and legislative intent. Its authority is among the essential elements of the separation of powers. It should not yield its authority to a three-member board appointed by the Executive, which is -- which allows a quorum for action of only two members, and its role be advisory to the Legislature. The deadline imposed for the first mandated hearing on farm overtime provisions, only two months after the bill's enactment, is not practical or workable for the farm community. The farmers to which these provisions apply will just be dealing with the early, initial impacts of a new 60-hour overtime threshold on the industry. In addition, the appointees to the Body fail to include the State's key agency expert on agriculture issues, the State Commissioner of the Department of Agriculture and Markets.

Their fourth concern, *Collective bargaining requires fairness for both farm workers and farmers. Elections conducted without the sanctity of a secret ballot open questions of integrity of the vote. Adequate time for voluntarily resolving disputes must be*

incorporated. In the absence of these amendments to the legislation, New York's agriculture community urges you to oppose this bill. And again, this is signed by the New York Farm Bureau, the New York State Vegetable Growers Association, the Northeast Dairy Producers Association, the New York Apple Association, the Agri-Mark Dairy Cooperative, The Upstate Niagara Cooperative, Cayuga Marketing, Cayuga Marketing Ingredients, Empire State Council of Agricultural Organizations, the New York State Horticulture Society, the New York Wine Industry Association, the New York Wine Grape Growers, the Long Island Wine Council, Agricultural Affiliates, Northeast Agribusiness and Feed Alliance, Empire State Forest Products Association, New York Association of Agricultural Educators and the New York Thoroughbred Breeders, Inc.

Mr. Speaker, I think the intentions were well-intentioned in this bill. I think everybody wants to look out for the benefit and the welfare of those that are helping us to thrive and looking after the community at heart. Unfortunately, more time is needed to come to a solid agreement to advance this bill. And to rush it forward at this early hour would be unjust to the farmers in our community. At this point, this bill targets our small businesses, our small farmers, and puts our family business, family farms at peril. This means that we're looking at the mega farm operation coming to New York. And I really don't think anybody really wants that. As I mentioned, when I was growing up you could drive down the road and see 10 to 11 farms on just about any drive -- road you drove on.

Today you're lucky if you see one. And many of those farms that do exist are now being rented by -- by tenants. They're not even an individual family farm operating them anymore. And they're only there long enough until a solar farm can come in place. And a solar farm, I'm sorry, is not a farm. Once you put a solar panel on that, that land is locked up 20 to 30 years, and that land becomes useless to farming. It takes years to reclaim a farming -- piece of farm pasture. Years, decades. And you're looking at just dissolving that overnight with this legislation. That is wrong. It's not the right path for New York.

I urge a no vote. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: I come from Upstate New York.

Erie, Niagara and Orleans Counties. And in my district there are acres and acres of farmland. We have orchards. We have farms, dairy farms. And I've visited them, I've been on these farms. And I always look to the young farmer on the land. And I go up to the young farmer and I say to them, *Why have you chosen to stay in the industry?* And they look at me and they smile. And they say, *It's part of my family. It's part of my tradition. It's part of my blood.* And I always go to the young person because I want to know what they're thinking about the future. And in this Chamber, we must look towards the future. And

we have disagreements on where that future should be for the Empire State. But, my friends, we are the Empire State. And the reason why we're the Empire State is not just because of New York City. It's because of the entire State. We moved forward over our time through our infrastructure and our agriculture and we realized that we needed to expand and grow. And when I talk then to the older farmers, I see the struggle in their eyes. I worry about -- they worry about their children, and how are these farms going to survive under the current conditions that we have. It is a struggle. And we all need food. It's a common factor. And our farms and our agriculture community is a critical part of our life and about our economy, and making sure we're all protected. Oftentimes in our State Legislature, in our laws, there are protections carved out for the agricultural community because the -- the Legislatures before us recognized the importance and the value of having farms in our communities. I will tell you this, too. When I go on to our farms, particularly in my area, and I grab an apple off the tree, it is the best apple I would eat anywhere in the world. The same can go for our peaches and our cherries and for our vegetables. And I'm really afraid that this bill just goes too far for our hard-working family farms. And that these young farmers who I speak with who are so proud to be on that farm, to carry on the tradition and to provide for all of us, provide for all New Yorkers, is going to be severely damaged by this legislation. And I just stand today to ask my colleagues to reconsider. And I know it will likely pass because that's how things go here. But please, have more public hearings. Have

more debate. Take into consideration the future of our farmers. The generations that are going to come long after all of us are in this Chamber. It is an important industry. It's critical. And I -- as you can tell, I'm very passionate about it. Just -- not just because I have farms in my district, but it affects everyone's district and everyone in the State of New York.

And I wanted to just point out a couple of things. It is a unique industry. It is seasonal. The farmers understand it, the workers understand it. And we must keep those considerations intact because the weather will come. Right now we had more rain this year. And they have to deal with the conditions as God puts the rain down.

So I just want to say I strongly oppose this bill because I think it's going to have a chilling effect on our current agricultural industry and also in the long-term, about the sustainability of our family farms in the long-term, decades from now, and on our crops and our -- and our future. Our farmers are struggling. We need this food. We need this agriculture. And I think it's very, very important that we take these things into consideration as we deliberate this bill in its final hours.

Mr. Speaker, thank you very much for the opportunity to speak and address my colleagues.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Buttenschon.

MS. BUTTENSCHON: On the bill.

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

MS. BUTTENSCHON: I appreciate the sponsor and my colleagues' concerns for our farmers and farm workers, as I also understand the importance of ensuring that all workers in New York State are treated with respect, dignity and are safe during their work day or night. New York farmers are very diverse. They range from dairy to meat livestock and vegetable, fruit, grains, as well as items that we consider as shrubs, trees and other landscaping items. But many of these items we need to sustain. The first steps when considering collective bargaining is a process of numerous discussions between employers and employees aimed at coming to agreements to determine fair working conditions and benefits. I know that the sponsor has had discussions and meetings; however, we would benefit from further meetings as this industry is constantly changing, and the initial goals of this bill that were sought out may have changed over time. I also know that the sponsor has made great positive strides over the years, and so many in this field are proud to be called New York farmers or farm workers that are with us today. This industry also cannot be compared to any other. It is -- it is unique. And further discussions will determine that those in the field will be considered to have the fair areas that they need to be protected in. My constituents, my neighbors, our farmers and farm workers, as well as the recipients of many products that are produced on these farms, I am here to speak for them. They are pleading with us not to pass these concrete reg -- regulations, as they would have devastating effects on their livelihood. They have asked me to vote in the negative, and I urge my colleagues

to do the same, as I will be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Nolan.

MS. NOLAN: Thank you, Mr. Speaker, to close. I just would like to make sure that the record reflects a few facts on the bill. As I often do, I try to answer questions and I just want to make sure the record has certain things on it. This bill would establish the Farm Laborers Fair Labor Practices Act to grant collective bargaining rights, overtime, a day of rest and additional labor protections to the farm workers of our State. The New York State Labor Relations Act which granted collective bargaining rights to employees was passed in 1937. It specifically excluded farm laborers. Since then, these workers have been excluded from many other important labor rights and protections under the law. This bill attempts to right those wrongs, and give those workers those basic protections in a way that strikes a balance between the needs of this important industry in our State, and of course the very important rights of the workers.

I want to say, Mr. Speaker, and my colleagues, to all of my colleagues, I hope and really intend no disrespect. You know, I always joke that I did -- I was born in Syracuse, and yes, I have a Queens accent. But I say it with love for the Upstate farming communities. I say it with respect for the job that farmers in our State do. And I say it with an attention to detail that has taken me through, personally, a very long journey in support of this bill. It's common

today -- when I got here 35 years ago, members did not share personal experiences, but it's become common so I will just share a little bit of mine. I was a young woman growing up in Queens, just a little girl, really, with a father who had been a Fresh Air Fund kid who had worked on a vegetable farm in Jordan, New York from the ages of 7 to 17, and he loved the family that took him in. He did not have his father, he grew up in Queensbridge Houses, and he loved everything about Upstate New York. And he was very active in something called the Holy Names Society, which was, as some will remember, a great Catholic men's organization. And he came home one day in the 1960's and he said to my mother, *No more grapes. That's it. We're not eating grapes, we're not buying lettuce.* And in those days the wife did most of the food shopping, and my mother liked grapes. You know, still likes them today. Still lives, by the way, in Syracuse, New York. And said to him, *What are you, crazy? We love grapes.* My -- *Oh, no, no. Bobby Kennedy said can't buy those grapes. Robert Kennedy, our Senator in New York, and many other leaders in our State said can't buy those grapes.* We have to stand with these workers who are ill-treated. We have to stand with these workers who are excluded from basic protections, because my father was a shop steward in the phone company. He was such a dedicated member of the AFL-CIO that in the eighth grade he took me to Washington because we both loved politics. I'm a very typical oldest daughter. And what did we see? Not the Washington Monument, not the White House until the second day. The first thing we went to was the

headquarters of the AFL-CIO, which, frankly, wasn't open and wasn't letting us in. But it was a Saturday or a Sunday. But my father was a humble man. All he wanted to do was look at it. Someone asked me recently if I was a Fresh Air Fund kid because we certainly were not an affluent family. My father did not want that for us because we had him to provide. Because being a shop steward at the phone company meant he could take us to Hampton Bays for one week every summer, and to him that was just as good as him going up to Upstate to do what he did as -- as a young -- in those days, as I said, a Fresh Air Fund child. It was the union that brought us the vacation. It was the union that brought us the weekend. It was the union that brought him time-and-a-half when he worked Thanksgiving or Christmas because they were a quite a few of us and he wanted to provide. So I only bring these personal things up because each of us must ask ourselves today when we cast a vote on this bill, what are we doing to lift up everyone in our State? Believe me, colleagues, I have no desire to see the farm industry hurt. And I say to you today, I pledge my efforts as long as I stay in this Body and well past, to be a voice on behalf of the industry if there are things that happen here that we feel are too negative. And I want to say again, we -- over the years how many hearings we have had. If people feel they were not enough, my apologies. We will continue to listen and learn. But in our State, we have reports that literally go back to the 1930's to say we are not doing it right by these workers. In 1991, Governor Mario Cuomo put out a report with Cornell University that concluded that farm workers in New York

should be granted the right to organize unions and bargain collectively. It didn't happen. In 1995, our great colleagues Olga Mendez and Hector Diaz put out a report - and I noticed some other colleagues mentioned "Separate and Unequal" recommended collective bargaining rights for farm workers. It didn't happen. In 1999, I visited farms in, I think, it was Orange County - I don't want to make a mistake here - with the AFL-CIO and our great president of the AFL [sic] at that time, Denis Hughes, said, *This will be a long fight. But we will be there with you. We will get where we have to get.* Yes, in Orange County. I met with 100 farm workers, and I had a -- a newborn child at home that I -- God, he was such a good baby. I stashed him with my husband and made yet another trip up the Thruway out of Queens to go to that meeting. And Denis said to those farm workers, *It will be a long fight.* I have to say to you, 20 years later, colleagues, this is the day that the fight will now move to a -- a better resolution. And I believe it will be better for the businesses of our State as well. Treating people the right way, letting people be in a union. Giving them time-and-a-half or a day of rest if they work it, if they voluntarily agree to work it, is the way to prevent injuries, have happier employees and a more educated and sustainable workforce.

Senator Kennedy said, *Progress is a nice word. But change is its motivator, and change has its enemies.* People have been resistant to this change since 1937. But I say to you today, colleagues, at a time - as I said at the beginning of this debate - of great polarization in American life, we, in New York, are rejecting that

polarization. We criticize no one. We say today it's time to move forward for an extremely important sector of our workforce and give them the rights to collectively bargain and be in a union. To, yes, respect the farm community and put in a 60-hour trigger. And those of you that know me know how hard it was for me to agree to do that. But it was the right thing to do for the industry to set up wage boards, to put in a day of rest, to get the things that we got. It is a compromise, and it's a fair and good compromise that will help the economy of our State.

So I -- I don't want to belabor it. We're here, we're going to cast our votes. And a lot of members I want to thank when we explain our votes. But I would urge a yes vote on this bill for progress. For real progress and change, which is the motivator of that progress, and moving ever upward in our State as we do in New York. I urge my colleagues to cast a yes vote on this legislation.

(Applause/Cheers)

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

THE CLERK: This act shall take effect January 1, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Yes, thank you, Mr. Speaker, for

allowing me to explain my vote. I do would like to commend the sponsor of this piece of legislation, but I want to go back a little bit about history. I would like also to thank - rest in peace - former Senator Olga Mendez and Assemblyman -- former Assemblyman Hector Diaz. This bill, Mr. Speaker, has taken a big row, and I also would like to thank all the advocates who are here today and those who are not here since 1991. Because this issue has been a fight, has been a fight where some of these workers have walked miles to get to the Capitol to make sure that we'd be able to see this historical day here today. Workers do deserve collective bargaining. Workers do deserve work compensation. Workers do deserve unemployment benefits, and workers, Mr. Speaker, deserve a rest, at least one day off. And this should be the right in any job that we might have.

Mr. Speaker, I also would like to commend the sponsor of this bill, because when I got here in 1995 I got involved in an industry that I unveil injustices regarding the industry of sweatshop. She was there for me. She was the catalyst to make sure that we got justice for those workers as well. And some of the debate - and I heard here today about corporate America will lose money, farmers will lose. I will tell you this -- this, Mr. Speaker. Until today, we have passed legislation to make sure that we keep company accountable, and they have made more money today than they would the day before we passed our bill.

Mr. Speaker, I know that this bill is far from being correct -- to be correct. We need to address the issues of the housing.

We need to (inaudible) of (inaudible). And I close with this, Mr. Speaker - and this was a great leader from California who said this - "The fight is never about grapes or lettuce. It's about people." And I close quote, and that was Cesar (inaudible), Cesar (inaudible), Cesar Chavez. Muchas gracias. Thank you.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Mr. Crouch to explain his vote.

MR. CROUCH: Thank you, Mr. Speaker, to explain my vote. I guess we didn't get the memo that we could have a cheering session here today, otherwise we could have filled up all the seats with farmers and workers. And we could have had a -- a good time. You know, there's other elements of payroll. We talk about, you know, like the -- the workers have been taken advantage of and so forth, and we want to make sure they're paid well. There's a lot of farms that the payroll is one thing. Housing is another. Oftentimes, farmers supply housing. On my own farm, I had a worker there that -- I gave him an apartment, a three-bedroom apartment to utilize. And it was a nice apartment. My brother had lived there. Oftentimes, like on a dairy farm, they get all the milk that they can drink. If they've got six kids in their family, that can consume a lot of milk. And oftentimes, dairy farm, beef farm, if you've got workers on that -- that farm, you get half a beef or a whole beef for the course of the year. If you start raising things -- raising the cost of things, the farmers may back away. They may have to back away, just as a matter of cost

savings, in providing that apartment and have -- they may have to find someplace else to live. So again, we're maybe hurting the worker.

Price competition. We've talked about, you know, it's been mentioned, *Well, the price may have to go up a little bit.*

Farmers don't get that enjoyment of raising their price. If you're a vegetable grower, maybe if you're running a farm market. When I was out on Long Island visiting some vegetable farms out there, their biggest competitor was stuff -- material and vegetables coming in from Canada, going into New York City. Now again, we raise the price of farming in New York, especially out on Eastern Long Island, they're going to be out of the market. A lot has been said about the treatment of the farm workers. The -- the farmers have been demonized as not treating their workers well, and I'd like to really formally refute that.

So, Mr. -- Mr. Speaker, I'm encouraging a no vote on this, and let's look at the reality of it.

ACTING SPEAKER AUBRY: Mr. Crouch in the negative.

Mr. Steck.

MR. STECK: Thank you very much, Mr. Speaker. Forty-four years ago, as the sponsor alluded to, California passed the Agriculture Labor Relations Act of 1975, which provided for collective bargaining for farm workers in California. It gave farm workers in California far more rights than what is provided for in this bill, including the right under certain circumstances to strike. I'm very pleased today that New York State is finally moving into the modern

era with respect to the rights of agricultural workers. And I want to also point out that the surest way to economic disaster is to run a low-wage economy where people cannot spend money in the economic system. We've been doing that in Upstate New York for far too long. We've got to erase that philosophy and have a different approach.

For that reason, Mr. Speaker, I'll be voting in the affirmative on this bill.

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

Mr. Ramos.

MR. RAMOS: Thank you, Mr. Speaker, for this opportunity to explain my vote. It's been a very interesting debate, and I've heard many of my colleagues on the other side speak with a lot of benevolence towards -- towards the farm workers, and I want to believe that they -- that exists. The -- the idea that farmers have an affection for their workers and want to do the right thing, and I truly want to believe that that's true. And, you know, I -- I like that civil tone that we're talking about. Unfortunately, it's been two -- two centuries of exploitation of farms workers. And, you know, we've heard here about how the -- the contention that -- that some are putting profits before people, that that's not true. That farmers aren't really making profits. I was a cop for 20 years, and I remember the investigations of organized crime in the milk industry and the price fixing and the profits that were being made at that time. And we've

heard here talk about -- we even heard it brought up about the feed costs being a major element in farmers and how much of a burden that is. The workers have feed costs, too. They have to feed their families. And that's what this bill is about, trying to provide a circumstance in which they can support their families and do the right thing. You know, I remember in the 1960's when this industry, Geraldo Rivera exposed the housing conditions -- not in bad -- you know, a few bad apples -- throughout the countries, where migrant workers were living in horrendous conditions in New York and across the country. We had migrant workers who would come across en masse, thousands would come across the border, work on farms, and when it came time to pay them, the farmers would call Immigration and get them deported. This has been the history of this industry towards -- towards farm workers. But I hope that we are a new day. And although that we say that the farmers are actually -- somebody mentioned here the farmers are actually advocates. When we talked about improving the housing conditions, the farm industry said no. When we talked about driver's licenses, no. When it's raising minimum wage, no. When it's --

ACTING SPEAKER AUBRY: Mr. --

MR. RAMOS: -- Workers' Compensation, no. Overtime, no. Health insurance, no.

ACTING SPEAKER AUBRY: Mr. Ramos --

MR. RAMOS: But I urge my colleagues to vote yes on this bill. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Ramos in the affirmative.

Mr. Giglio.

MR. GIGLIO: Thank you, Mr. Speaker. I would like to remind everybody that farmers are people, too. And they are out there trying to do the best. And it's in their blood. That's why it's generational. But there's one other thing I would like to do. I would like to invite you to a farm auction. Not to the farm, but to a farm auction where you can see when they go bankrupt that their dreams are sold by component, and that those gentleman that have dedicated their life to their profession watch it leave piece by piece. Maybe they should think about that once in the while. And one more thing. In my district where agriculture and lumber are their biggest exports, the median income is in the mid-40's, the mid-\$40,000 range. There's no one rich there. There's nobody exploiting anybody there. And I'm a little bit tired of hearing it today.

And I will be voting in the negative. Thank you.

(Applause)

Mr. Giglio in the negative. Thank you. Thank you.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. I rise to explain my vote here today. I represent five counties in Upstate New York; Fulton, Herkimer, Oneida, St. Lawrence and Hamilton Counties. We have many farms across our agricultural sector which are almost all classified as small businesses. I believe they'll be

grievously hurt by an unreasonable labor bill that we're going to pass here today that will do -- do irreparable damage to our number one economic driver. This bill is a 30-year throwback that is being pushed onto a post-industrial economy in Upstate New York, one whose agricultural sector is very sophisticated, modern and very high-tech. I say today that our farmers deserve a level playing field to ensure that all of our people in New York have a safe, secure food supply where our tables are filled by our farms. Here in New York. Let's keep it that way here in New York.

I say that this shoe does not fit, and therefore, I cast my vote in the negative.

ACTING SPEAKER AUBRY: Mr. Smullen in the negative.

Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker. I would just like to commend the bill sponsor and the staff for their diligent work. I know she's put in countless hours. And unlike -- like her, I -- I'm from New York City, I'm from Brooklyn. I've stepped on my fair share of farms and I know a few folks who are in the industry. But the one thing I understand, the most fundamental principle is a fair day's pay for a fair day's work. And I think that the farming industry is a little different than any industry that if you put out labor, if you put out your talent in an effort to enrich others, that you deserve your fair day's pay. And whether or not we're talking about Wall Street, where people are making exorbitant amounts of money, or whether we're

talking about the farming industry, are one and one (inaudible) industries that drive our economy here in New York State. We have to understand that labor, all labor has worth. All labor, whether you're in the North Country or in New York City and Manhattan, all labor has worth. And I think that's what this bill brings about. Fair labor practices, granting collective bargaining, making sure that we have all the benefits that everyone here so rightfully deserves for a fair day's labor -- fair day's labor.

So, again, I want to commend the bill sponsor, and I hope that is not just a -- a bill that looks to solve all the issues or -- or -- or create solutions for one and issues for others, but that we will continue to have a -- a-- a fruitful conversation as it relates to this industry going forward.

So I proudly vote in the affirmative and I urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative.

Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. The history of the labor movement in this country is about 125 years old. And with every step forward, arguments have been made that advancing basic protections would burden the status quo. We heard that when child labor was outlawed. We heard it when minimum wage and the 40-hour work week became the norm. We heard it when factory workers asked to organize. We heard it when our public employees

stood up and said that they have rights, too. But we made those advances, and each -- and in each instance because we respected basic human rights while acknowledging the importance of the status quo. That's why we let kids keep working for their families, but we took them out of dangerous environments. That's why we allow tips to continue to be counted as wages in the food service industry. When -- when we made exceptions, as we do here, for overtime rules and the 40-hour work week, it was the balance that respect with the needs of health care, emergency services or some other compelling public interest. We permitted our public employees to organize, but we took away the most potent tool to withhold their labor in a dispute, something we also do here. For 125 years our efforts have been woefully incomplete. Here, we've said that the industry -- that the industry is important, but not so much the people we count on to make that industry productive. Today, we correct that lapse. Instead of scapegoating the very people whose labor we rely upon for all of the structural problems that stand in the way of sustainability, that keep this essential part of our economy alive and thriving, let's strike a balance. Today we follow the tradition of great labor leaders of our time. We follow states like California and other places where the labor of our farm workers is respected, is as -- is as respected as the industry that they make possible.

I withdraw my request and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cahill in the

affirmative.

Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker. I'm sure that my colleagues who have opposed this bill for such -- in such a long debate believe in their hearts that they're helping farmers and that they do -- that opposition is with good intentions. But the consequences of these good intentions, Mr. Speaker, is the havoc that this current situation reaps on human rights and the dignity of the people who suffer from the lack of these labor -- lack -- lack of good labor practices and their industry. The consequences of these good intentions should not be the burden of these workers to bear. Thousands of hard-working human beings who simply because of their economic needs and economic status are forced to accept these appalling labor conditions. Even though slavery was abolished, some of these practices are remnants of that era. Slaves don't have the right to collective bargaining. No rights to pension. No rights to Workers' Compensation. So many human rights that give human beings dignity are denied these workers. Similarly to what was denied those who were enslaved for so many years. And how dare we, in this House, try to change that. That's what some people say. That's the question they put to you. How dare you try to enact good benefits for people who need our help.

ACTING SPEAKER AUBRY: Mr. Perry.

MR. PERRY: Mr. Speaker, I'm proud to support this legislation, and I congratulate my colleagues who sponsored it, and I

do proudly vote yes and encourage others to do so. Thank you.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Mr. Rivera.

MR. RIVERA: Thank you, Mr. Speaker. Very quickly, once again, I want to express my gratitude to the sponsor of this bill, and I also want to say thank you to Felix Ortiz, Carmen Arroyo and Marcos Crespo because they mentioned a very important person in our life, Senator Olga Mendez. She passed on a day, or close to it, July 29, 2009. But she was a champion for this issue when she was in the Senate. I think I believe that we have members of the Senate here. I think that young lady there - could you stand up - Jessica Ramos from the Senate.

(Applause)

All right.

ACTING SPEAKER AUBRY: Please, please.

MR. RIVERA: Very quickly. I believe that we have to continue this debate. I believe we have to come closer together. I believe that both the other side, this side, felt it was important to let everyone hear your -- your position on this issue and how it's affecting the farmers. We will never, ever solve the problem of the workers or the farmers as long as some day we deal with corporate America. They're really the ones that make it harder for all of us. And yes, Wall Street. I don't want to sound leftist, but we have a problem. I think that the way I try to help the farmers, I share. We brought the -- the

farmers to our neighborhood. I with along with a community organization by the name of the Northwest Community and Clergy Coalition, we brought the farm --

ACTING SPEAKER AUBRY: Mr. Rivera --

MR. RIVERA: -- the farming back to the farms.

ACTING SPEAKER AUBRY: Mr. Rivera, Mr.

Rivera --

MR. RIVERA: So that's a way of helping.

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

MR. RIVERA: Mr. Speaker, of course I will not end my statement without me voting yes in capital letters. Yes --

ACTING SPEAKER AUBRY: Mr. Rivera --

MR. RIVERA: -- we need to come together and look --

ACTING SPEAKER AUBRY: Mr. Rivera --

MR. RIVERA: -- for the State and the Federal government to --

ACTING SPEAKER AUBRY: Mr. Ryan.

MR. RYAN: Thank you, Mr. Speaker. I commend the sponsor for decades worth of dogged determination on this issue. The freedom of association is a right granted to Americans under the United States Constitution, and it includes the right to ban together to collectively bargain. In 1935, Congress formalized that in the National Labor Relations Act, the goal of which was to balance the

bargaining powers between employers and employees. But just before that bill got to the finish line, we excluded all agricultural workers. There was plenty of testimony that day saying they will return and include agricultural work -- workers, but more than 80 years have gone by and they have yet to come back to give agricultural workers the same rights enjoyed by every other worker in America. But what we have is an agricultural system that's out of step with the rest of our economy, and it's created a permanent class of low-wage workers. I hope today we take a step towards remedying that. We'll fill the gap left by the NLRA with some of the actions we're taking today. We're filling some of the gaps, not all of them, but I'm optimistic that this will help grow our entire economy by lifting up the wages of workers.

And, Mr. Speaker, I proudly cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ryan in the affirmative.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Last week we passed a -- a bill raising the minimum wage for car wash employees. I predicted that that was going to cost jobs, not increase pay. A day after we passed that bill, I got a letter from a local car wash owner saying, *Thank you for making my decision to automate really easy.* He didn't want to do it. He liked the ten employees that work for him, but those ten employees will no longer have a job.

Every bill we pass here has consequences. These fine

folks that just want a better life, I worry for them because by passing this bill, those farms that can automate will, and there will be no longer an employee that does that job that a machine now job -- does. A small farm can't automate. They're just going to close down and those jobs will be lost, too. So we need to decide if a job that doesn't pay as much as we would like is better than no job at all. It seems by this bill we've already made that decision. Only time will tell. Hopefully I won't be in the position to say I told you so.

I will be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Raia in the negative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, to explain my vote. Many, many times in this Chamber we talk about making history. Well, today again, we're going to make history. We've debated this thing for four-and-a-half hours or so, and it's very unfortunate because today, if this bill passes, we're not only going to hurt ag, we're not only going to hurt the farmers, we're going to hurt these employees because of the many things that we've said around the table today on this floor. We don't want to hurt the employees, but we're going to be forced on that direction of saving money. And unfortunately, nobody's going to win, the farmers or the employees.

So today I will definitely vote in the negative, and I wish we could change this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Manktelow in

the negative.

Mr. Otis.

MR. OTIS: Good afternoon. One of the things that we do in this House and in both Houses is at times, we find categories of people who are left without the protections of law. Labor Law in this country is relatively new, only about 130 years compared to the thousands of years that law has existed in civilization. But in this case we had a glaring omission; the fact that farm workers in this State were not provided even the basic protections of Labor Law in this State, and so we're correcting that today. I think that we have heard concerns from a number of members regarding what will this do to farming, and I think there's a responsibility on the part of everyone in State government to stay on top of that to make sure that we take other steps to support the farming and agricultural community and keep farms healthy. But we also have to make sure that the issue of human dignity, the dignity of people that work on farms is given some protection by a bill that is admittedly a compromise bill, but a bill that is an improvement over what we have today.

I vote aye.

ACTING SPEAKER AUBRY: Mr. Lavine in the -- no, Otis in the affirmative.

Mr. Lavine.

MR. LAVINE: One of our colleagues has mentioned very eloquently the tragedy to be experienced during a -- a farm auction. I'm an old mid-westerner. My family's business was

agriculture-based. For a while my grandfather had a farm. And I have been to those auctions and seen the pain. But I want to just mention a couple of quick things. Number one, automation is something we have to be concerned about. But the fact of the matter is that a fully-automated milking mechanism costs at least a quarter-of-a-million dollars. That mechanism can accommodate only several dozen cattle per day. So we are a bit of a distance between the time when farmers who might be upset at this bill are about to go and spend that kind of capital on fully-automated milking machines. Every other milking machine -- every other milking mechanism other than by hand, anything that involves some machinery, requires, still, a worker to negotiate persuading the cow to go to the machine, to check the cow's utter -- and I'm sorry, I'm an old country boy. I don't want to make this any more descriptive or graphic than possible -- but it also involves persuading the cow to utilize its utter, cleaning the teats and applying and then taking apart -- taking off the machinery. Workers are still going to be needed. And let me finish with this: And I'm voting for this bill. But for all the dairy farmers who might be listening, I want to remind them that their opportunity to sign up for the USDA's Dairy Margin Coverage program began two days ago, and continues only until September the 20th. That way --

ACTING SPEAKER AUBRY: Mr. --

MR. LAVINE: -- they can get some subsidy --

ACTING SPEAKER AUBRY: Mr. --

MR. LAVINE: -- which they don't want to get to

begin with.

ACTING SPEAKER AUBRY: How do you vote, sir?

MR. LAVINE: I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. I just want to say how eloquently and passionately and intelligently my colleagues spoke on this issue. This is the first time I'm all right with being cool because y'all handled the situation. Because I was squirming in my seat over here hearing some of these things. But y'all handled it. And I just want to say that we cannot continue to believe in this false, hypocritical concern for immigrant workers. It's unreal. It is not honest. It is exploitative. At some point you're all going to join me and get rid of this parasitic, predatory capitalist system that exploits workers for the greedy profit of a few.

(Applause)

ACTING SPEAKER AUBRY: Please, please.

MR. BARRON: This is inevitably going to happen. And I rose today to speak on June 19th. This is Juneteenth. Remember that it is the enslavement of the Africans and the theft of the land of the indigenous people that made capitalism all of its profit. That made cotton king and sugar and rice at the exploitation of human beings. So, every time we want to do something for the worker,

they're going to get fired if they get a decent wage. Businesses are going to close. They've been saying this for decades. They're still farming, they'll still have their car wash. All of these businesses that were going -- still got their fast foods, and they're not -- those industries have not been destroyed. You did the right thing today, my colleague, in doing this bill, and I know we'll do even better.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, to explain my vote. First, compliments to my colleague for taking so many questions, and to my other colleagues for asking so many thoughtful questions. The dairy industry is under great stress, as we've heard. I hear that all the time. They're not the only agricultural component that's fragile, and we've seen it in the numbers. The number of acres between the last two agricultural censuses has dropped by 317,000 acres. The number of farms has dropped by over 2,000. We've lost over 2,000 farms between the last two agricultural census. These farms are under tremendous stress. And of course they're really concerned about the 60-hour wage cap before it kicks into overtime. Because what we do is we say you get 60 hours before overtime is triggered, but only until the wage board makes up its mind whether or not that number should be reduced. And we make it clear under statute, the wage board can't increase that threshold, they can

only reduce it. And we make a three-person wage board, a three-person wage board as a representative of the farmers, a representative from the AFL-CIO, and the Labor Department, which is headed up by a former union organizer. And so to tell the farmers that we're going to be fair and even and unbiased is just baloney.

Nationally, less than 1 percent of farm workers are unionized. If less than 1 percent of the farm workers are unionized, why do we pretend this is a fair and equal wage board when we give that group one-third of the vote, instead of Ag and Markets that represents all the farming industry, both labor and individuals?

Because this is not set up on a fair and balanced way, I will be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative [sic].

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker, for the opportunity to rise to explain my vote. And I think today was a -- a fascinating debate and clearly a -- a heartfelt one with very difficult discussions. And this is very clearly a very difficult compromise. I recognize this is 20 years in the making. And once again I have to put a personal touch on this. Both my parents came off farms. Seventy years after my father left a farm he never recovered from leaving it. And his -- his favorite conversation until the day he died was about the weather. So I know that farmers are hurting. I do know that there is so much that needs to be done at the Federal level to address so many

of the needs. And I, too, am well aware, especially of dairy farmers and all that they are going through. That said, I do think that we have struck a compromise here. And while it is not an easy one, in the end I have to go with trying to balance the work -- the needs of farm workers and the need for some historic fixes here to try to level the playing field, if you will. And that said, I do believe this is a fair compromise that I am going to support. And I will look forward to working with many of my colleagues to make sure that next year we are addressing even additional needs in the budget because I, too, worry that we will lose some farms over this. And while I am supportive, I think in the end we have to balance workers and farmers, and we have to do more to address climate change because that is the erratic weather patterns are only making farm working -- farm worker -- the farms harder to work.

With that said, Mr. Speaker, I join in support of this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Ms. Nolan to close.

MS. NOLAN: Thank you, Mr. Speaker, and my colleagues. Just quickly, as we want to acknowledge so many wonderful people today because this is such an important bill. I want to thank Governor Andrew Cuomo for fulfilling his father Mario Cuomo's great legacy on this issue, and the Governor's support for workers' rights. I want to thank Speaker Heastie and his wonderful

team, including LouAnn Ciccone, Jen Best, Aubry Hyrit, Bob Stern, so many other staff who've been involved with this for so long. Gerry Reilly, Deborah Nusbaum, Bernie Bryan, Glen Casey, Brittany Stinson, my Legislative Director, Beth Cope, Kathleen Jameson. My early staff, Ann Bauman, Ira Greenberg. So many people have been involved in this. Our Majority Leader and our Ways and Means Chairs have been so patient with me today, but their staffs, too, have really - especially Bryan Coyne - have really helped this happen. And of course, Assemblyman Crespo, Lupardo and Bronson. I mentioned them all and their contributions. I want to thank the New York Daily News newspaper, my father's favorite paper, for standing with workers all these years. I want to thank Denis Hughes, past president of the AFL, who started the ball rolling in that big article in 1999 that's been referenced. I want to thank Mario Cilento. He's done good. Knew him when he was a kid, now he's running the whole AFL. How proud we are of his leadership. Ed Donnelly, Mike Neidel, who did such an incredible job helping to negotiate this bill. You know, we're so proud. Alan Rubin, Richie Winston, my great friend Richard who has been on this who helped educate me to get involved in it. Reverend Richard Witt, you know what you've done and the prayers of so many have been involved so long and your leadership in the religious community. Kerry Kennedy and the Human Rights Foundation. All the people who came over and over again to Albany, even as late as this week, to talk with members, to listen to members. Mr. Chrispin Hernandez and the other workers who were brave enough to file that

court suit and the -- its success. The NCLU, Lisa Zucker and all of her team at the New York Civil Liberties Union. My dear friends at the Hispanic Federation, Jessica Arosco, who even, you know, combating a -- a pregnancy and doing so much work has -- has kept smiling through it all and did so much leadership. Jose Chapo and all the people from the workers centers who put so much of their heart and soul into it, who talked to us every day. I know I'm -- I'm leaving people out, but I want to acknowledge the Speaker again. I want to acknowledge Andrea Stewart-Cousins, Leader Cousins. Let's face it, colleagues. We have a different Senate today. That's why 20 years of work has finally seen journey home. My wonderful colleagues and sponsor in the Senate, Senator Ramos is here.

ACTING SPEAKER AUBRY: Ms. Nolan.

MS. NOLAN: I am happy to vote in the affirmative.

Thank you.

(Applause)

ACTING SPEAKER AUBRY: Ms. Nolan in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill has passed.

(Applause/Cheers)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can continue our work -- certainly do always

appreciate having guests in the Chambers [sic]. If they would honor our decorum, we would appreciate that as well. So if we can go to our debate Calendar, we're going to start on Rules Report No. 192 by Mr. Dinowitz. It's on page 7. Following that, Mr. Speaker, we're going to go to Rules Report No. 577. It's on the main Calendar. It's on page 46 and it's by Ms. Bichotte. Ms. Bichotte also has Rules Report No. 578 on page 47 on the main Calendar. And then we're going to go to Rules Report No. 537. It's on the main Calendar as well, it's on page 37 by Mr. O'Donnell. And then we have two Rules Reports by Ms. Simotas, 539 on page 38 and 580 on page 48. Again, by Ms. Simotas. In that order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07752, Rules Report No. 192, Dinowitz, Glick, Colton, Dickens, D'Urso, Paulin, Simon, Griffin, Jaffee, Santabarbara, L. Rosenthal, Pichardo. An act to amend the Penal Law, in relation to the transport of pistols or revolvers by licensees.

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

Ladies and gentlemen, we are on debate. We need folks to settle down in the back. Members, take their seats. Remember, that was only the first bill of the day. You're only making it longer.

Mr. Dinowitz, please.

MR. DINOWITZ: The purpose of this bill is to

clarify when a pistol or revolver may be legally transported by a licensed holder, as well as set a Statewide standard for the safe transportation of firearms.

ACTING SPEAKER AUBRY: Mr. Schmitt.

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

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

MR. DINOWITZ: Yes.

MR. SCHMITT: Thank you, Mr. Dinowitz. I just have a few short questions. Earlier this year, the City of New York tried to moot the New York State Rifle and Pistol Association v. the State of New York court case in the Federal court system which has reached the Supreme Court. Am I correct, this is the second attempt to do so?

MR. DINOWITZ: What was the last sentence you said? Those nice people up there are a little noisy still.

MR. SCHMITT: That this is the second attempt -- but the first attempt at the State level -- but the second attempt to moot the Supreme Court case.

MR. DINOWITZ: Well, I heard something about a Supreme Court case. This is an attempt to set a Statewide standard for what I just mentioned, to safe transports.

MR. SCHMITT: So the -- there's been media reports and otherwise why they disseminated about the attempts to moot the --

the US Supreme Court case currently NYSRPA v. the City of New York. This would impact that case, correct?

MR. DINOWITZ: I -- I suppose it could. I mean, who knows what those five guys are going to do. It -- it could have an impact, but that's up to them. But we, separate and apart from that, should certainly be doing this because this makes sense for the State of New York.

MR. SCHMITT: Thank you, Mr. Speaker. No further questions.

ACTING SPEAKER AUBRY: Thank you, sir.
Ms. Byrnes.

MS. BYRNES: Thank you. Will the sponsor yield?

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BYRNES: Just a couple of short questions.
Where I live, as a general rule, pistol permits don't have restrictions. You just have a carry permit, concealed carry permit, without any qualifications on it. So this would not affect, let's say, my ability to carry a gun at any time in my own car because it is without qualification, correct?

MR. DINOWITZ: You -- you carry a gun in your car? Never mind.

MS. BYRNES: I'll never tell you where I carry, but

anyway...

MR. DINOWITZ: This affects what's called a premises permit.

MS. BYRNES: So the -- for those of us -- which is probably the vast majority, I would guess, of people in this State -- whose counties just issue concealed carry, we can transport any way we want?

MR. DINOWITZ: If you have a carrier permit --

MS. BYRNES: Correct.

MR. DINOWITZ: -- I believe -- yes, I don't think this would impact that.

MS. BYRNES: Nothing to do with it.

MR. DINOWITZ: This -- this deals with the premises permits.

MS. BYRNES: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

The Clerk will record the vote. Oh, I'm sorry.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. I'm in a hurry.

(Laughter)

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08414, Rules Report No. 578, Bichotte, Titus, Peoples-Stokes, Dickens, Wright, Blake, Jacobson, Weinstein, Taylor, Simotas, Otis, Vanel, Rodriguez, Seawright, Reyes. An act to amend the Executive Law, the Public Buildings Law, the State Finance Law and the Public Authorities Law in relation to the reauthorization of the Minority- and Women-Owned Business Enterprise program and to amend Chapter 261 of the Laws of 1988, amending the State Finance Law and other laws relating to the New York State Infrastructure Trust Fund, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part __).

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: I appreciate the -- the thrust of this bill, which is to expedite reviews of MWBE applications and to streamline the process, both of which I find very helpful and I support that concept. I will just share with you that I am extraordinarily frustrated with the MWBE process in New York State. I have received more phone calls from women-owned businesses who have been denied MWBE status on what appears to be openly-sexist view of the MWBE administrators who apparently consider their mission to keep anyone out of the program unless they meet extraordinarily high standards. And so, I have a manufacturer in my community, applies

for an MWBE. The wife runs the company. The husband is the Director of Sales. She's on the plant floor. She knows what's going on. She signed all the documents. She runs the company in every way. But because her husband's involved, there's apparently some unwritten presumption that she's not running the program. And I had another one come in just the other day. It's a wife and husband team. She runs the company in every respect. The bids, the contracts, everything. Her husband works for her. Yeah, that's right. You know, in this modern era, her husband works for her and she pays him. Probably not enough from his view, maybe too much. I don't know. You know, they started out with this presumption that if it's a husband and wife team it can't possibly be MWBE, and that is absolutely baloney. And so what's this bill do? It speeds up the -- the denial process without addressing the fact that this MWBE program is not fairly and appropriately evaluating these applications.

There's a second thing that I have heartburn with, and that is it increases the credits to an MWBE so they can be considered the lowest responsible bidder even though they're 10 percent higher than everybody else. If we're focusing on the best interests of the taxpayers, we should require that we go with the lowest responsible bid. And so I hope that at some point the Governor intervenes and instructs those who are doing MWBE certifications to remove the presumption that if a company is owned by a husband and wife, the husband must be running it. That is baloney. It's an erroneous assumption. It should be rejected. And at the same time, I don't think

we should say, *If you are one of those fortunate very few companies that make it through that process, that the world is yours.* We want to recognize MWBEs. We want encourage them, we want to mentor them. We want to recognize them, we want to develop them. But at the same time we shouldn't say, *And you can quote 10 percent higher than anyone else and still get the project.*

So, I'm torn on this bill because I appreciate the efforts to streamline it. I'm compelled to vote no because those efforts will be unsuccessful until we have an MWBE certification process that recognizes that husband and wife teams can have a company that's run by the wife and is a legitimate MWBE.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Blake.

MR. BLAKE: On -- on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLAKE: First, Mr. Speaker and -- and colleagues, I -- I wish to commend the sponsor who has taken a considerable amount of time to work on this piece of legislation, as well as so many others such as Majority Leader Peoples-Stokes and Speaker Heastie as well. Colleagues, I -- I just want to make sure we -- we understand the impact of what is happening within this bill and -- and the transformational opportunity that does exist because of it. Too many times, minority- and women-owned businesses in New York State are not having the chance to be able to grow and expand, in

large part because of a lack -- lack of access to capital, a lack of access to contracting. And moreover, a lack of access to the opportunity. This bill, in particular -- too many times you're not able to become an MWBE because of net worth, a threshold that has been unfairly placed upon minority- and women-owned businesses for years. But raising it to \$15 million as well as making sure that the regulation, you have a chance to go higher by industry is a true game-changer for so many minority- and women-owned businesses who otherwise would not be able to become MWBEs in New York State. When you think about the opportunities when it comes to workforce goals that were not being put in place, too often we're talking about the need and desire for diversity, but diversity is not able to happen without a plan and without accountability accordingly. The opportunities for discretionary spending for it to go up to \$500,000 is also critical, because too often we -- we are not giving the contracting opportunities for these black and brown businesses and women-owned businesses that have been waiting for years, if not decades, that otherwise they would not have as well. When we think about the support for our tribal nations and our Native American sisters and brothers, this obviously will expand opportunities for them as well, because now they're being included in this parity study so that we can make sure not only are they individually getting support, but also tribal nations are able to get support to be considered as well. And that's something that our Leader Peoples-Stokes has been fighting for for years. When you think about the responsibility of transparency, so many MWBEs that

have been waiting and get frustrated because of waivers that happened because they're being told that they can't find a black business, they can't find a Latino business, they can't find an Asian business, they can't find a women-owned business, which too often is a game that is played. Finally, we can break down that barrier and not only have increased transparency, but also make sure that the Statewide Advocate is having an audit, and the transparency that has to happen, otherwise it was not occurring in that way.

But -- but lastly, this is about helping create jobs. Plain and simple. And when we think about what happens in too many communities of color, let's be clear about the data. Overwhelmingly, it's minority- and women-owned businesses that are hiring from our communities and providing opportunities for our communities. And so while there's definitely more progress that needs to be had, we want to make sure we continue to push forward when it comes to certification, and that certification must happen faster from those that are part of the agencies, Empire State Development and others, so that people are not waiting for those opportunities. We have to make sure there's more clarity when it comes to why a waiver is granted, but we cannot ignore the hard work that has happened for so many colleagues and groups, The Women Builders Council and 100 Black Men, where Reverend Jacques DeGraff and Elizabeth Velez and so many others that have fought for years to step up for this opportunity, and many times we may have been trying to rush through this. But I cannot underscore the magnitude of this happening because

of the bill that is being presented by our colleague on today.

So I proudly will be supporting this and voting in the affirmative, and I want us to understand we're taking a major step to help minority- and women-owned businesses across New York State change the game by getting access to capital, contracting and counseling that they did not have before. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Dickens to explain her vote.

(Pause)

The roll call is withdrawn.

Ms. Bichotte on the bill.

MS. BICHOTTE: Thank you, Mr. Speaker. On the bill. This bill would make critical changes to the Minority- and Women-Owned Business Enterprise program. These changes are based on the 2016 disparity study in order to meet the constitutional requirements established by the United States Supreme Court. The study found a statistical significant underutilization of available Minority and Women [sic] Businesses and provides support for the continuation of the MWBE program. This bill would authorize a new increase of personal net worth to be established to additional

participants to the program and require a new disparity study to be undertaken and complete -- completed within the next four years. This bill will also require new disclosures to be published regarding waivers within the program by contracting agencies. It would also create and authorize a workforce diversity program to increase the participation of minorities and women in the workforce. It would increase the time to certify, as well as extend the provisions of the entire MWBE program for five years until December 31st, 2024.

Mr. Speaker, I would just like to take us a little bit back on why we're doing this and what was the purpose of this whole program. So first, the disparity study's chief purpose is a tool to determine whether any race- or gender-based disparity exists in local government contracting. Okay? And this study has been guided by the United States Supreme Court's 1989 decision in City of Richmond v. J.A. Croson. Now, in 1983 the Richmond City Council and the State of Virginia adopted the Minority Utilization Plan, which required government-supported contractors to set aside 30 percent of its subcontractors to one or more minority business enterprise. And that was because the City was overwhelmingly, overwhelmingly majority minority. But the contracts awarded to the minorities were minimal. So there was a disparity there. The City then adopted the plan after studies suggested that very few contracts were awarded to MBEs [sic] despite the City's large minority population. Now, the J.A. Croson Company, which lost its contract because of the 30 percent set aside, brought a suit against the City. Now the question --

the question is, did Richmond law violate the Equal Protection Clause of the 14th Amendment? Well, the Equal Protection of law [sic] usually has been the civil rights reference of communities of people that have been marginalized, whether a race, gender, age, sexual orientation, religion, ethnicity and so forth. But, Mr. Speaker, you have to understand that it's very funny how every time there was a push to reform or to remediate or to repair and affirm past discriminatory practices that have kept people like minorities and women from being on an equal playing field, there's always been a challenge. You know of the landmark case Regents of the University of California v. Bakke. Okay? Where Bakke, who's the respondent, sued University of California because there were 16 seats set aside for black medical students. And as a result, he alleged that he was denied admission because of those 16 seats that were set aside, and that violated the Equal Protection Clause of the 14th Amendment. And it continues with other cases like Adarand v. Peña, where the Department of Transportation was sued because a contractor was not given a bid -- was not given the lowest bidder, and it went to a minority contractor. In 1989 a very notable Supreme Court case, which we just mentioned, which is the Richmond v. Croson, ruled that the City could not ask its contractors and subcontractors to set aside a 30 percent of its contracts were MWBE. And the issue was whether a State may be enacting an affirmative action plan without the support of a race-based measure exacerbates the effects of the past discrimination. In other words, we cannot -- the Supreme Court ruling

said that we cannot set aside anything if it was based on past discrimination. We have to prove that the discrimination is continuing. So the court opined that evidence of a pattern of individual discriminatory acts can, if supported by appropriate statistical proof, lends support to a local government determination that broader remedial relief is justified. So, this is where the disparity study came. The decision of the United States Supreme Court in Croson changed the legal landscape for business affirmative action programs. The United States Supreme Court case and subsequent case law altered the authority of the state and Federal governments to use state and Federal funds to institute remedial race and gender-conscious public contracting programs depending on the statistical findings of the disparity study.

Four years ago I was appointed as the Chair of the Subcommittee of the Oversight of the Minority- and Women-Owned Business Enterprise. And this was in April of 2014. Since then I have done -- I have done a lot. I have worked with my colleagues, I've been an advocate, I've been a legislator, to address the inequities and the disparity of our city and State's economics. And with the support of the Speaker, Majority Leaders, my colleagues in both Houses, we've been able to raise the visibility of the issues that affect minority and women small business owners, a group, again, that has been continuously marginalized, stripped of economic opportunities, for decades. And together we have pushed a button on issues -- we introduced a number of legislation of which many are incorporated in

this MWB [sic] omnibus bill. A step in the right direction that can transform lives, economic inclusion, economic equity, economic diversity. It took a lot of work for years to get people to be on board, understand this issue. Understand that money is very important to our communities. Understand that how our tax dollars can be rightfully allocated back to our communities, which, in turn, would create jobs.

So, Mr. Speaker, we still have a lot of convincing to do. Because just like in the landmark case of Regents of University of Chicago -- California v. Bakke where 16 seats were allocated to -- to black medical students, that was the focal point of reverse discrimination. Again, never mind about the other 84 seats which were given to white students, and many times through legacies, endowment donors, they were never challenged. Those 84 seats were never challenged, but the 16 seats were challenged. And that's what we're dealing with today. Just like these aspirational goals were set to level the playing field, we'll talk about 30 percent. But we still have people, we still have companies who are challenging the 5 percent, the 10 percent, the 30 percent, just to get to an equal playing field. It doesn't matter; racism, sexism is real. It's real today. And still, many of us black people still have been waiting for their 40 acres and a mule. And what happened to that? What happened to our 40 acres and a mule? Well, we were told that because of the Reconstruction Era, we weren't issued land. We were supposed to focus on wage reform. So, when we think about this, let's think about the population. Let's think about the majority of the taxpaying residents who are

minority and women in the State of New York, who are the majority in the City of New York. Never mind that these businesses are feeding off of the tax dollars that grant them monetary profits that have been produced by the blood and sweat and tears of these same minorities and women. But when we say 30 percent aspirational goal, it's a problem. Thirty percent aspirational goal in a State that has more than 50 percent minority and women, 30 percent aspirational goal in the City, that has more than 85 percent minority and women. That's a problem. Most of my discussion was trying to reason with prime contractors has been around the constitutionality, the 14th Amendment. Reverse racism, reverse discrimination.

Mr. Speaker, we have a long way to go. I hope that all those that has partnered with us, the prime, the sub, the MWBE stakeholders, can see that although it's a fight we're making progress. And this bill certainly shows and displays the progress that we've made since this program has been instituted in 1988 by Governor Cuomo. Again, let me reiterate: This bill here will address capacity issues, workforce issues, transparency around how we give out waivers and so forth. It would extend the program for five years. It would increase the personal net worth from three-and-a-half million to \$15 million as the floor. That personal net worth was keeping a lot of MWBEs out of the program due to capacity. So, now we are going to invite these available, willing and eligible Minority and Women Business Enterprise into the program to take on bigger contracts. This bill will also increase the discretionary spend from \$200,000 to

\$500,000. It will publicize waivers. It's supposed to shorten the certification period. And we're going to keep the Governor accountable, because that has been one of the single-most important issue, the certification process. It's too long. On average, on the State it will take two years, two years. That is ridiculous. We also, again, are proposing that the next disparity study will incorporate the Native American Tribal Nation, again, something that our Majority Leader Crystal Peoples-Stokes has been working on. And the biggest thing, now we get to implement workforce goals, employee goals, because even in our workforce-related areas, construction-related areas, we do find a disparity. And the disparity study showed that, again, minorities and women are not being hired. That's a problem.

I want to thank Mr. Speaker, Carl Heastie. I want to thank Chair Titus, my colleagues, in particular Assemblymember Wright and Assemblymember Blake who negotiated this overnight. But I really wanted to give a special thanks to Majority Leader Crystal Peoples-Stokes. She started this program. She was the first Chair of the MWBE Oversight Subcommittee, and she took it a long way. She had handed me the baton, and I want to thank her for having a vision many, many years ago. I would like to thank the Governor and the team for coming to an agreement after battling it out for several months, and all the hard work that was put onto this. I want to thank my colleague in the Senate House, Senator Sanders, Senator James Sanders, Jr. for being such a great MWBE partner in crime. And I want to thank all the advocates, all the advocates for their input, the

meetings, the workshops. You know who you are. Thank you.

As we move forward, it is imperative to form alliances. We have to keep at the forefront of our minds that we are all part of one single garment, and that an injustice to one is an injustice to all. Desmond Tutu said, *A person with ubuntu -- which means togetherness -- is open and available to others, affirming of others, does not feel threatened that others are able and good, for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed.* Let us move forward together. Let us affirm each other. Let us collectively -- let us collective successes not be at the expense of another oppression.

Mr. Speaker, I urge everyone to vote in the affirmative in honor of the 14th Amendment, the Equal Protection Clause. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Friend.

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

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

MS. BICHOTTE: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. FRIEND: Thank you, Ms. Bichotte. Just a

quick question in regards to the Governor's 30 percent requirement. Does this remove that requirement and -- and change it in any manner or...

MS. BICHOTTE: So, just so you know, it's not a requirement. It's an aspirational goal. Okay? So --

MR. FRIEND: Whether it's an aspirational goal or not, my contractors, my union contractors cannot get jobs and can't participate in contracting without being held to that 30 percent requirement. It's the Governor's recommendation and he holds it steadfast.

MS. BICHOTTE: It's the Governor's recommendation, it's not mandated. Okay?

MR. FRIEND: But does your bill -- does your bill remove that and set some sort of limitation as to what the current -- the threshold within -- like back in economic development regions or the labor regions of the State?

MS. BICHOTTE: Well, the goal -- we refer to the disparity study for the goals. Okay? So...

MR. FRIEND: But that's a flawed 2016 study, and I realize that you have an updated one that's going to be due in 2023, but that's a very long time off for a lot of my small businesses in my district to wait for that new disparity study to be done.

MS. BICHOTTE: Just so you -- just so you know, there is a waiver process. So, if your -- your constituents or your clients cannot find the Minority and Women Business Enterprise

contractors or cannot find the minority or women to hire as construction workers, there is a waiver process.

MR. FRIEND: Yes, I -- I understand that. 2017 to '18 there were 1,052 waivers requested; 985 were implemented. And that suggests there is a flawed system with that 30 percent requirement. And it would be excellent -- and I brought this up during the budget process, was assured that something would be done this Session to correct that. So in the interim, while the next disparity study would be implemented, we could have business go on and we could support our local MWBEs within our region.

MS. BICHOTTE: Well, just so you know, there'll be new goals created based on the disparity study. And also, we will be publicizing the waivers, so it would give us more transparency in terms of what basis the waivers were given. And then when we take all that information we can certainly improve the process. But on our side, the minority and women side, there has been complaints that too many waivers have been given. On one side, I'm sure the contractors, the prime contractors, are saying, *Hey, you're not giving us enough*. For us, we feel that there's too many of these waivers that are given. So again, now that we put it in -- we're going to put it in statute that this process should be more transparent -- transparent, we'll be able to collect the data and move forward in terms of how we're going to progress in our process.

MR. FRIEND: Okay. And that -- that's a good step to move forward. How about -- I believe they also increased the

threshold so, if a minority- or woman-owned business were to get into the program and they become successful that they aren't kicked out, so that they're able to stay in longer. Is that correct?

MS. BICHOTTE: Yeah. So here's the thing.

Initially for -- since 2010 there was a personal net worth threshold of \$3.5 million. Okay? And obviously, the disparity study had showed that the \$3.5 million was too low of a threshold. That's why we have increased the threshold to \$15 million, and that is at a floor. So when we compare different industries, whether it's like the financial sector or let's say construction, and if we look at the average personal net worth of a contract in that field, we'll raise it to that. So that will -- that will keep the person in the program.

MR. FRIEND: Okay. That's a good move forward.

MS. BICHOTTE: Yes.

MR. FRIEND: Thank you, Ms. Bichotte.

On the bill

ACTING SPEAKER AUBRY: On the bill, sir.

MR. FRIEND: In 2010, MWBE participation in the State's contract and in procurement process was at 9.2 percent. The disparity study completed in 2016 by the State Department of Economic Development identified numerous barriers that have impaired MWBE access to State contracts. Currently, Governor Cuomo has set a Statewide goal of 30 percent MWBE utilization. I realize that's not written into law, but the Governor controls those grants and contracts and awards. If that's not met, it's not going out.

According to the 2017-'18 MWBE annual report, Statewide MWBE utilization was 28.62 percent with \$2.6 billion in contracts going to certified businesses. During the same period 1,052 MWBE requirement waivers were requested, with 985 waivers approved. While the goal of increasing MWBE participation is commendable and worthwhile when implemented properly, we frequently hear concerns from businesses that are unable to bid on State-funded construction projects because they cannot meet the strict requirements of the MWBE program. In many regions of the State MWBEs are scarce, and it is very difficult for any existing business owner to be awarded a contract with the State if they lack the 30 percent MWBE subcontracting requirement that is mandated. The number of certified MWBEs varies throughout the State. However, this bill has a one-size-fits-all mindset without taking locations and availability of these MWBEs into consideration. This bill would dramatically increase graduation thresholds for moving out of the program and authorize a director to set a MWBE utilization goal based on the latest disparity study.

I commend the sponsor in moving ahead and allowing businesses to stay part of the program longer. That's a great step forward. Reducing the timeline for the applications to be reviewed and accepted, that's another great process to get more people involved in the program. I've heard that a number of times in my district that paperwork's not being processed, they're not able to get in. I -- I applaud the sponsor on that. But the one thing that everybody in

my district overwhelmingly has an issue with is the 30 percent utilization rate. Whether it's a private business, a public business. It's the unions, the nonunions. Everybody's been coming to me, and that's always been some -- no matter what, there's been some work around to try to find some way to come -- and have an MWBE come in and maybe be pushing paperwork and not actually gaining the skills to be able to develop their business in the long run. And for that reason I'm not going to be able to support this, because that is the underlying goal. It would have been great to have seen something in this bill that would have said we're going to follow the regional economic development plans. We have ten of them in the State. Whatever your MWBE participation is for the year, we are going to go ahead with that and let that be your participation goal. And let the Governor know that we're not sticking by that 30 percent for a one-size-fits-all.

So again, I thank the sponsor in making some big strides forward, but we still have work to be done. And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: I was going to go ask some questions, but actually the last speaker and in your colloquy really answered a lot

of the questions that I was going to raise as well. I do commend the sponsor for continuing her work on improving the MWBE program. There is a lot of frustration remaining about this program. I'd like to just give one example. In my district there is a woman whose, I think, father and one or two brothers started a business, and she took the business over with her brother back about five years ago or so. Her brother was more of a silent partner, kind of working out in the field. You know, in the business she was a 51 percent owner so she applied for MWBE. It would make a huge difference with her business and the size of their business to remain competitive in this particular industry, which is a very male-dominated industry. She had -- her application took over two years, and she was ultimately denied. And the -- I see in -- in this bill that one of the goals of this bill is to reduce MWBE certification timeline from 60 days to 45 days once a completed application is submitted. I think one of the big problems is that it was like a death by a thousand cuts. The -- the application was never quite completed. They kept coming back and back, and then another delay and then come back for more paperwork and back for more paperwork. And it -- she really was trying to, of course, run the business, but at the same time she really would have benefitted from this certification. So she, in good faith, really tried to go through the process. But, you know, it -- it became -- it became very dis -- discouraging for her because the last name of -- the name of the company was "Brothers" and she felt like the people evaluating this never really considered -- considered her seriously because it said

"Brothers." And I think that as Assemblyman Goodell said earlier, unfortunately, sometimes there is a -- an assumption that if -- if you're in a male-dominated business and you have a partner who happens to be male that you -- as a woman you couldn't possibly be the one doing the work.

So I do think it's important to encourage MWBE participation. And I do think that that 30 percent I've been hearing from many businesses is a huge, huge problem. There just are -- in certain regions of our State there just aren't a pool of MWBE businesses to draw from, and it's kind of a ridiculous and untenable situation for a business to feel that they should go out of State to bring in an MWBE in order to -- in order to be able to bid on a State contract. That just seems like a ridiculous situation.

So I -- I applaud your efforts to try to make this better. I -- I -- I honestly don't know -- I don't believe I'm supporting this bill, but I'm going to take a closer look at it. It was only introduced three days ago, so I haven't been able to really study it as well as I would like. But I do appreciate your efforts, Assemblywoman, and let's keep working on this. I don't know if this bill is the answer.

Thank you.

(Pause)

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: I just want to say again, this -- this is a great victory for New York State and I do encourage my colleagues to vote in the affirmative. Those who have constituents who care about this bill, please don't vote against it because you will be voting to dismantle the program. So be careful in your vote. Even though you may have some issues with it, it's a work in progress. Again, I want to thank the Speaker, my colleagues and everyone for supporting MWBE and economic diversity and economic inclusion.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. -- Ms. Dickens for -- to explain her vote.

MS. DICKENS: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I want to congratulate my colleague for working so hard and diligently to finally bring this bill to the floor. I want to thank all my colleagues who have worked on it. I am an MWBE. And these are changes that were necessary in order for MWBEs to be able to succeed in New York State. First, the extension, the five-year extension is -- is, indeed, a -- a -- a success. Certifications must move quicker, the process. MWBEs have often been denied -- or I should say contracts because in some instances,

some businesses fronted women as owners when in truth they were businesses wholly owned by non-minority women. Now, true real owned -- women-owned businesses will begin to get our share.

Increasing discretionary threshold is a big win as increasing agencies' authority to award a contract up to a half-a-million dollars without the bidding process. The personal net worth increase to \$15 million will allow businesses to bid as personal net worth in -- has been including not just cash, but other assets that were not cash on hand but prevented the small businesses from being able to bid. Expanding the authority of State Advocate to audit agencies and investigate complaints of MWBEs of violations of Article 15 and 15-A. This is most important because although this is a soft molar teeth, it is indeed the first time that front teeth has been included to give our legislation the authority to find and -- and act on violations. So --

ACTING SPEAKER AUBRY: Ms. --

MS. DICKENS: So I thank you, Mr. Speaker, for allowing me to do this, as this is a win-win for all.

ACTING SPEAKER AUBRY: Ms. Dickens in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I'd like to thank the sponsor and, of course, Majority Leader for their work on this movement for MWBEs for so long. As someone who has -- was given their first opportunity out of business school to work for a

minority-owned firm, you recognize that that opportunity would not have existed if there wasn't, one, a requirement for participation, be it an aspirational goal or a real requirement. That without certification process that -- that wasn't overly onerous and -- and allowed for some timely participation. And also supporting those businesses through the availability of capital, and then not excluding them when they finally were able to achieve their seat at the table, hire people from their community and contribute in meaningful ways towards opportunities, both local and throughout the State. That the program's value is -- is certainly with merit and warrants us continuing to advance it. Since that time we have seen issues around MWBE fraud, and I thank the sponsor for incorporating parts of my legislation into the omnibus, and I thank the other members who have contributed to really make this bill that we are all so proud of into the -- the omnibus and the advancement of the MWBE program. And we expect that we will continue to find things to adjust and to fix, as we did with personal net worth. Because we know that our diversity is our strength. Our ability to be inclusive of a variety of different people into different industries will make New York stronger, and that's why this program and its success continues to be a cornerstone of what I believe the New York City and New York State economy.

So I am proud to vote in the affirmative and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Ms. Wright.

MS. WRIGHT: Thank you, Mr. Speaker. I would like to commend the sponsor on bringing this legislation to the floor and to thank all of my colleagues for the work that they have done on this legislation. This legislation is expanding the opportunity for participation. With the increase of the capital net worth, increasing in discretionary spend, expanding technical supports, we can expect more of our businesses to grow from micro to small to mid-size firms under this program. We are taking deliberate steps to develop our MWBE businesses and provide access to contracts. Very often we speak of support, but this legislation actually lays out a systematic method for how New York State will and should dedicate technical and financial resources into growing local businesses, and diversifying the talent pool with whom New York State does business.

This MWBE program is not perfect. We all acknowledge shortcomings in the administration of the project. As aptly identified by our colleagues, there is a bottleneck problem with certification. But this problem nor any of the others will allow -- will cause us to cease from striving for better outcomes, better business development, better supports and better diversity in the disbursement of New York State contracts. This program has tremendous possibility to help minority and women business enterprises to participate fully in our State's economy. And for these reasons, I challenge us to make the necessary investments necessary so that we can operate successfully, so we can grow our economy and every New

Yorker has an opportunity to participate in the economy of New York State.

For these reasons, I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Wright in the affirmative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, to explain my vote. I would like to thank and congratulate the sponsor of this legislation. I was so thrilled when she agreed to come and meet with 20 of the women CEOs in my district who tried to become certified and who were denied certification, and who had real horror stories to talk about in the process. And based on the information that they provided to her and the stories they shared with her, I know many of the aspects of their concerns were addressed in this legislation. And for that reason, I will be voting in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08407, Rules Report No. 577, Bichotte, Jacobson, Taylor, Blake, Vanel, Simotas, Wright, Dickens, Rodriguez, Seawright. An act to amend the New York City

Charter, the Education Law and the Public Authorities Law, in relation to opportunities for small businesses and businesses owned by women and minorities.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill amends the New York City Charter to increase the discretionary purchasing threshold for goods and services for MWBE from \$150,000 to a half-a-million dollars. The competitive bidding provisions were all designed to make sure that a municipality got the best price and the best quality. It takes the standard of lowest competitive bid from a qualified bidder, and states (inaudible) the bidder who should receive the bid. And those competitive bidding provisions are all designed to prevent favoritism, fraud, corruption, as well as minimizing the cost to the taxpayers and maximizing the quality. So we should be very careful when we change the competitive bidding provisions. And my concern at this point in time is that it's my understanding there's about 8- or 900,000 businesses in New York City that are run by women or minorities, but less than 4,000 that are actually certified. Now think about that. Four thousand that are certified in the City of New York. And so when we say to the City of New York, *You can waive all the competitive bidding for every contract up to half-a-million dollars, but only if you contract with this very, very small group of select certified*

MWBEs and exclude all the other 900,000 companies that are owned and operated by women or minorities, that's okay, the biggest losers on this are all the hundreds of thousands of MWBE-operated companies in the City of New York that have not been able to make it through the horrifically challenging certification process.

So because I support all 900 [sic] of those MWBEs and want all of them to have an opportunity to bid, I will be voting against this bill and recommend to my colleagues that they do the same.

ACTING SPEAKER BRAUNSTEIN: On a motion by Ms. Bichotte, the Senate bill is before the House. The Senate bill is advanced.

Read -- read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BRAUNSTEIN: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. This bill would authorize the changes to be made to the New York City Minority and Women Business-Owned Enterprise program and to establish an MWBE mentoring program in the New York City Department of Design and Construction. It would also increase the discretionary spend from \$150- to \$500,000. This would also include Department of Education

as well as the School Construction Authority. Currently the discretionary threshold for the City agencies is \$35,000 for construction and \$20,000 for -- to goods; standard and professional services as per General Municipal Law, and -- for non-MWBEs -- and \$150,000 for MWBEs. The City has called on the State to increase the discretionary spend to \$500,000 for goods and services. Mr. Speaker, just so you, know the increase that had we did a couple of years ago from \$20k to \$150- have awarded MWBEs more than 840 contracts totaling over \$61.3 million. This is a great stride, and we are very excited what more this program will do when we increase it to \$500 -- \$500,000.

I want to thank Mayor Bill de Blasio and his team for making MWBE and economic inclusion diversity a priority in the City of New York. Thank you, and I vote in the affirmative.

ACTING SPEAKER BRAUNSTEIN: Ms. Bichotte in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly -- Assembly No. A08375, Rules Report No. 537, O'Donnell, Englebright, Woerner, Cruz, Carroll, Bronson, Lupardo, Reyes, Dinowitz, Buchwald. An act to amend the Penal Law, in relation to affirmative defenses to certain homicide offenses.

ACTING SPEAKER BRAUNSTEIN: On a motion

by Mr. O'Donnell, the Senate bill is before the House. The Senate bill is advanced.

An explanation has been requested.

MR. O'DONNELL: Thank you very much. This bill amends the Penal Law in relation to the affirmative defense of extreme emotional disturbance, which is only applicable to the crime of murder, and it removes from consideration the premise that the defendant's conduct resulted from the discovery of the victim's sexual orientation, sex, gender, gender identity, gender expression, or sex assigned at birth.

ACTING SPEAKER BRAUNSTEIN: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER BRAUNSTEIN: On the bill.

MR. PALUMBO: Thank you. Now, with regard to -- to this bill, what this ultimately does, as so appropriately described by the sponsor, is it removes a defense available for someone based upon those few categories. And now, in this Body we have included as a hate crime, of course, when someone is motivated in addition to whether their -- whether their belief is accurate or not, certain types of -- of additional aggravating factors that would create -- make something a hate crime. For example, we have it in 485.05 of the Penal Law that when they commit some of the specified crimes - murder being one of them - and the offense is committed or intended to be committed in whole or in substantial part because of a belief or

perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct. Now, when we couple that with what this bill is doing, which is eliminating the extreme emotional disturbance defense -- and just to briefly describe it to you, folks, it's -- basically it would mitigate the crime of Murder in the Second Degree, a Class A1 felony, to a B felony, which is Manslaughter in First Degree. It doesn't completely negate the act, it just creates a level of justification. It's an affirmative defense, meaning the defendant has to establish it by preponderance of the evidence and that is then thereby determined by the jury. And the reason why I'm -- I'm mentioning this -- and I'm going to just read very briefly from the Pattern Jury Instructions about extreme emotional disturbance. This is the issue that I have, that this is certainly a laudable thing, but to remove the ability of a defendant to interpose a defense, regardless of what it is, is a very slippery slope and a very dangerous thing. There are no other statutes that actually do this. And in fact, before I get into that, in Suffolk County, my home county, I had a colleague when I was in the DA's office try a very serious kidnapping case. They wanted to put on an alibi defense. The judge said, *Well, you didn't comply with 250.20 of the Criminal Procedure Law, which is giving notice of your alibi defense.* Mid-trial they said, *You know what? My guy wasn't there.* He denied that. The -- the jury trial ended up in a conviction. He was given 30-50 years. It was a very serious case. And the Appellate Division reversed on

those grounds because they refused to allow a defendant to put on whatever defense they want, no matter how credible or incredible, and it's up to the jury to make that determination. Now, extreme emotional disturbance, they must have had extreme emotional disturbance, that is, the defendant must have had an emotional disturbance so extreme as to result in and become manifest as a profound loss of self control. That's the first element, which basically means temporary insanity is what many of us refer to it as, that they completely lost control. Second, there must have been an explanation or excuse for such extreme emotional disturbance that was reasonable. The reasonableness of that explanation or excuse must be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be. And third, in committing a homicide, the defendant must have acted under the influence of that extreme emotional disturbance. So it really needs to be causally-related to that. And again, it just reduces the actual crime, but I know -- and I understand this laudable intent. I did discuss this with the sponsor, who is a very sharp lawyer, and we had some legal discussion about it, that this is as a result of some states actually mitigated completely the *mens rea*, meaning that they can acquit someone if it was, quote, "justified." And there are, of course, inherent prejudices that some juries may have that this isn't as sympathetic a victim as every other one. And we reject that and we always have in this Body. And that's why we made this a hate crime, and it should be. And there should be a more severe penalty for it.

But I just think that we're really treading on very thin ice when we are now removing that particular defense because, for example, when we think about this, in the hate crime statute you can still use this defense if you killed someone in whole or substantial part because of their race, because of their color. Because of their national origin, ancestry, religion, religious practices, age or disability. Those are still allowed. So why in these circumstances when someone has whatever perception it may be, wrong or right, reasonable or unreasonable, the defendant should at least have the opportunity to present that and the jury can unanimously reject it or unanimously accept it by a preponderance of the evidence.

So this is a tough vote for me. But, unfortunately, I think that this is a dangerous precedent to set, and as a result I'll be voting in the negative. Thank you, Mr. Speaker,

ACTING SPEAKER BRAUNSTEIN: Mr.
O'Donnell.

MR. O'DONNELL: It must be June. Seventeen years, I've never had a Republican debate me on the rights of a defendant. What a special day this is.

(Laughter)

In 2013, the American Bar Association called upon State legislators to enact this kind of legislation. The previous Speaker is a brilliant lawyer himself, we had very interesting conversations about it. The Hate Crime statute is a sentencing enhancement statute, so that if you commit a crime at this level and it

was done for a particular reason, you get additional punishment. It has nothing to do with the elements of the crime. So what does extreme emotional disturbance mean? Two-part tests, subjective and objective. You had to feel like you were out of your mind because of what was going on, and a reasonable person would have concluded that they would be out of their mind, too. It's a very, very difficult burden to meet. That is why it's not a defense, it's an affirmative defense. Any lawyer who tries an affirmative defense when they have a defense as an option doesn't deserve their law license. Why? Because an affirmative defense shifts from the people to prove beyond a reasonable doubt to the defendant. An affirmative defendant -- the defendant has the burden of proof to prove that they were extremely emotionally disturbed at the time. You don't ever want to do that if you're in a trial situation. Not when you have an entire list of justifications as regular defenses, which, in fact, can be used at any time and they can be used and require the people to prove this beyond a reasonable doubt. Why is this necessary? Why is this necessary? In 2011 we passed the Marriage Equality Act here in New York. I have vague recollection of that because I wrote it. Please don't call the Governor and told [sic] him I said that because it won't work out well for me. But I wrote it before he was Governor, just so you know. And we passed that law with the help of so many people in this room. Deborah Glick and Harry Bronson were there as my allies. And my straight allies, Joe Lentol, Barbara Lifton, Andy Hevesi, Cathy Nolan, we had a wonderful crowd of allies on both sides of the aisle to say

isn't it about time that we extend civil marriage rights to people just like me who had been with his partner at that point for almost 40 years. When that happened and the subsequent decisions of the Supreme Court availing the country of that basic right, we all knew there'd be a -- a backlash. There's always a backlash when people move forward. What I didn't know or didn't expect what the backlash would be on the backs of our trans family members. And our backlash would occur a lot about use of bathrooms. That's what has happened. So we are currently in, quite simply, an epidemic of black women of color, trans women of color, being murdered. In 2013, Islan Nettles, in my island of Manhattan, in my Village of Harlem, was beaten to death after she flirted with a man, and when the man realized that she was a person of trans experience, he said he didn't want to be fooled, so he proceeded to beat her head into the sidewalk. He beat her head into the sidewalk. Now, in New York law this defense has never been used here in these circumstances. But it has in other states. And because our law says you have to subjectively prove that you were in this disturbed state, the only way to do that is to testify. So the only way to invoke this is to testify, say, *Yeah, I killed them, but this is why*. And that automatically kicks it down to Manslaughter in the First Degree which carries, as you heard, 25 years. The problem is in other places in the country, this defense has been used as a get-out-of-jail free card. *Yeah, I murdered them, but they were trans, i.e., they deserved it*. And that is quite simply unacceptable.

So, I'm asking for your vote today to remind our

citizens that being a gay person or a trans person or a person of color doesn't mean that you have the right to lose your life. And that we need to send that message very loud and clear at this time of year -- as you can see, I've got some flags going on here. I've got a Pride flag, I've got a Trans Pride flag, because this is the month of Stonewall. And let me just remind you, Stonewall wasn't a parade, Stonewall was a riot, okay, led by two trans women of color, Martha P. Johnson and Sylvia Rivera, who threw the first bricks at Stonewall after months and months of harassment by the police officers. We all thought that when marriage came along, everybody would get along better. Not so much. We're still traumatized, we're still threatened. I experience homophobia on a regular basis in my life. But the reality is we, as a community, need to stand up and say, *We're not going to take this. We're not going to say it's okay to bash a trans person's head into a street in Harlem merely because they exist.* And that is what this bill does. I don't view it as any threat -- threat to any defendant. I can assure you, if I did I would not have written it.

I want to give a shout-out to the first author of this bill, my friend "Rubencito," the Bronx -- Bronx Borough President, was the first -- first author of this bill in this House. So I want to thank him for that. I want to thank my Codes Chair and the Codes staff and the Speaker and everybody who has been so generous. Please understand, we're here, we're queer, you better get used to it. Thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bronson to explain his vote.

MR. BRONSON: Yes, Mr. Speaker. I want to thank and commend the sponsor for introducing this legislation, and also for being a leader for so many years for our LGBTQ community. This bill is an important piece of legislation. It's important because in any other situation we would not believe it's right to murder someone simply because of who they are. *You make me so angry because you're a woman, I can kill you.* Really? That's no different than saying, *You make me so angry because you're gay or because you're a trans person, I can kill you.* Think about that, folks. Think about that. People who want to live a life of dignity, a life with respect and a life that allows them to be their authentic selves. In no other demographic in this society would we say it's okay to murder somebody simply because who they are.

I'm going to vote in the affirmative. I hope I see no red buttons up there. This is really a statement of who we are as New Yorkers and who we are as human beings. And I think who we are is that we respect everyone, and in that respect we need policies and laws that will support our belief that everyone has dignity. And certainly, everyone deserves an opportunity to live. I vote in the affirmative, Mr. Speaker, and ask all my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We're going to page -- page 48, Rules Report No. 580.

The Clerk will read.

THE CLERK: Assembly No. A08421, Rules Report No. 580, Simotas, Wright, Rozic, Titus, Crespo, Walker, Weinstein, Simon, Cruz, Nolan, Quart, Perry, Lupardo. An act to amend the Executive Law, in relation to increased protections for protected classes and special protections for employees who have been sexually harassed; to amend the General Obligations Law, in relation to nondisclosure agreements; to amend the Civil Practice Law and Rules and the Executive Law, in relation to discrimination; to amend the Labor Law, in relation to requiring employers to provide employees notice of their sexual harassment prevention training program in writing in English and in employees' primary languages; to amend the Executive Law, in relation to extending the statute of limitations for claim resulting from unlawful or discriminatory practices constituting sexual harassment to three years; to amend the Labor Law, in relation to the Model Sexual Harassment Prevention Guidance document and sexual harassment prevention policy; and directing the Commissioner of Labor to conduct a study on strengthening sexual harassment

prevention laws.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I appreciate the -- the efforts of my colleague to expand discrimination protections in the workplace. Unfortunately, I -- I think there's some issues with this bill that I wanted to highlight for -- for all of us. First, unlike our current antidiscrimination provisions in the Labor Law, this -- in the Human Rights Law or in the Executive Law, this would apply to every employer regardless of the size. And so if you have a little mom-and-pops or you have a small partnership or, you know, a very small business with only two or three employees, this bill would apply to you as -- in the same way as if you had 2- or 300 or a few thousand. So, keeping in mind that this bill now is expanded out to the small businesses, the smallest of our small businesses, some of the provisions that might make sense in the context of a larger employer really becomes somewhat problematic. For example, this bill would say that if an employee sues the business, small business, and wins, the employee is entitled to attorneys' fees. But if the small business is successful in defending it, they're on their own. And a small business is often on a very, very tight budget and can't afford these expenses any more than anyone suing them. Second, this amends the General Obligation Law to prohibit nondisclosure agreements. Unfortunately,

having worked in this field for a while, oftentimes there's a real serious question over whether there's a violation or not. The employer would might rather settle the claim and pay what they pay the attorneys' fees to the claimant, and it's a win-win. The claimant gets money, there's no litigation, the costs are about the same for the employer. But that's often premised on a nondisclosure agreement. So when you eliminate the ability to have an enforceable nondisclosure agreement, you severely restrict the likelihood that you're going to have positive settlements. The third thing that's of -- of concern is it prohibits mandatory arbitration. And those particularly in the business field know that arbitration clauses can provide an alternative means to litigation that's faster and less expensive. So, while I appreciate the Trial Lawyers look like they drafted this because they get their legal fees and they ban alternative dispute resolution that's faster and doesn't involve them, from a public policy perspective, allowing small businesses to have binding arbitration that's agreed to by both parties - that's the only way you get binding arbitration, it has to be agreed in advance by both parties - seems to make more public sense than banning it.

The next issue that's very problematic to small employers is that their public -- their notice of rights has to be in not only English, but the employee's identified primary language, even if the employee is proficient in English. And not -- if you're running a small employment business, a mom-and-pop store, a small restaurant, gas station, perhaps, or a corner grocery store, it's not easy to provide

notices in any language identified by an employee. And the problem with that is that getting these translations and providing these notices can add an expense to the employer, and what an employer will do to avoid that expense is simply not hire someone that has a secondary language. So, I certainly support the intent to minimize discrimination. I think that's a great idea. I would hope, though, that we can have a bill that doesn't really hurt small businesses, the mom-and-pop stores, those who only have a few employees, and recognize that some of these provisions, while they may -- make sense in a larger employer context don't make sense when you're dealing with a small business.

Thank you, sir. And again, thanks to my colleague for her sensitivity on these issues.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Simotas to explain her vote.

MS. SIMOTAS: Thank you, Mr. Speaker, for the opportunity to explain my vote. Today is a good day. It is a day when New York State has moved closer to recognizing that harassment in the workplace is a persistent and pervasive problem that affects every industry. Today is a day when New York State will establish some meaningful solutions to identify and prevent workplace harassment.

Today is a day when we send a clear message to the New York State workforce that we are committed to protecting workers and not shielding institutions or enabling harassers.

I am very proud that after decades we are establishing a new definition of discriminatory harassment to cover all protective classes. And I just want to read it because it's quite important that we were able to do this. We prohibit discriminatory harassment that subjects an individual to inferior terms, conditions or privileges of employment based on the membership in one of the -- in one or more of the protected classes, regardless of whether the harassment would be considered severe or pervasive under the precedent applied to harassment claims. Today really, as I said, is a wonderful day. I'd like to thank the Speaker, the staff, particularly Kathleen O'Keefe, Joanne Barker -- Barker, LouAnn Ciccone, Aaron Suggs and the entire Program and Counsel staff for their hard, hard work. I'm -- I was up pretty late, including on Father's Day, past midnight. I'd also like to thank all the advocates who helped, particularly the Sexual Harassment Working Group, and I'd like to name a few of them: Rita -- Rita Pasarell, Leah Hebert, Tori Burhans Kelly, Elizabeth Crothers, Eliyanna Kaiser, Danielle Bennett and former member Erica Vladamier for their amazing, amazing advocacy. To my colleagues Tremaine Wright, Nily Rozic and Amy Paulin, portions of their bills made it into this omnibus package, and I thank them for their commitment to this cause.

Thank you very much, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simotas in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to commend the sponsor for this bill. She has worked long and hard on making this happen. This measure is going to expand New York's laws to ensure that justice can be served when employment discrimination, including sexual harassment, occurs in the workplace. As a lawyer who has represented plaintiffs in employment actions, I know that New York State's Human Rights Law has cried out for strengthening across the board for a long time. This bill responds to that need by incorporating many of the provisions that advocates and civil rights practitioners have identified as key ways in which our current Human Rights Law has long been missing the mark. And as a woman who has been working for a long time, I know all too well what sexual harassment looks like and feels like, and the negative impacts that linger when there isn't a recourse for justice. The Me Too Movement and advocates across the State have helped ensure that victims of discrimination and sexual harassment are not forgotten or ignored. As New Yorkers, we understand that we must give voice to those who have been harassed, but also ensure justice that can be served when harassment occurs. For far too long that justice has not been served, and perpetrators have not been held accountable. Sexual harassment and workplace discrimination can jeopardize an employee's livelihood, close -- close off career options and impact an

employee's physical and emotional well-being. This legislation provides increased protections for all protected classes and special protections for employees who have been sexually harassed. New York will now be a better place for workers and employers because the rules of the road and remedies for discrimination and sexual harassment will be real, clear and enforceable. I'm grateful to the sponsor for her leadership and standing up for women and workers across the State. I'm grateful for the civil rights lawyers, the advocates, the women of the Sexual Harassment Working Group and everyone who has been fighting to keep this issue in the spotlight. I am grateful as well for our staff and our counsel for their help and persistence, and to Speaker Heastie for believing in this women-led legislation.

I'm proud to vote for this bill.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker. First I want to commend the sponsor for this groundbreaking piece of legislation which obviously is necessary. We need to be very clear that in no place is it at all tolerable to be able to harass someone. And -- and many times people are afraid to speak up when sexual harassment occurs, when fear occurs when it comes to rape. And making sure that we're also standing up as saying as a man you can -- you can and should be a feminist at the same time, and stepping up and supporting

our women. Sexual harassment and all that comes is not a compliment, it is not a joke. It is not funny. It is something that we have to take seriously, and this is about changing the culture that exists too often across our City and our society. So this legislation obviously is critical, and it gives people the trust and belief that we are listening and hearing them. For all the advocates, for so many groups that came by our offices to speak up, especially including the former employees of this institution that for years felt that they couldn't speak up as well, this is sending a message that we are listening and we are hearing them, and being very clear that harassment is not tolerable in any place, especially here in New York State. And I proudly vote in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Ms. Linda Rosenthal.

Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker. Just very quickly, I wanted to rise and to commend the sponsor for this great bill. It's been a long time coming. I -- I know a lot of hours, sweat and tears went into this draft of this legislation, so I just wanted to give her tremendous credit, and also tremendous credit to the Speaker and the staff for putting this together. And to the great coalition of women from across the State who told their stories time and time again, we heard you, we listened to you and we saw you. I also want

to highlight just very quickly a part of the legislation that requires DOL to provide notice and training in people's native languages. I think that is extremely important in providing information to people and to have no excuse, that everyone should feel empowered.

So again, I just rise to commend the sponsor and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rozic in the affirmative.

Ms. Rosenthal.

MS. ROSENTHAL: To explain my vote. Thank you, Mr. Speaker. Gender discrimination has long pervaded the halls of Albany without a resolution for far too long. I remember when I was mistaken for a female staffer and I was told that I was a -- a great little staffer carrying boxes for a male member. I did clarify that I was a lawmaker, but it imprinted in my mind that Albany was, indeed, a "Boy's Club" 13 years ago. And I look around this room and I see my women, my female colleagues and the female staffers who make this place run, and I know that many of them have stories that, sadly, are emblematic of the ways that women have been viewed and treated in Albany. I remember some time ago I confided in a colleague of mine that a certain Assemblymember who's no longer here was bullying and harassing me, and I was told that's just the way it is. And for too long we've accepted that it's just the way it is. But that's not true anymore. Thanks to the Me Too Movement, Time's Up and all the courageous women from here, from Albany, who experienced far too much abuse,

sexual harassment, making their lives miserable. And I think it's a tribute to them, their tenacity, the tenacity of the sponsor and everyone else here who was involved in crafting this legislation to say this is the beginning of a new chapter here in Albany and everywhere else. That everyone deserves respect. You need to be fearless in the face of entrenched power.

I thank the Speaker for recognizing this and for letting women lead on this and many other issues and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Quart.

MR. QUART: Briefly to explain my vote. First, I want to commend the sponsor on her incredible work and all the other members and my colleagues who worked with her to bring this legislation to the floor. A responsive Legislature is one that hears the public, listens to the critics and has the ability to self-correct. With this piece of legislation, we begin the long journey to dealing with the troubled past both in this Legislature and throughout the State of New York, and finally address through law what are deep hole or omissions in our -- and on the State Law when it comes to sexual harassment and sexual discrimination. But to go beyond that we also must look at culture, the culture that gives borne to harassment both in private sector and within government. A special thanks in this regard goes to the women of the Sexual Harassment Working Group. They were the impetus. They were the force working with us to bring meaningful legislation. Not just to push and be advocates, but to write legislation

that, working with the sponsor, we were able to bring together a meaningful piece of legislation. And hopefully with the change of culture bring about real progress for the State of New York.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Quart in the affirmative.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. I -- I just want to join in thanking and -- and praising the work of the Sexual Harassment Working Group. You know, there -- there were other organizations involved, a couple of really terrific employment law groups that helped bring this package together and explain it, which was an important part. But the Sexual Harassment Working Group, we would not be here today doing this legislation without their effort. And, you know, it just brings to mind Margaret Mead's famous saying about how essential it is for a -- a small group of determined individuals to change the world. And we're seeing the fruits of that effort today. And I'm delighted to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to commend my colleague, Assemblymember Simotas, the Working Group for continually fighting for vulnerable individuals and those who would have suffered

unimaginable attacks. For crimes of sexual violence in particular, it's the trauma and the culture of silence that prevents victims from speaking out. This law will allow these victims the time they need to heal and still have the opportunity to bring charges against their attackers. And today this is a major step forward and I proudly cast my vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Thank you.

Page 38, Rules Report No. 3 -- 539. The Clerk will read.

THE CLERK: Assembly No. A08412, Rules Report No. 539, Simotas, Galef, Lupardo, Jaffee, Reyes, Lentol, L. Rosenthal, Seawright. An act to amend the Criminal Procedure Law and the Civil Practice Law and Rules, in relation to statutes of limitations for certain sex crimes.

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

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This bill has two components. The first component, which I am in favor of and support completely, is an extension of the criminal statute of limitations on various sex crimes. I think that's an important component of this bill, and -- and I applaud the sponsor's initiative in that area. The second com -- part of the bill, however, extends the statute of limitations for a large range of sexual acts that are inappropriate for civil actions from typically one, three or five years to 20 years. And with the exception of sexual abuse of a child, which we changed earlier this year, the statute of limitations for this type of activity reflects the fact that often there's no hard evidence, there's no documentation, there's no video, there's no written agreement. And so it often comes down to "he said, she said." Those types of situations. And so looking at our overall statute of limitations, we typically have very short statute of limitations for situations that aren't documented, nor can they be documented, and we have longer statute of limitations for where things are in writing, such as six-year statute of limitations for a written contract. And so it's only three years for negligence, three years for car accidents, two-and-a-half years for med mal. Six years for contracts. Ten years for real estate transactions like deeds or mortgages that are not only in writing, but notarized, acknowledged and recorded. Well this creates a 20-year statute of limitations for this type of situation. And it goes

one step further. It also imposes civil liability not only on the person who was accused of being engaged in the sexual misconduct, but it also imposes liability -- and I'll quote the bill -- "... for a claim against any party whose intentional or negligent acts or omissions are alleged to have resulted in the commission of the conduct." Think about that. Someone can be sued almost 20 years later based on an allegation that they negligently omitted to do something. Not even that they were involved in the act. And if you want a simple example, if somebody says, *Well, I was a victim and, you know, if -- if my employer had put in better lighting or security or if my boyfriend or girlfriend had picked me up on time* or any number of things by third parties who actually had nothing to do with the actual crime, the third parties under this language could be sued for negligent acts or omissions that allegedly occurred two decades ago. Think about that. Two decades ago, where were you? Where were you in 1999, in the summer of 1999, and what did you negligently forget to do? This would open you up to that type of lawsuit. I can't support that type of unlimited extension of the statute of limitations that would apply to third parties based on negligence which otherwise would have a three-year statute of limitations.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. O'Donnell to explain his vote.

MR. O'DONNELL: If you hang around here long enough, all issues will be addressed from three different ways by three different people who took three different positions. And four of them were probably lawyers, and one of them certainly was me. So this is a very difficult subject to deal with for all the reasons that the previous speaker articulated. However, the society and its view on many of these things has evolved. And what it takes to get a piece of legislation like this to the point where it is today is you need someone with courage, with extraordinary intelligence, with a capacity to hear "no" and the willingness to change to make it workable.

My hat goes off to the sponsor for her brilliant job.

I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. O'Donnell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Thank you. Thank you.

Page 43, Rules Report No. 560. The Clerk will read.

THE CLERK: Assembly No. A08126-A, Rules Report No. 560, Paulin, Otis. An act establishing the "Gateway Development Commission Act"; to amend the Transportation Law, in

relation to creating the Gateway Development Commission; and providing for the repeal of such provision upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: This is -- this is certainly an ambitious plan and I can appreciate that. Some of the concerns that I and other of our colleagues have raised throughout the committee process is really, I think, in this project there are too many unanswered questions, particularly in regards to funding and funding commitments. There have been no cost estimates provided or noted as we went through this process, but there's no doubt this project will cost our -- our taxpayers in New York and New Jersey a lot of money. And both so far have been unsuccessful in attaining any funds from the Federal government for this project. So before we -- we go and open New York taxpayers to commit to funding a significant project like this, I'd think it would be helpful and better to know where we stand with the Federal government, for example, and where we stand with New Jersey on this project. And certainly a -- a -- an estimate of the cost and how much this is going to cost New York taxpayers, I think, would be a beneficial thing for us to have before we move forward.

So from my perspective and probably some -- from some of my colleagues, until we have more of these details and specifics relative to commitments and funding dollars and to have

those specifics, I'm going to be voting no and I'm going to urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Paulin to explain her vote.

MS. PAULIN: Thank you, Mr. Speaker. I just want to explain to my colleagues that this was a six-way negotiation, and we expect that New Jersey's Legislature is going to also pass the identical bill. The bill would establish the Bistate Gateway Development Commission to act as a coordinating agency for the facilitation of projects related to the stretch of the Northeast Corridor Railway between Newark, New Jersey and Penn Station, including the rehabilitation and construction of tunnels under the Hudson River, which we all know were devastated after Sandy. So it's a great accomplishment. We need the commission set up so that when we do receive the Federal money we're able to do these projects.

So I want to thank all involved, especially the staff who worked extraordinarily hard and very late hours to get this done. So thank you, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Paulin in the affirmative.

Mr. Quart.

MR. QUART: Thank you. To explain my vote. I'm in support of this legislation, and I've read and reread it. I would just like to say for the record, if this debate is ever looked at in the past that this legislation does not contemplate, does not write, does not include any law enforcement authority, does not include a special prosecutor or even contemplate that. So in the event we are engaged in the idea by the Executive that a special prosecutor or anything of that nature should attach to this legislation, I will let the legislation stand on its own words and explain that none such exists.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Quart in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill passes.

Page 33, Rules Report No. 511. The Clerk will read.

THE CLERK: Assembly No. A07636-B, Rules Report No. 511, Braunstein, Rodriguez, Fall, D. Rosenthal, Weprin, Eichenstein, DenDekker. An act to authorize, for certain public works undertaken pursuant to project labor agreements, use of the alternative delivery method known as Design-Build contracts; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Braunstein, 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.

We'll step back.

Mr. Ra.

An explanation is requested, Mr. Braunstein.

MR. BRAUNSTEIN: Thank you, Mr. Speaker. This
bill would allow certain New York City agencies to use the alternative
delivery method known as Design-Build for the next three years.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. You can -- the
sponsor can sit.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank -- thank you, Ed. Just -- just
quickly on this. You know, one of the concerns that was raised, you
know, we're seeing increasing Design-Build being utilized. I know it
was used on the Tappan Zee Bridge, and I know the City of New York
is supportive of this proposal. But it does also include a project labor
agreement, which, you know, are used in different types of settings.
We actually have a number of different bills that we may or may not
consider before the end of Session that -- that require similar -- similar
types of agreements. But there -- the concern that has been raised in
writing was -- was that that might, you know, complicate or -- or

mitigate some of the -- the savings that would be provided by utilizing a Design-Build process, which is -- which is typically utilized to -- to move a project forward quickly and -- and very efficiently because it -- it is literally what it -- what it says. It's, you know, you design and move forward through each of the stages. So for that reason, some of our colleagues might be casting their vote in the negative. But I -- I do understand that, you know, within the City of New York, where this applies, that the Mayor's office is -- is supportive of -- of this piece of legislation. But again, moving any type of project forward, I think we always have to balance these types of different concerns, whether -- whether it's the pace that the project can move with by utilizing design concepts, but then also the labor side of it and how that impacts the cost and the pace at which a project can move forward.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Rodriguez to explain his vote.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote and thank the sponsor and its previous sponsor, Mr. Benedetto, for their hard work in terms of crafting this legislation. This is -- this bill is simply is about giving

people -- the City the opportunity to build projects faster, better and with more efficiencies than we have seen before. This impacts our parks. This impacts our bridges. This impacts many of the things in our communities that because of the procurement process they have to break into pieces and cost a significant amount in time as well as cost overruns as a result of discrepancies between potential design and potential construction bids that are -- that are done separately and then have to be aligned when you actually go to create the project. So this has taken a number of different difficult negotiations among stakeholders in the City, both with labor as well as the trades and the City to be able to get to this -- to this point. And I want to thank the sponsors for bringing this legislation. We have seen it as a tool in the budget as a negotiating point amongst various parties, and I'm glad that we're able to actually consider it on its merits and -- and move this very important component of -- of construction for the City so that we can all benefit from better projects.

Thank you. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Mr. Benedetto.

MR. BENEDETTO: Thank you, Mr. Chairman, for allowing to speak and explain my vote. I want to compliment the sponsor of this bill. I was sponsoring a -- a similar bill over the last four, five years. I couldn't bring it in. Mr. Braunstein is to be

congratulated. He brought it over the finish line and we finally scored a touchdown for the City of New York. We hope they use this new element well.

Thank you, Mr. Speaker, for letting me interrupt the proceedings. I vote yea.

ACTING SPEAKER AUBRY: Mr. Benedetto in the affirmative.

Mrs. Galef to explain her vote.

MRS. GALEF: I just have a very quick comment. I think this is wonderful for New York City. I don't know why it doesn't apply throughout the State. Yesterday I think we had a bill on the Wicks Law that was for -- to exempt school construction from the Wicks Law for New York City, but we can't do it for the rest of the State. So I think hope -- hopefully next year we can get both of these done for the rest of the State.

Thank you.

ACTING SPEAKER AUBRY: Mrs. Galef in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we can please go back to our main Calendar, Rules Report No. 442 on page 19 [sic] on consent, and we'll just go straight through and follow that

until we -- Mr. Coyne tells us to stop.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01512-A, Rules Report No. 442, Richardson, Ortiz, Barron, Joyner, Carroll, Lentol, Wright, Perry, Dilan, Mosley, Quart, Hyndman, Rozic, Rodriguez, Pheffer Amato, De La Rosa, Vanel, Niou, Galef, Buchwald, Eichenstein, Fernandez, Otis, Taylor, Fall, Dickens, Jean-Pierre, Blake, Rivera, Reyes. An act directing the Metropolitan Transportation Authority to rename certain subway stations.

ACTING SPEAKER AUBRY: On a motion by Ms. Richardson, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03606-A, Rules Report No. 445, Rozic, Lavine, Mosley, D. Rosenthal, Nolan, Wallace, Fahy, Vanel, Bichotte, Blake, Ryan, Weprin, Pheffer Amato, Barnwell, L. Rosenthal, Richardson, Simon, Johns, Fitzpatrick, Abbate, Dinowitz, Ortiz, De La Rosa, Dickens, Fernandez, Epstein,

Barrett, Galef, DenDekker, Colton, D'Urso, Pichardo, Reyes, Cook, Aubry, Schmitt, Stern, DeStefano, Giglio, McDonough, Cruz, Joyner, Fall, Taylor, Braunstein, Eichenstein, Gottfried, Raynor, Rivera, Hyndman, Seawright, Griffin, Glick. An act to amend the Executive Law, in relation to policies and procedures regarding hate crimes and establishing a hate crimes training program.

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

Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04366-A, Rules Report No. 446, Aubry, Cruz. An act to amend Chapter 450 of the Laws of 2017, authorizing the City of New York to discontinue certain parkland for the purpose of construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering and mathematics, in relation to adjusting the boundaries of such land to be discontinued and the reversion of such

lands back to the City of New York if such land is not used for such purpose.

ACTING SPEAKER AUBRY: On a motion by Mr. Aubry, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04417-A, Rules Report No. 447, DenDekker, Colton, M.G. Miller, Dickens, Cook, D'Urso, Taylor, Niou, Mosley, Solages, McDonough, Montesano, Ra, Lawrence, Gottfried. An act to amend the Vehicle and Traffic Law, in relation to requiring charter buses to use commercial global positioning system technology.

ACTING SPEAKER AUBRY: On a motion by Mr. DenDekker, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05021, Rules Report No. 448, Abbate, Griffin. An act to amend the Retirement and Social Security Law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs and correction officers in Nassau County.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05324, Rules Report No. 449, Abbate. An act to amend the Retirement and Social Security Law, in relation to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance

medical technician coordinators and ambulance medical technicians in Nassau County.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06193-A, Rules Report No. 450, Lavine. An act to amend the General Business Law and the -- the Executive Law, in relation to home heating system conversion.

ACTING SPEAKER AUBRY: On a motion by Mr. Lavine, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A06293-B, Rules Report No. 451, Weinstein, Colton. An act 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.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. As I spoke, it seemed like a few years ago, but I think it may have actually been earlier this week, this law, along with a few others, waives competitive bidding requirement for the sale of bonds for the City of New York. This allows the City of New York to sell literally billions of dollars worth of interest-paying bonds without the necessity of going through competitive bidding. And unfortunately, when you sidestep competitive bidding, you open the door for potential favoritism, higher interest rates, lower benefit to the taxpayers. The

reason we allowed New York City to go with a private sale originally dates back about 40 years ago when they had a financial crisis and they couldn't sell the bonds. And so the only way they could sell their debt when they were facing imminent bankruptcy was through private sale. I'm hopeful that's not the situation today, and so I don't see a reason why we don't want New York City to sell its bonds through a competitive bid process, in an open, transparent manner designed to get the best price for the City of New York and all of its residents.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell. Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We are going to return to Rules Report No. 450 on page 20.

The Clerk will read.

THE CLERK: Assembly No. A06193-A, Rules Report No. 450, Lavine. An act to amend the General Business Law and the Executive Law, in relation to home heating system conversion.

ACTING SPEAKER AUBRY: On a motion by Mr. Lavine, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We'll go back to Rules Report No. 452. The Clerk will read.

THE CLERK: Assembly No. A06294-A, Rules Report No. 452, Weinstein. An act to amend the General Municipal Law and the New York State Financial Emergency Act for the City of New York, in relation to certain variations from generally accepted accounting principles as applied to the budget and accounts of the City of New York.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Many of you know that there are generally-accepted accounting principles that

apply both in the government context and in private context. And the reason why we have national standards is so that anyone can pick up the financial statements and understand what they mean, what they cover, what they don't cover. And there's a -- it's very helpful both in understanding them and in transparency. This bill allows New York City to vary from generally-accepted accounting principles for the purpose of determining how much they have in a deficit. And I think it behooves us as a Legislature to expect New York City, especially when they're reporting on their deficit, to use generally-accepted accounting principles so that everyone understands exactly what those statements mean rather than the custom-designed accounting principles that they come up with to suit their needs, which are not open and transparent.

For that reason, I will not be supporting this. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06314, Rules Report No. 453, Hunter. An act to authorize Morgan McDole, Baraaka J. Titus and David Dunlap to elect to participate in the optional 20-year retirement plan for firefighters employed by the City of Syracuse Fire Department in the County of Onondaga.

ACTING SPEAKER AUBRY: On a motion by Ms. Hunter, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06489, Rules Report No. 454, Gunther. An act to amend the Agriculture and Markets Law, in relation to assistance with aggregating, processing and transporting agricultural products for producers and processors.

ACTING SPEAKER AUBRY: On a motion by Mrs. Gunther, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07014-A, Rules Report No. 455, Jacobson. An act to authorize the City of Newburgh, in the County of Orange, to offer an optional 20-year retirement plan to police officer Samuel Kenan, Jr.

ACTING SPEAKER AUBRY: On a motion by Mr. Jacobson, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07246-B, Rules Report No. 456, L. Rosenthal, Quart, Richardson, Carroll, Weprin, Simon, Gottfried. An act to amend the Social Services Law and the Public Health Law, in relation to medication for the treatment of substance use disorders.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A07250-B, Rules Report No. 457, Fall, Jean-Pierre, Buttenschon, Frontus, Dickens, Griffin, Cruz, Cook, Jaffee, Sayegh, D'Urso, Pichardo. An act to amend the General Business Law, in relation to trampoline park safety.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fall to explain his vote.

MR. FALL: Thank you, Mr. Speaker. So, as we know, trampoline parks are becoming more and more popular throughout the country and throughout the State. And, you know, this -- you know, when you go to a trampoline park, you go with the intent to have fun, have a good time. But, unfortunately, that's not the case for many kids. In 2013 we saw 2,500 reported injuries. In 2017 that number went up to 18,000. All right? So basically, this legislation would require businesses to be permitted, make sure that safety guidelines are posted and on their yearly inspections, and that also, staff is trained on -- to make sure that they're ready for any incidents. So, with that being said, I -- you know, we want our businesses to flourish, but at the same time I want people to have fun safely.

I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Fall votes in affirmative.

Ms. Dickens to explain her vote.

MS. DICKENS: Thank you so much, Mr. Speaker. I want to commend my colleague for bringing this to our attention. Oftentimes when we talk about parks we don't often think about the trampoline and there being unsafe conditions. So this is -- is something that will prevent our youth and the adults from having an unsafe condition when they're at the park enjoying themselves.

I withdraw my vote and I ask that I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Dickens in the affirmative.

Mr. DiPietro.

MR. DIPIETRO: Thank you, sir, to explain my vote. I commend the sponsor. I've got a daughter and I take my -- I take her and my nieces and nephews to a number of trampoline parks. They love it. But every time I'm there I see kids walking out with -- I mean, just -- just always getting hurt. And my niece fractured her arm, my nephew sprained his ankle. And I just -- I cringe every time I go there, that just there just needs to be a little bit more safety with all these kids running around.

So I commend the sponsor. It is a problem and I hope we can take care of it. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Mr.

DiPietro in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07441-A, Rules Report No. 458, Ryan. An act to direct the Department of Education to study the frequency of residents who are being assessed library taxes for more than one library district and to make recommendations to prevent the double taxation of residents; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Ryan, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07615-A, Rules Report No. 460, Abbate. An act to amend the Retirement and Social Security Law, in relation to establishing a 25-year retirement plan for firefighters employed by the Division of Military and Naval Affairs.

ACTING SPEAKER AUBRY: On a motion by Mr.

Abbate, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A07748-A, Rules Report No. 461, L. Rosenthal, Griffin, Weprin. An act to amend the Civil Service Law, in relation to equal pay for similar work protections for protected classes.

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

The bill is laid aside.

THE CLERK: Assembly No. A07772-A, Rules Report No. 462, Glick. An act to authorize the City of New York to discontinue the use as park land of a portion of real property in the County of New York and to grant easements.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07777, Rules Report No. 463, Gottfried, Englebright, Dinowitz, D. Rosenthal, Raia, Lupardo. An act to amend the General Business Law and the Public Health Law, in relation to financial liability and disclosure for funeral homes.

ACTING SPEAKER AUBRY: On a motion by Mr. Gottfried, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07784-A, Rules Report No. 464, Abbate. An act to amend the Retirement and Social Security Law, in relation to establishing accidental disability retirement for correction officers, correction supervisors, deputy sheriff patrol and deputy sheriff patrol supervisors.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07846-A, Rules Report No. 465, Paulin, Otis. An act to authorize the Commissioner of General Services to transfer and convey certain State land to the City of New Rochelle.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07890, Rules Report No. 466, Hunter. An act to authorize the City of Syracuse, in the County of Onondaga, to offer an optional 20-year retirement plan to police officer Thomas R. Nicolini.

ACTING SPEAKER AUBRY: On a motion by Ms. Hunter, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk, as is a fiscal note.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07936-A, Rules Report No. 467, Arroyo, Blake, Reyes, M.G. Miller, D'Urso, Gottfried, Rivera, Cruz, Glick. An act to amend the State Finance Law, in relation to prohibiting State contracts with vendors that forbid employees from litigating discrimination or harassment claims.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07986, Rules Report No. 468, Griffin, Englebright, D'Urso, Reyes. An act to amend the Environmental Conservation Law, in relation to eliminating the installation or covering of mercury-containing flooring in elementary and secondary schools.

ACTING SPEAKER AUBRY: On a motion by Ms. Griffin, 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.)

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you for letting me explain my vote. Mercury-containing flooring has been around since the 1960's in elementary and secondary school gymnasiums and can be detrimental to a child's developing body. Health expert says that mercury vapor can accumulate in the body and eventually affect brain function. Also, mercury concentration levels increase during warmer weather and when ventilation systems are shut off. When parents send their children to school, they want to ensure that their children are in a safe, secure and enriching learning environment. Parents do not expect that their children could be harmed by a colorless, odorless vapor. Fortunately, we can prevent this from happening. This past April through May, we had three incidents on Long Island of three schools that detected high levels of vapor.

I hope my colleagues will join me in passing this bill in order to phase out the installation of mercury-containing flooring in elementary and secondary public and private schools to save our children and the children of New York State from a neurotoxin that can detrimentally impact a child's development. Thank you. I will be voting yes.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Ms. Griffin. Is this your first, am I told? No? Well, let's hear it for the second.

(Applause)

Sometimes the second is better than the first.

The Clerk will read.

THE CLERK: Assembly No. A07996-A, Rules Report No. 469, Thiele. An act -- an act authorizing the alienation of certain parklands in the Town of Southhampton, County of Suffolk.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08093-A, Rules

Report No. 470, McMahon, Colton. An act to amend the Labor Law, in relation to prohibiting wage differentials based on protected class status.

ACTING SPEAKER AUBRY: On a motion by Ms. McMahon, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A08099, Rules Report No. 471, Thiele. An act to authorize the Town of Brookhaven, County of Suffolk, to alienate certain parklands and to dedicate other lands as parklands.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08171-A, Rules Report No. 473, Santabarbara. An act to amend the Vehicle and Traffic Law, in relation to requiring stretch limousines to use commercial global positioning system technology.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08172-A, Rules Report No. 474, Santabarbara. An act to amend the Vehicle and Traffic Law, in relation to penalties for U-turn violations committed by operators of stretch limousines.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 365 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08184, Rules Report No. 476, Byrne, Galef. An act to amend the Alcoholic Beverage Control Law, in relation to exempting certain land from the provisions of law which generally restrict manufacturers, wholesalers and

retailers from sharing an interest in a liquor license.

ACTING SPEAKER AUBRY: On a motion by Mr. Byrne, 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.)

Assemblymember Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker, for allowing me to interrupt to explain my vote. This is a great bill. I think it's the best bill in the entire year.

(Laughter)

No, but it's actually a very important bill to my district. This legislation will allow a pending multi-million-dollar distillery project in the Town of Carmel to move forward. New York State may not always have the best reputation for its business climate, but it's still part of our -- our job as legislators to partner with our colleagues in local and county government to encourage economic growth and job creation. This would allow the Alexandrian Group's distillery project in Carmel to bring in nearly \$50 million in capital investment to the State. It has the potential to bring in over 100 quality jobs to the area to ease the local property tax burden on the residents of Putnam County, the Town of Carmel and the Carmel

Central School District. Within the 94th Assembly District, we're already facing nearly 100 jobs -- losing nearly 100 jobs from the pending closure of Indian Point. So this project will provide a significant boost to our local -- local economy, tourism sector and tax base.

I introduced this legislation less than three weeks ago. In my limited experience in this Chamber, introducing and passing this type of legislation in less than three weeks is truly remarkable and a rarity in Albany, and yet here we are, getting it done. I want to make sure I give special thanks to the Chairman of Economic Development, Mr. Schimminger; the Chairman of Codes, Mr. Lentol; the Speaker; our Minority Leader, Brian Kolb; Assemblymember Galef for co-sponsoring this proposal; and both the Majority and Minority staff for their work in helping us move this bill forward in such a short timeline.

I will be voting in the affirmative, Mr. Speaker, and I urge all my colleagues to vote yes. Thank you.

ACTING SPEAKER AUBRY: Modesty becomes you.

(Laughter)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08223-A, Rules Report No. 477, Crouch. An act to amend the Highway Law, in

relation to naming a section of Route 8 in the Village of Sidney the "Sidney Veterans' Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Crouch, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08235, Rules Report No. 478, Lifton. An act in relation to authorizing the Town of Ithaca, County of Tompkins, to alienate and convey certain parcels of land used as parklands.

ACTING SPEAKER AUBRY: Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08284-A, Rules Report No. 479, Santabarbara. An act to authorize the City of Amsterdam, in the County of Montgomery, to finance a certain deficit by the issuance of bonds.

ACTING SPEAKER AUBRY: On a motion by Mr. Santabarbara, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08302, Rules Report No. 480, Magnarelli, Santabarbara. An act to amend the Transportation Law, in relation to allowing the Commissioner of Transportation to impound stretch limousines in certain situations.

ACTING SPEAKER AUBRY: Read the -- read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08308, Rules Report No. 481, Zebrowski. An act to amend the Vehicle and Traffic Law, in relation to prohibiting retail dealers of second-hand motor vehicles from selling motor vehicles manufactured on or after September 1st, 1979 unless such vehicle is equipped with a functioning inflatable restraint system which conforms to the Federal motor vehicle safety standard applicable to that vehicle.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08320, Rules Report No. 482, Cymbrowitz. An act to amend the Private Housing Finance Law, in relation to the powers of the New York State Housing Finance Agency, with relation to an increase in bond and note authorization; to amend Chapter 514 of the Laws of 1983 amending the Private Housing Finance Law and the Real Property Tax Law relating to the powers of the New York State Housing Finance Agency to finance certain multi-family housing and Chapter 396 of the Laws of 1984, amending the Private Housing Finance Law and the Real Property Tax Law relating to the powers of the New York State Housing Finance Agency to finance certain multi-family housing, in relation to the

effectiveness of such chapters; to amend Chapter 915 of the Laws of 1982 amending the Public Authorities Law, relating to the powers of the State of New York Mortgage Agency, in relation to the effective date thereof; to amend the Public Authorities Law, in relation to the powers of the State of New York Mortgage Agency; to amend Chapter 555 of the Laws of 1989 amending the Public Authorities Law and other laws relating to establishing a New York State Infrastructure Trust Fund, in relation to the effective date thereof; to amend Chapter 172 of the Laws of 2002, amending the Public Authorities Law relating to the powers of the State of New York Mortgage Agency, in relation to extending the provisions thereof; to amend Chapter 208 of the Laws of 2010 amending the Public Authorities Law relating to the powers of the State of New York Mortgage Agency, in relation to extending the provisions thereof; and to amend Chapter 246 of the laws of 2010 amending the Public Authorities Law relating to the powers of the State of New York Mortgage Agency, in relation to extending the provisions thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Cymbrowitz, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08342, Rules Report No. 483, Abbate. An act to amend the Executive Law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the Division of State Police; to amend the State Finance Law, in relation to the Employee Benefit Fund for members of such unit; making an appropriation therefor; and repealing certain provisions of the Executive Law and the State Finance Law relating thereto (Part A); and to provide for the adjustment of stipends of certain incumbents in the State University of New York and designating moneys therefor; to continue a Doctoral Program Recruitment and Retention Enhancement Fund; to continue work-life services and pre-tax programs; to continue a professional development committee; to continue a comprehensive College Graduate Program Recruitment and Retention Fund; to continue a Fee Mitigation Fund; to continue a Downstate Location Fund; to continue a joint labor management advisory board; to continue an accidental death benefit; providing compensation for certain State employees in the State University that are designated, stipulated, or excluded from negotiating units as managerial or confidential pursuant to Article 14 of the Civil Service Law and certain employees of contract colleges at Cornell and Alfred Universities; and making an appropriation therefor

(Part B).

ACTING SPEAKER AUBRY: On Mr. Abbate's motion, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00436-A, Rules Report No. 484, Paulin, Galef, Schimminger, Magnarelli, Jaffee, Lupardo, Englebright, M.G. Miller, Otis, Gottfried, Thiele, Jacobson, D'Urso. An act to amend the Town Law and the Village Law, in relation to requiring local building and planning regulations to accommodate the use of certain renewable and alternative energy sources.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A00567-C, Rules Report No. 485, L. Rosenthal, Colton, Paulin, Arroyo, Barron, Carroll, Steck, Walker, Ramos, Abinanti, Hyndman, Jean-Pierre, Dickens,

Peoples-Stokes, Seawright, Ryan, Ortiz, De La Rosa, Fahy, Benedetto, Glick, Perry, D'Urso, Raia, Garbarino, Dinowitz, Richardson, Otis, Gottfried, Rozic, Cusick, Simon, Woerner, Mosley, Buchwald, Wallace, Aubry, Bichotte, Quart, Galef, Stirpe, Lupardo, Crespo, Santabarbara, Williams, M.L. Miller, Weprin, B. Miller, Taylor, Norris, Davila, Epstein, Niou, Reyes, Burke, Braunstein, Fall, Zebrowski, Stern, Simotas, Bronson, LiPetri, Reilly, Hunter, Smith, Cook, Pretlow, McMahon, Griffin, Lavine, Sayegh, Jacobson, Barnwell, Abbate, DeStefano, Pheffer Amato, Morinello, Rivera, Blake, Frontus, Buttenschon, Dilan, M.G. Miller, Magnarelli, Cruz, Solages, D. Rosenthal. An act to amend the Labor Law, in relation to enacting the "New York Call Center Jobs Act."

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much. I appreciate the sponsor's desire to try to encourage call centers to stay in New York. The problem is, though, as identified by the call centers

themselves is this bill would require that they repay any grants they got for locating here in the first place, or certainly pro rata share. It also would restrict their ability to operate their business flexibly to reflect the changing market conditions. And as a result, the call centers have indicated that if this bill becomes law it's likely they'll reduce employment and New York will be much less attractive for call centers in the future. Sometimes our best-intended legislation has the opposite result. And if we require call centers to agree in advance that they'll never reduce their employment below a certain level or locate any operations outside the State, it will have a deleterious impact on them and that will be reflected in lower employment here.

For that reason, I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Thank you, thank you, thank you. We appreciate your silence.

THE CLERK: Assembly No. A01108-B, Rules Report No. 486, L. Rosenthal, Simon, Jaffee, Joyner, Barrett, Dickens, Glick, Arroyo, Jean-Pierre, Hyndman, Bichotte, Richardson, Gottfried, Mosley, Pichardo, Taylor, Baron, Lavine, Solages. An act to amend the Election Law, in relation to the use of campaign funds for

childcare expenses.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01966, Rules Report No. 487, Dinowitz, Peoples-Stokes, Paulin, Gottfried, L. Rosenthal, Zebrowski, Crespo, Weprin, Jaffee, Galef, Cahill, Colton, Lifton, Abinanti, Hevesi, Cook, Stirpe, Steck, Lupardo, Gunther, Mosley, Ortiz, Perry, Santabarbara, Simotas, Jean-Pierre, M.G. Miller, Arroyo, Joyner, Fahy, Otis, Hunter, Barrett, Seawright, Lavine, Taylor, Raia, Montesano, Smith, Englebright, Buchwald, Simon, Griffin, Ra, Jacobson, Barron, D'Urso, Stern, Reyes, DeStefano, LiPetri, Lentol. An act to amend the Public Service Law, in relation to creating the State Office of the Utility Consumer Advocate.

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

advanced and the bill is laid aside.

THE CLERK: Assembly No. A02100, Rules Report No. 488, Perry. An act to amend Chapter 658 of the Laws of 2002, amending the Education Law, relating to citizenship requirements for permanent certification as a teacher, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Perry, the Senate bill is before the House. The Senate bill is advanced. Home Rule -- no -- Home -- Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Perry to explain his vote.

MR. PERRY: Thank you, Mr. Speaker. And let me thank my colleague, the Chair of the Education Committee, who was very cooperative and worked and participated in her efforts to get this bill to the floor. This bill was first introduced in 2002. It passed the House, was signed into law, provided for immigrant teachers who had worked in the -- certified in their own countries to gain permanent -- to gain certification to allow them to teach, as they love to, in the New York City school system. It was renewed in 2007, again in 2012, and I'm really pleased to see that it's become a permanent law in our State. So I thank the Speaker and all of the -- the staff that worked hard to

get us to this stage, and I thank my colleagues. I thank the -- on the other side of the House who helped get it here, too, so that we can pass it on consent.

Thank you, Mr. Speaker. Thank you all for voting yes.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04676-B, Rules Report No. 489, Stec. An act in relation to permitting Essex County to enter into a municipal cooperative agreement for emergency medical services and general ambulance services.

ACTING SPEAKER AUBRY: On a motion by Mr. Stec, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04739-A, Rules Report No. 490, Fahy, Thiele, Gottfried, L. Rosenthal, Epstein, Ortiz, Galef, Stirpe, Jaffee, Dinowitz, Magnarelli, Romeo, Lifton, Carroll, Colton, Stern, D'Urso, Mosley, Paulin, Reyes, Perry, Steck, Wallace, Griffin, Abinanti, Jones, Buchwald, Barron, Quart, Simon. An act to amend the Environmental Conservation Law, in relation to the use of perfluoroalkyl and polyfluoroalkyl substances in food packaging.

ACTING SPEAKER AUBRY: On a motion by Ms. Fahy, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A05061-A, Rules Report No. 491, Raynor. An act in relating -- in relation to permitting Iglesia La Luz Del Mundo, Inc., to file an application for certain real property tax exemptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06006, Rules Report No. 492, Palumbo, DeStefano. An act to amend Chapter 699 of the Laws of 1947, relating to authorizing the creation of Fishers Island

Ferry District in the Town of Southold, Suffolk County, in relation to authorizing an increase in principal of bonds issued for the acquisition, construction, equipment and operation of a public ferry for hire from Fishers Island across waters of Long Island Sound, subject to referendum.

ACTING SPEAKER AUBRY: On a motion by Mr. Palumbo, 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.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06342, Rules Report No. 493, Manktelow. An act to authorize Brad Steve to receive certain service credit under Section 384-d of the Retirement and Social Security Law.

ACTING SPEAKER AUBRY: On a motion by Mr. Manktelow, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06468, Rules Report No. 494, Stern. An act to authorize the assessor of the Town of Huntington, County of Suffolk, to accept from the South Huntington Union Free School District an application for exemption from real property taxes.

ACTING SPEAKER AUBRY: On a motion -- on a motion by Mr. Stern -- Stern, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06560-A, Rules Report No. 495, Walczyk, DeStefano, Manktelow, Sayegh, McDonough, Blankenbush, Montesano, Barclay, Lawrence, B. Miller. An act to amend the Highway Law, in relation to designating a portion

of the State highway system as the "Charles 'Chuck' Kelly Memorial Highway."

ACTING SPEAKER AUBRY: On a motion by Mr. Walczyk, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker. As my first bill, I am so honored to honor a man, Chuck Kelly. He was a newsman's newsman. This was your community guy in Ogdensburg, Mr. Ogdensburg, New York, that fought so hard for the St. Lawrence Psych Center, fought very hard for the Ogdensburg prisons over and over again. He -- he was a guy that was very involved in the Boys and Girls Club in Ogdensburg. Really Mr. Community, and we are so honored to name a short stretch of highway along Route 37 through Ogdensburg in his honor.

So, thank you to all my colleagues for supporting this, and I appreciate the time. I vote aye.

ACTING SPEAKER AUBRY: Mr. Walczyk votes aye.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

So for you and Chuck, congratulations. It's your first bill.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A06588-A, Rules Report No. 496, Stec. An act to amend Chapter 491 of the Laws of 2018 relating to incorporating the Volunteer Exempt Firefighter's Benevolent Association of Whitehall, New York and providing for its powers and duties, in relation to the disposition of foreign fire insurance premium taxes received by such corporation.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06659-A, Rules Report No. 497, Jean-Pierre. An act in relation to authorizing the Town of Babylon to be able to grant Ahmadiyya Movement In Islam, Inc. of Amityville a property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Ms.

Jean-Pierre, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06670-B, Rules Report No. 498, Salka. An act to amend the Highway Law, in relation to designating a portion of the State highway system in the Town of Hartwick as the "Sergeant John Kempe Winslow Memorial Highway."

ACTING SPEAKER AUBRY: On a mission -- on a motion by Mr. Salka, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06787-B, Rules Report No. 499, Wallace, Epstein, Mosley, M.G. Miller, Simon, Gottfried, L. Rosenthal, Reyes, Otis, Simotas, Quart. An act to amend the Education Law, in relation to the use of biometric identifying technology.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06840-B, Rules Report No. 500, M.L. Miller. An act authorizing the Village of Island Park to -- to retroactively apply for a real property tax exemption for certain property.

ACTING SPEAKER AUBRY: On a motion by Ms. Miller, 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.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06987-A, Rules Report No. 501, Solages. An act to amend the Public Health Law, in relation to requiring the Department of Health of the State of New York to conduct a study of the effects of racial and ethnic disparities

on infant mortality and prepare and submit a report to the Governor and the Legislature.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06991-A, Rules Report No. 502, Garbarino. An act to amend the Town Law, in relation to the nomination of fire district officers in the Fair Harbor Fire District.

ACTING SPEAKER AUBRY: On a motion by Mr. Garbarino, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07011-B, Rules Report No. 503, Raynor. An act to authorize the assessor of the County of Nassau to accept an application for exemption from real property taxes from Iglesia Long Island Para Cristo Inc. for a certain parcel in the Town of Hempstead.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07219-C, Rules Report No. 504, Fahy, Epstein, Paulin, Simon. An act to amend the Vehicle and Traffic Law, in relation to the identification of transportation network company drivers and vehicles.

ACTING SPEAKER DENDEKKER: Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07234, Rules Report No. 505, Thiele, Englebright, D'Urso, Griffin, Stern, Jean-Pierre, LiPetri, DeStefano, Raia, Palumbo. An act to amend the County Law, in relation to authorizing the counties of Nassau and Suffolk to waive certain fees for veteran's organizations.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07354-A, Rules Report No. 506, DeStefano. An act in relation to authorizing the Town of Brookhaven to grant Maryhaven Center of Hope, Inc. of East Patchogue a property tax exemption.

ACTING SPEAKER DENDEKKER: On a motion by Mr. DeStefano, 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 DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07493, Rules Report No. 507, Thiele. An act in relation to the designation of the East Hampton -- East Hampton Volunteer Ocean Rescue and Auxiliary Squad as an emergency rescue and first aid squad pursuant to the General Municipal Law and permitting members to display green lights on motor vehicles when engaged in emergency operation pursuant to the Vehicle and Traffic Law.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07538-A, Rules

Report No. 508, Benedetto, Cruz, Ashby. An act to amend the Education Law, in relation to including bus drivers and monitors as school personnel for policies and procedures concerning school safety plans.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Benedetto, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

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

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07599, Rules Report No. 509, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to admissibility of an opposing party's statement.

ACTING SPEAKER DENDEKKER: The bill is laid aside.

THE CLERK: Assembly No. A07601, Rules Report No. 510, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to the privilege between a personal representative and the attorney to lifetime trustees.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Dinowitz, 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 DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07667, Rules Report No. 512, Raynor, Cook, Simon, Glick, Ramos, Gottfried, Nolan, Joyner, Sayegh, Thiele, Epstein, Steck, McDonough, DenDekker, Romeo, Titus, Wright, Blake, Smullen. An act establishing the 400 Years of African-American History Commission; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER DENDEKKER: On a motion by Ms. Raynor, 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 DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Raynor to explain her vote.

MS. RAYNOR: Thank you, Mr. Speaker, for allowing me to explain my vote. The enormous contributions that African-Americans have made to this planet are often overlooked. African-Americans are responsible for incredible advancements in technology, cuisine, health, industry, and, of course, the arts and culture. African-Americans are responsible for the creation, development and advancement of this great country and State. Every single day I express gratitude for my ancestors and my people, but especially today as we celebrate Juneteenth, this is a very, very special bill. I would like to thank the Senator for believing in me and pushing this bill forward in his commission because we really have to do a lot better to acknowledge the people who have built this country.

I want to go on record and say that I've heard a lot this Session about immigration. I've heard people say that if you are not of Native American descendants, then you are an immigrant. Well, I'd like to say that African-Americans are not immigrants. We did not choose to come here. We didn't come here on a cruise ship. So I would like to say that I view my people more as hostages who came here to give to this country.

So I would like to say thank you very much, and, of course, I vote in the affirmative for this bill. Thank you.

ACTING SPEAKER DENDEKKER: Ms. Raynor in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07708, Rules Report No. 513, Otis, Galef. An act to amend the Education Law, in relation to the scheduling of annual meetings of boards of education.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Otis, 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 DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07756-A, Rules Report No. 514, Gottfried. An act to amend the Alcoholic Beverage Control Law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages on licensees who sell at retail for on-premises consumption; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER DENDEKKER: On a motion by Mr. Gottfried, 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 DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07762, Rules Report No. 515, Byrnes. An act to validate certain acts of the Mount Morris Central School District with regard to certain capital improvement projects.

ACTING SPEAKER DENDEKKER: On a motion by Ms. Byrnes, 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 DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Ms. Byrnes, on your first bill.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A07776, Rules Report No. 516, DenDekker. An act to amend the Domestic Relations Law, in relation to the designation of persons who may perform marriage ceremonies in certain cities.

ACTING SPEAKER DENDEKKER: On a motion by Mr. DenDekker, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take --

ACTING SPEAKER DENDEKKER: Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call on Mr. Otis and Mr. Crouch for an announcement?

ACTING SPEAKER DENDEKKER: Mr. Otis for an announcement.

MR. OTIS: There will be an immediate meeting of

the Democratic Conference upon our being put at ease by the Majority Leader in the Speaker's Conference Room.

ACTING SPEAKER DENDEKKER: Immediate Democratic Conference in the Speaker's Conference Room.

Mr. Crouch for an announcement.

MR. CROUCH: Thank you, Mr. Speaker. They'll be an immediate Republican Conference in the Parlor.

ACTING SPEAKER DENDEKKER: An immediate Republican parlor in the --

(Laughter)

An immediate Republican Conference in the Parlor. We're going to get it right, Mr. Crouch.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you call us into recess until the completion of the party conferences?

ACTING SPEAKER DENDEKKER: The House stands in recess.

(Whereupon, the House stood in recess.)

****AFTER THE RECESS

ACTING SPEAKER D. ROSENTHAL: The House will come back to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can

go to our debate Calendar and go to Rules Report No. 182. It's on page 7 by Mr. Burke. And Rules Report No. 291, it's on page 12 by Mr. Hevesi. And then we're going to go to the Calendar, 404, Calendar No. 404 -- excuse me, 404. It's on page 67 by Mrs. Gunther. And 493 is on page 72 by Ms. Hunter. In that order, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: The Clerk will read.

THE CLERK: Assembly No. A07675-A, Rules Report No. 182, Burke. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to requiring an evaluation of the impacts of the closure of public access to any land owned or operated by the Office of Parks, Recreation and Historic Preservation.

ACTING SPEAKER D. ROSENTHAL: On a motion by Mr. Burke, the Senate Bill is before the House. The Senate bill is advanced.

The Clerk will read -- or read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S05402, Rules Report No. 291, Senator Persaud (A07817, Hevesi). An act to amend the Social

Services Law, in relation to exempting certain funds in a NY ABLE savings account in the calculation of household benefits under public assistance programs.

ACTING SPEAKER D. ROSENTHAL: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03705-A, Calendar No. 404, Gunther, Woerner, Santabarbara, Lavine, Taylor, L. Rosenthal. An act to amend the Public Health Law, in relation to the employment of persons to function as infection preventionists in certain general hospitals.

ACTING SPEAKER D. ROSENTHAL: Read the last section.

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

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Mrs. Peoples-Stokes.

The bill is passed.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Rules Committee to the Speaker's Conference Room?

ACTING SPEAKER D. ROSENTHAL: Rules Committee, Speaker's Conference Room.

(Pause)

The Clerk will read.

THE CLERK: Assembly No. A02880-B, Calendar No. 493, Hunter. An act to amend the Insurance Law, in relation to denial of coverage of additional or related services or procedures related to health care services for which pre-authorization was granted or did not require pre-authorization; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER D. ROSENTHAL: On a motion by Ms. Hunter, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you can now take us to Rules Report No. 380. It's on page 15 by Mr. DenDekker. Following that we're going to go to Rules Report No. 239. It's on page 9 by Mr. Santabarbara. In that order, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: The Clerk will read.

THE CLERK: Senate No. S04699, Rules Report No. 380, Senator Ramos (A06832, DenDekker). An act in relation to requiring the Commissioner of Health to conduct a study relating to the number of emergency room beds.

ACTING SPEAKER D. ROSENTHAL: Mr. DenDekker, an explanation has been requested.

MR. DENDEKKER: Thank you, Mr. Speaker. So this bill will require that the Commissioner of the Department of Health conduct a study relating to the number of emergency room beds that would be necessary in an area based on several factors, including population as -- as well as risk assessment.

ACTING SPEAKER D. ROSENTHAL: Mr. Goodell.

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

ACTING SPEAKER D. ROSENTHAL: Does the sponsor yield?

MR. DENDEKKER: Yes.

ACTING SPEAKER D. ROSENTHAL: The sponsor yields.

MR. GOODELL: Thank you, Mr. DenDekker. Is it -- is it your intent that this is only a study, and from that study they will make recommendations?

MR. DENDEKKER: Yes, that is correct. The -- the study is asking the Department of Health to make recommendations based on a large criteria that they can use to get a -- an idea of should there should be some sort of standard or should there be changes depending on the locality of maybe, for example, an airport or a large stadium that might be around there, should there therefore be a requirement to have more emergency room beds in case some sort of incident would happen at one of those locations.

MR. GOODELL: I note that the introductory sentence references that they're authorized to establish minimum number of beds required. Am I correct that's only a recommendation, that they don't actually -- would not be authorized to actually establish that minimum, that would take further legislative action?

MR. DENDEKKER: Yes. The -- the sentence, I guess the way you interpret it, the way we intended it is for them to maybe to make recommendations on a certain number of beds in their recommendation. So that -- that would hopefully answer your question, sir.

MR. GOODELL: Thank you very much sir, Mr. DenDekker.

Sir, on the -- on the bill.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. GOODELL: I appreciate the opportunity to discuss this in some detail with Mr. DenDekker, and I thought it was very important that we make it absolutely clear as part of our legislative history that this study and this legislation would only relate to studying the number of emergency beds and making recommendations back to us on what to do further, and that this legislation would not and should not be interpreted to authorize the Commissioner of Health to actually establish the minimum number of beds, that that would require additional action by this Legislature.

So, with that clear understanding, I appreciate my colleague's comments on clarifying that. I don't have an issue with this bill and I'll recommend my colleagues support it as well.

ACTING SPEAKER D. ROSENTHAL: Mr. McDonough.

MR. MCDONOUGH: Yeah, thank you, Mr. Speaker. Would the sponsor yield for one question?

MR. DENDEKKER: Yes.

ACTING SPEAKER D. ROSENTHAL: The sponsor --

MR. MCDONOUGH: This is a silly question, I just want to be sure. That includes all public and private hospitals in the State?

MR. DENDEKKER: Yes. So what -- what the

intention of the bill is to look at an area -- we'll -- we'll use an area near where my district is that has a -- a stadium -- that has a tennis stadium, a baseball stadium, an airport, multiple highways and public transportation system, and to decide should there be a higher level of emergency room beds available in that area in case some sort of incident were to occur in that area.

MR. MCDONOUGH: Yeah, okay. I understand that. What you're talking about is very highly-populated areas, even though they're only populated at certain hours sometimes, like an airport or other facility. But what about all the hospitals in the State? You have some hospitals that are -- I take that Schoharie accident, which I know was not a good example, but where you -- a neighbor -- not a neighbor, but a rural hospital had to be prepared for that. Or some other place where you would have a, God forbid, a plane crash or something. So are you studying -- will this study conclude -- include, excuse me, all hospitals, public and private, in the State?

MR. DENDEKKER: Well, it -- it's directing the Commissioner to do that study of all of hospitals to make determinations should there be a certain amount of emergency room beds and -- and look at different portions of the State and how they may need an increase in -- in that emergency room staffing. Or if between their public and private hospitals they feel that that area has -- has enough emergency room beds to handle some sort of mass casualty incident.

MR. MCDONOUGH: Okay. Thank you very much.

Thank you, Mr. Speaker.

ACTING SPEAKER D. ROSENTHAL: Mr. Salka.

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

MR. DENDEKKER: Yes.

ACTING SPEAKER D. ROSENTHAL: The sponsor yields.

MR. SALKA: Now, this study that's being done, will it categorize the -- the ability to deal with different acuity levels? Like, for instance, there's trauma centers and there's centers that are -- and small rural hospitals can't handle heavy traumas or anything like that? I mean, according to how they're staffed?

MR. DENDEKKER: Well, we're directing the Commissioner of Health to conduct the study, so I'm assuming that the Commissioner of Health would take all that into the consideration for the areas. There is no minimum standard that's being implemented here. It's a study with recommendations.

MR. SALKA: Oh, okay. Thank you. Thank you for your -- your answer. That's all.

ACTING SPEAKER D. ROSENTHAL: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01416-C, Rules Report No. 239, Santabarbara. An act to amend the Public Service Law, in relation to information cable television companies must provide to subscribers regarding availability of required equipment at retail.

ACTING SPEAKER D. ROSENTHAL: An explanation is requested, Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. This bill will require cable service providers to provide information to their customers that they have the option of buying their own equipment. Most -- most of the time customers buy service in a package that comes with a modem, remote control or some other items that they end up paying a monthly charge for. Customers that I've talked to, they're unaware that they can purchase their own equipment and at much time -- at many times it could be at a lower cost depending on how long you have the service because the service fees add up. So this bill would require that they at least provide that information that they have that option.

ACTING SPEAKER D. ROSENTHAL: Mr. Palmesano.

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

ACTING SPEAKER D. ROSENTHAL: The sponsor yields.

MR. SANTABARBARA: Yes.

MR. PALMESANO: Thank you, Mr. Santabarbara. I know you explained that there are some customers, but why -- why is this bill actually needed? Don't -- I guess my question is, isn't there some responsibility that has to fall on the -- on the customer? They have the opportunity to do their own research. We don't do this with telephone companies to have them explain what kind of phones and voicemail boxes that are out there. Why are we putting this mandate on a cable system when the opportunity is for that individual to do their own research and look it up?

MR. SANTABARBARA: There's been a -- with rising cable costs in my district, I've had a lot customers that have called my office to ask, you know, about what they can do to reduce their bill. We've called cable companies. Most of the time a lot -- one simple thing that can be done is to reduce -- you know, take away the -- the fees for the equipment, and it's, you know, sometimes it's a bit of equipment. Those fees add up. And when I get back to the customer, most times, more than not, they just never knew. And some of them had service for years and years. They never knew that they could buy their own equipment. They never knew that was an option. They just assumed that it came with the service package and they had to accept that equipment because they were never notified. So this is just providing more information to the consumer to let them know that

they have that option. And depending on how long you have the service it may be a more cost-effective option that they -- people were just unaware of.

MR. PALMESANO: Right.

MR. SANTABARBARA: I think it's --

MR. PALMESANO: I guess one part in the bill that concerns me specifically is the -- the -- the second part where it says you have to provide -- they have to provide information specifically how and where. So we -- the cable companies have to put together an information packet on which one of their competitors, what businesses offer this other similar service that they offer and the similar products they're offering. We don't put that mandate on other -- other organizations, other businesses. It's a competitive -- it's a deregulated market. It's not -- it's competitive. Why should they be, I guess, forced to explain every like -- why do they have to put out the whole map -- road map for them on how and where? That's a burden that's placed on the -- the company and I think that's just a challenge that -- to do.

MR. SANTABARBARA: So, the bill will require the companies to let customers know they have the option of buying their own equipment and just letting them know what the compatible equipment would be, if there was a model number or specific type of modem or remote control or whatever that works with their system. The where is something we're working on addressing with an amendment to this -- this bill.

MR. PALMESANO: So you're looking at amendments to the bill.

MR. SANTABARBARA: On -- on that one particular piece, on the second piece.

MR. PALMESANO: I guess -- I guess the thing I'm -- I'm concerned about, too, isn't this going to cause confusion? Because there are -- there are many customers -- I get what you're saying because I mean, I -- I have a cable bill, it certainly goes up.

MR. SANTABARBARA: Sure.

MR. PALMESANO: But there are people who buy the package because they want that convenience, they know if there's something that needs to be serviced they're getting that package with the -- with the company they're with. But if someone -- putting out information about other places, isn't that going to send confusion to the customer that they -- they -- there's a third party, they had to go out and buy -- they buy another modem. Now they're going to -- if there's a problem they're going to think they can call their cable company to come service this. When it's their competitor they're not going to be able to do that. Isn't this just going to cause more confusion and misinformation and also --

MR. SANTABARBARA: No, I don't think so because I've actually done this for customers, and the cable companies are very receptive to it and they're perfectly -- they've been agreeable and more than helpful to provide that information. And they admittedly said -- have said, *This has always been an option. We have*

no problem with it, you providing your own equipment. They come back, they take the lease part of it, you return it back -- back to their -- you know, they want their equipment back and they're perfectly more than -- more than happy to have the customer provide their own equipment.

MR. PALMESANO: Okay. Thank you, Mr. Santabarbara.

Mr. Speaker, on the bill.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. PALMESANO: Yes, I understand the intentions of what the sponsor is trying to do. I think you're well-intended, I just think the consequences behind this bill have a negative impact. First of all, we have a business that's being forced and mandated to provide information for products that are their competitors. We don't put that on other private companies. It's mandated they have to provide this information. We certainly don't put it on -- in place for telephone companies saying that they have to provide, you know, telephones and voicemail, data information. We don't tell them they have to do that. So why are we singling out cable companies specifically? I think this has the ability to really create some -- some confusion. If people are buying information -- buying products from third parties then they might have to have installation issues that have to be addressed. You have other issues that have to be addressed for that. If there's a problem now they're going -- they can come back to the cable company -- since they gave them the

information, they might think the cable company is responsible for that. I think it's just going to create a lot more chaos and confusion in the system. I think ultimately, also, Mr. Speaker and my colleagues, there has to be some responsibility on the consumer themselves. They have the ability to do the research, to look this information up, ask the questions. They can call their cable company and ask those questions. They can call third-party dealers and ask those questions. But to put a mandate on a -- a company saying they have to provide it -- I know the sponsor says he's going to change for right now as to the how and where; that's basically asking them to pretty much do all the work for the customer. I think some responsibility has to fall on the customer. And I just think this -- this legislation, while well-intended, and I appreciate the sponsor's intent on what he's trying to do, I just think this bill goes a little too far and it's just going to cause more confusion and problems.

So for that reason, Mr. Speaker, I'll be voting in the negative and I ask my colleagues to do the same. Thank you.

ACTING SPEAKER D. ROSENTHAL: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER D. ROSENTHAL: The Clerk will record the vote.

(The Clerk recorded the vote.)

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please advance the A- and the B-Calendar?

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: And if we can now go to, Mr. Speaker, Rules Report No. 96 by Mrs. Peoples-Stokes.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01772-A, Rules Report No. 96, Peoples-Stokes, Crespo, Rodriguez, Weprin, Perry, Dickens. An act to amend the Banking Law, in relation to assessment of the record of performance of banking institutions in helping to meet the credit needs of local communities.

ACTING SPEAKER AUBRY: First, on a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes, Mr. Speaker. This bill actually would require that the Superintendent of the Department of Financial Services provide detailed information on the -- what it collects from State-chartered banks as it relates to the Community Reinvestment Act. So as opposed to giving up just numbers of issues

that they're dealing with, we're interested in more specificity on how they have used this Community Reinvestment Act in specific communities.

ACTING SPEAKER AUBRY: One minute before we proceed. Ladies and gentlemen on the side here. Ladies and gentlemen, I can't hear the members unless you go out of the hall. You can talk somewhere else. That is not a phone booth. I'm sorry.

Mr. Goodell.

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

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

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

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes yields.

MR. GOODELL: Thank you, Mrs. Peoples-Stokes. It's my understanding that currently Section 36 subparagraph 10 of the Banking Law basically requires all reports of examinations and investigations performed by the Department be kept confidential and not available to the public unless the Superintendent of Banks determines that such a disclosure is in the -- in the ends of justice or in the public interest. Am I correct that the purpose of this bill is to require the Superintendent of the Department of Financial Services to include the record of performance of the bank in meeting its

Community Reinvestment Act obligations --

MRS. PEOPLES-STOKES: Yes. That --

MR. GOODELL: -- and make those public?

MRS. PEOPLES-STOKES: That is exactly the information we're looking for.

MR. GOODELL: And the rest of the information would remain confidential unless the Superintendent determines otherwise?

MRS. PEOPLES-STOKES: Exactly.

MR. GOODELL: Thank you very much for that clarification.

Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 120 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to briefly explain my vote. I want to honor Aurelia Greene, Hakeem Jeffries, Annette Robinson. These are the past members of this honorable Body that carried this legislation. And because we have a same-as and Mr. Sanders in the -- in the Senate, today will be the last time we'll have an opportunity to vote on

it. So I want to thank my colleagues for supporting this. It's a good piece of legislation. It will just provide us with information that we can use to better and -- and hopefully encourage more reinvestment into the communities that we all serve.

So thank you so much for the opportunity to speak, and I surely am grateful to vote in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can turn our attention now to the B-Calendar on page 6 and go to Rules Report No. 634. It's by Mr. Englebright, on debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08429, Rules Report No. 634, Englebright, Lifton, Fahy, Ortiz, Cahill, Walker, Carroll, L. Rosenthal, Thiele, Jaffee, Simon, Otis, Dinowitz, Williams, Rozic, Abinanti, Mosley, Barrett, Steck, Galef, Gottfried, Lupardo, Pheffer Amato, De La Rosa, Jean-Pierre, Colton, Cusick, Peoples-Stokes, Seawright, Pichardo, Weprin, Simotas, Glick, Fernandez, D'Urso, O'Donnell, Griffin, Reyes, Burke, Solages, Romeo, Stirpe, Magnarelli, Epstein, Taylor, Fall, Cruz, Stern, Santabarbara, Bronson, Barnwell, Davila, Hevesi, Niou, Hunter, M.G. Miller, Benedetto, Rodriguez,

Quart, Wright, Hyndman, Crespo, Frontus, Ryan, Sayegh, Barron, Pretlow, Gunther, Richardson, Raynor, Kim, McMahon, Dickens, Jacobson, Weinstein, Paulin. An act to amend the Environmental Conservation Law, the Public Service Law, the Public Authorities Law, the Labor Law and the Community Risk and Resiliency Act, in relation to establishing the New York State climate Leadership and Community Protection Act.

ACTING SPEAKER AUBRY: On a motion by Mr. Englebright, 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. Governor Andrew M. Cuomo.

ACTING SPEAKER AUBRY: An explanation has been requested, Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. The topic is climate change. The topic is also the future of the State, the nation and the global environment. Climate change is affect -- is adversely affecting the economic well-being and public resources of the State of New York with increased severity and frequency of extreme weather events, flooding events, heat waves and other adversities that cause a direct negative impact upon our citizens. If we do not address this -- and this measure before us is something we've seen before. This institution has voted three years in row to address this issue. But if we do not, then we will not be serving well the needs

of the people of the State. Just to place it in perspective, the ten hottest years on record are the last ten years. There have been more than 410 months of consecutive heat that is in excess of the average since 1880. In fact, the last five years have been the warmest five years in history, and of the last 22 years, 20 of those years have seen excessive heat conditions. It is an inescapable trend. It is not something that we can ignore or deny. In fact, this measure before us is an attempt to do what we believe is a first step in what is a journey that will involve many steps going forward. But I'm pleased that we have this before us. It gives us an opportunity this evening to take this very important first step and make it into law.

ACTING SPEAKER AUBRY: Mr. Palmesano.

Hold -- hold on one minute, sir. Pause.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, would you lay the bill aside?

ACTING SPEAKER AUBRY: The bill is laid aside.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please reconvene the Rules Committee in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Rules Committee, Speaker's Conference Room immediately.

(Pause)

MRS. PEOPLES-STOKES: Madam Speaker....

Madam Speaker, while the Rules Committee has reconvened in order to bring up the Governor's Message of Necessity, we're going to go back to our main Calendar on page 34 on consent and take up Rules Report No. 517 by Ms. Paulin, 518 by Mr. Ra, 519 by Mr. Hawley and 520 by Ms. Solages. In that order, Madam Speaker.

THE CLERK: Assembly No. A07811-A, Rules Report No. 517, Paulin, Richardson, Quart, Fall, Otis, De La Rosa, Cruz, Galef, Ashby, Reyes, Barron. An act to amend the Public Service Law, in relation to commercial mobile radio and cellular telephone service providers.

ACTING SPEAKER HYNDMAN: On a motion by -- by Ms. Paulin, 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 HYNDMAN: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07824-A, Rules Report No. 518, Ra. An act authorizing BB/S Facilities Management Corporation to receive retroactive real property tax-exempt status.

ACTING SPEAK HYNDMAN: On a motion by Mr.

-- Mr. Ra, 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 HYNDMAN: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

MRS. PEOPLES-STOKES: Wait, wait. Is that your first bill, Mr. Ra?

(Laughter)

ACTING SPEAKER HYNDMAN: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. -- Madam Speaker, could you please have us return to the B-Calendar, page 6, Rules Report No. 634 by Mr. Englebright?

ACTING SPEAKER HYNDMAN: The Clerk will read.

THE CLERK: Assembly No. A08429, Rules Report No. 634, Englebright, Lifton, Fahy, Ortiz, Cahill, Walker, Carroll, L. Rosenthal, Thiele, Jaffee, Simon, Otis, Dinowitz, Williams, Rozic, Abinanti, Mosley, Barrett, Steck, Galef, Gottfried, Lupardo, Pheffer

Amato, De La Rosa, Jean-Pierre, Colton, Cusick, Peoples-Stokes, Seawright, Pichardo, Weprin, Simotas, Glick, Fernandez, D'Urso, O'Donnell, Griffin, Reyes, Burke, Solages, Romeo, Stirpe, Magnarelli, Epstein, Taylor, Fall, Cruz, Stern, Santabarbara, Bronson, Barnwell, Davila, Hevesi, Niou, Hunter, M.G. Miller, Benedetto, Rodriguez, Quart, Wright, Hyndman, Crespo, Frontus, Ryan, Sayegh, Barron, Pretlow, Gunther, Richardson, Raynor, Kim, McMahon, Dickens, Jacobson, Weinstein, Paulin. An act to amend the Environmental Conservation Law, the Public Service Law, the Public Authorities Law, the Labor Law and the Community Risk and Resiliency Act, in relation to establishing the New York State climate Leadership and Community Protection Act.

ACTING SPEAKER HYNDMAN: On a motion by Mr. Englebright, 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 HYNDMAN: Mr. Palmesano.

MR. PALMESANO: Thank you, Madam Speaker.

Will the sponsor yield for some questions?

ACTING SPEAKER HYNDMAN: Will the sponsor yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER HYNDMAN: Mr. Englebright

will yield.

MR. PALMESANO: Thank you, Mr. Englebright. I know we've kind of done this dance -- dance the past few years. I want to say it really has been a privilege having a dialogue with you. It's always been civil, it's always been cordial, and I really appreciate that. And this is going to be our last time from what I'm understanding on this specific, unless we come back if there's some problems. But I really just wanted to tell you, first of all, I appreciate your time and your -- and your collegiality on this, so...

MR. ENGLEBRIGHT: The respect is mutual.

MR. PALMESANO: I did want to ask -- and I think I'm -- a couple of areas -- because I know there have been some changes from the last bill, there's a couple of areas I want to zone in on, and if you could just tell me if I'm correct with how I picked up on this. Some of the changes from the previous bill, I know for 2050, in your previous bill you had zero percent of 1990 emissions, and this bill is 15 percent of 1990 emissions with net zero emissions in all sectors with the -- with the -- the offsets. And then the other question I was going to ask is by 2040 it's my understanding it's got to be 100 percent clean energy sources, non-emission clean energy sources. Was that -- is that a pretty fair assessment of what the main -- the main changes have been on the bill specifically?

MR. ENGLEBRIGHT: It's pretty close, yes

MR. PALMESANO: Great. So, thank you. So in -- relative to the Climate Council, it's my understanding there's, like, 22

reps that are being part of that Council?

MR. ENGLEBRIGHT: That is correct.

MR. PALMESANO: Now, is there any provisions that -- to have part of that Council members from industry like, for example, your power plant or your generating plant owners, our utilities who will have a play -- say in this, and our manufacturing industry that's going to be impacted by that? Is there a possibility for them to be a part of this discussion as we move forward?

MR. ENGLEBRIGHT: Yes. The appointments, of course, we'll have to see -- your Minority here in the Assembly gets one of those appointments. I can't predict exactly who will be appointed, but once the appointments have been made there will be working subcommittees.

MR. PALMESANO: Okay. Very good.

MR. ENGLEBRIGHT: And there are no limits to membership there other than qualifications and sincere interest in solving this problem.

MR. PALMESANO: Okay. Thank you. From -- from my evaluation of the bill, and I -- I have a question, but I just kind of want to give you a little background for it first.

MR. ENGLEBRIGHT: Sure.

MR. PALMESANO: It seems to me that the bill really puts a lot of focus on the emissions, particularly with the electric generating sector, which is actually only responsible for about a quarter of all emissions when the transportation sectors has a higher

percentage. So in that regards, with the offsets that are in the bill, it's also my understanding that power plant owners are not eligible to use the offsets -- offsets. And if we're going to ensure electric system reliability, wouldn't it be best to make sure they were included in that to use those offsets to make sure they're a part of that so -- to ensure reliability of the system?

MR. ENGLEBRIGHT: Actually, I don't believe that that is necessary. The offsets are really for industries and activities that we don't have any known technology to immediately address or that that technology is infeasible in the short-term. For example, some aspects of the agricultural sector are -- are just extremely difficult to know exactly how to solve some of the emissions issues related to that sector. But we do not have that problem with the direct combustion of fossil fuels. We have alternatives. It's just simply a matter of setting goals and implementing those -- those already known and well-established alternatives.

MR. PALMESANO: Okay, great. A couple of questions relative to the provisions in the -- relative to the PSC language and the DEC language. I was -- I was going to read one section and then the other and then just had a question on that. I know the PSC section of the bill allows the PSC to suspend or modify the program if there is a problem with safe and adequate service or a high amount of arrears or service disconnections, the language acts as a safety valve to protect reliab -- reliability and consumers. But in the DEC section of the regulations, for its program it does not have a

provision to suspend or modify the program like -- wouldn't such an outlet or an off-ramp, wouldn't that be good to have, given the impact and the entities that are involved? So why not have a -- a -- a provision in the DEC regulations like you have in the PSC regulation?

MR. ENGLEBRIGHT: We -- we don't think it's necessary. What we think is necessary is for the Climate Council, with all of the agency heads, to actually emerge from the silos that they circumstantially too often find themselves working within, and have direct and regular communication not only between the agency heads - in this case, the Public Service Commission and the Department of Environmental Conservation - but also with stakeholders from the community, from many of the communities around the State. That direct interaction, we believe, is a formula for solving problems.

MR. PALMESANO: Okay, great. I know in the bill memo it says the fiscal act -- impact is going to be determined. Is there an estimate of the costs of implementing this, what it's going to be? I have an estimate from a study that I want to share with you in a little bit. But do we know what the expectation of the cost is going to be? And also, will there be -- how much money -- is there going to be market-based compliance regulations to generate -- is there -- is this going to -- could this possibly lead to a carbon tax or something of that line?

MR. ENGLEBRIGHT: Well, that's certainly not the intent. We didn't write that into the bill. I would like to say, though,

that in terms of the first part of your multi-part question, do we have estimates, not at -- not at this time. We don't know what the estimates of cost would be for replacing. We can see that as part of the report that we've asked for from the Climate Working Group. And, indeed, we do know what the cost of not going forward with this type of initiative is. Just to give you some idea, in the last year, 2018, Hurricanes Michael and Florence combined for \$49 billion in damage. And the Western wildfires are estimated to have cost \$24 billion. We have similar numbers from Superstorm Sandy --

MR. PALMESANO: Right.

MR. ENGLEBRIGHT: -- that have been visited upon our State. The cost of not doing something is also difficult to be precise with even now, several years later. But we do know that we lost more than 50 lives in New York.

MR. PALMESANO: I can understand your point that you're bringing up. The study that I saw -- well, it was from a -- what I -- what I read about is an economist from the University of Massachusetts and a supporter to the CCPA, he-- he estimated, I guess, from the reports that I read, it would require an investment of \$8.7 billion per year to hit the New York State renewable targets based on this -- the provisions in this bill. Is that a fair estimate?

MR. ENGLEBRIGHT: I would yield to your calculation, not having calculations myself. But again, would just underscore that the cost of inaction far exceeds the investments that we need to make as opposed to referring to those as costs. I would

refer to those as things that if we achieve them will be through structured and thoughtful investment that will have many benefits, including new jobs, as well as better health outcomes for our citizens.

MR. PALMESANO: That's -- that's fair. I know when we've talked about this issue in the past, you know, the concerns I brought up and -- and -- and I think you appreciate where I was coming from, not that I didn't think there was issues that needed to be addressed and we shouldn't be aggressive about it, it's just my perception -- perception of us trying to do something as a State and doing it alone. And so one of the things I wanted to ask you or maybe if you agree, when we've talked about this issue in the past, if we were to take all of the carbon emissions in New York State, what we relate to that for our carbon emissions in New York State as a percentage of the US total carbon emissions is 3.3 percent. And our carbon emissions in New York as a percentage of the world's global emissions is .5 percent. Would you agree with that assessment as far as what we've been told and...

MR. ENGLEBRIGHT: I would agree. However, I would also go just a little further. New York isn't just any place. New York was the place that was the first capital of our nation. New York was the place where the British, who tried to suppress the creation of our nation, located themselves in New York City. New York is the place that sent more soldiers to the Civil War to save our Union than all of the other states combined. All you have to do to see the leadership of the State is go downstairs in this building, all of those

regimental battle flags, some with bullet holes, some with blood, testify to the importance of New York State in the history and destiny of our nation.

MR. PALMESANO: Sure.

MR. ENGLEBRIGHT: And so this is a quest that is not limited to our State, and looking at it through the lens of the relatively small percent that we are of the rest of the nation almost misses the point. The point is New York needs to lead. This is the Empire State. This is arguably the most important of all the states. It is from the very beginning of our nation's time the most important state.

MR. PALMESANO: Sure enough. I know when we talked about this issue before, we've talked about the issue of carbon leakage. And I'm just going to kind of give you an example and maybe if you'd just tell if you agree as far as if this would be an example of what people might refer to when the -- the -- like the industry cannot comply with the mandate or it's too costly. Say, for example, high-intensity energy users and manufacturing, agriculture, trucking industry, our auto industry, electric-generated facilities. So if they -- if they are having trouble financially -- and I know we talked about this, there's more to just this, there's other factors that come into play like property taxes, and I'll talk about that in a second.

MR. ENGLEBRIGHT: Sure.

MR. PALMESANO: But if they -- if they take all that into account - and this is one aspect of that - and they move to

another state, they move nearby to Ohio or Pennsylvania and then they don't have the same restrictions that we might have here and then you have more emissions, which basically have more carbon emissions going into the atmosphere than what we have now based on where we have been going, isn't that -- would that be kind of just -- just an example of what we refer to as carbon leakage?

MR. ENGLEBRIGHT: It would be.

MR. PALMESANO: Okay, great.

MR. ENGLEBRIGHT: We have that term defined more precisely in the language of this measure.

MR. PALMESANO: And I --

MR. ENGLEBRIGHT: We -- we anticipate that this is part of the array of problems that we inevitably need to confront.

MR. PALMESANO: Okay.

MR. ENGLEBRIGHT: You are correct to point out that this is a -- a puzzle. I don't think that was your word, but certainly you laid out how complex it is and I think that the word fits.

MR. PALMESANO: And I know when we debated that I looked before, it -- it's more than just that, but that's just one aspect. Because if you take -- the thing I am concerned about is we have a -- almost like a perfect storm here in New York. You know, when you look at our business climate we're always 49th or 50th. We have the highest property taxes in the country, 79th in -- highest -- higher percentage than the national average. Our income taxes, our Workers' Compensation costs, our utility costs. You take that in

context with this -- these mandates on the electric-generating sector and other industries, then you have this restrictive mandate and then we lose our manufacturers and our farmers and our trucking and our car dealers and our airports. They move to another state, and that's where you have that emission. This is just one of those examples that I'm concerned about, and that's -- you -- are you saying that the Council's going to work to address that issue? Because I'm concerned --

MR. ENGLEBRIGHT: I am certain that the Council is going to work to address that issue, but I'll go further. I believe that in so doing that we will create thousands of new jobs. We will create a new sense of optimism within some of the communities of our State which, coincidentally, are environmental justice communities that are places where there are concentrations of carbon dioxide and other greenhouse gas emissions that are unusually high. That are places that have suffered from asthma and lung disease, and we have an opportunity to make our cities stronger. We have an opportunity to make our citizens healthier. We have an opportunity to create an environment that is attractive. So while you may look -- and I'm not saying that you -- that you look at the glass as half empty, it's half something. I believe that if we all get our creative energies that have propelled New York into the global leader that it is economically, if we keep that invested into that we will have, indeed, a glass that is half full and being filled even more.

MR. PALMESANO: Fair enough. And I always

appreciate your optimism and that positive attitude. I'm taking a little dimmer approach on the legislation's impact, but that's fair enough and I appreciate that viewpoint.

One thing -- we want -- we all want to reduce carbon emissions in the State and in our country, and I know your bill specifically says 100 percent carbon-free from an electric-generating capacity. But isn't it a fact that over the past 15 years we have reduced carbon emissions? And the primary reason -- one of the primary reasons for that is the use of natural gas that has been implemented. The New York Independent System Operators has verified that, the use of natural gas coming into play. Taking -- getting rid of dirty oil boilers and oil-generating capacity and what we're doing in the City. I know when I visited a few years ago we went and saw how they're replacing oil boilers in the City and they're replacing them with natural gas. That's a positive thing for the environment. Isn't that one of the things that has helped reduce the carbon emissions, the -- the evolvement of natural gas?

MR. ENGLEBRIGHT: That's arguable.

ACTING SPEAKER AUBRY: Ms. -- Mr.

Palmesano, you can take a breath and come back.

MR. PALMESANO: Very good.

ACTING SPEAKER AUBRY: You can answer the question, but --

MR. ENGLEBRIGHT: I -- I'll try to answer the question. It depends upon who you ask. If you ask Dr. Robert

Howard at Cornell University, one of the international experts on the impact of methane on the atmosphere, he will show you why he believes that 40 percent of our global problem is due to escaped natural gas from unplugged wells and from leaks in the pipes. So, again, natural gas, you can argue as -- as I think you have inferred, gives you certain advantages relative to coal. But in terms of the distribution network, the plumbing, if you will, that's necessary for natural gas, and the drilling that's necessary, that's a problem. In fact, it's almost half of the global problem according to Dr. Howard.

Thank you for your questions.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Could you please call the Codes Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Codes Committee, Speaker's Conference Room immediately. Mr. Lentol will meet you there.

Mr. Barclay.

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

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. BARCLAY: Thank you, Mr. Englebright. So if I understand this bill, it requires emissions to be -- of greenhouse gases to be 40 percent of the 1990 levels by 2030. Is that correct?

MR. ENGLEBRIGHT: Seventy percent by '30, yes. 40 percent by '30.

MR. BARCLAY: Forty -- yeah, 40 by '30 and then 85 by '50, correct?

MR. ENGLEBRIGHT: Correct.

MR. BARCLAY: And as you know, I think my colleague talked a little about where the greenhouse emissions -- greenhouse gas emissions come from. About 27 percent energy, 28 percent transportation, 22 percent industry, 11 percent commercial and 9 percent agriculture. I mean, give or take somewhere. Is that what your understanding is?

MR. ENGLEBRIGHT: You know, it depends upon, again, your source, but I think you're in the right ballpark.

MR. BARCLAY: So I -- I think I understand what the bill is trying to do as far as the energy producers, electricity, want to move towards renewables. It doesn't say much about transportation. I suppose your idea is you'll leave up to the committee to decide how you lower those greenhouse emissions, greenhouse gas emissions?

MR. ENGLEBRIGHT: We are planning on relying heavily upon the advice of that working group. We're also anticipating that -- and the Governor has already helped lead the way wisely by his emphasis on transforming the electric generation sector

because electricity is the key for many of the sectors, including transportation. So if we change over our electrical grid to wind power, solar power and other renewable power, that will, in turn, give us leverage on other sectors that will help solve the overall problem.

MR. BARCLAY: Could you -- could you enlighten the House or just give us some thoughts on where you think the transportation -- I assume you think electric cars might be the answer. Could you -- I mean, you must have some ideas -- I know you're relying on the electrical side --

MR. ENGLEBRIGHT: Electric cars, buses, trucks. Recharging stations. Yes. I anticipate that it is a better investment for infrastructure to put electrical infrastructure in place than it is to go in the other direction and put pipes everywhere and try to keep the natural gas, methane, inside of those pipes until combusted.

MR. BARCLAY: Just to get a --

MR. ENGLEBRIGHT: It's a better approach all around.

MR. BARCLAY: Just taking the transportation, so if you went to electric cars, electric buses, et cetera, maybe that would cut down the, you know, the 28 percent that it is now. Would you -- do you envision giving tax credits to consumers to buy those cars, or how would that work?

MR. ENGLEBRIGHT: We didn't write anything like that specifically into the bill. However, I'm glad you brought it up because the various tools that we are going to have to bring to bear on

this issue, those will include not only the possibility of what you've just described, but other incentives and disincentives that we need, as legislators, to implement and hopefully be in concert with the advisory panel. We, I think, would be over our skis a little bit if we tried to do it just legislatively. We need third-party validators, and we need people who are experts and people who are from the grassroots of the climate-impacted communities, those communities that have been most severely impacted.

MR. BARCLAY: So I appreciate -- thank you, and -- and maybe I'm showing my naiveness on exactly what this bill does. The committee then would decide, and then does that ever come back to us, or is once they decide it becomes regulation and then we have to follow that rules [sic]?

MR. ENGLEBRIGHT: It -- it would include an array of responses. Some will be directly to agencies. Some will require -- - for example, anything dealing with taxes, tax incentives would have to come back to us. I anticipate that we will continue to play an important role. Indeed, we're not doing this, in my view, hopefully, I believe as a one-off and then wave goodbye and let somebody else carry forward. This is something that all of us, agencies, activists, business interests, all of the stakeholders across the face of this State. And, yes, the elected representatives of those people as well.

MR. BARCLAY: Well, I hope the elected representatives would be involved because in my mind it's a very scary issue when you're touching on almost every part of our economy and,

frankly, our lifestyles. And to have unelected, you know, agencies or whatever impact that, I think, is somewhat of a -- a concerning thought on -- on the extent.

MR. ENGLEBRIGHT: It's a little -- little daunting. I was the original sponsor 25 years ago of the Solar Choice Act and the Solar Net Metering Act and the Wind Net Metering Act, and the bill that allowed all customer classes to be eligible for net metering. Twenty-five years ago that was a scary idea. Who could imagine that we would now be at a place where this is a credible and, indeed, profitable enterprise that we're going to rely upon going forward. I'm talking about renewable energy, generally. Solar in particular, along with wind. And -- and possibly other renewables. So, yes, you're right. It is daunting. I would prefer not to use the word "scary," but it is a challenge. But, again, I would point out, if we do not rise to that challenge, if we do not get ahead of the consequences, then those adverse consequences will result in terrible impacts to the people who sent us --

MR. BARCLAY: Well, yeah, maybe I'd take a little exception to that final remark. As my colleague mentioned, our -- our emissions of greenhouse gas globally is, what, half a percent. So really, even tomorrow if we could do the impact on the emissions on global and greenhouse gas is really somewhat small.

Moving on to the --

MR. ENGLEBRIGHT: Let me just, if I could --

MR. BARCLAY: Let me quickly, because I only

have a few --

MR. ENGLEBRIGHT: -- point out, this is today's *New York Times*. When the Senate passed the bill last night -- the story appeared above the fold on the right-hand side -- When New York acts, it's meaningful. When New York sets an example, others notice. And so we're not relying only upon this act to be within the borders of the State, but to spark a larger conversation. We are not being well-managed by some of the activities at the Federal level.

ACTING SPEAKER AUBRY: Excuse me. Please, Mr. Englebright, raise your mic. We -- we need to get that --

MR. ENGLEBRIGHT: I'll bring the mic back up. Thank you.

ACTING SPEAKER AUBRY: -- strong voice. That's better. Thank you.

MR. ENGLEBRIGHT: I think I just made my point, though. The national level has let down the states, and among the states New York is clearly a leader. It is important that we act.

MR. BARCLAY: Well, I appreciate that, and I do appreciate that other states and maybe other countries will look at New York as a leader. But they may think twice when they see the costs and the actual benefit of what we're trying to do here.

But putting that aside, I want to ask some more specific questions on the bill that -- something I don't completely understand and hopefully you can enlighten me and the rest of the Body. Could you explain a little bit about the -- the disadvantaged

communities and how they're going to supposedly get 40 percent of the benefits of the spending on clean energy? I just -- I don't quite grasp how that works. Maybe you could help me understand that.

MR. ENGLEBRIGHT: It -- dollars that are going to be utilized, many of those dollars are generated, for example, the way that the regional greenhouse gas dollars, the RGGI money, is generated, will be targeted for the environmental justice communities. As I indicated before, there is this remarkable symmetry between communities that have been disadvantaged, indeed, victimized by circumstance and numerous adverse decisions regarding their roadways, the lo -- the co-location of industries in residential areas. Poor insulation in their homes, poor weatherization. These are the places that essentially are the low-hanging fruit, if you will, where we can have the greatest immediate impact and where we can have the greatest immediate positive impact upon the greatest number of people in our State. So, yes. We believe that this is a part of a formula that is unique to the New York approach, which is to empower the disempowered. To empower the communities that are historically disadvantaged and to help create jobs. Those jobs in many cases will be refurbishing and weatherizing the places that they live. Changing from coal and -- and other hydrocarbon fuels over to a variety of renewable energy sources, reducing the demand directly, and with electrification of the transportation sector, as -- as you rightly led us toward, as Mr. Palmesano rightly led us toward a few moments ago. The transformation in that sector will clean the air at the same time.

We believe that's a good place to invest because it will bring many benefits, both direct and indirect.

MR. BARCLAY: So, I -- I don't argue your point about trying to help disadvantaged communities. I think that's a very honorable --

MR. ENGLEBRIGHT: That's where the carbon is.

MR. BARCLAY: Right. But I don't understand the 40 percent. At 40 per -- where -- 40 percent of what is what I don't -- I don't quite grasp.

MR. ENGLEBRIGHT: It's actually -- we have between 35 and 40 in the -- in the bill. And what we're really looking at is a number -- a number that roughly reflects a percentage of population Statewide that these communities in a -- in a rough and general way represent that approximate portion of our overall population.

MR. BARCLAY: But isn't it 40 percent of all the clean energy spending? Isn't that what it is?

MR. ENGLEBRIGHT: I'm informed that is the money or the benefits.

MR. BARCLAY: So how much is -- how much money?

MR. ENGLEBRIGHT: As much as we are able to muster. I think just the -- the regional greenhouse gas money is over \$20 million a year. Just -- just that portion of what is available. They'll be other sources as well. So it falls --

MR. BARCLAY: Just hypothetically --

MR. ENGLEBRIGHT: But you know what you're doing is you're underscoring how important it is for the Legislature to remain involved, to help -- a lot of the monies are not legislatively-driven, not driven by the budget, but it is our responsibility to help oversee all of the expenditures of the State's revenues, including those that go into this particular sector of --of interest.

MR. BARCLAY: I -- I don't want to belabor this anymore. I -- I still don't quite grasp, but I appreciate you're trying to explain it to me. If it's \$100 million -- \$100 billion we're spending on putting this in clean energy spending communities, disadvantaged communities would get \$40 billion? Is that -- is that how it would work?

MR. ENGLEBRIGHT: It depends upon how you calculate it. For example, if we build incentive programs into this spending, matching money from builders. It depends upon how you calculate it. But we believe that it will compound in terms of the benefits to the State. It will generate jobs. It will generate efficiencies and just saving health costs.

MR. BARCLAY: So, just -- just very quickly, one last part of the bill. It requires the PSC to establish programs to procure the State's load of electricity by 2035, 9 gigawatts of offshore wind, 6 gigawatts by 2025 of solar, and also 3 gigawatts of Statewide energy stored by 2030. Just quickly, do we have any storage capacity in New York State currently?

MR. ENGLEBRIGHT: We -- we have some.

MR. BARCLAY: How much do -- do you know how much we do in wind power now in New York State?

MR. ENGLEBRIGHT: A lot of the storage is just coming online. A lot of the battery research, in fact, is taking place near my district and Mr. -- well, I'm not going to mention and I'm not supposed to mention people's names, but in a nearby Assembly District at the Brookhaven National Laboratory, where battery research is a priority. So, we have also another form of storage which is the hydropower in the State, that is as long as --

MR. BARCLAY: Would that -- would that be part of energy, or would that be included as --

MR. ENGLEBRIGHT: It depends -- again, it depends on who you talk to. But I would say that that is something that we could rely upon and count upon as a type of energy that's in storage.

MR. BARCLAY: I appreciate this. I look at these at being very aggressive and maybe hopeful goals. I mean, currently we do 1,700 megawatts of wind in New York State. Solar, 358 megawatts. We want to do 6,000. Now, granted, it's in ten years, but that seems like that's going to be a lot of development in order to hit those goals. I mean, is that -- is that realistic?

MR. ENGLEBRIGHT: There will -- it will, indeed, be a lot of jobs, a lot of activity, a lot of economic vigor that will be resulting from that, and many environmental benefits and health

benefits. Yes, all of the above.

MR. BARCLAY: I -- I appreciate the idea about the jobs, and I assume there will be new jobs. But as a result of this, you might lose a lot of jobs, too.

Thank you, Mr. Englebright. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Barclay.

Mr. Ashby.

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

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. ASHBY: Thank you, Mr. Englebright. I appreciate a reference that you had earlier in regards to our State's military and their ability to yield. I was wondering, how do you envision this legislation impact -- impacting our military in New York State? Fort Drum, down at West Point, the National Guard units, the Army Reserve units.

MR. ENGLEBRIGHT: The -- there are some limits to our State. We -- I mentioned the Brookhaven National Lab. We do have a relationship with the Brookhaven National Lab, but we do not

regulate it. They import elec -- some of our hydropower all the way across the State to be used there. But we don't have much more to say about their internal policies, then trying to help in that regard.

Similarly, we don't have a whole lot to say about airplanes. We don't have a whole lot to say about ocean liners. And for active military bases, that is the purview of the national government.

MR. ASHBY: So, would it be fair to say you would envision an exemption?

MR. ENGLEBRIGHT: It's -- it's not an exemption, it is just nothing that we cast a net over to begin with.

MR. ASHBY: Okay. I -- I just had a concern thinking, you know, about some of the national emergencies you referenced earlier, and then impeding our ability to provide aid during those times. You wouldn't see a conflict there at all with this?

MR. ENGLEBRIGHT: Not at all. In fact, New York -- with the terrible hurricane that struck Puerto Rico, New York was a -- a major part of the relief that was sent to Puerto Rico, it came from New York. Many of the people who helped that happen are sitting amongst us and are heroes. Unfortunately, we didn't have a similar response from the national government. It wouldn't even have a matching response. But going forward I'm hoping that, again, we can do better. I am an optimist. I believe that the pathway to helping New Yorkers will also be a pathway to helping some of the people who many of our citizens are related to in other parts of our nation.

MR. ASHBY: Thank you, sir.

MR. ENGLEBRIGHT: Thank you.

ACTING SPEAKER AUBRY: Mr. Daniel Stec.

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

MR. ENGLEBRIGHT: I yield, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. STEC: All right. Thank -- thank you very much. Thank you, Steve. I apologize for letting you get seated and drag you back up. But I appreciate your optimism and -- and your -- your debate so far on this issue. We've done similar iterations of this in the past, and I understand this is the Governor's Program Bill now so I -- I appreciate that this isn't all your, you know, your own work but it -- it represents a give-and-take and, you know, the current situation where we're at. One thing that -- I want to lead with something positive. One thing that -- but I want to make sure I understand it correctly. Our previous debates that we've had, one of the issues that I pointed out was that previous versions of a similar bill were very "aspirational", I think was your word, and I think it was a fair characterization. But I -- I was critical of it because it was so aspirational that it was calling to get to a zero. And, you know, at -- at some point in time -- you know, I was pointing out as a matter of physics, we would never hit zero. So my current understanding of this bill, and I think it was brought up just a moment ago, is now to get to 60 percent of 1990 car -- green - greenhouse gas emissions by 2030,

and to 15 percent by 2050. Is that -- is that true or accurate?

MR. ENGLEBRIGHT: It's 85 percent by 2050.

MR. STEC: Eighty-five percent reduction or 15 percent of what we currently --

MR. ENGLEBRIGHT: Fifteen percent --

MR. STEC: I was -- I was looking at it -- I was looking at it as the cup is half empty as opposed to cap -- cup half full.

MR. ENGLEBRIGHT: Let me just be clear, though. We have not lost our goal. I have learned a long time ago that as a student that if I shot for a passing grade, sometimes I wouldn't even pass. If I shot for a 75, I would get a 65. If I shot for a 90, I might get in the mid-80s. But if I worked for the 100, I'd still get the A.

MR. STEC: Fair enough.

MR. ENGLEBRIGHT: That's what we're trying to do. We're trying to shoot for the 100. If we fall a little shy, we have a little wiggle room now. And you're quite correct to point out that that is a new feature of the bill. That 15 percent is the wiggle room, and you're quite correct to focus in on it as a significant change.

MR. STEC: And -- and -- and there's absolutely nothing wrong with being aspirational. Advice I give to my own. As we wrap up our own Session, we're also wrapping up the school year, my own kid wrapping up with finals and, you know, you tell them, *You aim high so that you give yourself...* But as a practical matter, as a -- in law enforcement we were -- at the end of the day this is going to become law, there has to be either, *Hey, you either make the bar or*

you don't. It has to be something that's measurable and enforceable and, ideally, achievable. And I -- I think that's where I -- I think some of my colleagues and I, we started to get concerned about achievability.

So I have a few questions and then I'll go on the bill and let you -- you rest up for the next guy that's going to give you a hard time. All right. Electric generation. What is our -- what is our view of nuclear as we move forward? We're trying to limit greenhouse emissions. Nuclear does not emit any carbon. Where are we going with our nuclear -- I mean, I'm worried about the -- the power grid, where -- you know, where we're going to get the power because I don't see people saying we're going to turn off the air conditioner and we're going to sweat through the summer. And I don't see people saying I'm not going to run my gas-insert fireplace in the winter. And that -- actually that's a question I'll have.

MR. ENGLEBRIGHT: So the measure before us does not speak directly to the nuclear power method or option. We can have a separate discussion as to whether or not the three Upstate nuclear power plants are nearing the end of their useful lives due to container embrittlement and other deterioration over time. That's a separate discussion, not part of this. It is an issue, though, that we will have to deal with in the not-too-distant future. The Governor has already indicated he wants to close Indian Point, and, of course, some of us -- I'm looking at my friend Mr. Thiele. Mr. Thiele and I were in the Suffolk Legislature when we took gladiatorial combat with the

Long Island Lighting Company in order to prevent the Shoreham Nuclear Power Plant from opening. So, I know it's a complex overall issue. Just know that while we will encounter it downstream, it is not part of the measure before us.

MR. STEC: What do you -- where -- as we go to try to get rid of greenhouse gas emissions, I mean, what will the -- the mix end up looking like then? I mean, I'm thinking how difficult it is, at least where I come from in the State, to erect anything taller than 40 feet. So I don't see wind for, you know, what's arguably, you know, a fifth of the land area of the State of New York. Wind will be off limits. You know, so we're -- I mean, are we -- are we going to be insourcing electric power from perhaps dirtier sources outside our State borders?

MR. ENGLEBRIGHT: Gosh, I hope not. Part of the self-consciousness that I'm hoping we will all have on any suggestion in that direction will come from this advisory committee, the climate group that this legislation will set up. And there will be many answers to your question as to what will be available for rural, suburban and urban settings. In fact, part of what this bill does call for is the establishment of model power generation, be it for the use of heat pumps from groundwater or air to solar and, yes, variations on -- on wind. The offshore style is incompatible, clearly, with that part of the State that you represent. But there may be other models available even in the wind sector. So, we're going to have a variety of options and we're -- better than that, we're going to have a variety of expert advice

sources to listen to.

MR. STEC: Now -- now, in 2030, that's 11 years from now. So this panel that you mentioned that we're going to put together and empower and ask to work on these problems, what happens in the next two or three years if the panel comes back and they said 60 percent by 2030 is not achievable? Or 60 percent by 2030 is achievable if we do X, Y and Z, and X, Y and Z is absolutely unacceptable to the Legislature, and more importantly, the people that we all represent? I mean, where's the out? You know, we're -- I mean, there's got to be an escape clause in here if --

MR. ENGLEBRIGHT: Well --

MR. STEC: -- this doesn't, you know -- I mean, these are great goals, but if we they're -- we find out they're unachievable?

MR. ENGLEBRIGHT: Again, I point to the history of our State. Grummon built airplanes that helped win the war, in the last great World War. The inventiveness and creativity, the sense of mission and the brilliance, really, of the people of the State will be called upon. They will not let us down. They never have. I, again, am optimistic, in part because of that history, in part because I also know something about what kind of innovation is already underway. I have already mentioned the Brookhaven National Laboratory. I believe that there are many other sites, some here in the Capital District, that are going to help us answer the questions.

MR. STEC: The last question I wanted to ask on electric generation is, a lot of these alternatives that are less

greenhouse-producing are also more expensive to produce. What do -- what do you expect electric rates to do, and what is a tolerable level of increase to electric rates in your opinion, given that we already have some of the highest electric rates in the country?

MR. ENGLEBRIGHT: I, again, come from Long Island where we are still paying for a Shoreham Nuclear Power Plant that we shut down. We're not pleased to anticipate the possibility of higher rates. I am hoping -- indeed, I have learned something from this episode with the Shoreham Nuclear Power Plant that there are other options. I'll give you one example. On Long Island, the Long Island Railroad has a right-of-way that faces the southern sky, and at this latitude - approximately 41 degrees north latitude - the sun is always in the southern sky. We have almost 100 miles of Long Island Railroad right away at this moment, zero solar panels. We also have the Long Island Expressway, Northern State Parkway. We have other options for installing solar panels. We have all of the State highway yards. The State can help lead the way. So, yes, I think that we will meet that challenge. I do believe that the Legislature needs to stay involved with some of this, but clearly, the advisory group that is envisioned and built into this bill will be wrestling with many of these issues. They'll be reporting back to us, to the Executive, to the public.

MR. STEC: Thank you. If I could --

MR. ENGLEBRIGHT: Built into the bill, by the way, are a series of public hearings. So, the public -- this is another change I'm glad you indicated.

MR. STEC: I'll remember that. I like public hearings.

MR. ENGLEBRIGHT: I'm -- I thank you for bringing up that there are some changes in the bill, and one of them is we have added a number of public hearings and public forums. And I think that's an important part of --

MR. STEC: And Steve --

MR. ENGLEBRIGHT: Our public needs to be involved.

MR. STEC: -- you've been very -- you've been very responsive to mine and others' concerns as this has evolved, and it's not unnoticed and it's very much appreciated.

Transportation, if I can shift gears quickly.

MR. ENGLEBRIGHT: Sure.

MR. STEC: About 29, 30, about a third of our Carbon Emissions, our transportation-related - if the graph that I saw is accurate - be that as it may, it's a significant chunk. I'm thinking -- I got a series of short interstate. Somebody's rolling up from Massachusetts, wants to get to Pennsylvania, is going to drive across our great State of New York. Maybe spend some money here, maybe not. They don't drive an electric car. Are we stopping them?

MR. ENGLEBRIGHT: No, we're not going to be stopping commerce --

MR. STEC: All right. That's encouraging.

MR. ENGLEBRIGHT: I don't think we're allowed to

do that under -- under the Interstate Commerce Clause, but -- of the Constitution. But what we can do is build out that electric infrastructure that I spoke to a little while ago, because I think we will see that many -- first of all, it's very economical for trucks to use that technology once they buy into it. And if it's available, they will.

MR. STEC: But we can't impose that on --

MR. ENGLEBRIGHT: No.

MR. STEC: -- non-New York -- so they -- so, out-of-State travel will be allowed. Out-of-State carbon combustion engine travel will continue to be allowed on our roadways.

MR. ENGLEBRIGHT: Yes. And part of that is a subset, really, of what I spoke to before with airliners and ocean liners and --

MR. STEC: Well -- and I heard that and I was going to follow up on that. I mean, I guess where I'm going with all international heavy-duty equipment. You know, I mean, electric's great until you've got to carry a big load or you've got to plow a steep mountain in my district. Electric plow trucks are not going to work in the North Country.

MR. ENGLEBRIGHT: Yeah, well, actually --

MR. STEC: Are there carve-outs in the bill that -- because there's a lot of attorneys in here. On a previous debate I talked about our great diversity in this Chamber. We've got a lot of attorneys, and there's even more of them out there that will litigate that that ocean liner pulling into the busiest harbor in the country can't pull

in. Or that train --

MR. ENGLEBRIGHT: We're not -- we're not planning on limiting that ocean liner or that airplane or the long-haul trucker. But what we will do is offer opportunities -- if they bring a -- a truck that is electric into our State, they will be able to recharge. I am certain we will build out that electric network in -- in immediate follow-up to building our electric-generating capacity and replacing greenhouse gas-emitting power sources with -- with electricity from renewables. So, look. We're a state. We're not a country. Even though we're big enough to be one of the great countries of the Earth, we are limited by laws and we shouldn't be fearful. I hope those lawyers don't jump the gun and -- and anticipate --

MR. STEC: You never know.

MR. ENGLEBRIGHT: -- what is not in the -- even remotely in the contemplation of this law, which is to interfere with interstate commerce.

MR. STEC: I appreciate your time, Mr. Chairman.
On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. STEC: Thank you, Mr. Speaker. I appreciate the Chairman's efforts here and his passion and his commitment to this. I think we all -- and I've said this before but it's worth repeating. We all want to see a cleaner -- a cleaner planet. We want to leave it better than we found it. But we're balancing many priorities and many pressures out there. And -- and there's an awful lot of unknowns here.

You know, some of the New Green Deal [sic] talk that we've heard recently at the national level puts a price tag on this kind of stuff in the \$90 trillion range. What will it be for New York for what we're talking about here? Certainly, worst -- lowest-case scenario, tens of billions. I'm out. I'll come back for another and finish, but I appreciate your time.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Mikulin.

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

MR. ENGLEBRIGHT: The sponsor yields.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. MIKULIN: I just have a few questions for you. First of all, my understanding is that incinerators in the State are going to have to close because --

MR. ENGLEBRIGHT: If you could just talk into your mic a little -- I -- I would hear your question better.

MR. MIKULIN: My under -- my understanding is that incinerators will have to close because of the emissions that it lets into the air.

MR. ENGLEBRIGHT: I think that's accurate, yes.

MR. MIKULIN: Well, I come from Long Island and I know we have the Covanta Ener -- Energy Plant that takes in, I would say, about -- it powers about 40,000 homes and takes in a lot of waste, even from New York City.

MR. ENGLEBRIGHT: Just, if you could talk into the mic. They used to be able to telescope them up and now they don't.

MR. MIKULIN: Well, we have the Covanta Energy Plant --

MR. ENGLEBRIGHT: Yes.

MR. MIKULIN: -- in Long Island, and I know it takes in waste even from New York City and powers about 40,000 homes. I said but, you know, for the last 40 years it has been the policy to cap landfills in order to protect our water supply. And as you know, in Long Island - I mean, especially in my district with the growing plume and also throughout Long Island, we have a -- a problem, you know, with -- with contaminants in our water. So if we're closing up the incinerators, how are we going to remove our waste?

MR. ENGLEBRIGHT: Well, part of the answer is to basically move to better recycling. Part of the answer is to ask the Federal government to standardize certain types of packaging, because that's a big part of the waste stream. We've already spoken to some of that this year by trying to remove plastics from the waste stream. It isn't that there's a single answer. By the way, your district and mine have an interchange of sorts. Brookhaven Town has sent waste to the Covanta Plant and received ash back. At some point, though, what is now the highest elevation in our town will be the highest elevation in the coastal area of our State, and we're going to have to close the

Brookhaven Landfill, and that's a real problem. I'm not going to pretend to tell you that we have a full answer to it. I do know that many of the measures that we have taken this year and that -- that is a preview of other measures that we're going to have to take to deal with the solid waste issue. But, it's not a specific formula that is built into this bill. It is simply the observation that we cannot continue to incinerate and put that carbon dioxide and other particulate matter and contaminants into the atmosphere. It has to stop. How we're going to do that, we're part of the answer to that. We're going to have hearings, we're going to listen to experts, and we're going to follow the best advice that we can get.

MR. MIKULIN: Well, when we talk about, you know, recycling and everything else, now I -- I know that New York City does a more of a down for -- for recycling. They -- they have a program where you split cardboard and glass, and then you have your regular trash. But I -- I don't believe recycling could -- could fully -- could fully just alleviate all of our waste. So I -- I -- I do think that that's going to be a -- a huge problem with the bill. And if you go into --

MR. ENGLEBRIGHT: I -- I believe that you're correct.

MR. MIKULIN: -- a recyclable (inaudible), I think the cost would --

MR. ENGLEBRIGHT: It isn't going to be the solution in one fell swoop. It is part of a solution. And so we'll --

we'll be cobbling together a series of measures, a series of solutions, because there's no escape. We -- we're not going to have land -- landfill space in the future. The Island is just overbuilt.

MR. MIKULIN: So, but --

MR. ENGLEBRIGHT: And your Covanta Plant is not going to be able to remain as profitable as it is and receive waste and -- and not have a place to send it, except maybe Ohio or something. That's a separate issue, though, from the measure before us now. All we know for sure is that, as you correctly point out, we do have to deal with this. And, again, we're going to be empaneling experts who are going to be giving advice on how to best do that.

MR. MIKULIN: So but let's say the experts come back with the solution that, you know, we really don't have an explanation with how to get rid of the waste. I mean, will there -- will there be an exemption for -- for plants like Covanta so we don't put more garbage in our landfill and it can contaminate the water?

MR. ENGLEBRIGHT: I don't know how to say it more clearly. We will have to address this issue, even separate and apart from the measure before us now. We have to deal with this issue. I just wish that I had a map to show you what Long Island's tidal salt marshes looked like at the beginning of the last century. There were -- by the time you got to mid-century, half of them had been filled with garbage. Now we're a century later, and most of the landfills have been closed. We have been struggling with this for a number of years. We're going to continue to do so. But again, the

answer to that is not in this bill, except that we are going to bring the best and brightest minds together on a whole variety of issues that are carbon-based emission-related.

MR. MIKULIN: Now, getting away from that, now we pay some of the highest --

MR. ENGLEBRIGHT: I'm having a hard time hearing you.

MR. MIKULIN: We pay some of the highest electric bills on Long Island. Do we have any idea what our bills will be when -- when we start? Because obviously, this -- this comes to -- to a cost. So is there any data on -- on what our bills will -- will be? Because I think we're about the third highest in the nation. That's behind, I think, Hawaii and Con Edison.

MR. ENGLEBRIGHT: I don't, again, see that as part of the initiative of this particular measure. What -- what we're trying to do here -- just the bill before us frames the biggest issue that we face. You're talking about other significant issues, but not part of the same magnitude as climate change. So we're trying to frame the human resources of the State in such a way that we give them a compass direction and say, *We want to go in the direction of reducing emissions, and we want your advice.* And we want the stakeholders to work together with the administrative portions of our government directly to get those answers on paper as best they can. Some of the issues, you're asking me to predict what future electric rates will be. If I could do that, I would probably be best located on Wall Street right

now. I can't predict that. And I'm not going to try to do it.

MR. MIKULIN: Well, I -- I would think that the issues are somewhat in- -- interrelated, especially since, you know, if -- if -- if we take action on the plan, it could affect these issues in which I'm talking about. But I guess we'll have to --

MR. ENGLEBRIGHT: Well, I would just like to say, renewables require an upfront investment. Once that investment is made, the renewables generate, for example, in electric power generation they generate and pay for themselves inside of ten years, usually, and their useful life is many decades. So I anticipate that the trend that we have seen in terms of renewables bringing down electric rate costs will continue, and that once we make those investments or inspire those investments to be continually made that we will see lower electric rates. So I am optimistic. I'm not Pollyannaish about this, but I am optimistic based upon the observations of what we have seen over the last 20 years in terms of, for example, the cost of solar panels and the availability of wind machines that are now manufactured, sadly, often in China. Which brings me back to this bill. We'd like to see more of the economic benefits of retooling the way in which we manage energy and Carbon Emissions, and make that translatable into jobs and prosperity for our own people.

MR. MIKULIN: So, basically, it is your idea that by New York doing this that the rest of the world will follow?

MR. ENGLEBRIGHT: I believe that the world will watch what we do. I showed before the front page of the *New York*

Times. This is read worldwide. The lead story today is observing what is happening here in the Capitol. I think that's very significant, and I think it is a reflection of what we're going to see. We're entering into an experiment of sorts, aren't we? And the world will be watching. But based on the history and the capability of the people of this State, I think we will solve the problems one at a time that are presented to us as we approach the larger issue and set an example for the nation and the world.

MR. MIKULIN: Thank you so very much.

MR. ENGLEBRIGHT: You're welcome.

MR. MIKULIN: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MIKULIN: You know, I'm just going to once again -- I mean, there are a lot of parts of this bill that I personally disagree with, but I'm -- I'm going to have to once again go back to how our -- this bill is going to affect what we do in the State of New York, especially when it comes down to, I think, the Covanta Energy Plant. If we have to close, I'm -- I'm very concerned with how it is that we're going to dispose of our waste because we -- we really can't put it back in -- into the landfill, and -- and it will affect the water sources.

So with that, I'm -- I'm going to have to oppose this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. Friend.

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

sponsor yield?

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

MR. ENGLEBRIGHT: I yield, Mr. Speaker.

MR. FRIEND: Thank you, Steve. I'd like to follow up on what one of my colleagues was talking about in the disadvantaged communities section. I think I understood you. The first part of it was that disadvantaged communities would receive 40 percent of overall benefits of the spending. And I think you were referring to the RGGI, the Regional Greenhouse Gas Initiative, the funds that are derived from that. Is that what you're talking about (inaudible) --

MR. ENGLEBRIGHT: That's just an example.

MR. FRIEND: -- would go to --

MR. ENGLEBRIGHT: That's one source of funding, yes.

MR. FRIEND: Okay.

MR. ENGLEBRIGHT: And it's 35 to 40 percent.

MR. FRIEND: Thirty-five to 40.

MR. ENGLEBRIGHT: The RGGI piece comes from energy generation. But, yes, it's an example.

MR. FRIEND: So they're -- they're receiving 40 percent -- 35 to 40 percent of the -- that allocated money. Is that correct?

MR. ENGLEBRIGHT: Of the benefits.

MR. FRIEND: Of the -- of the benefit of the spending?

MR. ENGLEBRIGHT: It's -- it's either the benefits or the money or -- or both.

MR. FRIEND: That -- that just confuses me a little bit. I -- I can understand directly 35 to 40 percent of the money because that's an easy calculation. Because that was my next question is, if we're talking about the benefits, how are we going to calculate how they -- maybe they're healthier or maybe they're spending less on energy costs. I don't -- the benefit side, I don't quite understand how we calculate.

MR. ENGLEBRIGHT: Well, it's measurable in part by cleaner air and lower disease rates --

MR. FRIEND: Okay.

MR. ENGLEBRIGHT: -- of some of the citizens -- citizens who have some of the highest asthma rates to be found on Earth, certainly in the eastern part of our nation. And some will -- will be from direct investments.

MR. FRIEND: Okay. And I'm glad you brought up the disease portion, better health outcomes, because in the Climate Justice Working Group, identification of disadvantaged communities will be based on geographic public health, environmental hazards, socio -- socioeconomic criteria. And we're talking about, again, having better public health by cleaner air. In the Southern Tier and across most of New York State there are pockets of uranium deep

within the ground which naturally decay into radon. That radon that then emits especially during your winter months, early spring when the ground starts to thaw, that gets trapped in a lot of people's basements or into the buildings. And part of what we're talking about in -- in the bill, I believe, is to have better weatherization to make the homes tighter. I hope that when we do that, we're going to also be talking about putting in radon mitigation systems to remove that radon. Because although it's not a greenhouse gas, it does directly contribute to lung disease and all sorts of health effects, and I know that that is really important, especially in the Southern Tier. So I just wanted to comment on that.

MR. ENGLEBRIGHT: I agree with you. It has to be addressed.

MR. FRIEND: So the weatherization investments, are -- is that going to be paid for out of -- on some of these funds that are generated?

MR. ENGLEBRIGHT: To be determined.

MR. FRIEND: To be determined.

MR. ENGLEBRIGHT: I think we'll see a variety of mechanisms and -- and strategies employed. But it is part of the low-hanging fruit that I referred to before. Technologically, it is not as complicated as, for example, putting a power-generating source in the -- the offshore area in the Atlantic Ocean and -- and bringing that power to shore. This is really simple by comparison, and it really will give us big savings.

MR. FRIEND: And I -- I completely agree with that. I just want to make sure that we don't compound the problem by making the homes too tight and having other issues that may not be directly related.

MR. ENGLEBRIGHT: Your point's well-taken --

MR. FRIEND: Do we have a task force that was put together?

MR. ENGLEBRIGHT: -- and I'm sure it will be addressed.

MR. FRIEND: So, I think that task force on the radon maybe will be able to address that and work with this group, hopefully?

MR. ENGLEBRIGHT: Hopefully.

MR. FRIEND: My other colleague was talking about landfills. You brought up the fact that may be the highest point on Long Island at this point. We see that with Seneca Meadows. I have a landfill in Chemung County. Those mountains are growing very quickly. And at one point we were actually looking at doing Methane capture in Chemung County to provide energy sources. That never happened. But is there any -- anything within this bill that might look at, like, an anaerobic digestion or Methane capture from those landfills?

MR. ENGLEBRIGHT: It is looked at as a, again, a potential project. It's specifically mentioned. We can have a longer discussion, if you will, on the wisdom of building a -- a large

plumbing system to transport Methane from anaerobic digesters to any part of the State or to make it so that it is a fuel source that is used, for example, in fuel cells at the local level.

MR. FRIEND: Right. And I -- and I --

MR. ENGLEBRIGHT: That doesn't create the same kinds of problems that a Statewide plumbing system would. So we -- we believe that it is worthy of study and it -- it is identified as such in the language of the bill.

MR. FRIEND: Okay. Now, you also talked a little bit about, I mean, again, obviously we're going to be looking at solar farms, solar panels. What's your idea about -- across a large portion of the Southern Tier we're seeing land that used to be used for farming now becoming a solar farm. I mean, is that a better energy use or greenhouse gas emission capture carbon -- capture a sequestration?

MR. ENGLEBRIGHT: There's a farm working group that is part of this bill. We anticipate that they will be looking at land uses such as you described.

MR. FRIEND: Okay. Are we going to be -- and I think you may have talked about it a little bit, but are we going to be limiting energy coming in from outside the State? I mean, a few years ago we were talking about putting a line under the Hudson and going to New Jersey in order to supply more energy to New York City. Are we going to still allow that type of transfer of energy from other states or even from Canada?

MR. ENGLEBRIGHT: So, what you're describing is

a separately-regulated process not within the scope of the immediate instructions that we give in this -- in the language of this measure before us. Again, we're into interstate commerce to a certain extent when you describe New Jersey. However, as we have seen, our Governor just about two months ago turned away from and turned down a natural gas line that needed to go into our State to be profitable. He rightly saw that as contradictory to the direction that we needed to go as a State. So I believe that we are not at the mercy of interstate commerce issues, but rather, if we are thoughtful and work together we can anticipate the adverse possibilities and block them as our Governor has already helped do.

MR. FRIEND: Okay. And then we also obviously have nuclear power plants. We talked a little bit about that. You mentioned the aging infrastructure. We're looking at Indian Point kind of outliving its usefulness because of the gas production and the low gas prices across the nation. A lot of the nuclear power plants aren't actually looking at increasing with their water-cooled systems. However, there's an opportunity to move to the fourth generation nuclear power plants, whether that's a molten salt reactor or a pebble bed reactor, and you can create those systems at a much lower cost and a much smaller scale. Would this panel be able to consider something along those lines to incorporate in the future?

MR. ENGLEBRIGHT: It does not specific -- the bill does not specifically speak to the nuclear technology option. And I would point out that we do not have a place even now to place

securely nuclear waste. So you're talking about the next generation. I'm reminded that at the first generation that the promise that was made was that nuclear power would be too cheap to meter. Eight-and-a-half billion dollars later at the Shoreham Nuclear Power Plant site with that bill being paid and recycled for investment purposes several times over, that was a lie. I don't want to fall into a trap again. I just simply am giving you a -- a caution regarding the next generation of nuclear plants. I'm sure it will be talked about. We're not limiting our advisory panel from discussing these options. But, quite frankly, we do not have a place to put the spent nuclear fuel or -- or fuel rods.

MR. FRIEND: And just to kind of catch up on that, next generation is kind of a misnomer. It's not truly the next generation. A lot of these technologies were developed at the same time or prior to the water-cooled reactor. The only reason the water-cooled reactor took off is because when people heard of the molten salt reactor and they were worried -- they were looking at powering nuclear-powered subs in salt water, they were worried that there would be a fire occurring. That was a complete misunderstanding of the technology --

MR. ENGLEBRIGHT: Well, we have had some --

MR. FRIEND: I'm -- I'm sorry, I'll just finish on this

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MR. ENGLEBRIGHT: Surely.

MR. FRIEND: -- if I could. So a lot of these

technologies were developed at the same time. And when they went and powered up those old molten salt reactors and pebble bed reactors, they flipped a switch, everything came right back on and were operating immediately. A lot of --

MR. ENGLEBRIGHT: I'd be happy to have a conversation with you --

MR. FRIEND: Excuse me --

MR. ENGLEBRIGHT: -- on nuclear power. It is off topic, though.

MR. FRIEND: I haven't finished yet. I haven't finished.

MR. ENGLEBRIGHT: It is not --

ACTING SPEAKER PICHARDO: Gentlemen.

MR. ENGLEBRIGHT: It is not within the reach of the bill.

ACTING SPEAKER PICHARDO: Gentlemen. Mr. Friend asked a question, you respond. Let's keep the flow going, please.

MR. FRIEND: Right. A lot of these technologies can actually run on spent fuel, so that would give us an opportunity to use the spent fuel without having to relocate it somewhere else. So I understand it's not part of the scope. We'll move on.

MR. ENGLEBRIGHT: Let's move on.

MR. FRIEND: We talked about --

MR. ENGLEBRIGHT: We'll be talking about

Fukushima next. Please, let's move on.

MR. FRIEND: Well, since you brought that up, I'm just going to have to talk about it, then. The first-generation reactors

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MR. ENGLEBRIGHT: I don't want to talk about it tonight.

MR. FRIEND: -- stopped immediately. If you have an earthquake they shut down immediately. That is the biggest problem with the water-cooled nuclear reactors. That should never have been developed. Because the government pushed us in that direction, that was a major flaw by the government. They should never have been used. So, I'm sorry, but we'll get back to the topic at hand.

MR. ENGLEBRIGHT: Please.

MR. FRIEND: When we -- when we're talking about a lot of these alternative energy sources, whether it's going to be sol -- solar panels or the green -- or the wind turbines, obviously you've got to store that energy. So we're looking at battery storage. Now, we did have -- as you've mentioned, Brookhaven is doing some fabulous research. We're hoping for some great things to occur there. How soon do you think that something like that may be coming out from Brookhaven?

MR. ENGLEBRIGHT: They're actively investigating the battery storage option. I can't tell you what production timeframe we're looking at for taking that research and translating it into the

marketplace. What I can tell you is that it's not limited to battery storage. For example, you can use solar energy to heat water. The part of the storage then is the energy that's in the heated water. You can also pump water from a lake to a higher elevation, store it and let it run back through a hydroelectric power source. So there's several different ways that you can accomplish pump storage or direct battery or the use of the --

MR. FRIEND: (Inaudible) in New York yet?

MR. ENGLEBRIGHT: -- latent heat that's in ground water. Geothermal. There are a variety of -- of methods here.

MR. FRIEND: Have we implemented those alternative storage methods yet in New York State, then?

MR. ENGLEBRIGHT: I'm sorry, repeat the question.

MR. FRIEND: Have we implemented any of those alternative storage methods or production methods in New York? I'm well aware of the battery storage. I'm aware of the concept of heating the water and turning it directly into electricity, but are we actually doing that? Has anybody feasibly done that and used it any sort of rural or industrial sense?

MR. ENGLEBRIGHT: There have been some examples. We've talked about some of them here this evening. But I would just point out that the -- the measure before us would require load-servicing entities by 2030 to support 3 gigawatts of -- of Statewide energy storage capacity. So the goal of -- is actually built in

and is part of this bill before us.

MR. FRIEND: Are we producing solar panels or any wind turbines within the State versus relying on China or other...

MR. ENGLEBRIGHT: Well, again, I'm not on Wall Street. I can't tell you how to invest. I can only tell you that the opportunity will certainly present itself if we meet this challenge.

MR. FRIEND: Because I -- I do believe that we have a major opportunity up in Buffalo waiting to be doing that and it hasn't happened.

MR. ENGLEBRIGHT: Well, we haven't passed this bill yet.

MR. FRIEND: Well, I'm hoping that this bill doesn't force that to happen, because that would mean that there's no other alternative --

MR. ENGLEBRIGHT: If you're talking about poor investments from a -- a time of years ago, you're correct to issue a caution flag. What I'm saying is let's look forward, learn from the past mistakes and build toward a better future.

ACTING SPEAKER PICHARDO: Mr. Friend, unfortunately, your time has expired.

MR. FRIEND: Thank you.

ACTING SPEAKER PICHARDO: You're more than welcome to come back for round two.

Mr. Brian Miller.

MR. B. MILLER: Thank you, Mr. Speaker. Will the

sponsor yield for a few questions?

ACTING SPEAKER PICHARDO: Mr. Englebright, do you yield, sir?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. B. MILLER: Mr. Englebright, I'll be real brief, I've just got a few questions here. I'm going to put my manufacturing hat on. Now, this is a 30-year plan, correct?

MR. ENGLEBRIGHT: Basically it is, yes.

MR. B. MILLER: Okay. During this 30 years --

MR. ENGLEBRIGHT: I mean, it's 32. But ballpark, yeah.

MR. B. MILLER: During this 30 years we're still going to be looking at economic development across the State?

MR. ENGLEBRIGHT: Oh absolutely.

MR. B. MILLER: Absolutely. So as we're out looking for new companies to come -- come to New York and manufacture their goods, will that limit us on what type of manufacturing we'll be looking for? Would it be a --

MR. ENGLEBRIGHT: I don't see any limits to creativity or imagination. We're certainly trying to bring people together who have those attributes.

MR. B. MILLER: Okay. Because I come from a -- I was an engineer for Pratt & Whitney Aircraft and I worked in the

powder metal division, and we were a high-energy user. And I come from the Mohawk Valley where, you know, we were the metal makers of -- of the State with Pratt and Special Metals there, and we used inductions coils which use a lot of energy. And these companies employ a lot of people. They use a lot of energy. You know, I'm very concerned that we won't be looking for these companies and we'll be looking for a lower energy use company to come here. You know, we -- we've been looking for the semiconductors to come here. They're high-energy users, too. So -- so will this -- will this plan address how we're going to recruit our manufacturing people over the next 30 years?

MR. ENGLEBRIGHT: This is not a business plan for any particular industry. It is, however, a plan for how to address Carbon Emissions, that if properly addressed and creatively addressed, will generate new capital investment in our State and new jobs. So, you -- I -- I know you would like to have a finer-grained answer than that, but that will lie ahead. We're going to get more detailed information once we formulate some forward momentum from the passage of this bill.

MR. B. MILLER: Okay. Well, I'm very concerned on that. And how are we -- how are we going to address the existing business that are here with their current manufacturing processes and their energy use? Will that be part of what we'll be talking about? Because we've got a goal to hit. That's what this plan gives us. And, you know, we talk about solar panels, nuclear energy, this and that.

But manufacturing and economic development in the State still must go on. So, you know, this is going to be part of the plan.

MR. ENGLEBRIGHT: I anticipate that the businesses and industries of the State will, in fact, not only benefit, but benefit greatly from the kinds of investments that we need to make into an electrical infrastructure to serve for insulation and weatherization of our homes and to deal with the major sectors that are generating, such as transportation and electricity generation that are -- that are creating large emission problems for our State right now.

MR. B. MILLER: And I agree with you on that. But still, in order to weatherize our homes and drive our vehicles, we still have to go to work. So, to me, the manufacturing part of it plays a big role -- role in this.

MR. ENGLEBRIGHT: Well, many of the major industries of our State and nation are already at work on zero-emission alternatives for manufacturing and production. We've been approached by some of them. We believe that this is just the beginning. Again, turn loose the creative energy of the people of the State, giving them a compass direction and a goal, and I think you're going to see great results.

MR. B. MILLER: Okay --

MR. ENGLEBRIGHT: We have in the past, I think we will again.

MR. B. MILLER: So these -- with the existing companies here already with their processes, will -- will we be looking

any incentives to help them?

MR. ENGLEBRIGHT: I sure hope so.

MR. B. MILLER: They'll improve what they're doing to make themselves more --

MR. ENGLEBRIGHT: I -- I think that that is something that should be on the table for discussion. I'd like to hear the advice from our climate panel before we try to anticipate. And -- and I think we'll do a better job if we listen to expert advice first. But yes, I think that is something that we would logically deal with in a follow-up to the passage of this bill tonight.

MR. B. MILLER: Okay. Well, I thank you for answering my questions.

MR. ENGLEBRIGHT: Thank you for your questions.

ACTING SPEAKER PICHARDO: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield?

ACTING SPEAKER PICHARDO: Mr. Englebright, do you yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. FITZPATRICK: Thank you, Steve. Steve, I -- I appreciate the work that you've done on this. And, you know, we're both from Long Island and we know back on Long Island you are -- if

there's an Environmental Hall of Fame, you are the first candidate to be installed --

MR. ENGLEBRIGHT: You're very kind.

MR. FITZPATRICK: -- in that Environmental Hall of Fame.

MR. ENGLEBRIGHT: It means -- that means a lot coming from my dear neighbor.

MR. FITZPATRICK: Exactly. You are --

MR. ENGLEBRIGHT: And -- and former basketball adversary.

(Laughter)

MR. FITZPATRICK: With a capital A.

(Laughter)

Your -- your leadership is -- is legendary on Long Island. I -- I just have -- I just have a simple question. You -- you made a couple of points that we're about to embark on a great experiment here, and that New York is a leader in many areas and hopes to lead here as well. But here are my concerns: When we talk about -- if the subject is operating an efficient mass transit system for one of the world's greatest cities, New York is not a leader. When it comes to providing quality, safe housing for poor people in the City of New York, New York, again, is not a leader. The Governor is asking us to put our faith in this proposal and be a leader. I'm skeptical, and I think a lot of other people in this room are skeptical because we don't run a very efficient transportation system. We don't do a very good

job of providing housing. And now we're being asked to trust this Administration to lead an effort to radically transform how we live. Because that's what's going to happen.

MR. ENGLEBRIGHT: Well --

MR. FITZPATRICK: And you and I represent suburban communities. Our constituents and all the constituents that we represent around this State are wondering, *What does this mean for me and my family, my lifestyle, and what is it all going to cost?* I'm not going to vote for this bill because of these concerns because there's no way we can answer this. But I do trust you.

MR. ENGLEBRIGHT: Thank you.

MR. FITZPATRICK: And your sincerity and your leadership here. And I know you're going to give it your best effort. I know that. But this is such a radical experiment. There's a lot on the line. And I'm weary because I -- I'm not -- I don't have a lot of trust in government doing the best thing for, you know, in solving these problems. I just don't. So that's my question. How would you respond?

MR. ENGLEBRIGHT: I would respond by saying that your concerns are historically factually-based. I would also point out that what we're facing is the inundation of our homes, the drowning of our harbors, the -- the loss of predictability for the elevation of ground water, for example, all along our shorefront communities. So we have to do something, Mike. And I believe that the challenge, really, is that the housing that is inadequate is partially

inadequate because it is poorly heated. We have a huge source of groundwater on Long Island with the latent heat in that groundwater that can be used to both heat our -- our homes through community heating systems in some cases, our individual homes in other cases, and cool them. We're not using -- we're not using that technology efficiently right now. But if this advisory panel looks at that, I think they'll see the wisdom of doing some geothermal to -- to advise us to push for geothermal heating and cooling. That will have a dramatic impact. Not here alone, on Long Island, but throughout the State where we have groundwater in valleys that have been filled with glacial sand and gravel all throughout the State. So that's one example. I also have some confidence that we are attempting to address some of the issues that relate to transportation. We have some signals right now that are 50 years old that are on the Long Island Railroad. I mentioned the right-of-ways before. But some of the signalization is a half-a-century old. But if we retool, and we must -- and yes, this Administration and our Speaker are all over this issue and trying to get out ahead of it and plan for retooling. If that retooling takes place within the context of renewable energy, it's going to be a convergence of solutions with problems. So I -- again, I look at this as the glass either half empty or half full. There are some who would like to see it as more optimistic even than myself. So I have some cautions and I share some of your concerns. But I do know that doing nothing is not an option. We can't allow New York to just passively watch as -- especially coastal New York is -- is drowned.

MR. FITZPATRICK: Thank you. The -- when I was on the Town Council in Smithtown, we were confronted with a -- a dilemma: Do we build our own incinerator to handle our own solid waste, or do we partner with the Town of Huntington, which we ultimately did, obviating the need to build our own. We were under a lot of pressure to increase recycling, but there was simply no markets. And when we asked those advocates, *Well, how would you recycle so many of these products*, they didn't have an answer because there was no answer. So, I think you're on to something when you talk about standardizing packaging to make recycling easier. But I hear -- there's another concern I have, too, is that there's going to be a tremendous amount of data that's going to be collected, that's going to be analyzed, that's going to be used to make some very serious decisions affecting all of us. Transparency and keeping people informed and keeping people apprised of what's coming, because I think we all know change is going to occur because of this legislation, and our cost of living is going to probably increase because the economics of some of these energy sources are not where they need to be. They're just not cheap enough yet. So I'm -- I'm concerned that if things start -- are not working out well, we're not -- we're not reaching these goals, we've had problems getting information with some of the other problems we have. And I'm again, skeptical and weary that are we going to be told the truth? I trust you. But I want to be able to say I can trust that this effort is -- I'm going to be told the truth about what's really going on.

MR. ENGLEBRIGHT: I appreciate that. And I have

found you to be honorable over many years, and I -- I just want to express my appreciation for the forthrightness that you always bring to issues. Even though we disagree frequently, that's the human condition.

MR. FITZPATRICK: Right.

MR. ENGLEBRIGHT: The most important point, though, is that we can have discussions that actually lead to solutions sometimes, because we're both honorable. I anticipate that the appointments will be of high quality. I anticipate that they will be self-conscious because our public is going to watch them, because they know they're going to have to present their recommendations not only to the Legislature who will hold hearings, but also they -- the Council itself will be expected to hold hearings, and that the press is going to examine everything very closely. I believe that there are very good reasons, then, to believe that we're going to get good and honorable advice. But part of this will be that you and I will continue to work together to make sure that there is no mischief.

MR. FITZPATRICK: Very good. Thank you, Steve.

MR. ENGLEBRIGHT: Thank you.

MR. FITZPATRICK: Mr. Speaker, on the bill. The

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ACTING SPEAKER AUBRY: On the bill.

MR. FITZPATRICK: My -- my admiration and respect for my -- my colleague and friend, Steve, on the environmental issue is -- is well-placed. He is -- he is Mr. Long Island when it comes

to the environment and his record is -- is stellar. So I know -- I know he is serious about this effort. But there are a lot of concerns about what it's all going to cost, what kinds of changes we can expect. This is an experiment, and a radical one. But I do believe we do have a problem in the environment. We do have -- something is going on. There is -- we're putting too much Carbon into the atmosphere and things have to change. I think I'm -- I'm ready to accept that challenge. But again, I'm -- I'm mistrustful of government when government gets -- anything government does, because we have the MTA, we have NYCHA. We have -- you know, government doesn't do things very well. And I'm worried that this experiment could become a failed experiment if we're not careful. But we have to be open and honest with people. There has to be transparency here. Because if it starts getting very expensive to live in New York State because of this, there's going to be pushback.

So that being said, I would just like to maybe end on a -- on a lighter note here because I saw this and I -- it struck me as kind of funny. It's from a -- a great political philosopher, and it says, *Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies.* We've seen that with some of our other major problems here in New York -- New York State. That was not Will Rogers. You might think that would be something Will Rogers would say. It was actually -- actually Groucho Marx.

So, I will be voting no on this because I have too

many questions, too many concerns. But I want to say I have great faith in my friend and colleague, Steve Englebright, to lead a very responsible effort here. This is going to pass; I understand that. But I do think we'll be in good hands thanks to Steve. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Lifton.

MS. LIFTON: Thank you, Mr. Speaker. I want to commend the sponsor of this bill for all of his heroic work over several years on this particular bill. We're in a difficult spot. Our scientists tell us we must get off fossil fuel, we must stop drilling. That is what all the climate scientists in our country and in the world are saying. They say now that we have about 11 years to reduce worldwide emissions by about 40 to 50 percent. It's a huge challenge. And people raise all of the expected objections. It's expensive, it's inconvenient, it may be disruptive. And most troubling, the scientists aren't telling us the truth, some people say. Or maybe most ridiculous at this point. I believe they are telling us the truth. And as I've said before, Mother Nature is not negotiating with us. We keep talking, even here tonight in this room, as if we're in a negotiation. That Mother Nature is going to negotiate. New Yorkers today and Americans are seeing the results of years of denial and inaction from even the time from 1989 when Bill McKibben gave us his first analysis in *The End of Nature*. It's raining every other day, it seems. Storms and flooding are increasing. Our farmers can't get out in their fields. It's either too wet or too dry. We see the Midwest under

floods. We see extreme heat happening already in the West, national and Statewide trends. And these trends are accelerating. Some people say - I've heard it in the room tonight and I've heard it from many people - government cannot solve this problem, government doesn't have the answers. We were told years ago - I think some people are clinging to those speeches of 1980 that say, *Government's the problem, government cannot solve problems. Only the private sector can solve our problems.* But here we are after 40 years of free-market economics, a very little government interference in these issues and the problems are accelerating. They are not getting solved. The private sector is not solving this problem. Only government can step forward and solve this problem. How? By doing what we're doing here. By putting forward a plan, by getting together and planning, and then at some point we'll have to fund this plan. We'll have to raise the money to make many of these things happen. Only government can do that. That doesn't mean that government isn't going to work with the private sector, that there's not going to be lots of contracting out as it is with every major government project to the private sector. It's always a partnership. As this will be, too. But we must -- we must take on this existential challenge, and we can create a new sustainable future with tens of thousands of good green jobs in an equitable economy with everyone coming along and participating. I'm proud that New York will fully take on this challenge and lead the nation, as we have on so many -- so many times before.

I will be supporting this bill and I urge my colleagues

to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Lifton.

Mr. Smullen.

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

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

MR. ENGLEBRIGHT: I yield.

MR. SMULLEN: Thank you, Mr. Englebright. I really appreciate the -- the conversation we're having tonight, which we know there's a past and a present and, of course, there'll be a future. And -- and I rise in hope and optimism for America's and New York's prospects of living well and prospering in the future because of our wise use of energy and being a good steward of the resources of -- of our abundant area. We're very blessed in New York. We have lots of energy and we have lots of water. We have the -- the natural benefits of geography that have -- that have served us well over the years. I'm not an engineer, but I am a historian and I've looked very closely at how New York's past has got us to our present and where we need to talk about where its future is going. So that's really what I'd like to -- to question a little bit tonight just to get your understanding and -- and set the tone for the conversation going forward to get to the best place that New York can possibly be in the future. Really, it comes down to, in my mind, as energy

independence. Right now, could you give us your appreciation of the relative degree of independence that New York has in the energy sector?

MR. ENGLEBRIGHT: Well, we are greatly blessed by the Niagara Power Project. Hydropower generally, although it is a small portion of our overall output, is reliable, has largely been paid for. As with the pattern with most renewables, there's a big upfront cost, but bountiful follow-through in the out-years. Most states don't have that. They don't have the Niagara River plunging into a gorge. But New York does. And speaking of history, it was there that Nikola Tesla had, I think, some of those -- those initial power-generating devices that he invented had as many as six -- his name on there six times for six patents. We have had immigrants in our State such as Tesla and they have helped greatly. This has been the great State historically that has welcomed genius from other countries to become a part of the fabric of our State. I anticipate that we will do that again. I think that we're going to be looking through the eyes of what I anticipate are going to be very fine appointments to our Climate Advisory Panel, and that they will look to see that some of these issues that have been raised this evening have been addressed successfully in some European countries and we'll be importing some of that technology, some of that methodology and applying it here. I anticipate that the history of overcoming challenges in our State is going to be a continuity that we will have. And that you rise with optimism, I applaud you for that because I think it's consistent with the

history of our State.

MR. SMULLEN: And it's -- and it's very good and I -- and I appreciate that. And that -- what are the percentages right now of hydroelectricity as -- as far as New York's average energy production and usage?

MR. ENGLEBRIGHT: I believe we have 21 percent hydro at the present time.

MR. SMULLEN: And what's your estimate of that being in 2030 and then 2050?

MR. ENGLEBRIGHT: Well, the percentages will change, but the absolute output will continue because, again, that is a stable source not deteriorating, not undergoing embrittlement --

MR. SMULLEN: Absolutely.

MR. ENGLEBRIGHT: -- due to radiation. But we are going to have significant new renewable energy coming from offshore and from solar and from ground-based geothermal. And so that will be added to the mix. And we will have -- we've already set in the bill a target of achieving 100 percent renewable energy. So in the years to come, that hydro that's already there will continue to be a part of the mix, but we're going to add to it with other renewables.

MR. SMULLEN: Certainly. And we talked a little bit about nuclear, and I -- and I think right now that nuclear energy is very important to the State's energy mix. How do you see that sunsetting in 2030 into 2050?

MR. ENGLEBRIGHT: Well, the useful life of the

nuclear power plants is approaching sunset. They were estimated to be useful for about 50 years. Most of the plants are 30 to 40 years old right now. So we're going to see their useful life and their safe utilization coming to an end. What I hope we do and what I believe should be part of the discussion is take those communities that in many cases have brilliant engineers for operating these facilities and who have a -- a real facility for generating electricity technologically, and retrain and repurpose those extraordinary individuals into the new renewable technologies.

MR. SMULLEN: So we have accounted for about 40 percent or so of the energy mix today. What about the plan's view of natural gas as it is today? What is the percentage of New York's energy that comes from natural gas, and then what will it be in 2030?

MR. ENGLEBRIGHT: You're asking me to project into the future. I hope that it goes down. Right now it's about 34 percent.

MR. SMULLEN: And you -- you anticipate it going down by 2030.

MR. ENGLEBRIGHT: I would like to see it extinguished.

MR. SMULLEN: Now --

MR. ENGLEBRIGHT: I don't think we should be burning hydrocarbons any more than I think we should be burning garbage and emitting those emissions into the air. I don't think we should be depending upon internal combustion engines in our cities

where the result is lung disease and asthma. I think we know that there are alternate technologies, and given a -- an orderly planning process, I think we can approach and solve the question of human health and liveability within the communities while creating new jobs and opportunities for those same people, and set an example for the rest of the nation and, indeed, the world on how to do that.

MR. SMULLEN: Now, what -- what you had -- what you had said was is that this is an experiment and that the world will be watching. What about the -- the other parts of the world? Does -- is climate change, in your mind, is it a national security issue?

MR. ENGLEBRIGHT: You bet.

MR. SMULLEN: And -- and how would you define it as a national security issue?

MR. ENGLEBRIGHT: And so does the --

MR. SMULLEN: In terms of --

MR. ENGLEBRIGHT: So does the Defense Department, by the way.

MR. SMULLEN: Say again, sir.

MR. ENGLEBRIGHT: Our Defense Department regards it as a national emergency and a national threat, yes.

MR. SMULLEN: Well -- well certainly, the military has a very -- keeps a very close tab. And as you know, I -- I was a strategic planner in the military and I also worked at the Department of Energy. But I also ran a New York State public benefit corporation having to do with environmental issues. But it -- as far as--

MR. ENGLEBRIGHT: That's a great resume.

Maybe you should participate in the Advisory Panel.

MR. SMULLEN: Well that -- that will be a very important panel --

MR. ENGLEBRIGHT: It will be, and -- and your background --

MR. SMULLEN: -- will actually get to be a discussion of the panel.

MR. ENGLEBRIGHT: -- is -- is the type of background that I think should be employed. We need advice from the best and brightest.

MR. SMULLEN: But now, this is where I get concerned. And so, is I -- I understand that you think that national security issues having to do with climate change, New York's role in it is actually important. But as we had mentioned earlier, it's under 1 percent of greenhouse gas emissions for worldwide usage. And we don't have a lot of control -- we don't have a lot of the control in -- in New York over Federal policies that -- that regulate those things. In fact, those are decided by other elections that -- that go into play, past present, and in the future. But what I'm concerned with is we -- we don't also have control over other nations, such as China, which is a -- is an important nation, it's an important trading partner of the United States. But it also has a high degree of greenhouse gas emissions, particularly with coal-fired plants. We also don't have control over, for instance, the Russians, who have a lot of natural gas that they

export to Western Europe. So under your plan would it be permissible for US natural gas to transit New York to be able to be exported to Western Europe?

MR. ENGLEBRIGHT: Our bill does not address this. It reminds me of the question regarding DDT a little bit. We banned DDT because it's so carc -- carcinogenic for use in our country, but we continue to sell it to the rest of the world where it's widely used in other countries. I find it a bit hypocritical in both the example with DDT and in the possibility that you hypothesize on. But it's irrelevant for the moment in what I think because it's not part of the bill before us.

MR. SMULLEN: So, speaking specifically about the -- the bill before us, what does the bill do to incentivize innovation within New York but also, as you say, this is an experiment in the -- in the United States. How are we incentivizing other organizations and other agencies of the Federal government or other states to help us achieve these goals?

MR. ENGLEBRIGHT: First, by example. Second, by successful example. And third, by embarrassment if they don't keep up with us.

MR. SMULLEN: So, you know, obviously we want to make sure that we're -- we're doing all the things in the plan. One of the major areas that I noticed is that the plan requires energy use reductions going forward. A couple of my colleagues have expressed concerns over our current state of industry and how going forward that

we're going to encourage energy use reductions at the same time we're trying to grow our economy. How is that achieved?

MR. ENGLEBRIGHT: Well, let me be clear. We do not require specific energy use reductions, although we anticipate that that will happen if we properly weatherize our homes and factories and other structures. So we see it as -- as a natural outcome. But we have our main focus on emissions. We really want to ramp down emissions of carbon-based gases, greenhouse gases.

MR. SMULLEN: And is it --

MR. ENGLEBRIGHT: They're not the only -- by the way, water vapor is a greenhouse gas, also. So we're not going to be able to deal with all of the greenhouse gases, such as evaporation from the oceans. But in terms of the potency of those gases, methane is more than 100 times more potent than CO₂. And CO₂ is much longer live in the atmosphere than methane. You put the two together and it's a big part of the overall problem that we're trying to solve, which is emissions of those two in particular. There are other gases as well that I hope we can address. But those two in particular are the core of the problem.

MR. SMULLEN: Well, speaking specifically of -- of gases and their reduction, we obviously want to produce less so we can still get the same amount of energy. But what about technology such as carbon sequestration? How do you imagine incentivizing New York to lead in that area?

MR. ENGLEBRIGHT: Well, again, you're asking a

very fine-grained question. I anticipate that if you -- if you look for the panel, the climate panel, that they're going to deal with a series of recommendations in terms of carbon sequestration, be it from new growth in fallow fields to plantings to the use of injection into bedrock. There'll be a variety of methodologies looked at. But we don't attempt to do more than empower the conversation. We're not trying to answer yet the methodology. We really think that the stakeholders will really give us good answers based upon the quality of the appointments. We're back to that. It's still about people. It's very much -- it's about the communities, empowering those communities that have been victimized in the past will give a new -- a new spirit of hope, optimism and creativity. And they will rise to it, I am certain of that.

MR. SMULLEN: Well, I'm -- I'm quite certain that New Yorkers will rise to the occasion as -- as we always have, to live better lives. I am concerned about some of the -- the possibilities that we're engendering in this in what right now is a -- is a study that can then actually lead into real public policy and real decisions where real resources are placed against real-world problems.

Thank you very much for your time, sir.

MR. ENGLEBRIGHT: Thank you for your questions.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So, I do appreciate the opportunity

to engage in this conversation because it is one of the most critical issues of our time. The use of energy is one of the greatest things which has made our society, our technology, our civilization flourish. And we need to really look -- look forward to the future in a wide-eyed manner to be able to be very clear-eyed about what we're doing. And we are, indeed, embarking on an experiment here, and the world is watching. I am afraid in some ways that we may be leading with our chin because we, New York, have a lot of -- a lot of innovative ideas in a lot of areas where --

ACTING SPEAKER AUBRY: Mr. Smullen, I -- you have run out of your time, and you can come back.

MR. SMULLEN: Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

MR. SMULLEN: I'll be back.

ACTING SPEAKER AUBRY: All right.

Mr. LiPetri. 15 minutes, ladies and gentlemen and...

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

Will the sponsor yield?

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. LIPETRI: Mr. Englebright, this is a real

privilege to now have the opportunity to -- to speak with you about this bill. I know we've had history that goes back years now, and I'm proud to be here and talk to you about this -- this bill. I really wanted to start with the -- the benchmarks, specifically focusing on the 9 gigawatts of offshore wind electric, 6 gigawatts of solar and 3 gigawatts of energy storage. What is -- why these benchmarks?

MR. ENGLEBRIGHT: Predictability is what will bring capital and investments from the private sector. They will help us meet these goals. In the absence of goals, you don't have the kind of predictability that will help drive the market.

MR. LIPETRI: Yes, but Mr. Englebright, is there a trend that is showing to these numbers? Are we on pace for these numbers, or is it simply that we just have picked these numbers for purposes of, as you say, predictability?

MR. ENGLEBRIGHT: We have. We've seen this trend in Europe and we've seen it in some of our sister states, most notably California.

MR. LIPETRI: But what about in New York?

MR. ENGLEBRIGHT: In New York, we have seen the technology of renewable energy, offshore energy, come from a dream to a plan now underway. Yes, the trend is positive. The costs of renewables are coming down. There's reason to be optimistic. And it isn't Pollyanna, it's optimism based on things that we have already observed and that are measurable.

MR. LIPETRI: Sure. So specifically, then, with

offshore wind electric we have here that -- in the language, because I'm -- I'm reading this language and it's 9 gigawatts of offshore wind electric generation by 2035. So where do we stand right now in offshore wind electric generation? How -- how many gigawatts is that --

MR. ENGLEBRIGHT: Right now we don't have a completed project. Deepwater Wind, which is now another company, Orsted, the Danish company, purchased Deepwater Wind. That project is underway offshore of the eastern end of Long Island. So --

MR. LIPETRI: So --

MR. ENGLEBRIGHT: It's in the works and --

MR. LIPETRI: So it would be correct to say that --

MR. ENGLEBRIGHT: -- big dollars are being invested, and it's private money for the most part. We have the Long Island Power Authority that has indicated an interest in buying the generating product of that offshore wind.

MR. LIPETRI: Sure. Mr. --

MR. ENGLEBRIGHT: That's the predictability.

MR. LIPETRI: And Mr. Englebright, for 2025, the language here says 6 gigawatts of solar generation. Where do we stand right now in solar generation?

MR. ENGLEBRIGHT: Right now we're still at a low level. About 2 percent of the State's energy is solar. As I indicated before, we have many opportunities. In my own district I have a 900-acre university campus. You know, how many solar panels are on

the State University of New York at Stony Brook? Zero. We can do better. We have giant parking lots, flat-roofed academic buildings. We have nearby malls. We have State DOT highway yards. Road right-of-ways, rail right-of-ways. Hundreds of miles of right-of-ways that face the southern sky. We can do better.

MR. LIPETRI: Mr. Englebright --

MR. ENGLEBRIGHT: But we need to get focused, and that's part of what this bill will help us do.

MR. LIPETRI: And when you say 2 percent of solar, how much is 2 percent? What is that volume?

MR. ENGLEBRIGHT: I'll try to get the figure for you. Give me a second.

MR. LIPETRI: Take your time. Thank you.

MR. ENGLEBRIGHT: I'm told it's approximately 135 gigawatt hours.

MR. LIPETRI: One hundred and thirty-five gigawatt hours?

MR. ENGLEBRIGHT: One hundred and thirty-five thousand gigawatt hours.

MR. LIPETRI: And this is trying to have 6 gigawatts?

MR. ENGLEBRIGHT: That's the goal that's outlined in this legislation, yes.

MR. LIPETRI: Okay. And in terms of Statewide energy storage capacity by 2030, this aspires for 3 gigawatts. What is

our Statewide energy storage capacity now?

MR. ENGLEBRIGHT: Approximately 30 megawatts.

MR. LIPETRI: Thirty megawatts. Okay.

MR. ENGLEBRIGHT: Of battery.

MR. LIPETRI: Of battery, yes. Okay.

MR. ENGLEBRIGHT: There are -- as I indicated there are other things that could be regarded as storage.

MR. LIPETRI: Yes. Turning your attention now to --

MR. ENGLEBRIGHT: We have 2,000 megawatts currently in the pipeline under construction.

MR. LIPETRI: Yes. Mr. Englebright, turning your attention --

MR. ENGLEBRIGHT: And in the process of approval.

MR. LIPETRI: Mr. -- Mr. Englebright, turning your attention now to the greenhouse gas emission limits seeking 2030 a 40 percent reduction, and by 2050, 85 percent reduction. What if we don't meet those -- those -- those limits? What -- what happens? Is there -- is there any sort of repercussions in the language of this bill?

MR. ENGLEBRIGHT: If you're asking if we have penalties built into the bill, we do not.

MR. LIPETRI: Is there --

MR. ENGLEBRIGHT: But we do anticipate that an

aroused public will demand it, and that there will be a punishment and that some will be unelected.

MR. LIPETRI: And now --

MR. ENGLEBRIGHT: And some will not become elected unless we're able, as a State and a state government, to begin to do better in protecting the children and families of the State.

MR. LIPETRI: Will that public arousal, are they able to, say, sue now for failure to meet these objectives?

MR. ENGLEBRIGHT: Under existing law, that is an option, yes.

MR. LIPETRI: Okay. So failure to meet the 40 percent by 2030 could obtain a right of action against the State. Is that correct?

MR. ENGLEBRIGHT: It is my understanding that that is already in law, yes.

MR. LIPETRI: Okay.

MR. ENGLEBRIGHT: It's not a part of this law.

MR. LIPETRI: But it is a possibility.

MR. ENGLEBRIGHT: Yes.

MR. LIPETRI: Okay. Also, a question in terms of the DEC consider establishing a mandatory registry and reporting system from individual sources to obtain data on greenhouse gas emissions. What is -- when you say "individual sources," who are you speaking about?

MR. ENGLEBRIGHT: I'm talking about measurable

sources.

MR. LIPETRI: Meaning what?

MR. ENGLEBRIGHT: Some measurable things would include existing permits, for example, for air discharge.

MR. LIPETRI: Okay. Who'd have to collect this data? Would it be solely within the DEC to register and collect this data, or would it be on, say, what my fear is, businesses or families, et cetera?

MR. ENGLEBRIGHT: Yeah, at the State level it would be the DEC. Some of that information may also be available because I anticipate that it should be shared with EPA.

MR. LIPETRI: Okay. Mr. Englebright, another question which is really concerning for me is specifically on Long Island, as you know, many of these natural gas power plants, they supply -- or they pay property taxes to local districts. If these power plants were to close down and, say, now change to a focus of wind turbines, what economic recovery is there to offset those losses from the power plants being closed down?

MR. ENGLEBRIGHT: We have a working group, just-transitioned working group built into the bill to examine that very question.

MR. LIPETRI: Is that transition working group you're speaking of about the Council itself?

MR. ENGLEBRIGHT: It's a subset of the Council.

MR. LIPETRI: Within the Council.

MR. ENGLEBRIGHT: It's not within the Council, necessarily, but the -- the appointments are -- are not only of those who are appointed to the Council. They can bring in experts.

MR. LIPETRI: Right. The two non-agency expert members you speak of?

MR. ENGLEBRIGHT: Right.

MR. LIPETRI: Okay. So, thank you very much, Mr. Englebright.

MR. ENGLEBRIGHT: You're welcome.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LIPETRI: Mr. Speaker, I really -- I am -- I'm torn. I really am. Because I applaud Mr. Englebright -- Mr. Englebright on this bill, I really do. And I really wanted to vote yes on this because this is an issue that you have to think beyond. You have to think in the future. You must think 2050, 2060, where is our State going to be. And I read this language, and I will read the what-ifs and I read the fact that this is going to be going to a council. And I read the fact that we're not -- we're not taking control ourselves, developing this framework personally. We're not creating or formulating a plan where we can go back to our residents, we can go back to our constituents and we can say to them, *This is why the economy is going in this direction, this is what we anticipate*. Because under this bill, if we don't get the necessary investors and venture capitalists to develop these ancillary engineer or maintenance jobs, if we don't have that,

there is a significant fear of implosion. And I really -- and I mean that in a -- in a realistic perspective. And I -- I rise today -- I didn't want to speak about this bill, but I had to get -- understand the answers and the thought process and to talk about where -- where I stand and my outlook. Because I want to go back to my constituents and be -- and say to them that we have a plan that's really focused on our environment in a way that we took hold of it. And like taking a leadership across the country in combatting and eliminating 1,4-dioxane and maintaining our waters, that's what I want to see continue. That's what I want to see happen. And that's what I want to be able to say, is that that was us. We did that. But with this we have -- we have just a framework of what-ifs, about maybes, about hope. And I love that in terms of hope and aspiration. I do. But we have to supply a base where we can go back to our constituents and say that, *No, this won't happen. You won't see a rise in your utility costs. No, you won't see a rise in your rates because we've protected that because we've included legislation, we've included language that protects that.* But now at this point in time, I can't. I can't go back to my constituents and say that this is definitely what's going to be. All I can say is maybe. And for me, that's not good enough. I can't go back and say maybe, what if, we hope. I want to go back and say, *This is what will be. You can count on me, I assure you, because we were involved in that language. We were involved in constructing what's going to happen.* And for me, this is an all-or-nothing approach. I want to have it where we are analyzing, formulating a plan, building

out from five, seven years, adapting based on economic factors, political factors, environmental factors. I want to have it where we diversify our energy. Oil and gas can still be in the equation, but diluted. It doesn't have to be our main focus. Let's have hydroelectric, let's have solar, let's have wind. That's fantastic. We should diversify. But diversify our energy like you would diversify your portfolio, your investments, your retirement. You don't want to have it where you rely on what-ifs. You want to make sure that you can put your -- your children, your grandchildren, my future children, in a place where I can say, *No, I know. You can count on me.*

So, Mr. Speaker, I love this -- I want to love this bill. But I just can't. And I applaud Mr. Englebright. I applaud the Climate Leadership and Community Protection Act, and I -- I just want to say that going forward, let's also be a leader for our water quality. Let's focus on our backyard as well. Because don't forget, climate change is worldwide. You have the Intergovernmental Panel on Climate Change which says that reducing worldwide emissions, this is one state of the entire world. Two hundred-plus sovereign nations have to be involved, too. But yet let's look at our backyard. When we can control exactly what happens to our water quality, most potable and sewage. Let's work together, let's provide legislation that we crafted that we can go to our constituents and say, *Yes, you can count on me to get it done.*

For those reasons, I'll be voting in the negative.
Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, in consultation with the Minority, we're going to ask that you lay the bill aside. And on behalf of Mr. Otis, if the Majority Caucus could go right into the Speaker's Conference Room right away, it would be greatly appreciated.

ACTING SPEAKER AUBRY: The bill is laid aside temporarily. And --

MRS. PEOPLES-STOKES: Mr. Crouch has an announcement as well.

ACTING SPEAKER AUBRY: Majority Conference in the Speaker's Conference Room.

Mr. Crouch.

MR. CROUCH: Yes. Thank you, Mr. Speaker. There will be an immediate members-only Republican Conference in the Parlor.

ACTING SPEAKER AUBRY: Members-only Republican Conference in the Parlor.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we have laid the bill aside, so there is an immediate conference in the Speaker's Conference Room for Majority members --

ACTING SPEAKER AUBRY: And the House will stand at ease.

MRS. PEOPLES-STOKES: -- and we will go into

recess.

ACTING SPEAKER AUBRY: At ease.

(Whereupon, the House stood at ease at 12:08 a.m. on June 20th.)

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ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we're going to return back to our debate on page 6, Rules Report No. 634, by Mr. Englebright.

ACTING SPEAKER AUBRY: And we have Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. Nine counties in New York State have an F-rating for air quality from the American Lung Association, and it's no surprise that these counties are among those with the highest populations of people of color. Climate change creates a vicious cycle in my community, and in low-income communities across New York State. Polluting power plants and smoggy highways run straight through poor neighborhoods, triggering asthma attacks and lung disease amongst New York's most vulnerable communities.

Climate change impacts all of us, but not equally. All together, low-income communities and communities of color are being

squeezed from both ends by the climate crisis. Through air pollution, brownfield sites, lots containing toxic waste or pollution, waste facilities and highways, the extractive fossil fuel economy takes an enormous toll on our homes, health, jobs and communities, leaving us less prepared to deal with the impacts of climate change, including storms, floods and heat. In Brownsville, the neighborhood I represent and was born and raised in and am raising my own child in, children are nearly twice as likely to be hospitalized for asthma attacks than the rest of Brooklyn, a direct result of pollution caused by burning fossil fuels. These fossil fuels, in turn, are warming our planet, causing hotter summers and heavier storms. During these hot summers, Brownsville residents are more likely to become ill or even die from a heat stroke. Tall buildings and concrete sidewalks trap heat, increasing the temperature in our neighborhood to unsafe levels. At the same time, low-income residents can't afford air conditioning to keep them safe and cool. This is particularly true for those who are living in NYCHA, which charges multiple fees for installing and running your own window unit.

New York needs comprehensive climate legislation that takes into account racial and economic justice. That's why I was proud to sponsor the Climate and Community Protection Act, which is supported by a coalition of over 170 environmental, community, labor and justice organizations. The CCPA is not just an environmental bill, it's about climate, jobs and justice. Under the CCPA, 40 percent of State funds used in renewable energy transmission must go to

low-income communities and communities of color, the people most affected and impacted by both the fossil fuel economy and the results of climate change. What's more, a group made up of representatives of frontline low-income and communities of color will make sure that the policy is fair to all.

In addition, the CCPA makes sure that green jobs are good jobs by attaching training, apprenticeship and liveable wage standards to State-subsidized green jobs. There are other climate change policies on the table, but they don't address the equity and justice that we so desperately need. We cannot address the climate crisis without also addressing environmental racism, classism and inequality, but by passing the CCPA with all of its equity provisions intact, New York State can both address the climate crisis and build a more equitable economy. I am proud to support this legislation.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano for his second.

MR. PALMESANO: Thank you, Mr. Speaker. Will the sponsor yield for just a couple more quick points?

MR. ENGLEBRIGHT: I yield.

MR. PALMESANO: Thank you, Mr. Englebright. I know the evening is late, we all want to go home; believe me, I do, too. I just had a -- when I ran out of time, I just had a couple quick things I just wanted to get to real quick --

MR. ENGLEBRIGHT: Sure.

MR. PALMESANO: -- and then I'll go on the bill

and let you sit down and rest, because I know it's been a long night.

Relative to some of the questions that have come up, I guess I'm just going to kind of go through a list of things and I guess -- I'm hoping that you can just, whether collectively or not, whether these things might be exempt or whether they won't be allowed anymore, or whether the council might have to have input on the things like whether you can continue to heat your home with natural gas or propane or home heating oil, drive a gas car, propane or a charcoal grill. We talked about the airports. Our farms, with their livestock and our farm animals, things that are associated with that, or a farmer who has a diesel tractor and diesel equipment on their land to deal with their materials, dealing with their farming operations; are those things no longer allowed, or would they be exempt, or are those things that are going to have to be determined by this council?

MR. ENGLEBRIGHT: All of the things that you've mentioned are a part of our -- our world and they are necessary parts of our world, so they're allowed. We have goals that if we're able to implement a plan, it will give us a chance to gradually move away from, for example, diesel tractors to electrified tractors, to move away from propane for heating to renewable fuel sourced energy to heat our homes. It may come from the temperature that is in the ground water beneath those homes, it may come into the homes by way of a solar array on the roof that powers a little motor to drive a pump to bring that water from the ground into the home. There will be many different solutions, but we have an expectation that we will solve this

-- we have years to do this. We will solve this first by setting some examples. It's a part of what is in the plan is to have models developed for rural, suburban and urban settings. Successful models are part of the history of our State.

In the farming realm, for example, Cornell, as you know, developed models for how to conduct the most effective and efficient way to farm with a series of pamphlets and writings that were disseminated from models on model farms. That's part of what we're looking at as a template. The hardest part, as you know, of any job is getting started --

MR. PALMESANO: Sure.

MR. ENGLEBRIGHT: -- and so what really we do this evening is we begin to solve the problems that are, as you point out, myriad, but one by one, we will solve them.

MR. PALMESANO: Thank you, Mr. Englebright. Relative to other issues, like I know, livestock and farm animals that -- is that exempt, or is that something that needs to be addressed, as well? Are building materials like concrete, are those things exempt or allowed? Because, you know, for example, for a windmill, it -- I've been told it takes 80 loads of concrete just to make -- create the base for that windmill, and it takes 900 tons of steel for just one tower. Those are shipped in on tractor trailers that are making emissions. So, that's going to be allowed to happen? Those things are going to be allowed to continue?

MR. ENGLEBRIGHT: We have -- you have, in fact,

identified two of the areas particularly difficult at the moment to have a -- a perfect solution for. We'll be working toward that solution over the several decades, but concrete is, of course, part of the manufacturing process. It starts with mining limestone and then baking it in a kiln. Right now, many of those kilns that drive the water out of the CaCO_3 , Calcium Carbonate, with five parts of water, to drive that water off and create Calcium Oxide. Sometimes they're burning tires, sometimes they're burning garbage. Sometimes they're burning natural gas or oil. Well, given a little bit of time, hopefully that process will be replaced, again, by electric-based heat or renewable energy.

In the short-term, we envision offset for that industry, and so we have a 15 percent offset built in that's not part of the bill that you looked at last year and previous years, but it's there now in recognition that that's a particularly difficult industry to expect to have an instant turnaround on. Similarly, the problems with some parts of our agricultural industry require at least, at the very least, temporary offsets. So, that is part of the reach of the bill that we have hammered out in conjunction with the Senate and the Executive.

MR. PALMESANO: Okay, great. Just one more question, Mr. Englebright.

MR. ENGLEBRIGHT: Sure.

MR. PALMESANO: And I think you might have talked or just touched on this, I'm not 100 percent sure because I didn't hear, the issue of the Interstate Commerce Clause in the Constitution,

as far as direct shipments and shipments and pro-commerce from state-to-state. Trucking companies, trucks coming into our State from out-of-State, or ships coming into our -- our State. That's not going to be affected by this because it's under the Interstate Commerce Clause; that's still going to be allowed, correct?

MR. ENGLEBRIGHT: That is correct.

MR. PALMESANO: Okay.

MR. ENGLEBRIGHT: By the way, if I could just go back for a moment, when you manufacture cement from limestone, you drive -- you use energy to drive the water out of the limestone. When you mix the water back in, it pulls Carbon Dioxide out of the air. So, that part of the chemistry isn't the problem, it's the manufacturing, it's the slaking of the limestone that is the only real problem, because you balance the Carbon Dioxide part of this --

MR. PALMESANO: Sure.

MR. ENGLEBRIGHT: -- I know that you get a tremendous amount of Carbon Dioxide coming up those stacks, but it -- when you mix the cement, it comes back out of the air. So that part is Carbon neutral. The part that isn't Carbon neutral is the part where you have to heat up the limestone.

MR. PALMESANO: All right. Thank you, Mr. Englebright, for your time and your courtesy --

MR. ENGLEBRIGHT: My pleasure.

MR. PALMESANO: -- I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, I, you know, want to thank the sponsor for his time, the debate. The goal is laudable. I appreciate the debate and I just want my colleagues to know just because we have concerns and disagreements on this legislation, this bill and its implementation, it does not mean that we do not want to take action to address climate change and taking proper steps and adding renewables to our system. I believe the issue for me and for a number of us is with this bill, is New York really going at it alone? Is there balance and how is this balanced? And I'm concerned that if we do go alone, we won't achieve our goal and what we'll do is we'll completely dismantle our economy and way of life along the way.

This bill only impacts New York. This issue needs to be addressed globally. China, Russia, India, Brazil needs to be a part of the solution. And I know the Congresswoman from Queens thinks the United States -- it can't just be the United States just doing it alone either, it needs to be done globally; it can't just be all on New York and it can't just be all done on the United States of America. When we talked about the emissions in New York, globally, New York, our emissions are -- our CO2 emissions, Carbon emissions, are only .5 percent of the total global emissions, and 3.3 percent of the United States' emissions. And we talked about the issue of Carbon leakage and that -- that issue.

So, when we put these more restrictions just on New York, just on ourselves, it's going to impact our businesses, it's going

to impact our farms, it's going to impact our electric generating capacity. And what we're going to do is -- I'm concerned is and many of us are concerned we're going to destroy manufacturing, we're going to destroy farming, we're going to destroy jobs and we're really not going to get the impact we want because we're not a big part of the total global emissions. And like I said, just .5 percent. And, again, there's that risk of Carbon leakage when businesses, manufacturers, farmers, whatever it may be, go to other states with less restrictions and then the Carbon emissions go up, so we aren't really addressing the concerns that we want.

I know this issue has talked about being the New Green Deal [sic] for New York. And, from my perspective, yes, there's green in this deal, but it's also -- I see it's the green, the dollars it's going to cost all of us in lost jobs, business, industry, higher utility costs, higher taxes, skyrocketing retrofitting costs of homes and businesses.

Just on -- just some of the statistics, let me read to you. Again, I mentioned it earlier, an economist from the University of Massachusetts, a supporter of the CCPA, estimated it would require an investment of \$8.7 billion per year just to hit New York's renewables. There's another study done saying the costs of residential conversion with capital costs for appliances and everything would cost each household approximately \$58,500. An analysis of the tax hikes for the average residential customer is \$300-\$440 per year; for commercial and industrial customers, it could be up to \$4,300 per

year. One thousand different businesses, 40,000 jobs, \$2.6 billion in wages from energy intensive trade exposed industries, including manufacturing, saw mills, iron and steam mills, foundries and paper mills would be in jeopardy; 2.1 million small businesses and the 4.1 million jobs they provide would be threatened by higher energy costs, the costs of equipment and the cost of retrofitting.

Mr. Speaker, and my colleagues, when I talk about our energy policy and when I talked to groups and I talked to people, it needs to be balanced. Just like your own IRA or 401(k), you don't put all your assets into one investment, you don't just put it all into stocks, you don't just put it all into bonds or cash. You diversify it to make sure it's protected and strong. We should be doing the same thing with our energy portfolio. I often refer to it as like a three-legged stool, you need three legs for the stool to stand. And, yes, clean, my colleagues, is an important part; that's one of those legs, but also is reliable -- reliability and affordability. And our renewables in and of themselves are not reliable for our system. They need conventional means to back up. And, certainly, we need affordable so our people can afford to live here and to have jobs here and to have small businesses here. This bill certainly has the clean, but it misses the point on the two other ones. So, if you only had one leg, it can't stand, it can't work, that's why I don't think this is going to work.

I'm a supporter of wind, solar and hydro, that needs to be a part of the portfolio, but so does nuclear and, yes, natural gas, I believe. I'm very concerned about the heavy focus on the electricity

generating sector. Again, we need to have reliability in our electric generating system and, again, renewables are good, but they still need that conventional back up to provide that reliability to the system. I think this threatens the reliability of that system.

So all of that coupled with the concern relative to the loss of jobs, the loss of industry, our farms, the billions of dollars in taxes, fees and assessments on our energy consumption and retrofits for our homes, our businesses, our manufactures, all of these things, Mr. Speaker, is why I have concerns -- the concerns I have been voicing tonight and we will continue to voice. And it's those concerns and those reasons that I've shared with you is why I will be opposing this -- this legislation here tonight and why I urge my colleagues to do the same.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Friend.

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

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

MR. ENGLEBRIGHT: I yield.

MR. FRIEND: Thank you, Steve. One question regarding our large ships that may be transporting goods and products across the trans-Atlantic or Pacific Oceans and -- are we going to be looking at the greenhouse gas emissions from those ships, cargo

ships?

MR. ENGLEBRIGHT: I'm sure we'll be looking at it, but we will not be regulating it; it's outside of the scope of our authority.

MR. FRIEND: All right. Okay. I appreciate that. Thank you, Steve.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. FRIEND: I mean, there's been some concern from some groups that the world's 15 biggest ships create more pollution than all of the cars in the world, so I'm glad to hear that they will -- we will be looking at that just to assess whether or not that is the case and what impact that does have on New York State. One of the world's largest container ships can emit about as much pollution as 50 million cars; further, the 15 largest ships in the world emit as much Nitrogen Oxide and Sulfur Oxide as the world's 760 million cars.

The problem isn't necessarily with the ships' 109,000 horsepower engines that endlessly spin away 24 hours a day, 280 days a year; in fact, these power plants are some of the most fuel-efficient units in the world. The real issue lies with the heavy fuel oil the ships run on and the almost complete lack of regulations applied to the giant exhaust stacks of these container ships.

So, again, I am -- I am pleased that we may be looking at least into the exhaust and what that may be adding to our -- our region.

Another industry that we have right in the Southern Tier that I'm a little bit concerned about would be the forestry industry. I'm glad to -- proud to see that we are looking at measures to achieve long-term Carbon sequestration and to promote best practices in land use for agriculture and forestry, and also to measure -- to achieve healthy forests and support clean air, water, biodiversity, and to sequester Carbon. The concern I have right on the Southern border -- Northern border of Pennsylvania -- in Pennsylvania, foresters will pay \$2 an acre in taxes; New York, unfortunately we pay \$26 an acre. So, again, Pennsylvania has a little bit of an advantage for maintaining those forests, and, again, I hope that the Commission looks at doing something to help support our forestry within New York State, especially in the Southern Tier, a very vital industry.

As we all know, Indian Point's closure was devastating to -- to those local schools, the counties involved, the villages, the towns, on those communities because it happened so quickly without a plan in place. The Southern Tier's top property tax player is the natural gas industry when you take into account the production, the transportation and the storage of natural gas. Near -- the Southern Tier has already been hit very hard with the loss of production within the Marcellus and the Utica Shales. If we, in turn, with this bill, in the future go ahead without a plan in place and completely shut down the production, storage and transportation of natural gas in the Southern Tier, we will be devastated. We really need to have a plan in place if we're going to shut that down in the

Souther Tier.

I would like to read part of the response from the Independent Power Producers after the Senate passed this bill last night. In response, IPPNY President and CEO Gavin Donohue said, *The CLCPA will fundamentally change New York's electric system, which is one of the most complex and reliable in the world. This is a monumental endeavor and the details around its implementation will be of the utmost importance. It is essential that IPPNY, the New York Independent System Operators and the New York State Reliability Council would together represent those entities tasked with powering the system and reliably operating it have a seat at the table to ensure the legislation's deadlines are met responsibly. Electric grid reliability and affordability are not to be taken lightly. They are paramount to economic development and consumers. IPPNY looks forward to being part of the process as this legislation is implemented.*

And I have a final letter from the Chemung County Chamber of Commerce: *As a Chamber of Commerce with energy intensive trade-exposed industries in our community, we are writing to urge you to amend the Climate Community Protection Act. There's tremendous opportunity for clean energy in the Southern Tier. We applaud legislative efforts for clean energy and green infrastructure, and would like to reduce our Carbon intensity without hurting our economy. Specifically, as representatives that host energy intensive trade-exposed industry facilities, we are concerned that the CCPA as drafted will put in jeopardy over 40,000 high-paying jobs in New*

York, and other jobs that support these facilities. For Chemung County alone, we are aware of at least four establishments with nearly 500 jobs at risk, and \$32 million, \$32 million in annual wages in the one county, of Chemung County, of a population of 80,000 people.

Based upon 2018 data from the Bureau of Labor Statistics, New York has over 1,000 EITE's that directly employ over 40,000 people and pay over \$2.6 billion in wages. On average, these workers are making more than \$70,000 per year, and they're often some of the highest paid workers in their county. EITE's and the communities that support them need a transition period to bridge towards a low-Carbon economy until a global level playing field is established that enables fair competition. Please ensure that the EIT industries have a seat at the table. Any council tasked with the development of a greenhouse gas reduction plan should include a representative of the business community, including representatives of EIT industries, including, but not limited to, glass, steel, auto, cement, metal casting, food, pulp and paper, aluminum, ceramics, plastics and chemicals that will assist with the development of a climate road map. We urge you to amend the current legislation and address these concerns. It is clear that the future risk from climate change will be impacted by decisions made today. Let's work with New York manufactures to ensure there is a transition plan for a bright future for our economy and environment.

I would hope that the 22 members that we're appointing to the initial committee would take that into account to

make sure that they have the experts that you keep referring to and take the suggestions, and that we don't repeat the mistakes of the past that we have already done, that we are going to proceed in the right direction. I thank you, the sponsor, for everything you're trying to do for the right thing for New Yorkers.

Thank you, Mr. Speaker. I'm done for the night.

ACTING SPEAKER DENDEKKER: Mr. Walczyk.

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

ACTING SPEAKER DENDEKKER: Will you yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER DENDEKKER: Yes, the sponsor yields.

MR. WALCZYK: I appreciate that, and I've been paying attention to this debate, I'll try not to take up too much time, but one question that still remains for me is the curiosity of where the additional power is going to come from by the time we -- we've reached your completion here.

MR. ENGLEBRIGHT: What additional power? We -- we are not envisioning a need for an endless growth in new power. If we stop using power, for example, in the residential sector, simply -- I'm not talking about not using it at all, but ramp down the need for it by bringing new heating systems into homes that are based on ground water, as well as solar and using renewable fuels in conjunction --

renewable energy I should say in conjunction with weatherization and -- and insulation. We should be able to see a significant savings in -- in the amount of energy that's needed. At the same time, we envision significant new sources of renewable energy from offshore wind and community-based solar. Those are not imaginary. They might have been 25 years ago, but they're real now.

MR. WALCZYK: Thank you. Through you, Mr. Speaker, if the sponsor will yield for one more question. How do you envision hydropower being involved in the conversation as it rolls forward?

MR. ENGLEBRIGHT: Hydropower is an important part of the mix. Presently, we anticipate that it will continue to be an important asset for our State. We have more hydropower as a -- as a percent of our overall energy reduction than almost any other state. So it's really important, I'm glad you brought it up. It is certainly something that we're going to be counting on.

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: Mr. Speaker, I represent what they've traditionally called the "River District", and that's -- it has the St. Lawrence River as well as a number of other rivers that include a tremendous amount of hydropower, and there's a range of businesses from Alcoa, Arconic and Massena to Postdam Speciality Paper or Knowlton Technology in the City of Watertown that rely on this

hydropower. What I would caution this Body is that these are great paying manufacturing jobs, good Upstate jobs that will remain. I don't want to see us in the future compromise those jobs, turning the wheels in our hydro facilities Upstate to power light bulbs just down in New York City. So, that's my chief concern rolling forward. I think, you know, and -- and there's been some great comments on this legislation. I commend the sponsor and this Body for taking this on. I think -- I think we need to do more to protect our environment and I think being good stewards is something that we're called to do. My fear is that as we roll forward not considering those jobs and not prioritizing Upstate New York and our way of life in regards to this aspect would be my -- my primary concern. Some of the punchy comments out there are, you know, *The last one out, shut the lights off*, and I would -- I would hate to see the light bulbs go out in Upstate New York in the decades in the future just to make sure that our farms -- and we worked on a farm bill earlier today, and there's a lot of punchy comments from the agricultural community, you know, *You're trying to turn our farms into just solar farms and our hydro jobs are going to just be jobs to power the light bulbs in New York City*.

So, please consider that in the context when you're voting on this bill. We have a great State in New York and it's not just that concentration in the urban areas surrounding New York City. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I will be very brief, I know it's late. One other thing that I would like to say is I would like to commend the sponsor of this piece of legislation, and also I would like to commend the Speaker. I think this is a great day, this is a great new era for climate change in New York State.

Specifically, when I look into my district, Mr. Speaker, because I do have the BQE, the BQE crosses exactly from Staten Island all the way through Queens and it's been right in the middle in Sunset Park. And we have 55,000 tons of emission coming out through that BQE every single day. In that BQE, Mr. Speaker, I do have a total of 18 schools parallel to the BQE which some of that emission will get inhaled by our children. So, I hope that this particular bill with the projection of emission reduction in the future, we will be able to accomplish our mission of reducing asthma not only in my district, but throughout the State of New York.

Lastly, I would like to echo -- to say that was mentioned that this is a global issue; absolutely, this is a global issue. But this is a global issue where we need a leader in Washington who will understand that we should be part of the Paris Agreement, climate change that happened in 2015. If we are not part of that, Mr. Speaker,

we are the one creating an extra problem through the globalization of climate change. Therefore, Mr. Speaker, I'm going to be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker. I would like to explain my vote. This is probably one of the most significant bills we are passing this Session, because we're really recognizing a problem that we can no longer delay. And I would like to thank and commend the sponsor of this bill for making us take the first step to dealing with the whole issue of climate change. This bill is basically setting up a mechanism and guidepost as to the things that need to be done. It is setting up targets. I believe the target should be even stricter; I have a bill that would make them even stricter. But I support this bill strongly because we have to start, and then we have to try to exceed the targets or, if not, at least we get as close to them as we can. So, I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Colton in the affirmative.

Mr. Kim.

MR. KIM: If you don't change the way we live, co-exist, govern and function, we will die. Change or die. If we prepared ourselves to live and legislate with this mindset starting today, it still may not be enough time to undue the damage we caused

our planet. Our biggest challenge is executing the laudable goals outlined in today's historic legislation of reducing the greenhouse gas emissions. We will not reach these goals if we hide behind modest Carbon neutral proposals, which allow big energy monopolies time to readjust and monetize our renewal efforts. The difference between going Carbon neutral and going Carbon free is the difference between perpetuating an economy of scarcity based on a market control of energy versus an economy of abundance based on true peer-to-peer systems. We must and can strive to our bold, new plans to get us Carbon free and completely decentralize the energy sector where the marginal cost of energy could reach near zero.

When we find the courage to diverse some of the nearly \$10 billion of corporate giveaways, incentives and tax breaks, and pivot entirely towards decentralizing the energy markets, that regenerates wealth and value at the local levels, we can actually achieve the goals of this legislation. We must end subsidizing the growth of mega corporations through economic development agencies and stop rewarding vertically integrated essentially managed monopolies.

Mr. Speaker, you know, we must seize this moment to focus on creating locally resilient economies based on regenerative outcomes. I withdraw my request and vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. I think it is so important that we be aspirational. And, certainly in this bill, we have set out some strong aspirational goals and that is why I support this bill, because innovation happens when humans seek to achieve something larger than themselves. And we are going to need all the innovation and invention that we can find to solve this problem.

And I want to put some context to some of the comments that our colleagues made about the importance of supporting economic development and industrial scale use of power. In my district, we have the largest semi-conductor chip plant in North America. It is three football fields long and seven stories high. And on a cold winter's day, it burns 4,741 therms of natural gas each hour, 24 hours a day, seven days a week. It supports 3,500 jobs in the Capital Region. Just as a point of comparison, in a 2,500 square foot energy efficient house, it burns between 17 and 21 therms of natural gas each month.

So, the needs of our industrial users are substantial and it is going to take an amazing amount of our academic and industrial scale research to figure out how to meet the needs of these businesses so that we don't lose them. But we won't get there if we don't set aspirational goals and that's why I'm supporting this bill. Thank you so much, Mr. Sponsor, for all the great work that you have done on this, and I will vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Ms. Simon.

MS. SIMON: Thank you, to explain my vote. First, I want to commend the sponsor for his incredible leadership in this effort and for the many years that he has done that, and to this Body for supporting these goals, and the advocates, as well, who have kept the issue front and center.

The Climate Leadership and Community Protection Act puts New Yorkers on a path to net zero emissions in all sectors of the economy, with mandates for deep emission cuts, making zero emission target for the electric sector by 2040, which is really quite astounding. And without a Federal government partner protecting Americans from the throws of climate change, New York must and is leading our way to protect our communities, our economy and our State.

I do want to say that while I totally support this bill, I am a little bit concerned that some of the protections that were really there that were the Environmental Justice Protections, the Investment in Frontline Communities for a Just Transition are not as strong in this bill. I would hope that we will continue to work at this and to make improvements in the bill so that the glass is a little fuller the next time around. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, I rise to explain my vote. I just want to thank the sponsor for what he did, and really thank all the grassroots organizing all over the State that brought us to this moment. Without this grassroots organizing, we wouldn't be able to be here.

I do have some concerns, just to be clear, that, you know, the environmental and racial justice issues, that we continue to talk about, and the environment degradation; I'm not sure this bill goes far enough to ensure that the long history of that degradation has been rectified. While we're making some good justice and equity targets, I would hope a stronger mandate would be available. While we don't have those in the bill, I will support the bill and vote in the affirmative and look forward to ensuring that whatever we do, make sure we have prevailing wage issues taken care of and justice and equity long-term in our State. Thank you, and I support the vote. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Blake.

MR. BLAKE: Thank you, Mr. Speaker. First, commending the sponsor for his great leadership on the issue of better climate. It means we have a chance to live out our dreams. And when we think about the creation of the Climate Action Council, which is necessary, the other elements of this bill, in particular, assessing the

barriers in low-income communities and urban communities that are always wondering why they're having the challenges is absolutely essential. Too often, we're the ones that are facing challenges that are not spoken of and addressing the climate in a real way will happen through this bill.

When we think the opportunities of zero emissions and the work that's been happening in many of our cities, especially with the bus fleet, we don't want to follow what's happening in California, we want to lead across the country, and this will give us the chance to do so. So when we think about the climate, giving us this kind of protection is why we have to stand up for this bill.

And to -- to Dr. Englebright and all that you are doing, we're grateful for all that you continue to do, because you're going us a chance to live and breathe better, and I will definitely be voting in the affirmative for this bill.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker, for allowing me to rise to explain my vote. And I want to start today by commending the -- the Speaker, as well as the Chair, as well as all the advocates who have weighed in. And, yes, this is very much a compromise, as so many bills are, but climate and the -- climate is a crisis and I believe it is the quiet crisis of our time and, today, we're finally a lot less than quiet about it. And we -- I think, in the end, this

is far-reaching, this is aggressive and even though there were many trade-offs to get us here and this will require many, many investments, but many of those investments will be solid ones. There will be costs here, but, at the same time, we will grow jobs, I believe, because of the energy investments that are so desperately needed, as well as the transportation investments and our investments in manufacturing and our industry, whether it's in our buildings and our homes.

I do believe this will be worthwhile trade-offs. It will make us leaders, again, in this State -- sorry, in the State as well as the country and, hopefully, in the world. And this is part of our legacy. So, I want to commend the hundreds of advocacy groups that have worked years, I know that -- I think this is the fourth time we will be passing it, but this time it's -- it's real and it's going to make it. And every time I read of a -- the wild fire or the floods or the tornadoes and so many other complications through climate change, I think we are finally acting on it and this will -- this will be a part of our legacy. I do think that this may be one of the most important pieces of legislation this year. With that, I vote in the affirmative and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. We're all seeing the effects of climate change on our environment. Extreme weather events, flooding are becoming more common, and

it's taking a heavy toll, especially in our rural communities. Now, more than ever, it's important to step up and find sustainable long-term solutions for the generations to come and for the well-being of our families today.

So today I'm very pleased to see this bill passing here in the New York State Assembly. It's another step towards achieving our goal of building healthy, vibrant, sustainable communities. This bill takes important steps to combat climate change, reducing greenhouse gases, implementing clean energy goals and investing in clean energy projects. Clean water, clean air and clean environment. If we're serious about safeguarding public health and promoting environmental sustainability, we simply cannot compromise on these critical issues. With the passage of this bill, we lead the way and I'm pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. It's been wisely said that we did not inherit this Earth from our ancestors, but borrowed it from our grandchildren. We are trustees with an obligation to maximize preservation and minimize the deterioration of our world.

Make no mistake, climate change is here. The retreat of the polar ice caps symbolizes the dramatic changes our world is -- is now experiencing. The effect on polar bears is the canary in the coal

mine, that the effect on the human animal is not far behind.

Renewable energy can reenergize and renew not just our environment, but also our economy on the national and the local level. Installing solar, wind and water power are jobs that can't be exported, and they use resources that don't need to be imported from overseas. This legislation will guide us to be sure that our actions here in New York will be part of the solution, not part of the problem.

This legislation should not be the end of our work, it's but the beginning. As State entities, some existing, some created by this legislation begin their work, we need to prepare our own measures to compliment their work. This is a plan to be sure that our future actions don't repeat yesterday's mistakes that gave us today's environmental crisis. It is implementation on the State level of the old adage, *Think globally, act locally*. I'm pleased to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Englebright to close.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I'm pleased to vote yes, but let me really begin, also, to thank some of those who made this evening possible. First, our amazing Speaker, Carl Heastie, who had the vision to see this possibility for our State many years ago and has been working diligently to enable it. I'd also like to say thank you to my colleagues in the Assembly, to my Senate colleagues and, especially, Senator Todd Kaminsky and, of course,

Governor Andrew Cuomo who gave us this Message of Necessity. Finally, the many advocate voices that have brought us to the dance, so-to-speak, and inspired us and encouraged us all. Thank you to the advocates, as well.

This bill is an expression of optimism at a challenging time for our State, nation and planet. Its passage tonight means that New York will embark upon an essential and meaningful journey toward the goal of net zero emissions in all sectors of the economy in order to protect our State's constituents, communities and economic vitality. We have a climate problem bigger than the boundaries of our State, but by showing the way for our sister states, we will effectively magnify the fight against the Carbon-based emissions that are driving climate change far beyond our borders.

People across the State from Buffalo to Long Island have urged New York to act on climate change. I am proud that the Assembly Majority has led the way on this issue and is now passing the most comprehensive climate legislation in the nation. This bill sets New York on a course for a sustainable future by transitioning our State to clean renewable energy, unleashing the genius of American industry and ensuring good paying jobs that work for all New Yorkers.

Thank you, Mr. Speaker. I'm pleased to vote yes.

ACTING SPEAKER AUBRY: Mr. Englebright in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Mrs. Peoples-Stokes.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, on behalf of Mr. Otis, there is an immediate - very brief - Democratic Conference in the Speaker's Conference Room.

And, Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have numerous fine resolutions. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 625-631 and 636-639 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 9:00 a.m., June the 20th, Thursday, June the 20th, tomorrow, being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 2:19 a.m., the Assembly stood adjourned until Thursday, June 20th at 9:00 a.m., Thursday being a Session day.)