

THURSDAY, APRIL 7, 2022

6:26 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 Wednesday, April 6th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Wednesday, April the 6th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. And colleagues, welcome to the Chambers. Happy to see everybody again this evening. I'd like to start today with a quote, Mr. Speaker, that comes from our own Vice President Kamala Harris. Kamala Harris is the first woman, the first African-American woman and the first South Asian American to hold the office of Attorney General in the State of California, the first African-American Senator to represent California, and the first African-American and South Asian Vice President of the United States. Her quote for us today which I think is more than appropriate, "The American Dream belongs to all of us." Again, Mr. Speaker, those words from our own Vice President Kamala Harris.

Mr. Speaker and members, you have on your desk a main Calendar as well as an A-Calendar. Mr. Speaker, I will now move to advance that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: After any housekeeping

we're going to take up resolutions on page 3. However, our principal work for this evening is we're going to take up on our Calendar -- the A-Calendar. There may be a need for further floor activity or conference needs as we proceed, Mr. Speaker. I will be happy to inform members at that time.

That's the general outline. If there's housekeeping, now would be a great time, sir. Thank you.

ACTING SPEAKER AUBRY: No housekeeping, Mrs. Peoples-Stokes, but we will do -- we will go right to resolutions on the main Calendar, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 733, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 7, 2022 as Library Assistants' Day in the State of New York.

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

THE CLERK: Assembly No. 734, Ms. Walsh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 11, 2022 as Submarine Day in the State of New York, in conjunction with the observance of National Submarine Day.

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

adopted.

On the A-Calendar, page 3, Rules Report No. 70, the Clerk will read.

THE CLERK: Assembly No. A09005-C, Budget Bill. An act intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to repeal subdivision 9 of section 201 of the Correction Law relating to the parole supervision fee (Part D); to amend the Correction Law and the Public Health Law, in relation to authorizing the Department of Corrections and Community Supervision access to certain records (Part E); to amend the Executive Law, in relation to requiring members of the State Parole Board to devote their full time to the duties of their office (Part F); to amend the Tax Law, in relation to suspending the transfer of monies into the Emergency Services Revolving Loan Fund from the Public Safety Communications Account (Part G); intentionally omitted (Part H); to amend the Executive Law, in relation to awarding reimbursement for certain items of essential personal property (Part I); to amend Chapter 674 of the Laws of 1993, amending the Public Buildings Law relating to value limitations on contracts, in relation to extending the effectiveness thereof (Part J); to amend the Alcoholic Beverage Control Law, in relation to allowing a municipality or community board to elect to receive notice by e-mail (Part K); intentionally omitted (Part L); to amend Chapter 396 of the Laws of 2010 amending the Alcoholic Beverage Control Law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof

(Part M); intentionally omitted (Part N); to amend the Election Law, in relation to the boundaries of election districts and the designation of polling places (Part O); to amend the Alcoholic Beverage Control Law, in relation to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption; and providing for the repeal of such provisions upon expiration thereof (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the Civil Service Law, in relation to eligibility for shift pay differentials (Part U); intentionally omitted (Part V); intentionally omitted (Part W); to amend the State Finance Law, the Tax Law, and the Public Authorities Law, in relation to providing aid and incentives for municipalities to towns and villages; and to repeal certain provisions of the Tax Law relating thereto (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); in relation to financing of a certain litigation liability by the City of Long Beach (Part CC); to amend the Alcoholic Beverage Control Law, in relation to operation of another business on a licensed farm manufacturing premises (Part DD); to amend the Alcoholic Beverage Control Law, in relation to allowing for the sale of liquor and/or wine for off-premises consumption on Christmas Day (Part EE); to amend the Alcoholic Beverage Control Law, in relation to authorizing the issuance of on-premises licenses or permits to certain veterans' organizations with a police officer serving as an officer of such

organization (Part FF); creating a temporary State commission to examine reforms to the Alcoholic Beverage Control Law in order to modernize the alcohol industry in New York State; and providing for the repeal of such provisions upon expiration thereof (Part GG); to amend the Election Law, in relation to postage paid for absentee ballots (Part HHS); to amend Chapter 141 of the Laws of 1994, amending the Legislative Law and the State Finance Law relating to the operation and administration of the Legislature, in relation to extending such provisions (Part II); to amend the Legislative Law, in relation to establishing a Legislative Commission on the Future of the Long Island Power Authority (Part JJ); to amend the General Municipal Law and the Town Law, in relation to authorizing fees and charges for emergency medical services; and providing for the repeal of such provisions upon the expiration thereof (Part KK); and to amend the Public Authorities Law, in relation to transparency and accountability in Nassau County (Part LL).

ACTING SPEAKER AUBRY: Governor's Message is at the desk. The Clerk will read.

THE CLERK: I hereby certify to an immediate vote. Kathy Hochul, Governor.

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

MS. WEINSTEIN: Thank you. This bill would enact into law major components of legislation that are necessary to implement the State Fiscal Year 2022-'23 Budget as it pertains to the

Public Protection and General Government budget. And rather than go through it I'd be happy to respond to specific questions.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Thank you very much. So, I'm going to start with something that I guess is -- is general since this is the first of the budget bills we're taking up after Debt Service last week. Do we know or have a time frame when we will see a full financial plan accompanying this budget?

MS. WEINSTEIN: Hopefully in the next -- next day.

MR. RA: Okay. And at this time, during Ways and Means you said that the final budget's going to be around \$4 billion higher than the proposed Executive Budget in terms of total spending?

MS. WEINSTEIN: Yes, around \$220-. There actually is -- that is \$1 billion in -- in cuts in revenue reduction and \$3 billion in increased spending. Probably a bit more than that.

MR. RA: Okay. So what is the -- how are we accounting for this additional spending? Do -- do we know at this point in terms of -- I know that in the one-House one of the ways that money -- additional money was spent was taking away from reserve funds that the Governor had proposed depositing into. So how much

of that is that type of spending and how much comes from additional revenue?

MS. WEINSTEIN: Well, first of all, the -- the Governor's original budget did not allocate the \$2 billion in pandemic aid relief that we had. So this budget, this final budget will allocate that money. So that's 2 -- \$2 billion. We have -- I think as we discussed during the -- the debt debate, we have revenue -- the receipts, the PIT receipts and other receipts that have exceeded expectations and predictions, so there's increased funding. And then there's a small amount that may come from the -- from the reserve.

MR. RA: Okay. And I believe the Governor actually did mention during her press conference that funds are -- reserve funds are being increased to 15 percent of the State Operating Funds spending.

MS. WEINSTEIN: Right. That is --

MR. RA: So are the Governor's proposed deposits still being made in each year?

MS. WEINSTEIN: That -- I may have to wait a day to give you that exact answer, but it's still being discussed.

MR. RA: Okay. And then one other general question and then we'll get into this bill itself. You did mention the \$2 billion in COVID relief spending. Has -- has that been -- has an agreement been reached as to how that is going to be spent?

MS. WEINSTEIN: Primarily, but it's going to be in a later -- in a later bill, so I'm not sure that it is totally finalized yet.

MR. RA: Okay. Thank you. So, into the topic areas of this bill. Obviously, this being the Public Protection and General Government bill, ordinarily we might see, you know, things like criminal justice reforms in this bill. I know that bail and discovery have been topics of conversation. Obviously, they are not in this bill. Is there an agreement on those issues and when do we expect to see the language on those?

MS. WEINSTEIN: I believe there's a conceptual agreement on those -- those issues, and I would think that exact language we'll be seeing in a later bill.

MR. RA: Okay. Do we know in what bill we might see that?

MS. WEINSTEIN: At this point I can't tell you.

MR. RA: Okay.

MS. WEINSTEIN: I would like to if I knew. It's not that I can't tell you, I just don't know the answer to that question.

MR. RA: We'll stay tuned then. So what about Clean Slate? Is there any agreement or is that to be included in a later bill?

MS. WEINSTEIN: That is -- I think as the Governor indicated in her press conference, that is a topic we will be taking care of outside of the budget.

MR. RA: Okay. Thank you. So in terms of a couple of provisions in this bill related to parole, one of the provisions would eliminate parole supervision fees that will be paid to DOCS. Do you

know how much money in total DOCS will be foregoing by not collecting this fee?

MS. WEINSTEIN: The -- it eliminates \$30 per month in parole fees, so it -- that will save 200 -- it will save individuals on parole \$240,000.

MR. RA: Okay. Do you know approximately how many individuals that is that DOCS collects this fee from?

MS. WEINSTEIN: I -- I can't -- I don't know the answer to that question.

MR. RA: Okay. So, and then will DOCS be able to efficiently continue operations without this funding? Is it used for, like, a specific program within DOCS?

MS. WEINSTEIN: Most -- most of these -- most of the fees that are imposed can -- are ultimately aren't collected because individuals can't afford to pay these fees and then they're waived. So I -- I do not believe that will have any noticeable impact on the ability of DOCS to perform its duties.

MR. RA: Okay. Thank you. In terms of the parole board provisions. I know that this would change parole board members to become full-time and prohibit members from holding other salaried public positions. What's the reason for this change, and can you just clarify or -- you did state in Ways and Means. But are parole board members going to be able to work in private professions at all while serving on the parole board?

MS. WEINSTEIN: Yes to the question of private,

but they can have other private sources of income, private positions.

MR. RA: Okay. Is any change in compensation for parole board members happening as a result of this?

MS. WEINSTEIN: No, it is not.

MR. RA: And what's the general salary range for a parole board member?

MS. WEINSTEIN: It -- generally, \$140 -- \$140,000 to \$160,000.

MR. RA: Okay. And then lastly, in terms of them becoming full-time, does that require the State to pay additional benefits for health insurance, pension, any of that stuff?

MS. WEINSTEIN: I -- I believe that that's included within the -- the appropriation.

MR. RA: So there will be increased costs, but we are appropriating funding in -- in another bill?

MS. WEINSTEIN: I -- I believe they currently do have benefits.

MR. RA: Okay. Thank you.

I want to move to some of the elections-related provisions.

MS. WEINSTEIN: Sure.

MR. RA: So, there's a couple of pieces that made it in here and I guess at least one that didn't. So, the ten-day voter registration is not in this bill, correct?

MS. WEINSTEIN: Correct.

MR. RA: And we believe that's out completely, or is it possible we're going to see it later?

MS. WEINSTEIN: It -- it's not something that we'll be considering as part of the budget. It's possible it will be considered separately in -- in legislative Session.

MR. RA: Okay. One of the other proposals would require local boards of elections to establish one or more polling sites on college campuses. So is this a requirement on the college? Like, if a college were to say, *We don't want a polling site on campus*, do they have to allow the Board of Elections in to establish one?

MS. WEINSTEIN: The requirement for -- to be a polling site kicks in when there are 300 registered voters contiguous to the -- the college. I did not believe the colleges can refuse to have a polling site. We have legislation that requires not-for-profits and others to allow a polling site to be -- whether it's a building or in this case a campus -- so that would -- that would ensure that there could be a site there regardless of whether the -- the college didn't want -- I think all of them received government funding of one kind or another.

MR. RA: So what accommodations, then, is the college required to make to allow the Board of Elections to set up a polling site? Just are we providing space, is there a requirement for size and accessibility and that type of thing?

MS. WEINSTEIN: Just -- just a space.

MR. RA: Okay. And then --

MS. WEINSTEIN: In fact, in -- in Brooklyn College

it's a polling site in my district. Not as it relates to students within site, but it's the -- the largest handicapped-accessible site in parts of my district.

MR. RA: So -- and would that include community colleges as well?

MS. WEINSTEIN: Yes. If -- if they have -- you have to put together the college and the living -- the 300 students living contiguous to the -- you know, to -- to that college campus. I would think that a lot of the community colleges don't necessarily have dorms or student housing that's contiguous to them, so I -- I think it's unlikely. But I'm sure, you know, that it's possible that it could happen.

MR. RA: Okay. And then with regard to the requirement that Board -- Boards of Elections provide domestic postage-paid return envelopes for mailing an absentee ballot application. It was stated during the Ways and Means Committee meeting that funding will be appropriated for this?

MS. WEINSTEIN: Yes. I believe it's approximately \$4 million and we will see that amount in a -- in a future bill.

MR. RA: Okay. And how -- how is that going to be paid out to the Boards of Elections?

MS. WEINSTEIN: The -- the State Board of Elections will develop a plan that will reimburse the county boards for the -- the cost.

MR. RA: Okay. And is it -- are we confident that's

enough to cover the full cost or will boards maybe only get a partial reimbursement?

MS. WEINSTEIN: We believe that it would be enough to cover the -- the full cost, and the intention is that there will be no additional costs incurred by the county boards because of the requirement of pre-stamped absentee ballots -- envelopes.

MR. RA: Okay. So I want to move on to ethics. Does this budget or this bill include the Governor's proposal to replace JCOPE with a newly-created independent State commission?

MS. WEINSTEIN: No. No, it does not.

MR. RA: And will -- and will anything be in the budget addressing that?

MS. WEINSTEIN: You will see that in a -- in a later bill.

MR. RA: Okay. Another piece that would normally be seen here which is not is the sweeps and transfers language. I see it's intentionally omitted. Has that language been signed off on yet, and do we know what bill we will see that in?

MS. WEINSTEIN: No, it is not. That -- so I -- but it will be in a later bill.

MR. RA: Okay. All right. I'm going to move on to local governments and the aid-related county sales tax intercept. The intercept of county sales tax for any related payments to towns and villages is going to cease. It's my understanding that we're once again going to fund aid from the State. Are we increasing aid funding in --

in this budget or are we just shifting the amount that we've had, you know, really, for I guess the last decade or so back to the State?

MS. WEINSTEIN: Right. Well, we -- it's -- it's back on the -- on the budget for the localities. It's not -- there's not the intercept.

MR. RA: Okay. And so, but AIM funding will be flat?

MS. WEINSTEIN: AIM -- AIM -- right, AIM does not change from year to year, but there is also -- besides the increased sales tax for the -- the counties there also is the 50 million that was taken -- was intercepted for the safety net hospitals.

MR. RA: That -- that distressed hospital intercept is continuing?

MS. WEINSTEIN: I'm -- I'm -- I'm sorry?

MR. RA: Is the sales tax intercept for the Distressed Hospital Fund continuing in this budget?

MS. WEINSTEIN: Not in terms of the counties, but it -- it will be partially continued for New York City.

MR. RA: Okay. It will be partially continued for New York City?

MS. WEINSTEIN: Correct.

MR. RA: And does this budget do anything in terms of actually moving that money or -- or dolling it out? I know that it has been collected for the last few years, but I don't believe it has been distributed.

MS. WEINSTEIN: I -- I do believe that there was one in the -- one of the distributions in the fall and we anticipate a distribution in the near future.

MR. RA: Great. Thank you. I want to now just get into -- there's some actual kind of local provisions related to Nassau County, starting with one regarding the --

(Buzzer sounds)

ACTING SPEAKER AUBRY: Your second 15, Mr. Ra? Absolutely. Thank you.

MR. RA: Thank you, Mr. Speaker. So the City of Long Beach, my understanding is they're getting authority to bond \$77 million to pay a final judgment on a settled claim against the City. Can you explain what that case is and why we're granting this authority?

(Pause)

ACTING SPEAKER AUBRY: Your mic?

You're good.

MS. WEINSTEIN: Sorry. Yes, so the -- the case was against a developer. It's now been settled and the intention is to be able to build two apartment complexes in that location.

MR. RA: Okay. I guess my -- my question is, you know, is this a fiscally-responsible way for the City to pay this? You know, they issue bonds for a purpose. This isn't a capital expense, it's paying out a judgment. So I'm just curious as to why we're granting this authority.

MS. WEINSTEIN: Right. So, the settlement is very high. It's a -- I think the municipality has a \$90 million budget and the settlement is upwards of \$70 million. So this is something that we have done for other municipalities in the past when they've been in a similar type situation.

MR. RA: Okay. And has the City of Long Beach proposed any type of plan to -- of how they're going to pay the debt service on this? Because you mentioned that, you know, relative to the size of their budget, this is a very large settlement and a large amount of money for them to borrow.

MS. WEINSTEIN: It would just come out of their -- their normal General Fund revenues.

MR. RA: Okay. But we're not -- we're not proposing any type of State oversight or anything like that with regard to them paying this money?

MS. WEINSTEIN: No.

MR. RA: Okay. Thank you.

And then the last piece I wanted to get into also relates to Nassau County, and that's -- I believe it's Part LL at the very end -- and it's a -- I believe it's called the Nassau Transparency and Accountability Act, and it requires the Nassau County Interim Finance Authority to conduct audits of the Nassau County IDA, the Nassau County Off-Track Betting Corporation, and Nassau University Medical Center. Now, to my knowledge this is new language. I know there was something very general in the Senate one-House regarding

this, but this is the first time we're seeing this. So if you can give me any background as to why we're seeing, you know, something specific to -- to a county that ironically is about transparency that just came out today.

MS. WEINSTEIN: So, this is upon the recommendation of the members representing Nassau County who feel there should be some oversight of the -- the hospital, the OTB, the agencies that you mentioned.

MR. RA: Okay. Is there any specific reason these entities were chosen for -- for this new audit ability?

MS. WEINSTEIN: Well, since these are entities that have a tremendous fiscal stress on the Nassau County budget, there's a desire to have accountability and to ensure that they are, in fact, very transparent in their operations and that the funding is being spent appropriately.

MR. RA: Okay. And it also -- I believe the language requires an investigation by the Authority, by NIFA, into the county and these covered organizations, it says, for potential violations, fiscal mismanagement or systemic negligence. Can you just elaborate on to what type of things that they would investigate?

MS. WEINSTEIN: It -- I don't have specifics because they've yet to -- they've yet to act. But it's merely to investigate and to see if, in fact, there are any issues that should be addressed.

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

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So, I think, you know, this is our first real budget bill, like I said, after Debt Service, and there are -- there are some very good things in this bill. But I -- but I do want to say a couple of global points and then really get into this issue that is local to me and the county I represent. We have a budget that we just heard is going to spend around \$220 billion. And once again this year we're beginning to discuss and debate and vote with a partial picture. We have two bills, we don't have a full financial plan, and -- and I think it makes it very difficult to make informed choices on behalf of the people we represent when we're lacking for information. It's bad enough when we rely on Messages of Necessity to get things done quickly. But -- but actually have all the bills, we don't even have that. We're getting them piecemeal, and we're seeing in this bill in particular, things that are traditionally in this bill are not in it. We may be voting on major criminal justice provisions that aren't in this bill. There's things on the financial side that we don't know because of how this bill is structured. And as I said, that just makes it very difficult to make informed choices on behalf of the people we represent.

Now, with regard to this last piece, you know, only here could we call something a transparency and accountability act and have the ink barely be dry on it when we're voting on it. I -- I can't imagine anywhere but Albany that that would be something that

was acceptable. Nobody's seen this language, and I guess at least in the general public until today. Like I said, it was very, very vague language in the Senate one-House. We don't know exactly what's prompting it, but I have a pretty good idea what's prompting it: Politics. We, I guess, didn't need this last year when Nassau County had a Democratic County Executive. All of a sudden there's a Republican County Executive and NIFA needs enhanced authority to audit different entities and to do investigations. I find that very odd. I looked up earlier, by the way, because, look, we know that the County has had its financial problems. Well, the City of Long Beach is rated worse on the State Comptroller's list of fiscally-distressed counties, and this bill is helping them out on -- on paying a judgment. Just while I understand that, you know, a county with a \$90 -- \$90 million budget -- or a city with a \$90 million budget would have a hard time paying this judgment, but we're letting them bond -- bond this. We're not doing anything to give them any oversight. They've been a disaster from a fiscal management standpoint for years. Some very shady dealings, some situations where people paid out time to people that they don't deserve, major payouts to employees who are leaving. Yet we're not pointing a finger at them. We're pointing a finger at the County. Now, what's the difference again? That's been a Democratic-controlled city for a very long time. But we haven't seen fit to step in and do this type of thing directed at them. So I find it very curious that, again, we're coming out with something called a transparency and accountability act, and we're shoving it in a budget bill when it

was never proposed by the Executive, we never saw it in the 30-day amendments, and all of a sudden, here it is in the final budget.

So despite a lot of the good in this bill and there's things that I have supported for a long time and -- and kudos to my colleagues who have fought for those issues, you know, whether it's, you know, the ability to bill for ambulance services -- very important to us on Long Island, very important to our volunteer fire departments to make sure we can continue to provide those services. Certainly, the AIM changes to something we really were against a few years ago, caused actually a huge problem on Long Island because we didn't at the time make proper provisions for the fact that we were -- we had this NIFA board and -- and it almost cost villages and -- and towns I represent millions and millions of dollars and we had to go and -- and fix it at the end of the year. So I'm glad that's being restored to being something that the State is paying for. But like I said, when I see a budget bill come out that was so non-transparent and it's in particular seems to be taking a political shot at the leadership of our County, I'm compelled to vote in the negative. 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.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. LAWLER: Thank you. On the -- the sale of alcohol to go --

MS. WEINSTEIN: Yes.

MR. LAWLER: -- what changes were made from the Governor's Executive proposal?

MS. WEINSTEIN: Hold on a moment because I have to just get reference as to what her -- I know what we are doing, I need some reference as to how we changed it.

(Pause)

It is pretty close to what the Governor proposed. We've included the substantial food requirement, prohibiting the sale of the full bottles of wine or liquor, and I believe we beefed up the requirement to verify that that -- the individual who the delivery is going to is 21 years of age or over.

MR. LAWLER: You -- you removed the requirement that the individual be 21?

MS. WEINSTEIN: No, we beefed up the requirement that --

MR. LAWLER: That they have to be 21.

MS. WEINSTEIN: Well, we strengthened the requirement in terms of the verification that the person is, in fact, 21 who's receiving the alcohol.

MR. LAWLER: What about the person delivering

the alcohol?

MS. WEINSTEIN: Yes, well --

MR. LAWLER: They have to be 21?

MS. WEINSTEIN: They have to be over 21, also, yes.

MR. LAWLER: Okay. How are you defining "substantial food item?"

MS. WEINSTEIN: We are -- we are not defining it in this legislation. We -- the SLA is -- is empowered to adopt -- adopt rules and regulations as to the implementation of this program, this authority. And they may -- they may set a dollar amount or they may leave it as substantial.

MR. LAWLER: Okay, so we're leaving it up to the SLA.

Okay, moving on to elections. With respect to the polling sites on college campuses, this only applies to the primary election and the general elections going forward?

MS. WEINSTEIN: Yes, I believe so.

MR. LAWLER: It does not apply to early voting, correct?

MS. WEINSTEIN: Yes. That is correct.

MR. LAWLER: Okay. Do we know how many numbers of registered voters are required under current law to create a polling place?

MS. WEINSTEIN: There is nothing in -- in statute.

We have legislation -- there is a number of voters that can be in an election district. There's a -- a --

MR. LAWLER: Right.

MS. WEINSTEIN: -- cap, but there's not a minimum.

MR. LAWLER: So where -- where did we come up with the 300 number? Where does that come from?

MS. WEINSTEIN: It seems -- it seems that it's a fair number that there's a large contingent of individuals at -- at that site.

MR. LAWLER: But usually -- so usually in an election district there's upwards of 1,000 or more, potentially. And normally in a polling place, especially where I live, you know, there's multiple election districts at a polling site. So we're saying in -- in the cases of a college campus that they should get their own polling site even if there's only one election district?

MS. WEINSTEIN: Yes. And I -- I can tell you that perhaps not in -- in Rockland, but certainly in New York City there are election districts that at times are very small because of census tracts -- the size of census tracts and the number of voters and the polling sites that may just have a single election district. In my own district we have a polling site within -- within an assisted living facility that -- that probably has -- that we know has less than 300 registered voters. So it's not the most unique situation to do this.

MR. LAWLER: Okay. And so for the college campuses, the requirement to create this polling site, will that only apply to the college campuses or would the Board of Elections have to

open that polling site to other election districts within the area?

(Pause)

MS. WEINSTEIN: I'm -- I'm told that it would be limited to that -- that area.

MR. LAWLER: Okay. So -- and you made reference to a senior, you know, assisted living facility. So let's say we had a 55 and older community - my mom happens to live in one - and let's say that there are over 300 registered voters in that 55 and older community. How come they don't get their own polling place in their complex?

MS. WEINSTEIN: Are you talking about Hickory Hill, by any chance? My aunt lived there.

MR. LAWLER: Oh, no, but that's nice.

MS. WEINSTEIN: I think that's a great idea and I'd be happy to work with you to be in next year's budget.

MR. LAWLER: That would be terrific. I'm sure seniors would love it. But this bill does not do that.

MS. WEINSTEIN: No.

MR. LAWLER: This only applies to college students who may or may not even, you know, live in the State of New York. They're attending college in New York.

MS. WEINSTEIN: Well, no, they -- let me just correct -- correct what you said.

MR. LAWLER: They'd have to be registered.

MS. WEINSTEIN: They'd have to be -- right. Not

just 300 students that live --

MR. LAWLER: Three hundred registered --

MS. WEINSTEIN: Registered --

MR. LAWLER: New York registered voters in that

--

MS. WEINSTEIN: In that area.

MR. LAWLER: -- at that address.

MS. WEINSTEIN: Correct. At that address.

MR. LAWLER: Does it -- so like for instance, I lived off-campus one year when I was at Manhattan College. Are we only focused on the school-owned buildings or are we trying to include off-campus buildings, too?

MS. WEINSTEIN: It - it's residences that are contiguous to the -- to the campus. So it could be on campus or it could be --

MR. LAWLER: But does it have to be a campus-owned property?

(Pause)

MS. WEINSTEIN: No, it does not have to be campus housing or owned by the -- owned by the campus. But adjoining or contiguous.

MR. LAWLER: So, for instance, a privately-owned apartment building up the street from Manhattan College has some college students, some not. How are you going to determine whether they should be included or not?

(Pause)

MS. WEINSTEIN: It is -- it is -- the election district will be drawn on the -- around the -- to include contiguous housing, and if there are non -- if there are non-students in that housing that they then would be in that -- the election district and would vote at that poll. That would be their poll site.

MR. LAWLER: Okay. So we're creating -- we're basically requiring the creation of a new election district to include the campus and potentially vicinity, which would include people who are not attending the campus that would now go vote on the campus, correct?

MS. WEINSTEIN: Yes. That could happen. And, you know, I would note that currently, not because of this type of legislation, but currently there are campuses around our State that are used as -- as polling sites. Some with multiple EDs in them.

MR. LAWLER: Okay. You made reference to reimbursement through the State Board of Elections, which would mean that the county Board of Elections would have to expend the money first and then they'll get reimbursed?

MS. WEINSTEIN: Yes. Yes, we're talking about for the postage on the absentee ballot envelope. Yes.

MR. LAWLER: Right. So this is supposed to take effect July 1st, which would be after the primary but would be before the November general election. Most counties have set their budget for the fiscal year, so now they're going to have to do what?

MS. WEINSTEIN: They -- they will -- if their budget is already set they can amend their budget to account for whatever postage is needed and then they'll be reimbursed by the -- the formula developed by the State Board.

MR. LAWLER: And when will that reimbursement come? In a timely manner or sometime next year?

MS. WEINSTEIN: I would hope in a timely manner. There will be a \$4 million appropriation in a later bill to cover these costs.

MR. LAWLER: Okay. The emergency service fee authorization with respect to fire departments that are providing ambulatory services. I noted that the word "volunteer" was not in the bill, but we are inclusive of all volunteer fire departments, correct?

MS. WEINSTEIN: Correct.

MR. LAWLER: Okay. And regardless of where the fire department may get its funding from, whether it's the district or whether it is from a municipality -- for instance, I have the Village of Piermont. It would be totally covered under this bill, correct?

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. Thank you.

Lastly, with respect to the transparency and accountability in Nassau County, I know my colleague covered much of that with you. You said that this came as a result of some of the Nassau delegation, is that correct, within this Chamber?

MS. WEINSTEIN: The members of -- of the

Legislature -- from members of the Legislature. You know, a number of years ago we did establish the Nassau County Financial -- basically a financial control board, and they have noted that there have been problems with the Nassau County Hospital and the Nassau County OTB. *Newsday* has reported on this. So it was the collective judgment of members of the Legislature representing Nassau County to give this additional -- to have this additional recommendation within the -- the NIFA.

MR. LAWLER: I don't know that I would be relying on *Newsday* to pass legislation. But are we planning on going after any other municipalities with this type of oversight investigation? For instance, I mean, New York City has had so many financial problems over the years. The City of Buffalo, the City of Rochester, the City of Syracuse, the City of Albany. Are we planning on going after any of these cities in the State budget at all?

MS. WEINSTEIN: The -- you know, there is a -- in New York City in the 70's the Legislature established a financial control board that oversees New York City, and New York City is required to send -- to present its budget, too. There are other municipalities that have similar control boards or oversight boards.

MR. LAWLER: Right. But this one seems to be very targeted and very specific and, oddly enough, you know, as my colleague pointed out, came after a change in leadership which seems kind of odd.

MS. WEINSTEIN: Well, as I said --

ACTING SPEAKER AUBRY: Members in the back, we have a debate going on. We don't need to listen to you.

MS. WEINSTEIN: As -- as I said, there have been numerous boards throughout the State. In Nassau County there have been these reports and -- that the financial board there noted of fiscal issues relating to the OTB, to the hospital. And so this bill, while they could have the authority to do this on their own and they -- this gives an explicit direction to do this.

MR. LAWLER: Okay. With respect to the full-time parole board.

MS. WEINSTEIN: Yes.

MR. LAWLER: How -- how many hours a week are the parole board members currently working?

(Pause)

MS. WEINSTEIN: Yeah, I believe that it's basically considered a full-time job now. So it's the 30 -- what is it, 37.5 hours. They -- they also travel around the State that adds to their --

MR. LAWLER: So all we're doing is prohibiting them from having outside income, basically?

MS. WEINSTEIN: Outside public income. It does prevent them from having outside private income.

MR. LAWLER: Okay. Very good. Thank you.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. Would the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. WALCZYK: Thank you. On the Public Protection and General Government bill here, through you, Mr. Speaker, does this bill -- in the past, this has authorized the Governor to have an expedited plan for a prison closure. Is that included in this legislation?

MS. WEINSTEIN: There are -- there's nothing in here and there are no plans for prison closures at this time.

MR. WALCZYK: That's -- that's great to hear. Thank you. And if you'd continue to yield, any funding to help mitigate the wrath of increased violence throughout our correctional facilities in the State of New York?

MS. WEINSTEIN: We don't believe that DOCS has asked for additional funding for that purpose.

MR. WALCZYK: I can -- I can remember in the public hearings as was talked about, I know in the Governor's budget originally there was \$11 million for medication-assisted treatment. Where did we end up in this Public Protection bill on that?

MS. WEINSTEIN: It's -- it's -- it's not here, but that -- that amount is -- is maintained and that will be in the Mental Health budget that we will be seeing tomorrow.

MR. WALCZYK: Okay, so we'll see it in a later bill.

On Aid Incentives to Municipalities, or AIM funding, which is critically important to municipalities across the State, what did we do there? Did they see flat funding, an increase?

MS. WEINSTEIN: Well, the -- the funding -- the -- the funding did not increase, but as I -- I -- we -- we -- as I mentioned to Mr. Ra, with the interceptors no longer there, so that provides an extra 50 million to -- to the counties outside of New York City. And according to the Comptroller, the sales tax revenues and the -- in -- I don't know if it's every county, but sales tax revenues in general in the counties are dramatically up.

MR. WALCZYK: Understood. Thank you. And I don't want to rehash all of the -- the questions that my colleague asked on the alcohol-to-go plan here, but I do have some questions about substantial food. Why in principle would we want to require someone to order a burger in order to get a bottle of wine delivered?

MS. WEINSTEIN: Well, because we're talking about restaurants and -- and not bars.

MR. WALCZYK: Okay. And just to be clear, chicken wings, are those going to be considered substantial food or are we going to play this chicken nuggets and chips thing? How do you -- how do you anticipate without direction from the Legislature or in this proposal, how do you anticipate that's going to play out for the restaurants as they navigate this?

MS. WEINSTEIN: The SLA will develop rules and regulations. There will be time for comment on those rules and

regulations, and they will -- they're given the authority to prepare the more detailed requirement.

MR. WALCZYK: And I know my colleague asked this, this isn't going to -- because currently you can -- you can drive for Uber Eats or any of these delivery services at the age of 18. Is there a mechanism in the law that you're proposing today in this budget bill that requires Uber Eats to vet the age of the driver and that driver has to verify that they're 21 before they can deliver any of these alcoholic products?

MS. WEINSTEIN: No, it -- it's going to be done through regulations. But there are existing alcohol beverage control regulations on -- on delivery on serving of alcohol. But there will be --

MR. WALCZYK: Right. But, for -- for example, you have to be 18 to be a bartender, you have to be 18 to -- to serve alcohol in a restaurant. Understood. In this case would an 18-year-old who drives for Uber Eats be able to deliver a case of beer so long as they have chicken wings or whatever they determine is substantial food, to a house party, for example?

MS. WEINSTEIN: So, what -- what you can do in a restaurant you can -- they'll be the same requirements here.

MR. WALCZYK: So the same requirement -- that validates what I'm saying. So, an 18-year-old who drives for Uber Eats, for example, will be able to deliver alcohol and it would be their job to verify the age of the person at the door to make sure that

whoever's receiving it is over 21. Am I reading that right in this bill before us?

MS. WEINSTEIN: Yes.

MR. WALCZYK: Okay. Thank you. We've waived through the -- this -- the requirement for sunlight on this bill, and I suppose probably the future budget bills, with a Message of Necessity from the Governor. Last time we brought a bill -- budget bill to this Chamber we talked -- we had some dialogue about the timeline here. What have we done in the last 23 days, between the last time we had a public hearing and today, tonight actually, after the sun's gone down, to inform the public about the budget process and what's being negotiated in these budget bills?

MS. WEINSTEIN: Well, I would -- I would dare say that the over -- overwhelming majority of the budget that we are voting on today and will be tomorrow is predominantly the budget that was presented by the Governor in January that we had hearings on. There are small changes, a few items added, some items taken out. But all of these -- just about everything that's in the budget has been in the public domain for some period of time.

MR. WALCZYK: And through you, Mr. Speaker, just on the -- on the timeline today, I know that these budget bills were released much earlier today. It's now 7:19, the sun has -- has gone down. New Yorkers are, you know, done with the workday and preparing their children for bed or whatever they're going to do this evening. And soon they'll be asleep as we continue to debate this bill

and the next one. Why didn't we convene the Session a little bit earlier today in order to take up this bill?

MS. WEINSTEIN: We were still continuing negotiations and are mindful that some members wanted additional time -- that complained last time they wanted a little more additional time to review bills. So you've -- you've had it. I would just tell you my sister called me earlier today to tell me after the Governor's press conference that a news report -- report -- newscast reported that we had adopted the budget. So she said, *How could you finish debating so quickly?*

MR. WALCZYK: Wishful thinking.

MS. WEINSTEIN: So, you know, the Governor made the presentation earlier. I think she highlighted during the light of day, as you -- as the -- the highlights of the bill, like, of the budget as a whole. I think the public is well aware of the components of the budget that we'll be adopting.

MR. WALCZYK: I -- I would disagree on that point with the public being fully aware on what's in this budget. I think most of the members of this Legislature are still curious about a lot of things that are probably still being negotiated and haven't even been written into budget bills that we have zero visibility on now.

But one last question. In the bigger context, we don't -- we don't know what that financial plan that your sister saw on the news is, do we? What is the -- what is the final -- what is the big number for this budget? How much is it going to cost us?

MS. WEINSTEIN: Well, as I said to Mr. Ra, it's around the \$220 billion mark. We -- we will have a -- a final -- final numbers at some point tomorrow.

MR. WALCZYK: I appreciate you taking my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: This budget is late and incomplete. If you were a student in the State of New York bringing a partially done, maybe 8 to 10 percent done assignment into your teacher a week late they would flunk you. If you were a business in the State of New York paying your taxes late, I am certain that the State would come down hard on you and make it very difficult for you to continue doing business here. And what's in this one? Well, interestingly -- and I don't really know Long Island politics very well or what's going on in Nassau County, but I couldn't help but laugh when I saw a Transparency and Accountability Act for Nassau County, and I said, *Well, that must be political*. Transparency is in the title of that portion of this bill which is on Public Protection and General Government. A bill that's presented before us here today, Mr. Speaker, that is supposed to be a budget bill but we don't even know what the State's financial plan is. And when I asked the Chair of the Ways and Means Committee, we got a 220-ish billion answer. It also includes mandatory college polling sites, which doesn't seem like it would really fit in a Public Protection and General government budget

bill, but I understand the political reasons while those on the other side of the aisle want to do this. I just don't understand by process, Mr. Speaker, why they would want to include it in a budget bill. But this starts to paint a picture of why this assignment is late and incomplete and should be unacceptable to every New Yorker. Well, this time New Yorkers aren't going to be fooled. It is our job to shed as much light on this thing. You know, 23 days ago was the last public meeting that the Legislature had, to comply with the New York State Constitution. Check that box. You've complied. You had your Joint Conference Committee. Well, a lot of issues have come up since then. Billions of dollars have come up since then, and New Yorkers should be very curious about how you're spending their money, their children's money and they're borrowing on their grandchildren's future productivity. And here we are with the first real budget bill, in the dark of night with zero transparency and the gall to even put transparency and accountability act in any portion of this bill.

With that, Mr. Speaker, I'll tell you I plan to vote no on this bill and I urge all my colleagues to do the same.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. PALMESANO: Thank you. I want to hit on two specific areas. First, the emergency services fee authorization that we talked about a little bit in Ways and Means, and then a little bit on the prisons and corrections issues, if I may.

MS. WEINSTEIN: Sure.

MR. PALMESANO: One of the things we talked about that I brought up was my understanding right now, New York State's the only state in the country that allows for Medicare to bill for advanced life support services and we have a Medicare carveout. Is that correct currently?

MS. WEINSTEIN: Yes.

MR. PALMESANO: So, now it was also brought up in Committee that if -- if this bill would go into effect with -- within this budget bill that we would lose that Medicare coverage. But that you also said that, I think, that we -- it would be a loss of about \$750,000 in Medicare money, but that there'd be some \$4.5 million in State money to off -- offset that loss; is that correct?

MS. WEINSTEIN: The -- correct. The beneficiary, the Medicare recipient, wouldn't be impacted. The -- the district would lose the -- it's under \$1 million, it's about 750,000 from the Medicare, but they will gain of about \$400 -- \$4.5 million in reimbursements under this proposal.

MR. PALMESANO: So the ambulance service who

has provided an advanced life support who is getting the Medicare intercept dollars, they're going to get -- they're not going to lose any funding through this process whatsoever?

MS. WEINSTEIN: No. There will be a -- a -- there is language in the bill that they'll continue to get pass-through funds and it will also, in general, increase the funding throughout the -- the county and -- well, through -- not just the county, but through anybody who's impacted there will be a total increase of an estimated \$4.5 million.

MR. PALMESANO: So this 4.5 million is coming in a later budget bill?

MS. WEINSTEIN: Yes. Yes.

MR. PALMESANO: And then you're -- so you're saying -- when you mentioned \$750,000, are you saying \$750,000 is the total amount of money that is coming to New York State through Medicare reimbursements for the ambulance services that are providing senior citizens?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Wow, that seems awful low to me given the number of seniors we have in the State and the services they provide.

MS. WEINSTEIN: The Medicare rate is pretty low, also.

MR. PALMESANO: Okay. I just want to make sure. Because the one last thing we want -- the last -- I think the last thing

we can agree and the one thing we don't want to have happen is senior citizens lose Medicare coverage or coverage for advanced life support services. So with passage of this, you're saying here on the record that senior citizens won't lose advanced life support services coverage and that the ambulance providers who do provide that advanced life support services will receive proper reimbursement to cover the services they provide to those seniors; is that correct?

MS. WEINSTEIN: Yes, and as well as additional funds because of the expandability that we provide under -- under this legislation.

MR. PALMESANO: So now let's say, for example, so if this -- with this proposal, will the basic life support provider which might be the volunteer fire company, ambulance company, will they receive reimbursement and then also the advanced life support, they both will be able to receive reimbursement for the care -- coverage they provide for that senior citizen who does the ALS intercept will also be covered and receive funds through this proposal?

MS. WEINSTEIN: Yes. When BLS has -- they pass through the funds to ALS, yes.

MR. PALMESANO: So both the BLS and ALS will be covered for these senior citizens who will -- who will, in essence, be losing their Medicare coverage reimbursement, but it's going to be covered through another funding mechanism?

MS. WEINSTEIN: Well, they -- the -- the ALS won't be billing but they'll be getting the funding through the BLS.

MR. PALMESANO: So then is there going to be a -- with that is there going to be a -- is there a really a funding -- is there a difference in the payment amount that's going to go to the BLS which is providing basic life -- life support services and the ALS which is providing advanced life support services? There's probably a difference in reimbursement based on the care they provided. So you're saying the ALS is going to get money from the BLS or how much money is --

MS. WEINSTEIN: Well, they'd be getting the -- the county payment for the service, the BLS, plus then the Medicaid payment.

MR. PALMESANO: The Medicaid -- but what about the Medicare payment? The Medicare payment goes away?

MS. WEINSTEIN: Right. So the -- the BLS would be passed -- the Medicare funding would be eliminated but the BLS would pass through funds to the ALS for the cost of those services.

MR. PALMESANO: So there would be no Medicare reimbursement at all. There would just be a reimbursement for BLS from the State and then there would be a reimbursement for the ALS from the State?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And (inaudible) now, the ALS will get that money directly from the State to cover their services they provided and the BLS will get a reimbursement directly or do they have to get it from -- from the other -- or does the ALS have to go to

the -- to the BLS provider?

MS. WEINSTEIN: Yes. Yes.

MR. PALMESANO: So the ALS has to go back to that volunteer fire company and get the -- get the reimbursement from them?

MS. WEINSTEIN: Correct. They -- they don't bill the State.

MR. PALMESANO: So who -- how much is that going -- that reimbursement going to be? Because right now BLS doesn't get Medicare reimbursement or any type of reimbursement, so what's that money -- how much amount of what we're talking about from a reimbursement perspective to ensure these ambulance providers are going to get the coverage based on the services they provide, especially the ALS providers who are providing that critical advanced life support services?

MS. WEINSTEIN: Well, it -- it says the -- the legislation says providing the ALS receive -- intercept for such services at the usual and customary charge. In -- in -- in terms of the intercept fee.

MR. PALMESANO: So the usual and customary charge, that's the usual and customary charge for Medicare or is it the usual and customary charge for insurance companies?

MS. WEINSTEIN: Yes, the Medicare.

MR. PALMESANO: But they're -- but they're -- so they will get Medicare reimbursement from the BLS or is this -- so

you're going to make up -- so if there's no Medicare then how do we know what the reasonable and customary is for Medicare if there's no Medicare reimbursement any longer? I guess that's kind of confusing to me.

MS. WEINSTEIN: They're going to pass through the same amount of -- that Medicare would be, the cost of Medicare would be. But it will be Medicaid dollars instead of Medicare dollars.

MR. PALMESANO: So the senior citizen who has Medicare now is going to be getting Medicaid coverage for these services versus Medicare coverage?

MS. WEINSTEIN: Effectively, yes.

MR. PALMESANO: So --

MS. WEINSTEIN: They're not impacted -- the individual receiving the services isn't -- they will not see any change in what happens. It's a financial change.

MR. PALMESANO: So then basically -- let me just see if I could just run through this quick. The senior citizen will still be entitled to full ALS coverage and not lose any coverage for ALS services and have to be billed (inaudible) fully covered, correct?

MS. WEINSTEIN: Yes. There will be no loss of services.

MR. PALMESANO: And then the ambulance providers, the advanced life support who receive Medicare reimbursements now under the current law, they will still be fully whole based on the service they provide but they're going to have to

go back to the volunteer ambulance companies, the BLS provider, to get those funds because that money's going to come from the State to them?

MS. WEINSTEIN: Yes. And I believe that is how they currently do it.

MR. PALMESANO: Okay. Now I'd like to just switch over to a little bit about corrections, if I may.

MS. WEINSTEIN: Sure.

MR. PALMESANO: I know my colleague talked about prison closures and there will be no -- thank God there's no more prison closures, at least in this budget. You never know if they're going to surprise us. Is there any funding in this budget for a -- with the rampant drug abuse and drug use that's going on inside our correctional facilities, our statistics show -- is there any funding in this budget to create a secure vendor program to help screen the packages and drugs coming in to our correctional facilities?

MS. WEINSTEIN: You're -- you're talking about drugs?

MR. PALMESANO: Drug security, like a secure vendor where they screen the package. Because we know drugs get into our facilities through visitors coming through the doors and we know that drugs get into our correctional facilities through packages that get sent in the mail. And we -- I know our corrections officers, our brave men and women who work there have been screaming and asking for a secure vendor program. Is there anything in this budget

that does that here for funding?

MS. WEINSTEIN: I don't believe there's anything specifically lined out. This is the budget that in terms of DOCS' budget they requested and I don't believe there was a specific additional request for us to add funding for that purpose.

MR. PALMESANO: Nothing specific for that and probably nothing specific to ensure they have drug dogs at every correctional facility to screen visitors coming through the doors who, again, is another way drugs get into our facilities. There's nothing specific for that. It's all --

MS. WEINSTEIN: No, there -- there -- I don't -- I'm sorry, didn't mean to interrupt. But there is additional funding for -- for training of officers, so perhaps that could assist.

MR. PALMESANO: All right, great. Back to the prison closures. I mean, in March the Governor, because she went through and ordered six correctional facilities to close, that was six that closed on March 10th and there was another four in the previous budget cycle. Ten correctional facilities. Is there any funding -- I know -- I know there's none in this budget bill, but in a future budget bill that would provide any resources to these local communities that have been closed down? Because in the past, you may recall, in past prison closures there was funding that was provided to those communities to help those communities redevelop and -- and repurpose these facilities to help them with the -- the closures. The impact it has to the employees, the impact it has to the businesses, the

impact it has to the local governments. Is there any funding in a future budget that's going to help offset these prison closures and these communities -- communities and how devastated they are from these closures?

MS. WEINSTEIN: I don't believe there's any new funding in the budget, though, you know, that is something that has been done in the past. And for ones that are in that process I believe there is economic development funding to assist. And I know that OGS looks at ways to reuse the facilities so that they can become an economic resource for the community. Or continue to be a resource.

MR. PALMESANO: So these ten facilities that were closed, at least in the past two years, they would be able to go back and access some of those past dollars or are those past dollars for specific facility closures, correct?

(Pause)

MS. WEINSTEIN: So I'm -- I'm told that there is trans -- transformation funding in the -- in the past and that that funding has been reappropriated because it's been underutilized.

MR. PALMESANO: So there's funding in the budget that aid these prisons that have been closed. Any of these communities, they could access this funding for the redevelopment and repurposes? And how would they access that funding? I mean, do we have to go through -- through the Division of Budget, I'm assuming, for that? Because I don't think anyone is -- is aware that this funding is available because there should be funding for every --

every time there's a prison closure they should have these funding available to repurpose it.

MS. WEINSTEIN: Well, I believe it's through application at ESDC, and we can certainly, after the budget, provide you with some additional information as to how individual communities can access that money.

MR. PALMESANO: Isn't it -- do you think it's kind of just, I don't know, ironic that the Governor when she announced her prison closures she said, *I want to repurpose these facilities aimed for drug and alcohol and substance abuse*. But one of the prisons she closed was a drug treatment center. Doesn't that seem like kind of contradictory to itself that we had a facility that was working and was successful? Same thing with the Shock facility that was closed. Isn't that kind of contradictory to what we're trying to do for rehabilitation? Does that really make sense to you from that perspective? I'm just curious.

MS. WEINSTEIN: I --

MR. PALMESANO: I know, (inaudible).

MS. WEINSTEIN: I -- I don't have any independent knowledge of -- of how those facilities operated or what's happened to those programs.

MR. PALMESANO: Thank you, Madam Chair, for your time. I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues, there's a couple issues here I think that really need to be addressed. I know when we're talking about the -- this new emergency (inaudible) fee authorization, I just want to make sure that our seniors aren't losing their coverage for advanced life support services because again, we were the only -- we had a special carveout in New York State, the only state in the country that allowed for Medicare reimbursement coverage for advanced life support services. This will take that away. It's nice to hear that they say that where this funding's going to come through to offset that for the State. That's a good thing. We just need to make sure that happens. I know that last year we passed a task force for ambulance -- a task force for our rural ambulance networks to -- to look at this. A 12-member task force. I think this is going to be one of the issues they need to look at. But we need to make sure our ambulance providers who are providing the advanced life support are getting reimbursed for the services they provide and that they -- that isn't lost. And now this -- if it coincides with the benefit for the volunteers, that's -- that's a good thing. They both can get that reimbursement. But we want to make sure that our seniors aren't losing a benefit that they've had, the only state in the nation that had, and we want to make sure they're getting that coverage. So that's something that this task force and we need to continue to monitor to make sure to ensure that our seniors are getting the coverage they need and those ambulance providers are being covered for the services they are providing.

I did want to go back to the correctional side of the equation again. I just think it's nice to hear that there's -- might be funding they can access. But when we're closing down prisons, when this is ten prison closures in the past two years, this decimates these communities, especially in Upstate rural New York. It decimates them and it impacts the employees, it impacts the families, it impacts the local businesses, it impacts the whole community. And you would think that in the past at least that we provided funding in the budget to help them with their redevelopment purposes. There's no funding in the budget for that. We ask -- maybe we could access past funding. But we should say and demonstrate to those people who lay their life on the line, go to the most dangerous job each and every day, getting assaulted hand over fist. We know the rise of violence is skyrocketing. We should be showing them, at least those communities, that we're going to stand by them. Unfortunately, I don't think that does it in this case.

But for those reasons I think we have a lot to look at. But I'm going to be voting in the negative on this bill, Mr. Speaker, and I encourage my colleagues to join me. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the Chairwoman yield for a few questions on the emergency service fee authorization?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. JENSEN: Thank you very much, Chairwoman. Just building on some of the questions my prior colleague mentioned regarding billing. So -- just to make sure I have this correct. So would the volunteer fire department be responsible for billing Medicare or private insurance for the fees incurred?

MS. WEINSTEIN: My -- my understanding is they already do that.

MR. JENSEN: The -- the volunteer fire department ambulance service is already billing direct?

MS. WEINSTEIN: No, the volunteer ones aren't, but the regular --

MR. JENSEN: I'm sorry, I couldn't hear you. There's a little bit of noise.

MS. WEINSTEIN: The -- the volunteer ones currently don't, but they will.

MR. JENSEN: Right, so they would. So it almost seems if this -- when it becomes law we're essentially going to have for three different types of ambulance services, three different billing models. The model you had just explained, the not-for-profit ambulance services where they bill indirect and the patient or the accountholder receives the funds and it's their responsibility to turn it -- turn it over to the ambulance provider. There's an ambulance

provider in my district that -- that deals with that issue and very rarely gets payment. And then commercial ambulance providers who are able to bill direct and receive payment direct. Has there been any discussion about streamlining the model to ensure that once this goes into effect that volunteer ambulance, fire department ambulance providers, not-for-profits ambulance providers and commercial providers all are able to bill and be paid to the same model?

MS. WEINSTEIN: This legislation doesn't. This only speaks to the fire departments.

MR. JENSEN: No, I understand that. But was there any discussion during the budget process about making it a more efficient model so that all three types are able to --

MS. WEINSTEIN: No, we were focusing on this particular piece that -- that our -- that our colleague Assemblyman Jones had brought to our attention.

MR. JENSEN: Okay. Well, it might be something to -- to look at in the future. I know in the original legislation there were other organizations such as the New York State Volunteer Ambulance and Rescue Association and United Ambulance Network that did have issues with our colleague's legislation. Have their concerns been addressed as part of this legislative budget proposal?

(Pause)

MS. WEINSTEIN: We're -- we're basically -- we're basically establishing parity with those other services, and we were the only State in the nation until that had this system and that kind of

limitation on the voluntaries.

MR. JENSEN: Okay. One of my previous, previous colleagues asked you the definition about volunteer fire departments being eligible for this. Do they have to be exclusively volunteer or can there be hybrid department districts where there is paid staff -- paid fire staff along with volunteer fire staff, or does it have to be exclusively volunteer?

MS. WEINSTEIN: So, this is only about fire districts.

MR. JENSEN: So some fire departments -- so they may have a fire department where they have volunteers, but they may be -- the fire district may also pay career staff to supplement the volunteer (inaudible). Would those hybrid departments be eligible to now have a volunteer ambulance?

MS. WEINSTEIN: Yes, we believe so.

MR. JENSEN: Okay. So -- so the -- just to double-check, so the payments will go directly to the fire department or into the fire district? Because the fire districts are the taxing entity that holds the funds and the volunteer fire departments rely on fundraising.

MS. WEINSTEIN: Right, it would go to the district.

MR. JENSEN: It would go to the district. Okay.

MS. WEINSTEIN: Yes.

MR. JENSEN: If a municipality has created a -- a fire protection district, would -- they control the funds. Would the

municipality then receive the funds and be responsible for the billing?

MS. WEINSTEIN: It -- there -- there is a contractual and would continue a contractual relationship between the -- the municipality and the fire district.

MR. JENSEN: So if there's a contractual obligation then it would be the town and the municipality would have to be the one doing the billing through their finance department.

MS. WEINSTEIN: Yes. Yes, that's correct.

MR. JENSEN: Okay. And this is an optional program, so if a fire department or a fire district does not want to participate they can opt out? They do not have to (inaudible).

MS. WEINSTEIN: Yes, that's correct.

MR. JENSEN: As part of a larger conversation about the state of our EMS providers currently, is there anything in this budget bill or any other subsequent budget bills to come that talk about some of the other underlying problems that we have with ambulance service now? Whether it's a lack of being in the bill for pre-hospital medical services where an ambulance responds to a 9-1-1 call, but for whatever reason do not end up transporting the patient to a medical facility.

MS. WEINSTEIN: There -- there's nothing new.

MR. JENSEN: There's nothing coming to fix those -- those --

MS. WEINSTEIN: No, nothing that's new.

MR. JENSEN: Is there any fund -- I know the

Governor in her press conference talked about unprecedented amounts of funding for frontline healthcare workers. Is there going to be any funding for EMS and paramedics training or supplementing bonus pay for them?

MS. WEINSTEIN: Not -- not that I'm aware of.

MR. JENSEN: Okay. Is there any larger conversation or -- or budgetary action to come on fixing the reimbursement models for Medicaid ambulance services?

MS. WEINSTEIN: No, not at this time.

MR. JENSEN: And so this is the only part of the budget that's addressing any part of our EMS services?

MS. WEINSTEIN: Correct.

MR. JENSEN: Okay. Thank you very much, Madam Chair.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. Will the sponsor -- will the Chair -- Chairwoman yield for some questions?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. BYRNE: Thank you. I noticed that in Part AA of the budget it says omitted, the section that was initially -- had language in for Clean Slate. That's been removed from this budget bill. Is it anticipated to be introduced or a part of any other budget bill this evening or this week?

MS. WEINSTEIN: No. As I -- I think I indicated earlier it -- it's something that we'll be able to handle, we'll be able to address legislatively post-budget.

MR. BYRNE: So keeping that policy out of the budget. Good thing. Now, Part O regarding the polling site locations on college campuses. It said there's a requirement for one or more polling sites on college campuses where such college or university contains 300 or more registrants. I know you've mentioned and answered questions about this earlier. Does this apply to both public and private colleges and universities?

MS. WEINSTEIN: Yes.

MR. BYRNE: And does it apply to community colleges? My understanding is no.

MS. WEINSTEIN: No, I didn't say that it did not apply to community colleges. I just said because of the lack of student -- student housing that's -- and the nature of the students that tend to attend community college, it would be unlikely there would be many locations that fit this criteria.

MR. BYRNE: Okay. And as far as the polling location, traditionally the Board -- the Boards of Elections county governments pay for this cost. Some county governments are being charged back for those municipalities. Who is going to pay for this -- these new polling locations?

MS. WEINSTEIN: It -- it -- there's no additional funding that's provided for these -- these polling sites, so it would be

paid for the same way that any other polling sites are paid for by the county board.

MR. BYRNE: Now, is it -- is it required in the language of this bill that they must be new polling locations or will the county governments at least have the flexibility to relocate existing polling locations onto a college campus to not only college students but other residents in the community can go and vote there at less -- at a lesser fiscal impact to the county?

MS. WEINSTEIN: If -- if the -- if the election district covers the area prescribed in this legislation, if that already is an election district then the campus is used as a polling site is no prohibition. It doesn't have to be restricted just to those students. It could be a larger area.

MR. BYRNE: Well, let me just come up with an example. So if there's a high school that traditionally is used as a polling location and there's a college nearby, could the county simply say, *We're going to move that polling location to the -- to the college campus and not have an extra one with staff and the polling location?* Could they just simply move the high school polling location over to the -- the university campus?

MS. WEINSTEIN: There -- there -- there'd be no prohibition about them relocating to an election district nearby to the college campus. There's -- there's no prohibition about it now. The only one we're adding is the requirement there if there are 300 registered students within that circumference of -- contiguous to the

college that there needs to be a polling site there. But it's not -- the polling site is not limited to those -- to those registered voters.

MR. BYRNE: Okay. It sounds -- it sounds like there -- that someone could count that as one of the required polling locations.

Part HH, another one that we -- we talked about it earlier and you answered some questions, the paid postage mandate for absentee ballots, and we mentioned this briefly in Committee. Do we have an idea what the total cost of that mandate will be, and will there will be any reimbursement to county governments for this new mandate?

MS. WEINSTEIN: It -- there -- it's -- it will be \$4 million to the State Board of Elections that will have the ability to reimburse the counties.

MR. BYRNE: Okay. So is that something they'll -- they will likely then have to apply for and show, *Hey, this is how much we spent on postage?*

MS. WEINSTEIN: Correct.

MR. BYRNE: Okay. And that's not in this language, this budget bill?

MS. WEINSTEIN: No, you will see -- you will see that money in a -- in a later bill.

MR. BYRNE: Okay. I hope so. Thanks.

Part F, the full-time parole board. Another question. I think the answer is no. I hope so. The prohibition on members of

the parole board holding other salaried public positions. Does that include pension benefits, retiree benefits? So if someone's a retire law enforcement officer, would -- would that include this prohibition or no? That's not salary, it's a -- it's a --

MS. WEINSTEIN: No, not -- not -- no, it is a salaried position, not if they're receiving public pension funds.

MR. BYRNE: Okay. Good. I just wanted to make sure I confirmed that. Thank you.

Now, I understand the, again, Part X which we talked about earlier resumes the State's ownership of the full share for the cost of AIM funding. Not relying on the sales tax intercept or a diversion from county governments, good thing. But that intercept was being used to fund distressed hospitals across the State. Are they going to get that additional support from another mechanism in a later budget bill?

MS. WEINSTEIN: Yes. Yes. And more.

MR. BYRNE: And more? Good to know. Another question. The previous speaker talked about this a little bit, emergency services fee authorization, something a lot of us have fought for in both Conferences for many, many years. Question about -- you mentioned kind of contractual obligation or negotiation between towns and fire protection districts when it's not a fire district. So my one question is, if it's a fire protection district that always negotiates a contract with the town or village, what happens -- is it -- is it by the town or village -- is there an obligation that the dollars be

used for the fire department? Or could they hypothetically use this to close unrelated budget gaps?

MS. WEINSTEIN: These are only -- my understanding is only towns that are impacted. The others bill directly.

MR. BYRNE: Town -- so a town that has a contract with a fire protection district that provides ambulance services, they would be able to bill for those ambulance services.

MS. WEINSTEIN: Correct. And then they would be obligated to pass through the funds.

MR. BYRNE: For the towns. Okay. But those dollars aren't going to be used for some unrelated expense in the town that has nothing to do with the fire department.

MS. WEINSTEIN: No. And it -- it's pursuant to (inaudible) they're going to be required to pass through those funds.

MR. BYRNE: Thank you, Madam Chairwoman.
On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: I want to thank the Chair for taking the time to answer these questions. There's a lot of good and bad in this bill. I have some deep concerns about the mandate on college campuses for polling locations, mandated expense for the postage costs for absentee ballots. I'm delighted to hear that there will be a reimbursement to the counties from the State, but I can't read that or see that because that's in a future hypothetical budget bill. It's nice to

see that we're not going to be taking and siphoning (inaudible) sales tax revenues to the county governments. That's certainly a very good positive thing in this budget bill that I was delighted to see. And the emergency services fee authorization portion is something that I'm very delighted to see that I know members of the Majority and Minority have been fighting for for a very long time. And specifically one member who has had a bill on this for many years, and it makes it tough to oppose this bill because that is a very important initiative that disproportionately has affected one of the county -- the county I live in, Putnam County. And I just wanted to point out, I represent both Putnam and Westchester County. Putnam has about 98,000 residents. Westchester County, over a million. So fire departments that provide ambulance services, there's only so many of them. In Putnam we have the Brewster Fire Department, the Mahopac Fire Department, Mahopac Falls Fire Department, Kent Fire Department, Lake Carmel Fire Department. I'm sure I'm missing one. In Westchester we have the Somers Fire Department. In Yorktown you have the Mohegan Lake Fire Department. It actually split, created a whole new ambulance corps so they could -- they could provide billing for -- for ambulance services. Putnam County, once they're able to bill for this service, they're going to be able to bring in close to \$1.5 million in support to the volunteer fire departments. That's only in a county of 98,000 people. Westchester, of a million people, they're going to benefit, too. But they're going to bring in about 1.2 million. That just tells you how much more rural communities rely on the volunteer fire

service to provide EMS services in the community. And I -- I think it's only right if they're able to collect those dollars from the health plans to support their services, to rely less on the property taxpayers at home. And, you know, there's a lot of unfunded mandates that get passed in this Chamber and in this Body. That is going to be a tremendous net benefit to rural communities, specifically in the Hudson Valley east of the river.

So it's a tough vote, but I think this is probably one of the first budget bills I vote for, predominantly because of that change. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Durso.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. DURSO: All right. Ms. Weinstein, thank you so much. I know obviously we're going to go over a couple of questions you probably already went over, if you don't mind. Starting with the parole board members, how many parole board members are there currently?

(Pause)

MS. WEINSTEIN: So, there are 15 currently serving. There's an authorization for 19.

MR. DURSO: So they'll -- they'll be 19 total and all of them will be full-time?

MS. WEINSTEIN: Yes.

MR. DURSO: Okay. And how are those parole board members selected currently?

MS. WEINSTEIN: It's an appointment by the Governor.

MR. DURSO: So all 19 positions will be appointment by the Governor, correct?

MS. WEINSTEIN: They -- they currently are appointed by the Governor and then they're confirmed by the Senate.

MR. DURSO: Got it. So now with them being full-time, obviously they'll be full-time State employees, correct, so they'll get benefits.

MS. WEINSTEIN: They -- my understanding is they already get benefits.

MR. DURSO: I'm sorry, can you say it again?

MS. WEINSTEIN: My understanding is they are already receiving benefits.

MR. DURSO: Are they currently part of the pension system?

MS. WEINSTEIN: Yes. Yes, I -- I -- I believe so.

MR. DURSO: Okay. So obviously -- I know one of

my colleagues asked the question before -- so if someone was, let's say, in prior law enforcement, worked for the State in a mental health facility and they're retired, they cannot be hired, correct, for the position of -- for being on the parole board, correct?

MS. WEINSTEIN: No, they -- they can be. They just can't hold dual employment.

MR. DURSO: So they can be retired, be collecting a State pension and get --

MS. WEINSTEIN: Right. They can't just hold dual employment in another public office. They can hold employment in a private capacity unrelated to any kind of government service.

MR. DURSO: So just so -- for the record, so if someone is a retired law enforcement police officer, corrections officer, they could be hired and put as a -- be on the parole board, correct?

MS. WEINSTEIN: Yes.

MR. DURSO: Okay, thank you.

I'm just jumping around. So as far as the LIPA restructure -- restructuring, there's going to be -- well, I was -- I was very happy to see that there will be members of the Minority appointed to that, one from each House. I do appreciate that. The 15-member advisory committee which will be selected from numerous parts throughout anywhere that LIPA represent --

MS. WEINSTEIN: Correct.

MR. DURSO: -- you know, currently represents,

how will that committee be selected?

MS. WEINSTEIN: How will -- excuse me?

MR. DURSO: How will that 15-person advisory board be selected?

(Pause)

MS. WEINSTEIN: The -- the Commissioner will select the advisory committee.

MR. DURSO: The Commissioner of?

MS. WEINSTEIN: Oh, you're talking about the -- the advisory committee to the Commission?

MR. DURSO: Correct. I believe in the bill it says that there's --

MS. WEINSTEIN: Okay. So, the Commissioner, as you say, they'll be appointments from the Majority and Minority.

MR. DURSO: Right.

MS. WEINSTEIN: So that commission will select --

MR. DURSO: That commission. So both groups will have a say in who gets elected to that 15-member advisory board, correct?

MS. WEINSTEIN: Yes.

MR. DURSO: Okay. Thank you.

So just jumping back to the alcohol containers being delivered.

MS. WEINSTEIN: Sure.

MR. DURSO: So you had said earlier that the person

that will be delivering the alcohol or could be delivering alcohol that, say, someone who works for Uber Eats or some other type of delivery company would need to be 18 years or above, correct?

MS. WEINSTEIN: Correct. It is similar to someone who would serve alcohol in a -- in a restaurant.

MR. DURSO: Okay. So now if someone from -- I'll leave a company name nameless. I don't want to use that company's name constantly. But a delivery service comes in, delivers alcohol to someone's home and they are not of age, right, and they're supposed to -- that person who could be 18, 19, 20 years old is put to task of checking that person's ID who is receiving the alcohol?

MS. WEINSTEIN: They're -- they -- they are required -- the delivery driver is required to verify that the individual they are delivering the alcohol to is 21 years of age by using a government ID -- presenting a government ID that shows they are 21.

MR. DURSO: So as you're saying, so the person that is delivering the food, beverages, will be required to check someone else's ID that makes sure that they are 21 years of age and they can drink alcohol, correct?

MS. WEINSTEIN: Correct.

MR. DURSO: What is the punishment if it's found out that the person had a fake ID? Is it the same as if you were a bartender and you're checking ID or someone that works security at a door in a bar or restaurant? So that person could be held liable, correct?

MS. WEINSTEIN: Yes.

MR. DURSO: So the person that works for the food service delivery company can be held liable for delivering alcohol to a person that's underage even if they showed them fake ID or proof that they are 21 years of age.

MS. WEINSTEIN: I -- the liability I think goes back to the -- the restaurant that is served -- that is the originator of the delivery.

MR. DURSO: So the person that's checking ID isn't held responsible at all?

MS. WEINSTEIN: That -- the worker's required to check the ID, but the liability goes back -- if you're talking liability it goes back to where that -- that delivery is originating from.

MR. DURSO: Okay. So just currently right now when you're operating an establishment, if you are the bartender or the security person at the door or whatever the case may be, and your responsibility is checking ID, as someone who bartended for a very long time it's my job to check to make sure that the person that I am serving -- it's not even the security person at the door's job, it's my job as someone that's serving the alcohol to check the ID. We've had numerous occasions in other places - never with me because I'm really good at checking - but where the person that came into the establishment had a fake ID, right, or no ID, then the establishment would get raided by the police and the bartender and/or the person who checked the ID and the establishment are liable. Will that be the

same in this case? I would assume that these food service delivery companies would want to know that before they're sending their delivery drivers out to check IDs and then be held responsible.

MS. WEINSTEIN: Well, the -- the risk of violation from the SLA would go back to where the -- the food and alcohol -- the alcohol to go originated from. You know, the -- the -- on the civil side -- I mean, the Dram Act prohibits serving alcohol, giving alcohol to someone who is visibly intoxicated. So there could theoretically be some liability to the -- to the delivery person in terms of civil liability. But in terms of the SLA and the continuation -- being able to continue to do this kind of delivery goes back to the originator or the restaurant that is serving this -- that -- where the takeout is coming from.

MR. DURSO: Got it. So -- so again, so just so we're clear, the person that is delivering it isn't the ultimate in the liability, it's the restaurant that is now taking the -- the order.

MS. WEINSTEIN: Correct.

MR. DURSO: So if I'm a driver for a food delivery company and I decided to deliver it to the wrong house, wrong person, give to somebody else, the restaurant that originated the order is still liable, correct?

MS. WEINSTEIN: Yes. Yes.

MR. DURSO: Well, it -- just in my suggestion, I don't think any restaurant in this day and age should take that chance of delivering alcohol, because if that's the case and the State's going to okay this, but then the liability is going to be on the restaurant and not

the person delivering it or the company that's delivering it, I think that may be a little unfair to the restaurants. Hopefully they understand how this law is set up.

MS. WEINSTEIN: You -- you do realize that under Executive Order this is allowed now?

MR. DURSO: No, I -- I completely understand.

MS. WEINSTEIN: And so we're not changing any of the liability in this. So there would be -- that liability exists today under the Executive Order if you're in that kind of a situation.

MR. DURSO: Sure. No, and I understand under the Executive Order this was allowed. But believe me, as someone who comes from a family that owns a small business, does serve alcohol, we don't sell it to go, these are questions that were never answered. And they -- you know, the restaurant that my family owns does not know about this rule that regardless of what the company that's delivering the alcohol does with it, who they deliver it to, whether they check ID or not, that that restaurant will now be held liable if an underage person is drinking alcohol. The delivery driver says, *Oh, no, it's okay. Your -- your ID's okay.* The restaurant that's 12 miles away is still liable because they trusted this person to check ID. I feel like this law may just be a little rushed.

Just -- and in regards to the transparency and accountability in Nassau County. I know -- I apologize, ma'am. I jumped around. Just a couple of questions in regards to that. You had said earlier that this was asked for by members of the Nassau County

delegation?

MS. WEINSTEIN: The Majority member -- members of the Senate and Assembly asked for this oversight.

MR. DURSO: Okay. Was there a separate bill in regards to this or was this just in the budget alone? There was no bill language that was taken from another bill and put into this?

MS. WEINSTEIN: There -- there is -- I believe it still is -- a separate Senate bill but this -- this also was a provision in the Senate one-House bill.

MR. DURSO: Got it. Okay. So it was -- it was asked for by members of the Majority, correct, not the Minority?

MS. WEINSTEIN: I'm not sure. I just know that a majority of the legislators from Nassau County have asked for it. Oh, (inaudible). I'm informed that they're -- that one of our colleagues also is carrying such a bill in the Assembly.

MR. DURSO: Yes.

MS. WEINSTEIN: So in both Houses. But it was part of the Senate one-House proposal put forward several weeks back.

MR. DURSO: Got it. And so just as a question, maybe they -- they let you know. Why was this put in place? What -- what evidence was shown that more oversight was needed throughout the County?

MS. WEINSTEIN: I -- I think as I had mentioned previously, besides various newspaper reports indicating problems

with, whether it was the OTB or the Nassau County Hospital, that -- also the Financial Control Board that oversees Nassau finances also recognized the -- the issues that exist. So this is something they would have the authority to do without this legislation, but it's needed to specifically grant this authority and direct that this action take place.

MR. DURSO: So the -- the NIFA, who is the overseeing authority, asked or -- or said whether it was a newspaper article or anything that they --

MS. WEINSTEIN: No, they haven't asked for it. What I'm saying is they currently would have the authority to do this.

MR. DURSO: Correct but, they haven't.

MS. WEINSTEIN: But they haven't. And so there was -- they -- they haven't specifically done this, so this will require a specific review of these facilities.

MR. DURSO: Right. So -- so my question is that NIFA is already in place. They have the authority to do this, they haven't. There is an Inspector General in place that has broad powers across the County. They haven't done this. All those are put in place by Majority members and/or at the time a Democratic County Executive. Don't you think this is a little redundant in the fact that there's already a control board in place?

MS. WEINSTEIN: No. This is specific direction regarding powers that the authority already has to -- to review these facilities.

MR. DURSO: Oh, no. They're already in place.

MS. WEINSTEIN: (Inaudible) in finances.

MR. DURSO: Right, they already have power to review these facilities but they haven't to this point. Nassau County has -- currently has an A+ rating, bond rating. NIFA's still in place. They've been in place for a number of years. If they're saying that it's deteriorating, it's deteriorating under their watch and the current administration, which was four years. I -- I just -- I don't understand. It seems like it's a little politically-motivated, obviously, since there wasn't any input by any of the Minority members that represent Nassau County.

MS. WEINSTEIN: Well, you know the County didn't ask for --

MR. DURSO: Oh, I know the County didn't ask for it.

MS. WEINSTEIN: No, not for this, for the Finance Authority in the first place.

MR. DURSO: Right.

MS. WEINSTEIN: It's to protect the State dollars that we put -- that we have both for Nassau and that we have a New York City control board that we have for other locations.

MR. DURSO: Sure. Now it specifically says fiscal mis -- checking for fiscal mismanagement or systematic negligence. Now, the NIFA's put in place by who?

MS. WEINSTEIN: Us. The Legislature. The State of New York.

MR. DURSO: The State of New York. And they're -- and they're governed by who? Who do they answer to?

(Pause)

MS. WEINSTEIN: They're -- they're the State -- they're -- they're State-appointed individuals.

MR. DURSO: State-appointed individuals. Okay. So thank you, Ms. Weinstein. I appreciate your time.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. DURSO: So I just have a couple of seconds, but just going through some of the things that are in this budget. I -- I do appreciate the ambulance recovery bill. I do think it's fantastic. It's something that I'm a cosponsor of. I love it. I think it's great for the fire departments. The LIPA restructure -- restructuring, obviously we all know that could use some more restructuring even with this on top of it. The -- the delivery of alcohol where the onus is falling on the restaurants that could be 12 to 15 miles away, counting on a person that works for a food delivery company or anybody that is not charged with checking ID correctly and delivering to anybody they want and the onus falls back on the restaurant is not good for a small business. I can tell you that myself. And if we think that this is not politically-motivated in Nassau County, I guess then we had a budget on time this year. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Mikulin.

MR. MIKULIN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MIKULIN: There are things within this bill that I do like, but right now I'm just going to focus on one issue which is the Nassau County Transparency and Accountability Act of 2022. And specifically, I'm going to focus on NUMC, which is the hospital that we're referring to which we want -- well, not "we", I should say this Body wants -- a financial audit. And we're told that it was requested by the Majority members. Now, for those of you who don't know, Nassau County Medical Center is actually in my district, has served members of my family along with members of the areas which I represent, East Meadow specifically, where the hospital is. It is the number one trauma center and burn unit. It's the only one in Nassau County. Now, within the hospital they have applied for what's called a Full Review Certificate of Need application to the New York State Department of Health to certify the new cardiac catheterization program. And the reason why that I mention this, regardless of the fact that it would help save lives and then the hospital would be able to open the arteries through stenting when disease is discovered during a diagnostic. Now, it would not only help save lives, but it would also provide an important revenue stream to the hospital. Myself and my colleagues here in the Minority have written a letter on over to the New York State Department of Health Planning to ask to grant this -- this certification. The hospital has worked with a consultant who has

advised the New York State Department of Health to approve the application. Furthermore, in this hospital there already exists the physical area and no build-out is required, unlike other hospitals that have requested and have been approved a catheterization lab. Now, why do I bring this up? Because right now we want to audit the hospital on its financial capacity or its financial need. Well, we're not helping them with the revenue stream. This catheterization lab is already able to be set up and delivered quite quickly when this State approves it. So the point is this is clearly political. And if we want to help the hospital, if we want to help the people in Nassau County who, let's say, there's a (inaudible) situation, the ambulance comes, you drive to the hospital, now they need certain services done. We need to transport that patient to another hospital. How does that help that patient? It doesn't. And it doesn't provide the revenue stream that this hospital needs. So before we say we need an audit, we should be saying how do we help this hospital? What do we do as the State? Which is we need to approve the catheterization unit.

So thank you, and I vote in the negative and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Thiele.

MR. THIELE: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. THIELE: So I -- I just wanted to address a

couple of items in this bill that relate to local governments and locally to Long Island. One with regard to the restoration of AIM funding and returning it being a State responsibility. Several years ago a former Governor attempted to cut aid to our cities, towns and villages, and the -- the result of that particular budget cycle was that the money was restored but the counties were forced to pick up a portion of it, approximately \$60 million with the sales tax intercept. This budget bill today reverses that and restores the integrity of the AIM program and makes it the State responsibility it should be by fully funding AIM and having the State do it and relieving the counties of the -- of the responsibility that should have never been on them in the first place to pay for a State program with a county sales tax.

Secondly, I -- I also want to give my support to the provisions related to ambulance billing for volunteer fire companies and fire departments. My congratulations to the sponsor of the freestanding bill who I know worked so hard over the last three years. And it was a pleasure as part of the Local Governments Committee to work with him to provide this relief for our local fire departments; a critical part of our healthcare system, a volunteer system that is in some degree of financial distress. The -- the inclusion of this provision will help those volunteer fire departments and those volunteer fire companies. It would be of particular help across the State, but certainly in my own back yard of Long Island.

And finally, I just wanted to speak briefly with regard to Part JJ, the Long Island Power Authority Legislative Commission.

Back in the 1980s this Legislature, with the late Paul Harenberg, Assemblyman Harenberg, sponsored legislation to create the Long Island Power Authority. And his intent way back then was -- one of the intents was to replace LILCO, an investor-owned utility, with a fully public authority, a public municipal utility to provide electricity to Long Island. A utility that would be transparent and accountable and with proper oversight. That dream of Mr. Harenberg's never occurred, because the process with regard to LIPA time and again was thwarted by politics. Instead of a getting a public utility accountable to the people of Long Island, we ended up with a third-party contractor system which is the only one of its kind in the entire United States. And there's a reason for that. It's a bad idea and it never worked. And Long Island has -- has suffered through this third-party contractor system. It failed us during Superstorm Sandy with National Grid. It failed us just two years ago with -- with Tropical Storm Isaias when the entire system, communications included, collapsed and we found out that we had a third-party contractor that had lied to the people of Long Island. They weren't providing the services and the backups and the communications that they said they were going to be providing. And Long Island suffered because of that. For some reason we rewarded that company with an additional contract, but at the same time we have -- we have the ability now to move on from a management -- a management system for LIPA that just doesn't work, and that is to fulfill Mr. Harenberg's original intent of a -- of a true public utility. That's what this commission will study. Long Islanders

deserve to have all of the answers as to how public power would work and what the benefits would be. LIPA has already conducted a preliminary study that shows that there can be savings. I'm not just interested in the savings, but finally having a public utility that is accountable to Long Islanders with proper oversight and transparency is the ultimate goal, and I am confident that the -- the beginning of the work of this commission which is in this legislation tonight will lead to finally a public utility on Long Island that can best serve the people of Long Island.

Thank you, Mr. Speaker. I urge everyone to vote in support of this bill.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will Madam Chair yield, please, for a few questions?

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

MS. WEINSTEIN: Yes.

MR. REILLY: Thank you, Ms. Weinstein.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. REILLY: Thank you, Ms. Weinstein. I want to focus on Part F, the parole board. And first I was hoping that you could provide an explanation why the -- or a reason how we got to the definition of salaried public position and how the Governor proposed

practicing in their respective profession or callings. What kind of negotiations took place to substitute the Governor's language with the current language in the bill?

MS. WEINSTEIN: It's already in place for the -- as the State Corrections Commission. So it's really conforming this language, the role of the parole board members to that.

MR. REILLY: So, I apologize but can you just repeat that?

MS. WEINSTEIN: There's a -- a State Commission of Corrections, and this is conforming the members of the Parole Board to the same standard that the State Commissioner of Correction members have.

MR. REILLY: Okay. So when this -- if this bill passes, as we expect it will, right, and it becomes law and signed by the Governor and it becomes effective on the 19th day, will any of the current members of the parole board, will they have to resign?

MS. WEINSTEIN: No.

MR. REILLY: Okay. So touching on -- getting back to that salaried public position. Now, I want to make sure that we have a clear understanding of what the salaried public position is. Does this include per diem work for counties, municipalities or adjunct professors in SUNY or CUNY?

MS. WEINSTEIN: No. It's salaried. And I would just note that there are no members of the Parole Board who are -- current members of the Parole Board that are impacted by this

legislate -- by this change in the law.

MR. REILLY: So that if -- if they're currently speaking -- if they're currently per diem employees of a municipality or a county or work at a school they're allowed to continue? And future members as well? In no way am I targeting any specific member. This is a broad question as it -- related to the role of a parole board member.

MS. WEINSTEIN: Well, if -- if they cannot have public job that's salaried -- a public position that's salaried.

MR. REILLY: So under that -- under that definition would an adjunct professor for SUNY or CUNY fit into that role of salaried?

MS. WEINSTEIN: Yes. They're, you know, sounds like someone who would be salaried.

MR. REILLY: Well, I -- I ask because there are certain other positions in the State -- in State government and local governments that they're allowed to be professors, whether it's adjunct or per diem. So that's why I want to just clarify and nail down what specifically salaried public positions are.

MS. WEINSTEIN: I -- I -- I think it has its -- salary has an ordinary meaning -- meaning.

MR. REILLY: Well -- well, the reason why I ask is let's say, for instance, a New York City Board of Elections Commissioner. They get a stipend of \$30,000 a year. That's not necessarily a salary. So it's to cover their expenses working in that

role of Board of Elections Commissioner. So I just want to clarify and make sure that if they sit on the parole board, are they allowed to have positions like that?

MS. WEINSTEIN: If it is a salaried they cannot have another salaried position in public -- public employment.

MR. REILLY: Okay. Thank you. If you have -- I know a couple of my colleagues mentioned it earlier, if they are retired from a New York State, New York City position and they're in the Retirement System, will the -- will being appointed as a Parole Board member require a 211 waiver under the Retirement and Social Security Law?

(Pause)

MS. WEINSTEIN: I -- I'm not sure of the answer.

MR. REILLY: So currently, if we have any -- and in no way am I saying that I know who the Parole Board members are --

MS. WEINSTEIN: Right.

MR. REILLY: If we have someone who is a retiree, say, of the New York State Parole Board -- the Parole Department and they are receiving their retirement pension, would they -- would they now be subject to -- and the reason why I ask this is because we'd be jeopardizing them if they remain in that position because the New York State Comptroller will then garnish their pension. So these are things that we need to clarify, I think.

MS. WEINSTEIN: As I said, it -- this will not affect anybody who is currently serving on the Parole Board and it should

not affect anybody who is not salaried, someone who is retired and receiving a pension. But I -- I understand your -- your question and I will eventually be able to get a more direct answer for you.

MR. REILLY: Okay. All right. Let's see. All right. So just -- just to clarify. So nobody -- nobody currently would require a waiver, correct?

MS. WEINSTEIN: None -- this legislation will not affect any of the existing members of the Parole Board.

MR. REILLY: Thank you, Madam Chair.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So the reason why I asked the questions on whether this will impact retirees that may be appointed that are collecting a New York State or any municipal pension, we need to know who in the agencies, whether it's going to be the Governor's office, are they the ones that are going to approve a 211 waiver under the Retirement and Social Security Law? Because then you have an Executive that is actually making an appointment and approving someone who may not be eligible to serve. And the reason why we say that is because if they can join the pension system again in that role while they are collecting their pension, then they'll violate the law and they'll be subject to actually getting their pension garnished by the New York State Comptroller. So this is the things that I'm talking about that we need to make sure that we codify a law and to make sure that we don't subject someone to undue harm, and that

includes those Parole Board members. This is a prime example of us putting the cart before the horse. We're -- we're trying to put together a budget bill with policy and we're not even realizing that we could be impacting other laws that are going to contradict what we're putting into effect when we vote on this law -- on this bill. So what I ask is that we immediately look into this and make sure that we're going to follow all the other laws that apply. Because you cannot be appointed to another position in New York State government or any municipality or a local, county, city if you are collecting a pension and you were going to make more than \$35,000 a year without that 211 waiver. So before we make unnecessary vacancies in a parole -- in the parole board, especially since we're talking about we need four more members and it's going to reach 19 and we only have 15, I just want to make sure that we do this correctly. So hopefully you'll take that under consideration.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brown.

MR. BROWN: Thank you, Mr. Speaker. Will the Madam Chairman -- Chairwoman yield for some questions?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. BROWN: Thank you. I've been listening to the

debate, and I -- I promise I won't be redundant in some of the questions have been asked. I'm going to start out with permissible notification for the SLA applications to municipalities. The notification, it seems like we're modernizing the notification process. Will this supplant the current notification, which is by registered mail or personal service?

MS. WEINSTEIN: It -- it just allows the notification to be e-mailed instead of delivered.

MR. BROWN: So it's in addition to the current notification process?

MS. WEINSTEIN: Yes.

MR. BROWN: Okay. And do we know how the e-mail is determined to notify the municipality of the pending SLA application?

MS. WEINSTEIN: Well, the -- the locality has to opt into the -- opt into accepting the e-mail applications, so that I assume during that there would be guidelines issued as to how you would e-mail in your application.

MR. BROWN: So it's the municipality that determines it by opting in and they notify the SLA of the e-mail address to use.

MS. WEINSTEIN: Yes.

MR. BROWN: Okay. Thank you. There was a lot of questions asked about alcohol-to-go. I just want to clarify the provision that the beverages must be packaged in a container with a

secure lid or cap sealed in a manner designed to prevent consumption. So if I understand it correctly. Food delivery services like Uber Eats, Grubhub, DoorDash, they'll be allowed to deliver off-premise alcoholic beverages; is that correct?

MS. WEINSTEIN: Yes.

MR. BROWN: So this is not for, like, mixed beverages in a drink, put in the container that would go out. It has to be already sealed so it's been prepackaged before it goes out, correct?

MS. WEINSTEIN: Well, the restaurant will make the drink and pour it into the container which will then be sealed and accompany the food for delivery.

MR. BROWN: So it's for drinks that the restaurant makes but it's also for sealed beverages, say, like a wine bottle or a beer can?

MS. WEINSTEIN: No, no. It specifically prohibits the sale of full bottles of wine or liquor.

MR. BROWN: Okay.

MS. WEINSTEIN: It has to be the -- the same way that the drink -- the drink needs to be prepared the same way that it would be in the restaurant at the same price without promotional offers and no full bottles.

MR. BROWN: So, could the food delivery service, could they stop for alcoholic beverages along the way? Say the food was picked up at one purveyor, could they go to another purveyor to get the drinks and then bring it to its ultimate destination?

MS. WEINSTEIN: No, I do not believe so.

MR. BROWN: The answer is no?

MS. WEINSTEIN: No, no. It -- it has to be the same -- the same location that serves -- that prepares the food is being delivered from to also have the alcohol-to-go.

MR. BROWN: So if the person ordering the food through the DoorDash or the food delivery service, they say, *Wait, can you stop off at the place next door that sells beverages and bring me a couple rum and Cokes?*

MS. WEINSTEIN: That -- that's not allowed under this legislation or under SLA rules as far as I know.

MR. BROWN: Do we know if there is going to be additional enforcement officers to support this new alcohol-to-go provision?

MS. WEINSTEIN: My -- my understanding is the SLA has the -- claims to have the proper number of individuals to enforce this. Some of us may -- just may think that they probably need a few more, but they claim to have enough.

MR. BROWN: As it currently stands, they claim to have enough. I just wanted -- I just didn't hear you correctly.

MS. WEINSTEIN: I'm -- I'm saying they claim that they will have enough people to enforce this.

MR. BROWN: Okay. And --

MS. WEINSTEIN: And -- and as I mentioned earlier - I'm not sure with whom - but this has already been allowed under the

Governor's emergency order for the past year, so the SLA has already been enforcing this procedure. This pretty much codifies the emergency order and makes it permanent for three years.

MR. BROWN: So along the lines of my -- my colleague's previous questioning, can the establishment that is licensed by the SLA, can they lose their liquor license if there's a violation of this provision?

MS. WEINSTEIN: Yes, in the same way that if they were under the existing procedures for the standalone restaurant that could have a violation where there would be complaints either through outside complaints where they would investigate or they had officers observing alcohol being improperly, you know, served to a -- to a minor that they would then have that same ability to have enforcement.

MR. BROWN: Okay. Thank you. Skipping down to the section, the -- the Alcoholic Beverage Law Commission to look into it, I do appreciate the fact that we -- there is a provision that allows for one member appointed by the Minority Leader of the Assembly. Is there any provision to report back the findings of the Commission's results to the members of the Legislature, both Houses?

MS. WEINSTEIN: Yes. In May of -- May of next year. This is a similar proposal to one from quite a number of years ago where the -- the (inaudible) Commission was asked to review the Alcoholic Beverage Law, the ABC Law.

MR. BROWN: Okay. And there's two provisions

contained in this bill, one the LIPA restructuring and also the -- the ambulance corps reimbursement. Is there any reason why those can't be standalone bills?

MS. WEINSTEIN: They -- they -- yes, they could be.

MR. BROWN: Okay. And skipping down, Part LL, transparency and accountability in Nassau County. Is Nassau County the only county in the State of New York that has a fiscal control board?

MS. WEINSTEIN: No. No. As I mentioned, in Erie County, the Buffalo, New York City, (inaudible) county, so it -- an area in New York City has.

MR. BROWN: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BROWN: Mr. Speaker, I -- I've only been here a short while, but there seems to be a pattern that seems to be the Albany way to do things backwards. We haven't seen any of the spending bills. We borrowed Federal money to make a difference in the budget last year. We raised taxes last year only to cut in \$4.6 billion, which has caused runaway inflation that we haven't seen in 40 years. So, it's -- I don't know how we sit here and only look at one side of the balance sheet without seeing the entire budget picture and expect that we vote on this budget bill in pieces. This year we have a record-breaking \$216 billion budget that was put forth by the

Executive and now it's raised \$4 billion. And just two years ago it was \$176 billion. That's an increase of \$44 billion or 24 percent. And just this year alone it went from 212- to 220- projected. That's a \$3.8 billion increase. It's seven days late with no financial plan, puts revenue before spending, and I absolutely object to looking at this without seeing the entire picture. This budget is larger than the States of California. It's larger -- it's -- with respect -- it's the second-highest budget in the United States, but yet we are double Florida and Texas which has half the population. And ironically, we're calling it the Public Protection bill we are promoting alcohol to go, which is just what New York needs. Polling on college campuses, paid postage for absentee ballots, reports and audits of 1 out of 62 counties in New York which happens to have a Republican County Executive, a Republican Legislature and a Republican DA. It removes for all supervision fees paid to DOCS and it takes -- makes full-time the Parole Board because these impeccably-qualified people are doing such an outstanding job. I ask why sprinkle the policy in the budget which was a policy that was done by this Governor's predecessor? I say that knowing there's a couple of good things in this budget bill. As the cosponsor of the emergency services fee authorization and cosponsor of the LIPA restructuring study which will allow, as my -- my colleague from Long Island spoke a moment ago, to have proper review and authority and governance of LIPA. But most importantly, we hope that it has -- that it be subject to PSC review. In fact, 90 percent of this bill is pure policy and doesn't have an appropriation

and doesn't need to be in this bill.

So with that, Mr. Speaker, I'm voting in the negative and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. Would the Chairwoman please yield for a few brief questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GANDOLFO: All right. Thank you. My questions are going to be related to the Alcoholic Beverage Law [sic] and alcohol-to-go. First, the -- the Governor's proposal, I believe it was Part L in her Executive Budget to streamline the application process, I notice that has been omitted. Would that now fall under the purview of the Alcoholic Beverage Law Commission under Part GG?

MS. WEINSTEIN: Well, it -- it was -- it was amended because it wasn't necessary as part of the budget and certainly the Commission could look into that.

MR. GANDOLFO: Okay. Is the Commission specifically tasked to look into that?

MS. WEINSTEIN: They're not specifically tasked to looking into that --

MR. GANDOLFO: Okay.

MS. WEINSTEIN: -- process.

MR. GANDOLFO: Okay. And then moving on to alcohol-to-go, I know in the lead-up to the budget bill there was some talk of some additional allowances made for liquor stores such as the ability to sell additional food items like cheese and crackers. Is there anything -- I didn't see anything in this budget bill. Is there anything coming or any standalone bills coming in the future or was this the final compromise?

MS. WEINSTEIN: There's nothing in the budget that I anticipate in that area.

MR. GANDOLFO: Okay. Now, reading the alcohol-to-go provision, bars and restaurants, they can't sell full bottles of wine, so that -- I know that's accurate there. But they can sell wine by the glass to go?

MS. WEINSTEIN: Yes.

MR. GANDOLFO: Is there any cap on the number of glasses of wine by individual or meal?

MS. WEINSTEIN: No.

MR. GANDOLFO: Okay. So let's say a bottle of wine has about five glasses in it. If someone was to order a meal and a few glasses of wine, would those all have to be individually packaged the way --

MS. WEINSTEIN: Yes.

MR. GANDOLFO: -- they would be -- certain --

MS. WEINSTEIN: They have to be individually packaged and they each have to cost the same as a glass of wine in the restaurant.

MR. GANDOLFO: Okay. So if you were to order five glasses of wine it would come in five individual plastic containers?

MS. WEINSTEIN: Yes, with secure lids and priced the same way and the same way they would be in terms of the volume. The same way that they would be served in the restaurant.

MR. GANDOLFO: Okay. And the reason I bring that up, I just have some concern with potential increased costs to these establishments and even kind of unnecessary plastic waste. So I -- I feel -- you can still order the same amount of wine, but they're just dumping it out of a bottle into five separate plastic containers. So that's just a point I wanted to bring up to hopefully find a way that we could address that in the future. I understand it was a compromise for the liquor stores but we're -- you could potentially create, you know, two or three times the amount of plastic waste by having this restriction on it.

MS. WEINSTEIN: This -- this is something that is very much desired by the -- the restaurants, and they say that they are making lots of money and that it's kept them able to survive during the pandemic. So I haven't heard objections to the -- to that requirement.

MR. GANDOLFO: I mean, I think it's a great proposal. I'm fully supportive of it. I just think maybe on that wine

thing there could be room for adjustment if only for the environmental impact of so much additional plastic waste might be able to be mitigated a little bit at least as it pertains to wine.

I have just a final question. I know some of these changes that are included in this budget bill but now other changes to Alcoholic Beverage Law are tasked over to the Commission. Was there any reason why some of them are included here while some -- some of the stuff that's being looked into by the Commission?

MS. WEINSTEIN: I think the -- by going to the Commission that allows for a greater public input and stakeholder input on those -- the issues. So that's the reason why some are in that area versus codifying the alcohol-to-go that has been operating already under the emergency order.

MR. GANDOLFO: Okay. And that does it for me. I said I'd brief, I just wanted those clarifications. Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. GIGLIO: Okay, on so Part DD, the retail or business on a licensed manufacturer -- manufacturing farm. What is the definition of a manufacturer on a farm?

MS. WEINSTEIN: One moment.

(Pause)

It's the licensees under the -- it's farm licensees under the ABC Law. So cideries, wineries, breweries. Those -- those are the -- those are the farm license -- farm manufacturers.

MS. GIGLIO: So a manufacturer would be that they are growing grapes, that they're making the wine, fermenting the grapes on the premises. They're bottling the wine and they're selling the wine; is that correct?

MS. WEINSTEIN: Right. They have to use New York State products but then they would qualify.

MS. GIGLIO: Okay. So the retail business is not permitted to operate at a licensed manufacturing facility; is that correct?

MS. WEINSTEIN: They -- they can't themselves, but we're allowing third-party -- third-party businesses to operate on their premises.

MS. GIGLIO: Third parties can't if it's a manufacturer according to the law is how I'm reading it; is that correct?

MS. WEINSTEIN: No, they can't now, but this would allow that to happen.

MS. GIGLIO: Okay. Who would be licensing these third-party food trucks, per se, to be on agricultural lands?

MS. WEINSTEIN: It -- it -- they would just be -- it would allow a third party to come onto the premises.

MS. GIGLIO: Right. So and it's going to be -- the way I'm reading it, the State Liquor Authority would be the licensing agency to say, *Okay, you can have a food truck come on to your farm and sell food products, things of that nature.*

MS. WEINSTEIN: Right. But it -- it doesn't require a license to -- it -- it doesn't require an SLA license to do it. It's SLA saying that they can have a third-party selling food on their -- on those premises that --

MS. GIGLIO: Has anyone consulted with Ag and Markets on this?

MS. WEINSTEIN: SLA wrote this language. I assume this was in the Governor's bill. So it is an SLA departmental bill, so I -- I assume that there was some consultation.

MS. GIGLIO: Because lot of land, a lot of farmland is purchased by New York State, is purchased by counties, is purchased by townships. And with those acquisitions, public monies to preserve farmland, there are certain laws that Ag and Markets as far as (inaudible). It's called a 60/40. So, you know, the most of your sales on that property has to be agricultural product that's actually produced on the land, and only a small percentage can be brought in from the outside. So if you're going to have ten food trucks on a piece of property that's selling one bottle of wine, you know, I mean, you may be violating the 60/40 law on taxpayer-owned land.

MS. WEINSTEIN: So, this is only allowing that -- that food truck or -- or, you know, food -- third party to come on to the

-- the land where they are already having this -- where they already have a farm license.

MS. GIGLIO: No, I understand that. So, I mean, their farm licenses are given by Ag and Markets. You know, so they can still have wineries, they can have tasting rooms. But it's -- it's really very limited as to what they can do, like how much can be in the tasting glass and things like that. They're governed by Ag and Markets. So, I'm just saying, you are taking taxpayer land and you're bringing a for-profit food truck that is not paying taxes to the town or the county, on to the property and allowing them to sell, who is competing with a catering facility or a restaurant that is that right next door where someone might be -- I'll give you example. The Cooper Ridge Inn in Riverhead Township, where I live, they pay, I think, \$36,000 a year in property taxes for one acre, and then there's a farm right next door that's 76 acres and they pay \$16,000 a year in taxes because it's owned by the taxpayers. You know, they can farm the property but they -- that's all they can do with it. All the (inaudible) rights have been taken away, so all they can do is farm. So now you're saying that you can bring a food truck on that property, take business away from the adjoining property, the restaurant who's paying the most taxes, because everybody is going to eat out of that food truck rather than going to the restaurant. And where it says in here that businesses will be compatible with policy and purposes and shall consider the effect of particular businesses in the community, an area in the vicinity of the farm brewery or cidery or distillery or winery,

providing that a retailer can be licensed and can -- cannot operate a manufacturing facility. So I'm just saying, where does local government come in here?

MS. WEINSTEIN: You know, it really is a very simple bill that we're talking about here. We're just allowing a place that -- and I don't really think that it's mostly -- you're talking about farms particularly related to a winery or brewery. It's allowing there to be a third-party that sells food on that location.

MS. GIGLIO: Well, it's really -- it may look simple on paper, but sitting on a local board in one of the largest agricultural districts in Suffolk County, I can tell you that this has been a subject of debate for over 20 years as to whether or not food trucks can go on to land that's owned by the taxpayers where development rights have been bought off of that property and that property can only be used for the purposes of marketing their agricultural product.

MS. WEINSTEIN: I -- I hear what you're saying, but -- that -- you know, we hear that it's a way to help increase economic development to help bring people into these wineries, the breweries that already exist.

MS. GIGLIO: Okay. So when the law says that they're going to consider the affect of the particular businesses in the community and the area in the vicinity of the farm, brewery, cidery, distillery or winery, who is going to consider the effect of those businesses that are around where you're letting these food trucks come on?

(Pause)

MS. WEINSTEIN: Yes, the SLA -- this is under the ABC Law, so the SLA would have authority.

MS. GIGLIO: Is there a policy in place now that says how they're going to evaluate what effect it will have on the business next door?

MS. WEINSTEIN: They -- there's nothing that we have in the legislation, but as I said, since it's under the SLA they would need to have rules and regulations similar as to what we were discussing with the alcohol-to-go provisions.

MS. GIGLIO: So will the policy be presented to the local municipalities so that they can weigh in on the policy to make sure that, as it says in the law, that the consideration will be given to the effect of the single businesses in the community and the area in the vicinity of the farm? I mean, who knows best but the local government as to what impact it would have on those surrounding businesses and areas? I mean, does the SLA know?

MS. WEINSTEIN: There -- there's -- there's no direction in the legislation to that effect.

MS. GIGLIO: Okay. Well, I -- I think that there should be consideration to that when the SLA is putting up what they are considering how it will affect the businesses in the areas, and I think that that's a policy that the local governments should weigh in on. So --

MS. WEINSTEIN: You know, I would just --

Assemblywoman, I would just mention that it does says rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and consider the effect of the particular business on the community. So rules and regulations would be something where there would be some opportunity for public comment.

MS. GIGLIO: Okay, so there will be a public hearing on the rules and regulations; that's correct?

MS. WEINSTEIN: Yes. Yes, it would have to be -- there -- there would be an opportunity for public comment before a rule or regulation would take effect.

MS. GIGLIO: Okay. An opportunity for public comment or a public hearing?

MS. WEINSTEIN: I don't know what the procedures of the SLA are, but there certainly would be a public comment period. Whether that would turn into a public hearing, I think that would be something they would determine. But certainly an opportunity for the public to weigh in.

MS. GIGLIO: That would be fantastic. You know, because that's really important. Especially on congested roadways, historic corridors. I know that my dear friend Senator LaValle, recently retired, made an historic corridor in all the wineries and all the farms and the vineyards are all along that roadway, the businesses, the restaurants. And everybody seems to be working symbiotic, together, to make sure that businesses are successful, that the people

who are leaving the wineries go into the restaurants and -- and everybody is working together and businesses are thriving. So I don't want to disrupt that because everything --

MS. WEINSTEIN: Well, the idea is to encourage and improve economic development, not -- not discourage that. And every -- everyone seems to be supportive of this, so there would be opportunity to discuss it at -- to have voices heard during the public comment period.

MS. GIGLIO: Well, I -- I think it's a great idea, too, for a farm that may be 25 miles away from the nearest restaurant. But I just wanted to see about the -- you know, consider the effect of particular businesses in the community and the area directly adjacent to the farm. Thank you for that question. And I have a couple more for you.

MS. WEINSTEIN: Sure.

MS. GIGLIO: Okay. Well, I -- really, Part JJ. You know, I can't thank my fellow Assemblyman in the 1st District enough. We have been pushing for years for oversight of LIPA, and this is finally going to do that. So I am very thankful to all of you for putting that in here because it's very important to the ratepayers in Long Island. We have the highest utility rates in the country, so we need oversight, too. So thank you for that. But it says in the law that the members of the Advisory Committee shall be residents of the service area and ratepayers. Will all eight members that are appointed to the Commission be from Long Island and a ratepayer as well?

MS. WEINSTEIN: Yes.

MS. GIGLIO: Perfect. Okay, great. And then it says that the Comptroller may, at his discretion, his or her discretion, give money for facilities, for assistance and for data. I -- I just think that it say "shall", not "may", because I don't think it should be discretionary. If there is going to be costs, it shouldn't go on the ratepayers, you know, per se, and -- and it is should be -- they shall because the Commission, if they're all ratepayers in the district then they're going to be as frugal as they can and --

MS. WEINSTEIN: Well, I think you'll see in a later bill that we -- we will be including \$2 million to offset the cost of the Commission overseeing LIPA.

MS. GIGLIO: Okay. And then I also want to thank my colleague from up north for the fire district billing because I think that is fantastic and it's what our ambulance -- our fire departments have been asking for forever. And the lifesaving drugs, they -- they expire in a very short time, they have to get thrown away. (Inaudible) systems, they're constantly upgrading. So thank you, thank you, thank you to everyone that supported this. It's wonderful.

Moving on to Section [sic] P and laws that we created this year. Do elections have to be certified the same day of the election?

MS. WEINSTEIN: You said Part P?

MS. GIGLIO: Yes.

MS. WEINSTEIN: Part P is alcohol-to-go.

MS. GIGLIO: On the elections, with the schools where -- yeah. So this -- we're going to put the polling places and we're going to allow adjoined properties to be able to go into the school and vote.

MS. WEINSTEIN: Correct.

MS. GIGLIO: So my question, do the elections have to be certified the same day? Because this is going to lead up to a couple of other questions and I'm running out of time. So let me move on to the next one. Do we -- do we enact laws to make it easy for people to vote? I'll answer.

MS. WEINSTEIN: Yes.

MS. GIGLIO: Yes, we do. And that's a good thing. So, the Board of Elections has to pick locations by August 1st and they need access days before in order to set up for elections. So I'm going to ask you, do college students live on campus year-round, in your opinion?

MS. WEINSTEIN: Some -- some may, some may not.

MS. GIGLIO: Yeah. Would they be considered transient?

MS. WEINSTEIN: No, it would be the -- the -- the allowability of college students to register at college is -- is a long-sailed principle in our Election Law.

MS. GIGLIO: So as far as security is concerned, who -- who's paying for the security? Is the local county Board of

Elections going pay for security? Because you need -- in order to get onto a college campus, and especially to get into a building to vote, you need an ID, you need a vaccination card to enter the colleges or apartment buildings that are on campus. You know, does the ID have to show that you live in an adjoining address? Do you have to show ID? I mean, who's -- who's going to make sure that the people that are going into these college campuses are vaccinated and that they are -- you know, that it's secure for the residents? Because, you know --

MS. WEINSTEIN: It is -- I believe it will be the same rules as would apply to any other election cycle.

MS. GIGLIO: You don't need to be vaccinated to enter a --

MS. WEINSTEIN: And I do not believe that you need to be -- you would need to be vaccinated to enter a polling site that happens to be located on a college campus.

MS. GIGLIO: Okay. And you don't need ID either? So anybody could just walk into a college building and --

MS. WEINSTEIN: The same way that -- in -- New York City, in order to enter a school -- while there is -- while there is an ID requirement to go in on a non-election day, on Election Day, individuals are allowed to go into vote without having to show any identification as to who they are if they're going to the poll site.

MS. GIGLIO: Wow! So no IDs to enter a college campus on Election Day.

MS. WEINSTEIN: There's no IDs to enter a public

school currently. Many public schools, high schools, are sites and there's not ID requirements to enter those sites if you're -- if it's a poll site and you're going to vote.

MS. GIGLIO: And -- and they all complain about that for the safety of the children. But thank you very much for answering my questions.

Mr. Speaker, on the bill.

MS. WEINSTEIN: Sure.

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

MS. GIGLIO: Okay. So, I think that we just keep creating laws about elections, and I -- I really think it's detrimental to the process and it allows for fraud. You know, with the same-day voter results and certifying elections, how can we be sure that these transient voters in colleges or adjoining properties are not voting at the college and then voting absentee when in -- wherever they came from? How can we be sure with same-day election results? And when requesting an absentee ballot, you can no longer vote on a machine. So when the Board of Elections sends out that absentee ballot and you show up at the polls and say, *Dang it, I forgot to send in my absentee ballot*, you can't vote on a machine. You have to sign an affidavit saying that you didn't vote by absentee and there's really no time to do the cross-checking to see if they got the absentee ballot because they've got to -- they've got to go back, they've got to take the affidavit, they've got to compare it to make sure that they didn't get the absentee ballot that they sent out.

(Buzzer sounds)

I just think that you're opening the door for fraud, and I don't think that the Board of Election has the mechanisms to cross-check all these absentee ballots and affidavits. So, I --

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Yes, 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 Assembly print 9005-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 is generally opposed to this particular budget bill, but those who support it are certainly welcome to vote in favor of it here on the floor of the Assembly or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. The Majority Conference is generally going to be in favor of this piece of

legislation. However, there may be a few that desire to be an exception. They should feel comfortable in contacting the Majority Leader's Office. We'll make sure their vote is properly recorded.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir, to explain my vote.

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. GOODELL: I will be voting against this legislation for the reasons that have been mentioned by my colleagues, but it's also important to note that a budget reflects our priorities. And so what kind of priorities are reflected in this budget? Well, we provide that if you are incarcerated and you're released from prison having committed a violent crime against society, we'll give you a free birth certificate. We'll track it down no matter what state or country you came from. But if you're a law-abiding resident, maybe one that was robbed or burglarized and you don't have money, that's too bad. You're on your own. And we stick the -- now the taxpayers with a quarter of a million dollars to cover supervision fees for parolees because apparently they really haven't paid their debt to society because we're waiving those fees. And then we say, *Well, we want to make sure that those young students in college vote*, because we all know they tend to be liberal because they're not paying taxes yet.

(Laughter)

And so we make sure that we have an election district that's centered on the college. Now, we don't care -- what about the college -- what about all those residents in the village around the college? You know, they're electing trustees and village trustees and a mayor. We don't care if we inconvenience them. This is the only place in the Election Law where we say the university selects the location, and those people whose property touches the university, we will make sure they can vote and to heck with how it screws up the election districts for everyone else in the village. Of course we'd have a lot of fun with delivery of alcoholic beverages using kids that are 18 years old. I suppose that section of the -- of the bill makes a lot of sense because if you're trying to cater to the students in college, why not give them an opportunity to have an 18-year-old pick up their liquor for them and deliver it.

So for these and the reasons mentioned by my colleagues I will not be supporting this. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote. Again, I want to thank everybody that worked so hard on this budget bill. I really do appreciate your time and your energy and your efforts into it. But -- and there are so many good things in this bill that I want to support, such as the fire department volunteer billing. They really need it for their infrastructure. They real -- I mean, going out to bond, it's just -- it's really hard on the taxpayers.

So I really, really -- I hope that they get to spend all the money the way they want to spend it and that no one's going to tell them that they have to spend this much here and that much there and that stuff. I really also want to thank my colleague in the 1st Assembly District for pushing this LIPA reform, the Commission and the study. I think it's great and the ratepayers of my district and his district and all of Long Island will appreciate that. Those are some great things in the bill. There are other great things in the bill, too, but there are some really bad things in the bill. And I'm -- I'm texting the three supervisors in my district right now. They're saying, No, you cannot allow food trucks to come on to our wineries, our breweries, our distilleries, I mean it's going to kill the commerce around it.

So, you know, for -- for all the bad reasons in the bill I can't -- I can't vote for this bill. But I really want to vote for the bill because it's got some great things in there. And so I've signed on to some of these bills. So I want to thank my colleagues that brought them forward and fought to get them in the budget. They're great. I know that they're going to pass, but because of the poison pill in the bill I can't support the bill. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lavine.

MR. LAVINE: Thanks, Mr. Speaker. I want to correct the record with respect to the Nassau County Transparency Act and the Nassau University Medical Center. Like all safety net hospitals, NUMC, which provided services last year alone to 340,000 patients to -- in the total year. Like all of those safety net hospitals, it's

not a profit-making enterprise. We in the State of New York have a substantial interest in maintaining NUMC, both from a public health point of view - and we certainly need public health these days - but also from the point of view that over the course of the last few years the State of New York has directed \$100 million funding to -- to NUMC in order to keep it going. Now here's the problem. The previous head of the hospital had an impressive healthcare resume, and no one ever accused him of being a political crony. With a new administration in Mineola, the County Executive has named a new head of NUMC, who has no experience whatsoever managing healthcare facilities. Absolutely none. What he does have experience is -- again, is this: He's a fundraiser for the County Executive's political party and manages to contribute nearly a quarter of a million dollars for that party shortly before the last election. At the first meeting of the Board of Trustees of the hospital, the new Director said - and it was recorded - he will mow down anyone who opposes him. He also lectured the trustees on racism. He said there's good racism. Can you believe that? This is hard to make up. It is hard to make up. This is someone who has no qualifications whatsoever to run a major, major hospital. And when he was questioned about his statements by the Minority Leader of the Democratic Party at the Nassau County Legislature who happens to be in addition to being a dear friend and an old friend, one of the highest-ranking elected Black officials --

(Buzzer sounds)

-- on Long Island -- he said to the -- to the official,

What have you done for the African-American community? So I think it's --

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

MR. LAVINE: I vote -- as opposed to my colleagues on the other side of the aisle from Nassau County, I'm not going to support this patronage. I'll be damned that that's going to happen on my -- on my watch. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. I actually want to start out by thanking the staff who put many, many hours into this budget process. So just to explain my vote, I just want to share a little bit about my district. I currently represent a district that does not have a library, does not have a senior center. Does not have a community center. Does not have NYCHA. Does not have an early voting site. But what I do have in my district is the best restaurants in New York City. And the businessowners and the workers come from all parts of the world. The restaurant industry has suffered tremendously during this epidemic, with many shutting down as a result of this economic crisis. For many, selling alcohol-to-go was a lifeline to keep their doors open and retain their workers. This is smart economic policy that almost 80 percent of -- of bars and restaurants like Mojito's in my district found that it boosted their sales.

And for many restaurants, it was anywhere from 15 percent to 40 percent. So I am so grateful that this has made its way into our budget. I thank the small businessowners and the workers who have fought for this piece within this budget bill and getting it across the finish line. And I look forward to supporting ongoing viability of our restaurants.

So I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. BYRNE: Thank you. You know, a couple of years ago we passed the budget -- I opposed it -- but we passed a budget that reduced funding for county governments and their health departments, that diverted sales tax revenue for our county governments. Here we're in a position where we're passing a bill that actually helps end that sales tax diversion, that intercept, to support county governments. I've already raised my concerns about some of the things that I could perceive as unfunded mandates with polling locations. The Chair of the Ways and Means Committee made it clear that in another budget bill there will be a mechanism to reimburse county governments back, which I appreciate. I wish we had that in print so we could actually see that. But unfortunately we're just going

to have to take her word for it. But that does have a cost, and if we're going to mandate those services it is the State's obligation to reimburse those county governments. But most importantly, the -- one of the later items in this budget bill, the emergency service authorization -- fee authorization for volunteer fire departments that provide ambulance services. When I got first elected there was a couple of things for the fire service that I wanted to fight for. One was the expansion of cancer coverage for volunteer firefighters that one of my colleagues from Hudson Valley fought fearlessly for and we got that done a few years ago. The other one was this -- this section. I served for ten years at a volunteer fire department in Kent, which also provides ambulance services. They never got the benefit of billing for those ambulance services like the volunteer ambulance corps next door did. A couple of years ago, before I got elected, I got in a bad car accident in Brewster. The Village of Brewster Fire Department's on the border of Connecticut, right by Danbury. I don't live in Brewster, I live in Carmel. They cut me out of the car, they took me to a trauma center. They couldn't bill my insurance. You know, they had their next fundraiser and you better believe I supported them at their next event. But that -- this -- this legislation will allow them to get more revenue for their department, relying less on property taxpayers.

(Buzzer sounds)

I think it's a really important step and ultimately that is why I will be voting for this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. This legislation will allow fire districts that authorize their EMS services to deliver service to the people in their community to set up a schedule so that the EMS services can bill the recipients of those services. I applaud this legislation and the sponsor of this legislation for including this provision. Many of us have been trying for a long, long time to allow the EMS services attached to the fire districts to bill for their services. I've had a bill in for the last ten years to allow the Village of Elmsford Fire Department and EMS service to bill. Elmsford is a very small village. Its Fire Department and EMS services are supported by a very small tax base. Yet, the Village of Elmsford EMS, from their fire department, serves 287, the Sawmill River Parkway, the Thruway and some other major State roads. So they have been providing, free of charge, EMS services, life-saving services, to people from all over the United States who drive through these major roads. It's only fair to the taxpayers of a place like Elmsford that those who benefit by these services pay for the services. We're already paying insurance companies to cover these services. There's no reason why local taxpayers should pay for them, and the insurance companies and Medicaid should not reimburse.

So I'm pleased to support this legislation, I thank the

sponsor and the Speaker and all of those who put this provision in for helping out the local taxpayers of our communities.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Sillitti.

MS. SILLITTI: Thank you, Mr. Speaker, for allowing me to explain vote. Specifically, I also want to lend my support on the record for allowing fire departments to bill for their EMS services. This is a huge win for our volunteer fire departments on Long Island. With the ever-increasing costs to these local departments, whether it's new equipment or staffing, this is going to be a lifeline for them. I called one of my chiefs before I came on the floor and he said to me, nearly in tears, he said, *Gina, I've been fighting for this for 20 years.*

So for him and all of my volunteer fire departments, this one is for you guys. I proudly vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Sillitti in the affirmative.

Mr. Smith to explain his vote.

MR. SMITH: Thank you, Mr. Speaker. I just want to take a moment to point out one of the proposals in this budget bill that a number of us on Long Island have been fighting for for many years. Part JJ, which is the commissions to take a look at restructuring LIPA and the way we power Long Island. I'm a little bit upset that this is not a standalone bill, as there actually is a very great standalone

bill that we could be voting on separately from a budget bill. However, it's something that's so sorely needed on Long Island. We have some of the highest ratepayers in the country in Nassau and Suffolk County and the Rockaways. And, you know, as somebody who took over for -- my predecessor Al Graf, who was some in this Chamber remember the 2013 debate during the LIPA restructuring, which he on this floor pointed out that this bill was going to hurt ratepayers on Long Island. And every single item that he pointed out happened to come true. The new system we have now - which still has LIPA but now has PSEG Long Island and is a Frankenstein monster of a utility - you have a private utility combined with an unaccountable authority. This is completely unacceptable for ratepayers. Rates have gone through the roof, and we've seen the storm response not improve. I know that in 2013 and following Hurricane Sandy, Superstorm Sandy, and Hurricane Irene, many in this Chamber came together and said, *We have to do something*. Well, when it's not good enough to do something, you have to do it the right way. I'm happy to see now, almost ten years later, that we're realizing that it was a mistake and that we need to go back to looking at a true public utility. I also in my district I represent the 5th Assembly District, Paul Harenberg served that District from 1975 to 2000; one of the authors of the original LIPA Act. And the original envisioning was a public utility that actually had elected trustees by the people of Long Island. That way we had an accountable board to Long Island. Right now most of the appointees are coming from Albany, not

accountable.

So I'm looking forward to seeing what this new public power utility could be, and I want to thank my colleague Fred Thiele and those of us on Long Island for really pushing this forward. It's very sorely needed. There's a lot of good things in this budget, but there's also a lot of bad things that I cannot support.

ACTING SPEAKER AUBRY: Mr. Schmitt [sic], how are you? How do you vote?

MR. SMITH: I will be in the affirmative. I'm happy about this proposal. Thank you.

ACTING SPEAKER AUBRY: Mr. Smith is in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you withdraw the roll call?

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the roll call is withdrawn.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Mr. --

The Clerk will record the vote on Senate print S.8005-C. This is a Party vote. Minority in the negative. 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.

Everybody's standing. How are you? This is what we call a cross. It seems to get everybody upset. It happens all the time.

Yes, Mr. Goodell?

MR. GOODELL: Always good to vote on the same bill twice. The Republicans have given it a great deal of thought since we last voted.

(Laughter)

We're still generally in the negative for the reasons that I explained last time. But -- but those who are still in favor of it can certainly vote again in favor of it.

Thank you, sir.

ACTING SPEAKER AUBRY: That is democracy, and I'm so happy you're happy.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is a great example of how democracy works when one House is a lot smaller than the other. They can catch up with us and speed right by us, but we're still in the process of taking our vote. So again, this will be a Party vote. And there may be some of our colleagues that would like to vote in the negative. They should feel free to contact the Majority Leader's Office and again, we'll be happy to record their vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: People who have explained their vote already, we -- that vote stands. We will have those who didn't get a chance to.

Ms. Griffin will have the opportunity to do that now.

MS. GRIFFIN: Thank you, Mr. Speaker, for allowing me to explain my vote. First of all, I am thrilled that we were able, after much advocating, to include that fire departments -- volunteer fire departments can bill for EMS services. Our outstanding volunteer fire departments on Long Island and throughout New York State will be greatly helped and supported by this and it's been long fought for. And I'm -- I'm just happy to know that all of my fire departments in my district who really go above and beyond, I'm so glad that we can lend this support to them. And I also want to say that the provision we included for NUMC is not political. It's based on the fact that we need to ensure that NUMC does what it's supposed to do: Ensures the care -- hospital care for patients that come in. That's the number one priority for NUMC. And the latest -- latest engagements that we have seen and heard about from board members and such, we have found out that that really isn't a priority. So I'm -- really support that -- that provision because I think it's very important. And I'm also fully in favor of the -- the LIPA Legislative Commission. That's really important to Long Island as well because we do pay excessive costs for this utility.

So I vote in the affirmative, encourage others do as

well. Thank you.

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

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. So briefly, as many of my colleagues have said this before, but we know that these budget bills have a mix. It's a mix. There are things that we like and things we don't like. Overall, I'm not going to be able to support this bill for the reasons that have been brought out really during the debate. But I do want to say that I agree with many of my colleagues that the -- allowing the fire departments to bill for ambulance and emergency services is really great. Having come up through local government and having met with and spoken with so many fire departments that are in my district, this is really going to help. I did listen to the debate very closely, and it does sound like the whole billing process is kind of a mess. So I -- I hope that maybe as a Chamber we can continue to work on this issue going forward. But I -- I was a very happy sponsor of the underlying bill that became part of this -- part of the budget bill, so I'm very happy to see this getting done. And the other thing that I just want to call out in support of is the -- resuming the General Fund AIM for towns and villages. I think that's a really important step as well.

So although I can't support the bill, I certainly do support those parts. So please record me in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Ms. Walsh in the negative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. It's always great when the veneer comes off and our colleagues actually admit the basis for what they are doing. Our colleague far to my left admitted that this is political. What's comical about it is that the prior County Executive appointed the Chair, who was a major political donor, and who is now the -- going to be the Ambassador to Greece under President Biden. I'm sure he got there on the merits and not because of his donations to the Democratic Party. Give me a break. The Nassau County Control Board going after a county executive of the Republican Party, it's very clear what it is and my colleague admitted it. It should not be in the bill. It has nothing to do with the budget and should not be there. The parole board making it a full-time position, that entire parole board should be wiped out. They are an absolute abomination to this State. They've released cop killers, child rapists and murderers. It's disgusting and disgraceful, and not a single one of them should be given a full-time job let alone be on the Parole Board. So I would strongly encourage everybody to vote against that.

Polling places on college campuses. Obviously, that's clearly very political. EDs allow up to 2,000 registered voters, but we're going to allow a polling place for 300 registered voters? That seems quite political, to say the least. Alcohol-to-go. I don't know why we watered this down to be another version of Cuomo Chips.

That seems really ridiculous. Emergency service fee authorization, that I support. I thank the sponsor of the actual legislation who has worked tirelessly to get that done. So, good job, Billy. AIM funding obviously is very good. And you know, that's something --

(Buzzer sounds)

-- we want to continue. But overall this bill is an abomination. Thank you.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative, I believe.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker, to explain my vote. Obviously during the debate a couple of things that come up, obviously the -- the Ambulance Recovery Act, again, I'm a cosponsor of it. I'm very happy that it's in here, and I'm obviously very happy that this bill is obviously going to pass. But I'm not happy with the bill all around. Obviously the to-go alcohol as explained during debate, it leaves a little too much onus on the restaurant owner or bar representative, however you want to claim it. There needs to be provisions in this law to protect them. I mean, we -- we put up signs at every business, if there's dust in the air, peanut allergies, milk allergies. You know, you're -- you're allergic to a certain type of tablecloth. But -- but we haven't put up any type of regulation or information for the businessowners to understand how this law is actually going to be put in, that they are liable, and this could hurt their businesses going forward. I'm a huge proponent of this bill, but

the fact of the matter is we haven't given the restaurant owners all the information to what they're doing.

In regards to the Nassau County Transparency Act, I mean, that's a joke. I mean, they're -- one of our colleagues here a couple of weeks back said, *You can never take the politics out of politics*. I'm -- I'm learning that as we go. Right? I mean, that -- that's apparent. But during the debate I -- I asked, other than the fact that taxpayers are paying for this oversight, what evidence do we have that has brought this on? I mean, the fact is the only evidence I see is that there was a bill that maybe somebody didn't want to leave as a standalone bill and put their name on it and debate in this Chamber or in the other Chamber, I wish they would. But the fact that we have to hide it in a budget bill I think is ridiculous. And the only other evidence I could see is that apparently, you know, one party lost by 50,000-some-odd votes in a couple of different races. And apparently that's, you know, coupled together with everything that's gone on over the past year is enough.

(Buzzer sounds)

So I'll take my vote and go home, too. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Mr. Durso in the negative.

Mr. Jones to explain his vote.

MR. JONES: Thank you, Mr. Speaker. I just want to rise to say thank you, thank you, thank you to the staff and all of my

colleagues and all the advocates and our friends in the fire protection agencies throughout the State, fire departments, volunteer fire departments, for all the work that they have done in advocating for Assembly Bill 534. It's been around for a few years. And I say that jokingly. But it's been around for many, many years. And I think many of my colleagues have spoken on this bill, and I just wanted to rise and say thank you. This will allow volunteer fire departments to bill for their ambulatory services. It's long overdue. I want to thank the Speaker, I want to thank the staff for all the work that they have done on this. But it's long overdue. This will provide parity for our volunteer fire departments to provide the services that are needed. And most of all, we talk about a lot about public safety in this Chamber. Public safety this, public safety that. This is a public safety bill. We should never want the fire siren to ring, but we should never want that call to go out and nobody to be on the other end to answer that for a family or one of our loved ones in need. And this will provide the resources that these volunteer fire departments need to provide the services for our neighbors and loved ones.

Thank you all. It's been a long time. I want to thank the previous sponsors for all the work that they have done on this bill. And I just want to say this is a good day for our communities, public safety, and most of all, for our family members and loved ones that depend on the services that our volunteer fire departments and the great work that they do provide to all of us. So, thank you.

ACTING SPEAKER AUBRY: Mr. Jones in the

affirmative.

(Applause)

Mr. Tague.

MR. TAGUE: To explain my vote, Mr. Speaker.

First of all, I want to commend you, Billy, on that bill. I'm a happy cosponsor. And that bill and the AIM bill made it -- my vote very hard tonight. But there's way too much bad in this bill. I'm still -- I'm a very proud cosponsor of your bill. I think it should have come to the floor as a standalone bill because had it, it would have passed 100 percent to zero. And it makes me sad that I have to vote against this whole package, but I want to commend you because tonight's a victory for our volunteer firefighters and EMS. God bless you, and thank you.

I vote no.

ACTING SPEAKER AUBRY: Okay. Thank you.

Just -- just checking.

Mr. Tague in the negative.

(Laughter)

Mr. Goodell.

MR. GOODELL: Thank you. Please record my colleague Mr. DeStefano in the affirmative on this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 71, the Clerk will read.

Governor's Message -- the Clerk will read.

THE CLERK: Assembly No. A09009-C, Rules Report No. 71, Budget Bill. An act to amend the Tax Law, in relation to accelerating the middle-class tax cut (Subpart A); and to amend the Tax Law, in relation to alternative tax table benefit recapture for certain taxpayers (Subpart B) (Part A); to amend the Tax Law, in relation to providing an enhanced investment tax credit to farmers (Subpart A); to amend the Tax Law and Chapter 60 of the Laws of 2016 amending the Tax Law relating to creating a farm workforce retention credit, in relation to the effectiveness of such credit (Subpart B); and to amend the Tax Law, in relation to establishing a farm employer overtime credit (Subpart C) (Part B); to amend the Tax Law and the Administrative Code of the City of New York, in relation to expanding the small business subtraction modification (Part C); to amend the Tax Law, in relation to excluding certain loan forgiveness awards from State income tax (Part D); to amend the Economic Development Law and the Tax Law, in relation to creating the COVID-19 capital costs tax credit program (Part E); to amend the Tax Law and the State Finance Law, in relation to extending and expanding the New York City Musical and Theatrical Production Tax Credit and the purposes of the New York State Council on the Arts Cultural Programs Fund; and to amend subpart B of Part PP of

Chapter 59 of the Laws of 2021 amending the Tax Law and the State Finance Law relating to establishing the New York City Musical and Theatrical Production Tax Credit and establishing the New York State Council on the Arts Cultural Program Fund, in relation to the effectiveness thereof (Part F); intentionally omitted (Part G); to amend the Tax Law, in relation to extending and modifying the hire a vet credit (Part H); to amend the Tax Law, in relation to establishing a tax credit for the conversion from grade no. 6 heating oil usage to biodiesel heating oil and geothermal systems (Part I); to amend the Public Housing Law, in relation to extending the credit against income tax for persons or entities investing in low-income housing (Part J); to amend the Tax Law, in relation to extending the clean heating fuel credit for three years (Part K); to amend Chapter 604 of the Laws of 2011 amending the Tax Law relating to the credit for companies who provide transportation to people with disabilities, in relation to the effectiveness thereof; and to amend the Tax Law, in relation to the application of a credit for companies who provide transportation to individuals with disabilities (Part L); to amend the Tax Law, in relation to the Empire State Film Production Credit and the Empire State Film Post Production Credit (Part M); to amend the Labor Law, in relation to extending the New York Youth Jobs Program tax credit (Part N); to amend the Labor Law, in relation to extending the Empire State Apprenticeship Tax Credit Program (Part O); to amend the Tax Law, in relation to extending the alternative fuels and electric vehicle recharging property credit (Part P); to amend the Labor Law, in

relation to the program period for the Workers with Disabilities Tax Credit Program; and to amend Part MM of Chapter 59 of the Laws of 2014 amending the Labor Law and the Tax Law relating to the creation of the Workers with Disabilities Tax Credit Program, in relation to the effectiveness thereof (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the Tax Law, in relation to exempting certain fuels used by tugboats and towboats from the petroleum business tax (Part T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the Tax Law, in relation to requiring publication of changes in withholding tables and interest rates (Part W); to amend the Tax Law, in relation to expanding the definition of financial institution under the financial institution data match program (Part X); to amend the Real Property Tax Law, in relation to the challenge of assessed value by owners of local public utility mass real property; and to amend Chapter 475 of the Laws of 2013, relating to assessment ceilings for local public utility mass real property, in relation to extending the assessment ceiling for local public utility mass real property to January 1, 2027 (Part Y); to amend the Real Property Tax Law, in relation to good cause refunds for the STAR program (Subpart A); intentionally omitted (Subpart B); to amend the Tax Law, in relation to clarifying the applicable income tax year for the basic STAR credit (Subpart C); to amend the Tax Law, in relation to allowing names of STAR credit recipients to be shared with assessors outside of New York state (Subpart D); and to amend the Tax Law, in relation to allowing decedent reports to be given to

assessors (Subpart E) (Part Z); to amend the Real Property Tax Law, in relation to the grievance process with respect to the valuation of solar and wind energy systems (Part AA); to amend the Tax Law, in relation to establishing a homeowner tax rebate credit (Part BB); intentionally omitted (Part CC); to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to the utilization of funds in the Catskill and Capital Regions Off-Track Betting Corporation's capital acquisition funds; and to amend Part LLL of Chapter 59 of the Laws of 2021 amending the Racing, Pari-Mutuel Wagering and Breeding Law, relating to the utilization of funds in the Catskill and Capital Regions Off-Track Betting Corporation's capital acquisition funds, in relation to the effectiveness thereof (Part DD); to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-State thoroughbred races, simulcasting of races run by out-of-State harness tracks and distributions of wagers; to amend Chapter 281 of the Laws of 1994 amending the Racing, Pari-Mutuel Wagering and Breeding Law and other laws relating to simulcasting; to amend Chapter 346 of the Laws of 1990 amending the Racing, Pari-Mutuel Wagering and Breeding Law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to extending certain provisions thereof (Part EE); to amend the Tax Law, in relation to establishing a credit for geothermal energy systems (Part

FF); to amend the Tax Law, in relation to extending sales tax exemption for certain food and drink vending machines (Part GG); to amend the Real Property Tax Law, in relation to an abatement of real property taxes for the creation or expansion of childcare centers in certain buildings in a city having a population of one million or more (Part HH); to amend the Administrative Code of the City of New York, in relation to establishing a tax credit for child care against the unincorporated business tax, general corporation tax, and the business corporation tax of 2015 (Part II); to amend the Tax Law and the Administrative Code of the City of New York, in relation to the earned income tax credit (Part JJ); to amend the Economic Development Law and the Tax Law, in relation to creating the additional restaurant return-to-work credit (Part KK); clarifying for certain tax credit programs that work performed remotely within the State due to the outbreak of novel coronavirus, COVID-19, qualifies for certain tax credit programs; and providing for the repeal of such provisions upon expiration thereof (Part LL); to amend the Tax Law, in relation to pass-through entity tax for electing resident and standard S corporations (Subpart A); and to amend the Tax Law, the Public Authorities Law, and the Administrative Code of the City of New York, in relation to establishing a City pass-through entity tax (Subpart B) (Part MM); to amend the Tax Law, in relation to providing a supplemental Empire State Child Credit, Earned Income Tax Credit payment and Enhanced Earned Income Tax Credit payment to resident taxpayers (Part NN); to amend the Tax Law and

the Economic Development Law, in relation to the creation of the Empire State Digital Gaming Media Production Credit (Part OO); to amend the Tax Law, in relation to permitting deductions for commercial cannabis activity (Part PP); to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part QQ); and to amend the Tax Law, in relation to suspending the excise tax, prepaid sales tax and State sales taxes on motor fuel and diesel motor fuel, and authorizing localities to elect a cents-per-gallon rate of tax on such fuels based on four dollars (Part RR).

ACTING SPEAKER AUBRY: Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Kathy Hochul, Governor.

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

(Pause)

MS. WEINSTEIN: So this bill would enact the major pieces of legislation that are required to implement the revenue proposals that are necessary to ensure a balanced State Budget. It would reduce State revenues by \$3.5 billion in Fiscal Year '22-'23, and that amount decreases as the years go forward. Just to highlight a few of the items in this bill, revenue bill: It would provide a 2.2 billion homeowner tax rebate credit; accelerate the middle-class income tax cuts; provide supplemental earned income tax credit payments;

provide supplemental child tax credit payments; suspend the gas tax for six months; provide tax cuts for small businesses; provide enhanced tax credits to farmers; provide credits to businesses that are recovering from COVID-19 pandemic; and expand the hire vet tax credit.

ACTING SPEAKER: Mr. Ra.

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

MS. WEINSTEIN: Yes.

MR. RA: Thank you. So I just want to start with you mentioned a number of the fiscal impact of the bill for 2022-'23. Do you know, what's the two year revenue number?

MS. WEINSTEIN: The number for the next fiscal year would be 1.1 billion; the following year, '24-'25, would be 575 million; in '25-'26, 263 million; and in '26-'27, 259 million.

MR. RA: Okay, thank you. You know, I mean part of the reason I ask is because as my colleagues know, last year's budget included several tax increases which significantly increased taxes over multiple years. This year we're happy to see a budget that is proposing tax cuts, but many of them are limited in duration as opposed to, you know, some of the tax increases that go out a little further. So how many of these tax initiatives are just for the coming fiscal year, and what's the total fiscal of those?

MS. WEINSTEIN: The supplemental earned income tax credit is for the current year -- well, the, you know, the year we're

discussing the budget, it's 188 million. The supplemental Empire State child credit is also for one year is 287 million. The homeowner tax rebate credit is one year, it is 2.2 billion. The gas tax suspension which starts on June 1st until the end of the year -- to the end of the calendar year, is 585 million. I think that's basically it. There are some of the COVID-related credits that we expect will be used up by the end of the year.

MR. RA: Okay, thank you. And since, you know, there are many bills to come, do we anticipate any other revenue actions in any other Article VII bills?

MS. WEINSTEIN: Not at this point, no.

MR. RA: Thank you. So I want to get into some of these -- some of these specific proposals. Starting with this gasoline tax proposal. You know, our Conference has been outspoken concerning the continued 40-year high inflation that we're enduring, and one of the biggest financial burdens the residents of our State are currently facing is this increase in the price they're paying at the pump. Now, I know there are several proposals outside the budget that also eliminated the tax on gasoline, the PBT tax on gasoline. Is there a reason that this elimination was not included with the pieces that did make it in?

MS. WEINSTEIN: So it basically would have doubled the dollar amount of the -- of the fiscal amount, the fiscal hit on the -- on the State.

MR. RA: Okay. And what's the -- what's the total

anticipated fiscal impact of those, the suspensions, the two pieces of the gas tax that we are suspending?

MS. WEINSTEIN: I think I mentioned 585 million from June 1st to December 31st.

MR. RA: Okay, thank you. With regard to the rebate check, when would taxpayers expect to see this homeowner rebate check?

MS. WEINSTEIN: I assume sometime in the fall.

MR. RA: Okay. And when will taxpayers see their earned income tax credit enhancement and child tax credit enhancement check?

MS. WEINSTEIN: I would think probably around the same time.

MR. RA: Okay. And one of my concerns obviously when you look at all of these initiatives which are welcome but, you know, the gasoline tax suspensions aren't going to come into effect until June, these checks aren't going to get to people until the fall, so why aren't we doing some type of immediate relief for the costs that homeowners are currently experiencing?

MS. WEINSTEIN: I believe it's really some of the implementation issues of -- of this to get everything -- everything going.

MR. RA: Okay. And what other relief are we doing in this budget for taxpayers that might not qualify for these types of checks, or perhaps that are, you know, in areas that rely on mass

transit so they're not going to really see any benefit of a gas tax suspension.

MS. WEINSTEIN: Well, there is -- there will be more in later bills without saying the details in particular, there's some utility -- utility relief. There will be continued funding or refunding of the ERAP Program, of the Landlord Assistance Program, the Homeowner Program. Those are -- will be relief that individuals besides the ones that I mentioned will be able to take advantage of.

MR. RA: Okay. Now, with regard to the earned income tax credit, I think it's one that many on both sides of the aisle have talked about that for years and there were proposals in the one-House budgets to expand the credit. Now, this bill provides a one-time check to those who qualify for the EITC, correct?

MS. WEINSTEIN: Correct, 25 percent of their 2021 EITC benefit.

MR. RA: So I mean, I assume given the initiatives that the Majority has put forth in the one-House, you would agree that the benefits of an expansion of both the State and Federal levels, you know, really speaks for itself. We know that that will benefit these families greatly. So why is this, you know, a limited expansion only for one year?

MS. WEINSTEIN: Well, there's nothing that prohibits us from revisiting this as we do next year's budget, but for the moment, the commitment is just for the one year.

MR. RA: Okay. So another piece of this as we just

mentioned was the tax -- homeowner tax check rebate. I'm not -- not really surprised to hear that it will be arriving in the fall. We have seen this before, but we also, I think, have really even after years with the property tax cap, we continue to see real property tax increases in our local communities. And that has been one of the largest costs for people in our State and it's one of the largest pieces of people's tax burden. So is this -- I know it's a one-year proposal now, do we think we'll revisit this or is this a, you know, an election year tax credit check that we're going to give people and then it's going to go away like it has for the last couple of years?

MS. WEINSTEIN: Well, you know, as -- you know, we are able to do this this year and actually it's some of the reasons some of those folks were struggling was because of the SALT restrictions that were put in place under the previous government in Washington. I did neglect -- so, you know, again something we can -- there's no prohibition about us revisiting this issue in -- next year. I did neglect to say when you were asking about other relief for individuals perhaps who don't drive, we are also advancing the -- accelerating the phase-in to the full phase-in of the middle-class tax cuts. So that's, in this year it would be 162 million and in the next fiscal year it would be 618 million for New Yorkers.

MR. RA: Thank you. So back to the Empire State Child Credit. So do we know what the average benefit would be for families under this?

MS. WEINSTEIN: Well, it -- it varies -- it varies

based on the income of the -- of the taxpayer. So it would go from for a family under -- adjusted income under \$10,000 it would be 100 percent addition which, where there would be a maximum of \$334 per child, and it goes up in -- or it gets reduced by 25 percent as the adjusted income goes up ending at 25 percent of the earned income -- the State child credit for families over \$50,000 adjusted income.

MR. RA: Okay. And again, this is a one-year credit, correct?

MS. WEINSTEIN: Correct.

MR. RA: Okay. With regard to, and you just mentioned this, the accelerated phase-in of the middle-class tax cuts, so one of -- one of the things we did in last year's budget with the tax increases was we retroactively increased taxes on our wealthiest taxpayers. Why not retroactively reduce taxes for the middle-class families that are currently struggling with all the costs that I talked about earlier with inflation and gas and grocery prices. Why not do that in a retroactive fashion with this phase-in?

MS. WEINSTEIN: Well, in some way it is because this would have -- if we did not do this -- have this provision in the -- that we are adopting as part of the budget, these tax cuts wouldn't take effect until 2025. So by accelerating the -- the tax cuts, we're giving a -- providing a benefit earlier than had been originally anticipated.

MR. RA: Okay. And then some of the other types of tax credits and initiatives here, this bill includes an extension of the New York City Musical and Theatrical Production Tax Credit and it

provides an additional \$100 million to support New York City's theater industry. I know last year's enacted budget included the Upstate theater industry, as well. We certainly understand the importance of -- importance of musical and theatrical productions to New York City, but Upstate theaters obviously are struggling to recover from the pandemic, as well. So why does this budget not include additional support for Upstate musical and theatrical productions?

MS. WEINSTEIN: There already is a credit and there's existing funds that have not been applied for.

MR. RA: All right. Thank you.

MS. WEINSTEIN: So there's no prohibition, you know, on those Upstate theaters continuing to apply for those credits.

MR. RA: But there's not the, you know, specific additional support that we're giving to New York City, correct?

MS. WEINSTEIN: No. We did try in our one-House but it did not make it to the final cut.

MR. RA: Okay. So lastly the -- one of the things that is I guess omitted is some of the gaming provisions. The Governor had a proposal to issue three additional casino licenses. It's omitted from this bill. Do we expect that to be included in another bill?

MS. WEINSTEIN: Yes.

MR. RA: And do we know any details in terms of when those licenses would be issued?

MS. WEINSTEIN: I believe that it's still under discussion, which is partially why it's not included in this bill, but we'll have an opportunity to discuss that hopefully tomorrow.

MR. RA: Okay. So I assume then we don't have necessarily any idea if we don't know when it's going to be -- they'll be issued what the revenue impacts might be in the out years of those additional casinos.

MS. WEINSTEIN: Not at this time, but we will be able to have some discussion about that when we discuss that proposal.

MR. RA: Okay. And one other piece with regard to the gaming provisions. NYRA is currently in the process of a large redevelopment at the Belmont track to open the infield to fans as soon as 2024 and NYRA has stated that it needs State backed bonds so it can borrow to do these upgrades. Does this budget here or anywhere else contain this bonding authority to support this redevelopment?

MS. WEINSTEIN: It certainly is not here and I do not believe it will be in any of the bills we'll be seeing tomorrow.

MR. RA: Okay. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you. So just quickly. I think there's a lot to like in this bill. You know, tax cuts are great. We have been talking about inflation and a gas tax suspension, so it's great that that has made it in. But I do want to note we're basically giving back and a lot of it is these one-year short-term things about half of the amount

that was raised in a new taxes last year, and those are taxes that go further out into the out years. So I think this is recurring tax relief to middle-class New Yorkers who are struggling under all of the costs that I -- that I spoke about.

But I will be supporting this bill and I think that, you know, the unfortunate thing as I said in the previous bill, we're still doing a revenue bill. I mean, I'm glad we're doing revenue a little earlier this year and it's not kind of the Big Ugly, so-to-speak, but it, you know, when we don't have the full picture, once again, it does make it hard to get the full grasp of all of these different issues. So I hope that, you know, not just in this year's budget but as we go forward, we look at some of these initiatives that are good initiatives to help struggling people in this State, but that we look to find ways to make sure that they're there in the future. The last thing we want to do is give people support and then have it go away and essentially that becomes a new increased cost on them in years in the future. And I know we've seen, like I said, some of these checks and things like that, you know, as great election year initiatives and the timing, I'm sure, will work out with them going in the mailbox at the right time of year. It was a great hallmark of our prior Governor, but what we need is long-term tax relief. I know just this week the Tax Foundation came out once again with their ratings when you combine the State and local tax burden on New Yorkers. We rank 50th, meaning we're the worst. And with the increases that we passed last year that helped get us there because we suddenly combined, especially with New

York City's tax rates as well as ours, I think we spring-boarded California in that regard. And we're doing a pretty good job here on catching up to their total budget, as well.

So I do think that, like I said, there are great actions in here, a lot to like, but when I look at the overall fiscal situation in this budget, there is a lot to be concerned about going into the future. Thank you, Mr. Speaker.

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

MR. SMULLEN: Well, thank you, Mr. Speaker. Would the sponsor yield for a few questions, please?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SMULLEN: Thank you very much, Chair. I'd like to talk about a little bit more deeply on a couple issues. The first one will be the gas tax; the second would be the farm tax credits; the third, the solar tax evaluation; the fourth, the earned income tax credit; and then the fifth, the middle-class tax cuts. I'd like to just go back to the -- specifically the gas tax that we have been talking about. We're talking about eight cents of State excise tax and then eight cents that the State gets on sales tax. That's about 16 cents per gallon; is that what we're offering at this point?

MS. WEINSTEIN: Correct, and I would also just

note that we also are giving authority, the local sales tax that equals that amount, also. So we have -- locals already have the authority to suspend gas tax on \$2 a gallon or \$3 a gallon. We give them the authority on this that they can even just suspend it at the -- above 4 -- you know, cap it at \$4 a -- a gallon.

MR. SMULLEN: So we're letting municipalities decide the rate at which they tax based on a sliding scale that allows them to keep some revenue. Is that about how it would work out, so they don't lose too much?

MS. WEINSTEIN: Right now I believe -- I don't know of any locality that doesn't charge full sales tax on gasoline.

MR. SMULLEN: Of course, unless --

MS. WEINSTEIN: There may be one.

MR. SMULLEN: Unless we, as the State, told them that they couldn't and we had to give it back to the people who are paying the tax instead, of course. So just to go, you know, through the numbers, 16 cents a gallon. I understand that the State has about 48 cents per gallon of authority over taxes on gasoline and diesel; is that -- is that about right?

MS. WEINSTEIN: The State portion of the tax is 33 cents on a gallon.

MR. SMULLEN: Thirty-three cents? So we could give, the State could give back to the people, our residents that buy gas, we could give them up to 32 cents a gallon, 33 cents a gallon, that's about what I had estimated.

MS. WEINSTEIN: In -- in theory, but a lot of this -- the funding is dedicated funding for dedicated sources. So a lot of this is going to be backfilled for the dedicated funding and the cost, as I mentioned, of just this from January -- from June to Janu -- to the end of December is \$485 million.

MR. SMULLEN: Sure. And there's somewhere around half a billion dollars is the -- is the estimate based on this -- this revenue bill.

MS. WEINSTEIN: Correct.

MR. SMULLEN: So over this -- in the last year, how much have gas prices risen for New Yorkers in the past year, roughly? About \$1.50 a gallon?

MS. WEINSTEIN: I was going to say it's probably been close to 1.50.

MR. SMULLEN: So we're rightfully going to give them about 10 percent of that 1.50 rise to try to ease their wallets. You know that's -- say your car holds ten gallons, that's somewhere around \$1.60 a tank of gas. If you drive weekly, like if you're an Upstate commuter that has to work, that has to go to work, you'd run through a tank of gas a week. My question is what would be wrong with actually just doubling the relief and saying that we're going to take and allocate \$1 billion to this program to give hard-working consumers immediate relief and then forego something else in the budget for \$1 billion exchange?

MS. WEINSTEIN: Obviously you have to decide

how we want to spend our money. There also is a Federal tax of 18 cents a gallon. There's some discussion on the Federal level of the -- of that -- of suspension on the Federal level, and gas prices fluctuate. I think a lot of New Yorkers may not even realize that the sales tax is only on the first -- the State sales tax is only on the first \$2 a gallon so, in fact, we, as opposed to the locals that tax on the full cost of up to now the \$4-plus, New York State only taxes -- the sales tax is only on the first \$2 of -- of gas. So it's a question of how much money we can dedicate to this -- to this source. We are providing help on the -- for New Yorkers who have and are dealing with inflation issues, particularly also issues relating to the pandemic with many other methods of providing relief and this is one area.

MR. SMULLEN: Well, thank you very much for that. I'd like to move over toward and talk a little bit about the farm tax credits. You know, we've --we've had some Farm Labor Wage Board Actions and we've got a fix here in the budget. Is it your estimate this is -- this is going to be enough to keep our farmers regionally competitive in the -- in the market for their goods and services, growing things in New York, but also providing, you know, for their families?

MS. WEINSTEIN: We believe this more than will cover the cost of overtime; in fact, we think there's a little, because of funding also for the administration, we think it will cover 118 percent of the costs -- of the overtime costs.

MR. SMULLEN: Okay, I appreciate that. So what

metrics are you using to actually to track that? I know it's fairly, you know, fairly sophisticated economics, but I want to be sure that our farmers are not left short by these decisions. So the State is taking one action and then the State is going to take another action to correct that action, and how do we make sure that they're -- that they're matched up?

MS. WEINSTEIN: Well, it's really based on their reporting. So it's refundable and -- with one advanced payment per year, and the credit would, as I mentioned, is up to 100 -- it's increased -- the credit has increased 118 percent of the farms' overtime wage cost that -- which it covers the cost of any kind of related fringe -- fringe benefits. We also -- in terms of farmers, since we're talking about farmers, we also increase investment tax credit for farmers and increase the farm workforce retention credit. And in other places, there are -- in other places in the budget there will be some other additional opportunities that farmers can take advantage of.

MR. SMULLEN: Well, thank you for that explanation because agriculture is the number one economic driver in Upstate New York. There's so many different areas of it and it's such a sophisticated, technologically-driven industry that, you know, when you -- when you adjust the fundamentals of a gigantic industry like that and then you try to fix it in this case with a tax credit, there are some concerns there that we're going to track very closely and I hope that is the case.

I'd like to -- to move over to the solar and wind

evaluation program, I believe it's Part AA, that's having to do with technical adjustments to assessments. How is this process going to work in concert with local authorities who have a board of assessment review? Is it going to skip local authorities and go straight to the State, or is there going to be an intermediate stop for people that have issues with their assessors?

(Pause)

MS. WEINSTEIN: Right. Well, if you -- if the model is being challenged that the assessor uses then that goes to the -- the State. It should improve the process for a taxpayer to challenge a property tax assessment based on the Tax Department solar and wind evaluation model.

MR. SMULLEN: Well, absolutely. We -- everyone deserves the information that the government holds on them in order to contest their taxes, that's -- that's very critical, it's fundamental to transparency. But how is the process, is it -- how is it going to be set up so it works? Is there going to be an intermediate step or is it going to go straight to the State?

MS. WEINSTEIN: Well, the -- we would allow the taxpayer to request a copy of the inputs that the assessor used in the model so they could be able to claim potential errors and request to make changes, and that would be to the State. The model -- the model would go to the State and if they're contesting the inputs, that would be with the local assessor.

MR. SMULLEN: Thank you very much for that. I

would like to move back to the Earned Income Tax Credit, specifically the -- it's part NN. What -- what is the expectation of the number of people that will be -- actually make use of these earned income tax credits? How many of our citizens is it going to affect?

MS. WEINSTEIN: We estimate just under a million taxpayers. To be more exactly, 987 -- 987,000 taxpayers.

MR. SMULLEN: Could you say that again, I'm sorry.

MS. WEINSTEIN: Nine hundred and eighty seven thousand.

MR. SMULLEN: So just under a million.

MS. WEINSTEIN: Yeah, a little under a million.

MR. SMULLEN: So \$550 million so we're thinking that the credit is going to be \$550 on average for those -- for those folks.

MS. WEINSTEIN: No. The credit would average \$190.

MR. SMULLEN: Well, if we have a million people and the estimate is \$550 million, I would think it would be somewhere -- the overall --

MS. WEINSTEIN: But I think you're putting -- I think you're putting the child tax credit with the EI -- the EI -- the Earned Income Tax Credit is 188 million, the Empire State Child Tax Credit is 287 million.

MR. SMULLEN: So the total is 550 million, my

apologies there.

MS. WEINSTEIN: Yeah.

MR. SMULLEN: Numbers wise, we're looking at a good -- good chunk for those who are working who, you know, then may need child care. What is the -- what is the average child care benefit going to be then overall with this revenue that's in here? Because I noticed in this -- in this revenue bill there's specific child care tax credits to incentivize child care centers to open in New York City --

MS. WEINSTEIN: Correct.

MR. SMULLEN: -- but I didn't notice anything for Upstate New York.

MS. WEINSTEIN: No. Those are requests that the City of New York asked. It has no impact on the State's fiscal -- it is all impacted on the City's budget, but they need -- we needed to enact the legislation for them.

MR. SMULLEN: So it's just authorities there. There isn't a disparity between Upstate and the City.

MS. WEINSTEIN: No, no. It's paid for totally by the City of New York.

MR. SMULLEN: Okay. Yeah, thank you very much for clarifying that. I'm running to time here. Regarding the, you know, the middle-class tax cuts, New York has some of the highest taxes in the nation. Obviously giving people some of their hard-earned tax money back only makes sense which, you know, I'm

obviously greatly in favor of that. Couldn't we do more in a year when our overall taxes are up, we've got a lot of Federal money, couldn't we give more back to our middle-class taxpayers so they could fight off the effects of this inflation that's eating up their earnings?

MS. WEINSTEIN: I think all of -- all of these actions help provide inflation relief for families. It's called a revenue bill, but it's actually a bill that provides revenue to our -- to our New York taxpayers. And the middle-class tax cut, you add them all together, the homeowner tax rebate, the middle-class tax cut, the child care tax credit, the earned income tax credit, the suspension for the seven months of the gas tax combined -- combined is a tremendous amount of relief for our New York citizens.

MR. SMULLEN: Well, thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So we're talking about a revenue bill tonight, and there are some good things in this revenue bill that are going to give people's hard-earned tax money back to them. But therein lies the fundamental problem with New York State, it's one of the highest taxed states in the nation with a budget that's going to be about \$220 billion this year, who spends more per capita than Florida and Texas combined, and then more on an equivalent basis as California does with half the population.

And that's where I have issues with taxation and

revenue when it comes to the State and its policies. The idea that we can take money from people and then give it back to them sounds good, and it's particularly timely since it's an election year. And that's one of the things that's a real shame about a state that generates so much, so much economic activity for this nation that we can take, take, take, and then ask for thanks, back to the people -- or from the people when we give them their money back. And to me, that is -- that is not the way to go, it never has been, it never will be, and for that reason I won't be supporting this revenue bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague.

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

MS. WEINSTEIN: Yes.

MR. TAGUE: First of all, Madam Chairwoman, I'm just wondering on Part B, I'm going to stick to Part B here, I'd like to know how many people that designed this tax credit plan have actually lived on a farm or worked on a farm, if you know the answer to that question.

MS. WEINSTEIN: Well, I know that we did work with input from the Farm Bureau, as well as additional stakeholders.

MR. TAGUE: But how many of them actually worked on a farm or have been on a farm? Are any of the folks that are working with you right there, have they worked on or lived on a

farm? The people that are going to answer the questions that I'm going to ask you.

MS. WEINSTEIN: Do you want me to talk to you about how I was a little girl I was on my grandfather's chicken farm in New Jersey? I mean...

MR. TAGUE: Sure, sure. I think that's great.

MS. WEINSTEIN: You didn't tell me that when I reached over the chicken -- under the hens for the eggs that I should be careful that they don't bite, but -- they don't peck at me, but...

MR. TAGUE: Well, that's great. I'm very happy about that. But I want to know what is the goal of this tax credit and why do we need it?

MS. WEINSTEIN: The -- the tax credit for the -- the overtime tax credit?

MR. TAGUE: Yeah, why do we need it? Why do we need the tax credit?

MS. WEINSTEIN: Well, this -- you know, we're aware that the Wage Board, maybe the Labor Wage Board may be readjusting the lowering of hours before overtime kicks in and we want to ensure that the farmers are able to financially continue to exist and get -- therefore, get the credits for the --

MR. TAGUE: So in other words, it's inevitable that the Governor and the Labor Commissioner are going to drop the labor -- the overtime labor wage down to 40 hours.

MS. WEINSTEIN: I -- I don't believe that's been

decided here.

MR. TAGUE: Well, then why would we put this money in this program in the budget? Are we finally doing something ahead of time? Wow, unbelievable. Albany.

MS. WEINSTEIN: I think you answered your question.

MR. TAGUE: Another question. What is the definition of an eligible farm worker or farm laborer for this program?

MS. WEINSTEIN: I believe that is the current definition.

MR. TAGUE: What's that? I'm sorry, I didn't hear you.

MS. WEINSTEIN: We don't change -- we don't make a change to the definition.

MR. TAGUE: Well, what is the definition? I mean, if I decide to go work on a farm just for the day, am I now a farm worker or a farm laborer? If my kid works on my farm, are they considered a farm laborer or a farm worker?

MS. WEINSTEIN: It's the definition under Section 2 of the Labor Law, so I would have to pull that up.

MR. TAGUE: In other words, we really don't know.

MS. WEINSTEIN: No, we do know, I just don't have the information able to tell you at the moment. If I can take a few minutes and do some legal research and I'll be able to answer your question.

MR. TAGUE: Well, we should -- I think we should know the answer, we shouldn't have to research it if it's a bill that's within the budget. Let me go on to the next question. Many farms can't cash flow overtime payroll to wait for a refund. How is this addressed in the budget?

MS. WEINSTEIN: It's an advanceable payment. It's one advanced payment per year.

MR. TAGUE: But --

MS. WEINSTEIN: So it's a refundable, refundable meaning that you can get it in -- you can get this advanced payment.

MR. TAGUE: But it's my understanding that these payments are going to be due in July and at the end of the year. If you had any knowledge of how a farm operates, especially in New York State because we have four seasons, the money is usually needed this time of year, March and April, to pay for seed, to pay for equipment repairs, to be paid for all the different things for plowing and getting ready for the growing season.

MS. WEINSTEIN: You know, so while I say it's advanced payments so you would get -- the farmer would, when they file their taxes this time of year, get one credit and then they would be able to get an advanced payment -- advanced payment in the fall. So I think it might address some of your concerns.

MR. TAGUE: Well, that brings me to my next question, who is going to oversee this? The Labor Department, the same department that oversaw unemployment during the COVID

crisis?

MS. WEINSTEIN: I believe that it's Ag and -- Ag and Markets.

MR. TAGUE: Well, that isn't my understanding, my understanding is that Ag and Markets is going to help with the paperwork, but that these payments are going to come through the Labor Department. So --

MS. WEINSTEIN: No, the payments are coming from the Tax Department.

MR. TAGUE: What's that?

MS. WEINSTEIN: It's a tax rebate, actually.

MR. TAGUE: But -- but the records have to go through the Labor Department to make sure that everything's justified; aren't I correct? Why is the Labor Department making the decision if they're not in charge of it?

MS. WEINSTEIN: Ag and Markets is -- is the certifying agency and then it would go to Tax and Finance for the credit.

MR. TAGUE: So the Labor Department has nothing to do with this?

MS. WEINSTEIN: No, I don't believe so.

MR. TAGUE: So they're not going to verify the hours of service or if the Labor Law is followed?

MS. WEINSTEIN: They may do that, but it's unrelated to the tax credit for the farmers that we're discussing.

MR. TAGUE: Okay. So then if Ag and Markets is going to be in charge, how is Ag and Markets going to format the amount that's paid to the farmer for each worker, and where are we coming up with the information?

MS. WEINSTEIN: It's going to be based on the reported cost from farmers.

MR. TAGUE: Okay, at what -- at what hourly rate? We have farm laborers that have worked for some farmers for 20 or 30 years that are making \$15, \$20 an hour. We have some farm laborers that just started work that are making minimum wage. So how are we going to decipher that? We have some farms that have 40 or 50 farm labor employees.

MS. WEINSTEIN: It's based on what they report; we're not setting the wage.

MR. TAGUE: And why isn't there a third refund in the fall to cover the fall harvest for many of our farmers?

MS. WEINSTEIN: The advanced payment would come in the fall. So you would get -- you would get the one payment as part of your -- you would get the credit when you file the taxes and then the advanced payment would be able to be in the fall.

MR. TAGUE: Now, is this tax program or all the farm tax programs in the budget, are they permanent or is there a sunset date?

MS. WEINSTEIN: This is permanent.

MR. TAGUE: Okay. Given the current Wage Board

recommendation doesn't start to lower the OT -- overtime threshold if the Governor and the Labor Commissioner decide to go that route, it doesn't start until 2024, so how can we assure that this program will be funded in future budgets?

MS. WEINSTEIN: We're authorizing it now. A future Legislature would have to rescind this law.

MR. TAGUE: So -- so if we come back in 2024 or 2025 and we don't have the money to fund it, what are we going to do? Are we going to --

MS. WEINSTEIN: This is part -- this becomes part of our Tax Code and --

MR. TAGUE: So then we're going to raise taxes to make up for it.

MS. WEINSTEIN: This becomes -- is part of the Tax Code and there's no reason to think that it would be changed.

MR. TAGUE: Well, I can give you an easy solution to this, leave the overtime at 60. That would be an easy solution and we wouldn't have to go through all this rigmarole or raise people's taxes.

MS. WEINSTEIN: Well, I am not a member of the Labor Wage Board so I can't -- we don't -- the Legislature doesn't have that authority so we're doing something to have to make sure that the workers are paid appropriately and that it does not impact the farmers financially.

MR. TAGUE: Well, Chairwoman, I want to thank

you again for your time tonight and I know this is probably just the beginning of you. We have at least another full day or maybe even far, I appreciate your answers. I know it's tough for you, it's probably not in your wheelhouse, agriculture or overtime, but I appreciate your answers and all the work that you do.

Mr. Speaker, on the bill.

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

MR. TAGUE: Folks, this is just another example of putting the cart before the horse. The Governor and the Labor Commissioner haven't even made a decision yet and we're putting this in the budget. As we discussed this bill, I'm incredibly concerned for the future of agriculture here in New York. One of our largest industries and one that services as the economic backbone of countless communities. The portion of this bill offering an overtime tax credit seems too all but confirm our worst fear in the Ag community, that Governor Hochul will be moving forward with lowering the farm laborer overtime threshold. I have been incredibly vocal and so has folks from the Majority. We have been incredibly vocal in the Minority about the danger such a decision would pose to farms in our State, and I fear the overtime tax credit proposed today just won't be enough to help them survive the 42-plus percent increase in their labor expenses such a policy could incur.

To put it bluntly, this move will put our State's farmers on life support, forcing them to rely on our State's continued

assistance to keep things running. With that said and speaking with farmers and agriculture advocates, many concerns were made about how helpful this tax credit will really prove to be. Farmers rely on a constant cash flow in order to pay their employees, purchase needed goods, and maintain their land and equipment. So I fear that tax credit simply won't be able to help farmers offset the higher labor costs. They'll all be forced to contend with year-round if they aren't distributed to help farmers when they need the money most.

It seems like more than anything else, this component of the revenue bill will be nothing more than a Band-Aid applied to a problem that the Governor and Wage Board have created for our farmers. If we're going to force our farmers to depend on this tax credit for their survival, we need to do a better job of listening to how their policies play out for them in the real world. We need real assurances that this tax credit is here to stay and that it will be provided to farmers in a manner sufficient to help farms big and small continue to put food on our tables, rather than putting the cart before the horse.

By advancing these proposals and then figuring out how they'll work for farmers, let's make a point to listen to our farmers when it comes to farming. I dearly hope this overtime tax credit isn't writing on the wall telling us the Governor will be moving forward with reducing the overtime threshold. If that is the case, our farmers will be counting on all of us to get this right. If we don't, we jeopardize the existence of farming as we know it here in New York

State. If the labor threshold reduction does take place beginning in 2024 as the Wage Board has proposed, it is up to all of us to start earnestly listening to them about what they'll need from us to keep their doors open under the new threshold.

Agriculture is more than an economic sector, it's a way of life. And if our farms are going to count on this tax credit as life support, we can't continue ignoring their voices. The Governor and the Wage Board have by putting us in this mess to begin with. My friends at Farm Bureau say no farms, no food, and we cannot continue to bite the hand that feeds us. You cannot live in this world without water, food, or clean air. Let's take care of our farmers.

I will be supporting the whole bill in general because when this does pass, we need to make sure that our farmers are taken care of, but in the meantime I would ask everyone, all my colleagues, to start looking at how important agriculture is and what we can do to help it. New York State is self-sustainable with agriculture. We are lucky. We are lucky.

So with that, Mr. Speaker, I thank you and the Chairwoman for your time.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Thanks for the opportunity to ask some questions, Mr. Speaker, if the sponsor would be so kind as to yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. WALCZYK: And just to give your staff a heads-up, I plan on asking some follow-up questions on the farm tax credit and then moving on to musical and theater production tax credit and the film tax credit.

But first, I'd like to just ask a couple of overall as we take up what is the revenue bill, and I can't help but notice that in the title of this it says, *Which are necessary to implement the State fiscal plan*, and with a check of my watch, at 10:27. Through you, Mr. Speaker, do we have a tax State fiscal plan?

MS. WEINSTEIN: Not as of yet.

MR. WALCZYK: So earlier, for the record, you said 220 billion-ish was where we were at. I don't know if you're aware, but right across the -- the hallway here is where the Senate Chamber is and the Finance Chair down there said 221 billion. So in the past few hours we've spent another \$1 billion, which is an interesting problem for us to tackle, I just didn't know if you had any comment on the State's fiscal plan or how it may be evolving as we debate this revenue bill.

MS. WEINSTEIN: I don't think that there's a final number, so I can't speak to what my counterpart in the Senate said.

MR. WALCZYK: That's fair. On the -- on the farm tax credit and not to -- not to take away from any of the debate that's already -- already been there, you mentioned farmers are going to be reporting directly to Agriculture and Markets on the laborers on their

farms specifically for this. Is that reporting going to be -- I'll let you confer.

MS. WEINSTEIN: Yes, yes.

MR. WALCZYK: Is that reporting going to be weekly, biweekly, monthly, quarterly to align with the tax credit they'll be receiving in advance? How does that get reported to Ag and Markets?

MS. WEINSTEIN: It would probably be reporting the first half of the year in order to qualify for the advanced payment. I'm not sure -- I couldn't tell you now whether -- what the time frame is whether it's quarterly, weekly.

(Pause)

So yes, my understanding is the report, one's for the advanced credit and then they would be filing their tax return for the refundable overtime tax credit.

MR. WALCZYK: So if they're filing for an advance, is it just based on their -- their projection for what their labor is going to be? How does -- how does that work? Is it for the last year?

MS. WEINSTEIN: It would -- it would be based on the first half of that year's actual cost.

MR. WALCZYK: Okay. And then the reporting would continue twice a year from -- from then on?

MS. WEINSTEIN: They would be reporting to the Department of Ag and Markets would certify --

MR. WALCZYK: Yeah, I understand that they

would be reporting to the Department of Ag and Markets, my question is really -- and here's the purpose of this question, as you can imagine and appreciate through you, Mr. Speaker, small farms already struggle meeting a lot of the demands of regulations in New York State. Having them report, whether it be daily, hourly, weekly, monthly, quarterly, whatever the case may be, can have a really big impact on the paperwork that a farmer has to do, in addition to everything else that they have to do to manage a farm.

MS. WEINSTEIN: But -- well, we can try to keep it as simple as possible and they have to, you know, record their payroll. I mean, they want to be able to take off those business expenses, you know, to the extent --

MR. WALCZYK: Certainly, certainly they would. Does -- does Ag and Markets have the -- have the staff to be able to execute something like this? I know a former questioner asked if this was going to be in the Department of Labor, which it seems as though they've done this kind of thing. Does Ag and Markets have any experience in this? Do they have the staff to handle it?

MS. WEINSTEIN: The Executive has said that they have the ability -- that Ags has the ability to do this so we assume that they do.

MR. WALCZYK: Okay. Will this tax credit be necessary if the threshold of 60 hours of overtime stays put?

MS. WEINSTEIN: It probably wouldn't take effect, but it would be -- so it might not be necessary to be taken advantage

of.

MR. WALCZYK: Right. So this tax credit would only be available if the Labor Wage Board and the Governor decide to lower the income threshold -- or the overtime threshold below 60 hours; is that correct?

MS. WEINSTEIN: Correct.

MR. WALCZYK: Okay, thank you. I'd like to -- I'd like to move on to the New York City musical and theatrical production tax credit. Through you, Mr. Speaker, they -- did they use the 100 million in tax credit that we awarded last year? Did all of that 100 million get used up in New York City for this musical and theatrical production tax credit?

MS. WEINSTEIN: No, they haven't because I think when the Omicron variant hit, that many productions that had either started had to close down or had planned to start delayed the start, so that there was additional dollars that weren't spent.

MR. WALCZYK: Okay. So this -- this is a revenue bill, this is a reduction in revenue by 1 billion -- \$100 million that we're adding in by way of tax credit. Does some of the money from last year or that tax credit roll over, or is the full pot 100 million for that tax credit?

MS. WEINSTEIN: Well, it's 200- total. My understanding is there's about 20 -- 20 million left, 21 million left of the -- of last year's that wasn't claimed and will roll over and be available in addition to the 100 million.

MR. WALCZYK: So the full tax credit here would be somewhere around \$121 million?

MS. WEINSTEIN: Yes.

MR. WALCZYK: Thank you. And last year we included Upstate theaters. Additionally, in the Assembly one-House bill that was voted on in this Chamber, we also included those Upstate theaters and musical groups. Who at the negotiating table decided that this should be only for New York City and that Upstate should be eliminated?

MS. WEINSTEIN: There is -- there still remains additional funds that were not applied for -- for Upstate. You're correct that we had, in the Assembly, had wanted to expand that credit, but we were not ultimately successful and my understanding is that there's a substantial amount of those funds that are still available that were not -- there were not applications submitted for them.

MR. WALCZYK: Well, you don't have to tell me whether it was the Governor or the Senate that decided that it wasn't a priority and that they only wanted to prioritize New York City, I can appreciate that, but I also appreciate that at least in this Chamber the one-House budget resolution that was brought forward didn't dis-include Upstate New York theaters and musical groups. My understanding here is that if the production tax credit is -- is collected, but the musical or theatrical production does so well that they greater than double their revenue over the prior year that they have to pay half of that credit back; is -- am I reading that correctly?

MS. WEINSTEIN: Yes.

MR. WALCZYK: And where does that half of the credit that they have to pay back go?

MS. WEINSTEIN: It'll go to the Council of the Arts Cultural Program funding.

MR. WALCZYK: Okay. So the Council of Arts Cultural Program funding has existed for a while, how much is in -- how much is in that pot -- or actually, here's a -- here's a good question: How much has gotten kicked back historically for someone who more than doubled their -- their production over the prior year?

MS. WEINSTEIN: Since this is a new credit, we -- I can't answer that question.

MR. WALCZYK: Okay, so we don't have an example.

MS. WEINSTEIN: We don't have any history to show.

MR. WALCZYK: Understood. Of the Council of the Arts - because obviously I have a concern with the direction this policy has gone for Upstate New York - of the Council of the Arts funding that's been available, is there a breakdown between Upstate music and theater groups that have taken advantage of that fund versus New York City?

MS. WEINSTEIN: That's not part of this bill, but I believe that there is, at some point, some sort of per capita -- some portion of is per capita, but I couldn't at this moment tell you --

MR. WALCZYK: Okay.

MS. WEINSTEIN: -- what that -- what that is.

MR. WALCZYK: Okay. And I'd move along to the -- to the film tax credit. Through you, Mr. Speaker, if the sponsor would continue to yield.

MS. WEINSTEIN: Sure.

MR. WALCZYK: So it -- it appears to me after the Executive budget proposal that the language that we've included here for the film tax credit mirrors the Executive budget proposal and that of prior years; is that correct?

MS. WEINSTEIN: We do -- we have added -- we have increased diversity requirements.

MR. WALCZYK: Okay. So there has been a change. The amount of reduced revenue, because this is a revenue bill so a tax credit is a reduction in revenue, the amount here is still 420 million as it has been in past years; is that right?

MS. WEINSTEIN: Yes, yes.

MR. WALCZYK: And when we approve this \$420 million tax credit for films or, you know, TV productions that are made in New York State, does it all get used up? Was it used up in prior years? How much of it gets used?

MS. WEINSTEIN: My understanding is that it all gets used up.

MR. WALCZYK: So all \$420 million of it.

MS. WEINSTEIN: You know, I couldn't tell you if

there was -- we don't know yet, I guess, if there was some during -- during COVID if there's been any reduction because of the reduction in productions that may have taken place, but certainly in the past it's always been used.

MR. WALCZYK: And the Governor's Office for Motion Picture and Television Development, that propaganda team is now going to decide who is eligible based on -- on what, here? What's the new criteria?

MS. WEINSTEIN: They just have to file a diversity plan and then show that they, in fact, are following it.

MR. WALCZYK: How much of the film tax credit has been used in Upstate New York in the past, do we have any kind of idea there?

MS. WEINSTEIN: I don't have -- we don't have that -- that right now, we'd have to do some -- some checking.

MR. WALCZYK: Fair. Thank you for your time.

MS. WEINSTEIN: Sure.

MR. WALCZYK: Mr. Speaker, I would go on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: What this bill is supposed to do is provide revenue for New York State, i.e. the taxing plan, in order to pay for a budget that we don't know what the price tag is yet. In this House a few hours ago, we said it was somewhere around \$220 billion. And then a little while ago in the Senate as this budget gets

debated, is continually debated behind closed doors and negotiated behind closed doors, the Senate said 221 billion-ish. It's impossible to in good faith have a revenue bill if you don't know what the spending plan is, what the fiscal -- it even says necessary to implement the State's fiscal plan, which nobody in this Chamber can tell us what that fiscal plan entails.

What else does it have? It has some nice things. It has a lot of tax cuts in it, which is impressive, but if we don't know what the fiscal plan is how can we decide where we can cut taxes and what the revenue bill should actually look like. It's a good question. What else does this revenue bill include? Well, it includes \$420 million in the discretion of the Governor's Propaganda Office and it includes \$100 million bailout for New York City-only theaters. It sells out farmers based on the overtime threshold; it enhances STAR property tax relief for New York City, but not for seniors living on a fixed income; it takes assessment authority away from localities so that the State can decide exactly how much your solar panels in your town are going to be worth on their tax rolls, and this is supposed to be a revenue bill. We don't have a budget, we don't have a financial plan and, Mr. Speaker, I urge my colleagues to vote no.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for just a couple questions, please?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. MANKTELOW: Thank you, Madam Chairwoman. I appreciate your time tonight. On one of the questions, you had commented earlier that when we were looking at the tax credits for the farms that some of the players at the table were Farm Bureau, and you said other stakeholders. Do you remember who those other stakeholders were?

MS. WEINSTEIN: I believe they were major representatives of the farm industry. We know the Dairy Farmers Association was part of it, as well as the Farm Bureau. I'm not sure about the other specific groups.

MR. MANKTELOW: So were any fruit farmers involved, any potato farmers, onion farmers, grape farmers, were any of them at the table, as well?

MS. WEINSTEIN: You know, I don't know exactly who the Farm Bureau represents, I think they represent a wide range of farmers so I couldn't tell you specifically.

MR. MANKTELOW: So what you're saying, Madam Chair, is through Farm Bureau they were -- they reached out to the farmers, the potato farmers, onion farmers.

MS. WEINSTEIN: I can't attest to what the Farm Bureau did in terms of polling their members or what background information they had, but they certainly were part of the conversation.

MR. MANKTELOW: All right. So to the best of

your ability, that information came through Farm Bureau, through the farmers that they represent.

MS. WEINSTEIN: I would think so.

MR. MANKTELOW: Okay, I appreciate that.

Another question in regards to that, were there any accountants or tax preparers invited to that table, as well?

MS. WEINSTEIN: I mean, certainly the Tax Department was there. I don't know who -- if you're talking about independent accountants, I couldn't tell you that they -- whether or not they were consulted.

MR. MANKTELOW: Okay. And when this was discussed, was Minority members involved with this, as well?

MS. WEINSTEIN: You know, I would just say that this was a proposal in the Governor's Budget. We improved it by having the advanceable payment that would come in September, but I can't tell who you the Executive met with. We know that Tax and Finance was involved, I don't know who was involved before they proposed this in the Executive Budget.

MR. MANKTELOW: Okay. Do you know if you were involved with it, with the Executive Budget? Did the Governor reach out to you?

MS. WEINSTEIN: The Governor prepares the Executive Budget by -- with consultation of the agencies, the State agencies.

MR. MANKTELOW: Okay. So -- so some of the

State agencies were involved and we don't know if anybody else was involved, I appreciate that.

So another question I have on the investment tax credit, are you familiar with what that does?

(Pause)

MS. WEINSTEIN: (Inaudible/mic off) -- talking about what the 5 percent that we've listed up to 20 percent for farmers?

MR. MANKTELOW: Yes, ma'am.

MS. WEINSTEIN: Yes. Do you have a question about that?

MR. MANKTELOW: Yeah so -- so in the investment tax credit with the new change, are there going to be carryover provisions for that?

MS. WEINSTEIN: I do -- we do think so, but I'm not 100 percent sure at this moment, I have to get back to you on that.

MR. MANKTELOW: You'll get back to me tonight before we vote, or at another time?

MS. WEINSTEIN: I doubt before we vote, but we'll be -- we'll be seeing each other quite a bit in the next -- in the next day so we will be sure to get you the answer.

MR. MANKTELOW: Okay. Well, I look forward to seeing you, as well, in the next couple days, so thank you.

Yeah, my question is because of the carryover provisions, if a farm business has one, two or three bad years, in that

situation where they don't have a high -- a high tax burden because they didn't make money that year or possibly two years in a row, or maybe even three years in a row, let's hope not, the question is, again, will they be able to carry that -- carry the provisions of the tax credit, the investment tax credit forward? Because here we're looking at 5 percent for the first \$350 million and now we're going to boost it to 20 percent, which is a good thing.

MS. WEINSTEIN: Right. I mean, the 20 percent is going forward so they won't be able to claim -- they can't claim back expenses on that -- expenses already. The day after -- after we adopt this legislation, going forward, the 20 percent would apply to.

MR. MANKTELOW: Yeah, I understand what you're saying, but what I'm asking is -- I'll try to make this easy -- a little easier to digest. If I go out and buy a \$100,000 piece of equipment, okay, and this year I have my taxes done, I could do an investment tax credit of up to 20 percent of that \$100,000. But if I buy that piece of new machinery this year and unfortunately it's a terrible farming year and I don't need that tax -- that tax credit, that investment tax credit right now it's able to be carried over. Will I be able, as a farmer, to carry it over to next -- to future years, I should say?

MS. WEINSTEIN: Let me answer it this way. We are boosting the percentage credit you can get. We're not changing whether it can be carried over or not. So if you can currently carry over the 5 percent, you'll be able to carry over the 20 percent.

MR. MANKTELOW: So do you know if you can currently carry over the 5 percent?

MS. WEINSTEIN: Unfortunately, I can't give you an answer on that right now.

MR. MANKTELOW: All right. And I think what I was asking earlier, Madam Chair, is, you know, that's where it would be really, really great if we could have all those players around the table when we develop something like this. That would make your life a whole lot easier and I wouldn't have to ask you that question. But I appreciate your -- your work on that and I appreciate you answering the question. Is there a -- will there be a sunset date for that -- for the investment tax credit?

MS. WEINSTEIN: It's a permanent change to the Tax Code.

MR. MANKTELOW: A permanent change.

MS. WEINSTEIN: Permanent.

MR. MANKTELOW: Okay. I'm sorry, I can't hear that well, I apologize; it must be all the years of farming.

Second question, Madam Chair. The farm worker retention credit, I see that we're doubling it from \$600 per employee to \$1,200 per eligible employee, and I see that's going to be through 2025. That's a refundable credit so that's an amount of money that would be given to the farmer directly.

MS. WEINSTEIN: Correct.

MR. MANKTELOW: Okay. And is there a reason

why we chose 2025 to end this?

MS. WEINSTEIN: Well, it -- I should say it ends -- it currently ends in 2025, but there's nothing that would stop us from extending it at that time.

MR. MANKTELOW: Currently today it ends in 2024 and with this change, this says you'll extend it through 2025, so we'll be adding a new year.

MS. WEINSTEIN: Right, we added an additional year.

MR. MANKTELOW: All right. I appreciate that and I thank you, and I think the farmers will definitely thank you for that.

And I have just a couple more questions, one or two on the farm employee overtime credit. Is there a sunset date for that?

MS. WEINSTEIN: I'm sorry -- can you -- on which -- can you just repeat that?

MR. MANKTELOW: Sure. On the farm employer overtime credit --

MS. WEINSTEIN: No, there's no sunset.

MR. MANKTELOW: There's no sunset?

MS. WEINSTEIN: Correct.

MR. MANKTELOW: So that will continue in perpetuity until...

MS. WEINSTEIN: Correct. And I did get you the answer before you get to vote on the bill about the carryover credit.

MR. MANKTELOW: Okay.

MS. WEINSTEIN: See? It's amazing what you can find online. So it is -- it is able to be carried over for up to five taxable years.

MR. MANKTELOW: For up to five taxable years?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Per 20 percent?

MS. WEINSTEIN: What -- going forward once we, yes, once we adopt this going forward five years. It will be able to be carried forward five years.

MR. MANKTELOW: So next year if I wanted to use the 20 percent and I chose not to because I didn't need to, I can carry that first 20 percent forward for five years, correct?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Okay.

MS. WEINSTEIN: Similar to, you know, in a totally different area, how you can carry a stock -- how you carry some portion of stock losses forward for a number of years.

MR. MANKTELOW: Okay, thank you. And back to the farm employer overtime credit. The reason I was asking about the sunset date, because I see that there's a fiscal impact that reduces the State revenue by \$16 million in 2024; \$34 million in 2025; and then \$48 million in 2026 and I was wondering why the State stopped there or was there some magic reason why? I was just trying to wonder to help, you know, better educate our farmers back home.

MS. WEINSTEIN: I think they just --

MR. MANKTELOW: Picked a number?

MS. WEINSTEIN: -- put a range of the next few years in a report, it's not any indication that it's going to stop then.

MR. MANKTELOW: Okay, thanks. And one last question on the farm employer overtime credit, a couple of my colleagues had said earlier or had wondered about, you know, farmers, it's tough to report figures especially on labor when you're in the heat of planting, the heat of harvesting, the heat of doing everything on a farm. Was there ever any consideration to get the ball rolling for the first year to look at the prior year's numbers and start from there to give them a head start?

MS. WEINSTEIN: I couldn't tell you what discussions happened prior to landing on this proposal.

MR. MANKTELOW: So I'm assuming most of this proposal came from the Executive Budget then?

MS. WEINSTEIN: Correct.

MR. MANKTELOW: And you're privy to most of that?

MS. WEINSTEIN: Correct.

MR. MANKTELOW: Okay. All right. Thank you, Madam Chair. I have one last question, please.

MS. WEINSTEIN: Yes.

MR. MANKTELOW: I'm sorry, I apologize. I just have one question on the geothermal tax credit, I see it's up to 25

percent for -- not to exceed \$5,000, that's a good thing.

MS. WEINSTEIN: Correct, yes.

MR. MANKTELOW: Is this the first year this has been in place?

MS. WEINSTEIN: Yes. We are establishing this credit similar -- it's really based similar to the solar tax credit.

MR. MANKTELOW: Okay. So if we have a family that just accidentally put it in in October of this previous year, are they -- are they going to be able to apply for this even though it was in a prior year?

MS. WEINSTEIN: I believe it's prospective only.

MR. MANKTELOW: Okay. So the person that had it done on December 31st, they're out of luck pretty much?

MS. WEINSTEIN: I guess so.

MR. MANKTELOW: All right. Well, I appreciate it.

MS. WEINSTEIN: They had no reason to think that we were going to be doing this, so...

MR. MANKTELOW: I understand. You're good, but you can't do everything, right? I -- Madam Chair, I appreciate your time and your answers, and I thank your staff for helping you, as well.

Mr. Speaker, thank you for the time to ask the Chair on these couple questions, and I will let my time go. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

(Pause)

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

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8009-C. 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. Braunstein to explain his vote.

MR. BRAUNSTEIN: Thank you, Mr. Speaker, to explain my vote. When I'm back in my district in northeast Queens, one of the biggest concerns I hear from my constituents is the impact that the current inflation is having on their finances. They're getting squeezed at the gas pump and they're getting squeezed in their everyday expenses. I -- I have three children. I go to the grocery store several times a week and I myself have personally noticed that my grocery bills have continued to go up.

This bill before us makes several steps to provide relief to our constituents back at home. First, it suspends a portion of the State gas tax, which we hope local governments will follow suit and suspend their portion, as well. It accelerates the implementation of the middle-class tax cut. When fully implemented, middle-class taxpayers in New York State will be paying the lowest income tax rate those taxpayers have paid in over 70 years. It establishes a

homeowner tax rebate to help homeowners with their property taxes. It also provides supplemental child tax credits and enhanced earned income tax credits at both the State level, and it provides the City of New York the opportunity to follow suit. Finally, this bill provides tax credits to small businesses that have taken the initiative to protect to make capital improvements to their establishments to protect against COVID-19.

So I'm -- given the situation and the concerns that my constituents bring to me back in northeast Queens, I feel that many of the initiatives in this bill go a long way to providing them some relief and I'm proud to support this bill, and I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Braunstein in the affirmative.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Yes, sir.

MR. TAGUE: As I had said earlier, my vote as a yes does not make me a yes for the Farm Labor Wage Board decision. Our taxpayers in the State of New York need some relief and a lot of that relief has to do with gas and this bill does that. I -- I will be supporting this bill. I do not support lowering the threshold from 60 to 40. And the one thing that got brought up during the debate that I still disagree with, I don't understand how the State of New York is

going to pay these farmers within this tax credit without certified payroll, and I'm very concerned that the Department of Agriculture is not an agency that deals with a certified payroll. It would be the Labor Department.

But, again, there's too many good things for the taxpayers in the State of New York in this bill. It actually cuts taxes, and especially the gas tax, and if the Governor and the Labor Commissioner do make a decision to lower the threshold to 40, I've got to make sure that people in agriculture are taken care of. So for those reasons, Mr. Speaker, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Tague in the affirmative.

Mr. Burdick to explain his vote.

MR. BURDICK: To explain my vote, Mr. Speaker. Tax cuts and tax credits, that's what this bill is all about. And I've been listening with keen interest to the dialogue between our colleagues in the Minority and our able Chair of Ways and Means, and I would think that any objective listener would simply have to conclude that this bill is all about relief to our taxpayers. It's chock full of relief, and I'd like to highlight just a few: The accelerated middle-class tax cut, which will benefit six million New Yorkers for joint filers earning from \$27,900 to \$323,200. And as one of my colleagues mentioned, it's the lowest middle-class tax rates in 70 years. Suspension of a portion of the tax, so urgently needed in light of the staggering increases at the pump; tax credit for conversion of

No. 6 heating oil to biodiesel or geothermal for 25 percent of the cost up to \$5,000; extension of critical tax credits, including the alternative fuels and electric vehicle recharging property credit; the program period for workers with disabilities tax credit program; tax credit for companies that provide transportation to people with disabilities; and, as mentioned, the homeowner tax rebate credit for STAR and Enhanced STAR households with -- with income \$250,000 or less; tax credits for child care and tax credits for small businesses. And I could go on and on, but I'm going to run out of my three minutes.

This Budget Bill is urgently needed by the people of my district in Westchester County and, for that matter, for all of the taxpayers in the State of New York. I enthusiastically vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: You're welcome.

MS. GIGLIO: So the Farm Laborers Fair Labor Practice Act really was detrimental to our farmers throughout this State, so the worker retention credit being increased from \$600 to \$1,200 will be a tremendous help for them. The Senate has a bill pending, 1663-A, that has to do with the farmers being able to charge for the meals, minimal costs for the housing for the transient workers that are coming to their farms, they are -- they do take very good care

of their workers and all the help that they can get, they need.

So the taxpayer former option can request an advance payment. I like that, too. They can request it this year from January 1st through July 1st, and the application is due by September 30th. I hope that application is in the works by Ag and Markets and I hope that the press has to analyze the request from the farmer and issue the certificate of tax credit and to make the taxpayer request the advance payment, that sounds like a long process. So I hope that it's a quick process and we can get the money in the pockets of the farmers sooner than later.

I liked the help to businesses for the recovery for COVID-19 a lot. I'm on the Economic Development Committee and on the budget hearings I expressed my concern that the money was not getting in their pockets fast enough and that the time frame from 2019 to 2020 wasn't enough because businesses were still suffering in 2021-2022. So I hope we can get the money into the pockets of businessowners quickly, and I'm sure that the Commissioner is going to work hard to do that, I have every bit of confidence in her to do that. I love the relief for the gas tax, that's something that we've been talking about for a long time and I'm happy that everybody agrees on that.

The middle-class tax cuts, the -- that we're addressing child care, which is a big issue to get people back to work, and there are a lot of employers out there right now that need employees and it's really difficult to find child care these days. So I'm very happy for that

and I'm happy for the disabilities tax cuts for the transportation. I'm happy for many things in this budget and I'm proud to vote yes.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Giglio in the affirmative.

Mr. --

MS. GIGLIO: Happy.

ACTING SPEAKER AUBRY: Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker, to explain my vote. I'm going to be voting in the affirmative on this bill, but I want to make it clear that I don't believe that this structure is a permanent solution in the -- in the least. It's a net tax cut. I've never actually had the opportunity to vote for a clear tax cut in this Chamber, and this will be it so I'm going to embrace it. And I know a lot of these tax credits are popular and they help provide some relief -- immediate relief, but wouldn't it be great if we just simplified our Tax Code and our tax rates and lowered them for everybody with a fairer, flatter tax code. You know, I -- I've said it before that I'm opposed to overly regressive taxation. Consumption-based taxation is some of the fairest taxation in many forms, but when it's essential items, things like gasoline or fuel, it has a disproportionate effect on hurting people from lower-income or lesser means, middle-class families.

So the suspension of the gas tax is extremely important. And the middle-class tax cuts, also important. But

wouldn't it be great if we could provide tax cuts for everybody by spending less and providing more opportunities for everybody? Because just as I'm opposed to overly regressive taxation, I'm also opposed to overly progressive taxation that demonizes people or punishes them, punishes them for working hard and earning more. We shouldn't be punishing people for being successful. We should be embracing them, we should be bringing them here to New York so more people can come to New York, set up shop. Still on the whole a next -- a net tax increase for millions of New Yorkers, it's something I'm going to accept and I'm going to support, and I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker. After the challenges of the past few years and the new challenges we are all now facing, our families deserve all the relief we can provide during this critical period of New York's economic recovery. No doubt New Yorkers are feeling the strain of increased costs for essential goods, and especially at the gas pump where prices have increased significantly over the past year. That's why I'm very pleased to see suspension of the State's gasoline and diesel fuel tax included in this bill. This measure will have an immediate impact on working-class families and help people save money when they need it the most. For commuters who refill even once a week, it could save

hundreds of dollars in the coming months. But the increases in gasoline and diesel prices are not only being felt at the gas pump, but also in our store aisles, for delivery vehicles and trucks that sometimes need to fill up more than once a day. This measure could save thousands of dollars on shipping and transportation costs to get our essential goods to our communities. Those savings can be passed on to consumers at the grocery store and on the products we buy for everyday needs.

While we can't control the price of gas nationally, we can do our part here in New York. By passing this measure here tonight, we can mitigate some of the effects of the current crisis and help working-class families save more of their hard-earned money. And I'm pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Mr. Speaker, I'll be very short. I'm going to support this bill. I'm kind of uncomfortable with it, there are many good things in this bill and there are some bad things, but the most -- my biggest fear is we have not seen the other parts of the -- of the budget. But what are those parts? We're being asked to vote again on a small piece of the budget. I'm basing my decision on this piece and this piece only, but I hope in the future we can bring all the pieces together and have time to digest it and look at it to get back to the people we represent back in our districts to get their input instead of doing it, again, piece by piece. So

I'll be voting in the affirmative and, Mr. Speaker, thank you for your time.

ACTING SPEAKER AUBRY: Mr. Manktelow in the affirmative.

Mr. Mamdani.

MR. MAMDANI: Thank you, sir. New Yorkers across our State are feeling the impact of rising costs across multiple industries. There is no doubt that we should be providing relief to our neighbors. But that relief could come in many different forms. We have decided to subsidize the gas industry. Specifically, we've decided to spend the equivalent of \$585 million to subsidize the consumption of fossil fuels just days after the IPCC report told us that we are in the final moments of our window where we can still tackle the climate crisis.

To put this decision into context, we are spending \$500 million this year to build offshore wind facilities, so \$85 million less than we're spending to incentivize New Yorkers to purchase gas. This should have been the moment where we invested deeply and aggressively in renewables, a decision that would have saved us and our constituents and our planet more in the long run. An example of an investment such as that would be a commitment to creating 100 percent renewable democratically-controlled publically-owned energy system that serves people, not profit. What is in front of us today, however, is not the way forward and I must vote against this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Mamdani in the negative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. There are certainly a lot of good things in this bill for New York taxpayers. We are totaling \$4.6 billion in tax cuts. The homeowner tax rebate check program, the acceleration of the middle-class tax cuts, the small business tax relief and, of course, the gas tax suspension which many of my colleagues and I have been advocating for for months. So there's a lot of positive for New York taxpayers. The problem is that we have not seen the full fiscal plan, we have not seen the full budget. All we've heard is from the Governor saying that there will be a \$220 billion budget.

When you look at the fact that our State is the second most indebted state, that we have \$291 billion in total debt, it is deeply disconcerting that we do not have a full picture for everyone to review before voting on this, and it appears we're going to be rolling on to the next Budget Bill, which nobody's seen yet, which is problematic. It is not the way we should be conducting this budget, especially considering that it was a week late.

So I will be voting for this because of the direct relief for New York taxpayers who have been beleaguered for years. We -- we pay the highest taxes in the nation in this State, they deserve a little relief and so I certainly will support that, but the \$220 billion price tag that we're about to see is deeply disconcerting. So with that, I

certainly encourage everybody to support our taxpayers and give them some relief, but we've got a long day ahead of us.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Mrs. Griffin.

MRS. GRIFFIN: Thank you, Mr. Speaker, for allowing me to explain my vote. This bill has impactful tax cuts and credits for families and small businesses. I -- I know these will help my constituents, as well as residents throughout New York State. To name just a few, because there were so many, but the accelerated middle-class cut, the gas tax, child care tax abatement, child care credit, small business tax relief, tax exemption for student loan forgiveness. This is a really nice one for our vets for encouraging businesses a -- a credit to hire vet tax credit, return to work tax credit. So I could go on and on, but to me I think this is a great package offering much needed relief to our families and businesses throughout our State and I am proud to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mrs. Griffin in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. This actually reminds me very fondly of my father who once told me that once you start paying taxes, you're always going to be paying them. And I think there are a lot of New Yorkers who kind of feel that way, and we

understand that, we do, because taxes do pay for services. But this is an opportunity for I think us to really demonstrate this is one New York, because there's not -- probably not a district in our State that will not benefit from the tax cuts that are listed in this piece of legislation, 9009-C. I am very encouraged by it. I know that we have suffered a lot because we've been through a pandemic, people have given up a lot, the children have lost a lot, families have lost a lot, communities have lost a lot.

This piece of legislation I think is the opportunity to return some of what we lost in a small way, but some of what we lost so that we can begin rebuilding in a way that speaks to the fact that we are one New York. So with that, Mr. Speaker, I am pleased to vote in favor of this piece of legislation, and I really want to honor my colleagues and your conversations about this piece of the legislation, as well, those -- both those who are opposed and those who are supporting it. Because at the end of the day, there is something here for all of us in -- no matter what district we represent. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Mr. Goodell for exceptions.

MR. GOODELL: Thank you, Mr. Speaker. Please record the following colleagues in the negative: Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend and Mr. Norris. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Ms. Forrest, Ms. Gallagher, and Ms. Mitaynes in the negative on this one.

ACTING SPEAKER AUBRY: So noted.

MRS. PEOPLES-STOKES: Thank you, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the House is put at Ease.

ACTING SPEAKER AUBRY: The House will stand at ease.

MRS. PEOPLES-STOKES: And I would also announce, although Majority members have already received a friendly text message, we should move immediately towards Hearing Room B for a Speaker's Conference.

ACTING SPEAKER AUBRY: Conference, Hearing Room B for the Majority.

(Whereupon, the House stood at ease.)

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ACTING SPEAKER MCDONALD: The House will come to order.

Ms. Fahy.

MS. FAHY: Mr. Speaker, do we have any further

housekeeping or resolutions?

ACTING SPEAKER MCDONALD: We have no resolutions or housekeeping.

MS. FAHY: Thank you. I now move that the Assembly stand adjourned and that we reconvene at 10 a.m. tomorrow -- or 10 a.m. later this morning, Friday, April 8th being a Session day.

ACTING SPEAKER MCDONALD: The House stands adjourned.

(Whereupon, at 1:31 a.m., the Assembly stood adjourned until Friday, April 8th at 10:00 a.m., Friday being a Session day.)