

TUESDAY, APRIL 6, 2021

12:50 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, April 5th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, April the 5th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I welcome colleagues back after a (inaudible) and weekend and say that I'd like to begin with a quote today, Mr. Speaker. This one is from former President John Fitzgerald Kennedy. And it was in his speech that he used during his inaugural address. It actually was shared with me by our colleague Dick Gottfried, and I want to appreciate it for him because I think it's very appropriate. It reads, *With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessings, His help, but knowing that here on earth God's work must truly be our own.* Again, Mr. Speaker, former President John F. Kennedy.

Members should also be aware that they have on their desks an A-Calendar, and I would now like to move that A-Calendar, Mr. Speaker.

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

MRS. PEOPLES-STOKES: Okay. So this is the first Session day of the 14th week of the 244th Legislative Session. It's

going to be a very day -- very busy day, Mr. Speaker, and I'm asking for members' cooperation and in many cases their patience as well. It's going to take both of those to get us through this. Our principal work for today will be to take action that is necessary to enact our New York State Budget. There are nine remaining bills to pass which will constitute the '21-'22 State Budget. And we will immediately take up the four-bill A-Calendar. There is a need for a Minority Conference and committee meetings in order for us to complete our work on the budget. Again, I want to thank members in advance for their cooperation as we complete this most important work.

That's the general outline, Mr. Speaker. Should there be a need to further add to our agenda today, I will get back to you. But right now can we please take up Calendar A?

ACTING SPEAKER AUBRY: Page 3, Rules Report No. 51, the Clerk will read.

THE CLERK: Assembly No. A03005-C, Rules Report No. 51, Budget Bill. An act to amend Chapter 887 of the Laws of 1983, amending the Correction Law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend Chapter 428 of the Laws of 1999, amending the Executive Law and the Criminal Procedure Law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend Chapter 886 of the Laws of 1972, amending the Correction Law and the Penal Law relating to prisoner furloughs in certain cases and the crime of absconding

therefrom, in relation to the effectiveness thereof; to amend Chapter 261 of the Laws of 1987, amending Chapters 50, 53 and 54 of the Laws of 1987, the Correction Law, the Penal Law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend Chapter 339 of the Laws of 1972, amending the Correction Law and the Penal Law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend Chapter 60 of the Laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by Chapter 50 of the Laws of 1994 enacting the State Operations Budget, in relation to the effectiveness thereof; to amend Chapter 3 of the Laws of 1995, amending the Correction Law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend Chapter 62 of the Laws of 2011, amending the Correction Law and the Executive Law, relating to merging the Department of Correctional Services and Division of Parole into the Department of Corrections and Community Supervision, in relation to the effectiveness thereof; to amend Chapter 55 of the Laws of 1992, amending the Tax Law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend Chapter 907 of the Laws of 1984, amending the Correction Law, the New York City Criminal Court Act and the Executive Law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions

of such chapter; to amend Chapter 166 of the Laws of 1991, amending the Tax Law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the Vehicle and Traffic Law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend Chapter 713 of the Laws of 1988, amending the Vehicle and Traffic Law relating to the Ignition Interlock Device program, in relation to extending the expiration thereof; to amend Chapter 435 of the Laws of 1997, amending the Military Law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the Correction Law and the Penal Law of such chapter; to amend Chapter 412 of the Laws of 1999, amending the Civil Practice Law and Rules and the Court of Claims Act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the Civil Practice Law and Rules and general filing fee provision and inmate property claims exhaustion requirement of the Court of Claims Act of such chapter; to amend Chapter 222 of the Laws of 1994 constituting the Family Protection and Domestic Violence Intervention Act of 1994, in relation to extending the expiration of certain provisions of the Criminal Procedure Law requiring the arrest of certain persons engaged in family violence; to amend Chapter 505 of the Laws of 1985, amending the Criminal Procedure Law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the

provisions thereof; to amend Chapter 3 of the Laws of 1995, enacting the Sentencing Reform Act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend Chapter 689 of the Laws of 1993 amending the Criminal Procedure Law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend Chapter 688 of the Laws of 2003, amending the Executive Law relating to enacting the Interstate Compact for Adult Offender Supervision, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2009, amending the Correction Law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of Federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend Chapter 152 of the Laws of 2001 amending the Military Law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend Chapter 554 of the Laws of 1986, amending the Correction Law and the Penal Law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend Chapter 55 of the Laws of 2018, amending the Criminal Procedure Law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); to amend the Executive Law, in relation to the administration of certain grant funds

to and by the Office for the Prevention of Domestic Violence (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the Executive Law, in relation to monitoring compliance with Executive Order 203; and providing for the repeal of such provisions upon expiration thereof (Part L); in relation to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to amend Chapter 268 of the Laws of 1996, amending the Education Law and the State Finance Law relating to providing a recruitment incentive and retention program for certain active members of the New York Army National Guard, New York Air National Guard, and New York Naval Militia, in relation to the effectiveness of such chapter (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); to amend the State Finance Law and the Public Authorities Law, in relation to enacting the "New York Medical Supplies Act" (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD);

intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend the State Finance Law, in relation to video lottery terminal aid (Part KK); intentionally omitted (Part LL); intentionally omitted (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); intentionally omitted (Part PP); intentionally omitted (Part QQ); to amend Chapter 83 of the Laws of 1995 amending the State Finance Law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof (Part RR); to amend Chapter 1 of the Laws of 2005, amending the State Finance Law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to the effectiveness thereof (Part SS); intentionally omitted (Part TT); intentionally omitted (Part UU); to amend the Civil Service Law, in relation to compensation, benefits and other terms and conditions of employment of members of the Agency Police Services Unit; to amend the State Finance Law, in relation to the Employee Benefit Fund for certain members of the Agency Police Services Unit; to implement an agreement or interest arbitration award between the State and the employee organization representing the members of the Agency Police Services Unit; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal certain provisions of the Civil Service Law relating thereto (Part VV); to amend the Real Property Tax Law, in relation to authorizing an exemption for class

one capital improvements to residential buildings and certain new construction in a special assessing unit that is not a city; and providing for the repeal of such provisions upon the expiration thereof (Part WW); to amend subpart H of part C of Chapter 20 of the Laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the Urban Development Corporation, and in relation to the effectiveness thereof (Part XX); to amend Part OO of chapter 54 of the Laws of 2016, amending the Public Authorities Law relating to procurements by the New York City Transit Authority and the Metropolitan Transportation Authority, in relation to the effectiveness thereof (Part YY); to amend the Environmental Conservation Law, in relation to establishing a deer hunting pilot program; and providing for the repeal of such provisions upon expiration thereof (Part ZZ); to authorize the grant of certain easements to Alle-Catt Wind Energy LLC on a portion of real property within the Farmersville State Forest, Swift Hill State Forest, and Lost Nation State Forest in the County of Allegany; and providing for the repeal of such provisions upon the expiration thereof (Part AAA); to amend the Environmental Conservation Law and the Executive Law, in relation to making technical amendments related to the Office of Renewable Energy Siting, and in relation to establishing the Farmland Protection Working Group (Part BBB); to amend the Environmental Conservation Law, in relation to clean vehicle projects (Part CCC); and to amend the Public Authorities Law, in relation to the Clean

Energy Resources Development and Incentives program; and providing for the repeal of such provisions upon expiration thereof (Part DDD).

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Thank you, Mr. Speaker. I would like to use this opportunity not only to address this bill but to address the budget, the nine bills that we will be taking up and the one bill that we already passed. So today we are voting on the State Fiscal Year 2121 [sic] Budget of \$212 billion. And the budget makes critical investments in our communities, in our people and programs that support New Yorkers when they are most vulnerable and in helping us recover from the COVID-19 pandemic. We -- and this budget will reflect that we have fought for funding for education, for tenants and homeowners struggling to make ends meet and helping our small businesses keep their doors open. The Assembly Majority is dedicated to ensuring that our budget improves the lives of all New Yorkers. The revenue package will be printed later today, but just as a headline, we have new tax proposals that will raise \$4.3 billion in Fiscal Year '22-'23 and we're very grateful that Congress passed the American Rescue Plan which included \$23.8 billion in Federal funding. The budget focuses on getting New Yorkers back to work with funding for over \$800 million for small businesses including the 40 -- and the plan also includes a \$40 million Arts Recovery Grant. We make needed investments in child care, \$2.4 billion in Federal aid.

The budget also includes a \$2.1 billion fund for New Yorkers who do not have access to unemployment Federal stimulus funds and other assistance programs during this pan -- COVID pandemic. We'll be providing rent relief, investments in the social safety net.

Approximately \$3 billion in combined Federal and State dollars for rent and homeowner relief. In the education area we invest in our schools from Foundation Aid to funding for technology, mental healthcare. And it's important that our students have had two years disrupted by COVID-19, so the enacted budget will include \$19.8 billion in Foundation Aid and providing a multi-year commitment to fully fund Foundation Aid. With so many New Yorkers struggling to make ends meet, it's more important than ever to ensure that tuition costs do not put higher education out of the reach for New York's students. So this budget includes \$13.7 billion in funding for higher education, rejects tuition increases at SUNY and CUNY, funds -- restores funding for Bundy -- Bundy Aid, and importantly, increases the maximum TAP award by \$500 per student. Investments in transportation are also critical in getting the economy moving again, that provides important jobs and construction ensures New Yorkers can get where they're going safely and efficiently. So this -- this budget, when approved, will invest \$11.2 billion to the State's transportation network and provide \$3.1 billion to the MTA and \$368 million to non-MTA and also includes \$538 million for the CHIPS program.

The American Rescue Plan passed by Congress

provided approximately \$2.4 billion in Federal child care aid for New York State, so this budget will disburse this money and we can discuss that when we get to that bill. And obviously, importantly, the COVID-19 pandemic has put incredible stress on the healthcare system and demonstrated how important it is that New Yorkers have quality, affordable healthcare. So we -- the budget includes \$193.8 billion to help put services and systems throughout New York -- million throughout New York that provides \$542 million in restorations to the Medicaid program and it includes funding for hospitals and managed long-term care quality pool.

That's just a summary of some of the highlights of what's in this budget. I'm sure we'll go bill by bill, there'll be opportunities to address all of these and expand -- expand upon the provisions. So with that, I'm happy to take additional questions.

ACTING SPEAKER AUBRY: Certainly.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will Chairwoman Weinstein yield for some questions?

MS. WEINSTEIN: Yes, I'd be delighted.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Thank you. And -- and thank you for going through some of those numbers since this is the first bill we're doing, past the debt service. I was just wondering, can you go through just the different funds as you did on committee? You mentioned the

overall spending number, the All-Funds number which was \$212 billion. If you can just give me the -- the numbers for State Operating Funds, General Fund and State Funds.

MS. WEINSTEIN: Sure. So the General Fund is \$88 point 999. The State Operating is \$111 point 121. State Funds is going to be \$126 point 499, and that's how we get to the \$212 point 24 billion.

MR. RA: Okay. And I am --

MS. WEINSTEIN: For All-Funds.

MR. RA: Yes. So I'm going to assume this does go above the Governor's initiative to maintain 2 percent spending on a State Operating Fund basis. Do you know what the percentage increase is in the State Operating Fund spending?

MS. WEINSTEIN: The State Operating Fund is 6.64 over last -- last year. Would you like me to do for the other funds also, go through that?

MR. RA: Sure. Yes, please.

MS. WEINSTEIN: The General Fund is 9.07 percent over last year. The State Funds are 9.08 percent over State -- last year and then the All -- All-Funds is 9.67 percent over last year. And you realize, of course, a lot of these numbers, the increases due also to a lot of the Federal aid that we've been lucky to receive in our State.

MR. RA: Absolutely. So is the General Fund balance for both 20 -- 2021 and '21-'22?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And as we get into -- I don't know if we have the full picture here at this point. I -- I -- I do know that you mentioned the -- the revenue number of \$4.3 billion, but do you have numbers on the out-years of any budget gaps or surpluses?

MS. WEINSTEIN: I don't have them at -- at this time.

MR. RA: Okay. Do you know when we might have that -- a full financial plan picture? Would that be with the revenue bill?

MS. WEINSTEIN: Certainly by the time we are talking about the revenue bill we'll have a better picture of out-years.

MR. RA: Okay. And do we have or will we see some detail regarding the Federal money and how it's being apportioned? Because I would note that this spending number of \$212 billion, I mean, we know there is Federal money in there but it is north of the overall numbers that we saw in the one-House budget, but with less in increased revenue. So I'm assuming some of that might be related to Federal funding that is -- is going to be accounted for in the financial plan, is that correct?

MS. WEINSTEIN: Yes. I mean, some of -- some of that is unrestricted Federal monies and some of it is the restricted Federal monies. You know, for example, the -- as I mentioned, the child care monies, the \$2 billion-plus is Federal money that was -- is restricted. We have \$2.3 Federal risk -- rental assistance money that's Federal money that was restricted. Much of the education -- \$4

million in education is Federal money. And in terms of some savings we actually have some Medicaid savings because of Federal -- Federal money. Those are sort of the highlights of where some of that -- the Federal money is -- the big numbers of where the Federal money is. But certainly as we go through the other bills we'll be able to address specifics of where the Federal money is. And then some of that Federal money was unrestricted, so some of that was used for other purposes such as restorations and, you know, and -- and small business as we go along, both combined with our tax receipt revenues to fund some of these larger programs.

MR. RA: Do you know how much of the unrestricted Federal funding will be accounted for in -- in this year's budget?

MS. WEINSTEIN: In this budget, \$6 billion.

MR. RA: \$6 billion. Okay.

MS. WEINSTEIN: The Executive had originally anticipated \$3 billion in the budget, but by having the larger amount of money in the Rescue Plan we were able to increase that number by \$3 billion.

MR. RA: Okay. Great. Thank you.

So, moving on to the bill that we are taking up here. One of the provisions that I see has been omitted was -- was what the Governor had proposed in the 38 amendments for COVID-19 Extraordinary Relief Fund. And I -- I'm just -- I see it's not in here. I know that, you know, accompanying appropriation language would have been in Aid to Localities. So do we believe at this point that is

gone or might we see it in a future bill?

(Pause)

MS. WEINSTEIN: I'm sorry, I'm just having problems unmuting myself here. That -- that does not exist. There really wasn't -- it -- it was just kind of a holding place. It wasn't really described as -- as programmatic -- had any programmatic purposes other than sort of a holding place for some of that Fund.

MR. RA: Okay. Thank you. Some of the other items that I know were in this bill and are now, you know, omitted that we may see or not, I just wanted to see if there's any further information as to whether or not we could see them in a future bill, starting with the early retirement incentive.

MS. WEINSTEIN: You will see that in a future bill. That will be addressed in a future bill.

MR. RA: Okay. And one of the pieces that is obviously, you know, something that we have to consider within the overall, you know, spending here is the sweeps and transfer section that I know has -- is omitted from this. Is that -- is that language at this point signed off on and -- and what bill might we see it in?

MS. WEINSTEIN: That -- that will be later. That will be in the revenue bill. We'll be able to have a discussion about that.

MR. RA: Okay. Thank you.

I wanted to just ask a few questions also about some of the local issues, the local sales tax issues. I know there was a

proposal regarding AIM-related payments from the Governor. Am I correct that -- that those have been fully restored and we're not shifting any of that aid for (inaudible) local governments?

MS. WEINSTEIN: Correct. One second, please.

(Pause)

Yeah, so, I'm sorry. In terms of AIM everything remains the same.

MR. RA: Okay, great. And one of the other local kind of diversions of sales tax that was done last year was the \$250 million for the Distressed Hospital Fund. How is that being dealt with in -- in this year's budget?

MS. WEINSTEIN: So, that -- that money will be collected -- it will be in a different bill, but I might as well address it since you -- you raise it. It will be collected and -- and go to HCRA.

MR. RA: Okay. It will be continued to be collected and it'd -- it'd be the same, you know, number apportioned through those counties and with the amount for New York City and then the other -- the amounts for the rest of the State?

MS. WEINSTEIN: Yes. Yes, correct.

MR. RA: And is -- do we know is it being swept to the General Fund as had been previously proposed by the Executive or will it go out to hospitals?

MS. WEINSTEIN: So, I mean, this year the Executive prevailed in -- in this issue and it will be going into the General Fund and next year it will be going to HCRA.

MR. RA: Thank you. Just, I think, two other pieces of this. So, the Electric Generation Facilities Cessation and Mitigation Fund, I know that there was an increase proposed, which I believe is designed to deal with the situation about Indian Point. Many of us, though, you know, from Long Island have seen impacts similar and are not eligible for this because it wasn't a complete closure. So am I correct, this increase in that -- in that fund authorization was accepted but there was no change to the eligibility for that Fund, correct?

MS. WEINSTEIN: Yes, you are correct, Mr. Ra.

MR. RA: Okay. And then just in the Public Protection realm. So, the budget includes language that would allow the Governor to close as many correctional facilities as he deems cost-effective for the operation of the system and allows him to do so with only 90 days notice. Do we have any idea what specific facilities would be targeted for closure?

MS. WEINSTEIN: We don't know now, but we have modified the proposal to require that the notice include the list of prisons planned for closure, the number of incarcerated people in -- in those facilities and the number of staff working in the facilities, and also to report on the staff relocations as part of the proposal to close.

MR. RA: Okay. Thank you. And then in terms of the policing piece of this, I know there was -- there were provisions that allowed the Director of the Division of Budget to condition future State and Federal aid to municipalities based on the requirement that

the departments -- police departments comply with the Governor's Executive Order mandating new policing collaboratives. Can you clarify, would that be -- I know there's been a modification to look at that as -- as a partial withholding rather than a full withholding. But would that include --

MS. WEINSTEIN: Correct.

MR. RA: -- any type of aid? It's not just aid for policing, correct?

MS. WEINSTEIN: Yes, you are correct that it could be -- it's not limited to the police (inaudible) up to 50 percent. My understanding is the overwhelming majority of jurisdictions have already submitted their plans. I believe I heard the number of 90 percent.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: I thank the Chairwoman for her answers and I'm glad, really, that as we're doing this first bill that we do have some of those kind of overall numbers, but we -- we do still find ourselves in a position where we don't have all the bills in print. We don't have a complete picture of many of the items and others that I mentioned that were originally in this bill and are no longer part of this bill. But -- but I do want to just note, \$212 billion in our budget and certainly there is, you know, the Federal side of this, you know, to respond to this. And, you know, we're certainly thankful for our

Federal representatives that have helped with addressing our budget situation. But just for context, \$212 billion, we will now have a budget that is more than the State of the Florida and the State of Texas combined. We have about 19.4 million people in our population. Texas has a population of 29 million and a budget of \$112 billion. Florida has a population of 21.5 million and an annual budget of \$97 billion. And we'll find ourselves just \$15 billion short of the State of California that has 39.5 million residents and a \$227 billion budget. So I think we will talk more about this, certainly when we get into the revenue bill. But I mentioned, you know, Texas and Florida because they're -- they're two states that New Yorkers find themselves fleeing to. And one of the most important things we need to respond to this pandemic and help in so many different ways, but we also need to have a financial recovery and, you know, just increases in taxes this year and in future years is going to hamper that economic recovery.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. BARRON: I've been in this Body for six years and been in the City Council for 12, and 99.9 percent of the time I voted against budgets because I want you to understand the situation of the Black community. You've heard me use the expression

Colonial Capitalism over and over again, and what people don't realize is that our Black communities where we constitute the majority in population, we don't control the economy. We don't control the businesses. We definitely don't control the police. We don't control the land. The means of production. We don't control the hospital, how it administrates healthcare. We don't control the education system. So, in fact, that is the perfect description of a colony. We are a domestic colony of a capitalist system that has an imperialistic foreign policy. So when I mention these things it's not just empty rhetoric, it's a fact. Most people look at colonialism as a foreign country, as they did in Africa, coming into an African state of a sovereign nation and colonizing it by taking control over all of those things I just mentioned. That's happening domestically here in America and certainly here in New York State. Colonialism breeds poverty, unemployment, double digit. Inadequate healthcare. Mass incarceration. Colonialism and its racist ideology. Racism is the ideology of colonialism and it perpetuates -- or permeates every institution and in the minds of many individuals. This is what we're fighting. So I'm fighting for systematic changing of the entire system. But in the meantime, when we have budgets of \$212 billion in the State and when we have a budget of \$92.7 billion, roughly \$93 billion in the City, \$300 billion, we have to eradicate poverty. We have to eradicate unemployment. We can't just get some programs here and there and patch it up. It has to be eradicated. So I haven't voted for a budget yet up here because all the budgets that I've saw up here with

this amount of money did not come near addressing the fundamental problems in our community.

This will be the first time that I'm going to vote for the budget. The reason being is because my wife, former Assemblymember Inez Barron, came to Albany fighting for the Campaign for Fiscal Equity. Owed us \$6 billion at one time for those struggling schools, Black and Brown schools in particular. But struggling schools in Black and Brown poor struggling communities particularly. And she fought hard for that and we couldn't get better than \$200 million, \$300 million, \$600 million and then it accumulates back to a \$4 billion debt. Well, this budget, there will be \$1.4 billion this year and the commitment for the next three years to finally deal with Campaign for Fiscal Equity. In this budget we're going to see some aid to CUNY. Not enough. There's still \$33 million I'm going to fight for, more from CUNY. Since you end tuition we got to add more that the tuition would have taken for operating costs. But there is some good money in the budget for CUNY as well. Two hundred million dollars for NYCHA. Not enough at all. We are going to fight for more and there's been a commitment on the Federal level in the next stimulus package to get more for NYCHA. Also, the Excluded Workers, \$2.1 billion. Still fighting to put all of those policy pieces together for that. The TAP gap in CUNY. Twenty-five million now for CUNY, \$20-something million for SUNY. That's \$47 million and with the commitment for the next three years to deal with the TAP gap. And we also looking at solitary confinement. You know, the

Governor keeps pushing to do -- make it worse, but there's still some battles around that that I think we need to wage and take on to make sure he doesn't have his way.

So when I look at this budget I can say for the first time that I've been in this Assembly that I could vote for a budget. Definitely not all that I want. If I had my way there'd be a whole lot of more money, much more money coming out of that \$212 billion for the struggling people of this State than with what Cuomo gets and makes sure he gets. One who prioritizes, I think, the rich over the struggling people of this State. So I'll be voting in the affirmative for these bills. But I also think that this is just the beginning of our struggle. There's so much in this that should have happened that didn't, but there's a lot in it that happened that's going to be good for the people of my district. And I'm very pleased to say that I put forth an idea for a \$20 million scholarship, Martin Luther King Scholarship Fund for CUNY students to pay for non-tuition costs. They have TAP, and that TAP award has been increased by \$500. They have TAP, but the Martin Luther King scholarship will not be for tuition. How about those books, textbooks? How about that food you need and transportation and child care? This money can go toward that \$20 million. It could've been a lot more, but it's something. So on this day as I for the first time up here will be voting for the budget, I say to us that we must continue the struggle because \$212 billion, we should be wiping out poverty and unemployment particularly, in the communities that are suffering from a form of domestic colonialism

under a Colonial Capitalist system. We have to fight for systemic change. The system must change. We can't keep patching it up with these kinds of budgets. And as good as this budget is turning out to be, it doesn't come near wiping out poverty. It doesn't come near dealing with structural unemployment, and it doesn't come near with empowerment, powering our Black and Brown communities with self-determination of their economy. Got a lot of money for small businesses, but that's under a Colonial Capitalist system. And this is why I fight the way I fight. This is why I fight with the passion I fight for because America needs a radical systemic change of the system and so does New York State, in its budget, in its policies. And I always continue to say we must fight for reparations. We have to be responsible for the enslavement of people here in New York State and New York City. Didn't end till 1827 and built the economy of this State. You stole us. You sold us. You worked us. You owe us. I will continue that fight.

So on this day as I vote affirmative for the budget and for all of those people who supported these issues, let's continue the struggle so that we will be a liberated community and not a community suffering from the economic oppression and the pain of hunger insecurity and food deserts and all of that. The pain of homelessness we have to do better with. There's no reason why anybody in this State should be homeless. No reason why anybody in this State should be hungry. And no reason why anybody in this State should be imprisoned for the reasons they imprisoning us. Let's do the

right thing by the people of this State. Pass this budget and change this system. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker. Will Madam Chairwoman yield for some questions specifically around prison closures?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. PALMESANO: Thank you very much. Right now under current law the Governor has the authority to close any correctional facility he so chooses with one-year notification under current law, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And in -- in his budget presentation he -- he proposed a 90-day closure with notification, but in the one-House budget this Chamber rejected that, correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: But now this Chamber is -- is going along with the Governor and accepting the 90-day closure for -- for prison closures, correct?

MS. WEINSTEIN: The -- as you know, the budget is

a three-way negotiation, and we don't always get our way. So, yes, we are accepting the 90 days, but as I -- I noted, with the additional reporting requirements and plans to (inaudible) at that time.

MR. PALMESANO: Right. And right now we don't know how many facilities, whether they're medium or maximum or how many beds. Right now we don't have any idea on what that is at this moment, correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: And you would -- you would acknowledge that and recognize that these prison closures that are happening in these communities are devastating to the employees, the families and the local communities where they're located, correct?

MS. WEINSTEIN: We know that there are economic impacts that can be felt by --

MR. PALMESANO: Right.

MS. WEINSTEIN: -- by the prisons as well as, you know, other -- in other areas, a lot of these communities are getting additional aid so that may balance things out.

MR. PALMESANO: And I know your Conference is a proud advocate for our public employees. You constantly talk about your advocacy about public employees. Is that a fair assessment? Yes?

MS. WEINSTEIN: I'm -- I'm sorry. As -- as it relates to the staff that they do need to be reassigned nearby. That's why we require a number of staff and (inaudible) in their relocation.

So hopefully in many areas the staff will be able to remain where they are and not have to move but maybe have a different commute.

MR. PALMESANO: And do you think 90 days notice is enough time for a family to decide on, *Do I take this new job? Do I move? Do I relocate my family, buy a house? Uproot my kids and get into a new school?* Is that enough time? Wouldn't a one-year notification -- if we went with the one-year notification it would be a little bit better for them in making that plan and moving forward?

MS. WEINSTEIN: You know, clearly, our -- our House believes that one year would be better, but as I said, you don't always get the ideal situation when you negotiate a -- negotiate a budget or really, quite frankly, anything.

MR. PALMESANO: Right. I understand that.

Do you have any reports on what the 20-plus prison closures that have been announced under this Administration with the repurposing of those facilities? Do you have any breakdown on -- on those that you can provide to us? Because from what I can see not -- very few of them have been repurposed with resources, and many are just sitting there decrepit, deteriorating after millions of dollars have been invested in those facilities. You don't have any reports that you could share with us on that, do you?

MS. WEINSTEIN: I don't. I mean, the Office of General Services may -- may have some -- you know, some information. I don't know if they have -- if the Commissioner has released any reports on that.

MR. PALMESANO: All right. And then I guess one last question on -- on these employees with the 90-day notification. I know you said you didn't support it, but don't you really kind of feel like it's an insult and disrespectful -- disrespectful to these brave men and women who work a dangerous job in these communities to keep us safe? The corrections officers, there's nurses, counselors. All of these individuals. Isn't it -- don't you think it's kind of disrespectful to them not going through the one-year process versus this fast-track 90-day process which is under the law -- if it could be under the law, wouldn't it be better to do the other?

MS. WEINSTEIN: You know, I -- I would think additional notice would always be helpful, but this is the proposal we have before us.

MR. PALMESANO: Right. Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Mr. Speaker and my colleagues, this Administration continues to boast about the number of prisons he's closed under his tenure, but fails to take responsibility for the dangerous powder keg environment these prison closures and his policies, or lack thereof, have created in our correctional facilities. The fact of the matter is, violence is up in our correctional facilities. Drug use and drug seizures are up in our correctional facilities. Gang activity is up in our correctional facilities. We know that drugs are a

major problem, getting into our facilities which creates disruption, which creates violence. Over the past five years, 4,000 contrabands for seizures per year. That's the average over five years. And I remember questioning the Commissioner a few years ago about drug testing, doing random drug testing on inmates. Over 86,000 being tested, 5 -- 67 percent of them, thousands of them, come back positive. There's no reason for that to happen. Drugs should not be in our facilities. They're getting in there. So what has this Administration done to help keep the drugs out of our facilities? Nothing. We had a secure vendor program that was in place that was cancelled before it got started, to seize drugs getting in through packages in the mail. And we know drugs get into our facilities through mail and packages and through visitation. So we had a secure vendor program that was -- wanted to be used and is helpful, is not being used. There's nothing to help our corrections officers and people from keeping these drugs being inside our facilities. When I questioned the Commissioner about putting a K-9 drug dog in every single correctional facility so we could stop them coming in on visitation. The answer was no. And then we recently passed the restricted use of Special Housing Units to segregate dangerous and violent inmates from the general population and to try to keep the environment safer and to keep those dangerous inmates away from the other population. And what have we seen? The statistics continue to rise. Inmate-on-staff assaults are up 38 percent over the past five years. The five-year average is 924. Inmate-on- inmate assaults are

up over 31 percent over the past six years. The past five years the average inmate-on-inmate assaults is 1,200 per year. So it's not just the corrections officers and the staff that are getting hurt, it's the inmates that are getting hurt. This is a dangerous environment that's been created and getting worse by these policies and these closures that we continue to see happen year after year by this Administration and gone along with by this Body. I recognize that the Governor has the authority to close any prison he wants with one year, without our say either way. What I don't understand is how this Body and this Legislature can go ahead and grant him the authority to close down these facilities in 90 days. It is devastating enough already to these family members, to the employees and to our local communities who are crushed by these closures and negatively impacted by these closures. And despite the promises, the resources aren't given to these communities where these prisons are being closed, and we see many of them aging, decrepit and deteriorating despite the fact millions of dollars were invested in them prior to their closure. The fact of the matter is, my colleagues, these 90-day fast-track prison closures just adds insult to injury. And it's totally disrespectful to the brave men and women working in a dangerous job in a dangerous environment. And not just our corrections officers, our nurses, our teachers, our -- our mental health workers, our custodial staff, our kitchen staff. All in a dangerous environment. And I know your side of the aisle claims to be an advocate for our workers and I've always appreciated that on your behalf. But it appears it's just not the case when we're working

with our -- those individuals working inside our correctional facilities. All this Body had to do was take a stand to this Governor and say, *We are not going to accept a 90-day fast-track prison closure.* That's all you've got to do. And it wouldn't be in the budget. Your compromise could have said, *We're not accepting this. It's not fair to our workers, it's not fair to our families. It's devastating enough with a one-year closure. It's not enough.* But you didn't. Ninety days is not enough time for a family to decide on, *Do I take this job? Do I relocate? Do I pull my kids out of school? Do I buy a new house?* I have an example. We had a couple who is married. They worked at Livingston Correctional Facility. They closed down in 2019. They moved out to Gowanda, bought a house, took a job there, and guess what happened four days before Christmas in 2020? Governor Cuomo announced they're closing down Gowanda Correctional Facility in 90 days. What an insult and disrespectful action to these brave men and women who work a dangerous job to keep us safe. You know, for those dedicated employees who work each and every day to watch our back in these dangerous jobs, this Governor and this Legislature continue to take actions that, quite frankly, stab them in the back. By allowing and not -- and going along with the -- or compromising on the 90-day closure, you're going along with it. You're saying it's okay. You're stabbing these brave men and women who work a dangerous job in the back. You're stabbing these employees. Ninety days is not enough time. It's not appropriate, it's not the right thing to do. It's simply the wrong thing to do. And it's

unfortunate that you guys are going along with this. We should not be discussing this right now, but we are, unfortunately.

Finally, to our -- our brave men and women who work in our correctional facilities, our corrections officers and the staff, the nurses, the counselors, the teachers, the custodial staff, the kitchen staff who are, you know, working a dangerous job or working in a very dangerous environment, I'm sorry. I'm sorry that this Legislature and this Governor continue to fast-track these prison closures which we know are already devastating and hurtful enough to you, your families and this community. I can't explain it other than to say I'm sorry. But I can also say to you, thank you. Thank you to the brave men and women who go to work each and every day working a very dangerous job to keep us safe. Jobs we wouldn't want to do, but you work a dangerous job, putting your life on the line to keep us safe. Thank you for your service and sacrifice. Our words and actions can do no justice to the thanks and gratitude and appreciation we owe you. So, I'm sorry. But most importantly, I thank you for what you do each and every day to keep the residents of this State safe. We can't thank you enough and I applaud you for your dedication and commitment. And I just want you to know although these actions are happening, despite our objections, there are many people in this Chamber and in this Legislature that absolutely oppose what's happening and what this Administration and Legislature continues to do year after year. It's wrong. It's dangerous. It's dangerous, dangerous policy. We see it, we see it in the numbers. We talk about the numbers. The numbers

don't lie. And all I can say is sorry. We're going to keep fighting and pushing on this issue, but thank you for your dedicated service that you commit each and every day to keep us and our communities safe.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the Madam Chair yield for a couple of quick questions?

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

MS. WEINSTEIN: Yes, certainly.

ACTING SPEAKER AUBRY: She yields.

MR. REILLY: Thank you, Madam Chair. So, I wanted to talk about the -- this part of the legislation, this budget bill that deals with the monitoring of the police department and the funds. I know that there's a portion that indicates that the Budget Director can hold up to 50 percent of appropriated State or Federal funds. When it comes to that, the funds that are allocated, say, for the Federal COPS program. If it doesn't go through the State, would they be mandated to give the -- give the State for holding 50 percent of those funds, or is it only Federal funds that don't go directly to the agency?

MS. WEINSTEIN: Anything that would go through the -- the State could be subject to the 50 percent, but they don't lose it forever. Once a plan is submitted they would be able to then get that -- any money that might have been withheld. And, you know,

hopefully we're not in -- in that position, as I mentioned earlier. As of today or as of yesterday over 90 percent of departments have -- have submitted plans, so -- and we're pretty sure that almost all will very shortly be submitting their plans so this will be a moot -- a moot point.

MR. REILLY: So is there anything in this budget -- not necessarily specifically in -- in this bill, I guess, but is there any funding for local municipalities and police departments that they may -- you know, maybe it's for reimbursement of any costs they may have incurred in hitting this mandate from the Governor about the police reforms?

MS. WEINSTEIN: Not specifically in --in the budget, but I'm sure, Mr. Reilly, you're aware that there was over -- there's a tremendous amount of Federal unrestricted aid that has gone to municipalities around the -- around the State. Over \$4 billion to municipalities so that that money can be used by municipalities. But there's no restriction on it, so it certainly could be -- some of that funding could be used for the purposes that we're discussing today.

MR. REILLY: Those -- those funds haven't been disbursed yet, correct?

(Pause)

MS. WEINSTEIN: I don't believe all of it has been disbursed. Later on -- actually we do -- we do have \$10 million for police cameras, so that will -- while it doesn't directly address the issue that you're -- you're raising, it would be supportive of -- of the police departments. It would help with their expenses.

MR. REILLY: Yes, that -- that \$10 million for body cameras would definitely help offset some of the policies, maybe, that will be implemented by municipalities and -- and by police agencies across the State. But specifically, I just wanted to make sure that I understood this correctly that any -- any costs that departments may have incurred during this time since the Governor issued his Executive Order to implement the required policies with State approval, they -- they were not reimbursed any funds to ensure that they complied with that Executive Order, is that correct?

MS. WEINSTEIN: Not specifically, correct.

MR. REILLY: Thank you, Madam Chair. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Byrnes. Sorry, Ms. Byrnes.

MS. BYRNES: Thank you. Thank you, Mr. Speaker. May -- may I ask some questions of the sponsor, please?

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

MS. WEINSTEIN: Yes, happy to yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. BYRNES: Thank you very much. I have a couple of questions about the NYSERDA Build-Ready authorization. My questions are this: It seems to refer to having a single-purpose holding company that would be established by NYSERDA in order to come up with basically shovel-ready projects for solar and wind

energy. My question is, what constitutes a single-purpose holding company that is going to be apparently self-contained within NYSERDA? Can you please describe what that is?

(Pause)

MS. WEINSTEIN: This -- this is actually how NYSERDA normally does -- does business. It'll be an off-shoot that will just be able to deal with the transfer to -- to the companies.

MS. BYRNES: To the developers.

MS. WEINSTEIN: To the developers, yes.

MS. BYRNES: Now, when it refers to being able to -- these companies being able to acquire, sell, transfer rights of property, does that also include if they had a homeowner or a property owner that was resistant to wanting to have their property brought in to the solar or wind market? Would that include the ability to take property by eminent domain?

MS. WEINSTEIN: That -- that's certainly not what's envisioned here.

MS. BYRNES: I understand it's not what is envisioned. Is it a legal possibility that if they had 2,000 acres and they had one holdout in the middle that they could exercise -- the State could exercise its eminent domain authority in order to have whatever contiguous areas it wanted for a project?

MS. WEINSTEIN: I -- I don't believe so. There's no expectation that that would happen.

MS. BYRNES: But that is one way for the State to

acquire, sell or transfer rights to other people's property, correct?

MS. WEINSTEIN: NYSERDA doesn't have the eminent domain authority to be doing this. To be doing what you would suggest.

MS. BYRNES: They're not operating on behalf of the State? They aren't the State?

MS. WEINSTEIN: They're a public authority, so, you know, we -- we authorize their existence but they are -- don't have the eminent domain powers.

MS. BYRNES: But if they have the right to acquire, doesn't that inherently mean acquire in any possible way? It doesn't -- it certainly doesn't say it couldn't be done that way, correct?

MS. WEINSTEIN: They -- they don't have eminent domain authority.

MS. BYRNES: All right. And you're saying that affirmatively.

MS. WEINSTEIN: To the best of my knowledge, I'm -- I'm saying that, yes.

MS. BYRNES: All right.

Now, many of the -- my district includes the Genesee River Valley which is some of the prime agricultural land in this entire Empire State. Some of the best agricultural land we have. And some of the projects -- many of the projects, including one that the Governor indicated in his State of the State that he wanted to expedite is, in fact, in this area with the prime land, agricultural land. If the --

if this NYSERDA Build-Ready authorization allows this process in order specifically to facilitate the development of renewable energy facilities on sites, how would that work with the Farmland Protection Working Group? Doesn't it, in effect, nullify this work -- potential working group and make it irrelevant to even have it become in existence?

(Pause)

MS. WEINSTEIN: Excuse me. I didn't unmute myself. This is not related to farmland. This would not be an issue with the farmland.

MS. BYRNES: No, but NYSERDA is building solar and wind on farmland. Some of the best farmland we have in our State, right or wrong. And if we have a Farmland Protection Working Group and, again, they're looking to facilitate input from local governments on these projects, but if at the same time when you have a working group trying to work with local governments to facilitate these projects, we have NYSERDA potentially gobbling up land that can then be used to expedite the process, then what's the point in having the working group?

MS. WEINSTEIN: Well, NYSERDA is really the developer of last resort. So, you know, presumably the working group would really have, I would say, precedence over the designation of the project for that property.

MS. BYRNES: So, effectively, if NYSERDA is already preparing to build properties or build solar or wind on

properties that the Governor has already in the State of the State said he wants to expedite but its prime farmland, that that will be held off on pending the working group determining how to appropriately facilitate this -- the use of this land?

(Pause)

MS. WEINSTEIN: Well, you know, we're not really giving NYSERDA any extra power, so whatever's really happening is going to continue to -- to happen.

MS. BYRNES: Well, but NYSERDA right now -- they don't have the authority right now in order to acquire, sell or otherwise get a hold of land.

MS. WEINSTEIN: They do. They do have that authority. I'm sorry, I didn't mean to cut you off. They do have that authority. Currently they have that authority.

MS. BYRNES: Then how would this Build-Ready authorization change already existing law or regulations?

MS. WEINSTEIN: You know, I -- I think this is just really to expedite that process by having the separate holding company as part of NYSERDA. It doesn't really change the underlying authority that NYSERDA has.

MS. BYRNES: But right now, though, landowners have the ability to negotiate with developers an optimal price to lease their land. And if now -- now do they have to negotiate with NYSERDA rather than the developer if we're trying to have shovel-ready projects?

MS. WEINSTEIN: That may be possible, but they can still negotiate with the developer.

MS. BYRNES: Well, to me, they seem contradictory.

In any event, if I might be -- be heard on the bill, Mr. Speaker. Thank you, ma'am.

ACTING SPEAKER AUBRY: On the bill.

MS. BYRNES: Thank you, sir. In my district I've made it a priority of not taking any position on the -- the propriety of wind and solar projects, but I have made a stand on how important it is to have our local governments and our local communities decide what is or what isn't right on our land in our communities. And the Governor, in his State of the State, made it very clear that New York -- the Upstate New York area would be used to generate electricity for the sole purpose of sending it Downstate through specific avenues and building even lines in order to convey this -- this energy Downstate. And it just seems a crying shame that more and more we're losing local rule -- local control, and this is just an extension. Last year in the budget it was made clear the State would have total authority over wind and solar projects. This seems to be a further extension of that, strictly hurting our local communities more for the benefit of what the Governor said is generating Upstate to send it to New York City where it was needed. And I just think it's a crying shame and I will be voting against the bill.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Epstein.

MR. EPSTEIN: Will the sponsor yield for a question?

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

MS. WEINSTEIN: Certainly.

MR. EPSTEIN: I wanted you to explain Part ZZ to me around the changes to the Deer Hunting Pilot Program.

MS. WEINSTEIN: So we -- it's a two-year authorization to allow hunting by 12- and 13-year-olds.

MR. EPSTEIN: And so -- just so I'm clear, so the only thing that they can do they can have a crossbow, they can have a gun, a shotgun, a 12-year-old or a 13-year-old, as long as they're with a parent or a guardian and they can hunt in townships that approve this. Is that a right understanding?

MS. WEINSTEIN: Yes. Counties. You know, we specifically exclude Westchester, Long Island and New York City, though. As far as I know there are -- is no hunting in New York City but we just want to make sure. And it doesn't -- the original plan would have allowed -- proposal would have allowed crossbows to be used during the longbow season but we rejected that portion. It's just during the regular hunting season.

MR. EPSTEIN: And I know there's a report that should follow every year. It talks about violations. How are

violations going to get recorded of this if there's a violation of a 12-year-old hunting on their own?

MS. WEINSTEIN: We -- we don't change how violations are -- are reported. Right now every violation is reported. I couldn't tell you in detail how -- how the violations get recorded.

MR. EPSTEIN: Thank -- thank you, Madam Chairwoman.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: Yeah. I'm -- I'm going to be voting in favor of this bill and I appreciate the attempt by the Majority to narrow the scope of this provision. I just -- to be honest, I have seriously deep reservations of allowing 12-year-olds, even with parent supervision, to be shooting deer. I appreciate that the things around other animals like bear have been taken out. I understand that some people feel like this is an important part of growing up in parts of the State. I -- I don't think it's appropriate, but there's so many other really good provisions of this bill. I'll be supporting it. But this is something that I hope we can reconsider. It's only a two-year pilot. I'd like to see the information about hunting incidents and other issues that are going on, and I look forward to seeing that information from the Assembly when it comes out.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

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

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

MS. WEINSTEIN: Yes, certainly.

MR. LAWLER: Thank you, Madam Chairwoman. On the -- just following up on my colleague's line of questioning on the NYSERDA Build-Ready authorization, I know you said it's not the intent of NYSERDA to -- you know, to use eminent domain, and then you intimated that they don't have that authority. But I had two kind of -- that -- that kind of jogged my mind. I mean, for instance, the MTA has used eminent domain over the years. So we -- we have examples of authorities using eminent domain. So unless I'm missing something that NYSERDA is expressly prohibited from using eminent domain, are -- are you saying that authorities do not have the ability to use eminent domain?

MS. WEINSTEIN: They -- they -- we have to expressly give the authority for eminent domain to the public authority. Unless it's otherwise given to them, they don't inherently have that authority.

MR. LAWLER: Okay. So they would have to -- they would have to get authority from New York State. So they would come forward with a plan to use eminent domain and the State would have to approve it?

MS. WEINSTEIN: The State, being the Legislature,

would have to allow --

MR. LAWLER: The Legislature -- okay. The Legislature would have to grant them the authority. So right now --

MS. WEINSTEIN: Right, with the support of the Governor.

MR. LAWLER: Okay. So is that on an individual basis, or for instance, like does the MTA currently have authorization or is it project by project?

(Pause)

MS. WEINSTEIN: Hold on one -- one second. I actually believe it is project by project, but I just want to consult with counsel on this.

MR. LAWLER: No problem. Thank you.

(Pause)

MS. WEINSTEIN: I -- you know, I -- unfortunately, at this moment I can't respond about the MTA. It wasn't part of this budget, but I -- this bill before us, but I would just assure you that, you know, I'm sure that NYSERDA does not have this authority. We would have to legislatively --

MR. LAWLER: Grant -- grant them the authority.

MS. WEINSTEIN: Grant them that authority by an act of the Legislature and the Governor.

MR. LAWLER: Okay. I -- I -- I appreciate your clarification on that. In terms of public lands or private lands, are we -- is NYSERDA looking to partner with local governments, are they

looking to acquire private land? What -- what is kind of the -- the main focus of the land that they're trying to acquire?

MS. WEINSTEIN: I -- I don't think there's a real distinction. It's really -- they're looking for -- to be able to do these projects, so wherever there's a willingness. It may be municipal land, it may be private land.

MR. LAWLER: Okay. So, but generally speaking, there -- as you said, since they're not looking to do it through eminent domain, they're basically looking to do it in cooperation with the local --

MS. WEINSTEIN: Right.

MR. LAWLER: -- municipalities?

MS. WEINSTEIN: With the local municipalities. And, you know, ideally, that would probably be the easiest way to do it but (inaudible), you know, private acquisition of land, but through negotiations, not by taking.

MR. LAWLER: And -- and how does this impact local control of zoning or -- or land use?

MS. WEINSTEIN: It -- it doesn't -- it won't impact that.

MR. LAWLER: So -- so for instance, if a municipality does not have the -- the ability or does not under -- under their local zoning laws allow for certain things, NYSERDA can't overrule that?

MS. WEINSTEIN: This is a situation where

NYSERDA would have to go through the same permitting process that a private developer would -- would have to go through. So if there were to be a -- a, you know, a variation allowed, that would be no different than a private developer looking to -- to get some sort of a waiver of -- of a zoning regulation.

MR. LAWLER: Okay. So, NYSERDA -- NYSERDA's not looking to usurp the -- the land use control of -- of a local municipality in -- in trying to streamline the siting process. They would -- if -- if there was a zoning change, for instance, that was required, they would have to go through the regular process.

MS. WEINSTEIN: That's correct. And -- and there are other instances in this budget where we -- and unrelated to this issue where we've rejected the ability to -- to bypass local zoning.

MR. LAWLER: Okay. All right. I -- I appreciate your answers on -- on that topic.

Just a -- a few other questions. The aid in municipality reduction in the Governor's Executive Budget has been omitted. I -- I presume we're going to be seeing that in a later budget bill, but has that been fully restored as you -- as you understand?

MS. WEINSTEIN: So, you don't see the language but we did restore the cut.

MR. LAWLER: Okay.

MS. WEINSTEIN: We went through restorations throughout this budget.

MR. LAWLER: Okay. And then the early retirement

incentive that was in the one-House budget that has been omitted, will that appear somewhere else in the budget or is that fully omitted?

MS. WEINSTEIN: As I mentioned to Mr. Ra before, that will be discussed in -- in a later bill.

MR. LAWLER: Okay. All right. I -- I apologize, I was --

MS. WEINSTEIN: No problem.

MR. LAWLER: Thank you for your question -- for answering my questions.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. -- Ms. Walsh. I'm sorry.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

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

MS. WEINSTEIN: Yes. Yes, happy to.

MS. WALSH: Thank you so much. I just have a really quick question on Video Lottery Terminal, VLT aid in the Part KK of the -- of the budget bill that we're talking about. It -- it looks to me like the Executive's budget proposal to eliminate VLT aid to all 15 municipalities outside of Yonkers is not included within this part. Can you confirm whether the VLT aid has been restored perhaps in a -- in another bill or will we be seeing that in another bill?

MS. WEINSTEIN: Yes. Yes, you will.

MS. WALSH: Very good. Thank you so much.

ACTING SPEAKER AUBRY: Members, please try to confine yourself to the bill that's in front of us. I know everybody wants to anticipate what's coming down the line, but we'll never get finished on this bill to get to those bills if everybody starts trying to forecast what the next bill will have.

Mrs. Gunther.

MRS. GUNTHER: Okay. So on this bill there are many good things; the domestic violence, the National Guard recruitment, Medical Supply Act, benefits to police service, construction, wind energy, farmland, VLT aid, NYSERDA. But I -- I think that when it comes to closure of prisons, to give 90 days -- I have two prisons in my community. I don't like to see anybody incarcerated. I don't like to see anybody. But the fact of the matter is that we do have jails in New York State. And to give people 90 days and have no warning of what, where and how -- is it done by favoritism? Is it done by support for somebody? How do we -- how do we know which prison is closing? So, this -- this bill has many great components. But this is wrong. Ninety days to up -- you know, to uproot your family, to sell your house. Come on. It's just too quick. So, you know, I am very upset about that -- that language in this budget -- budget bill.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gallahan.

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

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

MS. WEINSTEIN: Yes, I -- yes.

MR. GALLAHAN: Thank you. Quick question. Couple of quick questions. Farmland Protection Working Group states that local government officials or representatives from municipal organizations representing towns, villages and counties and representatives from at least two county agricultural farmland protection boards. My question is, how are these local government officials and representatives from county agriculture and farmland protection boards selected?

MS. WEINSTEIN: They are designated by the Governor.

MR. GALLAHAN: And my second question would be, how are we assured that there is fair representation across the entire State?

MS. WEINSTEIN: Well, you know, they -- it is about farmland so they would need to be people that are knowledgeable in those -- those areas and -- and from those particular areas that are designated in the -- in the bill -- or in that law.

MR. GALLAHAN: Is there anything that designates in here how that would be -- how they would be selected from different areas? How they -- how they would be represented --

representatives from all areas of the State?

MS. WEINSTEIN: You know, there isn't a requirement of the geographic distribution, but, you know, it is about farmland. You know, I know that they're -- unique areas have -- may have specific issues, but we're -- we're confident that the people who -- who are there who care about farmland and who care about, you know, the farmland of New York State without regard to restricting one -- one agricultural community versus -- versus another.

MR. GALLAHAN: Well, I understand that, but there are certainly not just subtle differences between Northeastern New York and Southwestern New York, and I just want to be sure that all areas are -- are properly represented and all opinions are -- are heard. If this -- if this protection working group after it's formed, is there a requirement that these recommendations they come up with be implemented?

MS. WEINSTEIN: No, it -- it's not a requirement that it be implemented but I'm sure that we will use their report as guidance as we move forward.

MR. GALLAHAN: Okay, thank you.

Moving on to the Deer Hunting Pilot Program. I have a question of who will be reviewing the success of this pilot program? What -- what -- who will be -- who will be looking at the results and -- and reporting back?

MS. WEINSTEIN: Well, the report will -- will come to us and we will, you know, when -- when the two-year pilot comes

-- is scheduled to come to an end, we'll make a -- we, as a collective Legislature and the Executive will make a decision about its continuation.

MR. GALLAHAN: Okay. Thank you. What -- who will -- who will be constructing that report, though? What organization will be constructing that report?

MS. WEINSTEIN: DEC will be preparing the report.

MR. GALLAHAN: Okay. Thank you. And when will the results be available to the Legislature?

MS. WEINSTEIN: I -- we asked February 1st to be (inaudible) so that way we'll be able to -- we'll be able to see the -- the reports prior to -- to its expiration.

MR. GALLAHAN: Thank you very much. I appreciate you answering my questions.

I would just like to make a quick comment to my colleagues that have questions about 12- and 13-year-olds handling firearms. I have been involved in -- in youth training for many, many, many years and I have founded the Red Jacket Trap Shooting Club in my local high school. They shoot at our -- at our local gun club. Twelve years old and up. And I would invite anyone that's interested to see how responsible firearms handling techniques that these -- these kids demonstrate on a daily basis, and I would invite anyone and everyone to come out and -- and view what we do every week, twice a week. And it runs for the next eight weeks and I would -- I would invite anyone to come up. I'd be happy to house you and feed you and

-- and show you just exactly how these 12- and 13-year-olds are able to responsibly handle firearms and -- and teach other kids as they go along when they mature in the program and -- and the younger -- younger students come in.

So thank you very much. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Gallahan, as you move from questions to on the bill, you will just please say on the bill so that we know the sponsor doesn't have to stand at attention waiting for you to speak. But you did a great job. Thank you so very much.

Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. Will the sponsor yield for one question?

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

MS. WEINSTEIN: Yes. Yes, happy to yield.

MR. LEMONDES: Thank you, Ms. Weinstein. On the 90-day closure notice, my question is simple. Do you think that it's fair to require a family to move in 90 days or less?

MS. WEINSTEIN: You know, as I said earlier to Mr. Palmesano, when the Assembly had -- in our one-House, as you know, we wanted a year. We were not able to -- to get a year. I know that the 90 days can be trying, but there -- we are hopeful and -- that people will not have to actually physically relocate, that they'll be able to just relocate a job and not have to relocate into a different region

and -- and sell -- sell their house and move their family.

MR. LEMONDES: So the -- thank you. Thank you for answering. I appreciate your response.

And, Mr. Speaker, I'd like to speak on the bill.

ACTING SPEAKER AUBRY: Certainly, Mr. Lemondes. On the bill.

MR. LEMONDES: Thank you. In 27 years of military service to this great nation, I moved 12 times. Every single move was traumatic to my family and children and we had a year's notice in most cases. This is inhumane. Let it be -- let it be known for the record which party is doing this to the people and families impacted by this should it happen.

I also had the responsibility of closing four factories on behalf of this great nation, each in a different state, and each one of them was traumatic. Each with about 1,000 employees. I know how to close things down, I know the trauma that it -- it imparts on people. And to think that you could do this to a family or employees in 90 days, again, is -- is unconscionable [sic]. I cannot believe that I am hearing this. I cannot believe that this Body is party to this. In each case where I had to do this, we had an 18-month plan. We identified every single person by name, the resources that that employee needed, whether they would take early retirement, whether they needed job -- job retraining, whether they needed help moving, et cetera, et cetera. And we helped place every single one of them with 18 months notice or so. I just think this is flat wrong should it come to play. And I -- I

will ask everybody to consider the impact that something like that has on not only the adults, but the children of those adults and those families. That's a lot more than appears to be on the surface and I'd ask for your consideration in that.

Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the sponsor yield?

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

MS. WEINSTEIN: Yes, Mr. Goodell. It's a good sign that you're up.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Weinstein. And thank you for yielding. You started out the presentation with some general information, and with your permission I'd like to follow up a little bit on some of those points that you made at the very beginning of our discussion. You mentioned that the overall budget is projected to be \$212 billion, and as noted by my colleague, that's more than Texas and Florida combined, and just about \$10 billion less than California. Why is New York's budget, you know, more than double Florida and more than double Texas when each of them have more residents? Do you have a sense of where our budget is so much larger than theirs?

MS. WEINSTEIN: Well, you know, we -- we don't base our budget on the number of people we have here. First of all, a lot of the increase, as -- as you know, is -- is due to some of the Federal aid we received and the restricted aid that we received that we were hit very hard with, as you know, with COVID-19. The impact on our State has been great. It also pointed out some of the longstanding inequities we -- we had in our -- in our State, whether it's child care needs, higher education needs, healthcare needs, elementary education needs. So we -- we want to make sure that we're able to help our residents. If Florida and Texas don't have the same goal, that -- that's not our -- that's not our fault. It's -- their legislature should address those issues.

MR. GOODELL: I would -- I would certainly agree. But I was trying to get a sense of where our budget is so different than even California's, for example. So it's not just a Republican or Democrat issue, it's -- it's New York State's per capita spending compared to the rest of the nation. We're spending more than double per capita than California, for example. Certainly more than double in Texas and Florida. Presumably, California is reasonably generous in education funding and other funding areas. Where's our budget different than any of the other states in terms of per capita spending? For example, per capita spending on education or Medicaid or housing or infrastructure. Do you have any sense of how our per capita spending compares with any other state?

MS. WEINSTEIN: Well, I would -- I would say this,

Mr. Goodell. It's hard enough being the Chair of the Ways and Means Committee in New York. I wouldn't suggest that I'm familiar with California or Texas or -- or Florida. There are -- you know, there are national studies that are -- are published, but I don't -- I don't have access to that right now.

MR. GOODELL: And I hope and trust that you understand that my question was a reflection of my great respect for your expertise not just in New York, but -- but beyond. Obviously, we're getting a lot of one-time -- I think is one-time stimulus funds from the Federal government. Can you give us a sense of how much in terms of billions we're getting and what we anticipate to be one-time funding from the State -- from the Federal government, and how does that compare to one-time expenses that we don't expect to be reoccurring?

MS. WEINSTEIN: Well, I -- I know that we'll be discussing some of this in -- in more detail when we get to the specific bills, but kind of, you know, broadly, I would say that the education -- a lot of the education money that we're getting from the Federal government has a -- a several-year lifespan before it -- over \$9.5 billion that will be spent over several years. There is child care money, over \$2 billion in child care money that will -- Federal child care money that after that is expended, a lot of that may be start-up costs and to make up for the COVID-related items. The State will be -- be picking up some of that. The rental assistance money is a two-year -- is two-year monies. And, you know, those are some of the

-- the highlights. But I think as we go through a little bit more on those specific areas I'll be able to -- to give you real dollar figures, and certainly when we get to the revenue bill we can talk a little bit more in detail on some of these numbers.

MR. GOODELL: Well, at this point in time, reflecting that some of our expenditures may be one-time and some of the Federal funds may have more than one year impact, do you have any estimates on what our structural deficit will be going into next year?

MS. WEINSTEIN: We -- we don't anticipate having a deficit next year.

MR. GOODELL: You and I have both been around many years and it seems that we go through an annual dance where starting in December, January, February, our Governor keeps talking about multi-year deficits. One year it was \$5- or \$6- -- well, he started out at \$10-, right, the first year he was in and then he solved it. Then, you know, last -- or two years ago it was \$5- I think and then \$7- and then this year he was talking about \$15 billion. Is it your anticipation, then, that next year the Governor, whoever that might be, is going to start out and say, *Great news. No structural deficit.*

MS. WEINSTEIN: Well, you -- you know, obviously, we can't predict -- we could never have predicted what happened last year with the impact COVID had on us. But we're hoping that we'll continue to have a robust recovery. And based on our estimations if that continues and more people continue to go back

to work and our economy opens up more and more businesses make use of some of the grant programs that we -- we have that we will not have a deficit. But obviously, we're talking at this point, you know, just close to a year off we can't with certainty say that, but our -- our projection is that there would not be a deficit based on the Federal dollars and the State dollars and the increased revenues that we'll be providing when we get to the revenue bill.

MR. GOODELL: Thank you very much, Ms.

Weinstein.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I appreciate the incredible amount of work done by Ms. Weinstein and our Ranker, Ed Ra, and the other members of the Committee and the staff. Particularly during this time period, we rely extensively on an extraordinary amount of work done by our staff in evaluating these legislative initiatives, writing them, getting them printed, getting them distributed. And hats off to all of those who have played such a major role. What I and many of my colleagues find shocking is that the New York State budget is growing at over 9 percent, 6.64 percent on State Ops, 9.08 percent on All-State funds. And we're growing at a rate that's several times higher than the rate of inflation. And it's not like we're playing catch up to any other state. Because our overall budget is projected to be about 5 percent less than California even though they have twice as many residents. And our overall budget is more than Texas and Florida combined,

even though each one of those states has more residents than we do. And the problem is when we are talking about a multi-billion-dollar tax increase and one of the largest state budgets in the nation, that money comes out of people's pockets. It comes out of New York State taxpayer's pockets. That's billions of dollars that our local companies do not have in their pocket to pay for more workers or to pay raises. It's billions of dollars that our families don't have in their pocket to buy school supplies or make mortgage payments or car payments. It's a multi-billion-dollar drag on the New York State economy. Which is why when we look at national data we see that Florida and Texas, who have a tax rate that's half of ours, they are growing at a much faster pace. And so when we look at the long-term impact of a huge budget, we need to recognize that as we take money out of people's pockets, we remove their ability to make their own decisions on how to best spend the money. We take that option away from them and we reallocate it based on what we think we want. Not what they think they want. And in the process we slow the New York economy, and that hurts every resident in this State and especially hurts the working men and women who see fewer job opportunities and less money in their own pocket.

For that reason, many of my colleagues will have great concerns over this budget. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The vote on

Assembly print A.3005-C. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this budget bill. Those who would like to vote in favor of it should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Ms. Hyndman.

MS. HYNDMAN: I would like to remind my colleagues that this is a Party vote. The Majority members will be recorded in the affirmative. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided. Thank you.

ACTING SPEAKER AUBRY: So noted.

(The Clerk recorded the vote.)

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker. I'd like to thank the Speaker and my colleagues for this bill. And in particular, I want to reflect on two -- two aspects of it. The first is that I'm very pleased that this year's budget includes funds for municipalities to invest in electric vehicle infrastructure. As we work to decarbonize the transportation sector, the installation of

publicly-available charging stations throughout the State is a critical piece to move from early adapters to mainstream purchases of electric vehicles. And I'm very excited. This is a bill I've carried for a number of years, and I'm happy to see that it is finally coming to fruition. And I'd also like to thank the Speaker and my colleagues for their support of the youth hunting provision in this bill. I know that for many people they do this with -- with some reluctance, but hunting in Upstate is a long-held cultural tradition. And it's good for the environment. It's good for -- it's good for habitats. It reduces the deer population -- the deer tick population, rather. And -- and it is something that as I have worked with my constituents over the years, they have brought to my attention more than one time that being able to be as a family out in the woods during deer hunting season is something that they value greatly, and I want to thank you for -- for supporting them and for supporting this -- this provision in this year's budget.

And with that, I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Barron.

MR. BARRON: To explain my vote, Mr. Speaker, I'm voting in the affirmative on this bill. And as I had stated in my previous statements, I'll be voting in the affirmative on the bills that I've read so far. But I just want to be very clear. When comes to the revenue bill, which I haven't seen yet, that the way -- the last I've seen

of it I'm not going to be supportive of that. But I am supportive of this bill and some of the others that are before us. But the revenue bill, I'll explain my vote when it gets to the floor. But the last I've seen of it, it wasn't something that I could be supportive of.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please report the following Republicans in the affirmative on this bill: Mr. Durso, Mr. Giglio, myself, Mr. McDonough, Mr. Mikulin, Ms. Miller, Mr. Montesano and Mr. Ra. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you would please record our colleagues Mr. Thiele, Mr. Burke, Mrs. Gunther and Ms. Buttenschon in the negative on this one.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed. That is the first bill of the day.

The Clerk will read page 6, Rules Report No. 52.

THE CLERK: Assembly No. A03007-C, Rules Report No. 52, Budget bill. An act to amend Part H of Chapter 59 of

the Laws of 2011, amending the Public Health Law and other laws relating to known and projected Department of Health State fund Medicaid expenditures, in relation to extending the Medicaid global cap (Part A); intentionally omitted (Part B); to amend part FFF of Chapter 56 of the Laws of 2020 relating to directing the Department of Health to remove the pharmacy benefit from the managed care benefit package and to provide the pharmacy benefit under the Fee for Service program, in relation to the effectiveness thereof (Part C); to amend the Public Health Law, in relation to reducing the hospital capital rate add-on (Part D); intentionally omitted (Part E); to amend the Public Health Law, in relation to telehealth distant sites and providers (Part F); to amend the Public Health Law, in relation to authorizing the implementation of medical respite pilot programs (Part G); to amend the Social Services Law, in relation to eliminating consumer-paid premium payments in the Basic Health program (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to amend Chapter 266 of the Laws of 1986 amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to extending the Physicians Medical Malpractice program; to amend Part J of Chapter 63 of the Laws of 2001 amending Chapter 266 of the Laws of 1986, amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, relating to the effectiveness of certain provisions of such Chapter, in relation to extending certain provisions concerning the Hospital Excess Liability Pool; and to amend Part H of

Chapter 57 of the Laws of 2017, amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part K); intentionally omitted (Part L); to amend the Public Health Law and Part H of Chapter 58 of the Laws of 2007 amending the Public Health Law, the Public Officers Law and the State Finance Law relating to establishing the Empire State Stem Cell Board, in relation to the discontinuation of the Empire Clinical Research Investigator program (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); to amend Chapter 884 of the Laws of 1990, amending the Public Health Law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to extending the provisions thereof; to amend Chapter 109 of the Laws of 2010, amending the Social Services Law relating to transportation costs, in relation to the effectiveness thereof; to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2013 amending Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates, in relation to extending government rates for behavioral services and adding an alternative payment methodology requirement; to amend Chapter 57 of the Laws of 2019 amending the Public Health Law

relating to waiver of certain regulations, in relation to the effectiveness thereof; to amend Chapter 517 of the Laws of 2016, amending the Public Health Law relating to payments from the New York State Medical Indemnity Fund, in relation to the effectiveness thereof; to amend the Public Health Law, in relation to improved integration of health care and financing; to amend Chapter 56 of the Laws of 2014, amending the Education Law relating to the Nurse Practitioners Modernization Act, in relation to extending the provisions thereof; and to amend Chapter 66 of the Laws of 2016, amending the Public Health Law relating to reporting of opioid overdose data, in relation to the effectiveness thereof (Part S); to amend Part A of Chapter 111 of the Laws of 2010 amending the Mental Hygiene Law relating to the receipt of Federal and State benefits received by individuals receiving care in facilities operated by an office of the Department of Mental Hygiene, in relation to the effectiveness thereof (Part T); to amend Part L of Chapter 59 of the Laws of 2016, amending the Mental Hygiene Law relating to the appointment of temporary operators for the continued operation of programs and the provision of services for persons with serious mental illness and/or developmental disabilities and/or chemical dependence, in relation to the effectiveness thereof (Part U); to amend the Mental Hygiene Law, in relation to requiring the final reports of such programs to be included in the Statewide Comprehensive Plan; and to amend Part NN of Chapter 58 of the Laws of 2015, amending the Mental Hygiene Law relating to clarifying the authority of the

commissioners in the Department of Mental Hygiene to design and implement time-limited demonstration programs, in relation to the effectiveness thereof (Part V); to amend Chapter 62 of the Laws of 2003, amending the Mental Hygiene Law and the State Finance Law relating to the Community Mental Health Support and Workforce Reinvestment program, the membership of subcommittees for mental health of community services boards and the duties of such subcommittees and creating the Community Mental Health and Workforce Reinvestment Account, in relation to extending such provisions relating thereto (Part W); relating to the Office of Mental Health allocating funding for the 2021-22 fiscal year; and providing for the repeal of such provisions upon expiration thereof (Part X); intentionally omitted (Part Y); to amend the Mental Hygiene Law, in relation to authorizing the charging an application processing fee for the issuance of operating certificates (Part Z); to amend the Mental Hygiene Law and the Social Services Law, in relation to crisis stabilization services (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the Public Health Law, in relation to minimum direct care spending in residential health care facilities (Part GG); and to amend the Executive Law, in relation to the composition of the Developmental Disabilities Planning Council (Part HH); to amend the Social Services Law, in relation to the provision of services to certain persons suffering from traumatic brain injuries or qualifying for

nursing home diversion and transition services (Part II); to amend the Social Services Law, in relation to managed care programs; and providing for the repeal of such provisions upon expiration thereof (Part JJ); to amend Chapter 495 of the Laws of 2004, amending the Insurance Law and the Public Health Law relating to the New York State Health Insurance Continuation Assistance Demonstration Project, in relation to the effectiveness thereof (Part KK); to amend the Social Services Law, in relation to requests for offers from fiscal intermediaries (Part LL); to amend the Public Health Law, in relation to aiding in the transition to adulthood for children with medical fragility living in pediatric nursing homes and other settings; and providing for the repeal of such provisions upon expiration thereof (Part MM); to amend the Social Services Law, in relation to providing for an exemption or disregard of income for certain individuals receiving medical assistance (Part NN); to amend Part KKK of Chapter 56 of the Laws of 2020 amending the Social Services Law and other laws relating to managed care encounter data, authorizing electronic notifications, and establishing regional demonstration projects, in relation to the Regional Demonstration Program (Part OO); to amend the Public Health Law and the Social Services Law, in relation to post-partum extended coverage insurance coverage (Part PP); and requiring the Commissioner of Health to file a report on the calculation and payment of prescription drug dispensing fees to retail pharmacies by the State's medical assistance program (Part QQ).

ACTING SPEAKER AUBRY: There is an

amendment at the desk by Mr. Manktelow to briefly explain the amendment while the Chair examines it.

Mr. Manktelow wants to explain his amendment.

MR. MANKTELOW: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move it for immediate adoption and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: Mr. Manktelow, the Chair has examined your amendment and found it germane to the bill before the House.

On the amendment, Mr. Manktelow.

MR. MANKTELOW: On the amendment. Thank -- thank you, Mr. Chair -- I mean, thank you, Mr. Speaker. So just a brief descript -- description about the bill. The bill-in-chief enacts into law major components of legislation which are necessary for implementation to the Health and Mental Hygiene Budget for the 2021-2022 Fiscal Year. The amendment adds to the bill-in-chief a section which would prevent the use of monies appropriated to the Department of Health under the Medical Assistance program to be used for elective abortions. The bill-in-chief enacts into law major components of legislation which is necessary to implement the Health and Mental Hygiene Budget for the year '21-'22. Both the bill-in-chief and the amendment make amendments to the Health Law and specifically reference the Medical Assistance program under the Department of Health.

And a few more pieces of information I'd like to

share. According to the fact sheets provided by the Guttmacher Institute, there were about 105,380 abortions performed in New York in 2017. In that same year, the New York State Department of Health reported 37,275 abortions that were paid for by taxpayers' dollars through Medicaid funding. New York taxpayers fund over 35 percent of all abortions performed in our State and ranks third-highest in the percentage of pregnancies and -- that end in abortion. According to the Gallup, public opinion on abortion has been steady -- steady since the early years of *Roe v. Wade*. In 1976, the year of the Hyde Amendment - which was a Federal equivalent to this amendment - was passed into law, 54 percent of Americans believed abortion should be legal only under certain circumstances, and four -- four decades later, in 2018, 50 percent of Americans still feel the same way. But now that New York has become the most progressive state in the country when it comes to abortion on demand, the issue isn't about legal abortion, it's about forcing taxpayers to fund the -- the elective abortions. It is not surprising, then, that the Guttmacher Institute reported that from 2014 to 2017, New York experienced a 19 percent increase in abortion clinics with substantial reliance on taxpayers' funding. But this isn't what the majority of New Yorkers want. According to the PollingReport.com, in nearly every recent poll conducted in relation to a taxpayer -- to taxpayer-funded abortions, the polls reveal that the priority of those polled opposed public funding of abortions. Whether it was Politico, Marist or Harvard, the polls aren't close. The average gap between the pro-funding and anti-funding was

-- is still 19 percent. Notwithstanding the public opposition and the likelihood -- likelihood that the Majority in this House will continue to use taxpayers' dollars to fund abortions, it is vitally important that everyone have an understanding of what this amendment does and does not do. Let's be clear. This amendment, referred to as the Butler Amendment, would discontinue taxpayer funding for elective abortions. But the process -- the proposed amendment is not without compassion. An amendment wouldn't -- would allow for taxpayer-funded abortions in three separate circumstances: When a pregnancy was a result of a rape; when the pregnancy was a result of incest; or when the life of the mother is at risk. Many New Yorkers believe in pro-life policies and embrace the sanctity of life and with this -- advancements in medicine and technology like ultrasound and 3-D imaging, there is an undeniable truth a pregnancy in the state -- and the state of a woman carrying a child within her womb to ask or insist that New Yorkers who willingly give their hard-earned money to the government look to other ways when the use of money violates their moral and ethical beliefs, it is not good government.

So because of this amendment, Mr. Speaker, I urge my colleagues to seriously consider voting on this. And it's a great amendment. I think it's -- it's well-purposed. I think it's a good time in -- in our history of New York State, and I urge my colleagues to -- to support this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly.

On the amendment, Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. On the amendment. Obviously, I will be urging that the amendment be defeated. But let me be clear. Medicaid pays for healthcare for poor New Yorkers, many of whom who are young people, young women. Abortion is a Constitutional right. It is guaranteed by the Constitution. It is not open to polls that go with the whims of the public. Obviously, there are other polling data that would show strong support for ensuring that poor women have the same access to healthcare as other New Yorkers. Additionally, mandatory maternity is offensive. Young women who find themselves faced with an unintended pregnancy should not be forced to carry a pregnancy to term when it can disrupt their lives, dramatically change the trajectory of their future. We spend a great deal of New York taxpayer dollars to try to ensure that young women have an education and a future. The small amount of resources that support the right of a young woman, a poor woman -- in many instances these are women of color, though not exclusively, by any means. Throughout New York State many women, young women, gain access to the full range of healthcare through Medicaid. Bifurcating a woman's body and denying her access to reproductive healthcare separate and apart from her other healthcare is wrong. I don't particularly appreciate hearing "compassion" when the result of denying access to these funds for young women would result in what is frequently condemning young women to poverty or the denial of their full potential. Medicaid is about healthcare. Abortion is healthcare. Not only is it

constitutionally protected, but New York State has been clear for decades that it supports access to healthcare for young women, for poor women, through its Medicaid program. Denying access to the full range of healthcare is inappropriate, paternalistic, and morally wrong.

So I would urge a very strong, clear rejection of this -- this amendment, which would in many instances require women to carry to term an unintended and unwanted pregnancy. So I would ask everyone to vote no on this amendment.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I find it interesting that every year when we get to this part of the budget, someone decides that some New Yorkers shouldn't have access to healthcare. And they decide it so strongly to -- they will actually even put it on the record that people who are eligible for Medicaid can't have this service. You can go to the dentist, you can go get your blood pressure checked. But this service, you can't have. Mr. Speaker, I want to add my comments to those of the previous speaker that we must reject this option to suggest that some people can have access to healthcare only if we decide it's the right healthcare for them to have, that it is inappropriate, and I'm urging all of my colleagues to vote no on this amendment.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. To be clear on this

amendment, this amendment is saying that, if adopted, the taxpayers won't be asked to pay for abortions. It doesn't deny services. This amendment doesn't say you cannot have an abortion. It doesn't restrict the access or availability. It only talks about who pays. And for many residents of our great State, they find abortion to be morally wrong. For religious reasons, for personal reasons or for other reasons. And it's not up to us to argue and debate over whether or not their moral view is right or somebody else's moral view is right or -- or what the issue is. But as the government, we should respect the views of a substantial portion of the people that we represent. I don't go back to my district and say, *Your moral views are wrong*, or somebody else's views are morally right. But I respect the fact that well-meaning individuals who are thoughtful have different views on this subject. And therefore, all this amendment does is states that we will not force all the taxpayers in the State of New York to pay for a medical procedure that some, a substantial percentage, find inappropriate. And for those who are arguing that Medicaid covers everything, that's simply not the case. If you've been on Medicaid, you know you can get some dental services, but not all dental services. That you can get some medical procedures, but not others. And this reflects the fact that not everyone -- in fact, a substantial portion of our residents do not support funding for abortions.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker. I -- I would like to state my opposition to this proposed amendment. Being poor does not mean that you are deprived of legal services that are healthcare for you. What the previous speaker spoke -- mentioned that some dental services are not permitted, well, that's an outrage. Because we have a responsibility as a State and as a nation to make sure that every person here who needs healthcare has access to it. It's very short-sighted that we limit dental and eye care, et cetera, and hopefully we'll be changing that in the future. But because someone is morally opposed to a legal procedure has no bearing on whether the State or the U.S. should offer it.

I'd also like to add that men do not need to legislate over women's bodies. I'd say that is a woman's choice, and so I resent a man offering an amendment that would affect my body and my fellow women and women-identifying bodies. And I urge a no vote on this amendment. Thank you.

ACTING SPEAKER AUBRY: Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you. On the amendment.

ACTING SPEAKER AUBRY: On the amendment.

MS. GONZÁLEZ-ROJAS: I wholeheartedly oppose this amendment. I have spent my career fighting for health dignity and justice for all people to make decisions over their bodies and their lives. And this amendment would create those challenges to making those decisions. It has nothing do with the task at hand. Abortion is

legally -- a legally permissible procedure here in the United States, here in New York. We've affirmed that with the Reproductive Health Act. And I think this is atrocious that we're hearing this at this late hour.

So I oppose the amendment and I urge all my colleagues to vote against it.

ACTING SPEAKER AUBRY: Thank you.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I rise also to oppose this amendment. I spent many years as the pro bono attorney for the Westchester Coalition for Legal Abortion, and I heard the stories from so many women about how desperate they were, how they needed an abortion, that their lives were in danger or their health was in danger. Or for some other reason they could just not bear the child and they had to have an abortion. Why are we having this debate? Those abortions will occur. The question is, will they occur in a hospital or a healthcare facility or in some back alley. And that's our choice. I choose to make sure that women get the proper healthcare, that they have a choice whether to bear a child or not.

Therefore, I oppose this amendment.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a Party vote. Any member wishing to be -- any member wishing to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally supportive of this amendment. Those who do not support the amendment should contact the Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be in the negative on this item. Those who desire to be an exception should please feel free to contact the Majority Leader's Office and your vote will be properly recorded.

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

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues Mr. Santabarbara and Mr. Eichenstein in the positive on this one.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill. On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Very, very briefly, this is the bill to -- Health, Mental Health bill. And as I mentioned earlier, the COVID-19 pandemic has put incredible stress on our healthcare system and demonstrated just how important it is that New Yorkers have quality, affordable healthcare. So the '21-'22 budget includes \$193.8- for healthcare service -- billion for healthcare services to citizens throughout New York. It provides \$542 million in restorations to the Medicaid program, including \$204.4 million for hospitals, \$51.75 million for the Managed Long-Term Care program. We -- I know there's been a lot of concern, as was demonstrated by legislation earlier this year, for -- to improve conditions in nursing homes, so there -- this also includes a proposal to require nursing homes to invest a percentage of their revenue on resident care, 70 percent, and limit revenues and to have 40 percent of that direct-facing. And we reject the Governor's other proposed nursing home reforms which can be addressed through legislation outside of the budget, which -- which we have, in fact, already -- already done. There's a lot more in this bill, and I'd be happy to answer any questions.

ACTING SPEAKER J.D. RIVERA: Thank you.

Mr. Ra.

MR. RA: Will the Chair yield?

MS. WEINSTEIN: Yes, certainly, Mr. Ra.

MR. RA: Thank you. I know as you mentioned there are a number of different pieces to this, so I just wanted to ask a few

questions, and I -- and I do, hopefully, if I have time, I want to get into the nursing home issues. But just starting with -- so the 340B providers, I see that there's a, you know, a postponement of the transition to April 1, 2023.

MS. WEINSTEIN: Right.

MR. RA: So for the current time, will the 340B providers continue to receive the same amount for rebates after service transition?

MS. WEINSTEIN: Right. During this period of time they -- they will receive the same rebate. We make no changes, and obviously, we can address this issue in future -- future budgets.

MR. RA: Okay. And then once that transition happens, what -- what date will they be -- expect to see their reimbursement from the program, the changeover?

MS. WEINSTEIN: You know, so as I said, you know, we're -- I would hate to predict what's going to happen two years out, but part of the delay is for us to be able to study the -- the impact of this -- what this change would mean in the -- two years from now, the same way that we're delaying it now after it having been delayed last year to this year.

MR. RA: Okay. And just in terms of that, I know there -- you know, there's this requirement that the Department of Health is -- is going to determine the actual acquisition costs and professional dispensing fee and review and adjust the rates no later than April 1, 2025, which is two years later. So -- so the idea, I

assume, is that that will be -- that will look at what happens as we transition to it during those first two years? Is there any --

MS. WEINSTEIN: Yes. Yes, correct. Right, the requirement of the study is there.

MR. RA: But -- but you do believe that in the interim while we're waiting on this to go into effect in two years they will be studying what the, you know, impact will be?

MS. WEINSTEIN: They'll be studying what the impact would be, but the -- as I mentioned, the funding will not be impacted to the programs that make use of the 340B program.

MR. RA: Okay. A couple of the other issues in this. There was the medical malpractice issue. The Governor had proposed that physicians pay 50 percent of their excess medical malpractice practice insurance. I believe that's been rejected.

MS. WEINSTEIN: Right.

MR. RA: Does this -- does this legislation require physicians to pay any portion of the excess medical malpractice insurance?

MS. WEINSTEIN: No. No. We -- we do not change the program.

MR. RA: Okay. A couple of different programs that I wanted to ask about. This budget bill discontinues the Empire State Spinal Cord and Stem Cell Research Grant. Is -- is there a reason why we're discontinuing that, and -- and are we -- are there other opportunities, perhaps, for funding for -- for recipients that -- that

would have previously received grants under this?

MS. WEINSTEIN: Mr. Ra, so, this program that you mentioned would be national research, and we do think that the Federal government is a more appropriate source to -- to fund research in this area.

MR. RA: Okay. Thank you. And there had been some talk regarding a program that was -- had existed for many years and it was removed last year. That was the Adult Cystic Fibrosis Program. There had been some talk of potentially reinstating that. I know that, you know, the funding would be elsewhere but there would likely need to be language recreating that program. Is there anything regarding this or any potential that something would be in a later budget bill?

MS. WEINSTEIN: So, you won't -- you don't see -- you know, there's not Article VII language but it is in the appropriation, that program.

MR. RA: Okay. Thank you for that. On the mental health side, Part X of this bill suspends the one-year notice to close an inpatient mental health facility and the reinvestment of the savings back into community programs. I know throughout the process, you know, this was related to a proposal to convert units at the Rockland Children's Psychiatric Center from inpatient to outpatient services. So, do we know whether that proposal is moving forward?

MS. WEINSTEIN: We have rejected that proposal and the funding remains in place for that.

MR. RA: Okay. Thank you. And then the piece regarding postpartum insurance coverage. The bill talks about the Commissioner seeking to get Federal financial participation. Do we know, you know, what the cost is to the State if we are unable to get Federal participation with that program?

MS. WEINSTEIN: I - I believe it is just under a \$1 million.

MR. RA: Okay. Thank you. And then I just wanted to, as I said, ask some questions regarding this -- the nursing home excess revenue requirements. So, one of the concerns, obviously, many of us had and -- and I know we recently debated a standalone bill regarding this and -- and, you know, we did several others regarding nursing homes. But is there any requirements in this bill for reporting how this excess revenue that the State will take is going to be spent?

MS. WEINSTEIN: It would -- it would go into the Nursing Home Quality Pool and then be able to be disbursed in nursing homes throughout the -- the State.

MR. RA: Okay. And is it anticipated that the Department of Health, as a result of this, would be conducting additional audits of nursing homes?

MS. WEINSTEIN: You know, I'm not sure how much additional, but there is ordered authority that's in the bill and the Department of Health may also be looking at the costs of the facilities -- the cost expense of the facilities.

MR. RA: Okay. And then just one other question. I know there had been some advocacy for -- you know, as you mentioned earlier there's a lot of Federal funding. A lot -- a lot of that -- obviously, we have the unrestricted funding and then we also have funding that's related directly to healthcare. But there had been some talk and some advocacy regarding trying to assist our adult care facilities and assisted living residences and assisted living programs with -- with an allocation of \$75 million of funding to help them deal with the financial hardship that the COVID pandemic has had on them. As we know, many of these facilities have -- you know, are under severe financial stress from having to, you know, provide PPE and we put new mandates on them and they really have not gotten, you know, anywhere near the type of Federal support that, you know, our skilled nursing facilities have. So is there anything proposed in this budget that would assist those types of entities?

MS. WEINSTEIN: There isn't a specific allocation. I mean, there is some Federal money that we have relating to home -- home care that it may be possible that there'd be some ability to access that money. But there's nothing specific as it relates to resident -- assisted living facilities.

MR. RA: Okay. Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Just quickly, and I'm sure some of my other colleagues have, you know, thoughts on this. But the -- the

nursing home reform issue and this excess revenue issue, you know, one of my concerns as I stated when we were doing this standalone bill a few weeks ago, is we're kind of treating all of the facilities the same, whether you are doing well, you're highly rated or you're a poor performer. And, you know, many of these facilities that are operating now -- and obviously they've had tremendous stress on them over the last year, dealing with the COVID pandemic and dealing with the new mandates that have been put upon them. But one of the things, you know, a good operator has to do is consider what their patient population is. Many generate revenue as a function of establishing multiple-payer streams. That way they can, you know, supplement on -- on the private side from the losses they may take because of lower Medicaid rates. And I just have a concern that this legislation basically takes away revenue and it's going to force spending to go -- you know, on the State level, the State's going to take that revenue from them. They don't now as a facility have the opportunity to use that revenue to reinvest in their facility and improve their care for their patients, improve the situation for their staff. And I think, yes, this is an industry that there are bad actors like there are anywhere. But I think a proposal like this hits harder the good actors than -- than the bad actors. You know, people, when they're looking for a placement for one of their loved ones, they know the reputation of these facilities. You know, they get referrals from -- from, you know, friends, family who may have interacted. And I think we're painting with too -- too broad a brush here. It really is essentially a State

takeover of -- of these facilities. So I -- I have tremendous concerns with where this proposal is going. As I said a few weeks ago, we still need to certainly consider what's going on in this sector, learn lessons from the pandemic. And we should be having extensive hearings, finding out what happened. We all know, you know, the -- the lack of data and openness that we've gotten with regard to what went on in these facilities. But we really need to get to the bottom of things and act accordingly, not punish the good actors who have done right by their staffs, who have done right by their patients. So I -- I think this is something we should take tremendous pause with, and I hope that we continue to have conversations with that industry and find ways that we can work with them to improve patient care and improve the safety of -- of their staffs without going to the point of doing something that really is going to make it very difficult for these operators. And, hey, if we have facilities close, there's going to be less facilities for -- for our loved ones as they age to - to go into.

So, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. Would the Chair yield for some questions?

MS. WEINSTEIN: Yes, be happy to, Mr. Byrne.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. BYRNE: Thank you for taking the time to

answer all these questions from our colleagues. I'm going to run through a few policy change proposals that were made by the Executive. Some seem to be have adopted and some were rejected, so I'm going to walk through them. And like my colleague, Mr. Ra, closed by asking some questions about the nursing home ratio requirements that are being proposed in the budget. My first question is about the Medicaid global cap and it being extended through 2022 to 2023's fiscal year, despite the Assembly one-House's repeal and the Senate one-House's budget allowing it to expire. I -- I personally have opposed its repeal, but I find that a little surprising since the new -- the large majorities in the Senate and in the Assembly, I find it a little surprising that we're still extending it. And I'm curious, were there any added changes made to the cap in this extension?

MS. WEINSTEIN: Yes. Yes, you know, as you know, it's not just the Assembly and the Senate but also the Executive that -- that gets to weigh in on the -- on the budget. But we did make a change from monthly reporting to quarterly reporting, the feeling being that quarterly will be more helpful as we look at -- at spending.

MR. BYRNE: Is that primarily to reduce administrative burdens on it, or --

MS. WEINSTEIN: No, we get a -- we actually get a better picture of what's happening by having quarterly versus the month-to-month.

MR. BYRNE: Okay. Thank you. The other question -- and I understand that the Executive has a say in this. I just

would think with the new dynamic in the Senate it might change some of those negotiations. So I was a little bit surprised. But I could see where the Executive would want to keep that in place. It's one of his signature accomplishments, if you will, from when he first got elected.

The Medicaid pharmacy benefit carveout or transition to fee-for-service, my colleague, the Ranker of Ways and Means, asked about this, too, and you -- and you answered the question. It seems that it's postponing it until April 1, 2023. Kind of more of a procedural question. Are we now getting into this habit of are we going to make this a budget debate item every time? Because I just -- I -- it's kind of hard not to notice that it's going to be expiring April 1, 2023, which is a deadline for something else that's kind of important.

MS. WEINSTEIN: Well, you know, this started in the budget and we did the one-year delay. Obviously, not knowing that COVID was going to have the impact that it did, so we weren't able to really evaluate the program. We certainly heard from providers around the State about the potential negative impact letting these -- this plan go forward with him. So we are doing -- delaying it for two years and we'll get those annual reports and hopefully we'll be able to have a better picture of its potential impact and how we would cover any losses to make sure that programs would continue to function, or we may abandon it all together.

MR. BYRNE: And just to clarify this for the record and for my understanding and make sure I get this right, unlike the Assembly one-House which was postponing this just primarily for

340B or HI -- or some HIV providers, this is for all the providers that's being postponed, is that correct?

MS. WEINSTEIN: That is correct.

MR. BYRNE: Thank you. And I noticed that some of the proposed Executive language to discontinue the State share payments for the Indigent Care Pool was eliminated in this. Is it safe to presume that that funding is going to be restored at a later budget bill?

(Pause)

MS. WEINSTEIN: The \$65 million is restored in the appropriation.

MR. BYRNE: Okay. A similar question. And I -- I noticed there was an elimination of the Executive language which is -- would have reduced the Workforce Recruitment and Retention funding for home care by 50 percent. Is it safe to presume that that also is now being restored and funded at a later budget bill?

MS. WEINSTEIN: We have fought back -- the Legislature has fought back that potential cut. It was restored.

MR. BYRNE: Okay. We'll be seeing that in what, the Aid to Localities bill?

MS. WEINSTEIN: Hopefully.

MR. BYRNE: Okay. And telehealth, I did notice that the proposal, I think it was by the Governor, for interstate licensure. I think that's a complicated issue that people have concerns about, so I'm not actually -- I don't have my mind made up on that, per

se, but I -- I don't think it's something that needs to be rammed in a budget, so I think that's a good thing.

Excess medical malpractice funding, it looks like that was restored or at least, again, the Executive's language that would have restructured it to force more payments on to physicians was eliminated. Is it safe to say that that funding is being restored as well?

MS. WEINSTEIN: Yes, correct.

MR. BYRNE: Okay. I just want to make sure that's right. I mean, hopefully, one of these days, we can address, you know, why medical malpractice insurance costs so much, rather than just subsidizing it. But in the meantime, I would agree, I don't want to be forcing more of those costs on to our physicians.

MS. WEINSTEIN: We -- we should be talking to the insurers about why they charge so much in their premiums to doctors.

MR. BYRNE: A good conversation to have. Also, moving on to -- I think this was mentioned in a previous budget debate, but I -- well, actually it may have been by Mr. Ra. The county sales tax intercept, or I think people refer to it as a diversion from last year's budget. This -- I didn't see it in this proposal. Is that -- that is being extended or continuing, I guess, for one other year, is that correct?

MS. WEINSTEIN: Yes. But -- but we will be going forward shifting it to HYCRA from -- instead of having it go through the General Fund.

MR. BYRNE: Okay. So it's going to go to those

distressed providers. I know there's -- there's no new added increase or attempts to divert sales tax revenue from county governments, correct?

MS. WEINSTEIN: Correct. Yes, correct.

MR. BYRNE: Okay. Thank you. And I know many of us still have concerns about that, because we're taking money that could be given to county governments. I have those concerns. But I certainly don't want it being sucked up into a black hole into the General Fund. So at least it's dedicated.

It was mentioned earlier by my colleague, the Adult Cystic Fibrosis Assistance Program. You mentioned that it was going to be restored in the appropriations bill. Is that -- I guess my question is, when we eliminated the funding last budget, we didn't just eliminate funding, we eliminated the program and statute. I know one of our colleagues, I believe from the 23rd District, has a bill that would bring that back in statute. Is it your understanding that the program will be put back in statute in one of these budget bills, or are we going to fund it temporarily and then hope to pass that bill later? What -- what is the path forward here?

MS. WEINSTEIN: We -- we did add the money. The -- the Executive doesn't feel that we need that in statutory language for that program to go forward.

MR. BYRNE: Well, I would disagree with the Executive on that because I want to make sure that this doesn't become an annual fight for those who are trying to actually earn an

income, come off Medicaid, have private health insurance and are adults with CF. I -- I -- it was astonishing to me that last year in the middle of a pandemic, of all the cuts and programs we would cut a program that helps adults with Cystic Fibrosis when we had this virus that attacks our respiratory system. It made zero sense to me. But I'm glad to hear from you at least that's going to be restored. Again -- again, do you know which budget bill that will be restored in, the funding?

MS. WEINSTEIN: That -- that would be the Aid to Localities budget which we will be taking up later this evening probably.

MR. BYRNE: Okay. Thank you.

Now I'm going to try to shift a little bit more towards the nursing homes now.

MS. WEINSTEIN: Sure.

MR. BYRNE: Thank you, Chair, for your patience in answering these questions. I debated a similar proposal with the Health Chair earlier in the year, Assembly Bill 5684-A. Would you mind just highlighting some of the key differences between the proposal in the budget with -- with the -- the bill that we debated earlier this year? It seems rather similar except for one conspicuous change that I could find.

(Pause)

I'm not sure if you're speaking, Ms. Weinstein.

MS. WEINSTEIN: Yes. No, I'm -- I'm sorry. There

-- there is quite a bit of detail that -- it's a little bit narrower than the bill that we -- we passed. If you really -- let me just --

MR. BYRNE: I -- I can drill down a little and ask questions so maybe it's a little bit easier for you with a yes or no.

MS. WEINSTEIN: Sure. That would be --

MR. BYRNE: Yes, thank you. So the spending ratio, like the bill, it's 70 percent total revenue cannot be spent on administrative costs, capital costs, debt services, taxes, rent or other fiscal services. It needs to be dedicated, I believe the language is direct -- to direct resident care, is that correct? And then 40 percent of that 70 percent must be used for resident-facing staffing. Is that still correct, it's the same?

(Pause)

I can't tell if you're talking or it's muted.

MS. WEINSTEIN: No, I'm sorry. It's okay. So the -- you know, the -- Mr. Gottfried's bill was a -- a broader proposal. This bill, very similar to his, does talk about direct resident care. It does not include -- and it lists out things not included, administrative costs of the nursing administration, capital costs, debt service, taxes other than sales tax or payroll taxes, capital depreciation, rent to leases or fiscal services.

MR. BYRNE: So it sounds actually very similar to the healthcare bill. I guess -- I'm going to ask a couple questions that we asked in that debate and where -- highlight some of my concerns. Some of these facilities, we -- I wish -- I know a lot of us wish we

could control how much taxes we pay as individuals or businesses control how many -- how much taxes they pay. If they're going to face a tax increase from local or State government and the taxes cannot account for 70 percent of their total revenue, well then if their increased taxes are going to take about 30 percent, doesn't that force all their other spending in that 70 percent to proportionately increase as well?

MS. WEINSTEIN: You know, so I would note that the bill does -- the bill before us does allow the Commissioner of Health to waive the requirements of the section on a case-by-case basis with respect to a nursing home that demonstrates to the Commissioner's satisfaction that it experienced unexpected or exceptional circumstances that prevented compliance. In particular, you know, it can exclude from revenue and expenses on a -- again, on a case-by-case basis. Extraordinary revenues incurred due to a natural disaster or other circumstances as set forth by the Commissioner.

MR. BYRNE: I -- I understand the Commissioner will have that authority just based on the events -- this is not a slight on the Commissioner himself, but over the last couple of years I don't have a whole lot of faith in the figure head of one agency to have all this power specifically not, you know, regulating nursing homes, sure. I voted in favor of some of the reforms that we've passed earlier this year and I've opposed some other ones, but there's a concern that we're not just talking about specific ratios or -- or contact isolation or any of these other things that people need to do to make sure they take care

of patients. We're talking about how they can spend their money. It just seems to be a bit of an overreach. And I -- I noticed -- I didn't see other than the ability to obtain a waiver, I didn't see any specific waiver for COVID-related expenses. So, for example, if any of these facilities have to incur additional costs because of COVID-19, that may not be in one of those categories that --

MS. WEINSTEIN: If I could -- oh, I'm sorry --

MR. BYRNE: -- should be the 30 percent, what would be their mechanism to try to -- to make sure that they can fund those costs without forcing them to increasing their spending elsewhere?

MS. WEINSTEIN: Right. I -- I think the language clearly would allow for those costs to be waived -- waived out of their percentage -- to get a waiver of the facility from the spending based on what you just delineated.

MR. BYRNE: From -- from the Commissioner?

MS. WEINSTEIN: From the Commissioner --

MR. BYRNE: Okay.

MS. WEINSTEIN: -- yes.

MR. BYRNE: So I'm just going to list out a couple of examples of capital --

ACTING SPEAKER AUBRY: It will have to be done privately, Mr. --

MR. BYRNE: Oh, all right.

ACTING SPEAKER AUBRY: -- Byrne.

MR. BYRNE: Well, I will look forward to explain my vote, Mr. Speaker.

Madam Chair, thank you for your time answering your questions. I still have many concerns. I didn't get to talk about the penalties. I hope some of my colleagues do.

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. BYRNE: Thank you.

ACTING SPEAKER AUBRY: You can't steal more minutes. Thank you.

MR. LAWLER: Kevin, I would give it to you if I could but the Speaker won't allow me.

Mr. Speaker, will the sponsor yield?

MS. WEINSTEIN: Yes, happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LAWLER: Thank you, Madam Chairwoman. I just want to follow up a little further on the Rockland Children's Psychiatric Center, which is in my district. I appreciate in the -- in the one-House -- I appreciate in the one-House Budget that it was removed and certainly appreciate the efforts of Chairwoman Gunther of the Mental Health Committee to work with me and my colleagues on this, as well as Assemblyman Zebrowski. But I just -- I just want to verify a few things.

So the -- under current law, the Governor can give a one-year notification -- or the Department of Mental Health could

give a one-year notification to shut down or convert an inpatient facility, correct?

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. That -- that does not change under this budget bill?

MS. WEINSTEIN: Correct.

MR. LAWLER: Okay. The budget bill in Part W extends the requirement of the Office of Mental Health to reinvest savings from inpatient bed closures into community mental health services, correct?

MS. WEINSTEIN: Correct.

MR. LAWLER: And under Part X, are we suspending the provision for one year to notify and reinvest the funds?

MS. WEINSTEIN: We're suspending the reinvestment but not the notification portion.

MR. LAWLER: Okay. So the -- the only thing that is suspended is the -- the one -- for one year is the requirement to reinvest?

MS. WEINSTEIN: Correct.

MR. LAWLER: So, if the -- the Office of Mental Health wanted to convert or -- or close the Rockland Children's Psychiatric Center, they could still do so but they would have to give a one-year notification, correct?

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. And there's -- there's nothing

in this budget that prevents them from doing that, they would just have to follow the current law.

MS. WEINSTEIN: Yes. So the -- you know, they would have to, as you state, follow current law and that section originally did have the closure of the 15 beds in -- in Rockland. But we -- we haven't, in this bill, rejected that closure and put in the funding to (inaudible) \$8 million to maintain those beds.

MR. LAWLER: Okay. So that -- and is that in this -- the \$8 million, is that in this budget bill or another budget bill?

MS. WEINSTEIN: It'll be in the -- in a later budget bill.

MR. LAWLER: Okay. Okay. So that line is there. Is there anything that prevents OMH from moving patients from Rockland to say the Bronx or Queens? Because that's what they've pretty much been doing this whole time is -- is moving the patients from Rockland Children's Psychiatric Center to facilities in -- in the Bronx and Queens.

MS. WEINSTEIN: You know, since we're maintaining the beds in Rockland, there's no reason for there to be movement of -- of the patients to the Bronx. I think that may have been done in anticipate -- to the extent it was done, it would've been done in anticipation of us close -- accepting the closure (inaudible).

MR. LAWLER: Well, it -- my only concern is that -- I mean, we have obviously in years past funded the operations of this facility and they have cut down on the number of patients in the

facility even though it's been funded and moved them to other State facilities. So I -- I'm just -- I'm trying to just clarify that -- and I appreciate that the language was removed, but as we all well know, you know, there's still ways around language. And I just want to -- I just want to understand if there's any provisions within the budget that preclude them from doing that.

MS. WEINSTEIN: They would -- we -- we don't include anything. The bed would have to be vacant for 90 days before they even propose closing of that bed. And you still would have to have the one-year notification to, you know, certainly if something happens, we'd be addressing it as -- as we go along this next year.

MR. LAWLER: So it would be -- it would -- it would have to be addressed roughly in next year's budget again?

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. All right --

MS. WEINSTEIN: I -- I would just add that there is a commitment from the Executive to keep the facility open, so to the extent that that means something to you, it's better than nothing being said.

MR. LAWLER: I -- I appreciate your last quip, because I think that -- that sums it up. So... I -- I appreciate it, Madam Chairwoman, and I again, thank you for -- for your efforts and Assemblywoman Gunther's efforts on this specific provision within the bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the -- the Chair yield for some questions on the excess revenue for permits for --

ACTING SPEAKER AUBRY: Ms. Weinstein, do you yield?

MS. WEINSTEIN: Yes.

MR. JENSEN: All right. Thank you --

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. JENSEN: Thank you very much, Madam Chair. First, a -- a clarifying question on this -- this -- this measure. When we talk about a 70 percent spend on revenue in excess of expenses, are we talking about budgeted revenue expenses or all dollars moving in and out of a facility over the course of a calendar or budgetary year?

MS. WEINSTEIN: You know, in the bill revenue is -- is defined as anything that comes into the facility to pay the residents' occupancy of the residential facility, resident care operation, facility costs.

MR. JENSEN: So it's -- so it's every dollar that comes into the nursing home or the long-term care facility and every dollar that goes out through an expense. The reason why I'm asking --

MS. WEINSTEIN: Yes, in your -- those costs are

reported annually to the Department.

MR. JENSEN: One of the reasons I'm asking that question I know a lot of long-term care facilities do apply and receive grants from non-for-profits or they may have an affiliated foundation that raises money to invest in the facility outside of the budgetary process. So, if a facility would have a 5 percent increase in revenue based on a line item, targeted donation for a specific purpose that's not covered -- it may be a capital cost, would that be mandated that they'd have to now (inaudible) New York State spend part of that money and give it to the State even though a non-for-profit or a private donor gave that money to the facility?

MS. WEINSTEIN: So you know -- you know, there -- there was concern that it's hard to, particularly with a facility that's part of a larger, corporate-type facility, multiple facilities, to be able to really track some of the costs that you talk about, which is why everything is incorporated into the cost reporting, and then would be subject to the -- the cap but, you know, again, there, you know, there is this flexibility that the Commissioner has in terms -- in terms of waiving -- so the Commissioner may also exclude the revenue expenses on a case by case basis, extraordinary revenues, so that could help take care if there was a particular one-time donation that --

MR. JENSEN: Yeah, -- well, I -- I mean, I'm concerned that a facility would have to essentially plan large budget items on a wish and a prayer that Dr. Zucker deems them worthy to have those funds. So I'm concerned about that. But you bring up

another point that I'm curious about, is this on a facility by facility basis? So if an operator owns 13 nursing homes or an organization has long-term care, assisted living, independent living, is it on a facility by facility basis or is it across the entire organization's spend -- expenses and revenue?

MS. WEINSTEIN: First of all, this relates to nursing homes not --

MR. JENSEN: Correct, but some -- some nursing homes --

MS. WEINSTEIN: (Inaudible).

MR. JENSEN: -- operators also own assisted living. And you just mentioned that if they're getting large donations that they're sometimes happening across an entire corporate structure. So I'm just curious if we're applying that logic, does the same logic apply to all the -- all the expenses and revenue that an operator has across all their interests?

MS. WEINSTEIN: No. Actually I was using that example to point out why you needed to be facility by facility because it would be hard to otherwise attribute --

MR. JENSEN: Okay --

MS. WEINSTEIN: -- funding that --

MR. JENSEN: All right. I have limited time so I just want to I have a lot of questions, so...

MS. WEINSTEIN: (Inaudible).

MR. JENSEN: On the -- for the direct resident care

requirement, there's a lot of bill language of what qualifies under that 70 percent coverage; however, there's not nearly as much detail on what is resident faced staffing. So in addition to registered nurses, licensed practical nurses, certified nursing assistants, would physical therapists, occupational therapists, speech therapists, resident activity staff or chaplains or contract and medical providers, doctors, nurse practitioners, does that fall under resident facing staffing?

MS. WEINSTEIN: Yes, and as you know, CMS, you know, partly requires...

MR. JENSEN: So that's yes.

MS. WEINSTEIN: It brings up at a, you know, of the resident facing staff, so we're -- we're setting the parameters in terms of the -- the percentage that's spent on that.

MR. JENSEN: Okay. So is any part of this provision tied to quality outcomes or five star ratings?

MS. WEINSTEIN: No.

MR. JENSEN: Okay. So if a facility were to spend only 69 percent of their excess revenue, 69 percent of their excess revenue on staffing cost but they're a five-star facility, they are now an inadequate facility in the eyes of the State, based on how they're spending their funds?

MS. WEINSTEIN: You know -- you know, I would say that they're, you know, certainly we've heard stories about facilities that weren't meeting this threshold and there also was some recent reporting that the star system may not be as accurate as -- as

believed when you --

MR. JENSEN: Well --

MS. WEINSTEIN: -- when you look at it that some facilities were getting advanced notice --

MR. JENSEN: Yeah.

MS. WEINSTEIN: -- of inspections and all of a sudden staffed up or did other -- did other things. So you know, this is a much better -- much better indicator of appropriate care --

MR. JENSEN: Madam Chair, I had those same concerns about the five-star rating, but we voted in this Chamber 148 to 2 to promote those five-star ratings on the Department of Health website. If a facility, a for-profit facility has excess above 5 percent that they now have to pay to the State, do they have to pay taxes on those funds before giving them to the State and essentially having double taxation on those dollars?

MS. WEINSTEIN: I -- I think I would have to defer an answer to you after consultation with our tax staff.

MR. JENSEN: Sorry I couldn't hear you
Chairwoman, I don't know if it's the mask --

MS. WEINSTEIN: I don't have -- I'm sorry, I'm --
I'm saying that I -- I don't have an answer for you at this moment, I'd have to defer --

MR. JENSEN: Okay.

MS. WEINSTEIN: -- an answer to you.

MR. JENSEN: Well --

MS. WEINSTEIN: -- which we can have an opportunity later --

MR. JENSEN: Yeah, well, I hope we have the answer before we have to vote on this budget because after we vote on it it's pretty much the answer doesn't matter.

Now, capital costs are not included as something that can be covered under this excess revenue example, but wouldn't improvements to nursing units or for metal equipment -- medical equipment qualify as something that has a direct impact on direct resident care? Certainly if you're improving the way we deliver care or the place they're receiving care, that impacts resident care. But yet we're excluding capital improvements.

MS. WEINSTEIN: So the -- the Medicaid capital rate is not counted in the 70 percent, but, you know, this is why we do have the -- the waiver because there will be differences and different needs from facility to facility.

MR. JENSEN: Right. But we, I mean, we -- so you say we can ask the Commissioner of Health for a waiver. Okay, great. Well, last year this Legislature asked for a report on safe staffing. Nine months later they received an answer. So we're going to ask the Commissioner of Health for a waiver but, yet, the waiver could be delivered outside of the budget -- budget year. So how are our facilities supposed to plan how they're going spend their revenue and what they're going to prioritize and how they're going to make decisions if they don't have a timeline in which they're going to

receive an answer from the Commissioner. Is there a timeline that the Commissioner has to answer these requests? Is it two weeks, a month, nine months?

MS. WEINSTEIN: There is -- there is no timeline. By the same token, they would not be penalized until there was a response and decision by the Commissioner.

MR. JENSEN: Okay. Well, that -- I mean that -- there might be -- if we're asking for a wish and a prayer we should probably have a timeline on that wish and a prayer. There are some county-owned long-term care facilities, yet their funding may not come from a direct line item for that nursing home in the county budget, but there may be, you know, capital costs that come through a different line item. So how would a county-owned or government-owned facility reconcile their revenue and expenses based on the fact that they're operating through the government funding stream?

MS. WEINSTEIN: You -- you're talking about the county-run --

MR. JENSEN: Yes, so -- I'm -- so my belief and maybe I'm wrong, but I would believe that all nursing homes are subject to this requirement for-profit, not-for-profit, government-owned. Counties do own nursing homes and they may have a capital improvement that's funded through additional line items not directly allocated through the line item for that county-owned facility. There may be staffing costs that fall outside of that line item

for the nursing home, but maybe under more general funding. So how would a county -- a county-owned -- or owned and operated nursing home reconcile their expenses of revenue if they're coming from different revenue streams that are funded by taxpayers?

MS. WEINSTEIN: You know, I'm advised that any expenses that are going through the nursing home have to be accounted for in the -- in their cost data. So I -- I believe that they would currently be doing -- doing that even though it may come from these different sources that, you know, you described.

MR. JENSEN: Okay. So if the county owns a nursing home and they have somebody from the Department of Environmental Services come and do work on the building, they would have to pay those workers because they're doing work on the nursing home through the nursing home budget and not out of the -- not out of the DES budget, just as an example, based on how you --

MS. WEINSTEIN: So you know, -- well, revenue, if you -- if you look at the definition in the bill, revenue does include government payers, the third-party payers, so --

MR. JENSEN: So -- so county offices wouldn't be (inaudible).

MS. WEINSTEIN: -- they would have to do that calculation to figure out that you know, how you, you know, what dollar amount you attribute even though it may not be a direct line item to the facility.

MR. JENSEN: Okay. Is there any -- is there any

financial assistance included in this budget bill or maybe in the future that we're going to be looking at today that may assist nursing homes with any additional costs that may result from this?

MS. WEINSTEIN: Well, we do have in -- in this bill \$32 million of State funding to support nursing home resident facing staff services --

MR. JENSEN: So that's \$50 --

MS. WEINSTEIN: Divided by --

MR. JENSEN: -- \$50,000 per nursing home then.

MS. WEINSTEIN: Thirty-two million State money, \$32 -- that would be matched by \$32 million Federal money for nursing home resident facing staff services provided by registered nurses and CNNs [sic] and that it -- it would be recurring next year last, also.

MR. JENSEN: Okay. So we have 617 nursing --

MS. WEINSTEIN: So \$64 million.

MR. JENSEN: We have 617 nursing homes in New York State, that's \$64 million, so that equals about to \$103,000 per nursing home. So I don't know how far the budgets will stretch and how many nurses they will hire, but I'm sure they'll be very grateful they have that assistance.

Mr. Speaker, on the bill.

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

MR. JENSEN: Thank you very much, Mr. Speaker.

We do not provide medical care in a one-size-fits-all approach; rather, medical professionals will say that we need to focus on person-centered care; yet, with this -- this piece of this budget bill, we're having a one-size-fits-all approach into the budgetary decisions of nursing homes, both for-profit, not-for-profit, government-owned facilities. Shouldn't we be making decisions with these nursing homes that they are a facility-directed approaches and allowing them to decide what's best for their residents? This measure just creates additional mandates on all long-term care providers and it will increase the financial strain without creating -- increasing residential outcome -- resident outcomes. We should be focused on creating policy that will increase the number of nurses, RNs, LPNs, CNAs across the practice of medicine in New York State and make it easier for long-term care providers to provide the care that the residents need and the residents deserve. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. Will the Chair of Ways and Means Committee yield for a few questions and --

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

MS. WEINSTEIN: Yes, I'd be happy to yield to the gentleman.

MR. CAHILL: Hi, Ms. Weinstein and thank you, by the way, for all that you've done over the past several months, the --

enduring the budget hearings is a -- is a task that we all are very grateful that you've taken that responsibility and the level of detail that you have in your knowledge of the budget is also something that is nothing shy of remarkable. So with that as sort of a preface, I'd like to discuss and ask you a couple of questions about 140-thousandth of the budget.

MS. WEINSTEIN: Okay.

MR. CAHILL: So I know we talk -- we talk big numbers, but I know you are keenly aware of the most minute details and that's one of the ones I'd like to talk to you about, because even when we talk about these little numbers they oftentimes have a great impact. And what I want to talk to you about is the Early Childhood Intervention Program.

MS. WEINSTEIN: I'm familiar with that.

MR. CAHILL: So the -- the Early Childhood Intervention Program was working okay up until about 2012, but it wasn't working great, there was a problem that was identified at the Department of Health that the State Department of Financial Services and in the Governor's Office that insurance companies were not paying the same share of those costs, the health insurance companies, that other states were paying. I think the comparison that's most commonly been made was with Massachusetts and in 2013, then new Governor Cuomo introduced something called the fiscal agent with the promise that they would be able to increase the contribution by insurance companies significantly from the 2 or 3 percent figure that

they were paying to something significantly higher, like 5 or 6 percent. And now here we are eight years later and those same insurance companies are still paying about 2 or 3 percent of the cost of the program and over that time, we paid the fiscal agent far in excess of \$50,000 -- \$50 million dollars, I'm sorry, to -- to essentially not move the needle at all. Are you familiar with a -- with a separate piece of legislation by Ms. Paulin, I think it's Assembly Bill 5339?

MS. WEINSTEIN: Not this -- not the bill number, but certainly I know Ms. Paulin's bill on the subject.

MR. CAHILL: But you understand the concept behind the bill --

MS. WEINSTEIN: Yes.

MR. CAHILL: -- that we would -- we would exchange with the health insurance companies their obligation to pay claims for a -- an annual fee, for all intents and purposes, that would allow them to, in fact, do what the fiscal agent has failed to do over the course of the past almost eight years and increase their contribution. There was a proposal made in the Assembly resolution to adopt Ms. Paulin's bill in total --

MS. WEINSTEIN: Right.

MR. CAHILL: I recall in the early Conference Committees both formally and informally discussing with the Senate -- our Senate colleagues that there was at least an informal consensus. And then I have been in discussions with the advocates for insurance companies, particularly health insurance companies, and while they

initially opposed the concept, they later on - and when I say later on, sometime around mid-March - saw that there was a path toward making this possible, making it happen. So I guess my question is since everybody has sort of agreed - when I say everybody, I mean insurance companies, advocates, the low-level people that we've talked to in the Executive branch and -- and the Senate and the Assembly. Did this wind up in the budget and are we finally going to fix a problem that's existed for eight years?

MS. WEINSTEIN: Mr. Cahill, sadly it did not. As you say, there was uniform agreement from those who would be impacted, the advocates and insurance companies, that this was a way to solve the problem. But unfortunately, this was not something that the Executive -- the Governor agreed to include in the -- in the Budget. I would suggest, though, that all hope is not lost because, you know, there's no reason that we can't continue -- continue to pursue this worthy program.

MR. CAHILL: Well, thank you for that, Madam Chair, and -- and that's exactly where I was going next. Is it possible given that it's a freestanding piece of legislation, Bill No. 5339, Assembly No. 5339, that does not increase the obligations on the State but, in fact, would relieve the State of an additional \$8 million, the State and local governments of \$8 million of expenses. Is this something that could be taken up separately and would -- would it be reasonable for the Legislature to begin to pursue that course and then sort of hand it over to the Governor and maybe get some elucidation

as to why he's not ready to sign on to this very reasonable and rational approach?

MS. WEINSTEIN: Sure. I believe we certainly since, unfortunately, it's not in -- in this agreed-to-budget, there's no reason why we couldn't continue to try and, once the budget is adopted, pursue this separately through the legislative priorities of the Assembly and the Senate.

MR. CAHILL: Well, I -- I thank you for that, and I, again, thank you for all the good work that you've done and your staff has done on this budget, it's been an amazing process. I watch it every year, but this year was even more miraculous than any other, not just because of the social circumstances that we're in, but also because of the magnitude of changes that we had to deal with over the budget process. So I thank you.

And, Mr. Speaker, very briefly on the subject at hand.

ACTING SPEAKER AUBRY: Mr. Cahill on the bill.

MR. CAHILL: Back in 2012, Early Intervention providers did exactly that, they provided services to children zero to three years old for early intervention needs. Mostly it was occupational therapy sort of thing and speech therapy and other -- other therapies that are done by people who are fairly low paid compared to other healthcare professionals, in particular, lower paid than nurses, lower than paid doctors. But their -- what they do is critical, and they get paid on an incident basis. And sometimes that

incident is a 20 minute or a half hour or a 45 minute session with the child. And when that session is over, back in 2012, the bill was submitted to the county and the provider got paid.

Starting in 2013 when the Governor decided to make it easier for providers, that was no longer the case. Starting in 2013 when the fiscal agent was supposed to start pursuing these costs to increase insurance participation, in fact what happened was the providers had to pursue the cost. And those providers that were getting sometimes \$30 for their visit now had to spend another sometimes twice or three times as long in a given week to pursue that payment from an insurer. And here's the really interesting part of this. If the insurer didn't pay, then the State did pay. So it wasn't like the provider was pursuing this debt for themselves, they were doing the State's collection work, and they have been doing it ever since.

And what has the consequence been? The consequence has been that providers across the State are leaving that business, leaving that vocation. And what does that mean to children? That means children between the ages of zero and three are not getting those early intervention services that not only they desperately need, but that can change their lives and reduce the cost of taking care of them for the rest of their lives, give them a chance to have a head start or at least an equal start with other kids their age. So it puzzles me at a time when we're dealing with a \$200 billion budget that this small item that would increase revenue to the State without raising taxes, that would make it easier for those people who we want to provide

those services to provide those services, that we could not get this simple measure passed.

I thank the Chair for her very, very clear and lucid answers and her good direction on what we will do next, and I promise you that with the sponsor of the bill and the Chair of the Health Committee, we will be pursuing this maybe as soon as next week. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Cahill.

Ms. Miller.

MS. MILLER: Thank you, Mr. Speaker. Will the Chairwoman yield for just a couple of questions?

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

MS. WEINSTEIN: Yes, be happy to.

MS. MILLER: Thank you. I have a -- a question about the CDPAP --

MS. WEINSTEIN: Correct. Yes.

MS. MILLER: You know, as you know, we were pretty horrified at the drastic reduction in FIs that was implemented during the pandemic when so many were, you know, struggling to get the in-home care that they needed in the first place. But I was happy to see that they have in here that they will review all of those who didn't receive an award but were eligible to do so and that they'll review this information and consequently award additional, I guess,

FIs. Can you give me a total of what the potential number of additional awards will be? Because the way it's broken down here, it doesn't really say how many counties have this population or -- about what is the potential for additional awards?

MS. WEINSTEIN: Well, you know, I -- as you know, this is an issue that many of us were concerned about, and I -- I believe, you know, our Chair -- Health Chair, Mr. Gottfried, had really been pushing for even broader expansion than we were able to get in this bill to get agreement with the -- with the Executive. But for counties over 200,000, there'll be two additional awards --

MS. MILLER: How many counties do we have with over 200,000? That's what I'm asking. What's the potential total number of new awards?

MS. WEINSTEIN: Well, I -- you know, our -- our best estimate is that it'd be a minimum of 25 new ones, so it would be closer to the -- the 100 post, you know, post give or take a little bit to the -- the 100 --

MS. MILLER: Twenty-five --

MS. WEINSTEIN: -- number.

MS. MILLER: So then it would be closer to 100 --

MS. WEINSTEIN: One hundred total.

MS. MILLER: -- of the -- counting the ones that have already been --

MS. WEINSTEIN: Correct, counting the ones that are already there, you know, and -- and they are, you know, we direct

attention to not only the larger counties but also to fiscal intermit -- intermediaries that are serving communities with disabilities, minority populations, special ethnic populations. And as I said, we would have liked to have done more, but have a total -- have -- have this total -- have programs be able to totally be able to be -- reapply and would be reviewed and be -- have more accepted. But at a minimum, we're at this level of adding --

MS. MILLER: Okay. All right. Thank you. And then next on the medically fragile children adulthood transition demonstration program, something I'm, you know, quite interested in having a child who's in that transition, can you define exactly what is a demonstration program? What does that entail? Opening up a -- an actual separate facility or as part -- I see it says part of an adult residential -- a young, you know, as part of a children's residential facility adding in, but is it a separate wing, a separate structure, connected?

MS. WEINSTEIN: So it the -- Assemblywoman, it would be within existing facility demonstration project to be looking at young adults ages 21 to -- to 35.

MS. MILLER: Right. But so they would have -- it would be a separate from the pediatric obviously --

MS. WEINSTEIN: Correct.

MS. MILLER: And then it would move -- individuals would move into this facility for the purpose of this demonstration program?

MS. WEINSTEIN: Likely, that -- that would be the case.

MS. MILLER: Okay. And when this program expires, it's good and I certainly hope and pray that they do decide to expand it and then open more around the State because there is a dire need, but what if it does not expand and it expires, what happens to the individuals that are in these two programs? Do they get to remain in there until they're 35 and they just don't accept any new individuals?

MS. WEINSTEIN: You know, I -- I believe that we hope to be able to continue, that these programs will show that they are worth our -- important programs worth our effort, but we don't make a provision but, you know, since this is included now in the -- in the budget, we would have an opportunity to address this issue come next year.

MS. MILLER: And I would hope that it would continue, too, but having been in this system for many, many years I'm -- I'm all too familiar with the programs that don't continue and then people, especially families with significant needs, this is for -- for individuals who are medically frail to begin with. I would hate to have them, just uh-oh, what do we do with them? Do they have to go into nursing homes? Do they -- for, you know, if they can't come home where, you know, they have older parents or -- so it's just a pretty -- that unknown what happens to them if this does not (inaudible).

MS. WEINSTEIN: So you know, it -- it will be continuing in that we're getting it -- we will be getting an enhanced Medicaid rate for the program, so we do believe that it, you know, will continue. But it's a demonstration program, so obviously we can revisit it.

MS. MILLER: That's what I'm asking. Would they be able to stay in place until they are 35 or appropriate alternative housing is found for them, not nursing home?

MS. WEINSTEIN: You know, there's nothing here that would require them to -- to move but, you know, we're -- then we're talking about an individual that's starting at age 21 and I don't know that any of us could predict 14 years, you know, or ten years from now what we would do. But the intention is to have the program exist and to be able to use this as a model to expand into other facilities.

MS. MILLER: Okay. Thank you very much.

(Pause)

ACTING SPEAKER AUBRY: Mrs. Gunther.

MRS. GUNTHER: Thank you for allowing me to speak on the bill.

ACTING SPEAKER AUBRY: On the bill.

MRS. GUNTHER: I'm not going to mince words today. This budget is truly cold and callous. It sets a terrible precedent with regard to mental health reinvestment, and it's disastrous for people with mental health not just for what it means this

year, but what -- but what it means likely in the years to come. Make no mistake, this Governor is turning his back on people who are suffering all across our State. This Governor has cut hundreds of beds from our State's mental health system. You think we'd be safe this year, right? I mean, what kind of person would be cutting funding from the mental health system during a pandemic? This Governor, that's who. In a year when our entire society has been lock -- on lockdown, when children haven't been able to see their friends, and when so many people have lost their loved ones not only is he cutting beds, but he's suspending the statutory requirement to reinvest that savings into our communities. That's right, during a pandemic.

Colleagues, if we vote for this budget today we are relegating community reinvestment in mental health to nothing more than a blip on the DOB's radar when they strike a line through it every single year. The Governor said if we can just get some money from the Federal government, everything would be okay, no cuts needed. How on Earth can we increase the State's spending by more than \$30 billion when the Governor told us we needed \$15 billion from the Federal government and, yet, we still can't come up with \$22 million to meet statutory obligations to provide community reinvestment. How can this Governor tell people we only need to cut it if the Federal government doesn't give us money, then when they give us money, he says, *I'm gonna cut it anyway*. The answer is this Governor has been wanting to dismantle the State-run mental health system for years and years. He has cut hundreds of beds from the system, and we've heard

from employees they've made -- they are made not to fill those beds in OMH. They claim these beds have been vacant for 90 days so they're not being used and they need to close.

But colleagues, they conveniently mention nothing of how -- how the census at that facility is dropped once the pandemic hit. Hospitals weren't making referrals to inpatient psych centers because they were trying to admit as few people as they could to prevent the spread of COVID. So naturally, you're going to have fewer people in psych centers when they're getting fewer referrals. But what happens when we, as a society, become -- come out of this pandemic? What happens when people need those beds and they don't have access? Well normally, if they're lucky, they'd be able to be at least in a less intensive service in our community. But again, the Governor doesn't want to provide the funding this year.

So what do we do? Where do we turn? I truly don't have an answer. We have bled the system dry, we've cut it, we've cut it, we've cut it. Every year I think there's nothing left to cut and then this Governor finds a way to make it happen. All of us in this Body need to stand up to the Governor. Enough is enough. We are going to have an entirely new wave of people looking for services. People have gone through anxiety, depression, stress, that comes with living through one of the worst pandemics this world has ever seen. Colleagues, ask yourself this: That friend or family member who hasn't quite been the same since the pandemic hit, what happens to them if the situation worsens? Where do they go when there aren't

any beds left? What do they do when they don't have a family?

I will be voting no on this budget bill. I begged, I've pleaded, I know it's out there. I know how many calls I get to my office. This is really immoral to do this. And I don't have any questions, the only question is how did we let this happen? How did we let this happen to cut beds, to cut funding to people with mental health, our fragile community? And the same thing is happening in the DD community. Thank you.

ACTING SPEAKER AUBRY: Ms. Byrnes.

MS. BYRNES: Thank you. Will the -- will the Chairwoman yield?

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

MS. WEINSTEIN: Yes, happy to.

MS. BYRNES: Thank you, ma'am. First, I agree with everything that Mrs. Gunther just said, but turning to Medicaid prescription drug dispensing fee report, although it's kind of hard to -- to go to that after what we just listened to. But my question, Madam Chair, is why -- are you with me?

MS. WEINSTEIN: Yes. Yes, I'm listening. I just was picking up some paperwork of it.

MS. BYRNES: No, that's good. I just wanted to make sure we're -- we're both together on this. All right. Anyway, so we're going to have a report provided to the upper echelon in the Houses, which is fine, and the Chairs of the Health Committees, in

essence, detailing statutes, rules, regulations that govern the calculation and payment of prescription drugs dispensing fees -- fees to retail pharmacies by the Medicaid program. My question is, what is, if you can be as specific as possible, what is the purpose to requesting this report -- for requesting this report?

MS. WEINSTEIN: So you know, I -- as you know, this -- particularly now during the pandemic, it's some of the small independent pharmacies have been really the lifeline for so many people in -- in communities, particularly communities that are underserved by large chain pharmacies. So, I -- you know, the -- the report will look at, as you say, dispensing fees for retail pharmacies and, you know, these small independent pharmacies don't have the same kind of bargaining negotiating power to be able to -- as, you know, something like a Walgreens or a CVS, but they're very critical to our communities and we want to ensure that they can -- we want to look at the discrepancies between the managed care fee and a fee-for-service and to -- to see that, you know, to see what we do going forward with this -- with this plan.

MS. BYRNES: Are you looking to see if they're too high, too low, if there's a discrepancy? Is one or the other -- I have a lot of independent pharmacies who are very, very concerned about closing.

MS. WEINSTEIN: Right.

MS. BYRNES: And the PBMs are out of this budget bill, the regulation, and so how does this fit into realistically the

overall game plan, at least in my mind, of trying to preserve independent pharmacies?

MS. WEINSTEIN: Sure. This -- this -- this will help the small pharmacies that we care about, the independent pharmacies be able to negotiate the -- the rates by not having the -- the -- the pharmacy benefit managers.

MS. BYRNES: All right. So you do --

MS. WEINSTEIN: You know, put them in a better position.

MS. BYRNES: You do eventually see them working in conjunction with each other, a PBM bill in the future along with this report?

MS. WEINSTEIN: You know, potentially but -- but we want the report and we want to make sure that we don't destroy our local pharmacies.

MS. BYRNES: Okay. Thank you, ma'am.

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. Will the Madam Chair yield?

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

MS. WEINSTEIN: Yes. Yes, happy to.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. ANGELINO: Thank you, Madam Chair. So

you can gather your thoughts, I'll be focusing on Part AA, Article 34, the crisis stabilization centers. And if you're ready, I'll start. Reading through it, it sounds like these may already exist in some places, is that correct?

MS. WEINSTEIN: Yes -- yes, that is correct.

MR. ANGELINO: Okay. How many are there? I'm keenly interested in this and I want to learn more.

MS. WEINSTEIN: Between 11 and 13 we believe, that -- that, you know, would qualify in law for -- for this.

MR. ANGELINO: Okay. Thank you. Can you describe the -- the intent of the author of this and what -- what the vision is, how do you think these things are going to work -- or they're desperately needed and I'd like to see -- I read the entire text and it -- it talks a lot about how it's going to happen, but what do you envision is going to happen afterward?

MS. WEINSTEIN: You know, the -- the idea is sort of this interagency cooperation to help people who are in crisis to be able to be stabilized.

MR. ANGELINO: But these aren't the people who are a danger to themselves or others, these are -- these are the breakdown people that often are dealt with.

MS. WEINSTEIN: This -- this, you know, this wouldn't be a mandated -- this wouldn't be mandated but, you know, the police may respond to someone who is in a crisis situation that would be able to -- to voluntarily go to one of these programs.

MR. ANGELINO: Right, I saw that the voluntary part in their -- is -- is prominent. But what I was getting at -- the question was, those who are a danger to themselves or others are still going to be able to go to a 939 facility involuntarily.

MS. WEINSTEIN: Correct. That's --

MR. ANGELINO: Okay.

MS. WEINSTEIN: That could happen. You know, it has to do with the level -- level of care so, you know, this would hopefully be able to have some intervention prior to someone needing to -- to being voluntarily committed. That's -- that would be the goal of these programs.

MR. ANGELINO: So these are the people that are exhibiting bizarre behavior but not a danger to themselves or others?

MS. WEINSTEIN: Well, you -- you know, it's hard to make that kind of a generalization because obviously it would be a case by case basis, you know, but the goal would be to be able to have this crisis intervention and to prevent someone from having to be involuntarily committed.

MR. ANGELINO: This has the potential to be a -- a very useful tool if you can persuade somebody, even though it says don't persuade, but if you can talk somebody into going to one of these places and they know it's voluntarily. So again, that's why I have such a keen interest in this. How does a -- how does an area take advantage of this? I see where -- I assume it's going to be regional, but it does mention "county." Is this going to be a county by county option?

MS. WEINSTEIN: If you could hold one -- one moment.

MR. ANGELINO: Yes, ma'am. Please take your time.

(Pause)

MS. WEINSTEIN: So there's not a -- a requirement that they be in any particular county or any particular area of the State but, you know, there would be with -- OASAS would be looking at it. There may be programs that want to try and move in this direction and it would sort of be almost like a case by case situation as to whether a program would be -- would be able to be funded and go forward.

MR. ANGELINO: There's a -- there's language in one specific paragraph that actually sums it up in my case. It mentions the -- the unique rural situation. So that's why I was hoping it might be county by county. The -- if an individual does go voluntarily to a crisis stabilization center, is there going to be a permanent record? Does he have -- he or she have to answer, *Yes, I've been institutionalized for a mental illness?*

MS. WEINSTEIN: You -- you -- well, first of all, just to go -- since you mentioned the rural community, there is actually extra support help, agency help to (inaudible) community to -- to set up one of these crisis intervention programs. They're not being -- I believe because they're being -- it's a voluntary program, that they would not be considered institutionalized in the way that you would anticipate someone having to respond to that question.

MR. ANGELINO: That's good because sometimes this crisis is temporary because of a death in the family, even the death of a pet, I've encountered a lot of these that they're not a danger to themselves, but they need somebody more professional than me to talk to them.

MS. WEINSTEIN: Mm-hmm.

MR. ANGELINO: Could a -- could an inpatient crisis center also double as one of these stabilization centers?

MS. WEINSTEIN: We -- we don't -- it's not envisioned that an inpatient program facility would be a -- a crisis center.

MR. ANGELINO: So I -- I couldn't really understand that, was that a yes?

MS. WEINSTEIN: No, it -- it --

MR. ANGELINO: Oh.

MS. WEINSTEIN: -- if you are -- if it's an inpatient facility, it's not -- it's not anticipated that they would be part of this program for a crisis -- to establish a crisis intervention program.

MR. ANGELINO: But -- but could they? And the reason that I'm asking -- again, I'm interested in this. I -- I was in a rural area, the 939 involuntary facility has the same staffing, I was hoping that they could be one in the same.

MS. WEINSTEIN: Okay. As I said, it's not envisioned that they would be, but by the same token, there's not a prohibition that would prohibit them from working with OASAS to

establish a crisis intervention program.

MR. ANGELINO: Okay. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: This is a section of this law that I wholeheartedly support. Many times neighbors, family members are at a loss of what to do when a family member or they witness somebody acting in a break -- in a mental breakdown capacity. This is something that is needed. I hope we can expand upon it so, if not, I know each county probably can't afford one, but we at least need these on a regional basis. The key to this is 24/7, 365. And this portion of the bill I will support. I don't know how I could vote on the rest, but I -- I thank the Madam Chair for all her questions. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the Chair --

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

MS. WEINSTEIN: Yes, happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. MANKTELOW: Thank you, Madam Chairwoman. Just -- I have just one quick question. Back to the

excess revenue requirements. The only question I have is back to the 5 percent. So if I'm a private business and I own a -- a residential health care facility, and am I understanding this right, that anything above 5 percent I either have to put back into my facility or give it to New York State, is that correct?

MS. WEINSTEIN: It -- it has to go back to the State.

MR. MANKTELOW: Okay. And -- and as a businessman, as a prior businessman, are we going to -- are we going to base this on my -- my tax return?

MS. WEINSTEIN: It -- it's the cost -- it's not necessarily a tax return, it's a cost report that you're sending to the Department of Health.

MR. MANKTELOW: Okay. So -- so some of the -- my prior members had asked some of the questions about some of the -- the points of this. So -- so is it -- is it safe for me to say that anything above 5 percent I've either got to put back into my facility or give it to the State? I -- I've already asked that question, but I just want to make sure I'm clear on that.

MS. WEINSTEIN: No. It's -- it -- the excess revenue shall be payable in a manner to be determined by the regulations by November 1st in the year following the year in which the expenses of the revenue -- the excess revenue shall be payable. You know, so it goes to the -- to the State, not -- it doesn't go back into the facility.

MR. MANKTELOW: Okay. So -- so in that

situation, so basically what we're saying is as a business owner if I own this facility, I will never make a profit more than 5 percent; is that correct to say?

MS. WEINSTEIN: Oh. You -- you know that so much of long-term care, nursing care is paid for with State and Federal dollars so there is an important rationale for us having that money come back to the -- the State and, you know, I -- I know it during the debates on -- on some of these bills the whole -- there was a lot of concern about private -- private ownership instead of not-for-profit ownership so, you know, we -- we do not want nursing homes to be money-making operations. We want them to care for -- for their residents.

MR. MANKTELOW: Yeah, no absolutely I agree, and I know that on this floor we passed a bill probably been almost two months ago now limiting individuals that own private facilities, they cannot expand anymore in New York State. So -- so I guess my question is, we are -- we are a State that provides, you know, many, many social programs and lot of those programs are -- are absolutely necessary. But if we're going to limit private business to a profit margin of 5 percent, where is the tax revenue going to come from our -- in a situation like this if I'm only limited to 5 percent, where -- where is the -- the excess money? How -- how am I going to be able to pay more taxes to New York State?

MS. WEINSTEIN: Well, we'll have to, if it turns out that there's -- that they are moneymaking operations and not facilities

that are caring for the -- for the residents, we'll have to adjust our revenues to account for that. But we want to make sure that the funds are -- are spent on the residents, not, you know, I think the State can forego the excess taxes on any facility that's not appropriately spending money on the residents.

MR. MANKTELOW: So -- so the -- what you're telling me is New York State will make that decision for the private business owner, if we have excess funds of 5 percent?

MS. WEINSTEIN: In this area and, you know -- you know, again, I just want to reiterate that, you know, we are -- you're talking about a private business owner, but these facilities are largely paid for -- the residents are largely Medicaid recipients who are -- are having State and Federal money. So while the facility may be, at this point, privately owned or part of a chain that's privately owned, the -- the money that is generated at the facility is State -- is largely State and Federal monies.

MR. MANKTELOW: Okay. Madam Chair, I thank you for your time and your answers.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Thank you, Mr. Speaker. As I just asked the Madam Chair, so what I'm reading here and what I'm seeing is a businessowner because he or she or they get Medicaid money or Federal money, they're never going to be able to make a profit of more than 5 percent because they do get funding from -- from

New York State. In New York State, many people get funding from New York State but, yet, they're allowed to have more money and -- and move things forward.

But that's not my point. My point here is a business has to make money to pay taxes and we have to pay taxes so we can provide the programs that we want to with the State. If businesses aren't paying taxes, if they're not profitable, then that means there's not funding and money coming to New York State through the taxes -- excuse me, through the taxes. I just have concern here that we're going to squash everybody out and where's the money going to come from? There's not a magic money tree out back, I've looked, trust me; I've looked every year since I've been here.

So there's good parts of this piece of legislation, there's good parts of this budget, I want support to this but, at the same time, I want us to grow as New York State and without tax revenue coming in from private businesses, we are not going to grow because we're not going to continue to print money out back, some day the Feds are going to stop sending us money and what are we going to do? We're going to be at \$212 billion this year as a State Budget. Where are we going to go next year? Is it going to be \$214-, \$218-, \$220-? Where does it stop? It's not my kids, it's not even my grandkids, it's my grandkids' kids' kids that are going to have to deal with this debt some day down the road. We cannot continue spending the money that we do. We need private business to help fund and help pay taxes to New York State. So this piece of legislation actually stops that and

I -- and I can't support this and I will ask my colleagues not to support this, as well.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

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

MS. WEINSTEIN: Yes, yes; happy -- happy to yield.

MS. WOERNER: Thank you, Chairmember Weinstein. So I want to talk about Part GG, the residential care facilities, and my -- my question has to do with capital cost debt service and capital depreciation. So am I right in understanding that in calculating the direct residential care costs that the residential facility cannot include capital costs, debt service, or capital depreciation?

MS. WEINSTEIN: That is -- that is correct.

MS. WOERNER: And are there any exceptions for that?

MS. WEINSTEIN: So the Medicaid capital aid that's paid is excluded from -- from this number and then, as I mentioned, I guess with one of the, you know, one of the prior Assembly members the case by case method determination by the Commissioner could -- could waive that -- the requirement of the 7 percent.

MS. WOERNER: So just a couple of quick

scenarios. If a nursing home was doing a capital project to build out a -- a new community recreation room for its residents, would that be considered a -- a capital -- a capital expenditure under Medicaid that would be excluded?

(Pause)

MS. WEINSTEIN: So you know, it -- we'd have to actually dig a little deeper because anything that would be paid for with the Medicaid capital rate would be excluded if it wasn't part of the Medicaid capital rate then it would have to go back to the case by case determination by the Commissioner as to whether that was something that could be allowed. You know, it -- under -- as an extraordinary capital expense.

MS. WOERNER: I -- I wish I was more familiar with how the Medicaid capital program works.

MS. WEINSTEIN: So do I, to be honest.

MS. WOERNER: Pardon me?

MS. WEINSTEIN: I -- I -- I don't profess to know that much more than you, just a little bit more.

MS. WOERNER: Well, I think this is part of the problem is that, you know, one of the -- one of the next scenarios I would be concerned about is during the pandemic when -- when the Governor issued his -- his, as it turns out, ill-advised recommendation -- or requirement that hospital patients be discharged back into nursing homes, I had two nursing homes that immediately used their, you know, their line of credit to borrow money to build out a special

unit just for the COVID patients being brought back into the nursing home so that they could protect the rest of their patients -- or rest of their residents, rather. But under this -- under this budget, they would have no ability to do that without -- without potentially causing a -- a violation of the direct care requirement.

MS. WEINSTEIN: Assemblywoman, that -- that would really, you know, it sounds like a prime example of what would be an extraordinary capital expense due to a natural disaster or other circumstances. You know, certainly there was, during a pandemic such as this, there are a lot of added expenses that -- some of it was -- could have been reimbursable but this certainly, under this proposal, that, you know, obviously I'm not the Commissioner of Health, I can't tell you 100 percent it would be approved, but that fairly fits the definition of what we were looking to capture by this language, that kind of a circumstance.

MS. WOERNER: And are there -- is there any ability for a nursing home to build reserve funds to -- to be able to fund capital projects without incurring capital costs or debt?

MS. WEINSTEIN: It -- I would, you know, my answer to that a little bit more in-depth discussion would be that as long as they are within the parameters of these percentages, it wouldn't prohibit them from being able to put money aside for reserve fund, but they would still, without getting a waiver from the Commissioner, they would still have to be within this construct.

MS. WOERNER: Thank you, Madam Chairwoman.

Mr. Speaker, on the bill.

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

MS. WOERNER: I have strong concerns that in the name of trying to -- trying to assure that nursing homes and residential care facilities are managing their money appropriately that we are putting such constraints on -- on these businesses that -- that the ability to make investments to just maintain facilities that perhaps have a -- have a leaky roof or need -- need regular significant maintenance as buildings often do or to upgrade the facilities to improve them is -- is really constrained, and -- and that the waiver process is poorly defined and does not provide the ability for responsible managers to make appropriate investments in their facilities to upgrade and to maintain a quality living environment for their residents. I have -- I've got real -- real reservations about this and I hope that in the coming weeks we can revisit this and put in place a more reasonable approach to -- to this structure so that we don't create a disincentive for health care facilities to invest and maintaining and upgrading their facilities.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

On the bill.

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

MS. GONZÁLEZ-ROJAS: I really appreciate the

work that the Speaker, my colleagues, all the central staff and all the advocates have done on this budget. I have spent the last 13 years of my life fighting for high quality, culturally competent, and affordable health care that is accessible to all people across the State and across the country. You see, I believe health care is a human right despite race, gender identity, immigration status, or ability to pay. And I want to be clear, this particular appropriation bill could have been worse given the Governor's initial budget. Our health and safety system has suffered over a decade of austerity. I believe that's made our State much more vulnerable during the most difficult parts of this pandemic.

So I thank our Body and our Leader for holding the line and restoring the cuts where they did, that is something we can be content with. But it also could have been stronger. So I want to ground my remarks in the fact that my district is made up of a majority of communities of color and immigrant New Yorkers. I came to Albany to represent them, to defend them, to stand with them. I have deep regret that in the midst of a global pandemic that has decimated these communities in the epicenter of the epicenter that there are few crucial items that are not in this budget bill. Each morning during the worst of this pandemic, our neighbors who are undocumented rose day in and day out to stock our grocery stores, to clean our subways and to work in the most riskiest conditions to keep our City and our State afloat. The expansion of the essential plan could have covered 5,000 of these New Yorkers and provided a year

of coverage at a time when they were most vulnerable to coronavirus. Twenty million dollars, we are handing over \$1.3 billion to Cuomo's real estate developers, but we don't have \$20 million for the neediest of New Yorkers? That is unacceptable. We have a home health care shortage crisis across New York State and we have chose to keep our senior citizens out of nursing homes and people with disabilities living independently, but we are not meeting those needs because we fail to provide fair pay for home care workers. This is a sector whose workforce is 91 percent women and 77 percent people of color. The median hourly wage for home care workers is \$13.80, and the median annual income is \$22,000 -- \$22,000. Fair pay would have resulted in 200,000 new home health care workers in the field over the next decade. It would have lifted over 200,000 home care workers out of poverty wages and generated \$5.3 billion for New York State's economy.

I'm also against the extension of the Medicaid global spending cap, which is an arbitrary cap pushed by the Executive when our State's health care needs have only increased, not decreased. The increased enrollment of New Yorkers into Medicaid is proof of that. Medicaid has been a lifeline for so many in the midst of this public health crisis.

I want to thank our leadership and the Health Chairs in both Houses for pushing the restoration of cuts in various areas, and this is really important. It is for our safety net -- safety net hospitals, for the delay of the 340-B Program for CDPAP and for so much more.

So as a health care advocate for over a decade, I plan to vote in favor of this bill and I look forward to fighting to bring single-payer health care to all New Yorkers and to fight against austerity and inequity.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Buttenschon.

MS. BUTTENSCHON: Thank you, Mr. Speaker.

Will the Chair yield for a question?

MS. WEINSTEIN: I'd be happy to.

MS. BUTTENSCHON: Thank you, Chair Weinstein, for your work on all these bills and your dedication and commitment. First, I want to support the much needed resources for mental health services stated by Assemblymember Gunther. Mental health in our schools, courts, and communities-at-large must remain a priority. Second, in Part C, regarding the pharmacy benefits, I have heard from my constituents and it's disappointing this delay is going to severely hurt both our independent and chain pharmacies, as well as all Medicaid patients in urban, suburban, and rural areas; however, if we apply the fee-for-service reimbursement methodology as planned and protect the 340-B rebates, this would sustain our pharmacies, allowing them to support our community members with access to the much needed medication and pharmacy support. Is it possible that we will revisit this issue later in this legislative Session?

MS. WEINSTEIN: Well, could -- when you talk about a 340-B program, we are doing the two-year extension and

having a report to be issued to us. I agree with you that the savings that are -- that are incurred by the 340-B program are able to then fund other -- help fund other programs that don't have those -- those kind of funding streams. So it's -- that's why last year we delayed it to this year and now, particularly because of the lack of experience with the -- due to the pandemic, we're going to delay it two years and have the report and hopefully we'll be able to address the funding issue to make sure that we -- it doesn't negatively impact local programs like the pharmacies.

MS. BUTTENSCHON: And -- and again, I just want to reconfirm that I've heard from independent pharmacies that that delay will provide undue burdens and, clearly, they might not be able to sustain. And so many constituents rely on them for their medication needs.

MS. WEINSTEIN: I -- I do appreciate your concerns that -- that you raise. And, you know, the fact that we have a two-year delay doesn't mean that we have to wait two years from now to reevaluate the -- the program. We will get a report next February and, you know, we certainly -- if something in that report shows us that it's having a negative -- it's having this negative impact and we need to address it sooner than two years from now, there's nothing stopping us from doing that as long as we make sure that we fund the programs that are being hurt -- that would be hurt by having the 340-B program fall under that.

MS. BUTTENSCHON: Thank you, Chair. And

again, I would just appreciate that we visit it as soon as possible, revisit this, to protect the patients as well as the providers. Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Good afternoon, Mr. Speaker. Will the Chair yield, please?

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

MS. WEINSTEIN: Yes, happy to.

MS. GIGLIO: Okay. So the bill in general, is there any reimbursement to hospitals, group homes, and home care service providers who used reserves during the pandemic to buy PPE where their reserves are essentially stripped?

MS. WEINSTEIN: Hold on one moment. Let me just look at my notes.

(Pause)

You know the -- we believe that there will be some Federal money that could be available. We had advocated to do that to add to the funding, actually \$25 million, and the -- quite frankly, the budget -- Department of Budget says that the facilities should -- if they need PPEs, they should call and they'll make sure they get them. I'm just repeating what was told to us. I'm not suggesting that that's necessarily the best way to go about it.

MS. GIGLIO: Yeah. Well, so I presume the answer is no?

MS. WEINSTEIN: Correct. The answer is no in that

there is no funding in the budget -- in the budget that has been agreed to for this purpose.

MS. GIGLIO: Okay. And then under Part AA, Section 36, for the crisis stabilization services for urgent care for mental health, substance abuse, psychiatric, and substance abuse disorders open 24 hours a day, seven days a week, in the bill it refers to a catchment area; what is a catchment area?

MS. WEINSTEIN: I mean, it -- it's not something that's, you know, that is defined in -- in statute, but it has an ordinary meaning and we presume they would have some -- some description of the area that they would be serving that would be reasonable for them to be able to serve individuals within that geographic region.

MS. GIGLIO: Okay, because it does specifically say "catchment area" in the bill.

MS. WEINSTEIN: Yes -- right. No, I believe it has its, you know, ordinary meaning and not defined in statute.

MS. GIGLIO: Okay. And where will these crisis stabilization services be situated? Where will they be sited? Will it be in downtowns? Will it be in residential neighborhoods? I know we've mentioned rural areas. Will they be in State facilities? Will they be in county facilities?

MS. WEINSTEIN: Yeah, we have no detail on that's prescribed as to where they would -- where they would be so, you know, it will be based upon that applications that come forward and then there'll be a determination. As I said before, they're anticipating 11 to

13 of these programs so they may be -- as we had the prior -- prior discussion with your colleague, it may be part of an existing facility, they may be something new. It's -- it's not really visioned via one-size-fits-all kind of proposal.

MS. GIGLIO: Okay. So, will there be public hearings on these proposed sites?

MS. WEINSTEIN: There is no requirement.

MS. GIGLIO: Will saturation in communities and downtowns and residential areas be taken into consideration by whoever is deciding who would get these licenses?

MS. WEINSTEIN: You know, I would say this, that there's -- you know, it can't happen independently. There has to be a plan. It goes with the -- it's going to go with the -- along with the district. It's not necessarily a -- a facility that people would come to and maybe a facility where some demonstration program where there -- where people -- where there's staff that's at the -- in the crisis intervention program that are housed at a location and that they're going out, particularly the discussion we had earlier about servicing a rural area where they may be traveling to where -- to where there's a problem.

MS. GIGLIO: So it also refers in the bill to aftercare planning, so I guess after somebody would visit a crisis stabilization center there would be aftercare planning, which would probably be promoting some sort of either psychiatric care or psychology care or drug treatment, so will that take place within these crisis stabilization

facilities?

MS. WEINSTEIN: I'm -- I'm sorry. I was adjusting some papers. I'm sorry, Jodi, could you repeat that?

MS. GIGLIO: Sure. So it refers to the crisis stabilization services for urgent care that they would provide aftercare planning.

MS. WEINSTEIN: Right.

MS. GIGLIO: So if somebody -- if a law enforcement officer or an ambulance or a fire department picks up somebody and says that they should be going instead of to CPEP, which is the Comprehensive Psychiatric Emergency Program at a local hospital, that they should be going to a crisis stabilization service center and, you know, what is the -- then they would give aftercare planning. So they would say, *Okay, so we're here, we recognize that there might be a problem*, then would they send them to, you know, where would they discharge them to to get the help?

MS. WEINSTEIN: There would be a discharge plan so there might be existing services in the -- in the community. If -- if you're talking about voluntary so it would be an involuntary commitment proceeding that would be happening, but it would be to the extent that their facilities would be through existing facilities, there may be programs that are developed as part of -- as part of the crisis stabilization program that would provide some of the aftercare.

MS. GIGLIO: Okay. So right now in my district, I've gotten several calls from local fire departments and from the

police department and from ambulances that when someone is in a State shelter or a State facility, they are going there sometimes five to ten times a day if somebody is -- it appears as though they've had a drink or they're on drugs, and the fire department and ambulance have to take them to the local hospital. Is there any funding for the fire departments and for the police departments and for the ambulances and for the hospitals for that transport, for the pickup and transport?

MS. WEINSTEIN: Well, I guess there's two different -- two different ways to answer the two different parts to the question. We do provide funding in the budget for training first responders so there's that part, but then there's the actual programs themselves that would have -- that would have funding but that would go for the crisis intervention workers, not necessarily the fire or police.

MS. GIGLIO: It's interesting. That answers a future question of mine. So --

MS. WEINSTEIN: Great.

MS. GIGLIO: -- the future question was -- so we got one off the list -- but I guess really, the fire departments and the ambulances and the police department are paid by the local municipalities and it sounds great that we're going to create these crisis stabilization service centers if somebody should -- if they should get picked up and -- and they appear to be either having some sort of psychiatric breakdown or if they are abusing drugs and the -- it's a recommendation to take them to one of these stabilization services for urgent care, but it also says in the bill that it has to be voluntary, that

they have to agree to go. What happens if they don't agree to go?

MS. WEINSTEIN: You know, they can't be forced to go unless they meet the criteria for an involuntary commitment, you know, which would need, you know, more than just fire or police saying that. They would need to have a physician's recommendation that that -- they would have to meet the criteria for involuntary commitment, otherwise they are free to not participate in the crisis intervention program.

MS. GIGLIO: So that would be the training that you would be talking about to police and fire department and ambulance and, you know, health care workers, I guess, yes?

MS. WEINSTEIN: Yes, it's to have them encourage someone to do that. I'll tell you, in my own district office we have had people who we have convinced to go to the local Coney Island Psychiatric Facility; in fact, they agreed to, even a couple of times had people from that facility come to my office to interview the individual and constituent that agreed to go. So you know, someone who's trained in this area will have -- the more training they have, the more they will be able to convince someone who needs help that they should voluntarily get that help.

MS. GIGLIO: So the mobile mental health crisis teams are also indicated in the bill, so I guess that would be a time where a police officer would call the mobile mental health crisis teams because with all the talk about defunding the police, the police may be on another call. If there's -- I mean, I know in my district

there was a woman that was walking through the woods, banging on people's doors in the middle of the night and the police would pick her up and they'd bring her to Stony Brook Hospital. She'd go under CPEP for an evaluation and they would let her out a few days later or a couple of weeks later, and she'd be right back in the same neighborhood doing the same thing. I think they picked her up like, you know, a handful of times. So I guess that would be the time that we would call in the mental health crisis team and, you know, I guess bring her back to the hospital or find some place where she can go?

MS. WEINSTEIN: Hold on a second. You said, you know, defunding the police, I would just say that, you know, that -- that's really a misnomer because the goal is we see police responding, as you're saying, to situations that perhaps they've not been trained for and that, especially trained individuals in the mental health field, crisis intervention, would be able to assist, will be able to free up the police and free up our hospitals that clearly at times are not able to treat these -- these individuals appropriately.

MS. GIGLIO: Is that training program in place now? Do you have a plan or a training program now to start training people for this once the budget's adopted?

MS. WEINSTEIN: OMH does plan to -- does plan to contract out for -- for such a training program that would be available.

MS. GIGLIO: Okay. So I guess -- I guess my concern is that if they are under psychiatric evaluation or if they are under the influence of drugs that we should be getting them help and

we should be putting them somewhere to get that help and with, you know, the courts not -- no longer seeing these cases and, you know, the -- the jails are emptying out, I just am concerned that people are not going to get the help that they need. I mean, I agree the intent is great and we need mental health services and all the assistance that we can give to people that are suffering from drug addiction and psychiatric health disorders, mental health disorders, but I just -- I think that it -- it sounds good, but how are we really getting these people help after they go to these crisis centers? I mean, there aren't beds there, right, so they're being released and where are they going?

MS. WEINSTEIN: Well, you know, we do have standards that currently exist for assisted outpatient treatment. This is really something different because if they meet the definition of the assisted outpatient treatment, they could be, by definition, they could be brought involuntarily to a facility. The idea of this is to deescalate a situation and to not have -- not to have the first responders, police responding to a situation that clearly is more of a mental health situation than a situation involving criminal activity.

MS. GIGLIO: Oh, I agree. And I think that there should be definitely be funding for those mobile crisis -- mental health crisis teams so that when an officer sees that somebody might be unruly or under the influence or in need of psychiatric treatment that the mobile mental health crisis team can show. So thank you for your time, Madam Chair, I really appreciate you answering my questions. Thank you.

ACTING SPEAKER AUBRY: Thank you. Your time is up.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. You know I said that I'm supporting this budget, certainly didn't mean the entire package. What I meant by "this budget" is that this is the first time I'll be voting for at least seven of the appropriation bills. But there are three of them that I have some concerns about: One is health and two is the revenue package, and three is the capital package.

On this one, the health package, with the money coming in from the Feds, with the extra money raised by the billionaires being taxed and \$3 billion more coming in, I think we got to do better by mental health and the developmentally-challenged. I was really moved by the presentation by my colleague, Aileen Gunther, and I think she made some excellent points. I'm also concerned about the fact that the home care workers won't be made whole with the right pay. I'm concerned about the cap on Medicaid, and I'm concerned about the overall funding for hospitals and care during this particular time.

There are some great things in there, but because of those things that I think we certainly should have added more to and take very seriously consideration to, particularly during a pandemic, so these -- this bill I will be voting in the negative, but the other seven I'm with and the other two I also will be researching more. The more I read -- you know, we get these bills and they're large and we got to

read through them, the more I'll see what my decisions will be. But so far, seven looks good, three doesn't; this one I'm going to be voting in the negative because mental health during this time and this pandemic and this crises is critical. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. Several years ago there was a lawsuit -- on the bill, Mr. Speaker.

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

MR. ABINANTI: Thank you. Several years ago there was a lawsuit, *Silver v Pataki*. It was about the power of the Governor vis-à-vis the Legislature. And the court said that we have an Executive budget system. The Governor proposes a budget and we can make some minor changes, but if we want to do something serious other than cut, we need the Governor's consent. So despite the significant efforts of Committee staff and the Speaker's Office, we have a budget that really reflects the attitude of the Governor towards people with disabilities. And over the last few years I've noticed this Governor's attitude has gone from benign neglect to active abandonment.

So I want to thank the staff for working so hard. I want to thank the Speaker and the Speaker's Office for working so hard, but we certainly don't have a product here that we can be proud of. I share the concerns of the -- my colleague who's the Chair of the

Mental Health Committee. I share the concerns of my other colleagues about the failings of this budget. You know, the Governor presented us a budget that was cutting \$60 million from OPWDD; that's a 1.2 percent cut. And you might say what's the big deal? Well, the numbers I heard are there are some 20 percent more people who want the services of OPWDD over the last couple of years, and we're actually cutting the budget.

Now the staff worked hard and we were able to get some things put back in the budget. We saved the Research and Development Institute on Staten Island, but the Governor priced that at only \$1 million. But that gives you a feeling of his attitude. If he's going to try to save \$1 million in a \$200 billion budget, it tells you what he thinks of people with disabilities. We also restored \$20 million for Care Coordination Organizations, CCOs. We restored \$12 million for local assistance payments. We held the Medicaid rate flat, we had to restore that money. And we provided -- we provided \$26 million out of a \$5 billion budget, \$26 million for a cost of living increase for those who work in the voluntary sector. Now that's 54,000 people, many of whom who are getting paid \$12.50 an hour. That COLA is 1 percent and the Governor wanted to cut it. One percent at \$12.50 an hour is 12-and-a-half cents an hour. So these hard-working people are getting \$437 a week, \$22,000 -- \$23,000 a year and we're going to give them an additional \$227. That's where -- as far as we got. We all know that our most vulnerable can't take care of themselves. That's why they needed the OPWDD assistance.

Oh, what about resources? Well, the Governor has changed things so that every person who uses OPWDD must be on Medicaid, and Medicaid limits the amount of income you can have and the amount of money you can have in the bank to something like \$1,000 or less a month. So a person living on \$12,000 a year can't possibly have a reserve and needs every penny they can get through the OPWDD system, but we're going to have more people year after year with less and less money, all of whom are forced into poverty because of the Governor's requirement that they must have Medicaid.

You know, the end result of this is we have 9,000 vacancies in jobs in the voluntary sector. Nobody wants to work for \$12 an hour in these very stressful jobs. And we have, right now, 5,000 people waiting for a place to live, and we've got 1,500 vacancies. Not enough for the 5,000, but why do we have 1,500 vacancies. Ask the voluntary agencies and they'll tell you because OPWDD refuses to fund those vacancies so nobody can move into them because there's no funding stream to fill those vacancies. So that's 5,000 people waiting for 1,500 spots which OPWDD refuses to fund and there's no money in this budget to do that. We, in our budget, put a little bit of money in, but it didn't survive. Do you realize that people who live -- people with disabilities who live in the homes and the residences run by the State of New York don't even have access to the Internet? While the rest of us are talking to family and friends and maybe taking classes on the Internet, they can't do that because they don't have access to it. We put in \$900,000 in our

budget and so did the Senate and it didn't survive. So we're going to leave these people incommunicado without access to the outside world, especially during a pandemic.

Now there are a few little dollars in here the Governor managed to set aside some money, \$31.6 million for the minimum wage. Doesn't that tell you something? We have to put money in so that we can bring the lowest paid workers up to the minimum wage and then give them a 12 percent an hour raise? Doesn't that tell you how the system is being treated? And the Governor -- oh, the Governor recognized we needed more independent living opportunities so he put \$15 million in, \$15 million in a \$5 billion budget -- I'm sorry, a \$4.9 billion. Last year it was a \$5 billion budget, now it's \$4.9 billion.

So as I said, this is an Executive budget system. So we've done what we could, but let's understand who's in charge here. Let's understand who is driving the train and how slow that training is going; I think it's going in reverse. It's the Executive branch that makes these determinations. We do the best that we can even though we're supposed to be the policy branch, so we do the best that we can, but it's the Governor's Office. So once again, as I said, we have a budget that's active abandonment of our most needy.

Now, Mr. Speaker, I know the two previous speakers or a couple of the speakers said they're going to vote against the budget. I really do think we have to have a budget so I'm going to vote yes on this, but I want the world to know, I want New Yorkers to

know why our people who are most vulnerable are not getting the service they need and that they deserve. And I'm not going to stop complaining about this, and that's what I'm doing, I'm complaining on behalf of people who can't talk, who can't complain. I'm going to keep complaining until the next budget. Governor, why are you doing this?

There's one final point. The OPWDD agencies were hit very hard by the pandemic. You will see that the rate of -- the rate of take up of COVID is greater than the general population. It's not as high as the nursing homes, but it's higher than the general population and it's higher than the population of people at OPWDD who live at home. And the rate of death is significantly higher than the general population. And the voluntary agencies did what they could do. They didn't have PPE, they didn't get support, and they were told if you don't have staff, have your exposed workers come to work. So everybody else in the State of New York -- I mean my son was sent home from school several times. Why? Because he was exposed to one of the teachers who had COVID. He never got COVID, but he was sitting home because he was exposed. But those people who care for those with disabilities are told go to work, then go home and quarantine. Oh, so it's okay to infect people with disabilities, but make sure you don't go on the subways, don't go near other people, just go home, quarantine.

So we see that people with disabilities in the eyes of this Executive branch are not worth -- I wonder if they're worth

three-fifths - where's Mr. Barron - maybe they're three-fifths of a person. I want to suggest to you that every person, no matter what color, no matter what creed, no matter what background, no matter what ability, is a person and deserves to be helped. And so we have sitting out there right now \$1.6 billion given to us by the Federal government in excess Medicaid, excess FMAT, \$1 billion of which is because our voluntary agencies build. That was the 6 percent increase due to the services that were given to people with disabilities. And the last I heard, the Governor was trying to take that money, not put it into OPWDD, not reimburse the voluntary agencies for the \$500 million worth of extra costs they had, but use it for something else. I'm still waiting to hear how we're coming out on the revenue plan. I'm hopeful that maybe some of this at the last minute will be transferred over to help people in OPWDD, but given the way the Executive Budget came down and given the resistance to the things that we want to do, I am very, very doubtful that that money will be available to our most vulnerable.

So I will vote for this budget, but I will make sure that every New Yorker knows that this Governor has abandoned the people who need our help most. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, this is the 34th budget I have worked on as Chair of the Health Committee through five Governors. Every single one of those budgets

has achieved some good things, but every single one of them has had one or more things in the health area that were really pretty rotten, whether it's to Medicaid or -- or something else. This is really the first budget where I can say that in the health area we are not doing anything bad. We are, in fact, rejecting all the cuts that the Governor put on the table. We're rejecting all the policy regressions that the Governor put on the table. We've never achieved that before. Now, not doing anything bad may seem like a low threshold of achievement, but based on my experience that's a pretty darn good accomplishment.

And we've also done quite a few good things in the health part of this budget, for example, the nursing home resident care spending ratio, which I think is going to do some really important enhancements for nursing home residents. Yeah, there are some problems that we wanted to fix that we didn't. We did a little to improve the damage we had done last year to the Consumer Directed Personal Care Program, CDPAP, but we didn't do enough. We did not do anything really to deal with the Medicaid cap. We made -- we did some avoidance of problems with the Early Invention Program, but did not enact the covered lives mechanism to get the insurance companies out of our hair on Early Invention.

But we've really done some extraordinary things in this budget bill, and it's thanks to the Speaker, it's thanks to -- to our colleagues, it's thanks to the Health Committee staff and the central staff and the Ways and Means Committee staff and all of that effort put together, I think, has produced a health budget that we can really

be proud of and I'm happy to vote in the affirmative on it. Thanks.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the Chairwoman yield?

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

MS. WEINSTEIN: Yes, happy to yield for Mr. Goodell.

MR. GOODELL: Thank you, Helene. Looking at Part H, which is the elimination of the essential plan premiums for anyone under 200 percent of poverty. What happens once you go over 200 percent, what would the premium then be?

MS. WEINSTEIN: So over the 200 percent, the people would have to pay --

MR. GOODELL: Right, and if you're --

MS. WEINSTEIN: Depending on, you know, which plan they would pick.

MR. GOODELL: I understand that. And what would be the premium be as soon as you cross over the 200 percent threshold?

MS. WEINSTEIN: It would really depend on which plan you would -- you would be choosing.

MR. GOODELL: And what would the premium range be between -- I understand, you know, there's a bronze, silver,

gold, platinum; what would be the lowest increase in --

MS. WEINSTEIN: Yeah, but I don't really have the chart in front of me of what they all would be. I would just tell you that, you know, for example, the silver plan would be \$65 a month.

MR. GOODELL: Okay. I appreciate that. A few questions on the nursing home provisions, if I may?

MS. WEINSTEIN: Sure.

MR. GOODELL: Just following up on a couple of questions from my colleagues, I see that when we're talking about the revenue, we're talking about operating revenue; that's on page 37, line 50. Normally when you consider operating revenue that does not include gifts, one-time grants, perhaps foundation support; am I correct, we're really looking at the operating reoccurring revenues that come from billing, correct?

MS. WEINSTEIN: It's -- it's -- it's -- you know, I hate disagree with you, Mr. Goodell, but it is not -- the language is not limiting in the way that you would describe.

MR. GOODELL: Well, just looking at line --

MS. WEINSTEIN: Revenue from or on behalf of residents --

MR. GOODELL: But I'm looking at line 50 -- I'm looking at line 50. The phrase is "operating revenue," right?

MS. WEINSTEIN: Correct.

MR. GOODELL: In calculating your revenue, is it up to the nursing home to include only the revenue they've actually

received? In other words, can they exclude uncollected accounts receivable?

MS. WEINSTEIN: You know, I don't know the answer to your question. I don't believe it's clear, but I think revenue has the -- has an ordinary meaning of being resources collected, resources that you receive, not necessarily resources that are anticipated. So you're talking about if someone doesn't pay, there's a resident and they're not paying the bill, do you have to count the -- what the charges for that, and I would -- I would tell you that, you know, my reading of it without specificity in it would be that they don't count money that they don't have.

MR. GOODELL: And I would agree, that is certainly the most appropriate approach and I agree with you on that. Am I correct that this revenue expense calculation is done on a calendar year basis, or is it done on a tax year basis? If a facility, for example, has the same tax year as the State, is it done on a tax year or on a calendar year basis?

MS. WEINSTEIN: You know, again, it's not specifically delineated, but it talks about annual and I think that annual, having its ordinary meaning, would be a calendar year.

MR. GOODELL: The one reason I was asking about unpaid accounts receivable, as you know, in the past, New York State has engaged in some budget gimmicks, if you will, to balance our budget, such as delaying Medicaid payments by a year, kicking it into a new fiscal year for us, but when you delay a Medicaid payment to

these nursing homes, it's the equivalent of a 4 percent loss of cash flow in any calendar year. But it would be your view that we're looking at what we're actually receiving compared to what we're actually spending during a calendar year?

MS. WEINSTEIN: Yeah. Right, I would agree, but, you know, because of our fiscal year being mid -- mid-year of a calendar year, I would think that just because we delay a payment to the next fiscal year we're not delaying it a full calendar year so that it would be able to be incorporated within a facility's revenue.

MR. GOODELL: When we're calculating the amount of revenue spent on direct resident care, am I correct that all the expenses that are attributable to staff that are providing direct care are also included in that calculation, such as Workers' Comp costs, Unemployment costs, FICA benefits, every that's affiliated with a staff person that's providing direct care?

MS. WEINSTEIN: Yes. So resident facing staff -- staffing shall include all staffing expenses in the ancillary and program services categories, and it talks about it would be the residential health care reports, but yes, it includes the expense of having that -- that staff member there for the -- at the facility.

MR. GOODELL: One expense that is often a major expense that shows up on balance sheets but does not affect cash flow is depreciation. And as you know, real estate can be depreciated over 39 years, you have accelerated depreciation for certain equipment and other capital investments. Am I correct that even though the

depreciation is not an expense, a cash expense, it's just an accounting mechanism, a facility must count the entire amount of depreciation as part of its expenses in calculating the percentage ratios called for under this bill?

MS. WEINSTEIN: Well, first of all, I'm relieved that you're talking about depreciation of the facility and not of the staff members, because it was right after you said the staff. So you are -- you are correct that that capital depreciation does count.

MR. GOODELL: So you could have --

MS. WEINSTEIN: Because that direct resident care does not include capital depreciation.

MR. GOODELL: So you could have a situation where a facility is showing a tax profit because of the depreciation, but is not showing a cash flow profit because depreciation, as you know, is non-cash. Would that still trigger the 5 percent cap on revenue, or is it 5 percent cap on net revenue based on cash flow?

MS. WEINSTEIN: So you know, it is the 5 percent of the revenue over the expenses, not just 5 percent -- it's not 5 percent of their revenue.

MR. GOODELL: I understand, but if you consider your expenses include depreciation, you can understand that you can have a facility that is showing a profit even though it has no cash flow because depreciation is a non-cash deduction, right?

MS. WEINSTEIN: I mean, that is -- that is true what you -- I mean, you know, it shows what expenses it all -- as you know,

it shows expense shall include all operating, non-operating expenses before extraordinary gains. And, you know, based on the, just, you know, I would refer back to some of the conversations I had with your -- your colleagues about being able to have a waiver for an extraordinary circumstance.

MR. GOODELL: Am I correct right now that Medicaid reimbursement does not actually cover the full cost of nursing home care?

MS. WEINSTEIN: In some facilities it may and some facilities it may not.

MR. GOODELL: I see, but --

MS. WEINSTEIN: You know, it really can depend on the mix of, you know, the mix of residents and their needs.

MR. GOODELL: Under this legislation, the -- if there's a -- a surplus of revenue over receipts even though the entire funding received under Medicaid is less than the actual cost, the facility has to then refund to the State any extra private pay revenue it receives over and above a 5 percent profit?

MS. WEINSTEIN: You know that during the nursing home debate of the bills that we had on the floor previously there was a discussion of public versus private and, you know, I'm sure you're aware that public, you know, not-for-profit nursing homes are going to have many more Medicaid patients, residents, so that -- this wouldn't be an issue for them, but if there are a lot of private pay patients, it could potentially be -- be an issue for a facility.

MR. GOODELL: I see. From a financial perspective, isn't this legislation that requires any net profit over/above 5 percent regardless of the amount to be remitted back to the State? Isn't that approach that's called for in this legislation exactly the same as a practical matter as if the State had taken over all the private sector nursing homes and merely paid the operators a 5 percent commission to operate them? I mean after all, just to elaborate a little bit, right now, the benefit of owning a nursing home is that if your profit is above 5 percent you get to keep the extra profit. The disadvantage of this approach is that no matter how successful you are in managing money and recruiting private pay patients and marketing and maintaining high-quality, anything above 5 percent doesn't go back to the shareholders or the investors, it all goes back to the State, right? So isn't this the same as though the State taking over, owning it, and just giving a 5 percent commission to the owners to operate it?

MS. WEINSTEIN: Well, first of all, when you say it goes back to the State, it goes back to the Nursing Home Quality Improvement Pool, so that's, you know, where the money goes to then improve quality. But, you know, the way for private -- a for-profit nursing home to meet the criteria of this bill and not have revenues have to go into this fund would be for them to improve, spend more money on resident facing staff.

MR. GOODELL: Thank you, again, Helene. I appreciate your comments.

On the bill, sir.

MS. WEINSTEIN: Sure.

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

MR. GOODELL: In the past, the State has taken a very active role in ensuring that nursing home quality meets high standards. We set the standards, we inspect the nursing homes on a regular basis, we publish the results of those inspections, and we do a tremendous amount to ensure that quality care meets or exceeds our standards. And I support that approach.

This bill takes a different approach. This bill says we don't care whether or not you have a clean inspection report. You may not have a single violation. We don't care if you're getting five-star rating, whether that's accurate or not, we don't care. We don't care if you have a long waiting list because people are clamoring to get into your facility. All we care about is how you spend your money and whether you make a profit. And if you make a profit over 5 percent, regardless of the amount, this bill says the State of New York takes all of your profit over and above the 5 percent, confiscates it. You can have two identical facilities with equal quality of ratings. One has a profit over 5 percent and one doesn't. The State takes all the money over 5 percent on the one nursing home that's doing a fiscally responsible job of running their operation. This is exactly the same as if the State took over ownership of every nursing home and said to the operator, *We'll pay you a commission up to 5 percent to operate it and after that, we keep the profits.* And it's no excuse to

say, *Hey, look. We're going to take your profits and then we'll decide who gets the profit, not you, the owner.*

This obviously violates due process. It destroys the value of private sector nursing homes which is of taking, and it violates equal protection and I cannot support it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Forrest.

MS. FORREST: On the bill, Mr. Speaker.

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

MS. FORREST: Thank you. The Federal government is giving the State a massive infusion that is allowing us to plug up many holes, which I am very grateful to see. And I applaud the Speaker, sponsor, and staff who worked to make sure that many of these holes have been plugged through this bill; however, I have to say with reluctance in a year where we have the will to raise revenue and make sure every single need was met, in a year of a pandemic when we have seen the vital necessity of a stable, robust, health care system we have not been able to truly lay the foundations for a health system that truly supports the working-class majority.

This bill fails to repeal the global Medicaid cap, which stands in the way of true health equity, especially for people who live in places where large portions of residents rely on Medicaid. This bill fails to enact safe staffing ratios for all health care facilities. We could guarantee every patient in New York receives the care they

deserve when they get sick, but this bill does not do that. This bill does not help our extremely vulnerable, undocumented brothers and sisters who have been at the frontlines being Essential Workers by enacting coverage for all, and this bill does not enact a vitally-needed change in guaranteeing fair pay for home care workers. As a nurse, this bill is not it.

For all these reasons, I believe we have missed an opportunity to deliver where our people needed us the most. For this reason, I vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Mitaynes.

MS. MITAYNES: On the bill, please.

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

MS. MITAYNES: As State legislators and government, we have a legitimate, compelling interest to look out for our most needy. We succeeded in reversing the Governor's cuts, but we must, and I can only vote for a budget that cares for all our people, and we should be investing in them. At a time where we are praising our nurses, why is it that we can't deliver safe staffing? Coverage for all would be coverage for our undocumented folks that are excluded from the essential plan, who we know are hurting and are sick, and we won't know the ramifications of this virus until the future. Fair pay for home care, they're asking for minimum wage and we can't do that either? We have the resources, what we're lacking is the courage. I will be voting on the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Montesano.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: You know, I've heard what a lot of our colleagues had to say today about this piece of legislation, and I agree with much of it. It's a truly -- it's a deficit to this entire budget of what's being done, especially for the mental health issues, the disabled, the intermediate -- the fiscal intermediaries, everything that's been itemized by both sides of the aisle. Everybody seems to get it, everybody understands what the Governor has done and everybody realizes the detriment this is to the members of our communities.

So -- and I still hear that people say in many ways, *Well, we still have to support it, we did the best we could, we stopped some of the other cuts.* You know, but somebody had to agree to this budget. There was a three-way agreement on this budget bill. You know, the Senate is overwhelmingly Democratic, our House is overwhelmingly Democratic and, yet, they could not compel this Governor to do what he needed to do for the people that are so much in need. And, you know, we try to advocate with everybody else for all the needs that need to be done, and everybody, of course, both sides of the aisle today raised all legitimate concerns and issues.

So for those of you that have these concerns and share the concerns with us and feel that wrong has been done to the

members of our communities who need the help the most, you should all vote no for this bill and let it fail and send a message to the Governor that it has to be redone. That's the only thing he's going to understand. But since many of you were in the group that agreed to it, I know that you were hard-pressed because there are some things in the bill that are necessary. I can't support this type of bill, it's horrendous. It's horrendous and, quite frankly, I was expecting more, especially that there was such a delay due to extended budget negotiations. I thought we'd get more out of this.

So to all my colleagues, especially on the other side of the aisle, you want to send a message to this Governor? Vote this bill down. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2507-C. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally voting no on this budget bill. Those who would like to vote yes should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hyndman.

MS. HYNDMAN: I would like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions, I ask Majority members to contact the Majority Leader's Office at the number previously provided. Thank you.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I have to say, I'm flabbergasted listening to -- to some of the comments here. We're increasing spending by \$35 billion over last year's budget based on the just-announced agreement of \$212 billion in spending. We are talking about raising taxes, billions of dollars in new taxes. And we are now hearing from our colleagues on the other side of the aisle that this budget doesn't do enough, doesn't go far enough, doesn't raise enough taxes, doesn't spend enough. This is insanity. Thirty-five billion dollars in new spending and we're talking about a budget that doesn't take care of our most vulnerable residents in this State: Those with mental health issues, those with development disabilities. It is disgraceful, it is shameful -- \$35 billion in new spending and we can't prioritize the most vulnerable among us, but we can find \$2.1 billion for an excluded worker fund. It's disgusting and shameful and this Body should be embarrassed. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Mr. Byrnes [sic].

MR. BYRNE: Thank you, Mr. Speaker. I won't have to go too far into the weeds here, I want to pick up where I left off when I was speaking on the bill. One important point with the nursing homes, the reforms that are put in this budget bill are those two very significant penalties that would force these facilities to remit more dollars to the State. And that's -- that was the point I wanted to drill down on, but many of my colleagues brought that up and I appreciate that. Our Assembly Minority Leader Pro Tem also drew the comparison or the analogy of how much of an overreach this is from the State into how these nursing facilities are going to be able to spend, to the point where it's almost like becoming a public nursing home.

So I wanted to point something out, because I know a lot of these nursing home reforms have been discussed for years, but many of them have been spurred to action because of the pandemic. And a lot of the decisions we've made on other bills outside of the budget were in response to the Attorney General's report earlier in January. And the Empire Center did come out with a report earlier this March that used the full data at least up through February, early February, about the -- the impact of COVID-19, the mortality numbers in various subcategories of nursing homes. And curious to know that seven State-owned nursing homes, most of which are dedicated to

veterans, had the highest COVID mortality rate of any ownership subcategory. I think that merits additional legislative hearings. I think that's something that we should be investigating, but when we're talking about how good is the State at managing nursing homes, I got to tell you, I'm a little -- I'm a little skeptical. I don't question people's intentions, I know people are trying to do what they think is right. But again, I wanted to bring that up. I also wanted to point out that it was noted we learned about a negotiated deal, we're learning about it from our press release, we're learning about it from Twitter. I respect the Chair of Ways and Means in answering my questions during our debate --

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

MR. BYRNE: I'm going to vote no because we shouldn't be learning about other --

ACTING SPEAKER AUBRY: Thank you for your vote, sir.

MR BYRNE: -- budget bills --

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. WALCZYK: A \$210 billion budget is an interesting opportunity for us as policymakers, right? I mean, this is

the most important piece of policy that we're going to put forward and vote on, the budget in its entirety. This bill, in particular, is -- is disappointing because I think when our constituents are looking at the budget that has been laid before us, and this bill in particular, and they think about the priorities of this Legislature, this -- this bill sends a clear message that the priority is not mental health, that the priority is not the differently-abled communities of New York, and the priority is not the elderly and most vulnerable citizens. And frankly, Mr. Speaker, I'm embarrassed that this bill has been brought forward in the way that it has. I'm embarrassed for the Leaders of both the Senate and the Assembly that they've allowed this Governor, disgraced as he is, to maintain power throughout this budgetary process. And, Mr. Speaker, I vote no.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to explain my vote. I just wanted to say that, you know, I echo the opinions of, you know, some of the health care workers in our Body and some of the folks who are on the front lines every single day. We needed coverage for all, we needed CDPAP, we needed home health care aid and I just feel like better than before isn't good enough right now during this very important time of recovery. We really do need to make sure that in this time when we were suffering a health care pandemic that we actually are funding the folks that need our help the

most. So I think that, you know, we come up a little bit lacking and I wanted to make sure to register my vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms.

Niou.

Mr. -- Ms. Kelles.

MS. KELLES: Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Explain your vote, ma'am.

MS. KELLES: I do, you know, many of the things that have been said already I -- I agree with. I do want to just be on the record saying that I would have loved to see, for example, the funding for the home health care workers, fair pay for home health care workers. There was a matching fund at the Federal level for this. I think that it would have been an amazing important gesture. Home health care workers receive under a living wage and the job that they are doing is phenomenal, the outcome -- in that population who are being taken care of by home health care aides was one of the most superior in the State. (Inaudible) -- coverage for all for the undocumented community that has every right to health care just like any other person in the State, that this does not repeal the (inaudible) Medicaid cap, long, long overdue. The Consumer Directed Personal Assistance Program, that is an amazing program and it's expensive because it is being used because it's popular because it works. It works in helping people throughout the State with incredible help and mental needs.

All of these things could have been there, but I want to point out for me, the fact that the Chair of Health was saying that this is the best bill that he has seen in 34 years, to me says that we, for too long, have not been doing enough. To say that this is so expensive and doesn't go far enough is not because we're being inefficient, it is because we have so much further to go because we were so far behind. So I am going to vote in the affirmative on this because it is --

ACTING SPEAKER AUBRY: Thank you. Ms. Kelles in the affirmative.

MRS. PEOPLES-STOKES: Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If you could please record our colleagues in the negative on this one: Mr. Thiele, Ms. Forrest, Mr. Barron, Mr. Santabarbara, Mr. Stern, Ms. Gallagher, Ms. Buttenschon, Mr. D. Rosenthal, Mr. Eichenstein, Ms. Griffin, Ms. Gallagher - already said her once - Mrs. Gunther, Ms. Mitaynes, Ms. Woerner, Mr. Mamdani, Mr. Burke, and Ms. Wallace.

ACTING SPEAKER AUBRY: So noted.

MRS. PEOPLES-STOKES: Thank you.

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, we are

now going to stand at recess while our colleagues on the other side of the aisle attend a Conference, followed by a Ways and Means and Rules Committee meetings which will produce a one-bill B-Calendar. We will return to the floor to take up that Calendar and then continue on our remaining bills on the A-Calendar. Mr. Speaker, I will provide additional scheduling updates as they are available.

I now move that this House stand in recess.

ACTING SPEAKER AUBRY: The House will --
Mr. Goodell, excuse me.

MR. GOODELL: Thank you, sir. Please call on Mr. Norris for an important announcement.

ACTING SPEAKER AUBRY: Mr. Norris for an important announcement.

MR. NORRIS: Thank you, Mr. Speaker. There will be an immediate Minority Conference via Zoom. An immediate Minority Conference via Zoom. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Immediate Minority Conference via Zoom. Thank you so very much.

The House will stand in recess.

(Whereupon, at 5:48 p.m., the House stood in recess.)

****AFTER THE RECESS****

6:54 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. We have a B-Calendar on the members' desks, and I would like to move to advance that B-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. We will take up that one bill on the Calendar, that's Rules Report No. 55.

ACTING SPEAKER AUBRY: The Clerk will read, Page 3, Rules Report No. 55.

THE CLERK: Assembly No. A06773, Rules Report No. 55, Committee on Rules. An act making appropriations for the support of government.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Governor's message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Hello? I cannot hear.

ACTING SPEAKER AUBRY: We -- we have been asked for an explanation, Ms. Weinstein. Can you -- are we connecting her? One minute. Technical difficulties.

(Pause)

Welcome back, Ms. Weinstein. Good to see you in the House. The bill has been asked to be explained by Mr. Goodell.

MS. WEINSTEIN: Yes, Mr. Speaker. Very happy to be here. It looks the same, even though it's been a year. So the bill before us is a one-week emergency appropriation covering for the period from April 1st to April 8th. It's commonly referred to as an extender. It's a straight extender to make sure that our employees and the State employees can get paid and that unemployment insurance benefits can be sent.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the Chair yield for just one quick question?

MS. WEINSTEIN: Sure. Happy to.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: I know this was stated in Committee, but if you can just give us the total appropriation authority in this bill.

MS. WEINSTEIN: Yes, the total appropriation is \$6.7 billion.

MR. RA: Okay. Thank -- thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: Thank you. You know, I know that this is, you know, a necessary action that we made sure we can continue to

pay unemployment benefits, certainly that we meet our payroll for our State workers. And I would be remiss if I didn't, you know, say thank you to all of our State workers who throughout the last year have -- have helped meet the needs of New Yorkers throughout this pandemic. And certainly, we wouldn't want them to, you know, in any way miss a paycheck because the budget is not done yet on time. So -- so I'm glad we're doing this to be on the -- on the safe side and -- and get their money out to them. I do, in particular, want to thank some of our State workers who have had, you know, raises deferred. Certainly our paid -- our agency police who -- who we just approved, you know, back pay to them that they've been waiting for many years. So -- so we thank of all the men and women of all of our State agencies. But -- but I do want to say, you know, we are here today, it's April 6th, and our budget deadline is April 1st. And unfortunately, year after year, I think we don't treat that deadline with the seriousness it takes and I'm -- you know, that it really deserves. We have this year allowed many of our bills that we were doing earlier to age appropriately, which is great. It's great for transparency, it's the way things should be done. But really what we need to do, and I've said this for many years, March 28th, 29th, pencils down. Get the bills in, let them age appropriately and get them done by that April 1st deadline. And I think, you know, especially under these circumstances that we've been under and under a situation where we have single-party rule in this State - we have super majorities now in both Houses of the Legislature - we should be able to get a budget

done on time. So I think it's unfortunate that we're put in this position, but again, I think it's the right thing to do to take care of our State workers.

So certainly, I'm going to be casting my vote in the affirmative and -- and I hope -- I hope many of my colleagues do as well. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 6081. This is a -- oh, technical difficulties. I will retract everything I just said.

(Pause)

Mr. Ra.

Instant replay. Mr. Ra.

MR. RA: Thank you, Mr. Speaker. We're -- it's a double feature today. I'm going to try to say this again. So let me repeat, because I know that I guess our colleagues couldn't hear. So first off, I -- I do want to repeat, as was said by Chair Weinstein, that the appropriation authority in this bill is \$6.7 billion. It is an extender bill so that we can meet the needs, you know, for unemployment insurance, for our State workers. And -- and just quickly, it's -- it's a necessary action to be on the safe side and make sure our workers don't, you know, have their paychecks delayed. And -- and I just want to thank each and every one of them for their work on behalf of this State during this COVID pandemic. Many of our workers,

unfortunately, during the budget situation had pay withheld. We -- we rectified a situation for our Park Police earlier, you know, with -- with a back pay finally, implementing their collective bargaining agreement. But I -- I do want to state for my colleagues, you know, my disappointment that we put ourselves in this situation of needing to do an extender. You know, it's -- it's April 6th. Our deadline was April 1st. And we need to take that deadline more seriously in the future. Particularly, you know, things are getting less and less transparent by what I can see each and every year and this is my 11th budget, and things have gotten are far too secretive. And with single-party rule in New York State and super majorities in both Houses of the Legislature, we need to meet the most basic function of this job and that's getting a budget done by April 1st. So I hope we take that deadline more seriously in the future.

But certainly with regard to this bill, none of our employees should be hurt by the fact that we didn't meet that April 1st deadline. So I would urge all of my colleagues to support this bill. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate 6081. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you for the opportunity to explain my vote, Mr. Speaker. So what we're voting on right now is the Governor's request. It's a Governor program bill for an extension of budget negotiations. It's received a Governor's Message of Necessity after a week beyond the budget deadline, with one-party rule in Albany, still seeking a deadline. I'm going to vote no, and that's not because I don't think that the State workers should get paid. Obviously, they should and the bill wouldn't be on the floor if this wasn't already a deal that is going to pass. But there is absolutely no excuse for disrupting their pay in the first place. They deserve a budget on April 1st. Or before April 1st would be preferable, before it's due. This sets a dangerous precedent. And we saw decades ago what it looks like when continuous delays and extensions go. And who suffers the most is the actual workers that we're purporting to pay right now. Their contracts can be -- can have problems. And I just want to make sure with this vote in the negative that we're not setting a dangerous precedent in future budgets with delaying and extending the budget and that we have an on-time budget in the future for New York City citizens, and especially for New York workers.

Thank you, Mr. Speaker. I vote no.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now return to the bills on the A-Calendar, Rules Report No. 53 and Rules Report No. 54. They will both be on debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A03008-C, Rules Report No. 53, Budget bill. An act intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend Chapter 393 of the Laws of 1994 amending the New York State Urban Development Corporation Act relating to the powers of the New York State Urban Development Corporation to make loans, in relation to extending loan powers (Part J); to amend the Urban Development Corporation Act, in relation to extending the authority of the New York State Urban Development Corporation to administer the Empire State Economic Development Fund (Part K); intentionally omitted (Part L); to amend Section 3 of Part S of Chapter 58 of the Laws of 2016, relating to transferring the statutory authority for the promulgation of marketing orders from the Department of Agriculture and Markets to the New York State Urban Development Corporation, in relation to the effectiveness thereof (Part M); to amend Chapter 21 of the Laws of 2003, amending the Executive Law relating to

permitting the Secretary of State to provide special handling for all documents filed or issued by the Division of Corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to authorize the Energy Research and Development Authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change-related expenses of the Department of Environmental Conservation and the Department of Agriculture and Markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend Part UU of Chapter 58 of the Laws of 2020 authorizing the County of Nassau to permanently and temporarily convey certain easements and to temporarily alienate certain parklands, in relation to authorizing certain counties to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Part Z); to amend the Tax Law, in relation to extending certain brownfield credit periods that expire on or after 3/20/20 and before 12/31/21 for two years (Part AA); intentionally omitted (Part BB); to amend Chapter 58 of the Laws of 2013 amending the Environmental Conservation Law and the State Finance Law relating to the "Cleaner, Greener NY Act of 2013", in

relation to the effectiveness thereof (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend part FF of Chapter 55 of the Laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part GG); intentionally omitted (Part HH); to amend part BB of Chapter 58 of the Laws of 2012, amending the Public Authorities Law, relating to authorizing the Dormitory Authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); to amend the Banking Law, in relation to the forbearance of residential mortgage payments (Part LL); intentionally omitted (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); intentionally omitted (Part PP); intentionally omitted (Part QQ); intentionally omitted (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); intentionally omitted (Part UU); intentionally omitted (Part VV); and to authorize utility and cable television assessments that provide funds to the Department of Health from cable television assessment revenues and to the Department of Agriculture and Markets, Department of Environmental Conservation, Department of State, and the Office of Parks, Recreation and Historic Preservation from utility assessment revenues; and providing for the repeal of such provisions upon the expiration thereof (Part WW).

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

advanced.

An explanation has been requested, Ms. Weinstein.

I think there's still a garble in the sound system.

MS. WEINSTEIN: You sound perfectly fine, Mr. Speaker.

ACTING SPEAKER AUBRY: Excellent. Proceed, Ms. Weinstein.

MS. WEINSTEIN: First, simply this bill is affectionately known as TED, Transportation and Economic Development, Environment, though in this iteration the bill contains many of the extenders of some provisions we will -- appropriations we'll be seeing a little later on, and some Article -- some Article VII language. And it probably would be better to be able to answer some questions on the bill.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So this particular bill, I -- I just want to note it seems like the -- really, the most common words in here are "intentionally omitted." And, you know, it's missing huge pieces of what we would see in it, some of which we've now, just because (inaudible) we've done things now seen in other bills, which is -- which is a positive thing because at least we're voting on this knowing whether some of those things have made it into subsequent budget

bills. But I just want to note, you know, this bill as proposed was 154 pages. It's down to 25. So, TED went on a diet, thinned out. And, you know, this was up until at one point last week really what -- what we had, so we -- you know, it was the one thing that was ready to go, really, completely by the -- by the deadline. But it's a recurring theme that we've seen year after year of having to vote on budget bills before there is a full compliment of budget bills. And that's problematic for a number of reasons. One is, as I just said, there are proposals that so many groups all over the State pay attention to and want to know whether they're making it into a budget bill and then a section gets stripped out of the bill and kind of gets -- gets kicked over to another bill. So if something is important to your constituents, important to the people back home, you're stuck having to vote on a bill without knowing whether that piece is going to show up somewhere else down -- down the road.

The other piece of it is just from the overall standpoint of the budget. I -- I -- I'm happy that as we got into today we were able to get some of those, you know, overall totals in this budget in terms of spending. But we still don't have, you know, a full idea of -- of everything that goes into the financial plan. I know we're going to see a lot in the revenue bill when it hits the system, but we still, as we vote on this bill, have two bills that are not yet in print. And it just makes it very difficult to really cast a well-informed vote on a budget bill when you don't have all of the details as to what makes up our State budget. Now, outside of these walls most people,

I think they just hear "the budget." They think it's one thing, we vote on it and, you know, in one vote and that's it. But -- but we know that's not the reality. And there are so many balancing, you know, considerations -- you know, good things, bad things. Every -- every single one of these bills basically has -- has good things, bad things. Things we like, things we don't like. Things our constituents are going to like, things our constituents aren't going to like. But in the interest of transparency and open government and good government, like I said on the previous bill, let's do better in the future. Let's get things done early enough that they can age leading up to April 1st. That we can then come in, pass them in the daylight having had a full opportunity to read them, having had our constituents have the full opportunity to read them and know how it fits into the context of our entire State budget. As was said earlier, we are now going to have amongst the largest budgets in the -- in the nation, \$212 billion spent, which is just shy of the \$227 billion that they spend in California with more than double the people we have. So I think it's not unreasonable to ask that we create a full spending plan before we vote on that type of expenditure of money particularly, when it's going to also include tax increases that many of us certainly on our side of the aisle think that it's going to further lead to outmigration from this State, hurt our -- hurt our business climate and hamper our economic recovery.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the Chairwoman yield?

MS. WEINSTEIN: Be happy to, Mr. Goodell.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Thank you, Ms. Weinstein. I wanted to ask a couple questions on Part LL dealing with mortgage forbearance. Is there any appropriation that's related to this Article VII language?

MS. WEINSTEIN: There is no appropriation for that. We do -- we will be able to have a discussion later when we talk about housing and some -- some Federal monies for -- to assist the homeowners. The mortgage is \$575 million where mortgage payments can be -- to assist distressed homeowners. They can apply for those funds.

MR. GOODELL: I see. But this language dealing with mortgage forbearance --

MS. WEINSTEIN: No.

MR. GOODELL: -- does not relate to that?

MS. WEINSTEIN: Correct.

MR. GOODELL: Okay. And am I -- am I correct that this mortgage forbearance language only applies to State-chartered banks? It does not apply to Federally-chartered banks?

MS. WEINSTEIN: Yes, that -- that is correct. And

you do know that there are -- there is a plan in Washington to -- to deal with the mortgage forbearance.

MR. GOODELL: I very much --

MS. WEINSTEIN: It's State and Federal (inaudible).

Yes.

MR. GOODELL: I very much appreciate that many of the difficult votes that we've had that have been in the budget in the past have been standalone bills, whether it's dealing with legalizing recreational marihuana use or even the rent eviction moratorium. Is there a reason why the mortgage forbearance language is not a separate standalone bill?

MS. WEINSTEIN: Basically really because it's -- it's an extender that's in this -- the bill before us encompasses a number of extenders.

MR. GOODELL: Again, thank you very much, Ms. Weinstein.

On the bill, sir.

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

MR. GOODELL: Every year, of course, each one of us -- every time we're elected, rather, every two years we take an oath of office to uphold the Constitution which is really an amazing oath since very few of us have ever read the Constitution. Although anyone who is interested, it's really easy, just go to New York Assembly and click on legislative info and there's a tab for laws. And

if you scroll down to the bottom - no surprise it's at the bottom - you can click on the Constitution. We call these Article VII bills because they're under Article VII of the Constitution. And Section 6 of Article VII says *no provisions shall be embraced in any appropriation bill submitted by the Governor or any supplemental appropriation bill unless it relates specifically to some particular appropriation in the bill, and any such provision shall be limited in its operation to such appropriation.* The purpose of that language was to make sure that our budget bills relate to budget items. And that Article VII language is just the language needed to implement that budget appropriation. And as my colleague acknowledged, there is no appropriation related to Part GG -- or I'm sorry, Part LL that relates to mortgage forbearance. And since there's no appropriation in the Constitution that says the language is limited to the appropriation, if you really want a mortgage forbearance you should do it in a standalone bill. Because under the Constitution, as I read it anyway, it brings into question whether this provision has any effect whatsoever.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2508-C. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the

numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally in the negative. Those who would like to support this legislation should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be casting our votes in the affirmative on this one. Colleagues desiring -- desiring to be an exception should feel free to contact the office and their votes will be properly recorded.

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

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleague Mr. Thiele in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes, who -- would you repeat the name of the member? We couldn't hear you.

MRS. PEOPLES-STOKES: Absolutely, Mr.

Speaker. Mr. Thiele.

ACTING SPEAKER AUBRY: Mr. Thiele in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Rules Report No. 54. Governor's Message is at the --

The Clerk will read. I'm sorry.

THE CLERK: Assembly No. A03004-D, Rules Report No. 54, Budget bill. An act making appropriations for the support of government. CAPITAL PROJECTS BUDGET.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, 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 to a certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Yes, Mr. -- Mr. Speaker. As was stated, this is the -- this bill would enact the Capital Projects for State fiscal year 2021-'22 and includes an All-Funds appropriation of \$15.94 billion. And enactment of this legislation is necessary to provide for capital spending of State agencies and public authorities

through this fiscal year, 2021-'22.

ACTING SPEAKER AUBRY: Mr. Ra.

MS. WEINSTEIN: Mr. Ra, I'd be happy to answer questions.

ACTING SPEAKER AUBRY: Sure. Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Would Chairwoman Weinstein yield, please?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Thank you. So I -- I wanted to go through a couple of different pieces of this, but just one of the things that I wanted to start off on, I know that there is some contingency language contained here. One of which, you know, was proposed regarding funding from the Federal government. And then I know there's also the withholding language regarding the New York State Police Reform and Reinvention Collaborative. Can you just go through what the -- the final outcome with those are in terms of their inclusion?

MS. WEINSTEIN: You know, the -- I'm -- I'm sorry, Mr. Ra. With all of the confusion of the numbers of bills I believe the issues that you're raising will be discussed in the Aid to Localities bill, not in the Capital bill.

MR. RA: Okay. We can discuss them at that point, then.

MS. WEINSTEIN: Okay.

MR. RA: So, in terms of some of these capital provisions, starting with economic development. So there's funding for the next round of the Regional Economic Development Council, is that correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Now, I believe that is another \$150 million. Now am I correct that last year's \$150 million was not awarded?

MS. WEINSTEIN: Yes. Yes, that is correct. That would have been -- yes.

MR. RA: Okay. But this is not just -- this is not just a reappropriation, this is an additional \$150 million, correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Okay, great. Does this Capital Budget bill, I know there are some provisions that we may see in other bills as well, but is there funding included to support rural broadband in this Capital Budget?

(Pause)

MS. WEINSTEIN: There -- there is \$500 million that's being reappropriated for broadband.

MR. RA: Okay, thank you. Okay. In -- in terms of agriculture. I -- I think we all know, you know, county and local fairs play a big role in the Upstate farming economy. They generate tourism dollars during the summer. They also give our agricultural industry a chance to showcase their product -- their products. And as

we know, like so many things these were canceled last year. And in the past budgets we -- we had at times made provisions to help with capital for -- for local fairgrounds and our State fairgrounds. Is -- is there any funding for capital for local fair capital improvements?

MS. WEINSTEIN: There is no new capital money for local fairs.

MR. RA: Okay, thank you. So there's also funding, I believe \$100 million, that's being allocated for the sixth round of the Downtown Revitalization Initiative.

MS. WEINSTEIN: Right.

MR. RA: As we -- as we know, these are projects that are selected by members of the Governor's Regional Economic Development Committees. You know, when we look at the situation we've been in in the past year, you know, and the Governor and his staff obviously have been known to (inaudible) financial situation. Why are we not using these funds in -- in some way to directly deal with any budget deficits we may see in the future as opposed to reappropriating something that's going to be directly within their discretion?

MS. WEINSTEIN: At -- at the moment, Mr. Ra, we do not foresee a budget deficit this year or next year -- I mean, obviously not this year but not next year because of the infusion of the Federal money. And as you know, the COVID has -- that -- the COVID impact has hurt many of our businesses, so this would supplement some of the -- help these local -- local communities that

would be chosen and supplement the small business grant and credits that we will be discussing a little later on, hopefully, tonight.

MR. RA: Thank you. Now, one of the things that -- that certainly I like and I think many of -- many of our colleagues will in this bill is the added investments in local roads. And, you know, I see there's an increase in CHIPS and an increase in Extreme Winter Recovery and BRIDGE and PAVE-NY. Now, am I understanding there's also a new program that has \$100 million of funding. Can you give me some detail as to how that will work? First, how it will be apportioned to local cities, towns and villages?

MS. WEINSTEIN: Right. You're -- you're talking about the funding for the maintenance -- the municipalities' requirement for -- to maintain State roads and \$100 million that will be provided?

MR. RA: Yes.

MS. WEINSTEIN: Okay. So there are miles of State roads that run through various municipalities, cities, villages, towns. Mostly cities. And that -- those municipalities have the responsibility to maintain those roads even though they are State roads. So this \$100 million will be allocated based on the number of miles within a jurisdiction. They will receive the money. It is not earmarked to -- specifically to repair those roads that are State roads, but to be used for road maintenance within that municipality.

MR. RA: Okay. And then so it will be just apportioned based on the -- the miles of State roads within the

municipality? There's no -- it's not a grant program. Will we see basically, kind of a -- a document, a run that -- that shows what these municipalities would get like we do with CHIPS?

MS. WEINSTEIN: Yes. Yes, you will. And, you know, the State's recognition of the fact -- it's our recognition of the fact that these municipalities have the requirement to maintain these roads and up until now have not received State funding to -- to do that.

MR. RA: Okay. And then in terms of what types of projects would then be eligible for the municipalities to spend this funding on, I know that some of our existing programs like CHIPS, you know, you can't do things like pothole repair and things of that nature. Would these funds be eligible for those types of repairs for roads?

MS. WEINSTEIN: The -- the parameters really are just that it relates to capital repairs for roads and -- roads and bridges without further restriction.

MR. RA: Okay. So it would be fair to say it's -- the criteria is -- is more expansive or more liberal than, you know, some of the existing programs we have like Extreme Winter Recovery and CHIPS?

MS. WEINSTEIN: Correct. I wouldn't quite say it's a gift, but I -- I think it's funding that these municipalities haven't -- you know, have not expected and it will prove very useful to them.

MR. RA: I'm sorry, I think you may have mis -- I said CHIPS, I didn't -- it's not a -- I didn't say gift. I know it's hard to

--

MS. WEINSTEIN: I'm -- I'm -- I'm -- no, I -- I heard you. I was, you know, getting there, I was just...

MR. RA: Okay. Thank you. So one other piece I wanted to ask you about. So, the SAM program. Obviously we're familiar with this. We're allocating, I believe, an additional \$385 million that's being appropriated?

MS. WEINSTEIN: Yes, correct.

MR. RA: Okay. And I'm just wondering -- you know, I'm sure many of my colleagues have experienced this as well. Dating back a couple of years there was some delays with getting, you know, funding out, especially as we were in the financial situation we found ourselves in last year, and I -- I believe there is about \$2 billion in reappropriations for the SAM program. So I'm just curious, you know, is it necessary to add these additional funds when there's already close to \$2 billion in reappropriations from past years?

MS. WEINSTEIN: Well, obviously last year was a difficult year for many communities, and because of that I think that this new round of -- of funding will prove to be very, very useful for a lot of communities.

MR. RA: Thank you. And we -- we hope that will be the case. And, you know, as I think that, you know, for many of us the opportunity to help some of our local municipalities with those types of costs is certainly welcome. You know, and I know myself, you know, I've utilized it with local -- local governments for, you

know, things like both, you know, park and recreation-type things. You know, doing things with my little fire department. So, you know, thank you for -- for your answer on that.

The last piece I wanted to ask about is election capital. I believe there's \$25 million, and I believe there's -- there's, I guess, a State piece of this and -- and a piece of this that would be available for local boards of elections as well?

MS. WEINSTEIN: Correct. I believe \$20 million would be available for the locals with a \$5- -- up to \$5 million for the -- for the State Board.

MR. RA: Okay. Now, my understanding is that will be the -- the local piece of it is going to be apportioned based on the number of registered voters in a particular county.

MS. WEINSTEIN: Correct.

MR. RA: So, is there a list available as to how that will break out, or will there will be a list available as to what each county is -- is going to get?

MS. WEINSTEIN: I believe that the State Board of Elections will be preparing that list. It's not one that we have, and we will rely upon them to prepare the list and I assume they will publish that list and notify the -- the counties of their apportioned share of that funding.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you. You know, as I said there are certainly, you know, some -- some positive things in -- in this bill. You know, our Conference, led by my colleague behind me, has been a great advocate for our local roads for years, pushing for increases in CHIPS funding and -- and these other programs. So it's certainly welcome to see that reinvestment being made. I think our local governments certainly need our support right now. Thankfully, many of them have gotten funding from the Federal government like the State has. But I -- but I do want to just note that with all of this there certainly still remain concerns as we go into the future, some of which we discussed last week when we -- when we talked about the Debt Service bill. And all of the debt in the past has been issued outside of really what our constitutional parameters are for issuing debt. And certainly what we had last year and what the Governor had proposed again this year in terms of exempting debt from -- from our debt cap which -- which is really designed to handle an important issue: Making sure our State is responsible when it comes to issuing debt. And those reforms were put in for a reason. And -- and certainly, you know, efforts to circumvent them I think may be nice in the short-term, but eventually those bills come due, and especially if you're exempting debt when we already leave so much of the debt we issue outside -- outside of that particular process, it -- it's problematic.

So I thank the -- I thank the Chair for -- for her answers and I look forward to our continued conversation as the evening goes on. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, when this bill first came to us from the Governor it had an appropriation for \$1.3 billion to the Empire State Development Corporation for something called the Empire Station Complex project, which is an Empire State Development plan for the area around Penn Station that contemplates constructing about eight or ten hundred-story apartment -- office towers in my district without any concern for local zoning or community or New York City approval of any kind, as this is the way Empire State Development Corporation operates. It also is involved with the -- the upgrading of Penn Station, which I think everyone is generally in favor of. But because it appeared to be a -- a green light for the whole Empire State Develop -- Empire Station Complex project, I and many people in my community and community leaders and many of my colleagues in the Assembly and Senate were very much opposed to that provision. I'm pleased to say that thanks to the efforts of the Assembly and the support of Speaker Heastie, some -- two very important amendments have been inserted into this language. One is it says that none of the -- of the appropriation can be used for the formal preparation of a general project plan for the Empire Station project. And in ESDC terminology a general -- general project plan is the prerequisite for an ESDC project going forward. So none of this money can be used in connection with the preparation of a general project plan. And

secondly, it says that the funds shall be used only in connection with transportation improvements that are -- and not for any aboveground development. So essentially, it can be used for the underground expansion of Penn Station and changes in the -- in underground Penn Station and subway and the like. Again, all of which are -- are very good and important things. So with these amendments, I'm very happy with that section of the bill. And I know several members of the Assembly sharing my concern about the original language were planning on voting against this bill, and I would just want to say I'm voting for it and unless members have some other reason to object to other things in the bill I would urge everyone to vote for the bill.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Barron.

MR. BARRON: Thank you very much. And there are other reasons to not support this bill, and the main reason for me is NYCHA. I grew up in the -- on the Lower East Side of Manhattan in the Lillian Wald public housing NYCHA development. And we've always had problems with boilers and we've always had problems with roofing and we've had problems with fixing up apartments. And we've always had problems throughout NYCHA that were capital problems in nature. NYCHA, I have many NYCHA developments in my district. As a matter of fact, three of those developments were the responsibility of the State and the State never really came through for them in the years that I've been in office, whether it was in the City

Council or here in the State Assembly. NYCHA has a \$40 billion-plus capital challenge. We signed on to a bill by one of my colleagues, Khaleel Anderson, to try to get that from the Federal government. There's talk that it might come through. Might, maybe, maybe not. Maybe now, maybe later. But with a \$16 billion -- \$15.9 billion State Capital Budget, I made a commitment when I voted for the one-House bill that if certain bills were cut down that I wouldn't vote for the final product, the final bill. This is one of them. NYCHA was promised in our one-House bill \$700 million and another \$100-and-some-odd million for other public housing. That was about \$900 million. Well, that got knocked down last I heard, unless that changed, to \$200 million. And I feel that that is unacceptable and unconscionable for NYCHA developments. People in NYCHA are suffering too much. We have a winter coming up on us. It already takes NYCHA management too much time to even get money out of their coffers when they have it to do the development and do the improvement in NYCHA. So for us to have nearly \$16 billion and if you comb through this capital bill and see the projects of the Governor, don't tell me there's not some where we can take enough from different projects to give NYCHA at least \$1 billion as we wait to see what the Feds are going to do. I'm sick and tired of the people in public housing not being prioritized. And this Capital Budget doesn't prioritize NYCHA. It's unconscionable and unacceptable for me for us to have this amount of capital money available and to allow the Governor to have all of his pet projects. And boy, if you looked at

them you would see the billions of dollars worth of his pet projects going to people that really don't need it nearly as badly as the people, our people, my people, my beloved people in NYCHA.

So because of that, the lack of prioritization of NYCHA in this Capital Budget, I will be voting against this bill. And once again, I voted in the affirmative and will be for seven of the ten appropriation bills. But three of them is a no; this is one, Health and the upcoming revenue bill. So I will be voting in the negative.

ACTING SPEAKER AUBRY: Thank you.

Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker. Will the sponsor yield for a couple -- will the Chairwoman yield for a few questions?

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

MS. WEINSTEIN: Yes. Yes. I just have to unmute myself and adjust the screen. Yes.

MR. SMITH: Thank you so much, Chairwoman. So I just -- I hesitate to ask a question I already know the answer to, so this one's one that hopefully you can help with. I see in this budget \$130 million for the Governor's Office of Storm Recovery. Now, I represent Long Island and we were devastated by Hurricane Irene in 2011 and Superstorm Sandy in 2012. So I'm curious. I didn't -- I see that that's \$130 million more than we put in last year and that was pertaining to specifically those storms. Now, the last several years

I've dealt with contractors that were still waiting to get payment from the State from those funds. I haven't heard anything recently, so most of those contracts were paid over time. And I know that there was an issue at least at some point regarding some fraudulent claims. So why -- you know, what is this -- do we have a breakdown of what this new funding entails? Do we have contracts that are not paid?

MS. WEINSTEIN: Since you know the answer, I guess whatever I say will be okay. The short answer is no. It is funding for that purpose, but I -- I do not have the breakdown.

MR. SMITH: Okay.

MS. WEINSTEIN: -- of (inaudible).

MR. SMITH: Okay, thank you. Do you think we -- do we think we could get an answer following this just to see if there was a proposal? The only thing I'm thinking of is obviously those superstorms did devastate Long Island and Tropical Storm Lee also devastated parts of Upstate New York. Devastating. So it is good that we allocate and have finances prepared in the event of another storm, God forbid. But that does happen. All right. Thank you, Chairwoman.

On the bill.

MS. WEINSTEIN: Yes, let me --

MR. SMITH: Oh, I'm sorry.

MS. WEINSTEIN: Let me just answer your question, you're asking me about a breakdown.

MR. SMITH: Oh, sure.

MS. WEINSTEIN: Yes. I mean, I can't get it for you now, but we can try -- we've only had very -- very general language on this. And -- and my district also representing parts of Sheepshead Bay was -- had tremendous damage also to some of my homeowners and -- and the waterfront area, so I appreciate your concerns.

MR. SMITH: All right. Thank you so much, Chairwoman.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMITH: I think this is a great budget bill that we're voting on today, this section, which deals in Capital Projects throughout the State. A few items that I'd like to note in this section of the budget. We're increasing CHIPS funding, which is the Consolidated Highway Improvement Program which does paving for our towns and villages, including filling potholes, paving roads, bridges, culverts, as a number of my colleagues like to point out. And so I think that's very important. I like the fact that this section of the budget has an additional \$35 million for the Extreme Winter Recovery Program. We all know that, at least in my district, the unpredictable weather has wreaked havoc on our roads and damaged vehicles, and that's something we should be working on. I'm also happy to see an addition of \$20 million for Library Construction Aid. I think everyone realizes the real value that libraries have, especially during this tough time of COVID where our libraries were on the front lines serving students, many of whom did not have Internet services. So

they were able to go to their local library and borrow wi-fi hotspots. So I think we all realize that libraries are so important. And then I'm happy to also see - and this is particularly important to the people of Long Island - the continued commitment of \$500 million in clean water infrastructure, which now over the last several years we -- the State has committed \$4 billion to clean water infrastructure. In my area we're looking to expand sewer access and to ensure that our sole-source aquifer on Long Island is protected.

So for those reasons I will be voting in favor of this. I thank the Chairwoman, and I thank everyone working on this section. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

MR. SALKA: Thanks, Mr. Speaker. Will the sponsor yield for a question or two?

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

MS. WEINSTEIN: Yes, I'd be happy to yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALKA: Thank you. Just a quick question here. On victim services, there's a line here for sexual offense evidence collection kits and \$4.3 million in new funding for the construction of a storage facility. Is that multiple facilities or will that be \$4.3 million for one -- one building, or does that include kits, too, or... it just seems kind of high for a -- for the construction of a

facility.

MS. WEINSTEIN: They're going to be rehabbing one facility. It is just one facility.

MR. SALKA: And -- and where will that facility be located?

MS. WEINSTEIN: Apparently, it's -- I mean, it is in Washington County and that's where it will remain.

MR. SALKA: Okay, thank you. And one other question -- and excuse my -- my lack of -- of background technical information. This is my third year in office, but there's so much more to learn. Regarding the Regional Economic Development Council's money, \$150 million was appropriated last year and wasn't awarded because, well, we know, all kinds of extenuating circumstances. Is that \$150 million absorbed back into the budget, or do we have that \$150 million from round 10 combined with \$150 to -- for round 11?

MS. WEINSTEIN: So that would have been -- so that money has been rolled back into the budget for COVID-related expenses, and here we have a round 11, \$150 -- an equal amount, \$150 million for -- to be distributed amongst the Regional Economic Development Councils based on their recommendations.

MR. SALKA: Great. And thank you for answering those questions.

ACTING SPEAKER AUBRY: Mr. Lawler.

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

ACTING SPEAKER AUBRY: Ms. Weinstein --

MS. WEINSTEIN: Yes, happy to yield.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LAWLER: Thank you, Madam Chairwoman. How much is the total Capital Project Budget bill?

MS. WEINSTEIN: The bill is sixteen billion, three-hundred-and-sixty-three million and sixty-eight.

MR. LAWLER: Okay. So, \$16.3-. And how much of that is bonded?

(Pause)

MS. WEINSTEIN: Approximately \$11 billion.

MR. LAWLER: So are we -- are we projecting to add \$11 billion in -- in new debt through this -- through this bill?

MS. WEINSTEIN: We -- we already did the debt bill. This is the -- the Capital that goes along -- these are the -- the Capital Projects that go along with the debt bill that we already passed.

MR. LAWLER: Well --

MS. WEINSTEIN: Last week.

MR. LAWLER: Right. But the debt bill had \$8- -- roughly \$8 billion in new appropriations for debt, is that correct?

(Pause)

MS. WEINSTEIN: Can you just repeat -- you're asking how much in the --

MR. LAWLER: Yeah. So -- so the Debt Service Bill that we passed last week, if I recall correctly it was around \$16 billion, \$7.1 billion was cash to pay down. We were allocating roughly \$8 billion in new debt. So I'm just -- I'm just wondering, this is -- you're saying \$16.3 billion of which \$11 billion is bonded. So are we -- I'm just trying to get clarity on the numbers.

MS. WEINSTEIN: Hold on one moment. Let me just get to the chart on that.

(Pause)

So -- so, you know, what -- what happens is we have authorizations, so the numbers aren't going -- the numbers aren't going to add up.

MR. LAWLER: Okay. All right.

MS. WEINSTEIN: Some of it is new issues and some of it is using old authorizations.

MR. LAWLER: Okay.

MS. WEINSTEIN: That's why the numbers are different.

MR. LAWLER: Are a little off. Okay. Very good.

The Environmental Bond Act, that was slated to go on the ballot last year, correct, and then the Governor removed it obviously because of COVID?

(Pause)

MS. WEINSTEIN: It's not listed here because it was already -- we already -- we already voted -- well, we didn't vote, it was

already authorized for last -- last year when it didn't go to the voters. There's Article VII language -- not in this bill, but I'll answer the question anyway. There's Article VII language to put it to the voters in 2022, which is why there isn't -- it's not needed to be included in -- in this bill.

MR. LAWLER: Okay. Thank you for that clarification.

With respect to the Adaptive Reuse Supportable Housing Program, it's \$100 million. Can you explain how that's intended to work? I'm -- I'm -- I don't think there's very many details on it, so I'm just wondering how that's intended to work.

MS. WEINSTEIN: So this -- this funding is specifically for not-for-profits that would be converting hotels or commercial space in New York City for affordable housing.

MR. LAWLER: So when you -- when you say "converting," how are they going to do that? Are they arranging a -- a agreement with a commercial property, a business, a corporation that owns the building? Who are they -- how are they getting the authority to do that?

MS. WEINSTEIN: We don't give them any additional authority, we just provide the funding to make this happen.

MR. LAWLER: Right. But -- but -- so I guess what -- I'm just trying to understand how the program works. So, we give them funding, I get that part. But are they -- are they engaging in a contract, in an agreement? Are they purchasing space? Are we giving

them money to purchase the property? What are we giving them the money --

MS. WEINSTEIN: All of it to purchase -- to retrofit the property to be affordable housing. Yes, all -- all of the above.

MR. LAWLER: So we're basically paying a non-profit to buy a -- a hotel, potentially?

MS. WEINSTEIN: We are providing funding to a non-profit to provide affordable housing by -- by taking commercial space or hotel space and turn it into affordable housing.

MR. LAWLER: Okay. But it -- it would be an agreement with the property owner, correct? It's not -- we're not taking away somebody's commercial space to do this.

MS. WEINSTEIN: Right. You know, so -- you know, this is -- the capital money, this capital money is a piece of the financing. There's also tax credits available for -- for not-for-profits for -- who are building affordable housing. This is just this one -- one piece of the financing that would be available.

MR. LAWLER: Understood. And maybe I'm just not asking my question clearly. But so if I own a commercial property and a non-profit wants to -- and let's say because of the pandemic, you know, the commercial property is vacant and a non-profit wants to retrofit my property to allow for affordable housing, they would have to arrange an agreement with me as the owner of that commercial property, correct? We're not talking about taking away --

MS. WEINSTEIN: Correct. We're not taking any --

taking any property, we're just providing financing so that the affordable housing can go -- go forward.

MR. LAWLER: So that they could enter into an arrangement with the commercial landlord for -- for that purpose.

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. All right. I just wanted to get clarity on that. Thank you.

The Mental Hygiene aspect of -- of the Capital program. Unless I misread it, it seems that all of the appropriations remained flat from -- from last year. Is there a reason why we're not, as we're spending \$35 billion more in -- in new spending why we're not increasing spending when it comes to capital projects and improvements for mental hygiene?

(Pause)

MS. WEINSTEIN: You know, there is money that is there that is similar to prior years. We (inaudible) in the Capital Budget, but we do -- the Governor had proposed funding for Roswell Park and (inaudible) turned that into cash instead of bonding. Mental Hygiene will be just over \$600 million in spending for this year.

MR. LAWLER: Okay. But no -- no increase this year over a year, correct?

MS. WEINSTEIN: It -- we're actually \$100 million above where it was last year. It was \$500 million year and it's \$600 million this year.

MR. LAWLER: Within the -- within the capital

program or are you talking about overall in terms of services?

MS. WEINSTEIN: In capital spending.

MR. LAWLER: On capital spending, okay. Do you know where that increase in the \$100 million is allocated to or what it -- what it is allocated for?

MS. WEINSTEIN: That I unfortunately could not tell you.

MR. LAWLER: Okay. In terms of the police body cameras, we allocate \$10 million for the DCJS.

MS. WEINSTEIN: Correct.

MR. LAWLER: So that -- any municipal police department can apply for that?

MS. WEINSTEIN: Correct.

MR. LAWLER: So it would be -- it would be a grant from DCJS?

MS. WEINSTEIN: Yes. Yes. And we discussed this a little bit when we did our first budget bill today.

MR. LAWLER: Yep. Okay. And then under Transportation, it's good to see CHIPS received an increase. I believe there's a new program under this budget bill in addition to CHIPS and BRIDGE NY and PAVE-NY. Can you explain what that new program is? I know under the one-House budget you guys had proposed a -- a State Routes program. Is that -- is that the new program, or --

MS. WEINSTEIN: Right it -- it was called State

Routes then, now it's called City Routes -- City Route New York. I -- I did go through this with Mr. Ra, but let me just -- you know, I know the difference between being in the Chamber and not. So that money, just to go over that. The State -- a lot of municipalities, mostly cities, have responsibility for maintaining State roads that go within their jurisdiction. There will be a formula, a breakdown of how many miles of State routes are within city boundaries that the cities have responsibility for, and then this money will be allocated per mile. It will be broken down per mile to the localities and the money can be used for any road or bridge purpose. It doesn't have to be only for those State roads.

MR. LAWLER: So, for instance, I live in Rockland County. We have no cities. We have five towns and a number of villages. But I have a lot of State roads that come through my -- my municipalities. Do -- do our municipalities qualify even though we are not cities?

MS. WEINSTEIN: Yes, yes.

MR. LAWLER: All right. Very good. Thank you, Madam Chairwoman. I appreciate it.

ACTING SPEAKER AUBRY: Thank you. Mr. -- Ms. Giglio.

MS. GIGLIO: Mr. Speaker, on the bill.

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

MS. GIGLIO: This bill has my district written all

over it, line by line. The clean water infrastructure \$500 million. The environmentally-sensitive land so we could preserve with this funding with real property voluntary buybacks. The \$200 million in open space. The \$100 million in inland flooding for local waterfront revitalization. The \$100 million shoreline protection. The \$100 million farmland protection. The \$75 million in fish hatcheries. Parks -- pandemic, parks were so important to our communities and to our residents in our town. We got State funding by Senator LaValle and Assemblyman Palumbo years ago to build a ten-mile contiguous trail around the perimeter security roads for the former Grumman facility that thousands of people are using weekly. The Vietnam Veterans Memorial Trail. The \$8 million in marketing for agri-tourism. The library construction. The \$92 million match for Safe Drinking Water Revolving Fund when we have so many properties that were affected by the plumes from the former Grumman facilities. The \$100 million in downtown revitalization program where we were one of the top contenders last year for this grant funding, and I hope that the town in my district gets it this year. The additional money for CHIPS. But you know what the best part about this is? It's the high-paying jobs. The high-paying construction jobs that are going to infuse money back into the communities. They're going to be able to go out to dinner, take their families on vacation and get back to life as we know it.

So I will 100 percent be supporting this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so much.

Ms. -- Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. If the sponsor would yield for a couple of questions.

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

MS. WEINSTEIN: Yes, be happy to.

MR. WALCZYK: Thanks, Madam Chair. Is there a -- in this Capital Budget bill, is there a set-aside for improving infrastructure or for safety in child care facilities, whether it be public, non-profit, private child care facilities?

MS. WEINSTEIN: Not -- not in this bill, but when we talk about -- when we talk about child care in hopefully the next bill, ELFA, and I'll be happy at that time to go through how we're spending over \$2 billion -- how we're allocating over \$2 billion of Federal money for child care.

MR. WALCZYK: Okay. Good. I -- I look forward to it.

The -- the Governor's Office of Storm Recovery, you've got \$130 million in here. Who decides how that program works and how the money's dolled out?

MS. WEINSTEIN: That would be the Division of Housing and Community Renewal.

MR. WALCZYK: Okay. Under the -- under the Governor. There -- there's --

MS. WEINSTEIN: Yes.

MR. WALCZYK: There's \$3 billion from the State, and this is a cost share with New York City for the MTA. Ridership's been declining since 2015, as we know, and the MTA continues to struggle, so I can understand the support. Am I reading this right that \$1.6 billion of the \$3 billion that the State is sending is going to the James Farley Building?

MS. WEINSTEIN: I -- I -- I don't believe -- there may be some appropriation, but there's -- there's no funding for that.

MR. WALCZYK: Okay. That's not for the Moynihan Station Project?

MS. WEINSTEIN: Are you talking about the -- the new \$1.3 billion?

MR. WALCZYK: Yes, ma'am.

MS. WEINSTEIN: Okay. That was what Mr. Gottfried had referred to earlier, about the -- the Empire Station plan. And that's to reconfigure some of the underground transportation.

MR. WALCZYK: So that's -- that's \$1.3 billion for underground transportation?

MS. WEINSTEIN: Correct. Well, underground transportation facility, but it -- it's not any residential construction. It's all underground transportation-related.

MR. WALCZYK: Thank you. And, you know, I -- I enjoyed a lot of the budget hearings. I thought by process you did a phenomenal job, so I want to say thank you for having that open and

public dialogue. I wish that that translated sometimes in a more open budget process and ended in the -- in the result that we're voting on today. You may recall that I -- I brought up that the Federal government has shut down the Keystone XL Pipeline, which, you know, when I brought that up in the En Con Budget hearing I was talking about the issue of rail safety, which hasn't come up in a while since we've had an oil disaster on our railways. And also shipping safety, which is a big concern of mine as we continue to put more petroleum products on ships because the pipelines are getting shut down. Did we end up with any capital money to improve safety for either petroleum spills on our railways or to respond to any disaster on the St. Lawrence Seaway or Great Lakes system?

MS. WEINSTEIN: Not that I'm aware of.

MR. WALCZYK: All right. Thank you, Madam Chair.

The Regional Economic Development Council, did I -- did I hear your conversation with Mr. Ra right? There's a reappropriation of \$150 million in addition to the \$150 million that you're adding in this budget for the Governor to be able to spend a total of \$300 million in REDC monies?

MS. WEINSTEIN: Yes. But the original \$150- is for COVID-related expenses.

MR. WALCZYK: Okay.

MS. WEINSTEIN: This round -- this round 11 will be the traditional REDC program. When the Council -- when the

Regional Council meets, they present their recommendations, they're reviewed by ESDC and awards are granted based -- of the \$150- is awarded to the regions based on their proposal.

MR. WALCZYK: So \$150- of that will be specifically COVID-related and -- and half of the \$300 million, the other \$150- will be at the -- at the Governor's discretion, or as you put it, ESDC's?

MS. WEINSTEIN: Well, you know, I -- I must say because I am on -- a member of a board that's called (inaudible) that the Regional Councils actually make the presentations to us. The members, it's some legislative members, some commissioners. And this group presents recommendations to the ESDC. So it is not singular, and it's based on -- it's not a singular decision-maker and it's based on recommendations that are coming from the REDCs.

MR. WALCZYK: All right. I -- I'm glad you feel that way, Madam Chair.

The Resiliency Economic Development Initiative, you may recall the Governor put some of this money in the pot after great flooding on the Great Lakes and St. Lawrence Seaway in 2017 and 2019. I -- I didn't see any money for REDI, as it's known, the Resiliency Economic Development Initiative. Was -- was that excluded from this year's budget?

MS. WEINSTEIN: There's reapprop -- there's reappropriation but there is no new money in that regard.

MR. WALCZYK: Okay, no new money. And then

the -- the downtown revitalization initiative that was also \$100 million in new monies along with the \$100 million in reappropriation here?

MS. WEINSTEIN: Yes, correct.

MR. WALCZYK: Are those COVID-related downtowns that -- that will receive half of that money or is that a full \$200 million at the Governor's discretion this year?

(Pause)

MS. WEINSTEIN: Yes. So the -- the -- you are correct that last year's \$100 million will be COVID- related, but for municipalities. This new downtown initiative will be for -- based on the projects that are presented for revitalization.

MR. WALCZYK: Well, I can -- I can certainly say every downtown in -- in the United States of America, including New York, had some COVID impact. So I -- I think a -- a case can be made there. And then did I -- did I also hear right, the State and municipal facilities, also known as pork barrel spending, that's -- that's coming in at an additional \$385 million this year?

MS. WEINSTEIN: Yes. That -- that's -- that is correct. I wouldn't call it pork barrel. I think -- you know, I think it recognizes that all of us in the Legislature -- that all of us in the Legislature have a good handle on projects within our -- in our community. What area do you represent?

MR. WALCZYK: I would -- I would tend to agree. I -- I think if we're doing our jobs well and being good proactive listeners in a representative democracy, I would agree. I represent the

St. Lawrence Seaway, known as the Front Yard of America; Northern Jefferson and St. Lawrence Counties, Madam Chair.

MS. WEINSTEIN: You know, I think -- I would dare say you've probably been able to identify some projects within your own community that would be -- that have benefitted from the SAM -- SAM funding because you -- you, like so many of us, recognize the communities that -- that sort of on the ground level needs of our communities. So I -- I think it's very important funding.

MR. WALCZYK: I would. The -- the \$385 million, then, that will be equally spread out between the Senate and the Assembly districts?

MS. WEINSTEIN: It has not yet been allocated. We have the dollar amount, but we've yet to figure out how the allocations will be made.

MR. WALCZYK: But what I'm asking is because I know each one of us can -- can claim favorites of our own Assembly Districts. These dollars are going to be equally allocated to each Assembly District?

MS. WEINSTEIN: That's yet to be -- it's yet to be determined how that -- how that funding will -- will be spent. But I actually am -- I'm glad to see that the -- that you've been able to spend money for the Town of Massena, for (inaudible) and the Village of Cape Vincent for expansion of (inaudible) and making the room for Stone Quarry Road. So, you know, clearly it's not something that I would have known to do so or could have allocated funding for, so I

very much appreciate that you were able to recognize these -- these local projects and be able to help direct State funding so that we could support them.

MR. WALCZYK: Absolutely, Madam Chair. And I -- I appreciate you being quick on the draw with the -- the projects that I've been able to bring home. If you -- if you send me the whole list I'd be happy to read it into the record on my next 15 minutes.

Mr. Speaker, on the bill.

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

MS. WEINSTEIN: Just so you know, Mr. Walczyk, these are all publicly posted, so you can look at the Internet and just read to your heart's desire.

MR. WALCZYK: Thanks, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: So, Mr. Speaker, in this \$16.3 billion Capital Budget bill here there is no shoreline REDI money for St. Lawrence and -- and Lake Ontario. They've been left out while there are other storm recoveries. And, I mean, when you look at this \$16.3 billion in a giant \$210-12 billion budget in New York State that's being presented it really is more of a wishlist budget than it is based in any kind of economic reality as I see it. So to miss opportunities like that is really just telling of the priorities of this legislative Body and the Governor. So to see REDI money is left out

is disappointing to me. I think seeing the -- the \$1.3 billion project that the Governor has for the MTA, which is really a -- a wonderful ribbon-cutting, and I'm sure plenty of the -- the New York City members could tell this story a lot better than I've read about. But I -- I understand the problems of the MTA are much more with the guts. They need a good maintenance plan, they need modern upgrades. They don't need a Governor that's going to come in and cut the ribbon on the surface level for some grand facility and say, *I fixed the MTA*. There's billions upon billions of dollars that are left to the sole discretion of the Governor and his direct appointees. And this is a Governor, Mr. Speaker, that our Judiciary Committee is investigating right now for possible impeachment. Think about the checks that you're allowing that Governor to write within this budget before you cast your -- your vote. And on top of that, there's pork barrel spending in a year where New Yorkers are struggling to get back on their feet.

So, Mr. Speaker, I vote no.

ACTING SPEAKER AUBRY: Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

On the bill.

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

MS. GONZÁLEZ-ROJAS: Mr. Speaker, I want to begin by expressing my gratitude to all the staff that's worked so hard and all the advocates that have dedicated so much time to this budget bill process. I truly appreciate the Speaker's work and everyone's work on this. However, I rise in opposition to this bill today. The

City University of New York where I proudly served as an adjunct for two years deserves every single dollar in this bill and more. NYCHA deserves every single dollar in this bill and more. The animal shelters deserve every single dollar in this bill and more. But I cannot in good conscience support a \$1.3 billion land grab by Governor Cuomo for the Empire Station Complex project in this budget. I cannot support it because it is yet another giveaway to real estate developers and special interests at a time when the walls of CUNY are crumbling and NYCHA continues to be left behind. In fact, I believe that it's long past time that we truly invest in making CUNY free again by advancing a new deal for CUNY. I will continue to fight for a new deal for CUNY after this budget is done. But even prior to this pandemic, students at CUNY have had to deal with years of divestment in their capital needs. At Queens College the bursar and registrar office have been displaced altogether, and two academic departments are housed in places where there are no hallways and no ventilation. The college has run out of money in the middle of renovating laboratories, and one of their buildings has altogether stopped renovations because of locked-up funding. At City College where I was faculty, they've had to deal with broken elevators, broken bathroom stalls, toilets and boiler repairs that need to be made. Instead of providing over \$1 billion to Cuomo's real estate donors, we should be putting those dollars into supporting CUNY's rebuild, which would be a direct investment in our State's professionals of tomorrow. Additionally, this plan has been completely jammed through without

the robust input of congressional members, State legislators and local council members in the Manhattan area impacted. This is very reminiscent of the fight to jam through Amazon in Queens. I was against that then and I'm against this now. We have a land reuse review process in New York City, and no one should be allowed to bypass it because they receive hundreds of thousands of dollars in donations from real estate.

So for that reason, Mr. Speaker, I'll be voting in the negative.

ACTING SPEAKER AUBRY: Ms. Mitaynes.

MS. MITAYNES: Thank you. New York City Housing Authority houses our neediest New Yorkers, and year after year we are not doing enough and they feel neglected. I want to share something, something called the warrant of habitability. That means that the landlord is required to keep the apartment in good repair and provide essential services such as water, heat, gas and electricity. The NYCHA tenants in my district are still having heating use issues as a result of Superstorm Sandy. Some of them are currently having experience with no cooking gas. These are folks that continually feel like nobody sees them. And it's our responsibility as government to provide, and most importantly, for those that need it the most.

I cannot support this -- this bill. I'll be voting in the negative.

ACTING SPEAKER AUBRY: Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker. I rise to speak

about this capital budget. Right now there is a \$1.3 billion allocation, as many of the other members have spoken about, to the Empire Station Complex plan, or PENN 15, as a lot of folks are naming it. It -- it's a disgrace of a proposal, really, put forward by our Governor to satisfy his real estate developer donors at the cost of regular New Yorkers. The Governor may not want to be Andrew Cuomo right now, so I guess he's trying his hand at playing the role of a modern Robert Moses with all of the negative consequences that come from cutting out local communities from the decision-making process. And I am very glad that our Speaker and our House was able to get better language that the communities there could have more of a say in this plan. But it is still disturbing for us to give this allocation to this special project for the Governor. For the past year and for years before that, AAPI and other minority community groups begged Albany to improve the quality of our social services, to fund public housing properly, to support locally-driven financial institutions with real budget -- real budget commitments. And they have been told time and time again that our pockets are empty. Now the same Governor who pushed an austerity budget on our State in the middle of a pandemic is happy to spend \$1.3 billion renovating Penn Station. All the while 11 NYCHA buildings in my district are in various states of disrepair, and the best that we could do is offer \$200 million - million, with the letter M - to patch up the mountain of repair jobs and urgent maintenance that these buildings need. I'm not sure how this looks to New Yorkers in our public housing right now, and I don't

know how that feels when there's no hot water and no heat because boilers are broken and the State hasn't funded maintenance and repair. Our -- our complexes -- our NYCHA complexes are facing a \$10 billion shortfall, and that lack of funding falls on New Yorkers least able to afford another week without heat or another month in a room where mold is growing on the walls. And if they want to know where all of that maintenance money went, they can walk past the Governor's billion-dollar 20 million square foot vanity project to find their answer. Here's what that \$1.3 billion could do for New Yorkers: We could replace at least 60 outdated and unreliable boilers. And we could modernize nearly six dozen hot water systems in aging buildings. And we could install modern environmentally-friendly cost-effective heating control systems in roughly 75 buildings. And that isn't a pick-one scenario. The \$1.3 billion that the Governor is shoveling towards developers could fix all of those problems with a few million dollars left to spare. Housing is health care in this pandemic. We know how dire it is for all of us, and we know how dire it is to make sure that we have all of these things. We're asking folks to stay home, but the housing they are staying in is making them sick. Yet, instead of making their homes safe so that they could be safe, we're paying for the Governor's friends to carry out the Governor's bid for architectural immortality. Instead of addressing their needs and creating a larger and more durable New York economy, Governor Cuomo is busy planning legacy skyscrapers that could completely restructure a section of the City even larger than the

sprawling 18 million square foot Hudson Yards development. From Amazon to Penn Station, this Governor has spent his time catering more to the needs of multibillionaires and real estate tycoons than he has focusing on us and the real suffering caused by his mismanagement of our State's COVID-19 response. This proposal really shows a disturbing lack of understanding around the dire economic circumstances millions of New Yorkers faced even before the pandemic. Now is really not the time to invest our energies on vanity projects to deliver for major developers while leaving our neighbors without any support.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lavine.

MR. LAVINE: Thanks, Mr. Speaker. I suppose that when we deal with Capital Budgets like the one we're dealing with, there is a certain philosophy that says we can always spend more, we can spend it in different places, we can spend it more in our individual districts. And that's part of the game and part of the art, as well, of politics and government. But I think we ought to take a moment to thank President Biden and the United States Senate and the United States House of Representatives for not simply helping New York, but finally treating New Yorkers with the degree of fairness that we have not seen for the years between the 2016 and 2020. So I speak as a Long Islander, and I'd want to mention just a few of the things that are in this budget that I think ought to be of relevance and of significance to people who live in Nassau and Suffolk County. To begin with,

there's money to buy property for the Western Suffolk Nassau County special groundwater protection areas. That is -- that's to protect our environment. There's \$5 million for Nassau County for the Bay Park Wastewater Treatment Facility, extraordinarily important to protect our estuaries and our coastline. There's a quarter of a million dollars for the Long Island Regional Planning Council, for the Long Island Nitrogen Action Plan, again, to protect the lives and safety of our people. There's nearly \$50 million to address the environmental peril at the superfund site at Northrop Grumman facility. There's money for Sewer Districts 2 and 3. There's money to purchase and build 100 additional chemical dependency beds and therapeutic services to serve the people who will occupy those beds. There's millions for Nassau Community College. There's nearly \$2 million to eliminate railroad grade crossings in Mineola. I have lived in Long -- Nassau County long enough to see people killed when don't have -- they -- when they are victimized by trains as they're trying to cross the railroad tracks. There's \$4 million for Nassau County for public transportation. There's \$15 million of Economic Development for Nassau County. There's \$85 million for the Nassau Hub. So on behalf of the nearly four million people who live in Nassau and Suffolk, I want to take the -- an opportunity -- take advantage of this opportunity to recognize and thank Chair Weinstein, Speaker Heastie and your staffs for your good work. And finally, cynicism, in the words of Stephen Colbert, masquerades as wisdom, but it's the farthest thing from wisdom. Because cynics don't learn anything. Because cynicism is a

self-imposed blindness. A rejection of the world because we are afraid it will hurt us or disappoint us. Cynics always say no. But saying yes begins things. Saying yes is how things grow. This Capital Budget says yes. In -- in the future, hopefully we can help everybody and help everybody more.

And finally, as the Chair of the Assembly Judiciary Committee, I very much want to say how much I resent any member trying to use the work of that Committee, the challenging work of that Committee, for self-promotion. What the Committee does is far too important for that kind of cynical approach.

I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. And I want to thank everybody in the Legislature in support of this important bill. Let me highlight a couple of important things. Already as been mentioned is the important \$20 million increase for the Library Capital Construction Program which is vitally important all over the State. These are the projects that allow local libraries to keep up with the changing times, to keep up with their infrastructure to protect local taxpayers. Very important commitment that the State is stepping up again. But I especially want to reflect upon the nation -- leading the nation commitment in clean water that we're again making another installment in this year. Another \$500 million towards clean water projects that -- we are in a program already, that the biggest part of

that program is the Water Infrastructure Improvement Act, the grants that go to municipalities in every corner of the State. So far, \$1.2 billion in grants, a much larger amount in total project costs, \$2.5 billion in property tax savings, 690 projects so far since 2015 and 67,000 new jobs. We are continuing the work that we took a year off last year because of the pandemic, and so there's a lot of pent-up demand for clean water projects by municipalities around the State. This is a major step towards meeting that need. We've had great help from DEC, from the Environmental Facilities Corporation and the Executive Branch and the Governor and the Legislature that has stood behind this program. It is going to serve our health. It's going to create jobs. It's going to help the environment and it's going to help taxpayers.

So, bravo, and let's continue with what is in many corners a very important budget this year. We're doing a good job in tough times, our municipalities need help. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GANDOLFO: While I have a lot of problems with the overall budget this year, I have to say this Capital Plan is a net positive for my district, and I believe for Long Island. In this Capital Plan we have \$500 million in clean water infrastructure

spending, \$300 million for the Environmental Protection Fund. We have \$130 million to continue storm recovery initiatives. We have a \$100 million increase for -- for CHIPS, the program which helps improve local roads and highways and bridges. We have increased spending for the Extreme Winter Recovery Fund, which also goes to help re -- repair our roads after harsh winters like we've had. In addition, there's the Environmental Bond Act, which includes \$100 million for inland flooding and local waterfront revitalization as well as \$100 million in shoreline protections.

So, while the overall budget, it doesn't look like it's going to be very good for New York this year, I will say this Capital Plan is a step in the right direction. I'm sure when we see the Big Ugly bill coming either tonight or tomorrow I'll be appalled by it, but I'll be happy to support this Capital Plan. I think it will be good for Long Island. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a couple of questions?

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

MS. WEINSTEIN: Yes. Be happy to yield.

MR. MANKTELOW: Thank you, Chairwoman.

And I -- my hat's off to you for sticking this out today. I appreciate your time and effort.

MS. WEINSTEIN: Oh, the night is early.

MR. MANKTELOW: Yes, it is. One question I had with the capital -- with the capital piece of the budget, is there any money in here for individuals with developmental disabilities?

MS. WEINSTEIN: In capital money, I do not believe so.

MR. MANKTELOW: Is that -- is that a no, ma'am?

MS. WEINSTEIN: That's -- hold on one second.

MR. MANKTELOW: Okay.

(Pause)

MS. WEINSTEIN: There is the \$600 million for Mental Health. I'm just checking to see if we actually have a breakdown for how that...

(Pause)

MR. MANKTELOW: Maybe that's a fine line, so Ms. Chairwoman --

MS. WEINSTEIN: You know, so it -- the breakdown of -- of -- of funding is on page 440 of the -- of the bill that we're discussing. So the Office of Addiction and Support Services is \$90 million, then Mental Health is \$534 million. And let me just find the Office for the Mental Disabilities [sic], there's \$100 -- \$108 million for -- in Capital Projects for the Office of People With Development Disabilities. That would be on page 503 of the bill we're discussing.

MR. MANKTELOW: So -- so Madam Chairwoman, with that information you just gave me, the reason I'm asking is,

earlier this evening I spoke with Assemblywoman Missy Miller and she did give me permission to use her name, Mr. Speaker, on -- here on the floor. Her name and her son. Back in 2017, Assemblywoman Missy Miller had a -- a piece of legislation that was passed and was actually put into the 2017 budget to do a study on looking at locations throughout State buildings, on the Thruway on rest stops where families with individuals with disabilities would be able to change their son, daughter, brother, sister, father on a changing table instead of doing it on the ground or on the floor, sometimes here in the Capitol. And I know while speaking with many families back home that deal with individuals as they travel, there are no places to -- to do that. The one family I spoke with, she said they either have to do it on the floor at a rest stop on the Thruway, or if the weather's nice they do it outside on the grass. These are young people, young adults, older adults. And I think in today's society with everything we have going on, we should be able to do this. So I -- I would really like to see the study that was passed and was supposed to be done several years ago, I want to make sure that it happens. But not only that, I do want to make sure that we seriously look at making sure this happens for these young -- these young adults and -- and senior adults. There -- there's no reason they should have to be on a floor at a Thruway stop or on the floor in this building because there is no place to -- to lay them down above the floor. So as far as you know there's no money in the budget for that in this piece of the budget, correct?

MS. WEINSTEIN: Correct. I would just add that the

Thruway Authority is with -- capital would not be in this budget. That would -- the Thruway Authority would -- is a separate entity. But you did mention -- you know, you did mention this building, that would be through OGS. And I don't believe there is anything in the budget to deal with that line item specifically.

MR. MANKTELOW: Yeah, I think back then and in 2017 I do believe that it was a study for all -- all State buildings, all State properties, whether it was a college, whether -- whether it was a Thruway rest stop or this building or any other State building. So I know it's not in this budget. I think it needs to be in this budget. I hope that once we get done with the budget process maybe we can look at this as a standalone bill again to find out if we can get this study done. I think if we -- I think we owe it to these individuals, I think we owe it to their family members. And as I said a little while ago, in today's society, in today's world and in New York State, we can come -- we should be able to come up with that money to make that happen for those families.

So, Madam Chair, I appreciate the -- the few minutes.

And, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: And I apologize for this being late, but, you know, as you sit there and listen to the debate and hearing some of the -- some of the -- some of the words being said on both sides of the aisle, it just made me think about those families that I've met with face to face. And -- and when the one mom told me

about that with her daughter, I think this is a fine time to bring it up. Again, I -- I wish I had thought about it a little earlier, but I didn't. But I really want to see this happen, and I know that speaking with Assemblywoman Miller, she -- Missy Miller, she's behind this and I -- and I know that we -- some of us in -- on this floor want to see that happen. So I will help her then maybe we can bring that together once the budget is done to make sure we take care of these individuals and their families.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the Chairwoman yield?

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

MS. WEINSTEIN: Yes, Mr. Goodell, happy to yield.

MR. GOODELL: Thank you. I had a number of, I think, short questions, hopefully. I see that we in this budget appropriate \$102.5 million for ski facility upgrades. And that's on top of the \$144.5 million that we appropriated last year. So it looks like between last year and this year we're spending almost a quarter of a billion in upgrading ski facilities. Now, in my district I have two privately-owned and operated ski facilities. They pay property taxes, they get no support from the State. The district next door there's a couple of fine ski resorts. They privately finance. Wouldn't it make

more financial sense for us to save the taxpayers a quarter of a billion dollars, sell these ski resorts, put them on the tax roll and -- and take the revenue from their sales and use them to cut taxes or fund other critical programs?

MS. WEINSTEIN: I think I -- I'll say no to that. I'll give you a short answer.

MR. GOODELL: Well, maybe next year we can pursue that.

I see that we have \$150 million for SUNY hospital capital subsidies.

MS. WEINSTEIN: Right.

MR. GOODELL: How does that compare with what we've provided private-sector hospitals through districts? Do you know how that compares?

MS. WEINSTEIN: I -- that I couldn't tell you, but obviously, you know, we're talking about the public hospitals when we talk about this -- this funding. And the one I'm most familiar with is the Downstate hospital which is just -- just outside my -- my district. It was actually designated as a COVID-only facility, and they have -- I know that they have great needs, as I believe the other State hospitals do.

MR. GOODELL: We heard a few minutes ago from one of our colleagues pointing out that tonight NYCHA is only getting about \$200 million for capital investments. And I know that the Affordable Housing Corporation under this bill is getting \$51 million

for all the rest of Upstate. Is there a reason why we are providing NYCHA four times more money than all the rest of the State combined, and should we increase both amounts?

MS. WEINSTEIN: They're -- I -- I think you're off on the number because I believe it's \$125 million for housing, public housing outside of New York City. And I dare say, being very familiar with NYCHA housing - I have two developments in my district - I would dare say that there are many more tenants who are living in NYCHA facilities than in some of the other public -- public housing. But it is \$125 million for outside of New York City.

MR. GOODELL: I see we provide a total of \$20.1 million in Upstate transit capital finding, and I believe you mentioned earlier that we have \$3.1 billion for MTA funding, is that correct?

(Pause)

MS. WEINSTEIN: Actually, Mr. Goodell, the MTA money is reappropriated money, so it is not new money. The Upstate transit money is, in fact, new -- new money.

MR. GOODELL: And is the amount that's reappropriated the \$3.1 billion?

MS. WEINSTEIN: Yes. It -- it's \$3 billion, yes, is reappropriated.

MR. GOODELL: So again, you know, I -- I recognize that the MTA serves about half the State's population, but the amount that we're reappropriating for the MTA is not ten times more than Upstate transit, it's not ten times more, it's not 50 times

more, it's not 100 times more, it's 154 times more. Why does the MTA receive 154 times more money than all the rest of the Upstate transit?

MS. WEINSTEIN: Well, first I'd just clarify that it's a one-time appropriation, but it is for a five -- they do have --it's for a five-year plan. So you would have to really divide it by -- by five to get the annual appropriation. And it's a -- a very large system that has a lot of issues.

MR. GOODELL: Indeed. Additional --

MS. WEINSTEIN: Tremendous number of people.

MR. GOODELL: Indeed. Prior to the pandemic the MTA ridership was about 2.1, 2.2 million passengers a day. So my question is, why are we not suggesting to the MTA that they raise the rate that they charge people to ride on the MTA and reduce the Statewide subsidy? Just by comparison, as you know, I have the longest commute. And the price I pay for gasoline has gone up 80 cents a gallon since the beginning of Session. But none of my residents are asking for a massive State subsidy. They all have to dig into their pockets and come up with the extra money to pay for their own gas. Why don't we ask the MTA riders to contribute toward this massive operating deficit?

MS. WEINSTEIN: Well, Mr. Goodell, as -- as you may be aware, throughout the entire MTA region there are tax payments that are -- there -- there's payments that are raised by the residents that are specifically designated for the MTA. And

obviously, the fares pay some portion of it and because of the pandemic that has -- that amount of review has gone down. But there have been, I would say, unfortunately, numbers of fare increases. There's not one this year. We're hoping that we can avoid having that increase -- have ridership increase. But, you know, I -- I would just put all of that together that as long as that -- a lot of -- there are also dedicated taxes that go to the MTA. There's a mortgage recording tax that is specifically designated for -- for the MTA as well as the MTA regional taxes.

MR. GOODELL: Thanks. I would just suggest that maybe we ought to talk about bringing MTA fares closer in line to the cost or certainly the shortfall that the MTA faces, just like everyone else Upstate who has to drive to get to and from work pays the higher gas prices with no subsidy from the State.

I see that we have --

MS. WEINSTEIN: I --

MR. GOODELL: -- a different question --

MS. WEINSTEIN: I -- I -- I would just suggest, don't say that too loudly if you're in New York City because it would not be, you know, appreciated. The New York City riders pay -- its fare has been going up steadily. They do pay a portion of revenues to maintain the system, but it is a very large system, as I mentioned. And we do -- you mentioned gas tax. But we do provide funds for Upstate bridge -- for highway and bridges, aviation, rail and -- and transit. This coming appropriation is \$6 billion when you add that all up.

MR. GOODELL: Well, without belaboring the point, most Upstate commuters have to buy their own car, they pay monthly car payment typically. That monthly car payment in most cases far exceeds what MTA riders pay in order to commute. In addition to that, they have to pay their own car insurance. They have to pay their own gas expenses, they have to pay their own repairs. I'm just saying that it's not unfair to ask New York City residents who use the subway to commute to pay more of their actual out-of-pocket expenses for the commute, just as all Upstate commuters who have to pay for their own car and gas and insurance and maintenance and the repairs and new tires have to do the same. Just passing that concept on.

But another question. I see we have the 2022 Environmental Bond Act for \$3 billion. What is the amount that we anticipate will be available in our bond cap in 2022 if we were to comply with the bond cap restrictions that we have historically looked at? Do you have a projection on how much capacity the State would have in 2022 or 2023?

MS. WEINSTEIN: We've had discussion in -- or we talked about in 20- -- '22 -- it would be the '23-'24 year and the remaining capacity at this point is projected at \$8.8 billion.

MR. GOODELL: Thank you very much. And again, appreciate all your comments.

Thank you, Mr. Speaker. And thank you, Madam Chairman.

ACTING SPEAKER AUBRY: Mr. Kim.

MR. KIM: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. KIM: First, I want to just thank the Chair Weinstein and her team for their tremendous work today. It's been a long day. So on this particular Capital Projects bill there are many things that I do appreciate that will create jobs for the State of New York. But I can't in good consciousness support a budget bill that includes \$1.3 billion for the Penn Station project, especially when our other public institutions are severely underfunded. I appreciate the local member who has pushed the Executive to include as much language to give more oversight and local control, but I do believe we should be going further to guarantee that any kind of decision of this magnitude is completely controlled by community and local groups. The \$1.3 billion could be used to fund NYCHA. I have two big NYCHA units in my district, and during this pandemic it was heartbreaking to see my constituents without gas, without heat. You know, family members who lost loved ones inside their apartments didn't know where -- who to call, where to send them. I mean, these were -- I think every one of our colleagues who have NYCHA and has experienced these type of painful traumas and the money that we are putting in is simply not good enough. And I also appreciate our Upstate members with the public transit, the lack of funding throughout the State of New York. That \$1.3 billion could be better allocated to fund public transit throughout the entire State of New

York, not just the City of New York. But I do think that this giveaway without the proper oversight will result in a negative impact for Midtown area. And I do want to also recognize that I represent the second-busiest congestion hub in Downtown Queens. Midtown Manhattan is not the only place that people travel to. Flushing Downtown is the second-busiest neighborhood, the transportation hub, in the City of New York. But no one talks about any kind of investment in any of our public transit in our boroughs. So I do want to just voice those concerns and -- and -- and just go on record that I can't in good consciousness support this bill that includes \$1.3 billion of giveaways for Governor Cuomo.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Kelles.

MS. KELLES: Just in the interest of time, would the sponsor yield for a quick question?

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

MS. WEINSTEIN: Yes, happy to yield.

MS. KELLES: Thank you so much. I am trying to navigate my way through the component that refers to the (inaudible) tax credits. I'm assuming an allocation of \$14 million. I understand here you've got \$28 million, but I know in the revenue there is more (inaudible).

(Pause in audio transmission)

MS. WEINSTEIN: Unfortunately, we do not have

the information on the dollar amount that -- that's gone out. But that -- it's something we can -- we can find and get back to you on it.

MS. KELLES: That would be great. And I -- I want to stand in support of my colleague with respect to the \$1.3 billion allocation (inaudible) and just add my -- my support for the words that have been spoken today. Before coming into State government, I heard about these grabs (inaudible) in government and (inaudible) upfront and -- and personal and knowing what we could do. Just in my district alone I have one of the counties that is one of the most expensive places to live in the country. We have (inaudible) \$4,000 a month. And it is has created a tremendous difficulty to have affordable housing. We're constantly fighting to create affordable housing. (Inaudible) 80 percent AMR for -- for housing here is above the means for a lot of people. So to see this kind of grab when it could be going to affordable housing throughout the entire State (inaudible). It is a bit hard to follow. I know that we -- housing is the biggest issue in both towns that I represent. So I just want to add my voice to my concern about that effort. And -- and stand in support with my colleague. Thank you.

ACTING SPEAKER AUBRY: Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURDICK: Thank you, Mr. Speaker. You know, what a difference a few months make. In late December and

early January as an incoming member of the Assembly, I had friends and associates who said, *Gee, you know, Chris, boy, did you pick a bad time to go into the State Assembly. Here we are in the middle of the pandemic. It's looking like it's going to be just a horrible State budget with draconian cuts right and left, and there's going -- it's going to be contentious, it's going to be terrible about what programs can you save before you even get to capital spending.* That was the end of December and early January. And here we are in early April, just a few months later, and it's been a sea change. We have our friends in the congressional delegation and especially our Senate Majority Leader who, as Charles Lavine had said, has finally done justice to New York in bringing dollars to New York that all along we merited. And that, together with an improved economic outlook, we now have a Capital Budget which provides very significant additional funding virtually across the board. And I don't think that I need to go through every one of them since this has already been discussed at some length. So, this Capital Plan invests wisely in the needs of the State. It is fiscally-prudent. It's put where it needs to be put. This is not simply a good Capital Plan, it is a spectacular Capital Plan.

So, I wish to just thank Chair Weinstein, Blake Washington and the staff of the Ways and Means Committee for their countless hours spent, as well as all the committee chairs and their respective staffs, which did an extraordinary job. And I especially wish to thank Speaker Heastie for his extraordinary patience and efforts with all of us, including me, and in working so effectively with

the State Senate and the Executive. We're very fortunate. And for my friends and colleagues who said, *Looks like you're entering the State Assembly at a bad time*, well, good news. I think I -- I entered it at a very good time.

I will very definitely be voting in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Epstein.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. EPSTEIN: Thank you. In 2018 Governor Cuomo spent a lot of time in New York City talking about the struggles that we saw in public housing and said how we really need to invest in there. And his budgets in 2019 and 2020 and again this year in 2021, he invested zero dollars in public housing. Each year in his Executive Budget he decided that public housing wasn't worth a penny of capital dollars, even though we know there's \$40 billion of need across New York City and billions more for the rest of the State. At the same time, pet projects like Penn Station, out of the blue he found \$1.3 billion. We need to stand for New Yorkers. With over 400,000 residents in New York living in public housing, to say to them, *We can only find \$200 million even though we know you need \$40 billion*. But we can fund projects like Penn Station which the community doesn't like, which is going to take -- create eight towers and demolish a part of a neighborhood is beyond believable. We

support and I support money for higher ed. We -- for CUNYs and SUNYs and their capital. We want an Environmental Bond Act. But at the end of the day I can't in good conscience vote for this bill because of what it does to so many of my constituents. It tells them that we don't care. It tells them, *We're going to ignore you*. It tells them, *Well, it's not our responsibility*. But they are. They live here, they work here. They're part of our community. We need to invest in them.

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

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

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

MS. WALSH: So we've been debating this bill for some time, and I just wanted to take this opportunity to kind of state where I am on this bill. So, in a way this is a difficult decision as to which way to come down on this bill because there are a lot of investments that are being made in this Capital Projects bill that I really do support. We've been -- many of these have been mentioned already. CHIPS funding, Extreme Winter Recovery money, PAVE-NY, BRIDGE NY, clean water infrastructure, the SAM money, the election capital to help the Boards of Election at the state localities, library construction money, police body cameras. I mean, it

goes on and on. Because really, when the Capital Projects bill is costing \$16.3 billion there's going to be things in here that we all like. Right? That's -- they're going to be priorities in here that we all like. But to me, what I keep going back to is that the -- you -- the -- the State Budget is like the pieces of a puzzle coming together. There's ten pieces, right? We can't just look at one bill and vote on that bill in a vacuum. We have to consider the whole picture. And that -- it's that picture that I find so troubling. You know, there's so many numbers that are flying around as we're talking about the budget, it's easy to forget or become numb to the fact that we're talking about a \$212 billion budget. That -- that's 212 with nine zeros after it. Think about that. You know, think about what that dollar number really is. That's \$19.5 billion more than last year's budget. So a budget is a reflection of our State's priorities. This Capital Projects bill contains a number of mine. I've reached out today to some of my highway superintendents, and I -- I hope that the different people and entities that stand to get projects done through this portion of the budget, I hope that they know that I do support their initiatives. But people, I mean, this is not sustainable spending as a whole. Even though I like and support many of these expenditures, I can't support this bill because it represents part of this bigger puzzle of a State budget that contains spending that is not sustainable and that is just way, way too high. And while I know that there are people and entities that will benefit from this budget, I'm really thinking about our taxpayers here and I think that this is just too much.

So I will be voting in the negative. I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2504-D. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Party is -- Conference will be generally voting no. Those who would like to support this legislation should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be voting in the affirmative on this one. If there are colleagues that desire to be an exception, they should reach out to the Majority Leader's Office and we'll be happy to properly record their vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: So noted.

To explain their votes, Ms. Gallagher.

MS. GALLAGHER: Thank you, Mr. Speaker. And

thank you to the Chairs and the staff for your hard work to bring us to this point. There's so much to commend here. I'm thrilled about the restoration of the Environmental Bond Act as well as the Victims Services provisions. But I rise to respectfully oppose the budget bill for one simple reason. Or maybe 1.3 billion reasons; the \$1.3 billion it appropriates in capital funding for the Empire Station Complex Project. It's not controversial to say that the current Penn Station leaves a lot to be desired. But I would contend that the very same approach to mega development projects that led to the destruction of its historic predecessor in the 1960s is driving this plan here today. That Penn Station sits beneath a privately-owned sports arena that has avoided \$555 million in taxes over the last past 37 years makes the parallels even more clear. Our transit system has tremendous needs. New signals and train cars, expanded bus service, elevators and accessibility upgrades and reliable funding sources so that we don't keep raising fares on working New Yorkers. Let's start there. I understand that the language around the appropriation bill has been tightened, but I'm still concerned. I humbly submit that this is not how we should do transit policy, and I vote no.

ACTING SPEAKER AUBRY: Ms. Gallagher in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I have listened intently as colleagues on both sides of the aisle realize the value or the

lack of value in the Capital Plan that invests in most places in our State. And invest in most places in our State when, quite honestly, capital development is needed. Last year, as we all know, we were shut down in the middle of a pandemic. There were a ton of capital plans that should have been going on then that didn't because they couldn't because we were in a pandemic. Now here we are almost being able to see the light at the end of the tunnel of this pandemic. This -- this is the right time to invest in our communities. I literally will plan my drive around Route 5 in Buffalo because it's in that bad a condition. We need additional CHIPS dollars there. So for all of the folks who are not interested in having access to that, I can assure you that there are other communities in this State that will be glad to have it so their roads can be put in a condition that will not only protect the safety of their drive for their cars, but quite honestly, the protection of the safety for their lives on some of these roads that we've been driving on. Infrastructure workers desperately need it. I am excited to vote for this Capital Budget. And I would just hope that at some point we can put policies in front of personalities. Because this shouldn't be a personality game here. It doesn't really matter who you like. What matters is who you work for. And you work for the people in the district that sent you here. And so I suggest that we will put a little bit more attention to ensuring that we get what we need for our districts as opposed to politicizing every issue when it's about policy.

Thank you, Mr. Speaker. I'll be supporting this very gladly.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. And I want to offer my support for this bill as well. There are many great items that benefit not only the district that I represent but districts throughout the State of New York. Increased CHIPS aid, increased storm recovery aid, the new arterial maintenance aid which we've been fighting for for years, and of course the SAM funds, which really is something that I've always thought was important for local governments. These benefit local governments, they benefit the people we serve, they benefit the taxpayers. We cannot forget it. And also finally, the reinstallation of the \$600 million for building a new Wadsworth Labs here in the Capital Region that Member Fahy and myself have both worked diligently for. These are great investments not only for the Capital City but for the Capital Region.

And with that, I will be supporting this -- this bill.

Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. To explain my vote. There are clearly going to be issues that people can find in a -- in a budget of this size. But I am pleased that there's \$100 million for CUNY and \$100 million for SUNY for new expansion projects.

They haven't had this kind of new capital in many years. This is vitally important. I am also happy for New York's companion animals because there is a Companion Animal Capital Fund that will reinstate \$5 million for upgrading those shelters and humane societies. But there's also money for parks. This past year we learned exactly how important it is to have the open space for people to engage and enjoy not -- and hopefully they'll continue to do so even after the pandemic. Water quality projects, vitally important. And even roads and bridges. And I would suggest to some of my colleagues in the City, we talk a good game about mass transit, but the Penn Station hub is how people get around our region without cars. So, improving the underground which is what was -- the underground transit, which was what the limitation has been in this bill, is also vitally important.

So I will be enthusiastically voting yes. Withdraw my request. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Sir.

MR. ANDERSON: Thank you. You know, Mr. Speaker, this is a -- an interesting Capital Budget here. It does a tremendous amount of good, but it also does not enough for our communities that are suffering. One of my colleagues who represents

Rockland County made the joke that even with spending \$200 -- \$212 billion that this is still not enough. Well, it's definitely not enough when people are suffering with mold, and NYCHA has a \$40 billion need. It's definitely not enough when we're investing \$1.3 billion into Penn Station, which essentially is a pet project when people are suffering and hungry. It's definitely not enough when our libraries don't have the funding and resources that they need. But in -- in the areas that it is good and that we can move forward with it, it -- it invests in CUNY and SUNY, which is critically important but not -- again, not enough. So back to your joke, my colleague from Rockland County. It does invest in environmental projects and clean water. It does invest in -- in supportive housing for folks. And of course many -- of course the much-needed Bond Act so that we can help prevent flooding, as my community is surrounded by water. I represent a peninsula. So, it's critically, critically important.

So I do vote yes on this capital bill with -- with reservations, knowing that we could fight for so much more. Knowing that NYCHA deserves so much more and that our communities need so much more investment, especially with the uptick that we're using in spending on this bill. So I -- I do, again, vote in the affirmative with strong reservations and I withdraw the rest of my time. Thank you.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker. I rise to vote in the affirmative on this bill. And I want to say there are a number of reasons to do that. And I must start with what -- what is very local for me. We heard a lot of members talk about some local issues, and one of those for quite some time has been the Wadsworth Science Labs. So I am very grateful to my colleagues, especially John McDonald and -- and the Speaker and more who have helped to restore this funding that was originally put in with the Governor. So we hope to work with all parties involved. This will be the single biggest public investment outside of SUNY Poly and Global Foundries in the Capital Region. So, it is important that we work to reclaim the title of World Class Labs for those Wadsworth Science Labs that we know have gained worldwide renown for being on the frontlines of this COVID pandemic. So, that along with the SUNY capital, we also would still like to see our UAlbany engineering building built, and we're just going to keep transforming the Capital Region as well as -- to a host of my colleagues on the \$500 million again in clean water, infrastructure, libraries, and more, there's lots of good news in this.

Thank you again, and thank you to the Speaker for your investments in the Capital Region and more. And I, again, vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. As the

colleague from Rockland, let -- let me just say very clearly, there was no joke. It's very serious and it's very real that we have increased spending by \$35 billion in this State. We have ultimately no plan -- plan to pay for it. Come next year when the Federal government one-off goes away, I'd love for my colleagues to explain how we're going to pay for a \$212 billion budget. We're either going to have to make draconian cuts next year or massively raise taxes on the middle-class and hardworking taxpayers of this State. It's simple math. So the bottom line is, we had \$12.5 billion given to us by the Federal government to New York State. Six billion given to New York City. Six billion given to the MTA. Nine billion given to our schools. Billions more given to our municipalities. We've looked a gift horse in the mouth and decided, no, not enough. So we're raising taxes, we're increasing spending. We are putting our State on the precipice of fiscal collapse. I cannot in good conscience support this budget in any way. It's -- it's a total train wreck and a disaster. There are a lot of good things in here, no question, that each of us could support for our own districts, but on the whole, this budget will hurt New Yorkers in the long run. I vote no.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Mr. Jonathan Rivera.

MR. J.D. RIVERA: Thank you. I don't speak often in this Chamber and I'm still impressed every time I walk in here, truthfully. I want to thank all my colleagues for -- for supporting this

item. And I want to thank our Majority Leader Crystal Peoples-Stokes on her dead-on points earlier on the necessity of infrastructure investment in Upstate New York. You know, it's -- it's a bit of joke sometimes of how better the roads are in our -- in our cities and our towns, but if you drive on them for all of five minutes you'll know that it's not much of a joke. I -- I want to support this item and thank this Body and -- and thank all those that deliberated on this budget for moving this forward, believing that construction jobs are a lifeline in this State. And knowing all the pain that we've gone through this last year, knowing that this is so important, knowing that this is so necessary, I stand in -- in -- and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Rivera in the affirmative.

Ms. Wallace.

MS. WALLACE: Thank you, Mr. Speaker, for giving me an opportunity to explain my vote. I just want to join the chorus of voices that have said how helpful and important this -- this portion of the budget is, this investment in infrastructure. There's -- there's so many things to be glad about in this portion of the budget; the CHIPS funding, the library construction aid, the clean water investments which in the past my district has benefitted from and hopefully will in the future. The Downtown Revitalization Fund, again, my district has benefitted from that and I hope to see that happen in the future. The winter -- Extreme Winter Recovery, the Environmental Bond Act, money for SUNY and CUNY. And I want

to specifically mention the \$10 million for police body cameras to help offset the cost to municipalities. That's something that I advocated for and I'm glad to see it's in the budget.

So I, too, agree that this is -- this is a great bill and I wholeheartedly support it and I want to thank the Speaker and the Majority Leader for their work on this.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. I will be voting in the affirmative on this bill because of the many good projects that will be funded across the State, including, as my colleague spoke about, is environmental funding, animal shelter funding, other -- other SUNY, CUNY, other good investments. However, I would like to register my dismay at the land grab, the \$1.3 billion for a Penn Station project whose boundaries are undefined. My district is right adjacent to it, and I know that if this project goes through it would have undeniable impacts on the whole borough of Manhattan. Especially if someone tries to put a casino in Penn Station area. However, we have not begun to fight. This is round one. It's tempered. I bet that money never gets there. But it is round one because we're all prepared to stop this project even as it tries to leave the station.

Thank you, Mr. Speaker, and everyone else for your diligent work on this and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker, to explain my vote. I want to say that this is an excellent, excellent Capital Budget. I'm not going to go through all the great things that have been said before, but one area that's hasn't been really emphasized is the fact that we're giving capital money to all the boards of elections and the State Board. You know, in the past couple years we passed incredible election reform. That's the good news. The bad news it takes a lot of staff and it takes a lot of equipment. And what this is going to enable the local boards to do is to buy up-to-date new voting machines, electronic poll books. They need i -- new iPads, free up some money for staff, and really go on. You know, when we were passing these reforms I heard the same old refrain, *Oh, unfunded mandate, oh, unfunded mandate*. Well, guess -- guess what we're doing here tonight? What we're doing is we're not maybe funding 100 percent, but we are funding it and I think that's really a great step.

So I'm so happy to be able to vote for this and all the other items that are in the Capital Budget at this time when interest rates are so low. And so I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Do we have exceptions, Mr. Goodell?

MR. GOODELL: Thank you, sir. Please record the following Republicans in the affirmative: Mr. Ashby, Mr. Brabenec, Mr. DeStefano, Mr. Durso, Mr. Gandolfo, Ms. Giglio, Mr. Giglio, myself, Mr. McDonough, Ms. Miller, Mr. Montesano, Mr. Ra, Mr. Reilly, Mr. Smith and Mr. Tannousis. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could record our colleagues Mr. Barron, Ms. Forrest, Mr. Mamdani, Ms. González-Rojas, Ms. Mitaynes and Mr. Epstein in the negative on this one.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes?

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Mr. Mikulin in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If you could let me just give members a sense of the schedule of where we're going to be going for the rest of the evening. There is a need for a -- colleagues on the other side of the aisle to have a conference. And upon that completion of their conference, there will be a need for a Ways and Means Committee meeting as well as a Rules Committee meeting, at which time we'll be producing a one-bill C-Calendar, the ELFA budget bill. And we will take up that bill on the floor tonight, Mr. Speaker. So members should be prepared to stay and be prepared for Session for the rest of the evening, and then once we do adjourn we will be back in on tomorrow morning to complete our work.

With that, I'm sure you should call on Mr. Goodell for an announcement.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Would you recognize Mr. Norris for an announcement?

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

MR. NORRIS: Thank you, Mr. Speaker. There will be an immediate Minority Conference via Zoom. An immediate Minority Conference via Zoom. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Immediate Minority Conference via Zoom.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: The House will stand in

recess.

ACTING SPEAKER AUBRY: The House stands in

recess.

(Whereupon, at 9:30 p.m., the House stood in recess.)

AFTER THE RECESS

11:44 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If I could advance the Calendar C.

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

MRS. PEOPLES-STOKES: And if we can now take that one up directly, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A03006-C, Rules Report No. 56, Budget Bill. An act to amend the Education Law, in relation to School Contracts for Excellence; to amend the Education Law, in relation to pandemic adjustment payment reduction; to amend the Education Law, in relation to aidable transportation expense; relating to funding from the Elementary and Secondary School Emergency Relief Fund allocated by the American Rescue Plan Act of 2021; to amend the Education Law, in relation to

Foundation Aid; to amend the Education Law, in relation to the Statewide universal full-day pre-kindergarten program; legalizing, validating, ratifying and confirming certain contracts and projects by the Huntington Union Free School District, the Liverpool Central School District, and the Marlboro Central School District; providing that the Commissioner of Education shall not recover any penalties from the Huntington Union Free School District, the Liverpool Central School District, and the Marlboro Central School District; legalizing, validating, ratifying and confirming certain transportation contracts by the Cold Spring Harbor Central School District; to amend the Education Law, in relation to certain moneys apportioned in the 2021-2022 school year; to amend the Education Law, in relation to the preparation of estimated data for projections of apportionments; in relation to approved private schools serving certain students with disabilities, Special Act school districts and approved preschool special class and special class in an integrated setting programs experiencing enrollment decreases as a result of the State disaster emergency declared pursuant to Executive Order 202 of 2020; to amend the Education Law, in relation to authorizing the board of education of a Special Act school district to establish a Fiscal Stabilization Reserve Fund; to amend the Education Law, in relation to certain tuition methodology; to amend the Education Law, in relation to charter school aid; to amend Part B of Chapter 57 of the Laws of 2008 amending the Education Law relating to the universal prekindergarten program, in relation to the effectiveness thereof; to

amend Chapter 507 of the Laws of 1974, relating to providing for the apportionment of State monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain State requirements for the administration of State testing and evaluation programs and for participation in State programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend Chapter 756 of the Laws of 1992, relating to funding a program for workforce education conducted by the Consortium for Worker Education in New York City, in relation to reimbursement for the 2021-2022 school year; to amend Chapter 756 of the Laws of 1992, relating to funding a program for workforce education conducted by the Consortium for Worker Education in New York City, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the Education Law, in relation to funds for certain employment preparation education programs; to amend Chapter 147 of the Laws of 2001, amending the Education Law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend Chapter 425 of the Laws of 2002, amending the Education Law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend Chapter 101 of the Laws of 2003, amending the Education Law relating to implementation of the No

Child Left Behind Act of 2001, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; to amend Chapter 121 of the Laws of 1996 relating to authorizing the Roosevelt Union Free School District to finance deficits by the issuance of serial bonds, in relation to the amounts of such apportionments; in relation to special apportionment for public pension accruals; relates to authorizing the City School District of the City of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal paragraph cc of subdivision 1 of Section 3602 of the Education Law, relating to the gap elimination adjustment percentage; to repeal paragraph c of subdivision 17 of Section 3602 of the Education Law, relating to the gap elimination adjustment; and providing for the repeal of certain provisions upon expiration thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend Part D of Chapter 58 of the Laws of 2011 amending the Education Law relating to capital facilities in support of the State University and community colleges, procurement and the State University healthcare facilities, in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); extending scholarship program eligibility for certain recipients affected by the COVID-19 pandemic (Part F); to amend the Education Law, in relation to establishing the amount awarded for the Excelsior Scholarship (Part G); to amend the Executive Law, in relation to facilities operated and maintained by the Office of Children

and Family Services and to authorize the closure of certain facilities operated by such office (Part H); to amend Part N of Chapter 56 of the Laws of 2020 amending the Social Services Law relating to restructuring financing for residential school placements, in relation to making such provisions permanent (Part I); to amend Part G of Chapter 57 of the Laws of 2013, amending the Executive Law and the Social Services Law relating to consolidating the Youth Development and Delinquency Prevention program and the Special Delinquency Prevention program, in relation to making such provisions permanent (Part J); to amend Part K of Chapter 57 of the Laws of 2012, amending the Education Law, relating to authorizing the Board of Cooperative Educational Services to enter into contracts with the Commissioner of Children and Family Services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the Social Services Law and the Family Court Act, in relation to compliance with the Federal Family First Prevention Services Act; and providing for the repeal of certain provisions upon expiration thereof (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the Mortgage Insurance Fund for various housing purposes (Part O); to amend the Social Services Law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the State Finance Law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the Private

Housing Finance Law, in relation to exempting certain projects from sales and compensating use taxes (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the Social Services Law, in relation to making child care more affordable for low-income families; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the Labor Law and the Public Service Law, in relation to requirements for certain renewable energy systems (Part AA); to establish a COVID-19 Emergency Rental Assistance program; to amend the State Finance Law, in relation to establishing a COVID-19 Emergency Rental Municipal Corporation Allocation Fund; and providing for the repeal of such provisions upon expiration thereof (Subpart A); and to amend the Tax Law, in relation to establishing the Utility COVID-19 Debt Relief Credit (Subpart B) (Part BB); to amend the Labor Law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and to amend Chapter 21 of the Laws of 2021, amending the Labor Law relating to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, in relation to the effectiveness thereof (Part CC); to amend the Education Law, in relation to Tuition Assistance Program awards; and to amend Chapter 260 of the Laws of 2011 amending the Education Law and the New York State Urban

Development Corporation Act relating to establishing components of the NY-SUNY 2020 Challenge Grant program, in relation to the effectiveness thereof (Part DD); to amend the Social Services Law, in relation to excluding certain funding from the determination of the maximum State aid rate for authorized agencies; and providing for the repeal of such provisions upon expiration thereof (Part EE); to implement Section 4 of Division X of the Federal Consolidated Appropriations Act of 2021; and providing for the repeal of such provisions upon expiration thereof (Part FF); to amend the Education Law, in relation to State appropriations for reimbursement of tuition credits (Part GG); to amend the Public Officers Law, in relation to defense and indemnification of physicians acting on behalf of the State (Part HH); to amend the Public Health Law, in relation to the storage of sexual offense evidence collection kits (Part II); to amend the Social Services Law, the Education Law and the Public Health Law, in relation to providing supports and services for youth suffering from adverse childhood experiences; and providing for the repeal of certain provisions of the Social Services Law relating thereto (Subpart A); intentionally omitted (Subpart B) (Part JJ); to amend the Business Corporation Law, the General Associations Law, the Limited Liability Company Law, the Not-for-Profit Corporation Law, the Partnership Law and the Real Property Law, in relation to service of process (Part KK); to amend the Executive Law, in relation to the Community Violence Intervention Act (Part LL); to amend the Public Service Law, in relation to directing the Public Service Commission to review

broadband and fiber optic services within the State (Part MM); to amend the General Business Law, in relation to broadband service for low-income consumers (Part NN); and to amend the Social Services Law, in relation to the powers of a social services official to receive and dispose of a deed, mortgage or lien (Part OO).

ACTING SPEAKER AUBRY: Governor's message at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote. Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Yes, Mr. Speaker. You know, this bill is full of so much -- so much good for our citizens of New York, I'm not even sure where to start. This is commonly known as the ELFA bill, Education, Labor, Family Assistance. And just a couple of the highlights of this bill and then I'll be more than happy to answer some questions. School aid. We appropriate \$3.4 billion in School Aid, \$1.4- Foundation Aid. So the enacted budget will include \$19.8 billion in Foundation Aid and provides a multi-year commitment to fully fund Foundation Aid over the next three years. \$2.4 billion in child care to expand child care programs for the citizens of our State. Rental -- emergency rental assistance, \$2.3 billion, \$575 million Federal Homeowner Relief, including 30 -- including \$60 million for a three-year extension of the HOP program which helps homeowners avoid mortgage foreclosure. Higher

education, \$13.7 billion in funding for higher education, rejecting proposed tuition increases for SUNY and CUNY. And the funding plan would also increase the maximum TAP award by \$500. This is going to be the first time we've increased TAP in seven years. This will be making a big difference for students and the schools they attend. And it -- it applies for every student presently eligible for TAP, whether they go to a SUNY school, a private school. Quite frankly, any type of school. And we also include statutory language to eliminate the TAP gap that the SUNY and CUNY schools are experiencing.

Like I said, this bill has tremendous funding for -- to help New Yorkers in our State, and I'd be more than happy to answer questions on that.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will Chair Weinstein yield for some questions?

ACTING SPEAKER AUBRY: Ms. Weinstein, do you yield?

MS. WEINSTEIN: Yes, I'm happy to yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you very much, and thank you for that explanation. I went through a number of the parameters of this bill. I -- I just want to, you know, go through some of the higher education stuff you just mentioned, but before I do that, just in terms of the general Education Aid. One of the things that, you know, many

of us were concerned with after last year with the Federal funding that was used to supplant State support, especially as we -- you know, we're dealing with lost revenue and -- and before we got the Federal aid in was the potential for us seeing a situation like some of us who were around saw in the past with the Gap Elimination Adjustment. Is there anything included here to ensure that if we were to face another financial downturn, whether it's, you know, virus-related or -- or something else, to make sure that we can keep these funding levels stable and not end up in another Gap Elimination Adjustment situation?

MS. WEINSTEIN: What's important is that this year the education money supplements, does not supplant State funding. There -- there is -- supplant the Federal funding. It uses -- it does not use the Federal funds to supplant the State. But, I mean, there -- to say that there is Federal dollars, but we anticipate that we'll have -- there is a State multi-year commitment to fully fund Foundation Aid over the next three years and we believe that we can do that without the Federal dollars. As -- as you know, these Federal dollars will be spread over several years for the -- the school districts.

MR. RA: Okay. So just -- just to reiterate. It is believed or projected that with the increased State revenue we will fund that -- that multi-year phase-in of Foundation Aid entirely from -- from the State side and -- and there's not a, you know, potential budget gap as we get into the out-years here?

MS. WEINSTEIN: Yes, correct. That's a correct

statement of fact.

MR. RA: Okay. Thank you. So, higher education. Do you know the fiscal cost of the -- an estimate in terms of the \$500 increase to the maximum TAP award?

MS. WEINSTEIN: This increase will cost approximately \$88 million.

MR. RA: Okay. And do you know how that would potentially break out in terms of what additional aid that would end up going into SUNY and CUNY?

MS. WEINSTEIN: Excuse me one second.

MR. RA: Sure.

MS. WEINSTEIN: So, that would be approximately \$25 million for CUNY, approximately close to \$22 million for -- for SUNY.

MR. RA: Okay. Thank you. And do you know how that number compares to the additional operating aid that those institutions would have gotten under the predictable funding plan which is -- is omitted?

MS. WEINSTEIN: Approximately \$50- for -- for SUNY and about \$30- for CUNY. But that would've been through a tuition increase, which is something that we were trying, especially during the time of the pandemic, to avoid. You know, it should be noted that these schools, these systems will also be receiving Federal aid directly, that -- the higher education money.

MR. RA: Okay. And is -- you know, I don't think

any of us want to see tuition rise, but this kind of system does date back many years. And I think part of it was to avoid a situation that we had previously back in the beginning of this when -- when there had to be kind of a dramatic tuition hike following the 2008 financial crisis. So is there -- I know we -- we talked about kind of a multi-year facet of things with, you know, elementary and secondary education. Is there anything to guarantee that we don't end up in a situation that we have to enact, you know, larger tuition increases in the future as opposed to the -- the, you know, smaller controlled increases under the predictable funding plan?

MS. WEINSTEIN: Well, we do include statutory language that provides for the elimination of the TAP gap at SUNY and CUNY -- and CUNY by '24-'25. So there is the commitment for that increase in funding going forward.

MR. RA: I think that is certainly important for many of the -- for many of our higher education institutions. As we know, that gap has been growing for a number of years now.

Just in terms of the TAP eligibility, you know, one of the -- we've talked over the years certainly about raising the TAP maximum award, which as you mentioned hasn't been raised in many years. But we also have talked in the past about the income level and, you know, the -- the maximum income that a family can have maxes out at \$80,000, which it has for many years. And this has excluded, you know, a lot of middle-class families -- families that we have allowed to utilize Excelsior, but as we know, Excelsior has very strict

parameters in terms of credits. I know we're -- we're forgiving some of that during the pandemic. But, you know, many would stand to benefit from expanding that eligibility. So I'm just wondering if -- do you have any thoughts, you know, on this approach of upping the maximum award but leaving the maximum income level the same?

MS. WEINSTEIN: Well, first of all, you took away my answer about Excelsior -- by mentioning Excelsior. But I would say that it was not part of the ultimate discussions -- ultimate resolution on this increase, but it's certainly something that we can look at as we, you know, move forward.

MR. RA: Okay. Thank you.

So on the Human Services piece of this, and in particular the Emergency Rental Assistance program. Now, I understand that this is a, you know, a Federal program. Now am I correct that the program will allow landlords to apply for funding directly on behalf of their tenants?

MS. WEINSTEIN: Yes. The landlord can institute the application process, though the consent and participation of the tenant is required.

MR. RA: Okay. And then that is -- that will allow them for -- to apply for rent arrears?

MS. WEINSTEIN: Correct. Up to one year of rent arrears going back to March of 2020, and a potential for three months perspective rent going -- going forward on top of that one year of arrears. Assuming you meet -- the tenant meets the criteria set forth in

the legislation.

MR. RA: Okay. And what is the status of the -- we have that Emergency Rent Relief program we had done last year. My understanding was there was about \$53 million that had not been fully expended. Is that being rolled into this program or is that being utilized in some other way?

MS. WEINSTEIN: It's not being rolled into this program. This program is funded with the -- the Federal dollars. There -- they reopened the application period for -- for that program and they're still in the process of processing applications. It doesn't have as stricter requirements as -- as some of this -- as this program which is Federally funded.

MR. RA: Okay. And in terms of this, you know, landlord and tenant piece, my understanding is, you know, the regulation and criteria at the Federal level, you know, contemplates cooperation between the two. But does -- does the tenant have to, you know, consent to a landlord applying on -- on their behalf?

MS. WEINSTEIN: Ultimately, yes. The landlord could initiate the application but it needs the participation of the tenant, also.

MR. RA: Okay. And --

MS. WEINSTEIN: In order for the money to be able to be released. And the money does get released to the -- to the landlord, not to the tenant.

MR. RA: Okay. And the -- just lastly on that. So am

I correct that the landlord, if they accept funding under this, they -- they have to agree not to pursue an eviction, I assume, once -- once the eviction moratorium were to expire for -- for past rent, correct?

MS. WEINSTEIN: Yes. If the landlord accepts the -- the money they cannot -- the arrears are wiped out. So they cannot have an eviction for past -- past-due rent because there will, in fact, not be any rent due at that point.

MR. RA: Okay.

And then I just wanted to -- moving on to child care. So the budget includes a provision that would limit co-pays for low-income families in receipt of child care subsidies to no more than 10 percent of their income above the Federal poverty -- poverty level for three years. Now, I know there's, you know, Federal funding. Is it contemplated -- do we know what would happen to those co-pays after the three years once the Federal funding that's -- that is supporting this expires? Would there be an increase in their co-pays at that point?

MS. WEINSTEIN: So, as -- as you mentioned, it's a three-year program. At that point the Federal funds will expire, and then we would be -- be evaluating whether that's something that we would be wanting to keep.

MR. RA: Thank you very much, Ms. Weinstein.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: You know, quickly, there -- there are a lot

of things, you know, to like in this bill, obviously. Many things that we have advocated in our Conference for many years. You know, finally raising the maximum TAP award. One -- one that has been really near and dear to me, you know, dating back to when I was the Ranker on the Education Committee, and that's, you know, helping our Special Act 853 and 4410 schools, many of which who, you know, are struggling right now and have struggled with their -- their rates for a long time. And -- and I certainly have to give kudos to both our Chair here in the Assembly as well as the Chair in the Senate of the Education Committee because they have maintained a focus on that issue. And -- and as many of us may know, some of the -- you know, our 853 schools, for example, you know, the students have to be evaluated and then referred there, and that just in a lot of instances has not been happening during this pandemic and many of them are struggling with -- with lost enrollment as a -- as a result of that.

So, you know, many of these things are going to certainly help our students as we come out of this. Certainly, you know, the Federal funding that has come in through the various relief bills over the past year and having that funding be something to try to meet the needs that the schools have had with -- with reopening, with, you know, making changes to their physical plan to deal with reopening, all the costs that have gone with things like transportation. I know that's in here, that is providing that eligibility for transportation aid where many school districts were told and believed that if they utilized their transportation systems to deliver things like meals and

books that they would be reimbursed. So I'm happy that that has made it in here. But, you know, this -- this overall budget piece still does give some pause when we look at the overall spending number.

I thank the Chair for answering my questions. Thank you.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the Chairwoman yield for some questions, please?

MS. WEINSTEIN: Yes, be happy to yield.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. TAGUE: Well, good morning, Mrs. Weinstein. And I'd like to talk to you with regards to the broadband and -- and telecommunications section. The first question is, was the impact this legislation would have on small broadband providers, particularly in rural Upstate New York remote areas, were they discussed while this bill was being drafted?

MS. WEINSTEIN: Yes, in fact, small providers that have under 20,000 customers are excluded from this -- the provisions of this bill.

MR. TAGUE: But -- but you do know that even small providers, 20,000 customers is not that many. Most of these small telecommunications companies in rural Upstate New York cover two or three counties. And even the smaller counties in rural Upstate New York have 30,000-plus residents. You know, so I -- I

think that the limit at 22,000 is a little low.

My second question is, what assurances can you give us that the loss in revenue providers will incur because of this bill will not slow down the expansion of broadband access and the development of network infrastructure?

(Pause)

I guess --

MS. WEINSTEIN: You know, I just think that there -- you know, that there may be some other programs that could help incentivize the expansion.

MR. TAGUE: Okay. My third question is, do you expect our local rural telecom industry to bear the cost of this program? I have local providers in -- in my Assembly District alone, at least four or five, that would have a loss of anywhere from half a million to \$650,000 a year, which would -- would force -- which would force them to reduce their workforce, severely cut fiber broadband expansion. In fact, it would bring their fiber -- fiber broadband projects to a complete standstill.

MS. WEINSTEIN: That information is -- is noted, but this bill does -- and I may disagree with you as to the impact of -- of this. I will -- I'll accept what you say because I have no way to -- to know that -- to counter that.

MR. TAGUE: Well, this is exactly what we talk about all the time when we pass legislation as a one-glove-fits-all. What works on Main Street Manhattan does not work on Main Street

Schoharie. And we really need to start looking at these bills to make sure that it takes care of all New Yorkers. Because a single mother with two kids in Schoharie is just as important as a single mother with two kids in Manhattan. And the single mother with two kids in Schoharie that does not have broadband coverage, it's a travesty. And, you know, it just -- it bothers me that we're doing something very well-intentioned, by the way. I think it's a great idea. But no thought goes into the local rural telecommunication companies that have employees that it costs them \$22 per household just to set up the coverage. So you're only -- they're -- they're only getting \$15 back at something that's costing them \$22. I don't know how long you expect them to stay in business when it's costing them more to set up the coverage than what they're going to be receiving.

So with that, I want to thank you for your time tonight. I know you've -- you know, you've been here answering a lot of questions and I appreciate all the work that you've done, Chairwoman.

MS. WEINSTEIN: Sure.

MR. TAGUE: And, Mr. Speaker, on the bill, if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: This bill, while very well-intentioned, will be the death knell for small broadband providers in our State and it will jeopardize Internet access to people living in rural areas throughout the State. While providing affordable Internet to those in

need is a noble goal, we also must consider the importance of expanding broadband access to those living in remote areas who large companies often won't reach out to serve. These large companies, such as Spectrum, DIRECTV, will be the only ones who can afford to take the losses that they'll need to do business. If this bill becomes law, rural customers will be left isolated without service as the small companies that are often more willing to go the extra mile to get them connected are left unable to compete with the large competitors. Implementing this bill would also interfere with existing Federal assistance programs that have been implemented to assist those who struggle to afford their service. Currently qualifying individuals can receive a \$50 discount on their Internet service, which the Federal government then reimburses to the individual Internet service provider. This program assists those with financial need of paying for broadband while also helping small providers compete. If a ceiling were placed on what would be billed for the certain customers, the reimbursement small ISPs will be able to collect would be unsustainably low and they would be forced to cede their business to the Spectrums of the world. Even then, as broadband providers big and small alike take a financial loss from this mandate, leaving rural New Yorkers unable to receive service regardless of any pricing. If we seek to ensure -- ensure fair competition in the broadband marketplace to ensure that all New Yorkers in areas urban and rural alike are able to have access to speedy and reliable service and to ensure this expansion happens as quickly as possible, we should reject

this bill. We need accessible broadband for all New Yorkers, and this bill leaves rural New Yorkers in the dark. We hear the Governor speak about only 2 percent of New York State doesn't have broadband. Well, it must be my district makes up that whole 2 percent. It's time that we put together a real plan that takes care of all New Yorkers.

Unfortunately, as has been mentioned by some of my colleagues, there are a lot of good things in this bill and I was hoping that I was going to be able to support this entire bill, especially the education piece. But for these reasons I'm going to have to vote no and I'm going to urge all my colleagues to do the same. Thank you, Madam Chairwoman, for your time and your answers. Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: You're welcome.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. This is the bill that broke the ice for me and enabled me to vote for many bills in this budget. Of course, three I'll be voting against and I've already told you that; Health, the coming Revenue Bill and the Capital Projects bill. But this bill, honesty compels me to say, hits the mark. Health and education are the two most important things in our budget and in this State. But this bill, the day has come to say to now-Senator Robert Jackson who walked all the way to Albany to highlight a suit on the Campaign for Fiscal Equity to say to my wife, Inez Barron, who was an Assemblymember up here who championed Campaign

for Fiscal Equity before I came and then I picked it up after her, following her leadership. And we were fighting to get the billions in many, many years ago -- I should charge y'all interest for waiting so long, but I'm going to let you get away with that. The \$1.4 billion and the completion of that is monumental. And it will go a long way for the struggling children in schools that are challenged by racism, and as I always say, the Colonial Capitalist nature of this society that really, really oppresses our people and our communities. This bill addresses education in a powerful way.

This bill also looks at \$2.3 billion, I think it is, for housing and getting some redress on rent relief and in mortgage relief. And the child care, the child care portion of this bill is incredible. The money that's going for that. And while CUNY, we stopped the tuition, some of the representatives of the faculty are saying that they still need another \$33 million because that tuition didn't come in. But it's good that we got the TAP gap addressed within the next three years. It's good that we got a raise in the TAP award for individual students and the money coming into SUNY and CUNY. Higher education, the education, the housing makes this bill the best bill that's before us on today's agenda.

So I am more than glad, more than enthusiastically supporting this bill, more than just voting for it. This has been a good bill. Of course no bills are perfect, as is always said, and it is some things that still need improvement. But it is this bill that motivated me for the first time to vote for a majority of the bills coming forth,

with my vote against those kinds of bills that still don't quite make the mark. So on this one it will be easy for me to vote yes on this particular bill and I encourage us to build on it. Because, you know, I don't want us to forget that there's \$218- -- or a \$212 billion budget. There's a lot of one-shot deals in this budget and there's a lot of one-shot deals in education, which is why we have to get that revenue bill up to \$10-, \$15-, \$20 billion not for next year or the year after that, but for the outer years. Three, four, five, ten years from now if we have a revenue stream that can maintain what we doing today. We don't want to do all of this today and then you don't have the revenue to honor the commitment later on.

So I'm voting in the affirmative on this bill. I think it's been a long time coming. And a lot of people struggled for this bill. A lot of the advocates, the children, the parents can appreciate and be proud of the work they've done because it took more than just Inez and myself and others. There was a whole group of advocacy -- advocates out there fighting for our children, and now they can say they finally delivered something very concrete and very substantive, and that's in this bill. So it is with ease and with good conscience that I'll be able to vote in the affirmative for this bill.

ACTING SPEAKER AUBRY: Ms. Richardson.

MS. RICHARDSON: Mr. Speaker, for the last six years I have traveled here to Albany carrying the spirit, the fight and the needs of the mighty 43rd Assembly District on my back. This journey certainly has not been easy, but I recognize every day that I

have been blessed to be the one to represent the community that I was born in, that raised me and that created this representative that stands before you today. The 43rd Assembly District is full of some amazing residents. We are a cultural melting pot, the true essence of what New York stands for. A community so full of culture, Mr. Speaker. Honestly, words cannot express how much I love the residents of my district. And I know that that shows in everything that I do. Located literally in the middle, we are affectionately known as Central Brooklyn. And, Mr. Speaker, you recently visited us for a very momentous occasion where we renamed one of our train stations after Civil Rights Leader Medgar Evers, and I do welcome you to come again. The mighty 43rd Assembly District, Mr. Speaker, also serves as the healthcare hub of Central Brooklyn. We have three hospitals physically in our district, and although one, only one, is allocated to every county, the coroner's office is in my district. The coroner's office, Mr. Speaker. And if the walls could talk, I know they would have a story to tell. Because this time that we are in showed that we are battling three pandemics. The coronavirus, the unarmed killing of Black men by law enforcement, and, Mr. Speaker, we have been plagued by gun violence. It has taken six years and countless lives have unnecessarily been lost. To paint a very vivid picture, Mr. Speaker, within the last seven months, I said within the last seven months, 15 people have been shot in my district. I'm going to say it again. In the last seven months, 15 people have been shot in my district. On March the 21st on Beekman and Flatbush, man shot, life

lost. On February the 23rd on Winthrop Street and Bedford and Rogers, one victim shot. On October the 26th I thought I was going to lose my mind day -- day correction, the 20th -- where six people were shot on Hawthorne Street, a block in my district, Mr. Speaker, that has been shot up ten times in 2020 alone in the midst of the pandemic. We lost Theo, one of our basketball players who was very well-loved. On September the 8th, Mr. Speaker, six more people were shot in my district; a six-year-old boy was shot as well at that time. As well as on August the 19th, two victims shot. One fatality and now another resident of my district is paralyzed. That was only the last seven months, Mr. Speaker, and I have been serving in this Body for six years. So do the math. So when I come to the New York State Assembly - and I know sometimes my voice is on check - pain does not sound good. It doesn't. It doesn't. And I have been discouraged and I just honestly didn't even know -- guys, I know everybody's watching, but the truth is sometimes I even felt like I was failing -- I felt like I was failing our residents. But today I am so happy that finally relief is going to come to the ground for my people. I am proud to be a co-champion of the Community Violence Intervention Act of 2021, where New York State is the first state in the country to proclaim that gun violence and other forms of violence is a public health crisis. And it is posing a serious threat to the quality of life of all residents across the State of New York. And in addition to this proclamation, Mr. Speaker, in this section of the budget we allocate \$10 million immediately to groups on the ground, as well as setting up

a continuous funding stream using VOCA, Victims of Crime Violent Act [sic]. That is Federal dollar. We create a ongoing funding stream for the anti-gun violence groups who have been doing the work on the ground. And while I am here right now speaking up on behalf of my district, Mr. Speaker, the 43rd Assembly District is not unique, unfortunately, with this plight. Gun violence is impacting so many, so many community across the State of New York, and I am proud that with my advocacy as long -- alongside my State Senator we not only create meaningful change in Central Brooklyn, but we do that for every single community around the State of New York who is facing the same ordeal.

I have to take a moment to just say thank you. I honestly have to thank the residents of the mighty 43rd Assembly District. Because Lord knows, Lord knows, for everything that is going on in our community, whether it is housing, education, gun violence and beyond, you guys, I cannot do this job without your love and support. Honestly, I say thank you for loving me. I am imperfectly perfect, but you believe in me and so I am able to come here and do this work on behalf of all of us.

I have to take a moment, Mr. Speaker, to uplift the cured violence, also known as anti-gun violence groups who have been doing the work on the ground. So prayer without work is dead. I uplift the 67th Precinct Clergy Council right now. I stand here ten toes down, uplifting, saving our street, Crown Height [sic] and Bed-Stuy. I also, Mr. Speaker, would be remiss if I did not shout out

the case of gun violence initiative, also known as KAVI, which is our hospital-based anti-gun violence program in Kings County Hospital receiving every single victim of violence as they come through seeking aid. And man, they do such a good job. I also, Mr. Speaker, want to shout out are youth anti-gun violence program, Y [sic] S.O.S., as well as one of the newest anti-gun violence programs on the streets of Brooklyn, Elite Learners. New to my district but not new to the work. And last but not least, I say to the community, what we are watching happen here this evening is a testament of when you mobilize to the polls and you put into office two leaders who are very focused and aligned on the community issues. And so while it is inappropriate on the floor to call names, I want to uplift my cosponsor, the Senator of the 20th Senatorial District - ya'll know who it is - and thank you for sending me a strong partner that was able to, I would say, pregame this for me to come and deliver the win.

Last but not least, Mr. Speaker, I say thank you to you. I say thank you to the leadership of this Chamber. But most importantly, I want to say thank you to each and every one of my colleagues that sit in this Chamber with me. Because we all come from different parts of the State, advocating for our district. But today you guys have stood with me. And today I say thank you. Lives will be saved. Change will happen in Brooklyn because we passed this bill tonight.

And with that, Mr. Speaker, I proudly vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you so very much.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANDERSON: Mr. Speaker, I am emotional.

You know, a kid born in Brooklyn, raised in Far Rockaway, I never thought that I'd be an elected official or a politician. I grew up as an activist and an advocate, fighting for my community. Fighting for my neighbors. Making sure that investment is here in the community that's been forgotten about and left behind. And in this moment I stand here in the Chamber, in a Chamber that's over 200 years old, delivering resources for a district, again, that's been forgotten about and left behind. Starting out as an activist and advocate fighting for higher education, coming up here -- the only time I ever came up to Albany was to lobby and fight for more funding for our schools that have been underresourced. Fighting against the achievement gap. Fighting to make sure that our schools have equitable funding and resources so that we can compete and create the global of citizens that this nation claims to produce.

I want to -- before I even finish my speech, Mr. Speaker, I want to congratulate my colleague from Central Brooklyn. Tonight is her victory. Tonight is all of our victories in communities of color all across this State that are impacted by gun violence. That

are impacted by underinvestment. That are impacted by the lack of hope.

Mr. Speaker, this bill closes the TAP gap. Raises the TAP award for the first time in seven years, Mr. Speaker. It invests in My Brother's Keeper so that young Black boys that look like me can have mentorship, can have leadership, and can have the father that's been missing for their home -- from their homes for so long. It invests in EOC centers where many folks go and get their GEDs or -- I think it's called something different now, TASC, professional development. Mr. Speaker, this bill invests in rental aid, mortgage support for people who have suffered so much during this COVID-19 crisis. This bill creates the first in the nation Excluded Workers Fund so that we can invest in a people that have been left behind and forgotten about. My colleagues went on a hunger strike to ensure that this funding was here. To ensure that people, again, who are cast aside, that people who are feeding our communities, that people that are keeping our communities clean, the people that take care of our children can have some relief, Mr. Speaker, during this COVID-19 crisis. Can have some relief. And that's what we did tonight. We invested over \$3.7 billion, Mr. Speaker, in higher education for communities of color all across this State. This is what a fair budget looks, like this bill. This is what community investment looks like, Mr. Speaker. And as an advocate and activist before becoming an elected leader, my fight was much as what I listened to tonight. Fighting against gun violence and the tragic murder of the Plummer brothers in Far Rockaway. That's

part of how I got my start. Coming up here to Albany every year to advocate for more support for our schools. Struggling in the street, protesting in front of the Governor's Office Downstate and sleeping overnight up here. Because these are the things that I believe will improve our communities. These are the things that I believe will truly invest in our future.

Mr. Speaker, I'm an equal opportunity student. Graduated from Queens College in the SEEK program. When we invest in our students, when we invest in our community, Mr. Speaker, when we invest in our future we see a return on that investment. And that's what we're doing here tonight. And so when this bill comes up for the -- for a vote, I will proudly, Mr. Speaker, vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will Madam Chair yield for a few questions?

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

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. REILLY: Thank you, Madam Chair. So I wanted to ask you a question related to the transportation aid reimbursements. New York --

MS. WEINSTEIN: Yes. For -- for the school districts?

MR. REILLY: Yes, for the school district. The New York City School District has started its own not-for-profit bus company, and it will be rolling out and it's taking over for a -- a private company that they had a contract with. During the time when COVID first hit and they -- the Panel for Educational Policy refused to extend the contract for payment, would that refusal to -- to authorize the remaining contract at that time, can that play a role in the eligibility for reimbursement? So basically, for any district that possibly didn't approve a contract, would that be a deterrent or something that could prevent them from getting reimbursement?

MS. WEINSTEIN: Well, let me just maybe outline where what reimbursement is allowed. So, during the -- the period of -- of time, reimbursement is allowed for actual expenses of delivering food, bringing -- bringing the workers to locations. So actual use of -- of the transportation, be it the buses or transportation services related to COVID. Beyond that, what there is is a reimbursement what we call for standby costs. So that is from March -- mid-March until May 7th, the standby costs. So those are costs where buses may be sitting idle, or would be sitting idle where they have a staff and the (inaudible). By then it was understood that schools would be -- be closed. So I'm not sure about the -- the timing of what you're discussing about, you know, if it fits into that parameter.

MR. REILLY: So any -- any debt that was incurred

by the private company that's now going to be part of the routes for the not-for-profit, would debt services be part of that?

MS. WEINSTEIN: It's the -- hold on -- hold on one second.

MR. REILLY: Sure.

(Pause)

MS. WEINSTEIN: You know, so I -- I would -- I just wanted to clarify. So within that time frame that I -- I discussed, up to the May 7th, the March through May 7th -- the mid-March through May 7th, it would be debt service. There would be reimbursable, but beyond the May 7th date it would not. In our one-House we actually had originally anticipated -- we had hoped to be able to have a longer period of time, but as a result of the negotiations the May 7th date was -- was the final date.

MR. REILLY: Thank you, Madam Chair.

Mr. Speaker, on the bill.

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

MR. REILLY: So, I -- I first want to commend my colleagues who spoke before me. The passion that I heard from them was truly remarkable. And it's -- it's funny, as I was listening, all I kept thinking about was even though we may come from different parts of the City, we may have different backgrounds, we maybe come from different parts of the State, the commonality is truly remarkable. And unfortunately, we haven't had the opportunity to be in the

Chamber as much together to share that commonality. I heard one of -- one of my colleagues from the mighty 43rd talking about the gun violence in Central Brooklyn. That's where I was a sergeant. I know the impact it's having on those communities. It's truly heartbreaking. And I was part of a unit in the New York City Police Department in the 67th Precinct, the Anticrime Unit. We actually got guns off the street. We did -- we tried our best to help that community, and the officers there now continue to do that. But the commonality that I talk about is I was a kid from Brooklyn. Moved out to Staten Island. I went to John Jay. I was in the SEEK program, just like my colleague who spoke before me. These things that we're talking about will really uplift our community. Each and every one of our communities. And -- but that's what I really wanted to highlight, that we may not always agree, but there is an opportunity for us to find some common ground and commonality. And as colleagues, we've got to share that, and share that different perspective and share the things that we can agree on. So I think this -- this bill actually helps those communities, all our communities, especially when it comes to education. When it comes to gun violence. You know, it's like my world collided all in a matter of the last half hour of listening to this debate. I started out as a police officer, Sergeant in the 6-7, Lieutenant in the 9-0 in Williamsburg. Then went on to be a member of Community Education Council 31, the school board for Staten Island. It's just amazing that we all share a background of how we got here and why we do what we do. I couldn't help but listen to my colleague from

Brooklyn who spoke about the Campaign for Fiscal Equity. I remember going up to Albany, just like my colleague before me spoke about traveling the halls talking to many of you that are sitting here today, as an advocate. But that's something that I think we all cherish and we all remember. Or at least we should remember, because sometimes while we're in these debates and we're having these discussions, we forget that.

So I just want to say thank you to my colleagues who preceded me. Your passion is truly appreciated. Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker. Will Madam Chair yield for a couple of questions?

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

MS. WEINSTEIN: Yes, happy to yield.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, Mr. Palmesano.

MR. PALMESANO: Thank you. I just have a couple areas I wanted to touch on real quick, if I may. Specifically, this is probably more personal to me and to a couple of our members who -- who've been impacted by this. There's some provisions in this bill that provides forgiveness for whether it's building and final cost reports or transportation aid for contracts that were filed late. I

noticed that there's just several schools that are provided this assistance. How come there only several schools when I know that I have a school district that's -- that's been penalized over \$500,000? I know a couple of other of my colleagues have had similar. How come just a couple of school districts and not the other schools that we know, you know, have these penalties incurred upon them?

MS. WEINSTEIN: So, you know, we had in our one-House proposed to forgive -- to forgive all the -- the claims. But the ones that are listed, these have paid back their -- the penalties, and it has -- so it has to do with prior -- with -- with prior claims. The -- several -- so, in fact, they're listed here but they don't cost any money. School districts that we had in our one-House that would cost money, unfortunately, we were not able to have them -- they -- we were not able to get agreement to include them in the final budget.

MR. PALMESANO: All right. I want to go to the broadband affordability for a moment, if I may.

MS. WEINSTEIN: Sure.

MR. PALMESANO: I understand the importance of this. You know, one thing we know, broadband is critical to our public, to our students, to our communities, especially access to that. We knew access to broadband was a problem before COVID, it just became clearly evident after it. And the Governor's claim that 98 percent of the public has access to broadband is just an outright lie and not true. We all know that. So on this proposal, who pays for this? I mean, so this -- the \$15 charge, is that basically -- that's going

to be borne by the company directly, correct?

MS. WEINSTEIN: The -- the customer is going to be paying the \$15. So it will -- but similar to the Lifeline program for telephone service.

MR. PALMESANO: Right. So then whatever the cost is, the company will pay the difference of that cost. If the cost is more than \$15 they would subsidize that cost.

MS. WEINSTEIN: Correct.

MR. PALMESANO: Do we what that -- do we know what the cost -- do we have an estimate of what this might cost providers?

MS. WEINSTEIN: I -- I think that would vary from provider to provider, so I really couldn't give you an intelligent answer.

MR. PALMESANO: That's fair enough. And there's no subsidies or incentives from the State to help make this happen, to help provide assistance to the providers at all. It's just all borne on the providers, correct?

MS. WEINSTEIN: That's -- that is correct.

MR. PALMESANO: Now, the Federal government came out with a plan - I know my colleague mentioned this - \$3.2 billion for emergency broadband that would provide a \$50 -- up to a \$50 credit for each individual who qualified, but -- or \$100 for a device. How come we're not taking that approach? Because then that money would go -- the Federal dollars would go right to the provider

to pay for that service and not have that cost put on them.

MS. WEINSTEIN: Well, there -- there could be participation in -- in both programs by a household.

MR. PALMESANO: Okay. One of the -- one of the qualifiers was -- was -- was if you're eligible for free reduced school lunch. I know this came up in previous conversations when my colleagues brought up -- brought up that there are some school districts that because of the -- there might be a stigma with the free and reduced school lunch, they -- they just don't have it and basically say everyone's on it. Would this basically -- you have to show more of a qualification for it, or if you're -- if the whole school district is considered on it so not to have a stigma, does that mean we have to -- we'd have to open it up to all the families in that school district who are on free or reduced school lunch, or would they have to show some more qualifying reasons to be on the program?

MS. WEINSTEIN: There are additional eligibility requirements that just need to meet one of them. So just like I said, the free reduced lunch, annual gross income not in excess of 185 percent of Federal poverty guidelines. Receiving, you know, SNAP benefits, a senior citizen rent exemption, a disability rent exemption. Receipt of affordability from a utility such as a HEAP recipient or a Medicaid recipient. So that -- it's not just the school lunch program, but that's a short version.

MR. PALMESANO: Now, my -- my next question is, if they're providing \$50 broadband per month for individuals, for

families, but the cost is more, doesn't that mean that that difference is going to be -- end up being subsidized by the other customers, which would mean it could be a cost shift and then other customers would have to pay for that net savings that's being provided for others? So it would be a cost shift and then that would have to be borne by other customers with higher rates? Isn't that possible or likely under this proposal if we're not using the emergency broadband proposal?

MS. WEINSTEIN: It -- it may be possible, but we -- we do believe that there will be minimal costs that -- you know spread over a very large customer base, generally.

MR. PALMESANO: Okay. My next question is, because of -- this is going to be costly to the providers, aren't you concerned that this is going to discourage more broadband build-out, particularly in our rural areas? Because if they have to use resources, obviously, to provide a subsidy for a bill, this could be over \$1 billion or whatever it may be. Money that they would want to use to build out the network, now it's having to provide for that. Isn't that going to discourage that broadband build-out that we've been trying to do, that we need to get done, especially in our rural areas?

MS. WEINSTEIN: You know, we do have -- we have, I guess, a reapprop, the \$500 million broadband build-out funding. So, you know, I think we put the two together and -- and we would be able to have expansion of broadband.

MR. PALMESANO: Okay. Fair enough.

I guess my next question -- not so much a question,

but it kind of transitions into the Federal preemption. Because I think -- I think what we're basically doing is telling a private business what they can or cannot charge. Aren't we kind of setting up another type of protocol that -- you know, telling a private business what they can or cannot charge for a service? And especially in this case, given the fact that the Federal government, FCC, has jurisdiction because of preemption, don't we think where -- where the Federal government has said that you can't set rates on Internet broadband providers because Internet is considered interstate commerce. So the jurisdiction falls solely on the Federal government, but yet here the State is trying to regulate rates, prices when it's not in their jurisdiction. So isn't there kind of a conflict there from your perspective, or do you think that's okay?

MS. WEINSTEIN: With consultation of counsel, we believe there's not a preemption issue here.

MR. PALMESANO: Okay. And I know that's a difference of opinion, obviously, from, you know, maybe our side but from others. Aren't you concerned, then, that -- I think that you'll really face the subject of lawsuits immediately. Once this is signed into law, you will have -- be subject to lawsuits immediately by these providers because it is under Federal preemption because it's clear -- and I think it's Section 332 where it says you explicitly forbid, you cannot regulate rates and it falls under the Federal jurisdiction. So I guess the point I'm trying to get at is, aren't you concerned this is going to set up lawsuits? And it's going to be stopped before it gets

out of the gate, so you're not going to be able to provide this assistance to families if -- if you go forward with this. And then they will go through the courts instead of going through the emergency broadband program that will provide a \$50 credit to people so they can get their bill paid, they can have access to those who need it, but yet this is going to stop that. I'd rather have access to it because you're going to have lawsuits happening. And you're not concerned about lawsuits because that's your opinion from that perspective?

MS. WEINSTEIN: Well, it's -- you know, I'm relying on the opinion from the Executive and from the PSC that this is something that we can do.

MR. PALMESANO: Okay. Fair enough. Well, thank you, Madam Chair, for your time. I know it's been a long day for you. I just -- Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Just a couple things. I really want to go back first to the first point I brought up on that individual -- the situation where some school districts are getting the benefit of -- of this forgiveness for these penalties that took place when I know there's a couple members here on our side of the aisle, myself included. I have this school district, simply because they sent in their -- their contracts and they weren't sent certified and the Department of Education couldn't find them, they had to resend them. And because they weren't certified they got penalized \$500,000. \$500,000. So it's kind of -- I kind of just find it frustrating that some school districts are

being protected here and helped while others are not. That's not fair. Why aren't we pushing for all these school districts? That's the first point I wanted to bring up.

Then I just kind of wanted to shift to the broadband issue a little bit. Listen, the goal is 100 percent noble. We should be doing everything we can to make affordability and availability to the people who need it. But I think I have concerns regarding this proposal. We have helped those providers already authorized by the Federal government, \$3.2 billion. It will allow a \$50 a month credit for individuals on their bill and provide that access at a rate that they don't have to worry about because it will be -- you know, they're going to get a \$50 credit. They won't have to pay \$50 a month. And then \$100 for a device. So we want to make sure we're providing this. If we do that the providers will get the dollars and then we're not going to risk a cost shift. I'm very concerned about lawsuits. I think once this is signed into law you're going to -- you'll have a good chance of having providers file a lawsuit because of Federal preemption that this is strictly regulated by the Federal government under the FCC. I think it's pretty clear there. I'm not an attorney, but from what I've read a lawsuit is going to be filed and it's going to slow this whole thing up. Why not utilize the emergency broadband program that Congress authorized in December to provide that immediate help to people? The jurisdiction does not fall under the State government. And the State -- I think the other issue of this is the State telling a private business on what they can or cannot charge. I think that when we

continue to see a pattern coming out of this Legislature and this Administration, continue to tell private businesses what they can or can't charge. And I know some people don't like private businesses, but those private businesses provide jobs and help our economy. This cost shift. I'm very concerned about a cost shift. Because if someone's paying \$50 a month, which is a good rate, but if the cost is more than that, someone else is bearing the cost of that. Madam Chair, (inaudible) that there could be a cost shift possible. Maybe you don't think it's significant, but to that family it could be significant. Every dollar is -- is critical these days. So there's a cost shift to the consumer. And my colleague talked about our small broadband providers who could be hurt by this. So this is going to cost -- he mentioned \$5-, \$600,000 for a small broadband provider. That's jobs. Those are local jobs for those local communities in Upstate New York, for rural areas that's providing service. And the other part of this is I'm very concerned that this is going to discourage the private-sector investment we need to build out our broadband in our rural areas. I know in my area we need that build-out because it's not where it needs to be. I know in the city areas, affordability -- they have the infrastructure but the affordability is more of the issue. But what you're going to have is the rural areas that those dollars are now going to be subsidized, there's not going to be any money for the broadband build-out, which we need because we see programs like this and other programs. I think, again, the intentions behind this bill are -- are well-intended. But I think it's provisions like this bill -- and

a couple years ago, you all remember the bill we passed, the DOT right-of-way fiber tax fee that put a cost, a fee on DOT right-of-ways when we're putting the fiber installation in place to build up the broadband that added significant cost for this development which has hindered that development, particularly in our rural areas. That should have never went into effect. In fact, this budget should be repealing that, but we're not. We're still collecting it, which is hindering that process. This just double-downs on that because it's going to put a cost on the providers, the very providers we want to invest, build out and develop our broadband infrastructure network. That's not what's happening. And again, broadband access was a problem before COVID came. It just became clearly evident after it. So we need to be doing all we can to provide incentives and access -- to access. But these -- these steps we've taken with that DOT right-of-way tax fee, I'm just concerned this is going to further hinder that private investment that we need to expand the broadband network, because that's not what this is doing. That's going to hinder that.

So those are concerns I have regarding this legislation. I just wish there was something we could look at more clearly, but obviously I don't see that happening. But I'm just worried lawsuits are going to happen right away and then we're not going to have that affordability for people. We should be taking advantage of the Federal government's program, the emergency broadband program which would provide a \$50 credit immediately.

So thank you, Mr. Speaker. I appreciate your time.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. If the sponsor would be so kind as to yield on this fine morning.

MS. WEINSTEIN: Okay.

ACTING SPEAKER AUBRY: Ms. Weinstein, you will yield? She yields.

MS. WEINSTEIN: Happy -- happy to yield. It's been a while since we spoke.

MR. WALCZYK: Good morning, Madam Chair, wonderful to see you again. I'd start off by saying this is a great proposal for New York's colleges, so thank you for that. And my colleagues have hit a number of the questions that I quickly marked off of my list. I did have one on Higher Education.

MS. WEINSTEIN: Sure.

MR. WALCZYK: SUNY had -- had proposed through the Governor's Budget, the academic program approval process has been arduous at best and bureaucratic, slow, and inflexible. And -- and our SUNY and CUNY have come forward and said, *Hey, we don't need the State Education Department, we're accredited, we don't need them to rubber stamp our new programs.* That -- that was rejected by the Legislature and I was -- I was just wondering why we're keeping SED involved in program approval.

MS. WEINSTEIN: Unmute myself. You're correct

that we did reject that proposal. You know, when we were hearing the time frame that SUNY described, they were including the time of their internal process, not the time -- not just the time frame that SED looked at the program proposal, and we -- we think that by keeping the oversight of SED in the approval process that it helps maintain high standards.

MR. WALCZYK: Okay. I -- I know you sat through all of those budget hearings and it's a lot of information that comes in, but I do recall SED's Commissioner admitting on the record they've never rejected a program. They've sometimes made some small suggestions to SUNY, but I hope that that's something that we revisit in the future because we -- we need to keep our community colleges and our SUNY institutions continually flexible for workforce development purposes, so I -- I appreciate that. The -- the next question, like a number of my colleagues have asked, this is about broadband access.

MS. WEINSTEIN: Sure.

MR. WALCZYK: You'll -- you'll recall back in 2019's Budget there was a fiber tax placed on the DOT right-of-way. And this is something that also came up when it comes to affordability of broadband. You know, the -- the larger providers, many of them already have an income eligibility for \$15 for broadband. But the -- the smaller providers that are out in the rural areas and in -- in my district, in particular, use fiber in the DOT right-of-way and find that threshold to be very difficult to meet, especially as they're -- they're

taxed just for the pleasure of -- of crossing some state adjacent to the highway. Is that in this bill, or what happened with the -- with the fiber tax?

MS. WEINSTEIN: It's -- it's not in this bill and I don't believe it's in the revenue bill either.

MR. WALCZYK: Okay. Well, that's --

MS. WEINSTEIN: We don't make an adjustment to it.

MR. WALCZYK: Yes. Well, I'll look for it again in the -- in the revenue bill. I'm -- I'm hoping that we'll be able to eliminate it before this budget process is over. You're telling me it's not in there either.

MS. WEINSTEIN: No, no, it's -- it's -- it's -- a change to that is not in the revenue bill.

MR. WALCZYK: So the fiber tax will remain.

MS. WEINSTEIN: Correct.

MR. WALCZYK: All right. Well, that's disappointing. I -- I do have a -- this is more of an obscure one. I -- I notice something about electronic process servers in the Department of State. Can you -- can you explain to me what the -- what the change is there?

MS. WEINSTEIN: Just hold on one moment, let me just look at my notes.

MR. WALCZYK: Sure.

(Pause)

MS. WEINSTEIN: So it -- it's a voluntary system of -- where the -- they could be filed electronically and the corporations can consent to receive electronically.

MR. WALCZYK: So that's actions that would go to the -- the Secretary of the State and those can be e-mailed to the Secretary of the State?

MS. WEINSTEIN: Yes. Under this -- you know, there would be a portal where they would -- there would be a portal set up where those -- where they -- the process server -- process could be served and then it would be forwarded to the corporation versus having the paper forwarded, paper served and paper forwarded.

MR. WALCZYK: Is that -- is that something that the attorney would do or do they still require a process server for that?

MS. WEINSTEIN: Could be -- probably could be either way.

MR. WALCZYK: Okay. I -- I think there -- there's probably some good reason that a third-party has done those things in the past, but I've got a few more questions. I'd like to focus on --

MS. WEINSTEIN: Sure.

MR. WALCZYK: -- on school aid as some of my colleagues have. Again, this is a -- a great bill when you look at the amount of investment that comes to our education. So thank you for that tremendous investment in our education. I wondered as I was looking at the -- at the school aid runs and the formula that remains. The income wealth index floor is at .65 still. Is there a reason that that

floor remains in that income doesn't just look honest? A district that is poor looks as poor as it actually is. What's the reason for that floor?

MS. WEINSTEIN: So I would tell you that in -- in the past we have looked at -- at that but at this point we're really trying to pay off under the existing formula and then we'll -- we'll go back to it, it's worth looking at that. But we do have the, you know, we do fund a minimum of 60 percent of foundation aid in this -- as a result of this budget, so you know, we're -- we're moving in the right direction.

MR. WALCZYK: That's a -- yeah, thank you, Madam Chair. The -- the aid runs as I was scanning through, I -- I noticed a con -- a couple of consistent numbers, the mode, if you will, was 3 percent and I kept seeing that even 3.00 percent increase in Foundation Aid. Is there something in a new formula that -- that produces both that 3 and then also a 2 percent was pretty consistent. And this is just from me scanning through school aid runs, but, you know, there were plenty of fractions in between, but I noticed 3 percent even and 2 percent existed. Is there some kind of new floor or something extra in the formulary?

MS. WEINSTEIN: Well, the 2 percent is the floor and then for high needs districts and rural districts we go to 3 percent.

MR. WALCZYK: So would that be some kind of new cap on the combined wealth ratio, the -- the wealthier school districts not looking as wealthy as they actually are, if there's a 2 percent consistent across the board?

MS. WEINSTEIN: It -- it's really not a -- a

(inaudible). I -- I think it's a way that we ensure that there's distribution of funds throughout the State in a fair way.

MR. WALCZYK: Okay. I also had a -- a couple of questions about the pupil need index, because there were some new terms here that I wasn't completely familiar with. Under extraordinary needs, the economic disadvantage, how -- how would that calculate in for schools?

(Pause)

MS. WEINSTEIN: It -- it's really not too -- too dissimilar to what we do now, but it just looks at some additional factors.

MR. WALCZYK: Okay. The --

MS. WEINSTEIN: For 1:00 o'clock in the morning, that's not bad.

(Laughter)

MR. WALCZYK: I look -- I look forward to reviewing the details and I know sometimes we're reverse engineering these things, but I -- I think it's incredibly important, you know, and a couple of the colleagues have brought up the Campaign for Fiscal Equity in the past. You -- you said, you know, we're using the existing formula so it's always interesting to see the tweaks in the -- in the foundation formula each year as that, you know, is purportedly our goal. English Language Learner was also under extraordinary needs. What -- what weight does that have or how does that factor into the calculation?

MS. WEINSTEIN: English learners get a .5 weighted additional in -- in the formula, but there's nothing that would change that here.

MR. WALCZYK: And then what's the -- what's the definition also under the PNI? What's the definition of "sparsity" and how was that calculated?

MS. WEINSTEIN: So sparsity relates to how many people live within a square mile. You know, again, this is something designed to help rural districts.

MR. WALCZYK: Well, I can appreciate that and look forward to reviewing some of the -- some of the details on that. Thank you, Madam Chair --

MS. WEINSTEIN: Sure.

MR. WALCZYK: -- appreciate it. And good morning to you.

Mr. Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. WALCZYK: Oh, Madam Speaker. Apologies. I didn't realize there was a change on the dais. The Campaign for Fiscal Equity lawsuit, as you are aware, was settled in 2007, 14 years ago. It was supposed to increase Foundation Aid \$5.5 billion by court order over the following four years, but we know that there was an economic crisis at the time. Seventy-two percent of funds in that first year where the formula was actually pumping, in one year in 2007 before the -- the fiscal cliff happened, 72 percent of those funds went

to the high needs districts. Now we're doing exactly what the Court of Appeals ruled that we should not do, and that's pick apart the Foundation Aid formula and do it for political reasons. Not allowing SUNY to control their tuition, and I know it's always politically popular to say, *Oh, we stopped tuition increases*. But even an incremental amount in tuition, I mean, costs go up, if you delay that or stop that, then all you're doing is guaranteeing that at some point that will have to be made up. The costs are going to be there for future students. We should have eliminated the Excelsior Scholarship when, in fact, it's remained, pretty much across the board and I thought there was agreement, at least there were a lot of head nods, Madam Speaker, at the table when we, you know, sat down with the Senate, as well, both parties seemed to agree that it would be better to increase eligibility for TAP, take the Excelsior funds and roll them into the Tuition Assistance Program, as well as the colleges liked that idea a little bit better. So I was disappointed to see the Excelsior scholarship remain.

Canceling rent in this -- in this bill for residents with an allegedly non-legal status, probably not the best idea. It's not sustainable. We want tax -- we want property owners who are paying their taxes. We want renters who are paying their own rent in this State. That's how you have a sustainable revenue. Madam Speaker, this is a \$212 billion budget and there are a lot of excellent things and great investments that we can all agree with in this bill. This bill has made a lot of groups happy. But the group that probably should really

start to concern this Body and the members across the hall in the Senate is that this is not a good bill and this is not a good budget for the taxpayers in New York. Educating our youth is great, but replacing student debt with future tax payments for those students when they get out to the workforce is really just shifting the load onto their future. Yeah, I guess that's -- that's it, Madam Speaker. I appreciate the time and I'll be voting no on this bill.

ACTING SPEAKER HUNTER: Ms. Kelles.

MS. KELLES: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. KELLES: You know, I -- I know it's late at night and we're all hopefully wrapping up towards an end, but I wanted to take the opportunity to celebrate where celebration is due. This bill sets the kind of policy that is an agent of change, what people want to see from their government, what I've always wanted to see from my government. And I wanted to give a huge shout-out to Assembly staff and leadership, as well as all the advocates for their tireless effort on the many aspects of this bill that -- that we should be celebrating.

As you've heard from my colleagues, Foundation Aid was the result of a court order demanding investments in schools that had been consistently underserved and left behind. Data from the first few years of implementation showed notable gains in the quality of education by the aid -- but the aid was suspended by our current

Governor after the economic crisis that started in 2008. This year is a historic righting of past wrongs. Investing \$1.4 billion in Foundation Aid and committing to a three-year investment to get to 100 percent aid so that we can create true equity across the State in our education and the quality of our education. Higher education is also in this bill and as an important economic engine of my district, this is a huge and important and positive bill for -- for my people. The funding invested in this bill will increase funding to the Tuition Assistance Program, as you've heard from some of my colleagues, and bring aid closer to the actual cost of tuition for the first time in years. And instead of providing a theoretical pathway to education, held over the heads of our -- of -- of people in the State, it will make access more of an actual reality. This funding is augmented further by a \$30 million increase in targeted college opportunity programs.

This bill outlines a cap on co-pays for low-income families for child care as well, a critical step in ensuring child care accessibility. One after another after another. These are all in this bill. Broadband, the first step towards universal broadband is a comprehensive Statewide broadband study. We need to understand the problem, who has access to broadband, who lacks access, how much does broadband cost in different places. And -- and importantly, do 90 percent of New Yorkers truly have access to broadband as many claim? Our budget would require the Public Service Commission to conduct a study of the availability, affordability, and reliability of high-speed Internet and broadband

services in New York State, and to publish on its website a detailed Internet access map for the entire public. And I believe that this study will give New York the information it needs to truly and finally build out an effective, universal broadband initiative over the coming years.

This budget supports both renters and homeowners to make sure there isn't a surge in homelessness as a result of COVID. There is an emergency rental assistance program, as my colleagues have mentioned, in this budget funded by Federal aid, but the most and critical component, critical component of the program as laid out in the budget is the outline of self-attestation it allows for tenants to show COVID impact and need. The program covers both arrears and prospective rent. This outline will truly help people stay in their homes. And no less critical as we've heard tonight is the support and funding for the anti-gun violence programs and My Brother's Keeper Program that my powerful and brilliant colleagues preached so beautifully before me.

There are a few highlights -- these are a few highlights of the bill and I'm -- I am feeling in my heart the take-home is that this is what effective policy looks like, y'all. I can go home to my people and say that the State sees you, the State sees you and the State chooses to invest in you. Again, thank you so much for the tireless long nights of work by the staff, by leadership, by the sponsor of this bill. You are an inspiration. Thank you so much for this.

ACTING SPEAKER HUNTER: Mr. Epstein.

MR. EPSTEIN: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. EPSTEIN: I -- I just really want to say that this is a historic moment for the State of New York. We've been fighting for almost 15 years to have a real answer to Foundation Aid and now we have a solution, a three-year plan to make up all the financial needs for the State of New York for education, just to get up to the financial -- Foundation Aid threshold. Critically important, the advocacy that has been going on throughout the State so long. I want to elevate the voices of the advocates who come to Albany year after year after year saying we're leaving our kids behind. And in a pandemic we can come back and say New York is investing in our kids because we know that they're struggling.

We see that almost 1.3 million tenants are behind on their rent and made a historic commitment to not just paying their rent arrears, but saying by taking this rental money, you're not going to evict the tenants for a year. You're not going to increase their rent, you're going to help them stabilize their homes. And at the same time saying to landlords we're there for you if you need mortgage assistance. If tenants have moved out, we're going to stand with you and figure out the solutions necessary to ensure that you keep your home, keep your property, and be able to continue to function.

Turning to what we've done on higher education, really critical, first time investment into students with disabilities; increasing TAP awards; the EOP programs, the investment. Critical

to say that higher ed matters. Did we go far enough? No. But we said this is a critical moment to say higher ed is a pathway to a better future and that our CUNYs and SUNYs make so much of a difference in so many lives that we're going to ensure that there are more resources at the table. The scourge of gun violence that we've heard so eloquently tonight, it's affected so many of our community, the shooting the other day just down a block from where I live. So too often every week, every month throughout our City. We need solutions, we need cures, we have preventative programs, we just need now to fund them.

Closing the TAP gap funding, A -- API programs, looking at broadband, issue after issue after issue, this budget takes a stab at making a difference in people's lives. An historic moment for our leadership to make the difference in -- in the State of New York. I want to thank them for what they did. I'm going to be voting in favor of this bill because of what we've been able to do together. I'll encourage my colleagues to do the same at this wee hour in the morning. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the Chairwoman please yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MS. WEINSTEIN: Yes, happy to.

MS. WALSH: You're still happy to? That's -- that's shocking to me it's --

MS. WEINSTEIN: Always pleasant to speak -- speak with you --

(Laughter)

MS. WALSH: It's so late and you've taken so many questions. I want to just ask you a couple of questions about the portion of the bill that has to do with K-12 education.

MS. WEINSTEIN: Sure.

MS. WALSH: One section that I really am very supportive of the concept is the learning loss grants that -- that are in Part A, Section 11B. I was curious, though, to know how do those percentages about how the districts receiving the learning loss grants would be required to use the additional funding based on, and they gave different percentages based on the type of program. And it looked like the lion's share of the funding would have to be used for -- and very -- you know, I'm sure very needed, but districts for children with disabilities, English learners, migrant students, students experiencing homelessness and children in foster care, 71.4 percent. Could you just talk a little bit about how that -- how that was derived?

MS. WEINSTEIN: I -- I would love to, but it's -- it's Federal law so, you know, we're -- we're just following the Federal regulation on that.

MS. WALSH: Oh, I see. Okay. So that -- that was all conditioned on the Federal monies coming in how it was going to

be done?

MS. WEINSTEIN: Yes, correct.

MS. WALSH: Thank you so much. Okay. Thank you for that clarification. The other question I had is, you know, one of the -- really one of the number one things that parents and teachers and school administrators have all talked to me about and I'm sure many of my colleagues over the last year or so having to do with COVID is the idea of mental health. Is there -- is there any portion of this budget bill that maybe I'm missing that specifically talks about programming for mental health concerns coming -- specifically coming out of COVID, but in this -- in this portion of the budget, or maybe it's someplace else, I just don't know where it is.

MS. WEINSTEIN: So -- so we don't specifically include something in this budget, but we do have \$10 million from last year that was designated for mental health, and the Federal money specifically that -- that's coming for the schools for the next really three years probably, does specifically talk about impact -- the impact of COVID and the impact of students, their learning loss, et cetera. So I -- we -- we believe that the -- that some of those funds could be used for mental health services at the schools.

MS. WALSH: Okay. All right. Very good. Thank you so much.

And, Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So I have to say that the -- the K-12

part of this -- of this budget bill I think was -- was very well done. I -- I thought that there was a great deal to really appreciate about that, at least that portion of the bill. A lot of the things that I've been trying to advocate for over the last few months was really encapsulated in that, and I'll just go through that quickly, I know the time is late here, or early, depending on your point of view.

The -- the funding for Foundation Aid; the elimination of expense-based school aid consolidation; no local school district funding adjustment; transportation aid reimbursement; teacher assistance and training programs; rejecting the Governor's proposed special education waiver; helping our 853 schools, particularly with rates. And I really do think that the way that the Federal money is being applied is very appropriate. I think coming out of COVID, I really think as we look at that rescue plan and those monies, I think that we need to focus on mental health concerns. And we really have to focus on helping our students try to get back to in-person learning and to get back to in-person learning and then to try to catch them up academically. And it -- not just simply because some will be English Language Learners or may have IEPs or 503s, but -- but students who just didn't do well with hybrid learning or virtual learning who are going to need a lot of enrichment and a lot of teach and re-teach over the summer and into the following school year in order to try to bring them back up to grade appropriate levels.

So I -- I will at least speak to that part of the bill and say that I really commend the people who worked on the K-12 piece

because I really do think it was well done. So thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you so very much.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for the opportunity to speak on the bill. I heard some impassioned speeches from my colleagues that really need acknowledging. The pain in our communities is a shared one, and I am so glad we were able to get funding to prevent the violence that plagues our communities. I want to thank them for their advocacy and for representing all of our voices.

We have talked a lot about funding for our schools today. After over a decade of fighting for educational equity, the State has finally put forward a plan that fully funds Foundation Aid in the next three years and meets the State's obligation from the Campaign for Fiscal Equity. This is a historic moment because this year, the State's investing in an additional \$1.4 billion from last year's budget, bringing the total Foundation Aid formula up to \$19.8 billion. In addition this bill will invest \$8.2 billion in rescue plan funds and \$3.8 billion in Federal funds from the Coronavirus Response and Release Supplemental Appropriations Act.

This is amazing progress and this commitment is long overdue. Our students and teachers have been in need of this funding for decades. I received countless calls at my office about the challenges our teachers face in providing a nurturing environment for

our students. Many of these teachers actually buy supplies out of their own pockets because their schools are lacking in funding to adequately support them. Students are our future and we make -- we -- we have to make sure that every opportunity we have to invest in our education system is to make sure that they are successful.

This budget also includes language to create a COVID-19 rental assistance program. It helps to ensure that families who need it the most are prioritized, and allocates \$2.45 billion in funding. Self-attestation and coverage of past and future rents is so important and I hope that the process is accessible and the program is implemented as intended with the money going to folks who need it the most as quickly as possible. We cannot expect New Yorkers to stay at home if they do not have homes to stay in. Housing is health care. This is especially true in this global pandemic. We must continue to fight for more targeted relief and affordable housing for New Yorkers, and ensure that we set our State up for recovery where we end up stronger than before.

I'm also reassured by the impactful steps that this bill takes to support the educational needs of New Yorkers from every walk of life. Too many students have failed to qualify for tuition assistance due to outdated ways of measuring financial need, stunting academic growth and limiting potential. We should never turn away a student who is eager to learn and grow simply because they can't afford tuition. This bill bridges that tuition assistance gap by increasing access to the program for those who are most in need of it,

and adding an additional \$88 million in funding to help our students achieve higher education. And despite the Governor's efforts to strip \$75 million from CUNY, this bill not only replaces those funds but provides a total of over \$200 million in funding for CUNY and SUNY institutions. As a CUNY grad, as a proud Baruch Bearcat, our institutions of higher learning are what sets New York apart, and you don't foster excellence by putting our public universities on starvation diets.

Each and every one of us in the Chamber is blessed to have access to reliable fast and dependable Internet. I wouldn't be able to talk to you folks online right now from Zoom if we did not have that. The same Internet that makes it possible for us to communicate, coordinate, learn and to even just have fun this year, we are taking steps to bridge the digital divide, but we are still far from giving our residents truly equitable access to the web. Access to reliable broadband Internet is a necessity for everything from classes, college, and job applications, employment, homework assignments, e-mails, money management and even the vaccine scheduling that we're asking folks to do remains expensive and otherwise inaccessible to so many low-income and rural residents of our great State; in fact, last April in New York City alone, at least 500,000 households completely lacked Internet access. These families, many of whom are already struggling financially, are left fighting an up-mountain battle against poverty, poor wages, and a cavernous digital divide. Too many of our students and families lack access to this critical tool with

so many of us -- which so many of us are able to take for granted. Today, although we are taking a step in the right direction by investing in critical Internet access, we must do more. We must ensure that every single individual in New York State has access to low-cost or free broadband Internet access and provide everyone with equal opportunity to fulfill their potential.

This bill has so many different important pieces in it. And I want to thank our Speaker, our Ways and Means Chair, my colleagues, all of the folks who are able to make this possible, and especially the advocates and the folks who are doing the work, our teachers, our workers. And there's so much to be proud of in this bill and I look forward to voting for it. Thank you, Madam -- Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. -- Ms. Byrnes.

MS. BYRNES: All right. Can I be heard on the bill please, Mr. Speaker?

ACTING SPEAKER AUBRY: On the bill.

MS. BYRNES: Thank you, sir. The only part I want to speak about, given the lateness of the hour is, again, about broadband and the importance in rural communities. Part of this bill involves conducting a study to look into some of our areas to determine what it would take to have accessibility of not only having broadband, but also having reliable broadband. I can help a little bit. Livingston County, where I live, has already conducted a thorough

research and conducted a survey, paid to have it done, spent a lot of money. We have 62,000 people that live in Livingston County. It will cost \$30 million just to hook up to reliable Internet the people that live in my small county, which while it is in a rural area of New York, we're only -- I only live ten minutes, ten miles away from the City of Rochester. So we're certainly not in nowhere land.

Before we have affordability, it's important -- it's necessary that we have accessibility. And this study has been done, I'm sure other counties, I believe Jefferson County is in the process -- process of doing its own study as well, so really, we don't need more studies. Studies have been done, we know what the issues are. What we need is the money and we need action. I appreciate my fellow Assemblywoman who just mentioned the fact that members of the Assembly are all lucky that we have broadband. In my area, I have broadband because I can come to work. I know of other rural Assemblymembers who also have broadband because they have it paid for by the State at our offices. But when we go home, we don't necessarily have reliable broadband.

So it's very important, it's mandatory, we need accessibility before affordability. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. The single biggest reason why I chose to run for the New York State Assembly was the lack of fair and equitable State aid for Rockland County

schools. For too long we have had a broken State school aid formula that has shortchanged our children and hurt our property taxpayers in Rockland County. Rockland County pays the second highest property taxes in America, and it's largely driven by our school taxes. So it's critically important that we get treated fairly when it comes to State school aid.

Under the current State school aid formula, there are many things that need to be fixed, starting with the regional cost index. That's why I've introduced legislation to change the regional cost index for Rockland County so that it's treated like our counterparts in Long Island and New York City. A simple change in that formula would add \$11 million in additional State aid to Rockland County schools. So that's something that is not done in this budget, but certainly needs to be done going forward to ensure that Rockland County schools are being treated fairly.

Under the Governor's Executive Budget, Rockland County schools, seven of the eight school districts, were facing a \$6.7 million cut in -- in State aid. This budget corrects that. It ensures that Rockland County schools do get additional State aid. I have six school districts in my Assembly district. Those six school districts are slated to receive \$171 million in State aid, a \$50 million increase under -- under this budget proposal. In addition, because of the Federal dollars that we're receiving, my districts are going to receive an additional \$259 million. A big chunk of that money is going to go to the East Ramapo Central School District, which is very clearly a

district in need, a district that needs more funding to address budget shortfalls and to ensure that the children in the public school system are getting a fair and fully funded education, and a high quality education at that.

And so this budget does address one of the biggest issues that I -- I ran on and that I came to Albany to fight for, and that was to ensure that Rockland County schools did increase State school aid and did get their fair share. There's still more work to do on that front, but this is a great start and so it -- it is something that I am very happy to support. In addition, the increase in TAP aid is critical. So many of our students, whether they're going to SUNY schools or independent colleges need that additional assistance and so I'm happy to see that we did prioritize increasing support for higher education aid.

Prevailing wage for renewable projects is another important step in this budget bill; I support that. I think our workers, you know, should be paid prevailing wage, especially on projects that are funded with taxpayer money. In addition, the -- the rental assistance program, getting those funds out to tenants, to landlords, making sure that we don't have a calamity when the, you know, eviction moratorium is lifted, and that people are able to make good on their rental arrears. That's critically important. Getting this money out, especially the Federal funds that have been given to us, we've been sitting on it for way too long. So moving that forward, getting that money out is critically important.

Broadband accessibility is absolutely important, as is affordability. I can tell you in my district, there are parts of my district where the affordability issue is a major issue for folks, especially with remote learning. It's critically, critically important that we -- we are able to get broadband into the homes and make -- and make sure that people, especially low-income folks, have the ability to get broadband. So I do support that provision of this bill. And I just want to comment on my -- my friend and my colleague from the mighty 43rd. I appreciate her passion. No one should ever be the victim of -- of violence of any kind, especially gun violence. We see it often, too often, in fact. And it's -- I appreciate the fact that she -- she made a very impassioned plea, you know, for this provision of the bill, and you know, I support her effort in trying to combat gun violence. I would also say that it does also make the case for why we should not ever engage in efforts to defund the police, and why we should consider reinstating the anticrime unit in New York City to get illegal guns off the streets. We've seen it in other cities around the country where they did push to defund the police in Minneapolis, and they've already reversed themselves and put more funds back into the police department. The City of New York did move to cut \$1 billion from our police. That's something that they should seriously reconsider as we see an increase in -- in gun violence and crimes, and we should obviously always be working to keep our communities safe.

So with that, Mr. Speaker, I vote in favor of this bill.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3006-C. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally in the negative. Those who would like to vote in favor of this legislation should contact the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Majority colleagues will generally be in favor of this legislation. Those desiring to be an exception should feel free to contact the office and we will properly record their vote.

ACTING SPEAKER AUBRY: So noted, thank you.

(The Clerk recorded the vote.)

Ms. González-Rojas to explain her vote.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker, to explain my vote. As a public school parent, I am deeply appreciative that after decades for the fight for fiscal equity, we will finally see Foundation Aid get repaid to our school in three year's time. I am grateful for the families in our district will see an increase

in Universal pre-K slots for four-year-olds in high needs communities. This will be essential for mothers who want to return to the workforce after having been hit hardest by the unemployment crisis. I also want to highlight the investments in increasing the TAP award for SUNY and CUNY students. As a former CUNY Adjunct, I have seen how TAP has kept so many of my low-income students in college. Without TAP, so many of my Black, Brown, and immigrant students would not now have their degrees.

I also want to thank the housing advocates who have fought for emergency rental assistance during a time when New Yorkers needed immediate relief. I remain concerned that the implementation of this program may not provide as much assistance as we would like, but I really look forward in pushing for appropriate rollout. And very honestly, I think we missed the opportunity to address homelessness in a fundamental way. It is not lost on me that many will remain homeless even after emergencies are addressed.

And finally, I want to thank my colleague from the 43rd. The gun violence is a public health crisis. Just a few months ago, we lost Bertha Arriaga, a mother of three in my district when she was killed by a stray bullet. Her 14-year-old son found her grasping -- gasping for her last breath and unsuccessfully attempted to resuscitate her. We have all seen how gun violence can impact families when left unaddressed, so the community violence intervention funding is so critical. So Mr. Speaker, I proudly vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Mr. Mamdani.

MR. MAMDANI: Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Please, sir.

MR. MAMDANI: It may be 1:45 in the morning and so I say good morning to all of my colleagues, but I have extreme excitement coursing through my body when thinking about this bill. This bill represents a significant investment in children and in families across this State, and I particularly want to highlight the emergency rent relief that it will provide, as well as the \$1.4 billion that it will provide in Foundation Aid and the commitment to fully fund Foundation Aid over the next three years. I am proud, I am excited to be a member of this Body and to vote for this bill. Thank you to every single person who put this together, and thank you to all of the staff who are staying with us here late into the night. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Mamdani in the affirmative.

Ms. Clark.

MS. CLARK: Thank you, Mr. Speaker. To explain my vote. I can't quite bring the heat quite like some of my colleagues this late at night, but I will work on this, I promise. I am so truly grateful to have them here in the Assembly making a difference for all New Yorkers. So I ran to fight for children and families. I ran to give

a voice to moms, and this feels like a moment to celebrate. This is what I know: Educating our students is the best economic development tool we have. The commitment we are making to fully fund Foundation Aid in three years is long overdue for our school districts, and it's a huge win for racial justice and a game changer for our students. A big shout-out to Senator Jackson, parents, teachers, students and advocates for never giving up. This is because of you.

As for child care, this investment will take the child care ecosystem off life support once and for all, transform it forever here in the State of New York. We are making this more affordable and better accessible for our families, more resources for our providers and improved quality for our children. These are the priorities at the center of this new plan, plus we have rent and homeowner relief, help for our landlords, gun violence prevention funds for communities across the State affected by gun violence, like mine here in Rochester. Affordable and accessible broadband, a TAP increase for the first time in seven years. This is what a budget looks like when you put people first, when people are your priority. I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Clark in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. I would be remissful in my responsibility if I didn't mention Man Up! Inc., Andre T. Mitchell, the Cure Violence Program in our beloved East

New York. It is incredible work that they do with meager resources. They were able to cover a 20-block radius in the most crime ridden area in my district and for over 360-some-odd days, they had not one killing in an area where there was many. And I just believe if that 10 million was 100 million and we had this in communities across the City and across the State that had a group like Man Up! Inc. and so many others that's doing the great work that we can really put a dent in the gun violence in our neighborhoods.

As a matter of fact, Man Up! Inc. is running a youth center. We were fortunate to get a developer and I contributed some from my City Council budget when I was a City Council member to have a community center built, the Prince Joshua Avitto Community Center, named after a seven-year-old who was killed in an elevator in the public housing development across the street. We had a youth center, this youth center is run by Man Up! Inc. and Good Shepherd, but mainly Man Up! Inc. from our community is running that community center, and that community center has everything in it from a state of the art gymnasium and have a culinary arts class and the martial arts and has technology where they have computer labs and recording studios. You name it, it's there. And if we had one of those in every one of the communities where the violence is high, and a Cure Violence Program in every one of the community where the violence is high, I think we can put a real dent in it. So to Man Up! Inc., hats off --

ACTING SPEAKER AUBRY: How do you vote,

Mr. Barron?

MR. BARRON: I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. So on this, the first vote of my birthday --

(Applause)

-- I am delighted to vote in favor of this education budget. It is a tremendous step forward for our public schools across the State, and I thank my colleagues and the staff for putting it together. I also want to call out the incredible investment we are making in child care this year. As I held round tables on reopening strategies that would help our communities, one of the things I heard loud and clear was how important child care is in getting people back to work. So this -- this budget takes us a giant leap forward to expanding our child care, making it affordable, and really making sure that everybody who wants to work can get back to work.

And with that, I vote in the affirmative. Thank you.

Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Ms. Simon.

MS. SIMON: Sorry about that. Thank you, Mr. Speaker. To explain my vote. This budget does some astounding

things. It's not everything that we wanted, but there are -- and there are parts of this budget this year that I adamantly dislike, but the budget on the whole goes such a very long way to achieving equity in our State. In this particular bill, obviously we're talking about education. After 27 years of litigation and advocacy, New York is finally making good on the decades of inequitable investment in urban public schools and fully funding Foundation Aid, the money that was awarded by the highest court of this State in the Campaign for Fiscal Equity suit. I want to thank my colleague in the Senate who stepped up first as a parent and a plaintiff, seeking equitable funding of our public schools, then stepped up as a member of the City Council, then stepped up and walked up to Albany to rally and advocate for our schools and now serves in the New York State Senate. And I want to thank the advocates and the organizations that organized and organized and organized and wouldn't let anyone forget that too many of our children have already been harmed and that our children need this money. Thanks to them, our children will now have a fighting chance at the futures that they deserve.

We are funding our special schools for children with disabilities and have once again rejected the Executive's proposal to waive our Federal obligations for those children in need of Special Education. And we are finally closing the TAP gap and ensuring that tuition will not be raised on SUNY and CUNY students' backs. We are funding our opportunity programs. My first job in Higher Education was running an educational opportunity program, and they

are dear to my heart. We're providing additional funds to support services for --

ACTING SPEAKER AUBRY: Ms. Simon, how do you vote?

MS. SIMON: Thank you.

ACTING SPEAKER AUBRY: Ms. Simon votes in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. Fully funding Foundation Aid has been something I fought to do for years, and I'm happy to see that we're finally making this commitment here in our State Budget to help our local schools. Over the years, the State has missed the mark on providing adequate and equal share of funding that address the needs of our local schools. As both a parent and a legislator, I have a son who's in special needs, I have a daughter who is about to graduate high school. I know how important it is to serve as an unwavering voice here at our State Capitol to strengthen public education so that our children have the tools and support they need to reach their full potential.

Now after a year of taking on the many new challenges posed by the COVID-19 pandemic, our students, our staff, and our teachers need us more than ever before. This funding is an investment in the future of public education, serving as the foundation for us to build upon as we strengthen our public schools. I'm pleased to cast my vote in the affirmative here tonight. Thank you, Mr.

Speaker.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Okay, I'll be quick at this late hour. I am just so proud to support a bill that mightily supports Foundation Aid, the TAP gap, child care. Thank you to all who made it possible and it's a great note to end on. Thank you all, and I vote proudly in the affirmative.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mr. Goodell, exceptions?

MR. GOODELL: Thank you, sir. In addition to those who have voted on the floor in favor of this bill, please record the following Republicans in the affirmative: Mr. Brabenec, Mr. DeStefano, Ms. Giglio, Mr. Lawler, Mr. McDonough, Mr. Mikulin, Ms. Miller, Mr. Miller, Mr. Montesano, Mr. Morinello, Mr. Ra, Mr. Reilly, Mr. Salka, Mr. Smith, Mr. Tannousis, and Ms. Walsh. Thank you.

ACTING SPEAKER AUBRY: Thank you, so noted.

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, do you

have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have no housekeeping, no resolutions.

MRS. PEOPLES-STOKES: Then I move that the Assembly stand adjourned until Wednesday, April the 7th, at 11 a.m., tomorrow being a legislative day.

ACTING SPEAKER AUBRY: I believe that's a Session day, Mrs. Peoples-Stokes, because we will be in Session.

MRS. PEOPLES-STOKES: Mr. Speaker, it is a Session day.

ACTING SPEAKER AUBRY: All right. We're happy to hear that because that may be the last day. Thank you so very much.

The Assembly stands adjourned.

(Whereupon, at 1:53 a.m., the Assembly stood adjourned until Wednesday, April 7th at 11:00 a.m., Wednesday being a Session day.)