

Capitol Watch: Big bills on farm workers, marijuana and climate change debated

[CAPITOL WATCH](#), [FEATURED](#), [GOVERNMENT](#), [LATEST NEWS](#), [NEWS](#), [TOMPKINS COUNTY](#) JUNE 24, 2019 BY [VAUGHN GOLDEN](#)

ITHACA, N.Y. — This week's Capitol Watch is a few stories packed in one, as some big legislation moved forward, including a bill about labor requirements for farm workers with the Farmworkers Fair Labor Practices Act, partial marijuana decriminalization and a sweeping new set of goals for action on climate change.

Assemblywoman Barbara Lifton (125th Assembly District) & Senator Tom O'Mara (58th Senate District)

Controversial farm labor bill moves through Legislature

One of the [most controversial bills](#) that moved through the Legislature last week revolved around increasing labor laws and pay requirements for agricultural workers. The bill was sponsored in the New York Assembly by Assemblywoman Catherine Nolan, D-Queens. It required that farm workers be allowed at least one day off per week and established certain bargaining rights for laborers.

"They understand you have to treat your employees decently or you won't have employees: They'll go somewhere else. Most of them have done day-of-rest, but every farmer should have that. I was very comfortable voting for that bill," Assemblywoman Barbara Lifton, D-Ithaca, told The Ithaca Voice in an interview over the weekend.

[As explored in a recent Ithaca Voice article](#), the Farmworkers Fair Labor Practice Act has sat in Albany for about 20 years, but agricultural labor advocates in Tompkins County and across the state were hopeful it could pass the Senate — which it did Wednesday, June 19 — to secure farmworkers' rights to collective bargaining, overtime, workers compensation, and unemployment benefits. However, farmer advocacy groups led by the New York Farm Bureau have raised concerns about how the bill will impact farmers.

Republicans, including Sen. Tom O'Mara, R-Big Flats, were opposed to the legislation, saying it could disrupt the labor pool and raise operating costs in the already struggling upstate agricultural industry. Several upstate Democrats, including Agriculture Committee Chair Donna Lupardo, D-Binghamton, also voted against the bill.

Lawmakers were especially [divided over the question of requiring farmers to pay overtime](#) to workers and after what number of hours per week that requirement would kick in. The bill provides for overtime after 60 hours per week.

In the New York State Senate session on June 19, O'Mara said the action the Senate has taken could potentially "crush" the farming industry, which he argued was one of the most important industries in the state.

Legislature passes major climate and emissions-related goals

The Legislature passed a major set of climate and emissions-related goals last week with the New York State Climate Leadership and Community Protection Act. The governor and both houses of the Legislature forged an agreement as a critical mass from progressives and other power players including Senators Kirsten Gillibrand, D-New York, and Chuck Schumer, D-New York, pushed the act forward.

The bill establishes an advisory council to study and specifically set goals to find ways to drastically reduce emissions and switch New York to fully renewable energy generation within the next three decades.

"It's going to take some time," Lifton, who was a co-sponsor of the Assembly bill, said. "It's not going to happen next week, but we're going to be keeping close by and making sure it moves along. There are going to be very tough goals in there and things are going to have to get moving pretty quickly."

Opponents, including O'Mara, fear the legislation will hurt consumers by increasing the cost of energy across the state.

Marijuana Decriminalization

Since the beginning of the year, legislators in Albany have been swaying back and forth on the question of legalizing marijuana for recreational use. Gov. Andrew Cuomo sparked renewed interest in the measure early in his list of priorities for the session, but energy diminished, especially as the idea was scrapped from budget talks in late March.

"A lot of questions came up once this got real," Lifton, a co-sponsor on the main legalization bill, said. "We started hearing from more people with concerns — drug and alcohol treatment folks, PTAs, police, various people concerned saying they didn't think this was tight enough."

The Legislature ended up not moving forward on the full legalization effort before the end of the session, but they did reduce penalties for possession of small amounts of marijuana from a misdemeanor to a violation. Under the new penalties, authorities could fine people up to \$200 for carrying between one and two ounces of marijuana and \$50 for less than one ounce. Carrying anything above eight ounces would still be considered a felony.

Green Light Bill and Automatic "Motor Voter" Registration

In the waning hours of the session last week, leaders in both houses of the Legislature had to pull a bill at the last moment that would've provided for a program to automatically enroll individuals to vote when receiving a driver's license. In a memo to legislators, leaders said a technical error in the bill would have also illegally registered undocumented immigrants. This followed the passage of a controversial bill a few days earlier that allows such individuals to apply for a driver's license.

Leaders said the automatic voter enrollment bill will be fixed and brought up when the legislature returns to session next January.

Solitary Confinement

The Legislature also held off on passing a measure to ban or put restrictions on the use of solitary confinement in prisons. Criminal

justice advocacy groups were fighting to end the practice while the [corrections officers union](#) and other law enforcement groups didn't want to see it passed.

Double Jeopardy Law

The U.S. Supreme Court is releasing a slew of opinions as its session comes to a close. One of those released last week [upholds the long-standing opinion of the court](#) to allow both states and the federal government to try an offender for the same crime. The ruling [reinforces a change New York made to its law on double jeopardy](#) last month that gave the state the go-ahead to continue prosecuting former Trump campaign manager Paul Manafort in state court.

Rep. Tom Reed (23rd Congressional District)

For the last two weeks, the House has been grappling with appropriations bills to approve spending for most of the federal government.

The votes on these appropriations bills are the pretext to what will be a tense and heated debate in Washington over the coming weeks as the House, Senate and White House try to reach an agreement on spending. The matter is made more complicated by two additional factors thrown into the mix — the debt ceiling and spending caps.



Tom Reed. (File Photo/The Ithaca Voice)

Treasury Secretary Steven Mnuchin testified before the House Committee of Ways and Means in February, telling lawmakers that the U.S. would not be able to finance its debt beginning sometime in late July or early August. Raising the debt ceiling is often popularly interpreted as the U.S. borrowing more money. While that's mostly false, the public perception surrounding it places pressure on lawmakers who fear backlash at the ballot box for casting such a vote. Therefore, they typically package a debt ceiling rise with other legislation to frame it as a compromise.

The spending caps are a backstop that Congress employed eight years ago to reign in appropriations so they don't extend beyond a certain percentage every year. Congress can override the caps, but that would require a consensus between both sides of the Capitol and therefore both parties as well as President Trump.

"I'm very concerned about it in the sense of, how are we going to get 218 votes in the U.S. House of Representatives in order to put a marker in front of the Senate to get the debt ceiling addressed?" Rep. Tom Reed said on a call with reporters in February. "A lot of folks are

contemplating tying this to the budget deal that would relieve the debt ceiling as well as get the spending in line to an agreement level, and maybe that's the right thing to do."

The House spending package passed last week exceeds the spending caps by \$126 billion — Reed and most Republicans voted against it. That gap will only grow with the addition of more appropriations packages coming up for votes this week. If the caps aren't raised or spent in the bills cut, then appropriations will be automatically cut, or sequestered, by billions of dollars in defense and nondefense areas. If the debt ceiling isn't raised, the U.S. would default on its sovereign debt, sowing massive economic mistrust of the American-dominated world financial system. If an agreement isn't reached in general, the federal government could see another bitter shutdown.

U.S. Sen. Kirsten Gillibrand & U.S. Senate Minority Leader Chuck Schumer

Sen. Gillibrand missed 13 out of 15 votes in the Senate last week, including a major legislative push to block the sale of some arms and military equipment to countries including Saudi Arabia, the United Arab Emirates and Israel. That measure narrowly passed 51-45. Gillibrand was the only presidential contender to miss the vote. She's now missed 21 percent of recorded votes this year, a number that's grown in recent weeks as the Democratic presidential primary heats up ahead of debates planned for next week in Florida.

Of the two votes Gillibrand cast this week, one was against a procedural motion to move forward debate on the National Defense

Authorization Act, a package of defense-related appropriations bills. The motion [passed 89-10](#). Sen. Schumer voted in favor of the measure, which the Senate plans to vote on next before leaving for a week-long recess over the Fourth of July.

Gillibrand also reintroduced the [Summer Meals Act](#) last week, a measure meant to extend the federal government's role in supporting meal programs for school-aged children who qualify for free and reduced lunches over the summer months. The USDA Summer Food Service program currently only provides funding for summer meal operations in areas where more than 50 percent of school-aged children qualify for free or reduced-price school lunches. The bill would lower that threshold to 40 percent, among other provisions.

“Every child deserves access to healthy meals, but for too many children, the most nutritious meals they eat are provided at school,” Gillibrand said in a press release announcing the reintroduction of the bill.

Gillibrand has sponsored the bill, which is co-sponsored by Sen. Lisa Murkowski, (R-Alaska), [since 2014](#).

Reporter's note...

As they turn out the lights and mop the floors in New York statehouse, Capitol Watch will also be adjourning for this calendar year. It's been a pleasure keeping up with your Ithaca legislators over the last six months and I'm incredibly thankful toward The Ithaca Voice and you loyal readers for your continued interest and support. — Vaughn Golden