



111 WASHINGTON AVE, SUITE 501
ALBANY, NEW YORK 12207

WWW.FWC-LAW.COM

PHONE: (518) 436-0786
FAX: (518) 427-0452

The Week That Was

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1. Point of Order

Our Spin:

A day after sixty-one protestors were arrested at the Capitol for blocking the Senate and Assembly chambers, Assembly Sergeant-at-Arms Wayne Jackson found himself needing to take control again on Wednesday. This time however, it wasn't the protestors that he needed to control, but rather lawmakers and their staffs during a heated debate on the Assembly floor. At one point Sgt. Jackson could be heard yelling, "Everyone take a seat. Get back to your seats!" Luckily no physical altercations took place, but as the ole saying goes, "sticks and stones may break my bones, but words can break my heart."

The Story:

The business of the Assembly came to a halt for half an hour on Wednesday afternoon over a dispute about whether it was fair to characterize a member's comments as racist. Members were debating a bill that would ease sanctions on welfare recipients who run afoul of guidelines set by social service agencies.

Assemblyman Andy Goodell (R-Jamestown) spoke up against the measure. His initial comments were not widely heard and a transcript was not immediately available. But he later characterized them as focused on his belief that the bill would "[slow] down our effort to get people gainfully employed by helping them get job experience and job training." "This process doesn't mirror anything that we find anywhere out in the private sector or even in the public sector in terms of what we expect in terms of building personal responsibility and the characteristics you need to be successful."

Whatever Goodell actually said in his initial comments about welfare recipients, they struck some Democrats as insensitive and filled with racially coded language. Outspoken Assemblyman Charles Barron (D-Brooklyn) weighed in. "It never ceases to amaze me the condescending, disrespectful manner in which they talk about people receiving social services," Barron said after Goodell spoke. "How dare you say that 'in the real work world,' like theirs is fake — that's insulting and racist."

Goodell asked the chair to demand that Barron limit his comments to the bill itself. "It's the policy of this Legislature to prohibit arguments ad hominem that question in any way the character, motive ... of any of our members, directly or indirectly," he said.

"I didn't call him a racist; what he said was racist," Barron said.

Minority Leader Brian Kolb soon entered the chamber and derided Barron's comments: "I'm tired, sick and tired, of the type of language that is used on this bill and any other bill accusing any member of being racist." Kolb was told to let Barron continue speaking.

"We're going to have a problem," he said in reply.

"Are you threatening?" Barron replied.

Kolb kept on speaking, despite the fact his microphone had been turned off, and Barron was told he could resume talking, although he was asked to avoid upsetting other members.

“There’s nothing I can say to not upset them so I will not try,” Barron said. “I will continue my remarks when people speak of us on social services [and] some of the ideas are racist.”

Goodell soon moved to challenge the decision of the chair to cut off Kolb’s microphone. Members began a lengthy debate on that motion.

“It has nothing — absolutely nothing to do with racism. So when a member of this Assembly stands up and talks about the merits of this bill, a bill that affects my county — which is almost exclusively white, Anglo-Saxon Americans — stand up and accuse the member of being racist ... [it] leads all of us in this chamber down a rat hole.”

The motion was eventually voted down on party lines, and debate resumed.

“I stand by every word I uttered,” Barron said while returning to speak on the bill. “You think people want to get on welfare? Trade places if you think they have it so good.”

[Politico Pro](#)

2. History Repeats Itself

Our Spin:

At a Nassau County fundraiser last weekend for his re-election campaign, Governor Cuomo told five of the Long Island Democratic senators present, only Todd Kaminsky was missing, that they should be careful about embracing the Green Light bill. This week it was New York State Democratic Party Chairman Jay Jacobs who dropped a friendly reminder where the “Long Island Six,” should stand on the bill. Does this sound familiar?

The Story:

As the State Assembly moves closer to passing a bill to allow undocumented immigrants to obtain driver’s licenses, one of the top Democrats in New York has a message for the suburban state senators about to take up the legislation after it glides through the lower chamber: you may get thrown out of office.

“On Long Island, it is exceptionally unpopular. For whatever reason, I don’t know,” Jay Jacobs, the chairman of both the New York State Democratic Party and Nassau County Democratic Party, told Gothamist. “Do you really want to do it and lose the Senate majority and never be able to do anything ever again for another generation? Not me. I play the long game, not the short game.”

Jacobs, a close ally of Governor Andrew Cuomo, said he has called the six Democratic senators who represent Long Island to warn them about the potential political consequences of supporting the “Green Light” bill, as it’s known among advocates. Jacobs said he personally supports the legislation but believes it’s too polarizing to pursue in the current legislative session, which wraps up this month.

Jacobs’s comments come as Cuomo announced his support for the Green Light bill, highlighting it as one of his ten end of session priorities. Behind the scenes, Cuomo has been more circumspect, and has warned suburban lawmakers about the implications of pursuing legislation that could rile up anti-immigrant conservatives. None of the six Long Island

Democrats have co-sponsored the legislation, and immigration activists, who are engaged in an aggressive door-knocking and ad-buying campaign in swing districts, still view Cuomo skeptically.

Without buy-in from lawmakers outside of New York City, the driver’s ID legislation is likely to fail. Twenty-five Senate Democrats are co-sponsors, but 32 are needed for the bill to pass.

3. Coast to Coast

Our Spin:

The 2019 New York State legislative session has thus far played host to no shortage of headline-grabbing legislation, with many bills passed by the first all-Democratic government in the state for many years. Rolling with the momentum that has seen legislation passed on everything from election reform to women’s reproductive rights, state policy makers are looking to zero-in on one of the nation’s most pressing sociopolitical issues: data privacy. In the wake of the European Union’s General Data Protection Regulation and the California Consumer Privacy Act, New York is stepping up to the plate, appearing determined to hit a three-run homerun. Tech Industry giants are weighing in, playing umpire and trying not to get hit by the wild backswing of fast-moving bat. It’s the top of the ninth for this legislative session, but it’s early in the series.

The Story:

State Senator Kevin Thomas scored a legislative victory on Wednesday as the state Senate passed his SHIELD Act – a long-stalled bill that would expand reporting requirements of data breaches and increase cybersecurity regulations for businesses. But earlier this week, another of Thomas’ attempts at strengthening data privacy protections drew a more controversial response.

The New York Privacy Act builds on landmark consumer data protection laws like the European Union’s General Data Protection Regulation and the California Consumer Privacy Act. But the New York Privacy Act would go further than those laws in some ways, including by giving New Yorkers the right to sue companies directly for privacy violations, and requiring companies to act as “data fiduciaries,” meaning that a company wouldn’t be able to sell any user data to a third party without express consumer consent, or use their data in a way that is not in the consumer’s best interest.

The bill has garnered support from privacy advocates who say that the regulations are needed in the wake of the millions of people affected by data breaches.

Perhaps unsurprisingly, the legislation drew criticism from some tech industry experts. During a joint hearing of the state Senate’s Committees on Consumer Protection, and Internet and New Technology, those critics raised the aforementioned concerns, while also bringing up the debate over whether privacy regulation should be a state issue or a federal one. “While we recognize the need for increased data privacy regulation, these types of regulations should generally be enacted on the federal level,” said Zachary Hecht, policy director at Tech.NYC. “Simply put, the internet transcends state borders, and a state-by-state patchwork of regulations creates a complex compliance regime and makes it difficult, if not impossible, for small companies to compete.”

State Senator John Liu argued that waiting for Congress may not be the wisest choice. “Congress is sometimes slow to act, so sometimes states – especially, we like to think, the state of New York – act before, and perhaps gets Congress to move a little quicker,” he said. Hecht and others later said that they

would still have the same objections if the bill, as written now, were enacted at the federal level.

