

FRIDAY, APRIL 8, 2022

12:00 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 Thursday, April 7th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of April -- Thursday, April the 7th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. I want to certainly welcome colleagues and guests in the Chambers. We do have a pretty aggressive schedule ahead of us today, but I want to start with a quote just to kind of put us in a good mood, or the right mood. This one is from Indira Gandhi. She was an Indian politician and a central figure in the Indian National Congress. She's the third Prime Minister of India and also the first, and to date, the only female Prime Minister of India. Her words for us today, "Tolerance and compassion are active, not passive states, born of the capacity to listen, to observe and to respect others." Again, Mr. Speaker, those words are from Indira Gandhi, former Prime Minister of India.

Members, you have on your desk a main Calendar and an A-Calendar. Mr. Speaker, I now move that we advance the A-Calendar and if I can ask the people right here over here just to please, just a little bit quieter. Thank you.

ACTING SPEAKER AUBRY: Members, please remove yourselves from there.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Again, members have on their desks a main Calendar and an A-Calendar. I now move to advance the A-Calendar, Mr. Speaker.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. We will begin our day by taking up the A-Calendar. Members should expect that there will be additional Committee meetings to be called later on today or maybe even this evening, sir. Once again, we expect a busy and productive day, and I want to just thank members and colleagues in advance for your cooperation and your patience as we move forward in adopting our State Budget. It is challenging and sometimes gets a little tense, but I just want to thank people in advance for cooperating as we move through this process. And by the way, we wish it would be a quick process, but sometimes it isn't, Mr. Speaker, and I think we have to be patient with our colleagues to allow them the opportunity to express their thoughts as we move forward in this process. Again, there may be a need for further floor activity other than what's before us now, but for right now that's the general outline of where we're going to go and if there's any housekeeping, now would be the time, and then we will be followed by our Chairperson of the Ways and Means Committee.

ACTING SPEAKER AUBRY: No housekeeping, but introduction from Ms. Jean-Pierre.

MS. JEAN-PIERRE: (Inaudible/mic off) -- skip school to hang with me. During this budget process, family is so important and I'm so happy that my best friend is here to share this

time with me. So Mr. Speaker, if you can give her the cordialities.

ACTING SPEAKER AUBRY: Certainly. On behalf of your mother, the Speaker and all the members, we welcome you here to the New York State Assembly. You are family, the privileges of the floor are always yours. Glad that you could be with your mom in this very long day that we're going to have, as much as you can stand, but remember you're always welcome here and we're always happy to have you.

(Applause)

Page 3, Rules Report No. 72, the Clerk will read.

THE CLERK: Assembly No. A09007-C, Rules Report No. 72, Budget Bill. An act to amend the Public Health Law, in relation to the implementation of the Nurses Across New York (NANY) Program (Part A); intentionally omitted (Part B); to amend the Public Health Law and the Education Law, in relation to allowing pharmacists to direct limited service laboratories and order and administer COVID-19 and influenza tests and modernizing nurse practitioners; to amend the Education Law, in relation to allowing for certain individuals to administer tests to determine the presence of COVID-19 or its antibodies or influenza virus in certain situations; to amend Part D of Chapter 56 of the Laws of 2014, amending the Education Law relating to enacting the "Nurse Practitioners Modernization Act", in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon the expiration thereof (Part C); intentionally omitted (Part D); to amend the Public

Health Law, in relation to increasing general public health work base grants for both full-service and partial-service counties and allow for local health departments to claim up to fifty percent of personnel service costs (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to amend Part H of Chapter 59 of the Laws of 2011, amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates, in relation to the cap on local Medicaid expenditures (Part H); to provide a one percent across the board payment increase to all qualifying fee-for-service Medicaid rates (Part I); to amend the Public Health Law, in relation to extending the statutory requirement to re-weight and rebase acute hospital rates (Part J); to amend the Public Health Law, in relation to the creation of a new Statewide health care facility transformation program (Part K); intentionally omitted (Part L); to amend the Public Health Law, in relation to the definition of revenue in the minimum spending statute for nursing homes and the rates of payment and rates of reimbursement for residential health care facilities, in relation to making a temporary payment to facilities in severe financial distress, and in relation to requiring certain percentages of revenue be spent on direct resident care and resident-facing staffing (Part M); intentionally omitted (Part N); to amend the Social Services Law, in relation to private duty nursing services reimbursement for nurses servicing adult members; to amend the Public Health Law, in relation to rates of payment for continuous nursing services for certain adults; and to amend Part MM of Chapter 56 of the Laws of 2020 directing the

Department of Health to establish or procure the services of an independent panel of clinical professionals and to develop and implement a uniform task-based assessment tool, in relation to directing the Department of Health to develop guidelines and standards for the use of tasking tools (Part O); to amend the Social Services Law and the Public Health Law, in relation to the essential plan and qualified health plans to contract with national cancer institute-designated cancer centers, where such centers agree to certain terms and conditions; and to require the Department of Health to select an independent contractor to generate a report that reviews and makes recommendations concerning the status of services offered by managed care organizations contracting with the State to manage services provided under the Medicaid program (Part P); intentionally omitted (Part Q); to amend the Insurance Law, in relation to requiring private insurance plans to cover abortion services without cost-sharing (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the Public Health Law and the Insurance Law, in relation to reimbursement for commercial and Medicaid services provided via telehealth; and providing for the repeal of such provisions upon the expiration thereof (Part V); to amend the Social Services Law, in relation to eliminating unnecessary requirements from the utilization threshold program (Part W); intentionally omitted (Part X); to amend the Domestic Relations Law, in relation to marriage certificates (Part Y); to amend Chapter 266 of the Laws of 1986 amending the Civil Practice Law and Rules and

other laws relating to malpractice and professional medical conduct, in relation to extending the effectiveness of certain provisions thereof; to amend Part J of Chapter 63 of the Laws of 2001 amending Chapter 266 of the Laws of 1986, amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, relating to the effectiveness of certain provisions of such chapter, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend Part H of Chapter 57 of the Laws of 2017, amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part Z); to amend the Financial Services Law, the Insurance Law and the Public Health Law, in relation to clarifying provisions regarding emergency medical services and surprise bills; and to repeal certain provisions of the Financial Services Law relating thereto (Subpart A); to amend the Insurance Law and the Public Health Law, in relation to the Federal No Surprises Act (Subpart B); and to amend the Insurance Law and the Public Health Law, in relation to administrative simplification (Subpart C) (Part AA); intentionally omitted (Part BB); to amend the Social Services Law, the Executive Law and the Public Health Law, in relation to extending various provisions relating to health and mental hygiene; to amend Part C of Chapter 58 of the Laws of 2009, amending the Public Health Law relating to payment by governmental agencies for general hospital inpatient services, in relation to the effectiveness thereof; to amend

Part E of Chapter 56 of the Laws of 2013, amending the Public Health Law relating to the general public health work program, in relation to the effectiveness thereof; to amend Chapter 474 of the Laws of 1996, amending the Education Law and other laws relating to rates for residential health care facilities, in relation to the effectiveness thereof; to amend Chapter 21 of the Laws of 2011, amending the Education Law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, in relation to the effectiveness thereof; to amend Part II of Chapter 54 of the Laws of 2016, amending Part C of Chapter 58 of the Laws of 2005 relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof, in relation to the effectiveness thereof; to amend Chapter 74 of the Laws of 2020, relating to directing the Department of Health to convene a work group on rare diseases, in relation to the effectiveness thereof; and to amend Chapter 414 of the Laws of 2018, creating the radon task force, in relation to the effectiveness thereof (Part CC); establishing a Cost of Living Adjustment for designated human services programs (Part DD); to amend the Mental Hygiene Law, in relation to a 9-8-8 suicide prevention and behavioral health crisis hotline system (Part EE); to amend the Social Services Law, in relation to reinvesting savings recouped from behavioral health transition into managed care back into behavioral health services (Part FF); to amend Part H of Chapter 57 of the Laws of 2019 amending the Public Health Law relating to

waiver of certain regulations, in relation to the effectiveness thereof (Part GG); intentionally omitted (Part HH); to amend the Mental Hygiene Law, in relation to community residences for addiction (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); to amend Chapter 56 of the Laws of 2013 amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates, in relation to extending government rates for behavioral services and referencing the office of addiction services and supports; to amend Part H of Chapter 111 of the Laws of 2010 relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, in relation to extending government rates for behavioral services referencing the Office of Addiction Services and Supports and in relation to the effectiveness thereof (Part LL); intentionally omitted (Part MM); to amend the Mental Hygiene Law, in relation to rental and mortgage payments for the mentally ill (Part NN); to amend Part L of Chapter 59 of the Laws of 2016, amending the Mental Hygiene Law relating to the appointment of temporary operators for the continued operation of programs and the provision of services for persons with serious mental illness and/or developmental disabilities and/or chemical dependence, in relation to the effectiveness thereof (Part OO); to amend the Social Services Law, in relation to the process for the selection of fiscal intermediary services contractors for the consumer directed personal assistance program; to repeal subdivision 4 and paragraphs (b-2) and (b-3) of subdivision 4-a

of Section 365-f of the Social Services Law relating to certain surveys and to the award of contracts (Part PP); to amend the Social Services Law, Part C of Chapter 57 of the Laws of 2018, amending the Social Services Law and the Public Health Law relating to health homes and penalties for managed care providers, and part MM of Chapter 56 of the Laws of 2020, directing the Department of Health to establish or procure the services of an independent panel of clinical professionals and to develop and implement a uniform task-based assessment tool, in relation to prohibiting the extension of certain contracts (Part QQ); to amend the Tax Law, in relation to the deposit of certain revenues from taxes into the New York State Agency Trust Fund, distressed provider assistance account; to amend Part ZZ of Chapter 56 of the Laws of 2020 amending the Tax Law and the Social Services Law relating to certain Medicaid management, in relation to the effectiveness thereof; and to repeal certain provisions of the Tax Law relating to financially distressed hospitals (Part RR); directing the Department of Health to conduct a study within Kings County to determine ways to improve access to health services and facilities (Part SS); and to amend Part H of Chapter 59 of the Laws of 2011, amending the Public Health Law and other laws, relating to general hospital inpatient reimbursement for annual rates, in relation to supplemental Medicaid managed care payments (Part TT).

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: There is an amendment at the desk. Mr. Manktelow to briefly explain the amendment while the Chair examines it.

Mr. Manktelow.

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

ACTING SPEAKER AUBRY: Explain the amendment, Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. A brief description of the amendment. The bill-in-chief enacts into law major components of legislation which are necessary to implement the Health and Mental Hygiene Budget for the 2022-2023 Fiscal Year. The amendment adds to the bill-in-chief a section that would prevent the use of money appropriated to the Department of Health under the Medical Assistance Program to be used for elective adoptions [sic].

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

Mr. Manktelow on the amendment.

MR. MANKTELOW: Thank you, Mr. Speaker. The bill-in-chief enacts into law many components of legislation which are necessary to implement the Health and Mental Hygiene Budget for the Fiscal Year 2022 and 2023. Both the bill-in-chief and the amendment

make amendments to the Health Law and specifically reference the Medical Assistance Program under the Department of Health, therefore the amendment is germane.

I would like to share a few of my points, Mr. Speaker. As we all know here in New York, we've passed many bills and laws -- bills that come into law about abortions. Roughly, we abort about 100,000 -- or 100,000 little ones every year. Even back in 2017, the number was about 105,000. This is pretty tough for a lot of people, a lot of New Yorkers. We may not always agree on this floor about certain things, but I think at the same time we have to have the understanding that there's no absolute right way or no absolute wrong way.

I have offered this amendment up for a few years in a row, and this amendment, which was referred to as the Butler Amendment, would discontinue taxpayer funding for elective abortions. But the proposed amendment is not without compassion. The amendment would also allow taxpayer funded abortions in three -- three separate situations or circumstances: When a pregnancy is a result of a rape; when the pregnancy is a result of incest; or when the life of the mother is at risk. Let me explain the life of the mother is at risk. That's a decision that should not be made on this floor. That's a decision that should not be made by government. That's a decision that a mother and father should make with their health care provider on whether or not to continue forward or to have the option to abort that child. I cannot imagine having to deal with that, having to take

that and consider those two options.

Just as I'm explaining here today, Mr. Speaker, many New Yorkers believe in pro-life and they have raised the sanctity of life with the advancements in medicine, technology like ultrasound, 3D imaging. There is an undeniable truth a pregnancy in this State of a woman carrying a child within her womb. To ask or insist that New Yorkers who willingly give their hard-earned money to a government look the other way when the use of their money violates their morale and ethical beliefs is not a part of being good government. I have talked to a lot of families over the years about abortion, and many of you know that two of my children are adopted. My daughter, Erika, and my son, David, I spoke about those two on the floor. We were unable to have children. We actually lost two very young ones in the womb, and it took a lot of years for me to get to the point where I was willing to adopt two other -- two other children that were not biologically mine. I have said this before and I'll say it again, I don't know who Erika's mother and father is biologically. I do not know who David's mother and father are biologically as well, but I do know them. I know them through their lives, through what I see in their eyes and for a long time, I never realized that some of the traits that a child can have actually comes from their biological parents. And what I mean by that is they spent no time with their father; they spent nine months with their mother. And I know and believe that everything that they do bad came from the biological parents and not from the adopted parents, I'm just sharing that, I got to get that out

there and make sure we're clear about that.

So I just think, as I have said before, there are so many opportunities for us to adopt children. With all the situations going on in the Ukraine and the many young children there that are left without a mother and a father, there's already organizations that are helping to find families for those little ones. Well, I feel the same way. Here in the United States, here in New York, we should be doing the same thing for those little ones. Let us help that mother make a right decision, let's help that mother allow someone else to love that child. Because talking with mothers and fathers years down the road after an abortion, they really, really struggle with who was that child, what would we have named him or her, and we can do things to alleviate that. As a Christian man, as many of us are Christians here in this Chamber, the only thing that comforts me in all this is that I know some day each and every one of those little ones will be in Heaven. We will see those little ones in Heaven and they will be reunited with their mother and their biological father.

So please, I'm asking you, of all the budget items we have here today and last night, and hopefully not into the middle of the night tonight, can we not do something for some of these families that strongly feel that they do not want to send their taxpayers dollars to New York State and have that used for abortions. We can work together, we can come together across the aisle and make this happen for those individuals and those families that strongly believe in pro-life.

So Mr. Speaker, I just want to urge my colleagues to really think about this. And I know last year when I got done speaking on this, I had a few daggers thrown at me, but you know something? Those daggers are so minuscule, so minute compared to what these little ones had gone through -- through the abortion. I hope and pray that we all see each and every one of those in Heaven when we get there. So again, Mr. Speaker, thank you for the time to explain this and, again, I ask my fellow colleagues who are in the Chamber and out of the Chamber and are at home, please consider this ask and really think about what we can do to lead New York in the United States. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick on the amendment.

MS. GLICK: Thank you, Mr. Speaker. And I want to thank my colleague for what was clearly a very heartfelt and sincere presentation of his perspective and his religious beliefs, but the bill is about health care and abortion is, in fact, health care. And so we provide Medicaid support for a whole range of medical procedures, and that includes abortion. And while there are many people who might not believe in some parts of our budget and don't want their taxpayer dollars going to a particular type of activity, we don't give everybody a menu of, *What do you want to pay for, what don't you want to pay for.*

We have a budget, a health care budget, and it covers all of the medically appropriate health care that people need. And this

is Medicaid so it's people who are poor and frequently young, but not always; in fact, the numbers of abortions have been reduced for teenagers. That's probably the positive result of actually having sex education and availability of contraceptives. More and more people who are actually having abortions are already mothers and they have to decide whether or not they can manage another child when they have already two or three or maybe more. It's a very personal decision. And for people who are religious, they can make that decision not to have an abortion. They have that right. They are free not to have an abortion. But when someone -- a pregnant person is not just a vessel. When somebody has an unexpected, unintended and unwanted pregnancy, pregnancy is not a risk-free condition, by the way. Aside from the fact that it can change many of your activities for an extended number of months, it also has potential health implications for people with certain health conditions.

So this notion that once you're pregnant, your option is mandatory motherhood, mandatory maternity is just wrong. And it is wrong because as Americans, we are not forced to live by other people's religious beliefs. That's a pretty basic tenant. We have, across many years, railed against other societies where their religious beliefs restrict people and we've said, *We don't want that here and we're going to go over and we're going to say you shouldn't have it either.* But when you come home and you say, *Once you're pregnant, that's it, your birth control failed, too bad.*

There was a -- for some people a pregnancy is a

surprise. Sometimes it's a happy surprise. I have known people who have said, *You know, we had an accident, but it's okay, it was a happy accident.* Other people say, *Oh, my goodness, what am I going to do?* And nobody here should say, *This is how you're going to do it.* No one here should be getting involved in somebody else's internal organs and telling them, *This is what's going to happen; you have no choice.* It changes -- it's life-changing, and not always for the better.

Now, somebody who because of their religious beliefs honestly believes that they should not and will not have an abortion. I respect that, totally respect that. And if they choose to struggle and have the child even though it changes their lives dramatically and maybe forces and keeps them in poverty, changes their ability to pursue their dreams, they make that choice, that's fine. But we should not be telling people, *You can't make a choice. You can't make that choice.* You -- if you're pro-life, there's another life and that's the life of the pregnant person. And they have a right to decide whether or not the next several months or years is going to be dramatically different from what they planned.

So with all due respect to my colleagues, I believe that it is important for us to support people in their choices about how they live their lives. And we don't get to pick and choose, none of us. I mean, there's things in the budget I'm not going to be happy about, but I pay my taxes and everybody pays their taxes and they don't get to x-out this one thing; *I don't like that so we're not going to -- or, I don't like this.* We don't give people that menu of 270,000 things and you

get to pick what you're going to put your taxes towards, that's just not how it's done.

So I respect people who don't believe in abortion. Don't have one. But don't tell somebody else that their only option is mandatory maternity. So with all due respect, Mr. Speaker, I am urging my colleagues -- this is an amendment so if you are supporting the right of women to have an abortion and the right for them to have access to the Medicaid dollars that will pay for them to have other medical procedures but not this one, if you support the right to have an abortion, you will be voting no on this amendment. And I urge all of my colleagues to think about whether or not you believe in religious freedom or not and the freedom to be free from somebody else's religious beliefs and that you should not be forced to live your life based on somebody else's religious convictions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. As has been discussed thoughtfully by my last two colleagues on a very contentious issue, there's no doubt that many, many people find the concept of abortion to be morally repugnant. I also understand that many people view abortion as a right. And there's a lot of discussion about whether or not those who believe in life, pro-life are imposing their will on others with this amendment. And I would say there's nothing in this amendment, nothing that would bar a person who

wants to abort their child from doing so. This is not the pro-life movement saying you cannot have an abortion. A lot of people in the pro-life movement would like to say that, but that's not what this amendment says.

What this amendment says is it's inappropriate to ask those who believe in the sanctity of life to use their own money through tax dollars to fund abortions. If others who believe that abortion is the right course to go, this bill allows them to contribute, to set aside funds to help make that a reality. All this amendment says is don't ask those who find abortion to be morally repugnant to contribute their tax dollars to fund this procedure. When we want to respect different religious views and we're not before our own maker, we can respect those religious views by not asking a significant portion of the population to pay for something that violates their religious views, and that's all this amendment says: Don't force those who believe in life to have their tax dollars used to fund a procedure they find morally inconsistent with their religion. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Abinanti on the amendment.

MR. ABINANTI: Thank you, Mr. Speaker. I rise to oppose this amendment. Abortion is legal in New York. It's a right. Medicaid is intended to help the poor and those with disabilities achieve health care that everyone else who has the resources can achieve. Prohibiting the use of Medicaid funding for this purpose discriminates against the poor and those with disabilities. It limits

their rights. I will vote no.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes on the amendment.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to encourage my colleagues to vote against this amendment because actually what this amendment does is it really takes away people's choice. So in other words, if -- if you're a very wealthy person or you're middle-class and you don't necessarily need to have access to Medicaid dollars in order to get health care services, you can use your right and your choice in this State to decide that this is not good for my body, this is not good, the doctor agrees with me, I can do this. But if you're poor, you don't have that choice. This is what this amendment says, and we're not supposed to be a society that picks and chooses who can get access to services. We should allow people to make their own choice and once they have made it, let that choice be the one that we would honor.

And I actually had to do that myself in my life, Mr. Speaker. Some years ago, my now deceased daughter was away at school. She came home pregnant and there were a lot of people in my family who suggested that even though she's 23 at the time, she's old enough and responsible enough to raise a kid, that she should have an abortion. I personally don't believe in abortions. I don't think people should do that, but I'm not going to make that choice for my 23-year-old daughter who is educated and can make the call on her own. And that decision was made in our house at our kitchen table,

sometimes in her bedroom as we cried together, but the decision was a good decision that she finally she decided she was not going to have an abortion. As a result of that night, I have a 24-year-old fabulous grandson.

The point I'm making here is people have choices and you don't have a right to make that choice for them, you don't have the right to make that choice for them, I don't even have the right to make that choice for my daughter. Please, let's not act as if somehow our decision should be everybody's decision. That's not right, that's not fair. This amendment should be voted down immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

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 in favor of this amendment. Those who oppose it can certainly vote no on the floor or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in the

negative on this one. We prefer allowing people to make the decisions in their life on their own and so we're encouraging people to vote no. Clearly, if there are some who would like to vote in the affirmative on this, they should contact the Majority Leader's Office, we'll respect their vote and make sure it's properly recorded.

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

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill.

An explanation is requested, Ms. Weinstein.

(Pause)

MS. WEINSTEIN: Thank you, Mr. Speaker. So very briefly, 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 Health and Mental Health Budget. And there are various -- numerous provisions within this bill, so I'd be happy to respond to specific questions relating to some of these provisions.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

MR. RA: Thank you. So I will start off with, since this is the first budget bill we're taking up today, just for the record, whether we have any overall figures for this budget yet and a financial plan?

MS. WEINSTEIN: We do not yet have that information.

MR. RA: Okay. Thank you. Well, we will look forward to seeing that hopefully later on in the day. So one of the I would say major pieces of -- of this bill is the changes to the Medicaid global cap. My understanding is this bill changes the metric for the Medicaid global cap, so will we see this new cap number in that financial plan when it's put together?

MS. WEINSTEIN: Yes, we will.

MR. RA: Okay. And is the Medicaid funding in this year's budget calculated according to the new formula or will this go into effect at a future date?

MS. WEINSTEIN: It follows the new formula.

MR. RA: And with the other Medicaid initiatives taking place in this budget, is there any concern that the State will exceed the cap?

MS. WEINSTEIN: No, we do not have any concerns in that regard.

MR. RA: Okay. This bill also creates the forth iteration of the Statewide Health Care Facility Transformation Program.

MS. WEINSTEIN: Correct.

MR. RA: And my understanding is there's still unused funds from previous initiatives. So what is the status of funding from the previous rounds of this program?

MS. WEINSTEIN: So it's -- \$208 million is rolled over, which added to this -- added to this appropriation here it would be \$1.6 billion for the Health Care Transformation Act.

MR. RA: Okay. And the legislation allows these funds to be dispersed without a competitive bid, so how are we ensuring a transparent and equitable distribution?

MS. WEINSTEIN: This is similar to all of the prior years where DOH based upon various metrics makes a determination of how to distribute -- how to award the Transformation Act. And so, you know, by doing that it allows some of the smaller -- smaller businesses to be able to access these funds so those who can't afford fancy lobbyists and allows the Health Department to have -- make decisions based on the health of our -- our New Yorkers. And we do -- just to note that we do include, we expand the categories of eligible providers and we increase the amounts allocated for awards for community-based organizations and mental health clinics. So we specifically include those as potential grantees, or required grantees, actually, because we have \$25 million set aside for each of those categories.

MR. RA: Thank you. With regard to the abortion coverage requirement mandate, is this merely a codification of the

current State regulations?

MS. WEINSTEIN: Yes, that is.

MR. RA: Okay. So it's identical to what's been put into regulation.

MS. WEINSTEIN: Correct. The requirement for a rider for a religious organization.

MR. RA: Okay. And then with regard to our State-sponsored health insurance, the Executive budget proposal had some reforms. Are there any reforms in this bill or are we expecting those in a future bill?

MS. WEINSTEIN: Are you talking about the essential --

MR. RA: Yeah, the proposals for expansion of the essential plan.

MS. WEINSTEIN: That'll be in the ELFA bill later today.

MR. RA: So would that include both expansions in eligibility thresholds as well as the postpartum coverage?

MS. WEINSTEIN: It -- we'll have a -- we'll be able to have a fuller discussion on ELFA I think because there are distinctions of different categories of Medicaid versus essential plan.

MR. RA: Okay, thank you. Now, are there any initiatives in this bill that encourage participation in commercial health insurance plans, as we may have people obviously that --

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

MR. RA: I'm sorry?

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

MR. RA: Okay. Do you think that we should consider perhaps some reforms to help transition people from the State's plans to commercial plans? We have had a decline in the number of uninsured New Yorkers, and many may be able to get coverage elsewhere.

MS. WEINSTEIN: Well, I guess the only thing that I would say that sort of touches on your -- your question is the codification of the emergency Executive Order relating to telehealth services and having those be available at the same rate as an in-person visit so that is some additional service that would be covered by private insurers.

MR. RA: Yes. So I know that that piece does require telehealth parity, correct?

MS. WEINSTEIN: Correct.

MR. RA: But there's no facility fee --

MS. WEINSTEIN: Correct.

MR. RA: -- included?

MS. WEINSTEIN: Correct; no clinic fee, correct.

MR. RA: Thank you. Couple other topics, one really somewhat general. You know, obviously we've come through a time where the Department of Health has had a lot of work to do. We've had a change in leadership and there's been some talk about how we prepare for the future when we're dealing with something like -- like

COVID-19. Is there anything included in this bill or in this budget that would require, you know, some type of look-back as to what's gone on in the last two years?

MS. WEINSTEIN: No, there is not.

MR. RA: Okay. And is there anything on the resource side to help prepare for the future, a future pandemic that maybe we will face?

MS. WEINSTEIN: Other than a recurring reappropriation of \$40 million that could be used to help prepare for emergencies, there's no additional appropriation.

MR. RA: Thank you. The distressed provider assistance account, we talked about this yesterday that -- and I just wanted to verify now that we've seen it in bill language, so counties outside of New York City will no longer have their sales tax incepted, correct?

MS. WEINSTEIN: Correct. That -- right.

MR. RA: And then in New York City the funds will go -- the intercept will go from \$200 million to \$150-?

MS. WEINSTEIN: To \$150-, correct.

MR. RA: Okay. So I assume providers in those locales will not, like if you're outside of New York City you won't be eligible for funds that come from this anymore; is that correct, or will they still --

MS. WEINSTEIN: No, no. It's just that every -- every hospital system that was eligible is still eligible. It's just how

that is funded. So it's \$50 million back to the inceptors ended for the out of New York City and it's \$50 million back to the counties.

MR. RA: Okay. So I was going to ask because, I mean, I'm certainly supportive of eliminating that sales tax intercept. So the reason that it was I guess kept that way for New York City is \$50 million was given back on kind of each side of it then.

MS. WEINSTEIN: Yeah; yes.

MR. RA: Okay. Couple of the practice issues. The collaborative agreement with nurse practitioners. The bill allows nurse practitioners with over 3600 hours of practice experience to practice with a collaborative agreement with a physician. I know these types of things, you know, do raise concerns at times with different groups and I'm just wondering how we're ensuring, you know, that this does not have a negative impact on the access and quality of care for the individuals that will be served by -- by these nurse practitioners.

MS. WEINSTEIN: Well, I would say that during the experience so far in the pandemic, the nurse practitioners were extremely helpful and we clearly see a need to expand the number of health care providers that are -- that exist, so it is an attempt to do that. And we'll -- it has just -- it has a two-year sunset so there will be opportunity to ensure that this is something that can work and that we'll be able to provide more health care to New Yorkers throughout the State.

MR. RA: Okay. And then with regard to fiscal

intermediaries.

MS. WEINSTEIN: Yes.

MR. RA: We know this has been going on for a number of years now. The Department of Health has been trying to limit the number of fiscal intermediaries operating in the State to save money on administrative costs associated with -- within the Consumer Directed Personal Assistance Program. Under the language here, how many fiscal intermediaries will get new contracts?

MS. WEINSTEIN: We -- we don't have a number. We know that it will be more than exists -- exists currently. This is something, I think, that we all have recognized the need and have many of our constituents that have -- need that, need that additional -- need that -- having the additional fiscal intermediaries for the DPAP [sic] Program.

MR. RA: Okay. And is it expected there will be any savings within the program from this?

MS. WEINSTEIN: We think it will be a -- the recurring \$25 million savings.

MR. RA: Thank you. Really, I have a few questions about things that we don't see here, maybe some we will see in future bills.

MS. WEINSTEIN: Okay.

MR. RA: The -- first off, obviously, this was one of the really banner pieces of the Governor's proposal, the health care and mental hygiene worker bonuses. We expect to see those in

another bill?

MS. WEINSTEIN: That'll be in ELFA.

MR. RA: Okay. The Interstate Medical Licensure Compact and Nurse Licensure Compact which will allow for expedited procedures and policies for doctors and nurses to obtain a medical license to practice.

MS. WEINSTEIN: It is -- does not exist and we will not be seeing it later today.

MR. RA: Okay. One other piece that I did want to ask about that has come up a number of times, you know, we've gone through the last few years, we've tried to provide assistance to different types of entities and I'm just wondering have we, in this budget, tried to put any money to our ACFs, the ALRs or the ALPs to help them as they recover from COVID?

MS. WEINSTEIN: No. We do not include funding for those purposes.

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

Mr. Speaker, on the bill.

ACTING SPEAKER CAHILL: Mr. Ra on the bill.

MR. RA: Just quickly, you know, we see a lot of things in this bill every year. There are some things, as I said, that are missing. This is the health bill, we prefer to see them in the health bill so we get a complete picture of what we're doing. So I mean, I look forward to seeing what's in ELFA with regard to the health care and mental hygiene worker bonus, with regard to some of those coverage

provisions that I mentioned. And just, you know, lastly on something that, you know, I talked about earlier, there continues to be a need for us to look back and see what happened over the last two years and learn from those lessons. And I know that there's been, I guess, you know, resistance to that within the Executive and within the Department of Health, but I think it's something that's sorely needed to get closure for a lot of families who lost loved ones in our nursing homes. So thank you, Mr. Speaker.

ACTING SPEAKER CAHILL: Thank you, Mr. Ra.
Mr. Byrne.

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

ACTING SPEAKER CAHILL: Will the sponsor yield for questions? Does the Chair yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER CAHILL: That's very kind of you. Yes, Mr. Byrne, the Chair yields.

MR. BYRNE: Thank you, Mr. Speaker; thank you, Madam Chair. Couple good things I just want to confirm that I found in this bill. One, at least in this budget bill, I don't know what's going to happen in the future budget bills, but it seems to protect prescriber prevails and eliminates an effort to scratch something that this Chamber and the other Chamber has long --

MS. WEINSTEIN: Correct. There's -- there is a three-way agreement; it has been rejected.

MR. BYRNE: There was also a provision in the separate proposal from the Executive to provide another 30 day requirement for naloxone and buprenorphine at pharmacies. That also was eliminated, as well?

MS. WEINSTEIN: That -- that has been eliminated.

MR. BYRNE: And we restored the excessive medical malpractice funding for physicians who are forced to (inaudible) with some of the record high medical malpractice costs and insurance.

MS. WEINSTEIN: Correct. Excess insurance. That -- that was the Governor's two-year payment plan was rejected so it was restored to its current system.

MR. BYRNE: Good. Now, I mean I personally would like us to try and address driving down the cost of medical malpractice rather than subsidizing it, but I certainly don't want that to be forced on the back of our medical providers and our physicians. Going back to a question that was asked earlier by my colleague regarding the questions about ending the collaborative agreement that was required with nurse practitioners and a physician.

MS. WEINSTEIN: Yes.

MR. BYRNE: Is it a concern that that also could increase the cost of insurance?

MS. WEINSTEIN: No. We've not heard -- heard that at all.

MR. BYRNE: So that hasn't been studied or

reviewed that by reducing that requirement or eliminating that requirement that it won't have an affect on rising medical malpractice insurance? I think that's a concern that some of us may have, and that change, I think you mentioned it sunset, but I was looking at the bill text and it looks like it eliminates the expiration date. So can you confirm that again? It sounds like this change is more permanent, no?

MS. WEINSTEIN: No. It is -- it is a -- it is a two-year sunset.

MR. BYRNE: It's a two-year sunset?

MS. WEINSTEIN: Correct. What it is I think is the nurse practitioner modernization part is made permanent, but the collaboration agreement is a -- the elimination of that is a two-year sunset.

MR. BYRNE: Okay. Thank you for that clarification, that makes a little bit more sense. Now, is there -- has there been any concerns expressed about training as far as the, you know, the disparity between nurse practitioners and physicians? I know physicians complete four years of medical school plus three to seven years of residency requirements. Has there been any concerns about the disparity between training for physicians and nurse practitioners now that they wouldn't have that requirement?

MS. WEINSTEIN: No, there is not. And just -- I would just say from my own personal experience, I mean, during COVID we were really -- our health care workers were really stretched and with some of the -- some of the health impacts I had as a

result of having COVID, I often was seeing a nurse practitioner and the quality of care was as excellent as by the -- the physician.

MR. BYRNE: Well, as someone who is married to a physician assistant and they have very similar roles, not the same, I'll get in trouble if I say that, but I do agree that nurse practitioners, PAs, are an extremely important part of expanding access to care, but we want to make sure that it's done responsibly, that they have the training that's required that's not going to unnecessarily drive up the cost of medical malpractice insurance, which then, you know, sadly gets either, you know, in New York, subsidized by tax dollars or it could be shifted onto the consumer or the patient, or the -- the provider's business. So those are just some concerns that I and I think some others may have.

Another portion of the bill that I think was good, or I was encouraged by, is we expanded telehealth significantly throughout the pandemic, but you have telehealth parity as far as reimbursements in this legislation; is that correct?

MS. WEINSTEIN: Yes, yes.

MR. BYRNE: And is my understanding that it does not -- it gives some sort of flexibility so the payers are not billed for facility fees if someone's not operating from a facility because they're doing it remotely.

MS. WEINSTEIN: Correct.

MR. BYRNE: All right, that seems to make -- that seems to cut a little bit more of a reasonable compromise to -- to -- to

help incentivize telehealth, but also not, you know, we don't want it to be replacing in-person visits, just to be another tool to expand access to care I think is important.

MS. WEINSTEIN: Correct.

MR. BYRNE: Thank you. Let me just go through some of my other questions. I don't think Mr. Ra asked this, but coming out of the COVID-19 pandemic, I know many of us have voiced the critical need to examine the State's response to the pandemic and prepare for future outbreaks. Is there any legislation within this health budget bill to thoroughly examine our State's pandemic response including the State's roles in issuing mandates, directives directed out of nursing homes?

MS. WEINSTEIN: Nothing that is retrospective, but there are parts of what we're -- we're doing to help address the need for additional resource and expansion of our health network, some of the nursing home retention efforts here, the nurse practitioner that we just discussed, and some other areas, the parity, the expansion of telehealth, all of those add to the ability to expand health care services for our constituents, and even the transformation grants that we talked about for community-based organizations all go to expansion of availability of health care for New Yorkers.

MR. BYRNE: Thank you, Madam Chair. Now, that's largely spending and supporting health care providers and others, different things in this bill and perhaps in other bills, but I also do firmly believe that we have to do an examination of what we did to

learn from our own mistakes as -- as government and as the Department of Health so we don't make the same mistakes that perhaps we made before in an unprecedented pandemic. We want to make sure that we're prepared and move forward.

Now, there is another piece of legislation that was in our one-House resolution that was -- I don't see in this bill. I asked about it in the Committee, it sounds like it's going to be in another bill that we haven't had the ability to read yet, the Adult Cystic Fibrosis Assistance Program; can you just confirm that that is going to be funded in a later budget?

MS. WEINSTEIN: You will see that funding in the appropriation in the local assistance bill, but -- without the legislation, but the appropriation will be there.

MR. BYRNE: Wouldn't it make more sense, not to nitpick, but to have a health funding appropriation and bonuses for health care workers in the health budget bill that we're voting on?

MS. WEINSTEIN: The -- well, first of all, and let me just say that the fact that this is not legislation on and just an appropriation doesn't prohibit us from enacting legislation post-budget to establish that program, the Cystic Fibrosis Program we talked about, but some of these other issues that are not in the health budget that we're -- we'll be seeing in ELFA was really just a function of the timing of negotiations that went down to the wire and the desire to be able to move forward on the majority of the Health/Mental Health Budget and not hold it up and have us stay here any longer than

necessary.

MR. BYRNE: Thank you, Madam Chair. I just, I think there's a lot of, obviously, health care and health care spending is a big portion of our State's budget, I think it would be a good process and policy to have it in our health budget bill. Now, I know this legislation provides some relief to our nursing homes as you mentioned. My understanding is there no financial relief for COVID-related expenses for adult care facilities or assisted living residences; is that correct?

MS. WEINSTEIN: That -- that is correct.

MR. BYRNE: Is there any expectation that that may be coming in a later budget bill?

MS. WEINSTEIN: Let me just -- there is -- there is a \$100 million in value -- excess payments that they may be eligible to apply for.

MR. BYRNE: But nothing that's directed to them in the same fashion that nursing homes are getting relief, there's no formula aid. I know some of our colleagues put in a request to put a formula relief to these facilities across the State. That is not included in this budget?

MS. WEINSTEIN: No. And as you know, those -- particularly the assisted living and some of what we mentioned, well, certainly assisted living are private -- are almost exclusively private pay facilities.

MR. BYRNE: Yes, and there's -- well, we debated

this the other day, there's also for-profit private nursing homes, too.

MS. WEINSTEIN: No, I'm talking about the payor.

MR. BYRNE: Oh, okay.

MS. WEINSTEIN: Right, so Medicaid doesn't pay for services in the assisted living by and large.

MR. BYRNE: I see --

MS. WEINSTEIN: It's very limited.

MR. BYRNE: -- I see what you're saying as far as Medicaid, okay.

You know, Madam Chair, I will speak on the bill --

MS. WEINSTEIN: Sure.

MR. BYRNE: -- if that's okay. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: With my remaining five minutes, I want to thank the Chair for taking the time to answer some of my -- my questions. You know, we're looking at a \$220 billion State Budget, \$221 billion State Budget I think we learned that late last night. Health care spending accounts for a lot of that when we're trying to find ways to control spending, so that's something we want to look at this critically. Obviously there's a lot of good things in this budget bill that we reviewed and my colleagues mentioned earlier, but there are also some problems that I think we highlighted.

And one of them is the need to support our adult care facilities and assisted living residences. You know, I was looking at

some of my notes from earlier. These facilities care for our most vulnerable. Many of us may have patient -- family members, friends. The vast majority of their residents may have multiple co-morbidities. The average age is over 85 years old. These are the people that were most susceptible to COVID-19 throughout the height of the pandemic. They were -- these facilities were subject to numerous unfunded mandates throughout the pandemic. We heard about many stories about people not being able to visit their loved ones not just in nursing homes, but these residents were affected by it, as well, and so was the staff. It's been estimated that there was a loss in revenue for some of these facilities to, as an aggregate, to be close to \$1 billion in lost bed space and residents. These expenses go well beyond PPE and infection control. They should include well-deserved hero pay and monies for additional staff. Just the other month, earlier this year, another adult care facility was forced to close, bringing the total number of ACFs and assisted living residences closures to close to 19 since the beginning of pandemic.

So these people are hurting, too, and the last budget bill that we passed we gave, you know, some well-deserved tax credits and support for our small businesses. We talked about changes in the State Liquor Authority to help people to buy booze to-go. I think when we talk about priority-based budgeting when we budget, our health care heroes who are taking care of our most vulnerable should probably be a greater priority and that they are deserving of assistance just as our other health care providers are, as well, and it's

disappointing to see that that funding is not included in this budget.

I am looking forward to seeing the Adult Cystic Fibrosis Assistance Program in a future budget bill, and look forward to reading that. And I'm encouraged by the Chair's remarks that it doesn't preclude us as a Chamber from bringing back the program language into statute. I think that would be smart public policy so it would prevent, or at least limit and restrict our Governor or future Governor from trying to eliminate that budget in future -- in budget negotiations. That shouldn't be some sort of chip to play as a negotiation or leverage. People that suffer from Cystic Fibrosis have a very serious respiratory illness and when we were at the height of the pandemic, this Legislature gutted and eliminated that program. I think that was absolutely disgusting. I'm glad that we're learning from that and we're bringing it back and the sponsor of the bill that we're bringing it back has led that fight and I'm grateful to see that -- or learn that there will be funding. But again, that should be in this budget bill when we're voting on health policy and health budget; I think that would just be a matter of good public policy.

Again, thank you to the Chair for answering my questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will the Chairwoman yield?

ACTING SPEAKER AUBRY: Ms. Weinstein, will

you yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. JENSEN: Thank you very much, Madam Chair. Just building on one of the answers that you gave to my colleague regarding the ACFs and ALRs, and that they're not qualifying, they're not getting funding in this budget because they don't receive a large portion of Medicaid funding. We've helped out Broadway, we've helped out restaurants, we've helped out private industry tremendously the past two years. Why are these care providers any different? Shouldn't we be giving them assistance for incurred losses because of the pandemic?

MS. WEINSTEIN: That was not something that there was a three-way agreement on.

MR. JENSEN: So there wasn't -- okay. So some ACFs do serve SSI residents who only receive a \$43-a-day reimbursement which would cover maybe two hours of -- of care staff. Isn't that woefully inadequate to help provide and cover the cost of care that they receive?

MS. WEINSTEIN: Well, you know, those are -- I guess the short answer is that those -- that is a Federal issue in terms of the reimbursement rate that comes from SSI recipients from the Federal government.

MR. JENSEN: But as a totality of our budget this

year, we're receiving a large portion of Federal funding, which is how we're able to have \$220 billion budget. So wouldn't it be logical to use some of that Federal funding to make up a shortfall where Federal dollars don't have the intended effect?

MS. WEINSTEIN: I would just say again that this is not something that was negotiated and agreed to.

MR. JENSEN: Okay. I mean, I certainly think -- and I understand that and I can respect that, I certainly think it may have been a poor choice, whichever party was the one who didn't agree on that to neglect these care providers as part of the health care budgeting process.

Moving to more long-term care, probably my favorite topic, certainly a 1 percent increase in Medicaid is nice, but isn't it only a drop in the bucket to what the care -- the cost of care actually is in reimbursements for Medicaid funding?

MS. WEINSTEIN: Well, you have to also include the 1.5 percent restoration that was cut back.

MR. JENSEN: So for --

MS. WEINSTEIN: So in reality, it's 2.5 percent over, you know, the prior -- prior year.

MR. JENSEN: So does that 2.5 take them to 100 percent?

MS. WEINSTEIN: No.

MR. JENSEN: I know the answer is no, I was being a little --

MS. WEINSTEIN: No, but it keeps moving up; it moves it up.

MR. JENSEN: Okay. In this budget whether it's in this bill or a subsequent budget piece of legislation, is there any State funding to help with long-term care costs to comply with new -- with reforms from this year and last year and new standards?

MS. WEINSTEIN: You're talking about the -- in terms of nursing homes?

MR. JENSEN: Yes, ma'am.

MS. WEINSTEIN: So what we -- in this bill what we do is we readjust the items that are to be included in determining the 70 percent funding for patient care. So we exclude certain items that were brought to our attention that couldn't be converted to patient care such as taxes and capital costs, and -- and FEMA funding.

MR. JENSEN: I think that's a nice first step, but I think, you know, from what I'm hearing from the folks in my community and Statewide is that with the safe staffing mandate that's been put in place and a severe nurse staffing shortage, there are some concerns about being able to afford that workforce now. Is there any funding in this -- in this bill or to come that helps with -- with assisting the increasing costs of labor?

MS. WEINSTEIN: Well, first I would say that the elimination of some of these items from the -- that the 70 percent is calculated against was at the request from the nursing homes. So that part, there is \$62 million for new money in this budget to assist with

some of those underlying costs. And there's still \$32 million left from last year that's being reappropriated.

MR. JENSEN: So \$64 million that we allocated last year is being reallocated; so it was never dispersed from last year's budget?

MS. WEINSTEIN: The problem was that though we included it in last year's budget, it was only ten days ago that it was implemented. So we have the \$32 million and then \$62- to help address the coming up with the -- the transition into the 70 percent, the 70/30 percent of patient -- the 70 percent of patient care.

MR. JENSEN: Okay. So we're directing that money to help with incurred costs, staffing included, but with the underlying problem is that we have a severe lack of nursing staff available, RNs, LPNs, CNAs, and aides and ACFs and ALRs.

MS. WEINSTEIN: Well, if we do it -- I think you'll hear when we do the Higher Ed Budget that we do have funding for increase in scholarships for -- for nurses and other efforts to increase the number of nurses in our State.

MR. JENSEN: And certainly I will applaud those efforts, but scholarships and educational initiatives are great, but they aren't immediate. They take time. They're in a four-year degree, if they have to get a graduate degree that's longer, but we have a shortage now and we can't rely on the National Guard to be frontline care providers until those folks graduate. So if we have a health care shortage today, why are we not joining the Interstate Nursing

Licensure Compact to make it easier to have nurses who already are licensed to be working in our acute care settings, our long-term care settings, our assisted care settings, and every health care entity?

MS. WEINSTEIN: First, I would say that we will be talking about those health care workforce bonuses in ELFA, so that will address a little bit of what you raise, but in terms of joining the Compact, there was concern that some of the other states don't have the same kind of rigorous requirements that we do and we did not want to expose our New Yorkers to inferior care.

MR. JENSEN: But -- and I can respect that, but didn't our Governor want to bring in nurses from other countries, from -- and was there no talk about their qualifications when we were tracking nurses from outside this country, but we have a concern with nurses from within our own country?

MS. WEINSTEIN: Well, during that time that you're discussing, there was a -- we were in the middle of a medical emergency for our -- for New Yorkers, so there was a lessening of the standards in order to have some amount of health care. In particular, the education requirements of a BA in New York State for --

MR. JENSEN: Well, I would say we're still in that emergency -- I'm sorry, Chairwoman.

MS. WEINSTEIN: I was just going to say that the BA, the education requirements in New York State are more stringent than outside of the State.

MR. JENSEN: I mean, I would say we're still in that

emergency setting. We have emergency rooms where patients are being boarded in the hallways because they can't get hospital beds, they can't be referred to another -- another care provider. So I would say we're still in a health care emergency and if it was good then, why isn't it good now to make it an easier process? It just seems like the logic isn't consistent, which we should be advocating for consistency in -- especially in health care.

MS. WEINSTEIN: You know, but again, that -- that was a temporary situation. It still is hopefully just a temporary situation and join the Compact would be a more permanent extension.

MR. JENSEN: Okay. Getting to the -- the Medicaid global cap extension metric change.

MS. WEINSTEIN: Yes.

MR. JENSEN: Is there any concern that -- that with this change in how we're calculating the rolling average that we're essentially going to be backing into the grove and making the cap meet our spending rather than our spending meeting the cap?

MS. WEINSTEIN: No. It was clear that we were -- that health care costs were always exceeding the -- the Medicaid global cap that was put in place, so -- and it didn't include utilization and it was a ten year cap so this goes to be a -- now -- the metric now lumps it to a five year rolling average and we base it on the -- the spending projections used by the National Health Expenditure Accounts, and we expand, also -- or we do expand some reporting requirements and we think that this will be a more accurate metric of

medical expenditures.

MR. JENSEN: Well, I think it will certainly be a more accurate assessment of what we want to spend the money on regardless as if there wasn't a cap. We're essentially saying, *We're going to spend this number and make sure our cap hits that number*, rather than say the cap is here and let's make sure we're funding it at a level that is appropriate. But I think this talks into a larger issue that we have with Medicaid is that from when the program was initially created and put in place, we far exceeded that. And it seems like every time we take up a piece of legislation in the Health Committee, we're adding something else that is covered by Medicaid. Which we do some important things, they certainly should be priorities, but it seems like we're getting further and further away. And for the State with the largest Medicaid responsibility in the country, I think it's around 40 percent of our budget, it will be interesting to see in this year's financial plan what that percentage is, we're spending that much, you know, the largest percentage of our budget on this one item and it doesn't actually cover the true cost of care.

So why in this budget, especially in the Article VII language, are we not doing something to make the program more effective and more efficient in hopes that we're maybe not duplicating services, that we're covering the cost of care, and that New Yorkers are actually getting the care that their money is paying for?

MS. WEINSTEIN: Well, we are the -- I just note that we are the second highest number of State -- second highest number

of Medicaid recipients and we want to make sure that we can provide health care for our -- for all New Yorkers.

MR. JENSEN: And we certainly --

MS. WEINSTEIN: And we also, you know, I did mention that we have expanded reporting requirements and we do have a study on the managed care programs that will be forthcoming shortly.

MR. JENSEN: And I understand that, and I think we want to make sure that people are able to get medical coverage when they need it regardless of income, regardless of their financial situation, but would you say that maybe it's time that we -- we look at a redesign of the redesign that our previous Governor took us down? Because if we're not covering the cost of care, the fact that we're having to change what the cap is, that maybe we have to reexamine if this program really works and is it worth going back to the drawing board, that important things that need to be covered that are a priority can actually be covered. Because a lot of providers, they're not getting reimbursed in an appropriate rate and I would argue that the way Medicaid is structured today, it does not provide adequate care or cost coverage for patients and providers. So we're essentially putting more money after that into a program that is inherently flawed because we've -- we've just pushed it so far away from what it was intended for when it was created.

MS. WEINSTEIN: You know, I would just say it's -- the last time, or I don't know if it was the last time, but the MRT came

up with limiting the number of financial intermediaries with the Consumer Directed Care that we all see the impact of cutting a program like cutting funding for a program like that, and I think we all recognize that to some extent that was designed to limit the number of people participating. So we want to -- we have a lot of Medicaid recipients, 1.5 million people in -- added since -- since the pandemic started. We have a lot of -- we talked about long-term care, we have a very large number of elderly individuals in our -- in our State that are on Medicaid. They have -- those have increased Medicaid dollar requirements -- requirements that provide that health care. So you know, there are -- there is a reason why our Medicaid spending is at the level that it is and --

MR. JENSEN: Madam Chair, I do have five seconds left --

MS. WEINSTEIN: Sure, sure.

MR. JENSEN: -- I want to say something nice about this budget to end. I am very excited that the \$200 million is in there for the modernization of our emergency departments. Certainly I know in our region that that's a tremendous need and I do thank -- thank you for making that a priority in this budget. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler.

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

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LAWLER: Thank you, Madam Chair. I'd like to focus in on something a little bit local. Montefiore Nyack Hospital in Rockland County is a safety net hospital, and so they have received funding from the Department of Health since 2014. Originally it was under the interim Access Insurance Funding Program, which has since transitioned to the Vital Access Insurance Program, VAPAP [sic]. In order to qualify, they need to have less than 15 days cash on hand and they also need to meet certain metrics. So they need to have at least 30 percent of its inpatient discharges made up of Medicaid eligible individuals, they need to have at least 35 percent of its outpatient visits made up of Medicaid eligible individuals, and they need to serve at least 30 percent of residents of the county or multi-county area who are Medicaid eligible. Last year, they received about \$15.4 million through the Value-Based Payment Quality Incentive Program, VBP QIP. And they received about \$1.9 million in special safety net funding from the Department of Health.

As I understand it, the -- they have received notice that the VBP QIP program is ending as of the last fiscal year, March 31st, 2022. There is deep concern that as a result in which they received \$15.4 million from that program last year, that they are going to be in a cash shortfall well in excess of the \$15.4 million of funding that had previously been approved. There's been changes in Federal guidance and so New York State now is creating a direct payment

program which is requiring 36 percent Medicaid share. Montefiore Nyack is above that for the outpatient. They are seemingly a little below that for the inpatient. And so my question is what are we doing in this budget to help ensure that safety net hospitals are not going to be penalized by the elimination of this program but, in fact, are going to be made whole because obviously this is a critical hospital for Rockland County and the region.

MS. WEINSTEIN: Certainly, and you correctly describe what happened. I would just say that part of the reason why they're no longer eligible is the funding was largely from the Federal government and the criteria has -- from CMS has -- has changed, the DPT requirement. So we recognize this and I think the hospital, Nyack Hospital as well as the other hospitals, there are eight in our State that are -- that were -- are currently receiving the VBT QIP funding, but now are ineligible for the DPT program. So they -- there is in this budget \$800 million for safety net hospitals and it's funding that Nyack Hospital, as well as the other seven in our State that are now excluded from the program will be eligible to apply for subsidies.

MR. LAWLER: So they -- they will be applying for the \$800 million, or at least a portion of it.

MS. WEINSTEIN: Right.

MR. LAWLER: We would certainly accept the \$800 million on their behalf, but --

MS. WEINSTEIN: But I think some of those others won't be happy about that.

MR. LAWLER: Yes. The portion of it, will they made be whole based on prior year funding?

MS. WEINSTEIN: My understanding is that DOH is working -- the funding will go through DOH and my understanding is the DOH is well aware of the situation, is working with the hospitals and to try and ensure that they do not suffer because of the change of -- of criteria.

MR. LAWLER: And I believe Nyack had -- Montefiore Nyack has made DOH aware of obviously their concerns, but also, you know, they are really looking for in the range of \$25- to \$30 million to help keep the hospital, you know, providing the quality level of care that they do. I think the big concern obviously is, you know, under -- under the current program they have less than 15 days cash on hand and so, you know, not having access to these -- these funds in a timely manner could create a problem. How -- how quickly will this \$800 million pot go into effect, and how quickly can they expect access to it?

MS. WEINSTEIN: So they do meet with these hospitals, DOH meets with the hospitals every two weeks so there is a payment that would take -- that I believe will take them through April, and then this new funding stream, once it's enacted into law, will become available.

MR. LAWLER: Okay. So they'll be taken through April, but you anticipate that DOH will get this online pretty quickly?

MS. WEINSTEIN: Yes, yes. Nyack isn't the only

one keeping their phones busy.

MR. LAWLER: All right, terrific. Moving -- moving on to the 5.4 percent COLA.

MS. WEINSTEIN: Yes.

MR. LAWLER: In our one-House budget I believe we recommended an 11 percent COLA?

MS. WEINSTEIN: Eleven, yes.

MR. LAWLER: How did we end up back at the Governor's 5.4 percent COLA in her Executive Budget?

MS. WEINSTEIN: Based on the negotiations, we did try to get closer to our number, but this is where we finally landed on the COLA.

MR. LAWLER: Was there any discussions about maybe taking a more regional approach with respect to the COLA? For instance, you know, being in Rockland County we have a very high cost of -- of living. We pay the second highest property taxes in the country and certainly, you know, our -- our employees, as we saw with minimum wage where we took a, you know, more regional approach because of the high cost of living, was there any discussion on trying to adjust based on -- on region?

MS. WEINSTEIN: So -- no. I do know that, you know, what you're saying about the cost of living in Nyack, but we want to have a fair distribution throughout the State and, quite frankly, I think the New York City -- if we did cost of living basis, New York City might eat up all of this, all of this money so it's a fair way, but I

would point out when we discuss -- later when we do ELFA and discuss bonuses, many of these people are also eligible --

MR. LAWLER: Eligible for that.

MS. WEINSTEIN: -- will be eligible on -- in that area so we'll have a -- we can have a more thorough discussion then.

MR. LAWLER: Okay. That's all for me. Thank you, Madam Chair.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. If the sponsor would yield for some questions on the Health and Mental --

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. WALCZYK: There were some reforms in managed care in Part B in this bill. The Senate I know in their one-House did some pharmacy access protections under Medicaid managed care; the Assembly in their one-House didn't. I was just wondering if you could let the Chamber know what this bill does for -- for pharmacies in regards to Medicaid managed care?

MS. WEINSTEIN: There is nothing here in the final budget.

MR. WALCZYK: Okay. I'm sorry to hear that. Next question, EMS is grossly under reimbursed for Medicaid, and in rural areas really struggling. Does this increase reimbursement for

Emergency Medical Services?

MS. WEINSTEIN: Right. I thought we took care of some of those issues yesterday in the PPGG budget regarding the ambulances -- the reimbursement and the fire districts.

MR. WALCZYK: Fee for service for fire districts and volunteer ambulances is a little bit different than what I'm asking about here. I'm asking about Medicaid reimbursements for Emergency Medical Service providers.

MS. WEINSTEIN: Nothing beyond the 2.5 percent increase that -- overall for -- for Medicaid.

MR. WALCZYK: Okay. And as you probably know, through you, Mr. Speaker, as you probably know, Madam Chair, recruiting and retaining EMTs and paramedics has been a real problem that rural EMS is trying to solve right now. Does this health budget do anything to help in recruitment and retention -- retention of EMTs and paramedics?

MS. WEINSTEIN: No, it does not.

MR. WALCZYK: Distressed hospital sales tax intercept. I noticed there were some changes here over last year's budget. This will continue to help New York City hospitals, but eliminates the rest of the New York --

MS. WEINSTEIN: No, it's really the opposite. The distressed hospitals funding still exists, but the counties no longer have the \$50 million intercept. New York City will need to still have \$150 million intercept that will go to distressed hospitals.

MR. WALCZYK: And those distressed hospitals can be in areas outside of New York City?

MS. WEINSTEIN: It has nothing to do with the distribution of the funds, it's only how those funds were -- how that -- the funds were collected.

MR. WALCZYK: Are we going to --

MS. WEINSTEIN: So it's \$50 million for counties -- additional sales tax for counties outside of New York City is spent.

MR. WALCZYK: And through you, Mr. Speaker, are we going to address who is eligible for that -- for that distressed hospital fund in a later bill?

MS. WEINSTEIN: The distribution was done in the fall and it was any hospital that was over 36 percent Medicaid was eligible.

MR. WALCZYK: Okay, thank you. And the Governor's Budget raised the Medicaid global cap from 2.9 to 4.7. What are we doing here in -- in this health bill?

MS. WEINSTEIN: This is still the same number that the Governor presented.

MR. WALCZYK: 4.7 percent?

MS. WEINSTEIN: So yes, \$21.5 billion which was a 4.7 percent.

MR. WALCZYK: Okay, great. Thanks, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: So rural hospitals have -- with a high Medicaid mix are dealing with a terrible combination of things right now, still reeling from the pandemic, paying crazy amount of money for traveling nurses, are facing serious staff shortages across the board, some upwards of 20 percent in staff shortages right now. Reimbursement rates from the State and from the Federal government obviously aren't meeting inflation and certainly aren't meeting the cost problems that they have right now. This budget that's presented here today simply does not provide enough for rural hospitals to survive.

It also doesn't provide enough to give any kind of light at the end of the tunnel for rural ambulances, rural nursing homes, rural dental care, rural pharmacies, all of which are in crisis, and we've probably heard about it. Rural health care is bleeding and this Health Budget is doing nothing more than providing a temporary Band-Aid in only a few areas of health care. There are no great solutions to show, but if you think about where we have been over the last couple of years, think about preventative medicine. We actually shut down gyms, many of which are permanently closed, and we're not doing anything in this budget to help them get back on their feet. We even took up a bill to make sure that those Medicaid recipients can use their SNAP benefits to buy fast food, which wouldn't be considered good preventative medicine I think by most standards. There's nothing to address the staff shortages and crisis there, there's nothing on preventative medicine, and as some of my colleagues

pointed out, there's not even anything serious put into what lessons did we learn from this pandemic so that we don't produce them once more if there's another one.

Having no light at the end of the tunnel, especially for rural health care and all the ways that -- or, and all the areas that I pointed out, Mr. Speaker, I will be a no on this -- on this budget bill vote and I would encourage my colleagues to vote against it as well.

ACTING SPEAKER AUBRY: Thank you.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. Will the sponsor yield for a couple questions, please?

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WEINSTEIN: Yes.

MR. KIM: Chairwoman, can we just go over the nursing home reforms quickly that's in the bill? What are we -- what are we doing prospectively?

MS. WEINSTEIN: I'm sorry, Ron, could you just --

MR. KIM: The nursing home reforms.

MS. WEINSTEIN: Right, what are we doing for --

MR. KIM: Yeah, what's -- what's in those reforms or just the top line.

MS. WEINSTEIN: I think some of what I had described that we're excluding funding received from FEMA grants; we are, in terms of the calculation of the 70 percent, we're requiring

DOH to publish the criteria; we're authorizing enforcement of directed care spending and requirements on a prorated basis.

MR. KIM: Okay. All right, thank you, Chairwoman. And I just want to clarify, there's no effort in this budget to look back the last two years to review the March 25th, 2020 order or the near blanket legal immunity on the impact of the policies that it had on the residents in nursing homes, correct?

MS. WEINSTEIN: Correct.

MR. KIM: And we've had -- the Executive had introduced something about managed care organizations in the original proposal. That's no longer part of this budget, correct?

MS. WEINSTEIN: We are doing a study.

MR. KIM: Oh, we're doing a study?

MS. WEINSTEIN: Yes, there will be a study.

MR. KIM: Okay. So is this study going to evaluate the cost-effectiveness of MCOs versus other models, or what kind of a study?

MS. WEINSTEIN: Yes; yes, it will.

MR. KIM: Okay. Chairwoman, I don't know if you noticed, but I did send out a memo about the March 1st privately arbitrated settlement with 1199 largest health care organization that includes 125,000 home care workers that found 42 home care agencies guilty of wage theft. Are there anything in this budget or any of our budget bills to help rectify the \$6 billion of lost wages for home care workers, or any -- any effort to have some conversations in

addressing this crisis for these workers?

MS. WEINSTEIN: The litigation I think is with the Department of Labor, so there's nothing in the bill to the extent that talking about -- well, not related to hours, not wages, correct, that's what I believe. So you know, there, you know, I think that in some instances there were some settlement with some of the organizations that I'm aware of, but we do not address that issue in the budget.

MR. KIM: Yeah, I mean this was forced class arbitration and although the verdict is correct, the remedy was woefully low where some of my constituents are getting less than .05 percent under the settlement of hundreds of thousands of dollars that they're owed, and I hope that we can come back, and it's a complicated topic, I recognize that, but I hope we can come back and try to focus on this moving forward.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. KIM: I fully support the fair pay for all home health care workers, not just Medicaid-reimbursed workers covered under the Wage Parity Act for home care workers, and the need to raise wages for all workers on the home care industry; however, we're facing ten years of a broken system where so many of these agencies were put in a position where they had no choice but to commit wage theft, massive wage theft because of how our system was designed and how we wouldn't reimburse certain hours past 40 hours of work; anything that goes beyond 11 hours of a 24-hour shift was covered by

the agency, not Medicaid. So consequently we're talking about so many hours of lost work and back wages, and predominantly of women of color, mostly Asian, Hispanic home care workers who were left on the sidelines throughout this ordeal. And I hope -- it is my hope that instead of just focusing on perspective solutions, we can retroactively go back and work on these complicated problems because if we do not, we are underwriting the entire home care industry off of racist outcomes that have disparate impacts on women of color and immigrant women that have put in their lives and savings to this space.

I have had a constituent, a home care worker who recently died after fighting for ten years to get her settlement, and one of her final text messages to some of the organizers was if they were able to settle her back wages. These are heartbreaking stories. There was another Korean-American home care worker who was saved during a hate crime attack in Queens, and everybody came to her help and they wanted her to go see a doctor, take some time off, and she couldn't do it. She just had to say, *I have to go back to work because I can't miss a paycheck*. These are the stories of so many of immigrant workers that are in a broken system and it's up to us. No one else will address this and I hope this Body will take it seriously moving forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the

Chairwoman yield?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. REILLY: Thank you, Ms. Weinstein. In talking about the health care workers that were working during the pandemic, is there any funding allocated for mental health services for those workers that may have -- have some trauma that -- due to their -- their work experience?

MS. WEINSTEIN: Nothing specifically in this budget.

MR. REILLY: Okay. Next I know that you mentioned earlier that the health care and mental hygiene worker bonus will be in another bill?

MS. WEINSTEIN: Correct.

MR. REILLY: For those that are going to be eligible for that, will they have to be currently employed, or would the workers who actually worked during that pandemic but were terminated due to the Governor's Executive Order, would they --

MS. WEINSTEIN: Why don't we talk about that when we have the ELFA bill before us, I think, because the bill is not yet printed so I don't want to misspeak.

MR. REILLY: Okay. So were there -- is there -- do we have a framework that -- because if it was discussed under this bill

and it's going to be moved over to another --

MS. WEINSTEIN: Right, we'll have a full discussion of that when we have the ELFA bill before us.

MR. REILLY: Okay. So just to be clear, there's no -- there's no mental health funding for support for the medical --

MS. WEINSTEIN: Not -- not specifically. There -- one of the things we do in the -- not related to that population, one of the things we do is to develop a 9-8-8 hotline in the State to be staffed by mental health professionals so, you know, that is something that's available and I would think a number of the -- just the health care parity which not only -- which also covers mental health would be something that they could take advantage of.

MR. REILLY: Okay. I know in this bill that we actually are giving, I believe it's not omitted yet, but they're going to, in this budget, will allocate funding for fringe benefits for health care workers; is that accurate?

MS. WEINSTEIN: It's not for the health care workers themselves, it relates to certain facilities.

MR. REILLY: Will those facilities be able to claim the fringe benefits that were issued to the health care workers that were terminated based on the Governor's Executive Order mandating COVID-19 vaccinations?

MS. WEINSTEIN: No, it doesn't. I don't believe it covers that population you're discussing.

MR. REILLY: Okay. I'll pick up on the earlier

question when we hit ELFA. Thank you.

MS. WEINSTEIN: Okay.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Byrnes.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. BYRNES: Thank you, ma'am. This will be relatively short. You indicated through other questioning that it would take awhile, or acknowledged it would take awhile through scholarships for nurses, for nurse students in order to have them actively working in the health profession in New York State. If I remember correctly, I think it takes four to six years potentially to fully train a nurse; would that be accurate?

MS. WEINSTEIN: We do have a BA requirement for a -- for a nurse.

MS. BYRNES: Okay. And you were concerned about any potential utilization of the Interstate Compact to bring nurses or other health care professions in from other states because you were concerned that the qualifications in other states weren't -- or were not as good as the qualification requirements in New York State, correct? You didn't want -- for lack of a better expression, you didn't want to *dummy down* the profession.

MS. WEINSTEIN: Correct.

MS. BYRNES: Okay. My question then is there anything in this bill or any of the coming bills where we have New York State qualified nurses who quit or were forced to quit jobs or were terminated from jobs, but these are New York State ready-to-go highest level of qualified nurses, is there anything in your bills or coming up that would allow them to reenter the workforce in our State in order to take care of this horrible shortage of nursing staff?

MS. WEINSTEIN: I think that's a question more appropriately directed to the Executive. Are you talking about people who were unvaccinated and, therefore, cannot --

MS. BYRNES: Correct. So they were either forced to resign to keep their licenses or were terminated solely because lack of vaccination. But these people are New York State certified, qualified, as you said, that notch above the other states. Is anything being done now that the pandemic is winding its way down, to reintroduce our own qualified workers into our workforce where we need them so desperately?

MS. WEINSTEIN: As long as that requirement remains which was put in place for a very good reason, as some -- to not expose New Yorkers who are -- to COVID and the ramifications of that, and as someone who suffered from long COVID after having COVID, I fully appreciate the Governor's desire to protect New Yorkers from being exposed to COVID.

MS. BYRNES: So we would rather have a deficient

workforce than qualified nurses for that one reason alone; would that be correct, ma'am?

MS. WEINSTEIN: I would tell you independent of my role here, I have read, because of my having gotten COVID very early, I have read more scientific journals and articles and, quite frankly, I -- it's beyond my imagination why anyone would refuse to get a vaccination, but I think the protection of New Yorkers is the Governor's concern and as long as that exists, it's an Executive Order and we don't address it in this bill.

MS. BYRNES: Thank you.

ACTING SPEAKER AUBRY: Mr. Durso.

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

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. DURSO: Thank you, Ms. Weinstein. I'll be brief, I promise. It was mentioned earlier today and many of my colleagues on both sides of the aisle have been calling for a thorough investigation and review of the State's pandemic response, including its policies that affected our nursing homes, such as on March 25th the mandate that forced COVID-19 patients into nursing homes. The DOH Commissioner earlier this year stated that she did not want to unravel the past, but we must learn from the past to do better moving forward. So my question to you is why do you feel that there's no investigation into the nursing home deaths included in this budget?

MS. WEINSTEIN: Yeah, I -- I think there's an independent review that I think the Federal government may be still studying or -- not just New York, but just throughout the country what -- what happened with so many deaths in nursing homes and, you know, I think there's no reason for a -- there's nothing in this bill that addresses that.

MR. DURSO: No, I understand that there's nothing in this bill that address it, I'm just asking you why -- your thoughts through negotiations that would probably fit into this portion of the budget, why you feel or what were any thoughts that came out of it --

MS. WEINSTEIN: It was -- it was not part of the negotiations of the -- in this budget.

MR. DURSO: So you're just saying that there was -- it wasn't part of the negotiations, that's why it's not in the budget.

MS. WEINSTEIN: Correct.

MR. DURSO: Okay. There was 15,000 seniors died in our nursing homes, over 1,000 directly correlated to the March 25th directive according to the Empire State. Do you feel that that justifies an investigation?

MS. WEINSTEIN: I have -- I am here -- we are here to enact the budget. My personal opinion is not relevant to enacting the Health Budget.

MR. DURSO: Okay. Thank you, Chairwoman.

On the -- on the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DURSO: So just quickly stated, I mean we had over 15,000 of our seniors die in nursing homes this -- during the pandemic, the March 25th order that put COVID-positive patients into our nursing homes at a time when, understood that we didn't know all the facts, but we did know that sick patients shouldn't be forced into the nursing homes to put our seniors at risk. There has been no investigation up to this point. In regards to that, I mean, we have book deals that have gone on and, you know, judiciary issues in regards to the past Governor. But there's really been no investigation put into place and -- and that's a shame. I feel that that could have fit directly into this portion of the budget.

I -- I think it's also sad that the people who wrote this bill and the Majority in their discussions did not want to put this investigation in, but found time to put it in a, you know, a political witch hunt into Nassau County politics. That was really important to get into yesterday's budget, but today's budget when it comes to find out why so many of our seniors died in the nursing homes, that wasn't important enough. I just want everybody in this Chamber and our taxpayers to understand where we all stand on these issues. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Woerner.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WOERNER: Thank you very much, Chairwoman. The Part B, the telehealth payment parity provision in this bill.

MS. WEINSTEIN: Yes.

MS. WOERNER: Okay. So there's a section at the -- towards the end that speaks to a report that has to be prepared by the Commissioner of Public -- the Commissioner of Health and the Department of Financial Services relating to utilization and the impact of payment parity. And my question for you is, does the bill speak to where that data has to originate? Is it the providers themselves or the payers who have to provide that data?

MS. WEINSTEIN: Well, the reporting -- the reporting requirements for the study include a minimum information regarding the use of telehealth services broken down by Social Service district or county, age, gender, patients, procedure codes, diagnosis codes, it go -- goes on. And the services used such as primary care, behavioral mental health care, the number of telehealth visits by provider types, that information is going to be going to DOH.

MS. WOERNER: So it would make sense that the payers --

MS. WEINSTEIN: Yes.

MS. WOERNER: -- would be providing that

information to the Department as opposed to the individual providers.

MS. WEINSTEIN: Yes, it would be from the insurers, yes, from the managed care --

MS. WOERNER: Terrific.

So Mr. Speaker, on the bill.

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

MS. WOERNER: Throughout the pandemic, telehealth was the lifeline for providing health care for many of our communities, and one of my colleagues earlier spoke about the need for improved access to health care in rural communities and certainly throughout the pandemic, we -- we recognized how important telehealth is to be providing critical health care for not just primary care, but chronic care and certainly mental health care to communities that are unserved or underserved from the medical community.

This payment parity provision that we've included in the budget is very critical to ensure that now that we are coming out of the pandemic that those services continue to be offered by providers and that there is no financial disincentive to offer telehealth as an option, as it is medically advised based on standard practice for services to be provided via telehealth. The fact that we are constraining it to two years, doing a study to really evaluate the efficacy of this I think is very smart and balanced approach, and I thank my colleagues and the Speaker for including this in -- in this particular section of the budget. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. This is, for me, budget number 52 that I've worked on through nine Governors. This is the 35th budget I have worked on as Health Committee Chair, through six Governors. Almost all of those previous budgets had some pretty bad things in them that we had to fight against. I remember one health budget in particular where the Governor had proposed about \$1 billion in cuts to the Medicaid program, and I remember how embarrassed I felt when it was all done that people in health care were thanking me because we were able to bargain it down to half a billion dollars in Medicaid cuts.

The budget that Governor Hochul submitted, at least in the health area that I'm most familiar with, is far and away the best health budget that I have ever seen, of the -- certainly of the 35 that I've worked on as health -- as Health Chair; the best. There is almost nothing that she submitted that I and many others felt was bad in the budget and that -- and that needed to be removed. Certainly it did not achieve perfection. I think we've made this budget a lot better. Far from perfect, but a lot better.

Now, there are things in this budget that I and a large number of my colleagues I'm certain are disappointed about, even angry about. Some of these things we will hear more about from many of our colleagues when we are debating the ELFA bill on the topic of compensation for home care workers, the topic of health coverage for people whose immigration status is keeping them from --

from health coverage today. What's in the budget in the ELFA bill is better than -- than it started, but far from what many of us wanted.

Another area that I find extremely disappointing in the budget is the lack of any increase in funding for -- or payment rates for the Early Intervention program, a program that has been mistreated in budgets for as far as back as I can remember. But, you know, this would have been a much better budget if the Federal government had been able to enact the Build Back Better legislation, certainly; that would have given New York State a lot more resources to put into health care. But I think it's important that we all understand that in a lot of areas in this budget that we're disappointed about, we've taken first steps and we should certainly look upon them as first steps. And while I will not be here in the Legislature next year, hopefully almost all of you will be, these are first steps that -- that New York should build on and -- and will have the opportunity to build on.

But in the meantime, as disappointing as it may be on some points, I believe that this is the best health budget that I've ever seen, and my recollections go back more than half a century. And if that isn't worth voting for, I don't know what is. Thank you.

ACTING SPEAKER MCDONALD: Mr. Goodell.

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

ACTING SPEAKER MCDONALD: Will the sponsor yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER MCDONALD: The sponsor yields.

MR. GOODELL: Thank you very much. I had some questions on Part R which, as I understand it, would require every policy that provides health insurance in New York State with some exceptions to provide coverage for abortions --

MS. WEINSTEIN: Correct.

MR. GOODELL: -- without any coinsurance, copayments or deductibles.

MS. WEINSTEIN: Correct. If -- if they provide coverage for maternity -- provide maternity coverage, yes.

MR. GOODELL: So as all of us know, most of our insurance has copays and deductibles. I -- I take prescription medication, for example, for glaucoma and every time I pick it up there's a copay or a deductible. Why is it that we have copays and deductibles for hundreds of procedures, but not this particular one?

MS. WEINSTEIN: Well, I -- first I would say that there are other -- there are other procedures, certainly exams that are covered that -- that -- that do not have copays either, screenings, but this is often an emergency procedure and people would not necessarily have the funding to be able to pay a copay.

MR. GOODELL: Am I correct that there are deductibles that are allowed for maternity coverage?

MS. WEINSTEIN: Yes.

MR. GOODELL: So why do we have deductibles for maternity coverage and live births, but no deductible or copays to terminate life?

MS. WEINSTEIN: Right. This is -- this is part of the ACA Preventative [sic] Care Program.

MR. GOODELL: Well, looking at the ACA Preventive Care Program, as you know back in 2014 in Burwell v. Hobby Lobby Stores, the U.S. Supreme Court held that as -- certainly as applied to closely-held for-profit corporations, mandatory abortion-type coverage or contraceptive coverage that violated religious beliefs also violated the Federal Religious Freedoms Restoration Act. Doesn't that fall exactly within the same category?

MS. WEINSTEIN: Well, this, and I know you read the bill, Mr. Goodell, this -- you would -- you know that this bill specifically excludes religious providers from requiring them to provide this -- this coverage, though it does require a separate rider for the individual employee.

MR. GOODELL: You're correct, I have read the bill and I agree with you that it excludes religious employers, but Burwell v. Hobby Lobby Stores related to a closely-held for-profit corporation. Am I correct that a closely-held for-profit corporation within the scope of the Supreme Court decision does not fall within the scope of a religious employer under our law?

MS. WEINSTEIN: I would think it probably doesn't, but I don't know that it's been adjudicated.

MR. GOODELL: Well -- well, as you know there are four criterias to meet our religious employer criteria, right? And one of those four criteria is specifically that it has to be a non-profit corporation. So by definition, our exemption for religious employers would not apply to a for-profit corporation, any for-profit corporation, correct?

MS. WEINSTEIN: May -- maybe my Insurance
Chair counsel --

MR. GOODELL: Well, if --

MS. WEINSTEIN: -- responds.

MR. GOODELL: As you know, the definition of a religious employer is cross referenced from the other section --

MS. WEINSTEIN: Correct.

MR. GOODELL: -- of the Health Law.

MS. WEINSTEIN: That's -- that's correct.

MR. GOODELL: And there are four criteria for that definition. One of the four is it must be a non-profit, so -- and you had to meet all four. So clearly if you were a closely-held for-profit, you wouldn't fall within the scope of that definition, correct?

MS. WEINSTEIN: So -- yes, I believe you're correct.

MR. GOODELL: Now, of course the other thing you would have to do with in order to fall within our very narrow definition of religious employee is that you would serve primarily persons who shared the religious tenets of the entity. Now, of course, if you go to a Catholic hospital, they don't ask you what your religious

affiliation is when you walk through the front door, correct? They serve everyone.

MS. WEINSTEIN: Yes, I would assume so.

MR. GOODELL: In fact, they're required by our law to serve everyone, correct?

MS. WEINSTEIN: Right.

MR. GOODELL: And so because we, by law, requires all -- all -- require all Catholic hospitals to serve everyone, am I correct that Catholic hospitals would not qualify as religious employers?

MS. WEINSTEIN: I -- I would just say that we are basically expanding. I know this doesn't address the question of the Catholic hospital, but we do already have the requirement for medically necessary abortions in our State and this would merely extend that -- that provision.

MR. GOODELL: And I appreciate that, but we also agree, right, that medically necessary abortions, that requirement in New York State law does not apply to Catholic hospitals, correct? There's no statutory or legal requirement that Catholic hospitals perform abortions, correct?

MS. WEINSTEIN: Correct.

MR. GOODELL: And so, one of the other criteria in order to qualify as a religious employer is that you primarily employ persons who share the same religious beliefs, that's also a criteria that doesn't apply or is not met by Catholic hospitals, correct? I mean,

they --

MS. WEINSTEIN: That I -- that I do not know.

MR. GOODELL: I mean they, if you've got an RN, if you're an RN, if you're a skilled physician, they'll hire you, correct?

MS. WEINSTEIN: I don't know.

MR. GOODELL: I see.

MS. WEINSTEIN: I have no independent knowledge, sir, about that.

MR. GOODELL: What is the cost of the statutory requirement that would require abortion coverage without any deductibles, coinsurance or copayments? What is the annual cost?

MS. WEINSTEIN: We --we don't believe there's an additional annual cost.

MR. GOODELL: Since you believe there's no additional cost, is it accurate to state then that we will not see any appropriation bill either submitted by the Governor or submitted by the Legislature that relates to this particular provision?

MS. WEINSTEIN: Correct.

MR. GOODELL: So if there's no appropriation bill that relates to this provision, and I understand this is an Article VII language, then how do we comply with the New York State Constitution that provides, and I quote, "No provision shall be embraced in an appropriation bill submitted by the Governor or in a supplemental -" apporportion - "appropriation bill unless it relates specifically to some particular appropriation in the bill, and such

provision shall be limited in its operation to such appropriation."

Doesn't that seem pretty clear that if there's no appropriation and if this language has to be limited to the appropriation, this language is unconstitutional, null and void?

MS. WEINSTEIN: Well, I -- I think we have a difference of opinion on that.

MR. GOODELL: Okay. What is your opinion on that language?

MS. WEINSTEIN: That it's not in violation of that section that you read.

MR. GOODELL: Well, we -- we both agree, right, that there's no provision embraced in -- there's no appropriation that relates to this, correct? You said that earlier.

MS. WEINSTEIN: Correct.

MR. GOODELL: And -- and we're clear that the Constitution says no provision shall be embraced in an appropriation bill unless it relates to an appropriation, correct? We agree that's what Article VII, Section 6 actually states, correct?

MS. WEINSTEIN: You know, I -- I don't think it's a unique situation with this language. I mean this -- this relates to DFS's regulation of the insurance companies and --

MR. GOODELL: Well, of course this -- this language that I'm quoting --

MS. WEINSTEIN: Right.

MR. GOODELL: -- and we all agree what the

language says, I mean, it's not like I have an out-of-date provision of the Constitution which, by the way, this particular section has been around since 1938, and -- and, indeed, I would agree with you that we might be able to take up this language in a separate bill outside the appropriation process because the restrictions that I cited only relate to Article VII bills that are budget bills. But we're clear there is no appropriation and we're clear this is an Article VII bill, not a standalone bill.

MS. WEINSTEIN: Here I -- I would just say that there are other places where we have other issues that don't include funding, also, so...

MR. GOODELL: I would agree. So surely, though, our position is not because we violate the Constitution elsewhere we can violate it here as well, right? I mean, that's not really what we're arguing here.

MS. WEINSTEIN: Well, I -- I think I would need to review some of the -- that Constitutional provision, case law and that before I could give you a, you know, a more direct answer.

MR. GOODELL: And I appreciate that. And, indeed, I should be absolutely clear, I appreciate the fact that you stand up here in front of us defending a bill in this case that's almost 80 pages long, and we ask you detailed questions that we've been thinking about and you do a phenomenal job and we appreciate your efforts to answer those questions. So thank you very much.

MS. WEINSTEIN: Sure. Thank you, Mr. Goodell.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: I -- I do, indeed, appreciate the honesty and -- and the intelligence and the thoughtfulness of my colleague, and I agree with her. There is no appropriation whatsoever in this budget or in any budget bill that we are contemplating that relates to this provision, which is why this provision should not be in a budget bill. And there's very clear public policy reasons why budget bills should be limited to the budget, and that is because a budget covers a lot of different subjects and you don't want to take a provision that may be unconstitutional on its face or unconstitutional as applied or highly controversial and then stick it in a budget with a whole bunch of other good things that legislators might want to support, forcing legislators to vote in favor of a provision they hate or against budget provisions they might love. And this rationale is not a new one, it's been around since 1938.

And I'm very pleased that in many situations the Majority has intentionally removed non-budgetary issues from the budget because they don't belong there but, at the same time, we take a highly controversial provision that requires closely-held corporations that may have very strong religious beliefs to use their money if they're buying health insurance to pay for abortion coverage with no copays and no deductibles, even though we have copays and deductibles for maternity care and live births and thousands of other

life-saving procedures. So why is it we're so focused on having copays and deductibles and second opinions on life-saving procedures, but are so determined to force everyone to carry insurance with no copays and no deductibles for life-ending procedures? It's a wrong perspective, it's a wrong direction, and it's wrong under the State Constitution and it's wrong under the Federal Constitution, and it violates the Religious Freedom Act on the Federal level and it should not be adopted or included in this budget proposal. Thank you, sir.

ACTING SPEAKER MCDONALD: Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. I'd just like to address a few of the insurance issues that came up here today, and we'll start with the most controversial and that's the excess medical malpractice supplement that New York State provides. And of course I'm joking, that's the least controversial. It has been talked about as -- as possibly encouraging higher costs for -- for health care. Certainly the cost of health care is -- is -- is partially determined by the cost of medical malpractice insurance, but the providers, by and large, receive our excess medical malpractice assistance. Our providers who are working with a very high risk population, oftentimes in our emergency rooms, oftentimes in primary care, in clinics that serve our impoverished communities, and without the -- the supplement that we provide for excess medical malpractice insurance, it's entirely possible that those individual doctors would not be allowed -- would not be able to practice in those areas.

So yes, we're covering a high risk population and --

and without that coverage, we would be leaving those doctors and their patients without the protection that they need. It is a very important piece of legislation that we've -- we've approved every single year. I am very grateful to the -- to the Speaker and our team for pushing back on the possibility of splitting those payments over the course of two years instead of one, because that alone would have caused some of those doctors who are serving those most in need to not be able to -- to obtain that insurance, and it would have also created some great risks of -- of the liability involved because of the lack of the resources that the insurance companies would receive at a time when they were asked to being -- paying out claims.

Let's transition to telehealth and telemedicine. There is no question about it that telehealth was a great boon to us when doctors' offices were closed, when we were told to stay away from hospitals, but our need for health care didn't disappear. It was a unique circumstance for people in most of New York State to have to seek medical attention by telephone or video device. It was unique, but it was also heaven-sent. At the time, people who were not able to get telehealth health care would have had no health care at all. But we are returning back to normal, and in returning back to normal we should return as much of our health care back to normal, too. We should not encourage people to seek telehealth when an in-person visit is the appropriate means of delivering that health care. We should not discourage people from seeking telehealth when that is the appropriate modality for the delivery of health care.

But we don't have that information here in New York because we are relatively new to the pervasive use of telehealth in the State of New York. So let's do a study. Let's find out. And I would possibly distinguish my remarks from that of the Chair of the Ways and Means Committee in response to a question by a colleague and point out that, indeed, providers may be required to send in information about how they are treating their patients; in fact, I want to know that and that's one of the reasons why I insisted on a study. I want to know if doctors are telling patients that they can't come into their offices but, instead, can only get a telehealth appointment when the patient themselves want to have -- wants to have an in-person visit. We need to know that. We need to know are people being billed inappropriately for multiple visits where before they might have been billed for one. There's a lot we need to know and we need to know before we change health care.

I believe that as much as a savings and a blessing that telehealth was to us during the pandemic, it provides an equal possibility of a threat to the continued existence of community-based health care as we know it in this State. And we have to make sure that doesn't happen. And that's why we put a two-year limit on it and that's why we're going to study it, and that's why when we study it we're going to ask everybody to give us all relevant data so we can know what -- what it's all about.

No facility fees. If there's no facility, maybe there shouldn't be a facility fee. If they had to develop, for example, as

many Article 28s did, even more facilities, maybe they should be able to charge more for that purpose. But let's find out. Let's -- let's do the study and find out.

The last thing I want to mention here today is -- is the question about requiring insurance companies to provide coverage for abortion services. Much has been made of the fact that it does not specifically track certain court cases involving other states and other employers. It is totally within the authority of New York State to require this coverage as it is required in this part of the Budget. It is also appropriate that it's in the budget. To say there is no fiscal impact associated with the provision of these services is to ignore the fact that these services have to be paid for and that the alternative to these services is sometimes an unwanted pregnancy, sometimes a birth of a child that might not be -- be able to sustain themselves and require the assistance of the State of New York. So there's a terrific and important fiscal impact. We are insurers of hundreds of thousands of people on the commercial side. We determine the commercial insurance for many not-for-profits that depend upon us for resources. So the fiscal impact of this section is untold, but it's large.

The next question was about coinsurance and copayments. There are many, many aspects of insurance for which we do not require the consumer, the patient, to make a copayment. And that decision is made very specifically and very carefully in each and every circumstance. Sometimes we think of a screening which may be very expensive and the copayment for that screening would be

astronomically high. We require under the law that there be no coinsurance charge, no copayment by the subscriber, by the patient, by the customer. There are instances where we believe as a matter of public policy we should not have coinsurance, copayments, deductibles and so forth because it's a policy we support, and we want to make sure that nobody is discouraged from seeking a service because of cost.

Now, people may not agree that this is a service that they want to provide ready access to, to those folks who decide that they need this service. But that's a matter of personal opinion. The good news here is I don't -- I will never need this service, and neither will any of the other men in this room. But there are women and there are women throughout society that may need this service and they should never be blocked because they can't afford it. They should only make that decision based upon their own factors, factors within their own hearts and minds.

So the fiscal impact here is -- is clear. It's -- it's undeniable. The legality of this provision is entirely consistent with the authority of New York State, and the sense of it is one that is the common will of the majority of this House, the majority of this Legislature, and I believe a majority of the people in this State. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ashby.

MR. ASHBY: 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. ASHBY: Thank you, Madam Chair. The questions that I have have to do with retention of the workforce. And I know that we've been over it a little bit, but what in this bill or in future bills that we may see could address the rate of burnout that we've seen throughout health care? Not just specific to nursing, I know that we've taken up bills recently, this Session, and -- addressing potential nursing shortages, but other allied health professions, as well?

MS. WEINSTEIN: So I do think that most of it will be in the -- most of the funding to address retention issues will be as we talk about bonuses in the future -- in the future bill that we'll be seeing. We did talk about the 5.4 percent COLA for human service workers that are in this legislation, and there's a \$9 million appropriation for mental health and psychiatric nurses and psychiatrists within this -- the bill that we're discussing now.

MR. ASHBY: Is there anything in the future bills I assume that you're talking about that addresses things other than a pay increase or a bonus? Because sometimes, I mean, that certainly helps, but there are other things that can help the workforce, especially those

that have been working throughout -- throughout the pandemic and providing certain services, mental health services I know that this discussion or similar questions had occurred previously, but has there been any thought into that?

MS. WEINSTEIN: Well, I believe that when we get to the appropriation bill they'll be able to see some funding for Nurses Across America or Doctors Across America funding so we could -- when that bill's before us I could more accurately give you some -- some figures on that.

MR. ASHBY: And so are you suggesting that this would allow clinicians a little more freedom of movement coming into the State to provide services?

MS. WEINSTEIN: No. What I discussed was loan -- has to do with loan repayment to encourage people to stay here. We're not, as I think I discussed with several members, we are not participating -- joining any interstate compact.

MR. ASHBY: So there's no -- there's no language in any of the bills that would address an agreement for a licensure compact that would allow nurses or any other allied health professionals to practice in -- in the State?

MS. WEINSTEIN: No, I -- I don't believe so.

MR. ASHBY: Is there any -- is there any language in this bill or in future bills that would provide mental health services for nurses or any other allied health professionals that have been practicing throughout the pandemic?

MS. WEINSTEIN: Not -- not specifically, other than what I just mentioned about the psychiatric nurses.

MR. ASHBY: I --

MS. WEINSTEIN: And psychiatrists.

MR. ASHBY: Do we think that this is a missed opportunity here? I -- I say this and I ask this question because there are a lot of -- there are a lot of nurses, there are a lot of clinicians that have been practicing throughout the pandemic that have left the profession because they were burned out, and when they leave they take with them that breadth of experience. And I know that we focused a lot on bringing new -- a new crop of talent in, whether it's students, whether it's -- it's people from other fields, you know, to join this field, but we're losing a wide breadth of our experience in these clinical areas, and I'm wondering if this is a missed opportunity for this Body.

MS. WEINSTEIN: Well, we did have a \$50 million appropriation in last year's budget that I believe is -- is still being -- will be reappropriated and any funding that -- that would provide crisis intervention support.

MR. ASHBY: So that crisis intervention support would be applicable to all health care workers across the State of New York?

MS. WEINSTEIN: It's not limited to health care workers, but they would be able to take advantage of it. And also, I previously mentioned the -- the 9-8-8 crisis prevention behavioral --

MR. ASHBY: So that --

MS. WEINSTEIN: -- health crisis line that would be set up that they would also be able to...

MR. ASHBY: It fits well from the previous speaker when we were talking about listening to the advantages of telehealth and then also in-person services, as well. And the reason that I bring that up is because I think the -- the hotline is a -- is a great advantage, but I think our health care workers, in particular, could very much benefit from peer-to-peer counseling that we've seen -- that have been offered for our veterans and -- and other populations and, in fact, there is a bill that exists that would provide such services and could be modeled as a pilot program to be started in individual parts of the State and then augmented, and it would cost very little in comparison to a \$221 billion budget. Is this -- is this something that you see as a possibility as potential beneficial -- potential benefit possibly in the future?

MS. WEINSTEIN: That's not something that we include here, but certainly we could always consider suggestions for how to improve the delivery of services.

MR. ASHBY: Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ASHBY: There are tremendous benefits to this -- to this bill, but, you know, through -- through the discussion that we've had so far, we're really missing an opportunity here to give back

to the clinicians that have put in so much over the last couple of years during this pandemic. And when we watch them go, we don't just watch them leave the job, right? We watch all of their experience go with them. And people talk about the pandemic whether it's over, whether it's not, we're going to find out just how valuable those clinicians and their experiences are when they're no longer there for us. And what are we doing in New York State to help keep them there? What are we doing for the new crop of clinicians coming in the next time they confront a pandemic or need mental health help to keep them in the job and continue to rely on their experience.

Mr. Speaker, this is a missed opportunity for us and I -- and I strongly encourage my colleagues on both sides of the aisle to -- to rethink this and hopefully we will see legislation soon come to the floor addressing this need. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9007-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 budget bill. Those who

support it are certainly encouraged to vote in favor on the floor, or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in -- generally in favor of this piece of legislation; however, there may be a few that would choose to be an exception. If so, they should feel free to contact the Majority Leader's Office, we'll be happy to make sure that their vote is properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker, to explain my vote. As we know, all of these bills have good things and not so great things about them. I was really hoping that I would be able to support this bill because there are definitely key parts of it that I do support. I -- I think that the telehealth piece is important. I think that the change in scope of practice for nurse practitioners is something that I support. My sister's a nurse practitioner. I think that the OPWDD rate restoration is critically important, and I do obviously support the human services COLA, although at 5.4 percent I don't believe it is completely adequate; I think that I preferred the one-House budget proposal. But I do understand that there needs to be compromise and, of course, I'm not in that room and neither are

really most any of you, but that there has to be some compromises that are reached, but I don't think 5.4 percent even approaches enough of a COLA for these folks.

But the real reason why I cannot support this bill was really so ably debated by my colleague to my right who is not sitting there right now, Mr. Goodell, and that has to do with Part R having to do with the insurance abortion coverage requirements. When I first took a look at that section, I was encouraged by the idea that there was a carveout or an exemption from coverage for religious employers who have employees that share the religious tenets of their employer, and then it had an annual certification process. I thought, well that's good, there's a -- there's a carveout. That's a -- that's a positive thing. But then when you actually drill down and you take a look at what religious employers, air quotes, means and how it's defined, it is extraordinarily limited. So I will be in the negative, thank you.

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for a moment to interrupt our proceedings to -- for an introduction. We have been joined in the Chamber by a former Assemblymember from -- from the 77th Assembly District in the Bronx, Vanessa Gibson, who is now the first woman and the first

African-American to ever serve as the Bronx Borough President. So Mr. Speaker, if you could welcome this young lady back to our Chambers and give her the cordialities of the floor, I would greatly appreciate it. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker who, of course, considers you the favorite of borough presidents, all the members, myself, it is so good to have you back, Vanessa. You are family, the floor is always open to you, we're always so happy to see you and you can do -- continue the great work you're doing in representing the Bronx and making sure that that borough rises up as much and as far as it can. Thank you so very much.

(Applause)

Page 6, Rules Report No. 73, the Clerk will read.

THE CLERK: Assembly No. A09008-C, Rules Report No. 73, Budget Bill. An act intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend part I of Chapter 413 of the Laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Montgomery County to such District (Part E); to amend the Public Authorities Law, in relation to the electronic submission and public posting of bids for New York State Thruway Authority construction, reconstruction and improvement contracts (Part F); intentionally omitted (Part G); to

amend the Public Authorities Law, in relation to increasing the statutory threshold for mandatory use of design-build by the Metropolitan Transportation Authority (Part H); to amend the Public Authorities Law, in relation to procurements conducted by the Metropolitan Transportation Authority and the New York City Transit Authority (Part I); to amend part PP of Chapter 54 of the Laws of 2016 amending the General Municipal Law relating to the New York Transit Authority and the Metropolitan Transportation Authority, in relation to extending authorization for tax increment financing for the Metropolitan Transportation Authority (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend Chapter 751 of the Laws of 2005, amending the Insurance Law and the Vehicle and Traffic Law relating to establishing the accident prevention course Internet technology pilot program, in relation to the effectiveness thereof (Part O); to amend part U1 of Chapter 62 of the Laws of 2003, amending the Vehicle and Traffic Law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of Chapter 84 of the Laws of 2002, amending the State Finance Law relating to the costs of the Department of Motor Vehicles, in relation to the effectiveness thereof (Part P); to amend the Correction Law, in relation to establishing an identification card program; and to amend the Vehicle and Traffic Law, in relation to waiving non-driver identification application fees for incarcerated individuals (Part Q); to amend the Civil Rights Law,

in relation to requiring all State agencies to update all applicable forms and data systems to include a gender "x" option (Part R); to amend the Public Officers Law, in relation to authorizing the disclosure of records for the Public Service Loan Forgiveness Program (Part S); to amend the Insurance Law, in relation to the pilot program for entertainment industry employees and the pilot program for displaced workers, and to amend Chapter 495 of the Laws of 2004, amending the Insurance Law and the Public Health Law relating to the New York State Health Insurance Continuation Assistance Demonstration Project, in relation to the effectiveness thereof (Part T); to amend the General Municipal Law, in relation to Brownfield opportunity areas (Part U); intentionally omitted (Part V); intentionally omitted (Part W); in relation to authorizing certain health care professionals licensed to practice in other jurisdictions to practice in this State in connection with the Winter World University Games; and providing for the repeal of such provisions upon expiration thereof (Part X); to amend Chapter 393 of the Laws of 1994 amending the New York State Urban Development Corporation Act relating to the powers of the New York State Urban Development Corporation to make loans, in relation to extending loan powers (Part Y); to amend the Urban Development Corporation Act, in relation to extending the authority of the New York State Urban Development Corporation to administer the Empire State Economic Development Fund (Part Z); to amend the Infrastructure Investment Act, in relation to requiring project labor agreements when undertaking certain authorized

projects, and in relation to the effectiveness thereof; and to amend Chapter 749 of the Laws of 2019 authorizing, for certain public works undertaken pursuant to project labor agreements, use of the alternative delivery method known as design-build contracts, in relation to the definition of authorized entity, and in relation to the effectiveness thereof (Part AA); to amend the State Finance Law, in relation to the Excelsior Linked Deposit Program (Part BB); to amend the New York State Urban Development Corporation Act, in relation to creating the Small Business Seed Funding Grant Program (Part CC); to amend Chapter 584 of the Laws of 2011, amending the Public Authorities Law relating to the powers and duties of the Dormitory Authority of the State of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); to amend the State Finance Law and the Public Authorities Law, in relation to the Cannabis Social Equity Fund (Part II); to repeal certain provisions of the Highway Law and Transportation Corporations Law, relating to fiber optic cable (Part JJ); to amend the Environmental Conservation Law, in relation to removing a program cap and allowing funding of the solid waste mitigation program's inactive landfill initiative (Part KK); to amend the Environmental Conservation Law and the Tax Law, in relation to eligibility for participation in the Brownfield cleanup program, assignment of the Brownfield redevelopment tax credits and Brownfield opportunity

areas; and to amend part H of Chapter 1 of the Laws of 2003, amending the Tax Law relating to Brownfield redevelopment tax credits, remediated Brownfield credit for real property taxes for qualified sites and environmental remediation insurance credits, in relation to the effectiveness thereof (Part LL); to amend the Environmental Conservation Law, in relation to extending the waste tire management fee and conforming the applicable administrative provisions to article 28 of the Tax Law (Part MM); to amend part TT of Chapter 59 of the Laws of 2021 authorizing the creation of State debt in the amount of three billion dollars, in relation to creating the Environmental Bond Act of 2022 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2022, in relation to creating the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 (Part NN); to amend the Environmental Conservation Law, the State Finance Law, and part UU of Chapter 59 of the Laws of 2021 amending the Environmental Conservation Law and the State Finance Law relating to the implementation of the Environmental Bond Act of 2022 "restore mother nature," in relation to renaming such act the "clean water, clean air, and green jobs environmental bond act of 2022" (Part OO); to amend the Tax Law, in relation to increasing the transfer amount from the real estate transfer tax to the Environmental

Protection Fund (Part PP); to amend the Environmental Conservation Law, in relation to freshwater wetlands; and to repeal certain provisions of such law relating thereto (Part QQ); intentionally omitted (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to amend the Environmental Conservation Law, in relation to the Water Pollution Control Revolving Fund (Part UU); intentionally omitted (Part VV); to amend the Vehicle and Traffic Law and the State Finance Law, in relation to the vessel surcharge; and to repeal certain provisions of the State Finance Law relating thereto (Part WW); to amend the Environmental Conservation Law and the Real Property Tax Law, in relation to river regulating district payment of taxes on lands owned by the State (Part XX); to amend the Parks, Recreation and Historic Preservation Law, in relation to the powers, functions and duties of the State Council of Parks, Recreation and Historic Preservation and the regional park, recreation and historic preservation commissions; and to repeal certain provisions of such law relating thereto (Part YY); intentionally omitted (Part ZZ); to authorize the Energy Research and Development Authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the Department of Environmental Conservation and the Department of Agriculture and Markets' Fuel NY program, from an assessment on gas and electric corporations (Part AAA); to authorize utility and cable television assessments that provide funds to the Department of Health from cable television assessment revenues and

to the Department of Agriculture and Markets, Department of Environmental Conservation, Department of State, and the Office of Parks, Recreation and Historic Preservation from utility assessment revenues; and providing for the repeal of such provisions upon the expiration thereof (Part BBB); intentionally omitted (Part CCC); intentionally omitted (Part DDD); intentionally omitted (Part EEE); to amend the Public Authorities Law, in relation to authorizing the Power Authority of the State of New York to enter into agreements with State instrumentalities and municipal entities for the use of excess capacity in its broadband technologies and infrastructure (Part FFF); to amend the Vehicle and Traffic Law, in relation to establishing the commercial driver's license (CDL) class A young adult training program; and to repeal subdivision 36 of Section 14 of the Transportation Law relating thereto (Part GGG); to amend the Urban Development Corporation Act, in relation to expanding the Restore New York's Communities Initiative (Part HHH); to amend the Financial Services Law, in relation to requiring assessments to defray operating expenses on persons regulated by the Department of Financial Services that engage in virtual currency business activity (Part III); to amend the Tax Law, in relation to requiring the Department of Taxation and Finance contract with an economic impact firm for the purposes of conducting an independent, comprehensive, analysis of each tax credit, tax deduction, and tax incentive (Part JJJ); to amend the Environmental Conservation Law, in relation to enhancing the State's flood mitigation and coastal

resiliency activities (Part KKK); to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to publish certain data relating to capital programs on the Authority's website (Part LLL); to amend the New York State Urban Development Corporation Act, the General Municipal Law and the Labor Law, in relation to enacting the "working to implement reliable and equitable deployment of broadband act (WIRED broadband act)" (Part MMM); and to amend Chapter 174 of the Laws of 1968, constituting the New York State Urban Development Corporation Act, the Economic Development Law, and the Public Authorities Law, in relation to the reporting of economic development benefits and establishing a searchable State subsidy and aggregate economic development benefits database (Part NNN).

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

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

MR. RA: Explanation, please.

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

MS. WEINSTEIN: Very briefly, as I -- as I did with prior bill, this bill would enact major law components of legislation that are necessary to implement the State Fiscal Year 2022-'23 Budget as it pertains to Transportation, Environment, and Economic

Development Budget. There are many provisions in the bill, so rather than go through many of them I think it would be best to respond to members' questions.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. So I guess I'm going to go in order of the way we title this bill, the TED bill, Transportation, Economic Development and Environmental Conservation, and start off with some questions on the transportation end.

MS. WEINSTEIN: Sure.

MR. RA: One of the proposals in the Governor's Executive Budget was to increase the CHIPS bidding threshold. I see that's omitted. Is that out of the budget or is there any chance we'd see that still?

MS. WEINSTEIN: It -- it is omitted.

MR. RA: Okay. Is -- do you have any sense of why we wouldn't be enacting that?

MS. WEINSTEIN: It -- certainly we can take -- continue to take up post-budget.

MR. RA: I -- I understand. The reason I think that it's important, as we know the cost of a lot of items has gone up. Paving contracts alone have increased, sometimes 50 percent for the

same contract. So as a result, you know, jobs that would cover a certain area now may be over that threshold and it causes delays for municipalities in -- in acting on these projects. Do we have any idea, you know, within this program, the CHIPS program, how -- how many projects fall below that -- that bidding threshold historically and -- and whether that has decreased?

MS. WEINSTEIN: Well, we did -- I couldn't tell you the number of projects that fall within that, but as you may know, we did increase the competitive bid contract number to 350 last year. So we -- we don't really have the new date on -- on where projects land.

MR. RA: Okay. So as you know, you know, the vast majority of the CHIPS funding is utilized for -- for pavement and last year during the two weeks preceding the adoption of the State Budget, the average crude oil prices were \$63 point -- \$63.13 per barrel. Over the last two reporting periods prior to today, that average price per barrel is up at \$106.86. So are you aware of how much an increase in oil prices affect asphalt prices?

MS. WEINSTEIN: No, no I'm -- I'm not.

MR. RA: So an average of 0.7 percent is increased for every 1 percent increase in oil prices. So I do think this is an issue that we need to continue to look at in light of these increased costs to make sure that municipalities aren't having less and less projects that fall within that -- that bidding threshold.

MS. WEINSTEIN: As I said, Mr. Ra, we can certainly look at this post-budget.

MR. RA: Good, and I hope -- I hope we do. One of the other transportation pieces was the Highway Safety SLOW Act, which had provisions to deter parkway bridge strikes, and this is omitted from the final budget. So, A, we don't expect to see that anywhere, correct?

MS. WEINSTEIN: It -- correct, it's omitted from the budget. Again, it is an issue that can be addressed after the budget.

MR. RA: Okay. And do we have any sense on a budgetary side then what the financial impact, you know, these types of bridge strikes have to the State?

MS. WEINSTEIN: We -- we did increase penalties last year on the -- the bridge -- bridge strikes and -- just last year, and we do not believe that it's -- has -- that increased penalties are in any way reducing the bridge strikes.

MR. RA: Okay. Thank you. The couple of provisions -- well, there are several of them, but the provisions that deal with the MTA, you know, we were just talking about the CHIPS threshold.

MS. WEINSTEIN: Correct.

MR. RA: We -- we do in this budget bill increase the Design-Build threshold for the MTA from \$25 million to \$200 million. So up to that amount would they not need to competitively bid a project?

MS. WEINSTEIN: This -- this has to do with reducing the number of waivers that the MTA needs to get from DOB

to -- under Design-Build.

MR. RA: So under that --

MS. WEINSTEIN: But it does -- does not -- it doesn't impact competitive bidding as the -- the prior discussion related to.

MR. RA: Okay. So the MTA then, you know, up to \$200 million -- I'm sorry, they must use Design-Build for these types of projects so I know that, you know, that idea of Design-Build is kind of, you know, we just saw this on Long Island, for instance, with the MTA's modernization project for the Long Island Railroad and it kind of is a little bit of a, you know, design -- well, it is what it is, Design-Build. They -- they move along and -- and it does speed things up I guess, but I -- I am concerned that, you know, I've -- I've seen some issues with the way that project unfolded. So we're increasing that. There's also a piece with MTA procurement reform in terms of minority-owned businesses. So what -- what is that piece and what is the change in the maximum size of the contract?

MS. WEINSTEIN: It raises from \$1 million to \$1.5 million the ability of the MTA to provide non-bid contracts to WMBA [sic].

MR. RA: Okay.

MS. WEINSTEIN: And M -- MWB.

MR. RA: So they -- they can give priority to, say, a minority-owned business for those types of contracts, correct?

MS. WEINSTEIN: Correct.

MR. RA: And is there a reason for the -- for the change? I mean, does it have to do with increased costs? Does it have to do with trying to make more opportunities available to these businesses?

MS. WEINSTEIN: It was at the request of the MTA, so I -- I don't really have the -- the details of the rationale behind it.

MR. RA: Okay. And then lastly with the MTA, there was a proposal to create additional penalties for assaulting MTA workers. That's been omitted, correct?

MS. WEINSTEIN: Correct. You know, again, that can be taken up off-budget.

MR. RA: And it's not something we expect to see elsewhere.

MS. WEINSTEIN: Correct.

MR. RA: Okay.

MS. WEINSTEIN: I mean, you know, not in the -- the budget, clearly.

MR. RA: Could be taken up outside of the budget.

MS. WEINSTEIN: Correct.

MR. RA: Okay, thank you. All right. I'm going to shift to economic development. Now, starting with the -- this -- this piece which I think will be welcomed, I am a little, you know, I'm happy with a lot of the provisions in terms of maybe signaling that it may be timely a new day with some of these programs that maybe we're going to start to be more transparent and move away from, you

know, what we did under the prior Administration. So can you talk about, though, this independent analysis that we're going to undertake about all of the programs that we have out there, the tax credits, the incentives, all of those types of programs?

MS. WEINSTEIN: I think we're talking about the Database of Deals? Was that...

MR. RA: I'm talking about the independent analysis that Tax and Finance is going to do about the economic impact of all of these programs, Part JJJ.

MS. WEINSTEIN: So DFS had been -- well, Tax and Finance rather will contract with an economic impact firm to analyze the effects of the tax credits and deductions given for economic development purposes, and it would be an audit that would include thorough review of return on investment for each tax credit deduction or incentive, as well as direct and indirect benefits of these programs. And the fiscal impacts on revenue would also be included. It's a program that would cost \$2.5 million to do this review.

MR. RA: Okay. And when is that report due back?

MS. WEINSTEIN: The analysis will be completed no later than January 1st, 2024 and would be posted on the Department of Tax and Finance's website, and also submitted to the Governor and the legislative Leaders of each Chamber. The President -- the Temporary President of the Senate and the Speaker of the Assembly.

MR. RA: Okay, thanks. And another topic which

you just had mentioned a moment ago, Part NN, the Empire State Economic Development Benefits Database. We have talked for years about the Database of Deals, you know, it's been slow to come from within the agencies. So how -- how quickly do we think this is going to get up and running?

MS. WEINSTEIN: I'm -- I'm sorry, Ed, could you just repeat the -- the end of your...

MR. RA: I'm sorry?

MS. WEINSTEIN: The end of what you were asking about the --

MR. RA: The Database of Deals, do we expect this to be put together quickly? There have, you know, been a lot of talk about this in the past and I know ESD has, you know, said information was forthcoming.

MS. WEINSTEIN: Well, we do -- yeah. So we do think that it -- it will be very quickly. You know, I hate to say immediately when you're talking about government work, but it should be quick because there is an existing database, but we're asking for new data fields, such as part-time jobs. So it -- that -- it -- that part-time jobs information will be available in six months and MWBE goal data -- goal data we believe in 12 -- 12 months; in a year.

MR. RA: Okay. And I hope we'll keep an eye on that because the, you know, the database there now while it's welcome information, it certainly took some time before we were able to see it and, you know, we really think this is about transparency at the end of

the day.

One other thing about economic development that has been kind of talked about along with these other initiatives is years ago we took out a lot of the oversight that the State Comptroller had in terms of authorizing and approving deals at the outset, and then there was this kind of memorandum of understanding that the prior Governor had. Are we taking any actions in this budget to restore any of the Comptroller's oversight authority?

MS. WEINSTEIN: No, we -- we are not.

MR. RA: Okay, thank you. So in terms of some specific economic development provisions, we're -- we're about -- it's a -- a year, a little more than a year out from now having approved cannabis last year just prior to the budget. And I know last month, the Cannabis Control Board released regulations for conditional adult use retail dispensaries. Do we know what the timeline is to go live with adult use sale?

MS. WEINSTEIN: We -- we expect it by the end of the year.

MR. RA: Okay. Do -- any sense of how many licenses are anticipated to be issued in this first round?

MS. WEINSTEIN: Right now, the number being discussed is about 150.

MR. RA: Okay. And do we know what the fiscal impact, what the revenue impact will be of those initial applications and their fees?

MS. WEINSTEIN: It's -- it's still to be determined by the -- the Board.

MR. RA: Okay. Now, you said we'll have some stores go live by the end of the year. So last year as part of the Marihuana Regulation and Taxation Act, the Commissioner of Health was to conduct a controlled research study evaluating methodologies and technologies for the detection of cannabis-impaired driving. Do we know if that study is complete and do we have the requisite equipment in place for roadside testing for cannabis impairment?

MS. WEINSTEIN: I -- I really don't know if it's -- if that's been completed. I don't believe it's even been started.

MR. RA: Okay. I -- I think -- I think that's -- remains a concern if we're going to be moving forward and opening the dispensaries by the end of the year that we make sure we're doing what we need to do on -- on the, you know, traffic enforcement side.

ACTING SPEAKER AUBRY: Second 15 --

MR. RA: Yes.

ACTING SPEAKER AUBRY: -- Mr. Ra? Thank you.

MR. RA: Thank you, Mr. Speaker.

So one other issue that has come up with regard to marihuana as we've been in this interim period is these sticker stores, so-to-speak; you may be familiar with this term. They offer products for sale like stickers, charge above the market value and then when you purchase the products, you're giving cannabis as -- as a gift. I

know that the Office of Cannabis Management has stated in the past that these are not legal stores, but there is some confusion on what laws are being violated and who's empowered to, you know, enforce them. So does this bill or anything in this budget create any specific violations for the gifting of cannabis as part of a retail transaction?

MS. WEINSTEIN: No, we don't know because it's already against the law. And I -- I think as you -- you know that, you know, they are not under -- under our legislation for cannabis, it's -- the only legal sales will be of New York-grown cannabis and we don't believe, besides the distribution of -- of -- the illegal distribution of -- or sale of the cannabis in the places you mention, they're probably also, since cannabis isn't legally being grown in New York to the extent that they have been -- they likely are violating other laws by crossing State lines to bring in cannabis.

MR. RA: All right. Thank you. Last piece that I want to get into are some of the economic -- I'm sorry, some of the environmental conservation issues.

MS. WEINSTEIN: Sure.

MR. RA: So first the -- where we ended up with the Environmental Bond Act. So we're, I guess, slightly up from the --

MS. WEINSTEIN: Yes, \$4.2 billion.

MR. RA: Okay. And do we have any sense as we go out with this what the debt service is going to look like?

MS. WEINSTEIN: Right -- right now we don't -- I mean, obviously it has to go to the voters first and then -- and then

once the bond would be, assuming it is approved which we hope, by the voters, and then it would first be -- allocated -- decision of how to allocate those funds. So at that point we would start to look at the -- the debt that might be incurred.

MR. RA: And it would go out to the voters this November?

MS. WEINSTEIN: Yes.

MR. RA: So what -- what are the amounts for the different components of the Environmental Bond Act?

MS. WEINSTEIN: I have a long list, but why don't I just do the --

MR. RA: Let's say the major.

MS. WEINSTEIN: -- the highlights.

MR. RA: Yeah.

MS. WEINSTEIN: \$1.1 billion for restoration in flood risk reduction; \$650 million for open space conservation and recreation; \$1.5 billion for climate mitigation and -- well, \$650 million for water quality; and then \$300 million unallocated.

MR. RA: Okay, thank you. And then a couple of these provisions related to the environment that don't seem to be here, one of which is extended producer responsibility. That is out of the budget?

MS. WEINSTEIN: Correct.

MR. RA: Do we think that's something that we may take up later in this Session?

MS. WEINSTEIN: It's -- it's not part of the budget, I -- there would be no prohibition about looking at it after -- after the budget is adopted in regular Session.

MR. RA: Okay. And what about the provisions regarding restricting the use of fossil fuels for residential and commercial cooking and heating?

MS. WEINSTEIN: It's not part of this budget.

MR. RA: Okay, great. Okay. And then one other piece I did want to mention. You know, we have been, you know, in recent times and we've done this over the years taken principle stances against various things for difference reasons. You know, recently we've talked about divesting from Russian companies because of the war, fossil fuels because of concerns about climate change, just two examples. One of the things, and I know my colleague who usually sits right to my left and I'm sure will be getting into this because he's very passionate about it, but, you know, as we get into a lot of these initiatives, are we doing anything in this budget to show we're taking seriously concerns about the human and environmental cost of -- of lithium and cobalt mining?

MS. WEINSTEIN: No; no, we are -- are not.

MR. RA: Okay, thank you. And then one last piece which is I think has gone very much under the radar, but I do have -- have some concerns with it. That's Part YY regarding the State Council of Parks. So does this -- is this exactly the Governor's proposal?

MS. WEINSTEIN: Yes; yes, it is.

MR. RA: Okay. So it essentially takes these regional commissions that, you know, did have to take some actions with approvals and things and -- and turns them into advisory commissions?

MS. WEINSTEIN: Yes, but I think it's basically just codifying what is longstanding practice.

MR. RA: Okay, thank you. But they would have less, I guess, direct authority with regard to the, you know, the operations of those local parks, the programming, that type of thing.

MS. WEINSTEIN: You know, technically, but they -- they are the agency for doing it and this is -- it will just continue that historic role.

MR. RA: Okay.

MS. WEINSTEIN: More -- more accurately reflect their historic advisory role.

MR. RA: Yeah, I mean one of -- one of my concerns is that, you know, it did allow some local authority, you know, on Long Island with the Long Island Park Recreation and Historic Preservation Commission prepare an annual plan for the Jones Beach Theater and helped select the theater's producer and slate of events, and that may become less of a local, you know, initiative that may be coming from -- from elsewhere.

MS. WEINSTEIN: I -- I don't believe that -- that this would be impacted by that -- what you describe would be impacted by

this change.

MR. RA: Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you, Mr. Speaker. So -- so quickly on -- on this one. You know, TED obviously has a lot in it as it always does in terms of different areas and impacts. Certainly there were very important environmental pieces to this. You know, the Bond Act which, you know, we've talked about for a few years and kind of got disrupted by COVID. There are pieces that we talked about throughout the budget process didn't make it in to this final budget, but what I want to talk about real quick is the economic development side of things.

You know, in so many ways this budget and as we went through the hearing process, we talked in every different area, whether it was people with disabilities, special education, you know, health care, economic development, talking about kind of moving forward in a new day in Albany. And we are all familiar with the economic development programs that our prior Governor initiated. It seemed like the only one that he ever really wanted to go against were some of the successful programs that predated him, and we saw scandals and we saw really contracts being given out to political cronies. So I think it's good that we're seeing now some of these initiatives, expanding the Database of Deals, expanding the information. We -- we talk about transparency all the time here.

Every year we do a Sunshine Day, right? Transparency with what we do with our tax dollars is so important, especially when that trust has been broken so many times in the past with regard to our economic development programs. So that piece.

Doing this study and actually looking at what we're getting for the dollars we're spending in so many different economic development programs and tax incentives and tax credits that we have out there. You know, you can give a tax credit or incentive to pretty much anything and you're going to be able to show something, but I -- I think the question is what multiplying effect are you having on those tax dollars? You're -- you're trying to really incentivize the private sector to get involved in these areas.

Now, we all know one of the reasons we need to do so much of this is that this is a very expensive place to do business, New York State, and we're consistently ranked in that way. And -- and I think one of the things that hopefully maybe is going to come back from the study is that we need to look about -- look at some of the broad based things we can do to improve that tax and business climate. But I also hope that and -- and I hope this information comes back from these studies much sooner than January of 2024, because we'll have adopted another budget between now and then, and -- and hopefully in that next budget we can start to figure out which of these economic development programs are working and which are not. But we -- we need to find a path forward away from the past be with -- with regard to economic development.

The last piece that -- that we mentioned that is not -- unfortunately, is not a part of this proposal is trying to restore some of the oversight that we had in these programs so that maybe conflicts and things like that would have been flagged on the front end rather than seeing our tax dollars get squandered once they're awarded a contract that ends up not delivering us the results that we had hoped for in terms of job creation and -- and economic development and economic impact on -- on regions of this State that sorely, sorely needed.

So I think on balance, this -- this particular bill does a lot of good things and -- and I think maybe it's an opportunity for us to move forward with regard to these programs, but we have a long way to go still. With that, Mr. Speaker, I will yield back the rest of my time. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

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

ACTING SPEAKER AUBRY: Ms. --

MS. WEINSTEIN: Sure.

ACTING SPEAKER AUBRY: Ms. Weinstein yields for rapid fire questions.

MR. SMULLEN: Thank you very much, Chair -- just as a --

ACTING SPEAKER AUBRY: We'll hold you to

that.

MR. SMULLEN: Just as a general outline, we'll be at Part 00, QQ, UU, MMM, and XX. So I'd like to start back with the Environmental Bond Act --

MS. WEINSTEIN: Okay.

MR. SMULLEN: -- \$4.2 billion. I think -- I think my colleague had hit on it, but why are we borrowing \$4 billion that we have to pay off over 30 years as we discussed in the debt bill when we have \$20 billion of Federal money that could be repurposed or reallocated, or other tax dollars could then be put against these -- these priorities?

MS. WEINSTEIN: Well, this is -- the Bond Act is subject to voter approval so we're not, at this moment, spending this money.

MR. SMULLEN: Well, couldn't we just go ahead and just take the Federal money and spend it without voter approval and skip the whole 30 years of debt for our children paradigm?

MS. WEINSTEIN: Well, obviously we're going to make every effort to get whatever kind of Federal funding is -- is available, but we believe there are a lot needs in our State and I had outlined the -- the subject matters to Assemblyman Ra and we believe that we need additional funding if we are to move forward on improving the environmental situation here in the State.

MR. SMULLEN: So one thing I noticed in the -- in the language is that disadvantaged communities has replaced

environmental justice communities. What -- what does that -- what does that mean?

(Pause)

MS. WEINSTEIN: So we -- we just think that this is a -- a better description of the people that we are -- communities that we are looking to assist.

MR. SMULLEN: And is it basically based on socioeconomic indicators such as levels of income, school lunch, how is this going to be divided up? I'm -- I'm very concerned, at least I was with the environmental justice definition that it was going to be a pull towards -- away from communities such as mine who have extremely high needs for these -- this environmental money, especially like stream restoration.

MS. WEINSTEIN: Well, the criteria has yet to be set. There are maps that are, I believe they may be open already for public comment regarding environmental issues and it -- in the justice areas and it's looking at not only -- it looks at -- it looks at environmental impact in the communities but other -- other issues regarding poverty, type of housing, what impacts the location of the areas. There was actually interestingly not relating to New York State, but a recent study that looked back over decades of areas in the United States that have been -- that were redlined with a red line normally indicating where there was an area less desirable to build, and those were areas that consistently had lower-income people living in them and they were less desirable because they were next to a

highway, next to a -- as time has gone on, next to plants that produce pollution. So there are clearly not limited -- limited to New York, but throughout the country there are areas that have suffered economically.

MR. SMULLEN: Well, we'll continue to work that issue of what is -- what is a disadvantaged community truly. One of the provisions in the Bond Act is to put \$500 billion for zero emission buses. Is that going to be allocated on the current -- as a proportion right now to current buses if a -- if a community is an early adopter of this technology, they could take all this money and get an extremely higher rate of return in this -- in the way this thing is set up. If you're -- if you're late to the game buying buses, you're -- you're not going to get any of this money.

MS. WEINSTEIN: The school buses you're talking about?

MR. SMULLEN: Zero emission school buses.

MS. WEINSTEIN: Right. So it -- they're -- it's incrementally phased in and they qualify for State aid and I think in -- this will pay the -- the incremental costs, but it's -- it's reimbursable under SED's transportation formula. And since you mentioned it, under the climate -- is one of the fact -- one of the allocations that we would -- that is proposed for the Environmental Bond Act is \$500 million for zero emission transportation, including for school buses.

MR. SMULLEN: But can you commit that we're going to hold spots for all of the Upstate districts which would be

most likely later adopters of this to be able to benefit from this bond? So if -- if you're an early adopter, you're going to get a disproportional amount of money and it's going to leave communities out -- out in the cold if they're late to the table.

MS. WEINSTEIN: We -- we don't believe that that's -- that that will happen.

MR. SMULLEN: Well, it -- it has to be to done in proportion to the number of school buses around the State and everyone should have their fair chance to get the State subsidy for this -- for this technology, because it's very expensive.

I've got to move on, I'm -- I'm sorry. I'd like to move next to Part MMM, which is the Wired Broadband Act.

MS. WEINSTEIN: Yes.

MR. SMULLEN: Does this bill or this language, does this only apply to access issues, people who do not have access to broadband? Or does it also apply to people that have affordability issues?

MS. WEINSTEIN: It's -- it's a combination both for -- for where there's unserved areas, but it's not limited to that.

MR. SMULLEN: Okay. But -- but it is -- it would be applicable to those who have affordability issues? We're going to bond money to pay for people's Internet service each month?

MS. WEINSTEIN: No, this -- this isn't bonded money.

MR. SMULLEN: Okay. So looking at the -- at the

structure that's going to be set up. There -- I notice that there was no Minority appointment in the -- in the control structure for this new organization; why is that?

MS. WEINSTEIN: That was not agreed to.

MR. SMULLEN: So even though it was not -- not agreed to, it may be egregious in my mind, rural areas have -- have Internet service at about 82 percent of the same capacity as urban areas, and there's actually a real -- a real digital divide. But if there's no representation for those rural communities, how are we going to tailor the policies that are going to spend this Federal and State money that's going to be allocated to -- to connect all of our people?

MS. WEINSTEIN: There -- there's no reason to believe that the rural areas would not be addressed. We have as much desire to make sure that there is broadband in all places of our State.

MR. SMULLEN: Well, thank you. I was glad to see that the fiber fee was killed in this -- in this budget. It's been a real impediment in rural communities to be able to connect people with broadband, so I do see some good -- good opportunities here, hence my interest in having someone that would represent, you know, rural Upstate needs in this -- in this organization that's being set up. Is there any issue anywhere else in the budget that's going to address the affordability issue for broadband? I haven't seen the -- the other bills.

MS. WEINSTEIN: There is something included here where NYPA could share its wires, which could conceivably lower the cost. And -- and then, you know, we will see later some funding

for persons who are behind in utility bills that could impact also people's broadband costs.

MR. SMULLEN: Okay. Well, thank you very much for that. I'll leave it to my colleagues to talk about the -- the freshwater wetlands issue, but one thing I wanted to make sure I did mention or ask was Part UU, the School District Clean Water State Revolving Fund. Is this going to include specific money to -- that can lead to lead reduction measures in schools that's -- that's been a topic of interest of retrofitting a lot of school equipment?

MS. WEINSTEIN: It -- it's -- it really isn't more expansive in terms of treatment plants and not down to that lowest level, but it -- there are certainly areas that it would help in that -- in that regard.

MR. SMULLEN: Very good. I -- I hope so because I do -- I do think that's an important issue. The -- the last thing that I'd like to mention before I go on the bill is Part XX, Upstate infrastructure funding. It really does matter. I want to -- I want thank the sponsor of this portion of the bill to normalize the -- the taxing structure for the Hudson River-Black River regulating district; that -- that was a good thing that was in the bill.

So Mr. Speaker, if I could go on the bill?

ACTING SPEAKER AUBRY: Yes, sir.

MR. SMULLEN: Well, this bill is -- is certainly big and it certainly contains a lot of very positive things that are going to affect our infrastructure in the long-term in New York State. But I do

have some concerns, and I'm sure some of my colleagues will bring up some of the other aspects of the bill that are going to greatly affect our regulatory scheme having to do with freshwater wetlands.

The -- the Environmental Bond Act is -- is well-intentioned, but it's a little bit too amorphous and it's actually borrowing money that I do -- that I think we have right now that we should instead be better to repurpose other money and a reprioritization of other budget priorities. And one of things that really stood out to me in this bill is that we're still subsidizing Hollywood industries to provide insurance for their employees. They -- they make a lot of money, they're certainly capable of providing insurance for their employees, and I think it's somewhat anachronistic that in this day and age that the A-list Hollywood company would have to rely on New York State to pay its employees' insurance benefits. Thank you very much, Mr. Speaker.

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

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes, Mr. --

ACTING SPEAKER AUBRY: Ms. Weinstein --

MS. WEINSTEIN: Yes, Mr. Tague.

ACTING SPEAKER AUBRY: -- yields, sir.

MR. TAGUE: Thank you, Chairwoman. I want to

hit on economic -- economic development quickly first. Does this bill include the Governor's proposal to extend the Infrastructure Investment Act and if so, does this part also require the use of project labor agreements as a -- that was included in the Assembly one-House bill?

MS. WEINSTEIN: I'm sorry. Could you, just -- Mr. Tague, the section that you're talking about, just the...

MR. TAGUE: What's that, I'm sorry?

MS. WEINSTEIN: Can you just repeat the beginning of what you said where -- where -- I was distracted for a moment.

MR. TAGUE: Oh, I was wondering that the Governor's proposal proposed to expand the Infrastructure Investment Act. Does this part also require the use of a project labor agreement, and it was what was included in the Assembly one-House bill?

MS. WEINSTEIN: So for -- yes, for projects over \$25 million there is a -- a labor agreement required.

MR. TAGUE: And -- and I apologize, I should have told you, it was in Part AA.

MS. WEINSTEIN: Yes.

MR. TAGUE: Okay, thank you. As we know, project labor agreements increase costs. A study that was conducted by the New Jersey Department of Labor and Workforce Development found that the cost per square foot for PLA projects was 30.5 percent higher than for non-PLA projects. Another study by the National University System Institute for Policy Research on school construction

projects in California found that costs were 13 to 15 percent higher when school districts construct a school under a PLA. So my question to you, ma'am, is what is the reasoning behind requiring such mandates? Shouldn't we encourage competition in New York State and competition in State contracts to make sure that we get the best return and investment for our taxpayers?

MS. WEINSTEIN: Well, I -- I think some of us may differ on the -- the impact of PLAs on -- on these projects that in instances they've been shown to reduce costs.

MR. TAGUE: But don't -- don't folks that work in open shops, don't they also -- aren't they also taxpayers and the owners of those companies that are open shop, don't they also pay taxes in New York State and contribute to the economics? So are we telling a certain group of people that they can't bid on a contract because they're not union contractors?

MS. WEINSTEIN: There -- there -- there's no prohibition of those individuals -- of those companies participating in the process.

MR. TAGUE: Well, there sure is. There's been lawsuits to prove it with DOT work. Companies that can't provide --

MS. WEINSTEIN: No, that -- they -- they -- they're -- they can -- if they participate in the -- in the labor agreement.

MR. TAGUE: But that's what boosts up the cost, ma'am. That's why the study says that it's a 35 percent increase. What we're talking about here is a -- is a budget. We're talking about saving

money for the taxpayers of the State of New York. You're -- you're requiring a mandate for people to do construction work in the State of New York, and the only people that can do it are those that have a PLA. So it's a mandate, and it's not fair to other contractors throughout the State that could provide the same services.

MS. WEINSTEIN: You know -- so, you know, I think there's -- there's disagreement about whether they cost more or save money. So, you know, we -- we've had studies that have shown that they save money, so this may be one place that we agree to disagree. I'll agree to disagree.

MR. TAGUE: I -- I appreciate that, and I would like to swap studies sometime because I've never seen your study but I'd love to -- love to see it if you can show it to me.

Madam Chair, the Executive Budget contains \$1.45 billion in new Federal and State funding for the creation of the ConnectALL initiative. Does this bill contains the language establishing the ConnectALL initiative?

MS. WEINSTEIN: Yes, it does.

MR. TAGUE: Can you give us a brief overview of that program?

MS. WEINSTEIN: The ConnectALL Development Grant program provides grant funding to public or private entities that will construct infrastructure to provide broadband to underserved or unserved areas. There's also a ConnectALL Municipal Assistance Grant program which provides grant funding to municipal entities that

will construct infrastructure to provide broadband within their jurisdictions, and that's not limited to unserved and underserved areas.

MR. TAGUE: So -- so if I'm understanding that right there's a good possibility that the underserved areas in my district that are in very rural areas, this is the opportunity to get those folks hooked up to broadband?

MS. WEINSTEIN: Correct. Yes.

MR. TAGUE: I appreciate that. Thank you very much. That's very helpful. So is rural broadband expansion top priority or will ConnectALL focus on other areas of broadband development?

MS. WEINSTEIN: Any place that needs to have broadband is a priority for us.

MR. TAGUE: Okay, great. Will the funding be used for encouraging partnerships with private companies as opposed to encouraging just government-owned networks?

MS. WEINSTEIN: There is preference given to the private companies.

MR. TAGUE: Okay. Because there is a concern out there, you know, around municipalities being willing and able to maintain these networks. So I just wanted to make sure. I -- I appreciate that answer. Is it also true that broadband projects funded under the WIRED Act will be subject to prevailing wage requirements?

MS. WEINSTEIN: Yes. Yes, it is.

MR. TAGUE: So if I have a private phone company that -- that does this work, will they just be required to -- will they have to have a PLA or will they be required just to do certified payroll through the Department of Labor?

MS. WEINSTEIN: They just have to pay the wage, they don't have to have a PLA.

MR. TAGUE: Okay. So they'll be -- but they'll be required to put -- to do certified payroll for the program, correct?

MS. WEINSTEIN: Yes. Yes, that they will.

MR. TAGUE: Okay. I thank you for your answers. I -- I want to switch over to environmental real quick, and I -- I know I'm probably starting to run a little short on time.

MS. WEINSTEIN: Sure.

MR. TAGUE: Are you aware of a recent survey of freshwater wetlands that wetlands have been undertaken and it indicates a loss of freshwater wetlands in New York State?

MS. WEINSTEIN: So, Mr. Tague, I have -- I am going to defer to my colleague Assemblyman Englebright to discuss the wetland issue with you. And actually, he'll be handling all of the -- any other questions about wetlands from colleagues.

MR. TAGUE: I appreciate that. It's always a pleasure to talk to Chair -- Chairman Englebright.

Will you yield for me, Chairman Englebright?

MR. ENGLEBRIGHT: Yes, sir. I yield.

MR. TAGUE: Considerable acreage of freshwater

wetlands in the State of New York has been lost or spoiled or impaired. Are you aware -- has a recent survey of freshwater wetlands been undertaken, and does it indicate a loss of freshwater wetlands?

MR. ENGLEBRIGHT: I'm not equated with a Statewide survey, but region by region there have been losses across the nine DEC regions of the State. I'm particularly familiar with the losses in Region 1, the inference being that if you add all of them together it would show just what you are asking about, which is that there has been a significant loss.

MR. TAGUE: The next question, does this bill require the same buffer area of 100 feet for the wetland under the 12.4 acres?

MR. ENGLEBRIGHT: Yes.

MR. TAGUE: In the case of a wetland which is one acre, depending upon the shape of the wetland, would the -- the buffer, would it be significantly larger than the wetland?

MR. ENGLEBRIGHT: You know, it could. It depends upon the size of the wetland, of course. For the most part, the regulations that we're really looking at here today don't change the 12.4 acre threshold that's been in law for 47 years, since 1975 until 2028, with the exception of wetlands of unusual local importance until 2025 and the equivalent of that renamed wetlands of importance from 2025 going forward. Those smaller wetlands that have unusual features that have great societal or ecological benefit can be recognized under existing law. In fact, I've applied as an advocate

before I was in elected office. I wrote up an application for designation of a wetland of unusual local importance on Shelter Island known as the Pine Swamp Wetlands Complex and submitted it to the Department and it was approved and listed. It's a whole series of wetlands that are interconnected hydrogeologically. But at the surface, if you just fly over and look down, any one of those wetlands is smaller than the 12.4 acre threshold. And so it -- it tends to come back to the question you're asking about whether the 100 foot setback might have a formula built into it. It doesn't.

MR. TAGUE: Okay.

MR. ENGLEBRIGHT: It's -- it depends upon the circumstance and -- and the site and the particular wetland.

MR. TAGUE: The next question, Mr. Chairman. The wetlands under 12.4 acres are currently regulated by the Army Corps of Engineers. So this bill would require homeowners and other property owners to obtain dual approvals from both the Army Corps of Engineers and DEC. And I want -- I just want to have a follow-up question with that. I'll give you plenty of time to answer. And what is the rationale for dual regulation, and can't the State assume the Federal regulation Section 404 of the Clean Waters Act?

MR. ENGLEBRIGHT: Well, the State of course can adopt its own regulations and has done so. The 12.4 acre threshold is not Federal. I just want to be clear. The Army Corps of Engineers has brought discretion. It is not limited by acreage. There is a particular emphasis in the Federal law for navigable waterways, which could

mean not for boating with a kayak. You don't have to have a Queen Mary to be eligible. I don't want to talk so much about the Federal. Let me just say at the State level the 12.4 acres is kind of an arbitrary number. It amounts to 5 hectares, if you want to try to, you know, think about it in -- in another base 10, denomination of measurement. But it was arbitrary. Let me place that in perspective. We have two wetlands acts in this State. One was passed in 1971, the Tidal Wetlands Act. In 1975 the Freshwater Wetlands Act followed. The Tidal Wetlands Act does not have an acreage limitation. The resource is protected. Period. Full stop. I wish we had done that with freshwater. Unfortunately, the premise was that freshwater was somehow different in terms of its way that we should protect it. And so this 12.4 acre number was -- was put into the law. We now know as time has passed that freshwater wetlands which concentrate carbon dioxide from the atmosphere into cellulose and plant material, all of that plant material stays within the wetland and concentrates carbon like no other part of nature. Freshwater wetlands concentrate carbon -- in Earth History we call it "coal." That's right, coal is ancient freshwater wetlands soils. That mechanism of nature is still operational today. And since 1975 we have become aware that our burning of coal is, in fact, a threat to the global ecology and to our civilization. In fact, just two days ago the International Panel on Climate Change at the United Nations gave us a stark warning about the carbon dioxide in the atmosphere. Carbon dioxide from the burning of ancient wetlands. We need to take a fresh look, I think,

and we're doing that in this measure at the importance of freshwater wetlands to protect our --

ACTING SPEAKER AUBRY: Mr. Englebright, you've talked right through Mr. Tague's question.

MR. ENGLEBRIGHT: I'm sorry.

ACTING SPEAKER AUBRY: That's a lesson about asking Professor Englebright a question.

MR. TAGUE: I know. Mr. Speaker, I want to say it was very enjoyable. I have very -- I have a lot of deep respect for Chairman Englebright. I want to thank Chairwoman --

MR. ENGLEBRIGHT: Thank you, sir.

MR. TAGUE: -- Weinstein, too, for your answers to my questions. Chairman Englebright, I appreciate it. Thank you for your time, Mr. Chairman. Thank you.

ACTING SPEAKER AUBRY: My pleasure, sir.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. Before I -- before I ask a couple of questions about the Database of Deals and economic incentives, I just want to take a quick moment to thank the Chair of the Health Committee who have left the last bill, but I wanted to acknowledge his work. This is his last budget. And, you know, I learned quite a bit under -- serving the Chairman in his Health Committee, especially the value of keeping the Committee meetings very short, which wasn't always the case. But as the Chair of the Asian Committee on the floor, I have looked forward to working with

him on a number of initiatives, but perhaps after his retirement we can continue to stay in touch.

Will the sponsor yield for a couple of questions, please?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. KIM: The Database of Deals. Is that -- is that prospective or retroactive in terms of the analysis that we're doing?

MS. WEINSTEIN: Prospective. Yes, prospective.

MR. KIM: It's prospective, okay. And did any of the language about restoring the State Comptroller's role to audit make it into the budget?

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

MR. KIM: No? Okay. I -- I remember reading somewhere that we spend nearly \$6- to \$8 billion a year in corporate subsidy programs in our State. Does that sound about right?

MS. WEINSTEIN: Yes, it's about -- yes, that's about right.

MR. KIM: On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. KIM: So, we spend closely \$6- to \$8 billion a year on corporate giveaways. Under the previous administration for

ten years that's about \$60- to \$80 billion of corporate subsidies. And the one office that could have audited it, his powers were stripped away so he can't go back. And the Database of Deals that we're doing other than the database is prospective. So there's no mechanism in place to go back and do a full audit to understand what was -- how many jobs did we create? What were the revenues? What -- all the promises that were made up front -- economic growth, jobs -- did they come to fruition? We can't measure that. So I think although this is a good step to keep a database moving forward to have some accountability, we need to look backwards to examine the mistakes that we made in some of these investments to make sure we repeat them. And I think there are plenty of legislations, proposals, under the current Chair of Economic Development that we should go back and look to pass post-budget.

Thank you, Mr. Chair.

ACTING SPEAKER AUBRY: Thank you, Mr. Kim.
Mr. Palmesano.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein
yields.

MR. PALMESANO: I just -- I know I talked about this in the Ways and Means meeting. I just wanted to verify here on the floor, the issue of natural gas hookups, utility efficiency for

buildings. They were -- they were removed from this budget bill and we do not plan to see them again; is that correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: The utility relocation issue with the MTA, we -- that was removed from this budget and we do not plan to see that again; is that correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: I know in the past budgets, it may have been in the one-House budget, there was a provision for State support for the MTA Operating Aid. Is that in this budget bill or is that coming in another budget bill or will we not see that? Might that be Capital?

MS. WEINSTEIN: No. No, there's nothing here.

MR. PALMESANO: Nothing here on that, okay. Now, I also know one thing that we've been advocating for for a long time is this budget bill includes the elimination of the DOT right-of-way fiber tax fee; is that correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: But it does not -- for those applications that are -- that are currently -- where there's a contract in place, that -- they're right on the contract right now, or for pending applications that might have been delayed for months and months, they still will have to pay the DOT right-of-way fee, correct, based on Section J?

MS. WEINSTEIN: For this year, just to the end of

their permit, yes.

MR. PALMESANO: So will -- ultimately, will those fees be eliminated from those existing --

MS. WEINSTEIN: Yes. Yes, the -- yes.

MR. PALMESANO: Okay, great. What I do like to do if I can right now jump to the Bond Act and the school bus issue a little bit, if I may.

MS. WEINSTEIN: Sure.

MR. PALMESANO: I know my colleague brought it up and I kind of wanted to delve into a little more deeper with you relative to, you know, our -- our State, as my colleague mentioned, we have a history of divesting from certain practices like Russia at war or fossil fuels because of climate change. But just to reiterate, your budget does nothing to address the human and environmental costs and issues relative to lithium and cobalt mining that we're seeing going on in the country. It doesn't do anything to address that issue, correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: All right. And this budget in -- in the -- the Bond Act, \$500 million for electric school buses, correct?

MS. WEINSTEIN: Yes. Yes.

MR. PALMESANO: And you're aware for electric -- for electricity -- for electrification, cobalt, for example, and lithium are a major part of that, that extract that and mine that to make these batteries, correct?

MS. WEINSTEIN: My answer -- what you're saying but I -- I believe -- or I'm told that some of the electric buses don't have to be battery...

MR. PALMESANO: All right. So -- and you're aware that 70 percent of the cobalt which is needed for batteries, 70 percent of the cobalt is mined in the Democratic Republic of Congo and in artesian mines. Some estimates of some 40,000 children are mining these mines, these -- hand-mining these mines. Some as young as six years old who are dying, who are being maimed. You are aware this is happening right now, aren't you?

MS. WEINSTEIN: I'm --

MR. PALMESANO: Have you seen some of the photos about it? I can show you --

MS. WEINSTEIN: I know we had this discussion and certainly you helped enlighten some members during our one-House discussion on this issue.

MR. PALMESANO: I would be happy to because you will be hearing more from us on this issue. I would encourage you to look at the pictures, I would encourage you to look at the videos. It's heartbreaking, quite frankly. And isn't it ironic when we know that there's kids -- our kids are going to be riding on electric school buses that the batteries that are a part of those school buses were mined by children in the Congo, dying and being maimed? Isn't it just kind of ironic and isn't it something we should be taking a lead on on that issue? Because the reason I asked that question, whenever

I talk about the CLCPA that New York State is -- it only affects New York and then we only contribute .5 percent of the total carbon emissions in the world while China contributes 29 percent. They're not helping us. They're building coal plants. Whenever I bring that up you guys and the proponents always say, *We're going to lead. We're going to lead. We're going to lead.* But when I bring up the issue of cobalt mining and children actually dying and being maimed, I brought it up to the Environmental Conservation Chairman, Mr. Seggos, and the Deputy and they said, *Well, the Federal government's got to lead on this.* That is an unacceptable answer. If we want to lead on the CLCPA because that's going to be the thing that saves us, we should -- we should not turn a blind eye and put -- put the onus on the Federal government, should we? What are we going to do here in this State to address that issue?

MS. WEINSTEIN: Well, I -- I -- I would say -- not directly to answer that question, but I -- I would just note that the cobalt is in every battery and there's certainly a lot more cars that are -- that are battery-driven that rely upon the batteries than the school buses. And the zero-emission school buses will not rely on -- on batteries.

MR. PALMESANO: And I -- and I agree. I'd go with the (inaudible). We're talking about school buses, but yeah, this is all part of coal electrification. So while all this push that says we need full electrification, we need to get to zero-emission electric cars, when people get into their electric cars thinking this is such a great

thing, I hope you're all realizing kids in the Congo are dying and being maimed because 70 percent of the cobalt is extracted in the Congo. But when I bring that issue, it's quiet on your side of the aisle and I just think that's something we should be talking about. I'm sorry I'm getting passionate about this, but it's really a significant issue that needs to be addressed.

MS. WEINSTEIN: I -- Phil, I appreciate your passion on the issue.

MR. PALMESANO: Now, I brought up the same issue to Mr. Gora who works for Tesla. What are they doing about it? And he says, *We have a plan*, but yet doesn't talk about the fact that Tesla has invested in the very mines where those -- where those kids are mining out of. So I just think that's something we need to be looking at. I think when we talk about social responsibility, the human rights that your side of the aisle talks about, it just seems to me the push for electrification by your side of the aisle and the Governor is ignoring this important fact that the end justifies the means to get to a full electrification. So we have no plans to do anything on that front. There's nothing --

MS. WEINSTEIN: No, we do not.

MR. PALMESANO: Not at this time. That -- that's fine. I appreciate it. I thank you for your time, Madam Chair.

MS. WEINSTEIN: Sure.

MR. PALMESANO: You've had a long day.

And Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues. I just want to kind of just talk briefly about some of these issues again. This issue of full electrification which is being pushed through with the CLCPA, when I talk about this issue and I'll continue to talk about this issue, the fact of the matter is the CLCPA only affects New York. New York only contributes .5 -- my -- my -- my friend and colleague Mr. Englebright was talking about how we need to take action because of carbon emissions. New York has taken action. We're at .5 percent of the total global carbon emissions in the world .5, and the CLCPA only affects New York State. But yet China accounts for 29 percent of the total carbon emissions in the world, India 7 percent and Russia 4 percent. But yet China continues to build coal plants hand over fist. The other thing we didn't talk about with the rare -- rare earth materials and I should've brought it up on the discussion, is the fact that China themselves control 87 percent of the processing of the rare earth materials, the cobalt, the lithium. So not only we are -- are we looking at electrification and -- and what's the environmental human cost, but our whole energy security based on the plan here in New York is going to turn our whole energy security over to China because they control the rare earth materials market. The costs are rising for these materials now. Too often I hear my colleagues and friends on that side of the aisle saying, *We need to get more electric vehicles out there because it's going to save the environment*. I'm sorry to tell you guys, what we do here in New York

State is not going to do one iota of a difference because we contribute only .5 percent of the total carbon emissions. This doesn't affect China, India or Russia. China, again, is building coal plants in the -- in the Glasgow Summit, China and India basically watered down the plan as far as getting rid of coal. Russia is building a \$110 billion oil port in the Arctic. None of them are going to -- they're not our friend, they're not going to help us in this issue. But what are we going to do as we continue to divest and not put -- and not rely on reliable energy like natural gas or others. To go for this full electrification we're going to decimate our economy, we're going to decimate our farmers, our families, our manufacturers. And the electrification that you talk about that you think is so great, which could come in bills and with CAC down the road, do you know what the cost to the average family is for a full electrification? Because in 2030, based on the CAC's draft (inaudible) plan, if you have a natural gas boiler or natural gas furnace, heating your home -- which let me remind you, 60 percent of the people in New York State heat their homes with natural gas, 40 percent of our power generation comes from natural gas. So by 2030 you and your gas boiler or gas furnace goes, guess what, ladies and gentlemen? You and your constituents, low and moderate-income people cannot replace that natural gas boiler or furnace with a natural gas boiler or furnace. You know what they have to do? They have to fully electrify their home. They have to deal with the shell, their insulation, their circuit, their amps. They have to deal with a geothermal heat pump, which during the budget hearings someone

from the -- from the -- from the geothermal industry said it would cost about \$35- to \$45,000, but that's before all the tax credits and subsidies. I said after all that, how much is it? \$20,000. The Consumer Energy Alliance says the cost to a family for a conversion cost would be \$35,000. How many of you are out there as you promote the CLCPA and climate change are telling your constituents, *Hey, you're going to have to pay \$35,000, at least \$35,000 to convert your home.* The public has no idea this is coming down the -- down just soon as 2030. And the reliability issue of this as well. I mean, if you're in the North Country or in Western New York where you heat your home with natural gas or propane, do you really want to rely on wind and solar to heat your home? It's intermittent. It's not reliable. And plus, on top of it, the CAC in their own report from a reliability perspective said, *We don't have online or the technology doesn't exist to meet -- we can meet our goals, but we won't have enough power to keep the lights on or the heat on because by 2040 we will be 15 to 25 gigawatts short of the electricity supply that we need.* That's enough to power every home in the State of New York. It's the equivalent of ten nuclear power plants or ten hydroelectric power plants. The -- NYSA, who is tasked with making sure we have a reliable energy grid said we're about ten percent -- we're going to be ten percent short with no identifiable technology that's available that can meet that need. They say over and over again, we need dispatchable resources. For those of you who don't know what dispatchable resources means, it needs to be in the power 24 hours a day, seven days a week. Ladies

and gentlemen, electric and solar does not do that. That's why right now we need backup. Natural gas does, but natural gas in this Chamber seems to be a dirty word. Tell me, how are you going to convey that message to your families about that? That they -- they're going to have to pay \$35,000 to convert their home over to electrification. Why? And if you can sell them on the fact they're making a difference for the environment, it's not going to make one difference. You can talk about it all you want that we're leading the way. We're not leading anything. Don't kid yourselves. And please be honest with your constituents you represent because it's not true. It's -- this whole argument has been dominated by environmental advocates that aren't looking at the reality of the situation. This is not real. Ohio and Pennsylvania aren't part of the CLCPA, just New York. So we're going to bankrupt our families, our businesses, our farmers, our senior citizens, our manufacturers are going to leave our State. \$35,000 for a family. How about for a company that's going to have to rehabilitate their home? How about the NYCHA housing in New York City? Are we going to have all the taxpayers fund that, too? I mean, I went down there and visited. I -- I know the challenges they have. There are significant costs that aren't being talked about. Cost and affordability and reliability are not a part of your vocabulary or this Governor's vocabulary or the past Governor's vocabulary, when we pass this legislation that is, again, heading for a freight train down the tracks at the consumers and businesses of this State and they have no idea. Sure, we have a Climate Action Council public hearings

going on. How many of you are telling your constituents about that? Not too many. This is going to be a rude awakening. We talk about people leaving our State over and over again. This is one of those things. And again, don't forget, green is not so green when it comes to the policies. Those kids in the Congo who are dying and being maimed hand-mining cobalt to go in electric vehicles, to go in electric school buses. Think about that. It's real, it's happening, and we're going to continue to talk about this until you take it seriously.

So on that, Mr. Speaker, and so many others, I'm going to be voting no on this legislation.

ACTING SPEAKER AUBRY: Thank you, sir.

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.

MR. LAWLER: Thank you, Madam Chair. The Downtown Revitalization program.

MS. WEINSTEIN: Yes.

MR. LAWLER: That's eliminated in this budget?

(Pause)

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

MR. LAWLER: Okay, so --

MS. WEINSTEIN: It's just not going to be through
DASNY.

MR. LAWLER: It's not going to be through
DASNY?

MS. WEINSTEIN: Right.

MR. LAWLER: So where is it going to be going
forward?

MS. WEINSTEIN: Right, it currently goes through
EDC, and that -- it's going to continue. Yes.

MR. LAWLER: Okay, so it will continue at a -- at
\$100 million, \$10 million --

MS. WEINSTEIN: Through EDC, yes.

MR. LAWLER: Okay. Thank you. With respect to
the independent analysis of tax credits, deductions, incentives --

MS. WEINSTEIN: Yes.

MR. LAWLER: Are we going to evaluate programs
like the Buffalo Billion? Are we going to look at Start-Up New York?
What -- are there any specific programs that we've identified that
we're going to start looking at and seeing whether or not they've
actually been effective?

(Pause)

MS. WEINSTEIN: The -- the Capital appropriations
are -- are not tax expenditures, so the number of what you mentioned
would not be included.

MR. LAWLER: So we're not going to look at the billions of dollars that have been spent in Buffalo, we're not going to look at the tens of millions of dollars that were spent on Start-Up New York? What are we looking at then?

MS. WEINSTEIN: I -- I would say the short answer is to the extent that they're tax grants, that the -- going forward that the -- so first of all you're talking about past expenditures. So as I'd answered one of our colleagues, it -- it's prospective only, but it will only -- it would be for tax -- where there's tax credits, where there's grants, loans, subsidies, tax exemptions.

MR. LAWLER: So if it's only prospective, how exactly are we -- what's the benefit here? What exactly are we going to be examining over the next year-and-a-half, two years that's going to actually tell us anything?

MS. WEINSTEIN: There are various programs that have tax benefits and those are what will be examined going forward.

MR. LAWLER: Do you think it would be more beneficial or at least helpful to have a fuller picture to examine programs that we have previously spent billions or hundreds of millions or tens of millions of dollars on?

MS. WEINSTEIN: We -- we do have some, you know, limited information. Economic Development does do reporting and Tax and Finance does do some investigation. But it will not be -- it -- what has happened up until now will not be as intense and as informative as the debt base of deals going forward.

MR. LAWLER: Hmm, okay. Are we going to look at the regional councils and the money that is spent for the regional councils?

(Pause)

MS. WEINSTEIN: You're -- you're talking about the tech tax incentive audit? Is that --

MR. LAWLER: I'm talking about the independent analysis of tax credits, deductions and incentives. That's Part JJJ.

MS. WEINSTEIN: Yeah. It's -- yeah, triple Js. So there -- so again, it's the -- the economic impact to analyze the effect -- the effects of the tax credits and deductions, and to the extent that they are -- if the RDCs have -- if there are projects that have received tax credit deductions or incentives then that will be basically audited through this -- this program.

MR. LAWLER: Okay. So this proposal really seems to be not worth the paper that it's even printed on. I'm -- I'm not really sure what we're trying to accomplish here.

MS. WEINSTEIN: We want -- we want -- we -- we provided many places tax credits for different kinds of development programs and this will assess whether they're -- the fiscal impacts on our revenue are by looking at these credits and deductions or incentives that we have provided.

MR. LAWLER: Okay. So the \$600 million that we are going to be providing to the Buffalo Bills for a stadium, would you consider that an incentive? I mean, the argument is we need to --

MS. WEINSTEIN: It is not.

MR. LAWLER: -- pay them to stay here in New York. So that -- I would define that as an incentive to stay, right?

MS. WEINSTEIN: It's not a tax incentive. The incentive goes along with the tax work. So tax credit -- tax deduction or tax incentive or trying to save the -- save a piece of paper.

MR. LAWLER: So can you give me an example of a program that we're going to be providing a tax incentive for that you think should be looked at under this plan?

MS. WEINSTEIN: Well, Excelsior New York. You did mention Start-Up New York. That would be -- the film tax credit would be another. Some of the Arts credits.

MR. LAWLER: Okay. But just giving --

MS. WEINSTEIN: (Inaudible) tax credit (inaudible).

MR. LAWLER: So we're -- we want to look at the benefit of credits and how that impacts economic development, but we're not going to look at how we utilize taxpayer money in terms of just a straight-up cash giveaway? That we don't want to look at?

MS. WEINSTEIN: Well, you know, I would respond just in general without referring to any specific program that we tend to have better reporting on cash going out the door than we do on these credits. The impact of the credits.

MR. LAWLER: Do -- do you think we have really good reporting on the Buffalo Billion?

MS. WEINSTEIN: There's -- I don't have

independent knowledge of -- of the -- the Buffalo Billions deals, but, you know, certainly we do learn from the -- the past expenditures and we try and move forward. And this was -- this is a plan that we think can help direct us and spending revenues in the future.

MR. LAWLER: I -- I -- not to belabor the point, but I -- I would just suggest that maybe after this is passed in this budget that we look at it and amend it to make sure that we are inclusive of direct cash payments that we are spending in furtherance of economic development. I think that would probably give a more complete picture and provide us with, moving forward, the appropriate information to ensure that we're not wasting money like we did on the Buffalo Billion.

Moving along the -- well, I guess the Bond Act formally known as Restore Mother Nature. Why did we change the name, just out of curiosity?

MS. WEINSTEIN: Well, the --

MR. LAWLER: The -- the Governor just didn't want it to be associated with the former Governor, or what -- what was the impetus?

MS. WEINSTEIN: No, we often change -- change names on -- on bond acts. And I think -- and even beyond that, when it goes to the voters the title is not set by us anyway. The Board of Elections -- I'm correct. It -- it will have --

MR. LAWLER: We -- we set it.

MS. WEINSTEIN: We set it.

MR. LAWLER: Okay. The Governor's Executive Budget proposed \$216 billion and it appears, although we still don't have a final fiscal plan so I don't know for sure, but it appears now we're up to somewhere between \$220- and \$221-. It seems we added a billion overnight. I mean, apparently what's a billion here or there when -- when determining a budget. But why would we add \$4- to \$5 billion in spending and still borrow \$4 billion for the Bond Act? Why didn't we just pay for the Bond Act? It seems like these are critically important projects.

MS. WEINSTEIN: Well, first of all, these are -- are bonded, so they're not -- the Bond Act has to first be voted upon by the -- by New Yorkers, the voters in November. Then we would first --

MR. LAWLER: But we could have skipped the Bond Act. We could -- in other words, what I'm suggesting is since this Body and the Second Floor and our colleagues across the hall thinks this is very important and we clearly apparently had \$4- to \$5 billion more to spare, why didn't we just pay for this rather than bond it over the next, you know, 30 to 40 years?

MS. WEINSTEIN: Well, we -- we do pay for some things and we bond things. This isn't a unique situation. We bond CHIPS money, we -- we bond -- we bond out our highway money. We bond out a -- a lot of higher education issues. And we -- there are important measures that we adopted, some of which we did yesterday, many of which we did yesterday, that -- to help fight -- to help our

New Yorkers struggling with -- with inflation. We have more -- and when we get to ELFA there'll be other -- other spending that -- to support healthcare workers and home care workers. So we wanted to make sure that we'd have -- spend that money. And I know we -- there was criticism during our one-House debate that we weren't leaving enough money in reserve, so this is a way to -- bonding is -- is a very common practice that -- that we have done in -- in this State, so it's a way to both get the funding if the voters approve for environmental issues as well as help support --

MR. LAWLER: I mean, one way to leave money in reserves is to just not spend \$221 billion. But we are the second-most indebted State. We talked about that during our one-House, we talked about that during the extender on Monday. We have a total debt as of 2020 of \$292 billion. We continue to just find new ways to add debt and accrue it. So, you know, given the fact that magically we found \$5 billion, and -- and if it was up to this Body it would've been, you know, another \$5 billion that we found. But why -- why continue to borrow if we have apparently the ability to spend? And, you know, I know you have said many times that our fiscal outlook is positive. Why would we continue to borrow when we don't need to?

MS. WEINSTEIN: Well, I -- well, I would disagree that we don't -- that we don't need to. First of all, it's still a very low interest rate environment that -- that we're in, and, you know, just yesterday we talked about how the gas tax suspension just from June to the end of the year is \$485 million. That -- it's a deficit to -- to us in

order to help provide relief for New Yorkers struggling with inflation. So there is a -- a choice as to how we spend our money. We're trying to get immediate relief. The bonding is typically used for projects that take -- that take several years, long-term, to develop, to get online. So bonding is a more appropriate use of -- a more appropriate use of funding -- of a way of funding a project than putting cash, which would then rely in -- in committing multiple -- large amounts for multiple years and --

MR. LAWLER: All right, Madam Chair. Thank you.

MS. WEINSTEIN: It's an easier way to do that.

MR. LAWLER: Thank you. With 22 seconds left, what is the purpose of the non-driver ID cards for prisoners in Part Q of the budget? Are they going out on the town, or what are we doing here with that?

MS. WEINSTEIN: It -- it -- it's just an easy way for people to be able to reenter into society.

MR. LAWLER: And how far in advance do they need it?

(Buzzer sounds)

MS. WEINSTEIN: I -- I believe 30 days before release.

MR. LAWLER: Okay. Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker. Will the

sponsor yield for a few questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, Ms. Woerner.

MS. WOERNER: Thank you, Madam Chairwoman. I -- I'd like to talk about Part MM, the Division of Broadband Access.

MS. WEINSTEIN: Sure.

MS. WOERNER: So just to take us through this, I -- the mission here is that the -- the Division of Broadband Access will be responsible for developing programs to improve access in unserved and underserved areas; is that correct?

MS. WEINSTEIN: Yes.

MS. WOERNER: Great. And unserved, I read the definition, if I'm correct, that it -- it lacks access to reliable service at 25 megabits per second download and 3 megabits upload; is that correct?

MS. WEINSTEIN: Yes.

MS. WOERNER: Okay. And underserved is between -- is greater than 25, less than 100 megabits down, 3 -- more than 3, less than 20 up; is that true?

MS. WEINSTEIN: Yes.

MS. WOERNER: Okay, great. And that -- they have -- that -- the grants that this organization will provide have to yield

100 up, 20 down -- I'm sorry, 100 down, 20 up unless it's waived for a specific project or location; is that correct?

MS. WEINSTEIN: Yes.

MS. WOERNER: And -- and are there any criteria specified for how those waiver requests would be evaluated and granted?

MS. WEINSTEIN: I believe it -- I believe it's based off the existing fiber at that location. Fiber network.

MS. WOERNER: So if there's existing fiber at that location and it can't scale to -- to 100 down and 20 up they would be granted a waiver?

MS. WEINSTEIN: Yes.

MS. WOERNER: Okay. There -- there's no -- there's no mention in the -- in the list of responsibilities for this organization. If their responsibility to create maps that describe with any specificity to the structure level where there are unserved and underserved areas. So I'm wondering where that responsibility lies.

MS. WEINSTEIN: As -- as you know, Assemblywoman, we passed the legislation last year. We're hoping to get back from the PSC a mapping shortly.

MS. WOERNER: So the PSC is responsible for doing these maps?

MS. WEINSTEIN: Yes. And -- and we gave them \$1 million to work on this.

MS. WOERNER: Excellent. I'm sure that it's being

well spent. So the -- the bill also says that preference -- this appears to be technology neutral, so we're not specifying it must be wired, it can also be wireless technology; is that correct as well?

MS. WEINSTEIN: Yes.

MS. WOERNER: But that preference is going to be given for projects that can deliver 100 gigabyte -- 1 gigabyte down and 1 gigabyte up; is that true?

MS. WEINSTEIN: Yes.

MS. WOERNER: So given that we're going to -- we're going to grant waivers if the -- if the infrastructure can only support 25 down and 3 up, how does that -- how does that match with the -- with a preference given to the 1 gig levels?

MS. WEINSTEIN: You know -- I -- I think it may relate to if there's no option, no physical way to get the -- the fiber there that they may have to rely on satellites. So that would be the discrepancy.

MS. WOERNER: So we do -- we do anticipate that we might need to rely on satellite?

MS. WEINSTEIN: Correct.

MS. WOERNER: Even though satellite is a poor performer both in terms of download and upload speeds as well as latency?

MS. WEINSTEIN: Yes. Sometimes it's just not feasible to -- to get the fiber to the location.

MS. WOERNER: Okay. And yet we have power --

we have utility poles that go to every structure in the State except for those that -- that have purposely set themselves off from being connected to the grid. But, okay.

So I want to -- I'll go on the bill, Mr. Speaker.

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

MS. WOERNER: So the issue of standards for broadband is a very -- is a really important aspect to the conversation about providing adequate access in our communities. The GAO last year recommended that the minimum standard be raised to 100 megabits down, 10 -- 10 up because of the need to -- what modern families need in order to be able to -- to work in our society. And what that would mean is that - and this is an estimate provided by the GAO - that by lowering that threshold -- whereby raising that threshold we're lowering the percentage of rural Americans that can be considered to have acceptable coverage from 83 percent to 67 percent. And I think that that's -- that's important when we talk about digital equity, when we talk about bridging the digital divide, that it is not just about having access to the bare minimum, it's about having access to a service that can actually make you functional in modern life. And so as we -- as we look at this new broadband office I really want to encourage this new broadband office and I'm happy that we're centralizing this function and -- and giving it a structure, that they look very seriously at granting very few of these waivers so that the -- so that the service that is provided in rural communities can actually ensure that our rural families can participate fully in the civic and

commercial life of our society.

I thank you very much, Mr. Speaker, for the time.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein
yields.

MR. MANKTELOW: Thank you, Madam Chair.

I'm going to guess you're going to refer me to Mr. Englebright. I have
some other questions on the freshwater wetlands.

MS. WEINSTEIN: Yes. Yes. If you want to discuss
wetlands, yes. So if you could ask Mr. Englebright to yield.

MR. MANKTELOW: Mr. Speaker, I ask Mr.
Englebright to yield?

ACTING SPEAKER AUBRY: Mr. Englebright, do
you yield?

MR. ENGLEBRIGHT: I yield.

MR. MANKTELOW: All right. Thank you, sir. Mr.
Englebright, under this new bill, the -- the freshwater wetland bill, a
homeowner would have to look at doing something different in
regards to the changes of the wetland maps. They couldn't really rely
on the old maps, and if we're going to change them they may be

required to do a delineation prior to undertaking any construction for a risk of penalties. Do you see that happening?

MR. ENGLEBRIGHT: Well, you know, the -- the old maps were really very limiting, but we're not getting rid of them. But we are having -- under the new language that we're looking at here, we're having the maps become purposed for educational purposes to instruct. A good example would be a homeowner who wants a -- a determination. So they can look at the old maps and they -- in some cases they're going to be helpful. But they're not limited to maps. Under the 75 Law they were kind of limited to maps that had been worked up usually on a topographic seven-and-a-half minute and 15-minute quadrangle and then field inspected. Now we're authorizing them to use satellite imagery and aerial photography as well as field inspection.

MR. MANKTELOW: Okay.

MR. ENGLEBRIGHT: But -- and a homeowner can determine whether a wetland is regulated or not by going to the DEC. Under the new language that we're proposing here, those homeowners would be able to become informed through either of these mechanisms, either looking at the old maps which will be made available or ideally, doing that and talking to DEC personnel.

MR. MANKTELOW: Okay. So, speaking of DEC personnel - I ask you this probably every time I see you - we continue to put more and more work on the DEC. And I don't want to slow down the homeowners. I don't want to slow down farmers,

construction agencies or -- or people that need DEC. Is there any numbers in the -- in the budget bill saying exactly how many FTEs, full-time equivalents, will be given to DEC once this budget is adopted?

MR. ENGLEBRIGHT: No, we do not have a formula for personnel. The instruction is for the agency to do the work, and of course the agency comes to us and you and I and others on the Committee will certainly take a very close look at a request for personnel. I should also point out, though, a lot of the work on wetland mapping is contemplated to be done by the agency over a period of years. So the actual implementation of the 7.4 -- or 3 hectare threshold that's built into our new language presumes six years for the Department to prepare its understanding of where the wetlands are that would be regulated. So we give them time. That's the tradeoff with labor. Time is a big variable. They've asked for it and we've given it to them. But I want to add one other concept, something that I hope that you and I and other members of our Committee could work on, which is the concept that the DEC should not have to be alone in its own personnel. A lot of the work that needs to be done can be contracted for, and would I like to see that contract work go through trusted universities within this State where we have some of the greatest knowledge bases available anywhere. And I would like to see a grant to Cornell, a grant to the SUNY schools with great biology programs and fund those through the Environmental Protection Fund during these ramping up years, if you will, where

they're going to try to perfect their knowledge base of where there regulated wetlands are. And the DEC I guess is what I'm saying, should not feel that they're all alone, and nor should we feel that the only way to accomplish this is to hire lifetime employees and pay their retirements. We can do this with graduate students working with qualified professors of biology on contract not only with the DEC but also with local governments. And there should be a cooperation across the board.

MR. MANKTELOW: Okay. I appreciate that answer.

My next question is, in the bill the prior size of a -- of a wetland or a regulated wetland was 12.4 acres. I see in the new text that it's going to go down to 7.4 acres. What's the -- what's the basis of that change?

MR. ENGLEBRIGHT: Well, we have a greater appreciation today than we did 47 years ago. We knew that the definition of environments of freshwater wetlands of modern time are analogous to the definition of environments of ancient wetlands, and that the soils of both are carbon concentrations. But now we know and we have a greater appreciation from recent science that it is really important at a level that we didn't fully appreciate in 1975 for us to protect the carbon sequestration capability of freshwater wetlands because they are taking out of the air the coal that we're burning and putting into the air. And we have a greater appreciation of how important that is to the global climate and, indeed, to the health and

well-being of our -- our population here.

MR. MANKTELOW: Is there -- is there an estimated total acreage that you would see being (inaudible) to wetlands?

MR. ENGLEBRIGHT: No.

MR. MANKTELOW: So there's no goal to add X amount of wetlands?

MR. ENGLEBRIGHT: The wetlands aren't really being created so much our climate and our geography and geology have created basins for moisture to accumulate and for that water to give rise to vegetated communities that are the wetlands.

MR. MANKTELOW: Okay.

MR. ENGLEBRIGHT: But they're not really being created very much. Sometimes they are. There are some wetlands that are -- that are being created by virtue of road projects and the like. But the high-quality wetlands, if you will, those that are ecologically mature and have great rarities in -- in them, those are usually older.

MR. MANKTELOW: Okay. So one -- one of my concerns as a -- as a farmer and I know up in my area and different parts throughout the State we have, you know, we call it muck at home. Black soils, you know, down -- I'm not sure all of the locations in the State. My concern there is as we start -- my concern there is as we start looking at remapping, will any -- do you anticipate -- any farmland that's in production as of today, do you anticipate any of that land going away?

MR. ENGLEBRIGHT: Well, active farmland is exempted.

MR. MANKTELOW: It is?

MR. ENGLEBRIGHT: Yes.

MR. MANKTELOW: Okay. That answers my question perfectly.

Okay, next question. So I apologize. I was just thinking in my head. You're familiar with the -- the IJC, the International Joint Commission that regulates the -- the lake levels to Great Lakes and --

MR. ENGLEBRIGHT: Yes.

MR. MANKTELOW: Okay. Are you -- are you familiar with Plan 2014? That's the plan that was implemented actually in 2016-2017 which created a, you know, a huge amount of issues along the lake. We've dealt with them here with our former Governor and at that time our Lieutenant Governor Hochul.

MR. ENGLEBRIGHT: I -- I have heard of it. I wouldn't claim to be facile with what their recommendations are.

MR. MANKTELOW: So -- so part of the goal of the -- of Plan 2014 was actually to raise the water levels up in certain areas, especially up around where some of my constituents are. And do you know how many acres they had planned on restoring to wetlands by doing that?

MR. ENGLEBRIGHT: I do not know.

MR. MANKTELOW: I'd like to share that with you.

The amount of the restoration is 64,000 acres of wetlands that will be restored. And I know we've seen some of that, but also at the same time we've seen -- I've seen wetlands -- because of the raising of the water I've seen wetlands get taken -- taken out. I've seen the turtles, the snakes, the frogs move from down the road, across the road up near another location and they're creating a new wetland there because of the rise of the lake levels. Is that being taken into consideration as we add or want to add more wetlands?

MR. ENGLEBRIGHT: Well, it depends on the size, of course. There's a size threshold here that's in existing law and will be continued until 2025 and then the -- the recalibration, if you will, at 7.4 acres. There is of course a program of investigation that is assumed here that I just described to you before and that you were asking about in terms of the Department's abilities. I don't know what the geology is of the wetlands you're referring to. It sounds like if the lake level is rising and the interior wetlands are rising as well, it sounds as if they're having geologically interconnected. That is possible in the sandy terrain, permeable substrate, similar to Long Island where the coastal plain geological province of New York, we have that phenomenon. And instead of a lake it's called the Atlantic Ocean. Where the Atlantic Ocean is rising around Long Island it has caused the water table on Long Island to rise in a manner that sounds like very similar to what you're describing. And the carbon-concentrated soils is 100 percent carbon soils. And those wetlands on Long Island in some cases are in excess of 40 or 50 feet thick of the

concentrated carbon that's been extracted from the atmosphere.

MR. MANKTELOW: I didn't -- I don't want to cut you off. I know my time is getting short and I've got just one other question --

MR. ENGLEBRIGHT: Sure.

MR. MANKTELOW: -- if I may. And I'd be glad to sit down and talk to you in depth about --

MR. ENGLEBRIGHT: I would welcome that. Sure.

MR. MANKTELOW: I see that there's a new fee structure that will be put in place. Will that take effect when the budget's passed?

MR. ENGLEBRIGHT: There is a delay, so it's not immediate.

MR. MANKTELOW: Is it six months, a year, a year-and-a-half?

MR. ENGLEBRIGHT: 2023.

MR. MANKTELOW: So about two years, then.

MR. ENGLEBRIGHT: About two years out.

MR. MANKTELOW: Well, maybe not quite two. The only reason I'm asking is you said it would take approximately six years to get to the level we want to be with the mapping.

MR. ENGLEBRIGHT: I don't believe that we need six years, but this is negotiated. And the Department has asked for six years.

MR. MANKTELOW: All right. And my only

concern is -- Mr. Chair, is that --

MR. ENGLEBRIGHT: I would contract immediately with Cornell and get their biologists into the field and the --

MR. MANKTELOW: Well maybe --

MR. ENGLEBRIGHT: -- great universities of our State and contract and put those biologists in the field and get this work done in the next 18 to 24 months.

MR. MANKTELOW: My only concern is I don't know if you've looked at the --

MR. ENGLEBRIGHT: That's not what's before us. What's before us is six years.

MR. MANKTELOW: Yes. Can I have an extra minute, Mr. Speaker?

(Laughter)

My only concern here is the fee -- the fee structure. You know, it was \$100 per application, but an increase of \$50, that's a 100 percent increase. Some of the other ones, a \$300 application fee now, that's an increase of \$250. Another one, a \$500 application fee that went from \$100. My concern here is I can look at all these fees and new charges. Who came up with those new charges and fees?

MR. ENGLEBRIGHT: I'm sorry?

MR. MANKTELOW: Who -- who came up with the new charges and the new fees?

MR. ENGLEBRIGHT: The Department came up with any new fee structure here. Parts of the fee structure are quite

old, decades old.

MR. MANKTELOW: Okay.

MR. ENGLEBRIGHT: Also, though, they were derived by the Department.

MR. MANKTELOW: So they -- they came up this prior to the budget passing and they knew this was coming then?

MR. ENGLEBRIGHT: That's correct.

MR. MANKTELOW: Who in -- do you know who in the Department was involved with the fee structure?

MR. ENGLEBRIGHT: Ultimately, the law provides that the Commissioner is responsible for carrying out the provisions of this law. So I -- I know where the buck stops. I don't know exactly who is making change.

MR. MANKTELOW: Well, my time is up, so, Mr. Chair, I appreciate your time. I may say something on the bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. And I just wanted to highlight an important issue in the budget that's in this bill, in the Environmental Bond Act, and that is the fact that we have added the amount of money in the Bond Act for storm water grants. And if you experienced flooding as my portion of the State did in Hurricane Ida, one of the things that was revealed in Hurricane Ida is that a lot of the sea level rise damage and flood damage revealed

deficiencies in the municipal storm water systems. And municipalities needed help to pay to upgrade failed systems, to expand capacity. And this is very important in terms of public safety, in terms of protecting against property damage, general storm resiliency. But also it's good for the taxpayers of New York State that if the Bond Act passes, and I hope it will, that we would have at least \$250 million in a grant program to help municipalities pay to do needed storm water projects. So that's something we should all be supportive of and supportive of the Bond Act in November.

I couldn't help listening to some of the wetland debate. It gives me an opportunity to congratulate Chair Englebright on the agreement in terms of some upgrade of our wetlands laws. But I would say more globally and -- and interesting points raised there about wetland loss in New York State. And so generally the statistics are that since the turn of the last century, we probably have lost about 60 percent of the wetlands that we have had. Some of that is actually because of abandonment of farmland areas, beaver damage and other sorts of things. But I'll tell you, I've studied emergency management for a few decades. In my county a lot of the flood damage is exacerbated because of development that didn't take enough care to protect against wetland loss, and we need to be paying attention to that if we're going to protect our residents from very expensive damage related to big storm events.

So the last thing I'll say on this bill is there's some very good material in this bill on broadband policies in this State to try

and expand our coverage areas and access to broadband. And I think New York State is going to have a much more organized program coming out of what we're passing in this budget.

So with that I yield back the 13 more minutes that I'm not using up, and thank you all and let's all work together on these good causes.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the Chair of Ways and Means answer some questions?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Be happy to.

ACTING SPEAKER AUBRY: Proceed.

MR. GOODELL: Thank you very much. Ms. Weinstein, I see that we have allocated \$500 million for zero-emission school buses out of the bond proceeds. If for some reason the bond doesn't pass, are we still going to require our schools to go with zero-emission buses?

MS. WEINSTEIN: That -- that -- that requirement is not contingent on the Bond Act being enacted.

MR. GOODELL: And is there a requirement that the schools go to zero-emission buses contained in what we have in front of us so far or what we anticipate?

MS. WEINSTEIN: That -- that -- that will be taken up a little later, probably the next bill. In the ELFA bill.

MR. GOODELL: I see. Now I note that the most

recent data from NYSERDA says that only six percent of New York State's power is what would be considered green energy, wind or solar. What is the environmental rationale for requiring that our school buses be powered by 94 percent non-renewable energy?

MS. WEINSTEIN: It's -- it's the impact of -- of -- you know, the -- the impact on our -- our city -- city, State, rural areas of -- of the emissions, and particularly school buses. They are often students standing there. The pollution is amplified -- if -- if the buses are around the school area we want to try and keep the air quality as best as -- as possible.

MR. GOODELL: In my county our largest single employer is Cummins Engine. They make state-of-the-art diesel engines including diesel engines that operate dual-fuel. Extraordinarily low air emissions. At the same time our power for most of our Southern Tier comes from a coal plant in Homer, Pennsylvania. What is the environmental rationale for replacing extremely low-emission diesel with coal-powered school buses?

MS. WEINSTEIN: We're -- we -- you know, we're reducing -- we want to be reducing emissions. And even though the diesel may be better than some -- that technology may be better in terms of the -- in terms of the diesel, but we want to try and meet higher environmental standards and goals and that's the reasoning for transitioning to zero-emission school buses.

MR. GOODELL: So the belief is then that the electric school bus that's charged by a coal plant in Pennsylvania that

had the dubious distinction of being one of the dirtiest plants in the nation still produces less greenhouse emissions there than a state-of-the-art dual-fuel diesel? Is that -- and has there been an analysis of the net air emissions comparing coal-powered electric with state-of-the-art dual-fuel diesels?

MS. WEINSTEIN: Well, there -- there's nothing that prevents the -- the plant that you referenced. Obviously you say it's Pennsylvania, so we can't impact that directly. But there's nothing that prevents them from transitioning to -- to electric.

MR. GOODELL: You think diesel engines (inaudible) are going to be converted to electric? But you don't need to express an opinion on that. It's really outside the scope of the budget. Is it okay if we use these diesel engines to produce the electric to power the -- power the school buses?

MS. WEINSTEIN: The -- you know, obviously, the overall goal is the reduction of pollution in our State and move towards -- as much as possible towards a green -- a greener economy so that it will be a greener State for people living here. So to the -- the Bond Act works in that direction. Some of our changes that we've -- we recommend go in that direction, and we have seen that changes, small changes can make a big difference.

MR. GOODELL: By the way, that's not a hypothetical question because our county landfill has several very large diesel generators that burn the methane that's produced by the landfills, the byproduct. And so what we're really saying is we want

to convert our school buses that run on diesel to run on diesel-powered electric or coal-powered electric. I just question if there's any -- my question is, is there any environmental study that indicates that this alternative that we're talking about actually net reduces air emissions or is it simply a simplistic feel-good bill that we don't see exhaust coming out of a school bus and we're not looking at the smokestacks of the neighboring coal plant? Is it just a feel-good bill or do we actually have an analysis on the environmental impact?

MS. WEINSTEIN: Well, there is a -- a long time frame before -- both for the manufacturers and the -- the electric companies, the producers of the energy as well as the -- the school districts.

MR. GOODELL: Okay. Changing subject, if that's okay.

MS. WEINSTEIN: Sure.

MR. GOODELL: I was going to say, I think we've driven that issue into the ground. But never mind. I see that we require all public-based and State agencies now to provide a gender X option on all their demographic data. That's in Part R.

MS. WEINSTEIN: Mm-hmm.

MR. GOODELL: I'm not quite sure what gender X means because I'm not a Gen X generation kind of guy. But am I correct it means somebody doesn't want to identify as either a male or a female?

MS. WEINSTEIN: Correct.

MR. GOODELL: So if a person identifies as gender X and their license plate says gender X and they report their demographics to a State agency as -- as gender X, are they eligible for the Women- and Minority-Owned Business incentives?

(Pause)

MS. WEINSTEIN: You may have stumped the band on that one, Mr. Goodell, so we will have to get back to you at a later time with an answer.

MR. GOODELL: Well, that's really important because as you know, a lot of our construction projects have a set percentage that has to be met by MWBE and it's in some parts of the State is really, really difficult to meet that standard. And it would be great if people could just say, *I'm a gender X* and then be eligible. Do we know yet? I mean, it would seem if we discriminate against gender X it's hardly that inclusive State that we're looking to create.

MS. WEINSTEIN: Well, the Minority and the Minority Women Business programs are to help companies that have been traditionally not -- not able to access the various State programs, grants in construction. So that's the rationale for those programs and people who have been -- companies that have been historically excluded from those companies. So I don't know that what you're asking is -- I don't know that we have experience there, and so I think it is a novel question that you've raised here. I'm not sure that it hasn't been considered in other areas, so that's why I said I have to get back to you whether that's been considered elsewhere.

MR. GOODELL: Well, certainly I would hope we can resolve that. Now I see that this also provides that the State is now to provide non-driver license IDs to inmates.

MS. WEINSTEIN: Correct.

MR. GOODELL: And presumably these non-driver license IDs have to have an address. I mean, we all use an address to identify who we are. And that's particularly important in my area, by the way, because we have a lot of individuals of Swedish or Italian descent, so if your name is John Johnson you've got to know the middle initial and address. What address are we using for these non-driver IDs? Are we using the prison or what address are we using for them?

MS. WEINSTEIN: Well, the -- the time frame is close to when they're going to be released, and presumably people will have an address. They may need that for parole. The Parole Board needs to know where they're going to be in most instances, so presumably people will have an address. We're not suggesting that people get a license without -- a non-driver ID did without an address attached to it.

MR. GOODELL: Now, is there a reason why we want to provide non-driver ID cards for free for inmates but we don't provide them free for law-abiding individuals who have not committed a violent or serious crime and who have not been in prison at taxpayers' expense?

MS. WEINSTEIN: Well, I mean, we do in -- in a

number of instances. If you're 62 and older and receive SSI there's no fee for the 10-year non-driver ID. If you're of any age, actually, and receive temporary assistance there's a four-year non-driver ID that has no fee attached to it. The 62 and older is -- fee is \$10 -- is \$6.50, good for ten years. It's not free, but obviously it's a very, very low fee. But we do provide for -- for people who are -- have economic issues.

MR. GOODELL: So we provide a free -- free ID for everyone who is convicted in a sense for serious crime and we provide free IDs for certain select law-abiding residents if I understand you correctly.

Let's change the subject a little bit and look at Part OO. Am I correct that if a privately-owned project utilizes a project labor agreement they're not subject to public work and prevailing wage laws; is that correct?

MS. WEINSTEIN: Hold on one -- you're saying if it's a -- if it's private that it's -- the -- the PLA is -- is for projects of \$25 million.

MR. GOODELL: Right. But am I correct that if a privately-owned project utilizes a PLA they're not subject to public work and prevailing wages?

MS. WEINSTEIN: Which part? I'm -- I'm sorry, you're referring to?

MR. GOODELL: Part OO.

MS. WEINSTEIN: OO.

MR. GOODELL: That's what I said, uh oh.

MS. WEINSTEIN: Uh oh. Okay. The implementation -- okay, so the Clean Water Air -- so the Bond Act.

MR. GOODELL: Yes.

(Pause)

MS. WEINSTEIN: So as -- as I stated, I just verified that the Bond Act, the PLA kicks in at above \$25 million, so there isn't the requirement below \$25 million for a PLA.

MR. GOODELL: All right. I'm looking at page 46, for example, line 36 and 38. Any privately-owned project receiving funds allocated pursuant to this title which utilizes a PLA shall not be subject to Article A of the Labor Law, which seems kind of strange that if you have a PLA you don't have to pay prevailing wages.

MS. WEINSTEIN: It -- see, I think we may have a disagreement because I'm being told that everything has to be prevailing wage and the PLA just kicks in above \$25 million.

MR. GOODELL: Okay. I -- I didn't read it that way, but thank you. Again, I always appreciate your comments.

On the bill, sir.

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

MR. GOODELL: Thank you, sir. So we have a budget bill that requires school buses to be powered by coal or by diesel as long as the diesels create electricity. We have a budget bill that requires project labor agreements which excludes every single privately-owned non-union contractor in the State of New York who

pays taxes. They're excluded from even participating. We have new rules on wetlands that dramatically increase the scope of the DEC's authority notwithstanding the fact that under the State Constitution --

(Buzzer sounds)

-- the State Constitution actually makes it a part of our Bill of Rights to drain swamps. Sir, many issues mentioned by my colleagues. Thank you very much for the opportunity to discuss it, and again, thank you to my colleague Ms. Weinstein.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Kelles.

MS. KELLES: Thank you, Mr. Speaker, for an opportunity to ask a question.

ACTING SPEAKER AUBRY: You're asking the sponsor to yield, are you not?

MS. KELLES: Thank you, yes. Absolutely.

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

MS. WEINSTEIN: Yes, I yield.

MS. KELLES: Thank you. Actually just one question for clarification. There's one program that I'm very interested in. I think it's a very exciting program, which is the expansion of the brownfields eligibility, and it includes -- it expands what projects will be eligible for brownfield remediation funding to increase for those projects that -- or applications that note it increases jobs, it increases the focus on achieving environmental justice, a focus on decreasing

greenhouse gas emissions. I know the fourth one was also to increase climate resiliency. I think this an important component to note that is an environmental win. But I wanted to make sure that I understood how the funding mechanisms. Is this only open for communities, for private developers, for non-profits? What is the mechanism? Is it a grant program? Just for clarification.

MS. WEINSTEIN: It's municipalities, non-profits. Whoever's working on the -- the project.

MS. KELLES: And also for developers? Is that --

MS. WEINSTEIN: Yes.

MS. KELLES: Wonderful. That's -- I think this is really important. It hasn't been brought up a lot. This is related to the environment, of course, because of the contamination of brownfields. The cleanup, but the focus on it specifically for remediation in the context of our CLCPA goals is wonderful.

So thank you for the clarification.

MS. WEINSTEIN: Sure.

MS. KELLES: Mr. Speaker, on the bill.

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

MS. KELLES: There are a few really important components of this bill that I wanted to highlight that -- that really support I think my community support on the environment overall and the goals that we're trying to achieve as a State. There's one on, you know, that is not climate-related but that I was very excited about and

I did want to highlight -- I know it's been brought up before and I'm very excited to support -- which is the identification card program. It is very difficult for people when they leave incarceration to get a job. One of the fundamental things that we need to stabilize our lives economically and with dignity are our social and our mental health. And this is a -- a program that would allow people to access non-driver ID cards without a fee while incarcerated in the process of their transformation and rehabilitation that would let them enter into the community in a strong way and -- and seek that economic stability. So I -- I love seeing that and I'm happy to support it. The brownfields program as well. I think that this is a powerful addition to the environmental initiatives that we are doing this year in the budget, and I did want to highlight that because it's not something that we necessarily really think of as an environmental initiative. There are other things that we had talked about briefly. I did want to thank the sponsor and also our Chair of Environmental Conversation who has worked for decades - I would repeat, decades - to secure protections for freshwater wetlands. This would decrease the requirement or the threshold to 7.4 so that any wetland that is over 7.4 acres would now be protected. Vernal pools would also be protected. All of them would be protected. These are very, very fragile ecosystems that provide, as has been mentioned, carbon sequestration, provide ecosystems for endangered species of both plants and animals, an incredibly and important part of our environmental initiative. We talk a lot about greenhouse gas emissions, but we don't often talk about

how we remove carbon from the atmosphere. And preserving our natural ecosystems, particularly robust soils and tree species and forest lands is actually a fundamental part of our environmental goals for the CLCPA. In particular, the Climate Action Council's scoping plan has said that about 16 percent of our goals for reducing greenhouse gases will need to come from reducing carbon by carbon sequestration. So this is not just preservation of ecosystems, this is an active component of our plan to reduce greenhouse gases and I'm very excited about it. And there are things that are not in this budget that I'm also excited that are not here, and that was simply because of the proposed language that I think was not strong enough, which one of them being the expanded resource responsibility that we will continue to do post-budget in a manner that is systematic and follows science. A few other things that I did want to mention and celebrate, although it's not mentioned explicitly here. For the first time in decades we will be preserving the regional greenhouse gas initiative, \$23 million that has been consistently robbed from -- from RGGI and what RGGI is supposed to focus on into the General Fund. And it has been focused on climate initiatives like solar credits, but solar credits are -- are specifically funding that you get once you've already developed or invested in solar -- in solar infrastructure, which means that it's very rarely accessible to low- and medium-income families which is really a targeted focus of the CLCPA. The RGGI funds were also always intended to be an addition, not a substitution. We created it after the solar credit program was put in place. That was part of the General

Fund. Once RGGI was created we moved it over to fund programs like the solar credit so that we could take money from the General Fund that was funding that and move it to something else. So it's used as a substitution and that was never its intention. So for the first time in many years we have a three-way agreement, which I'm very proud of, where this funding will stay in RGGI and will focus on adding to our climate initiatives in a time when we desperately need it. We have had two reports that have come out of the U.N.

Intergovernmental Panel on Climate Change that has said please, wake up policymakers, you have had rhetoric for so long that your words and your actions have not matched. And we have eight years left to reduce our total greenhouse gas emissions globally by 50 percent if we are going to prevent the worst of the climate predictions that the scientists have annotated, which means that we need every penny possible to focus on adding to those climate initiatives.

There are things that we did not get into this budget, that I -- that I'm sad that did not make it into this budget that really would have pushed our environmental initiatives further, like getting in a focus on getting all of our buildings onto electric. The all-electric building focus that the Governor had and also that several of our colleagues had a more rigorous one that has been circulating by our colleagues and I'm hoping this will happen post-budget. We desperately need to significantly increase the electrification of two areas that produce the greatest greenhouse gas emissions in the State, one being our buildings and the other being transportation. Those

must happen immediately. We've got some initiatives in this budget. We need to go further. So we have some climate winds, we have some climate (inaudible), but overall this is a move in the right direction. I hope in the future we follow what has been stated by our government, by NYSERDA, that we need a minimum, a minimum of \$10 billion invested every single year from here on out for the next decade if we are going to reach our climate goals. Those are our own scientists. We have a start here. It's not enough, we need more. But it's a step in the right direction.

And because of all of that I stand in support of this piece of legislation. I will be supporting it and voting in the affirmative. Thank you so much.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8008-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 budget bill. Those who support it are certainly encouraged to vote in favor of it on the floor of the Assembly or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in favor of this piece of legislation. However, there may be a few of our colleagues that would desire to be an exception. As offered, they can call the Majority Leader's Office and we will be happy to record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Walczyk to explain his vote.

MR. WALCZYK: Thank you, Mr. Speaker, for the opportunity to explain my vote. There's some nice things in this bill. There's some good things for the environment in this budget bill. We're also removing the surcharge for registration of boats, which is nice. I'd like to see that surcharge removed. I know that that's because the Coast Guard audited funds that New York State had and we felt like we shouldn't be breaking any Federal laws anymore. But that's beside the point. I'm still glad to see that surcharge removed. Big win getting rid of the fiber tax and New York State DOT's right-of-way. We're actually get serious about broadband expansion. But there's too much in this bill that I disagree with. So we are extending authorization to use Dedicated Highway and Bridge Trust Fund for DMV fees. That's not what it's for. You're taking the trust

out of the Trust Fund. We're increasing the bidding threshold for Design-Build projects in the MTA, but not the threshold for CHIPS projects for our local roads and bridges. There's no -- no funds included in this bill for shoreline resiliency, so I'm sorry if you got flooded on the St. Lawrence River or on Lake Ontario this bill is not going to help you. Continues the government takeover of the entertainment industry through the Employee Subsidy Pilot program, which is interesting. It changes -- it's making a change in the definition of wetlands and the map. I don't think a lot of homeowners want to pay the DEC \$300 to tell them whether they can put a swimming pool in or not. And that's something that I think is kind of a "Come on, man" moment for a lot of New Yorkers when they see this regulation come through. And lastly, the last public hearing that the public had an opportunity to participate in for this bill and the entire budget was 51 days ago. The last public meeting that we had where even legislators within the Senate or the Assembly could offer any public comment was 24 days ago. This bill, like the others, has --

(Buzzer sounds)

-- been negotiated in -- in secret. It's unacceptable and, Mr. Speaker, I vote no.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Englebright to explain his vote. If the gentlemen will remove themselves from in front of him. Gentlemen? Hello? Thank you.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I

just want to observe that this is an important day for the environment in New York. Our -- our climate goals are being advanced because we are better protecting nature's great gift to New York and, indeed, to nature. The incredible capability of freshwater wetlands to concentrate carbon extracted from the atmosphere and put it into the ground from which it came. It is the burning of ancient freshwater wetlands - we call it coal - that is driving climate change. Driving the floods, the rising sea level, the invasion of invasive species. All of these are something that we are today, as we vote for this measure, to improve our freshwater wetlands law. We are going to protect, we believe, something on the scale of a million acres of New York which is freshwater wetlands and have not been adequately protected. There are many benefits for protecting these wetlands. I have mentioned the carbon sequestration, but let me also mention flood protection. Our communities that have been flooded. The protection of rare, threatened and endangered animals and plants. The water purification capability of these natural filters. And of course just the plain logic of not allowing construction in large massive format into soils that don't really support properly residential homes. These are all great benefits. I am grateful to the staff that has helped negotiate this. I'm grateful to the Governor who has put it into the budget and allowed us to negotiate for this very reasonable conclusion. I'm very grateful for the time that --

(Buzzer sounds)

-- I have here today to reinforce this important bill.

Thank you so much. I vote yes.

ACTING SPEAKER AUBRY: Mr. Englebright in the affirmative.

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker. I'm very pleased to see that this bill includes an expansion of CDTA bus service into the City of Amsterdam and communities that I represent in Montgomery County. This is something that we've been working on for quite some time. This area of my district has struggled with the lack of public transportation options, and this expansion is much needed and will -- will allow residents and communities to take advantage of bus service. So I want to thank everyone that worked on this important issue and helped build support that we needed to make this possible here today, from the local level and to my colleagues here at the State Assembly. With this commitment in our State budget coupled with better funding that's already been secured for this project, we're on track to finally making it a reality. Public transportation is such a critical component to building strong communities. It fosters connections, it helps boost the local economy. That's something that's very important right now. And it helps residents, especially commuters, seniors and students get to their destination safely. We have a lot of places where people need to get to in Montgomery County. Students getting into Fulton Montgomery County Community College, healthcare facilities, people get back into -- as people get back into the workforce. This bus service will help

build a strong community for us. It helps support local employers and businesses as well. It's something that is going to support the growth that we've seen in this area and it's going to build on the revitalization we have seen in the City of Amsterdam. I'm so pleased to see this much-needed expansion get across the finish line here today, and I'm pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. Last night we so eloquently heard that we were in the final moments of our window to act on the climate crisis. Just a few short moments ago we were told it was eight years. I don't know what the exact amount of time is, but certainly, I do think it is important that we act. And I do think it is important that we do more to address open space preservation, to do more to address flood mitigations to improve our water quality and our resiliency. And while I am deeply troubled by the fact that at a time when we are spending \$221 billion that we need to bond for so many of these important initiatives rather than pay them directly. I do think it is important and I will support this bill so that we can get the Environmental Bond Act on the ballot this year. And with respect to the independent analysis of tax credits, deductions and incentives, as I mentioned earlier in my debate with the Chairwoman, I really do hope we amend that to be inclusive of the cash that we continue to spend on, quote, unquote, economic development

programs such as the Buffalo Billion, Start-Up New York, the 600 million that we're about to spend on the Buffalo Bills. It would be nice that we actually understand whether or not these programs and initiatives are actually creating jobs and economic opportunity in our State. So far the Buffalo Billion and Start-Up New York from the prior Governor seem to be nothing more than a waste of taxpayer money. So I am -- I am hopeful that this new initiative will actually do what it is intended to do.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Lawler.

Mr. Meeks to explain his vote.

MR. MEEKS: Thank you, Mr. Speaker, for an opportunity to explain my vote. I want to commend the sponsor for this legislation. This bill -- these bills represent evolution. To think a building like this building was heated by a fireplace at one time, many of our households used to be heated by oil and now they're heated by gas, electricity. And it speaks to our ability to evolve. As related to disadvantaged communities, some posed the question, exactly what is disadvantaged communities? Well, I'll give you a brief definition. Communities that have historically been plagued by institutional and structural racism. I'll go on to say the non-driver ID for previously-incarcerated individuals, it's absolutely needed. When you travel the community and speak to individuals who say, *Hey, I have not been able to get a valid driver's license for over a year, therefore, I cannot*

land a quality job. That's a challenge, and it further perpetuates poverty.

So I stand in the -- I vote in the affirmative because I believe that this legislation is about investing in our future and not our failure. Again, investing in our future and not our failure. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Meeks in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. By passing this legislation we are authorizing a vote by the voters to approve a \$4.2 billion Bond Act for clean water, clean air and clean jobs. We specify in this legislation that a specific amount of money shall be used to restore and to minimize flood risks or projects of not less than \$101 million, and that a specific amount of money shall be set aside for open space, land conservation and recreation. And a specific amount of money shall be set aside for climate change mitigation. And that a specific amount of money shall be set aside for water quality improvement and infrastructure. These are all very important projects, especially in light of the impacts of climate change. We have built our communities with a different climate. Now we are suffering the impacts of climate change, and we have to reimagine the way our clients -- our communities are established and find ways to minimize the impacts of climate change. This is a challenge to our local governments to become partners with us. Just

before I came here a few years ago I passed a piece of legislation in Westchester County to set up a structure for Westchester County to combat and to mitigate flooding. Storm water management. Now Westchester County needs to complete the projects under that legislation so that it's ready to ask us to partner with them to obtain some of this money. Every county around the State, every municipality around the State has to move forward and be prepared to come to the State and partner with us to utilize the monies from this Bond Act.

This is a great opportunity for us and I wholeheartedly support this legislation.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Ms. Kelles to explain her vote.

MS. KELLES: Thank you so much to explain my vote. There are a few things that I wanted to talk about, about the Bond Act that are incredibly important. Not only does this put billions of dollars in restoration and flood risk reduction -- we know that we are going to be experiencing significant increases in precipitation due to climate change -- it provides significant funding, billions, to climate change mitigation over the next decades as that gets more intense. And it provides significant funding to water quality improvements and resiliency infrastructure. Again, something we know is going to be an increasing need. What doesn't get talked about as much is that it also requires that 35 percent of all the money go to

environmental justice communities, at a minimum. And another important thing. It has amazing labor standards. Projects funded pursuant to this Article shall require compliance with prevailing wage requirements. And any project receiving at least \$25 million from funds allocated pursuant to this Article for a project costing greater than \$50 million shall require the use of apprenticeship agreements. These are amazing labor standards as well. So the focus on human rights, on labor standards and on the environment is an amazing combination to add to the work that we're doing and I wanted to make sure that everybody understood the breadth and depth of what this Bond Act will do for this State. I'm so proud that we are adding this in this year.

Along with all the other environmental initiatives and human rights components of this bill, I am glad to cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Kelles in the affirmative.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker, to explain my vote. This bill is really loaded with tremendous benefits for the people of the State of New York. We've heard it eloquently described and accounted for with the Environmental Bond Act, and we have to realize what an important step we're taking. New York showed its leadership in the nation by adopting the Climate Leadership and Community Protection Act. It was groundbreaking. It set dramatic

goals, and now we're putting the investment that has to be made in order to meet those goals. And I want to thank the Governor and I want to thank the entire Legislature for showing that support that's so desperately needed so that we can get it on the ballot. And I can assure you that I will be among those that will be urging our citizens to vote for it. But we went further. We went further with the most important change in our wetlands law, fresh land wetlands law in 46 years. Truly a game changer. And I want to tell just a small story. Some 20 years ago I came to this august Body as a member and actually the Chair of the Town of Bedford's Wetlands Control Commission. Because at that time I was meeting with the -- the then-State Senator Vinny Leibell and the State Assemblymember Adam Bradley, and saying, *You know, we really have to do something about this. We really need to reduce the threshold, the acreage.* This has been a long, long battle. And this is enormously important to the protection of wetlands, which is so important for the protection of clean drinking water --

(Buzzer sounds)

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

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

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you, Mr. Speaker, for allowing me to just explain my vote. I appreciate what this bill does to protect our environment. It funds ground-fill cleanups, landfill initiatives, finances the Clean Water, Clean Air and Green Jobs Act and mitigates the impact of climate change. It allocates generous funding to the Environmental Bond Fund so the Environmental Bond Act can be on the ballot this fall. Protecting the freshwater wetlands is vital for so many reasons, and providing our schools with the needs to provide clean -- clean water is paramount. Establishing broadband throughout the State is so important. And of course this bill also lends support to small businesses through a grant program.

I am proud to vote in the affirmative and thank all who worked on these important measures. Thank you for allowing me to explain my vote.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. There are a number of I think very important pieces in this bill. First and foremost, starting with the effort that we're putting in to protecting our environment. One of these days, Mr. Speaker, I would love to have great grandchildren and I would love for them to be able to live in a -- in a society where the air is clean, the water is good and they don't have to be threatened by anything that they live within their

environment.

Secondly, I want to say I was very encouraged by the Office of Cannabis Management and the work that they've been able to do in just a -- pretty much a short year to put together a strategy that not only begins to put the adult-use market in place, but to do so by using New Yorkers to both grow, cultivate and prepare the product and New Yorkers to dispense the product. Why I think that's important is because we were behind the ball on this issue and there are a number of multi-state players who would love to be the first ones to grow, the first ones to sell. But New Yorkers decided to choose its own systems to do that and I really think that's commendable, and I want to commend them on that.

The last thing I would say is the efforts that happened with the brownfields cleanup program is huge. It got extended for another ten years. Some of us live in communities that were previously majorly industrial communities, so there's a lot of things that need to be cleaned up -- cleaned up before people can live there safely. And so I am encouraged by the brownfield cleanup program and I'm also encouraged that it adds affordable housing to the process.

Thank you, Mr. Speaker. I'm pleased to vote in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. I just

want to interrupt the proceedings just to say a few comments about this budget bill, but the budget in general. This budget is good for people, it's good for our communities. It reduces mandates for local governments in many different aspects. Personally, here in the Capital Region we do see the \$3 million levy on the five -- three counties I represent, through the Hudson River and Black River Regulating District which was an unfair tax. The taxpayers have felt the burden. It eliminated the sales tax intercept. (Inaudible) AIM to our local governments, but also to our counties with the (inaudible) intercept. An increased support to local governments when it comes to roads and bridges. Items that cost a lot of money and have the impact on quality of life in our community. But this budget also invested in people in many different ways. We're reducing the tax burden, over \$2 billion in tax rebate checks going back to our property owners, lowering the New York State income tax ahead of schedule. Reducing the burden there as well. Tax relief for small business and small business grant programs which are going to be critical to help them as they continue to recover from the pandemic. We created our first digital gaming tax credit program to help grow that digital gaming cluster which New York State sadly has lacked behind, only having 1 percent of the market share. We have increased housing opportunities, whether it's to provide more affordable housing opportunities for those hard-working middle-class members of our community, but also working with our land banks to provide opportunities for individuals to realize homeownership opportunities, which has been a very big

struggle. Just as importantly, we have invested heavily at an all-time high in our education system; K-12 of course. But also investing in child care, which I believe is one of our most important economic development drivers that we could invest in. And we haven't forgotten our higher education community, by making sure that we're closing the TAP gap, something that for the ten years that I've been here I've heard about each and every year. And we're finally getting it done.

I want to thank you, Mr. Speaker. This has not been an easy budget.

(Buzzer sounds)

But we're getting it done for the people we represent. Thank you very much.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record the following colleagues in the affirmative: Mr. DeStefano, Mr. Durso, Mr. McDonough, Mr. Mikulin and Mr. Smith.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleague Mr. Steck in the negative on this

piece of legislation.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell for the purposes of an announcement.

MR. GOODELL: Thank you, sir. There will be a Republican Conference by Zoom, virtual conference, to brief some of the upcoming budget bills. That will commence in about ten minutes, which gives most of us time to get back and get on Zoom.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly.
Republican Conference in about ten minutes on Zoom.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please put the House at ease while the Republicans have their conference?

ACTING SPEAKER AUBRY: The Assembly stands at ease.

(Whereupon, the Assembly stood at ease.)

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues,

members have on their desk a B-Calendar. Mr. Speaker, would you please advance that B-Calendar?

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

Mrs. Peoples-Stokes.

Page 3, Rules Report No. 74, the Clerk will read.

THE CLERK: Assembly No. A09006-C, Rules Report No. 74, Budget Bill. An act to amend the Education Law, in relation to school Contracts for Excellence; to amend the Education Law, in relation to Foundation Aid; to amend the Education Law, in relation to maintenance of Equity Aid; to amend Chapter 56 of the Laws of 2021, relating to funding from the Elementary and Secondary School Emergency Relief Fund allocated by the American Rescue Plan Act of 2021, in relation to every local educational agency receiving funding from the Elementary and Secondary School Emergency Relief Fund allocated by the American Rescue Plan Act of 2021 shall be required to post on its website a plan by school year of how such funds will be expended; to amend the Education Law, in relation to Building Aid and the New York State Energy Research and Development Authority P-12 Schools Clean Green Schools initiative; to amend the Education Law, in relation to Building Aid final cost report penalties; transportation contract penalties; to amend the Education Law, in relation to modifying the length of school sessions; to amend the Education Law, in relation to Supplemental Public Excess Cost Aid; to amend the Education Law, in relation to

Academic Enhancement Aid; to amend the Education Law, in relation to High Tax Aid; to amend the Education Law, in relation to extending the State Education Department's authority to administer the Statewide Universal Full-Day Prekindergarten Program; to amend the Education Law, in relation to Universal Prekindergarten expansions; to amend Chapter 756 of the Laws of 1992, relating to funding a program for workforce education conducted by the Consortium for Worker Education in New York City, in relation to reimbursement for the 2022-2023 school year, withholding a portion of Employment Preparation Education Aid and in relation to the effectiveness thereof; to amend Chapter 537 of the Laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to lunch meal state subsidy; to amend Chapter 169 of the Laws of 1994, relating to certain provisions related to the 1994-95 State Operations, Aid to Localities, Capital Projects and Debt Service budgets, in relation to the effectiveness thereof; to amend Chapter 147 of the Laws of 2001, amending the Education Law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend Chapter 425 of the Laws of 2002, amending the Education Law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to making certain provisions thereof permanent; to amend the No Child Left Behind Act of 2001, in relation to making the

provisions thereof permanent; to amend Chapter 552 of the Laws of 1995, amending the Education Law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; providing for school bus driver training grants; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend Chapter 121 of the Laws of 1996, relating to authorizing the Roosevelt Union Free School District to finance deficits by the issuance of serial bonds, in relation to extending the school years to which apportionment for salary expenses apply; to amend the Education Law, in relation to permitting the City School District of the City of Rochester to make certain purchases from the Board of Cooperative Educational Services of the supervisory district serving its geographic region; to amend Chapter 82 of the Laws of 1995, amending the Education Law and certain other laws relating to State Aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; providing for set-asides from the State funds which certain districts are receiving from the total Foundation Aid; providing for support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A) to amend the Education Law and the Local Finance Law, in relation to zero-emission school buses (Subpart A) to amend the Public Authorities Law, in relation to the creation of a zero-emission bus roadmap (Subpart B)(Part B) intentionally omitted (Part C) to amend the Education Law, in relation to State appropriations for

reimbursement of tuition credits (Part D) to amend the Education Law, in relation to the expansion of the Part-Time Tuition Assistance Program (Part E); to amend the Education Law, in relation to eligibility requirements and conditions for Tuition Assistance Program awards; and to repeal certain provisions of the Education Law relating to the ban on incarcerated individuals to be eligible to receive State Aid (Part F); to amend the Education Law, in relation to setting tuition rates charged for recipients of the Excelsior Scholarship (Part G); to amend the Education Law, in relation to including certain apprenticeships in the definition of "eligible educational institution" for the New York State College Choice Tuition Savings Program (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the Social Services Law, in relation to child care assistance (Part L); to amend part N of Chapter 56 of the Laws of 2020, amending the Social Services Law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part M); to amend Part C of Chapter 83 of the Laws of 2002, amending the Executive Law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Part N); to amend the Social Services Law, in relation to reimbursement for a portion of the costs of social services districts for care provided to foster children in institutions, group residences, group homes, and agency operated boarding homes (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the Executive Law, in relation to

increasing the amount of reimbursement the Division of Veterans' Affairs shall provide to local veterans' service agencies for the cost of maintenance of such agencies (Part R); to amend the Social Services Law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part S); to amend Part W of Chapter 54 of the Laws of 2016 amending the Social Services Law relating to the powers and duties of the Commissioner of Social Services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part T); to amend the Social Services Law, in relation to the public benefits and requirements; and to repeal certain provisions of such law relating thereto (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to utilize reserves in the Mortgage Insurance Fund for various housing purposes (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the Executive Law, in relation to the State's language access policy (Part GG); to amend the Retirement and Social Security Law, in relation to waiving approval and income limitations on retirees employed in school districts and Board of Cooperative Educational Services; and providing for the repeal of such provisions upon expiration thereof (Part HH); intentionally omitted (Part II); to amend Chapter 277 of the Laws of 2021 amending the Labor Law relating to the calculation of weekly employment insurance benefits for workers

who are partially unemployed, in relation to the effectiveness thereof (Part JJ); directing the Office of Temporary and Disability Assistance to conduct a public outreach program regarding utilities assistance (Part KK); to amend the Social Services Law, in relation to the Savings Plan Demonstration Project in the City of New York; and to amend Part K of Chapter 58 of the Laws of 2010 amending the Social Services Law relating to establishing the Savings Plan Demonstration Project, in relation to the effectiveness thereof (Part LL); to repeal Section 106 of the Social Services Law relating to mortgage repayment liens for public assistance beneficiaries (Part MM); requiring the State University of New York and the City University of New York to report on the hiring of faculty pursuant to any State funding appropriated for such purposes (Part NN); to amend the Education Law, in relation to removing the limit on the total annual costs of the Senator Patricia K. McGee Nursing Faculty Scholarship Program and relates to the number of awards that may be given under the New York State Young Farmers Loan Forgiveness Incentive program (Part OO); in relation to constituting Chapter 13 of the Consolidated Laws establishing the Veterans' Services Law and the Department of Veterans' Services; to amend the Domestic Relations Law, the Education Law, the Election Law, the Environmental Conservation Law, the Executive Law, the General Municipal Law, the Labor Law, the Mental Hygiene Law, the Nonpartisan-Profit Corporation Law, the Public Health Law, the Social Services Law, the State Finance Law, the New York State Defense Emergency Act, the

Administrative Code of the City of New York, the New York City Charter, the Cannabis Law, the State Technology Law, the County Law, the Economic Development Law, the Correction Law, the Civil Service Law, the General Business Law, the General Construction Law, the Highway Law, the Insurance Law, the Judiciary Law, the Military Law, the Public Housing Law, the Public Officers Law, the Private Housing Finance Law, the Real Property Tax Law, the Tax Law, the Town Law, the Vehicle and Traffic Law, and the Workers' Compensation Law, in relation to replacing all instances of the term "Division of Veterans Services" with the term "Department of Veterans' Services" and making related conforming technical changes; and to repeal certain provisions of the Executive Law relating to veterans' services and of the Military Law relating to certain awards and medals (Part PP); to establish the "Ethics Commission Reform Act of 2022"; to amend the Executive Law, in relation to creating a Commission on Ethics and Lobbying in Government; to amend the Legislative Law, the Public Officers Law, and the Executive Law, in relation to making technical corrections thereto; and to repeal certain provisions of the Executive Law relating thereto (Part QQ); to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to gaming facility determinations and licensing (Part RR); to amend the Retirement and Social Security Law, in relation to enacting reforms related to public service performed during the COVID-19 pandemic (Part SS); to amend the Retirement and Social Security Law, in relation to providing reforms to Tier 5 and Tier 6 of the Retirement

System (Part TT); to amend the Penal Law, in relation to criminal sale of firearms (Subpart A); to amend the Criminal Procedure Law, in relation to appearance tickets issued to certain persons (Subpart B); to amend the Criminal Procedure Law, in relation to certain information the court must consider and take into account for securing an order (Subpart C); to amend the Criminal Procedure Law, in relation to the failure to comply with a discovery order and certificates of compliance (Subpart D); to amend the Family Court Act, in relation to the statute of limitations and jurisdiction for juvenile delinquency proceedings and community-based treatment referrals (Subpart E); and to amend the Criminal Procedure Law, in relation to release for mental health assessment and evaluation and involuntary commitment pending release (Subpart F); and to amend the Judiciary Law and the Executive Law, in relation to certain reports on pretrial release and detention (Subpart G); to amend Kendra's Law, in relation to extending the expiration thereof; and to amend the Mental Hygiene Law, in relation to extending Kendra's Law and assisted outpatient treatment (Subpart H) (Part UU); in relation to enacting the Private Activity Bond Allocation Act of 2022; and providing for the repeal of certain provisions upon expiration thereof (Part VV); to amend the Public Officers Law, in relation to permitting videoconferencing and remote participation in public meetings under certain circumstances; and providing for the repeal of such provisions upon expiration thereof (Part WW); to amend the Public Health Law, in relation to the minimum wage of home care aides (Part XX); to amend Chapter 252

of the Laws of 1968 relating to the construction and financing of a stadium by the County of Erie and authorizing, in aid of such financing, the leasing of such stadium and exemption from current funds requirements, in relation to confirming the intention of the Legislature that the purposes mentioned therein are public and governmental purposes of the County of Erie for which exemption shall be allowed from real property taxation (Part YY); to amend the Social Services Law, in relation to establishing the healthcare and mental hygiene worker bonuses (Part ZZ); to amend the Social Services Law, in relation to expanding Medicaid eligibility requirements for seniors and disabled individuals; and relating to expanding eligibility for the Medicare Savings program (Part AAA); to amend the Public Health Law and the Social Services Law, in relation to permitting the Commissioner of Health to submit a waiver that expands eligibility for New York's Basic Health Program and increases the Federal poverty limit cap for Basic Health Program eligibility from 200 to 250 percent; to amend the Social Services Law, in relation to allowing pregnant individuals to be eligible for the Basic Health Program and maintain coverage in the Basic Health Program for one year post-pregnancy and to deem a child born to an individual covered under the Basic Health Program to be eligible for medical assistance; to amend the Social Services Law, in relation to cost-sharing obligations for certain services and supports; and providing for the repeal of certain provisions upon the expiration thereof (Part BBB); to amend the Social Services Law, in relation to

including expanded pre-natal and post-partum care as standard coverage when determined to be necessary; and to repeal Section 369-hh of the Social Services Law (Part CCC); to amend the Public Health Law, in relation to expanding benefits in the Child Health Plus Program, eliminating the premium contribution for certain households and transferring Child Health Plus rate setting authority from the Department of Financial Services to the Department of Health (Part DDD); to amend Part E of Chapter 55 of the Laws of 2020, amending the State Finance Law relating to establishing the Criminal Justice Discovery Compensation Fund; amending the Criminal Procedure Law relating to monies recovered by county district attorneys before the filing of an accusatory instrument; and providing for the repeal of certain provisions upon expiration thereof, in relation to extending the effectiveness thereof; and to amend the Judiciary Law and the State Finance Law, in relation to monies allocated to the chief administrator of the courts and the Division of Criminal Justice Services for the purpose of completing certain reports (Part EEE); and to provide for the administration of certain funds and accounts related to the 2022-2023 Budget, authorizing certain payments and transfers; to amend the State Finance Law, in relation to the administration of certain funds and accounts; to amend Part D3 of Chapter 62 of the Laws of 2003 amending the General Business Law and other laws relating to implementing the State Fiscal Plan for the 2003-2004 State Fiscal Year, in relation to the deposit provisions of the Tobacco Settlement Financing Corporation Act; to amend Part D of Chapter

389 of the Laws of 1997 relating to the financing of the Correctional Facilities Improvement Fund and the Youth Facility Improvement fund, in relation to the issuance of certain bonds or notes; to amend Chapter 81 of the Laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 Budget, in relation to the issuance of certain bonds and notes; to amend Part Y of Chapter 61 of the Laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 Budget, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in relation to the issuance of certain bonds or notes; to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the issuance of certain bonds or notes; to amend the New York State Urban Development Corporation Act, in relation to the issuance of certain bonds or notes; to amend Chapter 329 of the Laws of 1991, amending the State Finance Law and other laws relating to the establishment of the Dedicated Highway and Bridge Trust Fund, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in relation to the issuance of certain bonds or notes; to amend the Private Housing Finance Law, in relation to housing program bonds and notes; to amend Part D of Chapter 63 of the Laws of 2005, relating to the composition and responsibilities of the New York State Higher Education Capital Matching Grant Board, in relation to increasing the amount of authorized matching capital grants; to amend the New York State Urban Development Corporation Act, in relation to the

Nonprofit Infrastructure Capital Investment Program; to amend the New York State Urban Development Corporation Act, in relation to personal income tax notes for 2022, in relation to authorizing the Dormitory Authority of the State of New York and the Urban Development Corporation to enter into line of credit facilities for 2022, and in relation to State-supported debt issued during the 2022 fiscal year; to amend the State Finance Law, in relation to payments of bonds; to amend the State Finance Law, in relation to the Mental Health Services Fund; to amend the State Finance Law, in relation to the issuance of revenue bonds; to amend the New York State Urban Development Corporation Act, in relation to permitting the Dormitory Authority, the New York State Urban Development Corporation and the Thruway Authority to issue bonds for the purpose of refunding obligations of the Power Authority of the State of New York to fund energy efficiency projects at State agencies; to repeal subdivisions 4 and 5 of Section 16 of Part T of Chapter 57 of the Laws of 2007, relating to providing for the administration of certain funds and accounts related to the 2007-2008 budget; and providing for the repeal of certain provisions upon expiration thereof (Part FFF).

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. So again, I'll just do a very brief explanation of what the bill does. This bill would enact into major law components of legislation that are necessary to implement the State Fiscal Year 2022-'23 budget as it pertains to the Education, Labor and Family Assistance budget. And it has some of the provisions also that were omitted from earlier bills since they were not finalized before we printed the other bills. And the bill includes increases in -- a large increase in Foundation Aid. It includes a tremendous investment in childcare. It includes a large investment in SUNY and -- and CUNY. It also has large amounts of increased childcare subsidies that we talked about earlier, and it has some criminal justice reforms. Let's see. And several other areas that I'm sure there'll be some questions about.

So with that I'd be happy to take some questions.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. So now that we're getting later in the day we know appropriation bills are on the way. I did not mean to rhyme there, that just happened by accident. But do we have an idea of a full financial plan at this point?

MS. WEINSTEIN: Not yet, but we're getting close.

MR. RA: (Inaudible) with the first approp bill we

might have, then?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Okay, so we will save that. That's a coming attraction for our -- our colleagues to hear those numbers on an upcoming bill. So, if you could bear with me there are obviously a lot of different things --

MS. WEINSTEIN: Sure.

MR. RA: -- in this bill. So I'm going to do my best to try to get through as many of them as I can. I want to start in an area that, as you said, was, you know, from another bill and then some of the Medicaid provisions. So this budget makes numerous Medicaid changes, including the metric for the Medicaid global cap. Will these Medicaid changes cause the State to exceed the Medicaid global cap?

MS. WEINSTEIN: No.

MR. RA: Okay. And I know there are several proposals or provisions in this bill regarding Medicaid. Which Medicaid proposals will not be receiving Federal financial participation and as a result be using State funds only?

MS. WEINSTEIN: So, the -- the coverage for the postpartum -- the first year of postpartum, women and over 60 and individuals who are over 62 who -- 65, rather, who are not documented citizens.

MR. RA: Okay. So I know there's changes, right, to both -- there's some Medicaid reforms as well as Essential Plan reforms, some of which we had talked about earlier, expecting to see.

So how many of the actions with regard to the Essential Plan require Federal financial participation or -- or Federal approval?

MS. WEINSTEIN: I'm told that none -- that none require Federal approval.

MR. RA: Okay. And do any of these initiatives utilize the Essential Plan Trust Fund?

MS. WEINSTEIN: None of the new ones do.

MR. RA: None of the new ones, okay. The coverage that you mentioned for undocumented individuals --

MS. WEINSTEIN: Right.

MR. RA: -- 65-plus, I believe. Does this require any Federal approval?

MS. WEINSTEIN: No.

MR. RA: Okay. And does it jeopardize any other Federal funding that the State gets?

MS. WEINSTEIN: No, it -- it's State-only funding.

MR. RA: It'll be State-only funding. Do we know the total cost in terms of the State program?

MS. WEINSTEIN: It would be \$58 million this year.

MR. RA: Okay. And how is the State going to be verifying income of these individuals to determine eligibility?

MS. WEINSTEIN: The -- the same way they do in every other Medicaid, including emergency Medicaid which we currently have.

MR. RA: The number we have heard regarding wage

increases for home care workers in this budget I believe was \$7.4 billion is a term -- is a number that's been out there. Is that a multi-year number?

(Pause)

MS. WEINSTEIN: It's 3- -- 362 million this year. Next year when it's fully implemented it's 1 billion.

MR. RA: Okay. And is this All-State funding?

MS. WEINSTEIN: No, that -- it's a combination of State and -- and Federal funding.

MR. RA: Okay. So is -- is this recurring funding or --

MS. WEINSTEIN: Oh, actually this year it will be all Federal funding.

MR. RA: This year will be all Federal funding. So is this recurring funding or it's one-time funding that the State received and we're -- we will need to provide in the future as it's fully phased in?

MS. WEINSTEIN: I'm -- I'm sorry, I just wanted to clarify. So this year it is all Federal funding. Next year being all -- but for \$75 million it will be Federal funding.

MR. RA: So all but 75-?

MS. WEINSTEIN: But -- yes.

MR. RA: Okay. Thank you. All right.

Moving along to the -- some of the higher education provisions. So, the TAP for prisoners proposal.

MS. WEINSTEIN: Correct.

MR. RA: One of the issues that has come up as -- I know as we discussed this in conference -- what -- what are the eligibility criteria for -- for TAP for prisoners? Are there certain conditions that a prisoner would have to meet to be eligible to receive it?

MS. WEINSTEIN: No different than requirements for other individuals for TAP.

MR. RA: So it would be the same income-type requirement --

MS. WEINSTEIN: Right.

MR. RA: Now, would an individual who's, say, you know, not emancipated have their family's income counted towards this or it would just be their own?

MS. WEINSTEIN: Who is not emancipated?

MR. RA: Who's not emancipated.

MS. WEINSTEIN: Not -- if they are not emancipated, yes, it would be counted. It's -- it's exactly the same circumstance whether they were attending an institution of higher learning.

MR. RA: Okay. And are there any restrictions, like, say a prisoner's in prison for life or anything like that? Everybody would be eligible provided they meet the criteria?

MS. WEINSTEIN: There is no restriction.

MR. RA: Okay. Now I -- I know this is really

essentially just repealing a prohibition that was puts in --

MS. WEINSTEIN: Correct.

MR. RA: -- back in 1995. What -- what has changed that justifies the repeal of this law at this point?

MS. WEINSTEIN: Well, we probably should never have repealed this -- the provision of -- of TAP in the first place, but, you know, we certainly want individuals when they are released from incarceration to be able to have meaningful employment, to be contributing members of society. And to the extent that we can help them receive higher education while they are incarcerated, I certain -- will make them better citizens when they leave -- leave prison, and it's something that we have been trying do for quite a while and I'm glad that we are able to do it in this instance.

MR. RA: And do -- do we have a total fiscal cost on this? I know obviously TAP is, you know, an entitlement program so I'm just wondering what the overall cost would be.

MS. WEINSTEIN: \$5 million is what the estimate is.

MR. RA: Five million. Thank you. Okay. So moving on to some of the other TAP-related provisions. First off, is there any change in the income thresholds for the TAP program?

MS. WEINSTEIN: No, there are not.

MR. RA: Okay. And one of the, I think, you know, major changes and I think it's a welcome one is the part-time --

MS. WEINSTEIN: Correct, yes.

MR. RA: -- provisions. So does that mirror the

Executive proposal?

MS. WEINSTEIN: Yes, it does.

MR. RA: Okay. So what -- what is the eligibility requirements for part-time TAP in this final bill?

MS. WEINSTEIN: Well, it's -- the Executive proposal, which is what is accepted by the Legislature, expands the part-time TAP access to certain undergraduate students and students enrolled in certain nondegree workforce credential programs at CUNY college -- colleges. And it -- so part-time is considered between six and 12 credits.

MR. RA: I agree.

MS. WEINSTEIN: And it -- you need to be seeking a degree.

MR. RA: Thank you. And the TAP gap. This includes the provisions for both SUNY and CUNY to basically fill the TAP gap?

MS. WEINSTEIN: Yes, we do. So we won't be discussing this next year.

MR. RA: Okay. And this is -- this is starting in Fiscal Year 2023, correct?

MS. WEINSTEIN: Correct.

MR. RA: And what -- what are the fiscals in terms of what SUNY and CUNY will receive to close that hole?

MS. WEINSTEIN: There's a fight over who's going to get me the information quicker. So, it is 59.6 million for CUNY

and 48.8 million to SUNY to fully reimburse each system and therefore eliminate the TAP gap.

MR. RA: Okay. And lastly on SUNY and CUNY, the final budget makes no mention of allowing SUNY and CUNY to raise tuition rates as has been the case for around the past decade. Are we contemplating returning to predictable tuition rate increases?

MS. WEINSTEIN: I -- I -- I would say that we're really trying to keep tuition low and that's why we've added funding in these other areas so that the colleges can hire additional staff without impacting and having -- having to raise tuition.

MR. RA: So, I want to move to elementary and secondary education.

MS. WEINSTEIN: Sure.

MR. RA: So, one of the proposals that had been out there, and I believe it was one that was included in the one-House, related to the BOCES aidable for CTD programs, the aidable salary for current technical education which I know has a lot of support on both sides of the aisle. That's included -- excluded from this budget, correct?

MS. WEINSTEIN: Right. Unfortunately, we were not able to prevail on -- on that -- - on the BOCES funding issue.

MR. RA: Okay. Is there a plan to maybe post-budget take a look at that piece of legislation again?

MS. WEINSTEIN: Yes. We -- we -- yes, we certainly can post-budget look at that.

MR. RA: Okay. With regard to the provisions that had been proposed for the Building Aid and Transportation Aid forgiveness, as many of my colleagues know they -- people have had to introduce bills for years, they were often vetoed. There was a proposal to finally rectify those claims. That has been included in the final budget?

MS. WEINSTEIN: Yes. And we've expanded the -- the number of -- the types of errors that can be forgiven.

MR. RA: Great. And will there need to be funding be appropriated in State Ops or another bill to make sure the money is there to pay those claims?

MS. WEINSTEIN: No, because it -- it will be within the General Funds for the public schools, so there's not a need.

MR. RA: Okay. The provisions regarding our -- our special education schools. Can you just walk me through what that final, you know --

MS. WEINSTEIN: So the --

MR. RA: -- provisions look like?

MS. WEINSTEIN: So the -- in terms of the special ed rate setting, it allow special education providers to retain their 11 percent surplus in the 2022-'23 through '24 through '25 school years to ensure that providers have an opportunity to benefit from the upcoming 11 percent rate increases. And additionally, the Executive is committed to hold rates harmless for providers that spend below their allowable rate.

MR. RA: Okay. And the proposal to create a five-year plan for -- to basically reform the rate setting overall was not included, though, correct?

MS. WEINSTEIN: Correct. Unfortunately, we were not able to have that provision included.

MR. RA: So as many of us know, New York provides the most education funding on a per-pupil basis of \$25,139. Do we know --

(Buzzer sounds)

ACTING SPEAKER AUBRY: The second, Mr. Ra? Absolutely.

MR. RA: Thank you, Mr. Speaker.

Do we know what level of funding we provide these special education students on a per-pupil basis?

MS. WEINSTEIN: I -- I don't have that information available. We can get that for you. I'm not -- probably not before we vote on this bill, though.

MR. RA: And -- and certainly, I mean, really, I -- I do thank, you know, yourself, Chair Benedetto obviously have, you know, tried to make this a priority in the one-House budget. So I would assume you agree that these special education providers do deserve a level of funding parity with our public schools.

MS. WEINSTEIN: Yes, yes. I -- I would agree with -- with you.

MR. RA: Great. So, let's see. I'm going to, if my

colleagues will bear with me, go to an area that is a little on the drier side but one I think important to -- to us that, you know, get in the weeds of things and that's the sweeps and transfers reserve funds. I don't think anybody watching this debate was predicting we'd be talking about sweeps and transfers before a bill, but there are colleagues of mine that are more knowledgeable on that topic. So I will go. So in the sweeps and transfers language the Governor proposed changes to the maximum balance and the positive amounts in the Rainy Day Reserve Fund and to also have these amounts on the State Operating Fund spending instead of General Fund spending like in the current law. But the Governor also mentioned in her press conference that reserves are still being increased to 15 percent of the State Operating Fund spend -- spending. This -- the language in this bill does not seem to match that, and instead keeps the amounts based off of the General Fund. Can you elaborate on that?

MS. WEINSTEIN: The money does stay in the General Fund.

MR. RA: Okay. So the correct calculation would be based off the General Fund?

MS. WEINSTEIN: So we -- we did include language to increase the maximum reserve fund balance but we did not include the proposal to base those increases on the State budget, the State Operating budget.

MR. RA: So with regard to the reserves, I know we don't have the full financial plan, but do we know what year we would

project out that we would reach the point of having the reserves hit 15 percent?

MS. WEINSTEIN: Well, the -- the Rainy Day Reserve -- the maximum fund balance will be authorized up to 15 percent from 5 percent of disbursements from the General Fund for the fiscal year immediately following the current year. Let me just see if we can figure out what -- when we'll hit that number.

I think it's hard to come up with a number because it's based -- it's based on the prior year's disbursements so it's hard to predict the --

MR. RA: Okay.

MS. WEINSTEIN: -- the future.

MR. RA: All right. Do we know the amounts at this point that we're depositing into the Rainy Day Fund, the Tax Stabilization and Economic Uncertainties Fund?

MS. WEINSTEIN: We are going to -- I think it -- that's really probably best to discuss when we discuss the financial plan which hopefully will be in the next budget bill.

MR. RA: Okay. And -- and this is a more general question and maybe we can get into specifics later, but were any of the deposits to the Economic Uncertainties Fund used to pay for the increase in spending in this budget over the Executive?

MS. WEINSTEIN: We are -- we are depositing extra money into the -- into that Fund. But we're not using it this year.

MR. RA: Okay. We're not -- so is -- it's remaining as

-- as was deposited by the Governor? Or are we drawing from that Fund in this -- in the spending in this budget?

MS. WEINSTEIN: I -- I think part of that reason is because we do have that \$2.6 billion in increased receipts that -- from -- from a prior year, from last year, actually. Last year. Last -- a couple of -- a week ago. So we -- we had that increased receipts and we -- so it -- it was not necessary for us to access the Fund -- additional funds.

MR. RA: Okay. It looks like the personal income tax short-term notes and the lines of credits are only for Fiscal Year 2023 and cannot be extended into long-term debt. Is that --

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

MR. RA: Okay. And is there any plan to issue the 5 billion in short-term liquidity?

MS. WEINSTEIN: No, there is no plan at this time.

MR. RA: Okay.

MS. WEINSTEIN: It's not anticipated. You know, similar to last year where it was authorized but we did not do it last year either.

MR. RA: With regard to our Capital Projects and -- and the bond cap authorizations, typically our Capital Projects are financed with a 30-year maturity. Why do we allow the MTA to issue debt with a 50-year maturity?

MS. WEINSTEIN: Well, I -- I think largely -- well, first of all, obviously that's not the State, that's the MTA. But there --

the reason they have the longer capital -- the longer plan is -- is there are assets that can last beyond the -- the 50 years. Even -- you know, certainly beyond the 30 years and the 50 years. I think they just retired some cars from the -- the last subway car from the 1970s.

MR. RA: Okay. And how much does this enacted budget increase bond cap authorizations?

MS. WEINSTEIN: 2.454 billion over the -- the Executive, but -- so the enacted -- the total enacted is 32.808 billion.

MR. RA: Okay. And what's the total debt outstanding for Fiscal Year '23?

MS. WEINSTEIN: It's 69.27-. It did not -- it has not changed from when we adopted the bill earlier this week.

MR. RA: Okay, great. I think I have one other area that I'd like to try to get into. That's the General Government area. The ethics proposal which will eliminate JCOPE and replace it with a new Commission on Ethics and Lobbying in Government. So how does this differ from JCOPE, which obviously has been criticized often as -- as not being, you know, a strong ethics oversight body?

MS. WEINSTEIN: Hold on one second. Okay, let me -- do -- you want to know the -- the difference or do you want me to go through what JCOPE is --

MR. RA: Yeah, if you can go through who's appointing the members and all of that.

MS. WEINSTEIN: Okay. So the -- the new plan, the Commission on Ethics and Lobbying in Government will have 11

commissioners. Why don't I do each one and I'll then compare it to the current. Eleven commissioners, three by the Governor, two by the Temporary President of the Senate, two by the Speaker, one by the Comptroller, one by the Attorney General, one by the Senate Minority Leader, and one by the Assembly Minority Leader. That's compared to the current system, the current JCOPE where there are 12 commissioners where six are appointed by the Governor, at least three from the opposite party and then the Governor and then three Republicans, three Democrats, a Senate Democrat and three -- and an Assembly -- and one Assembly Republican.

MR. RA: Okay. And in terms of the function of the Commission, when they need to vote on something is it a straight majority unlike -- I know currently it depends on who the votes are coming from and all of that which can impact whether or not an investigation is undertaken.

MS. WEINSTEIN: Correct. It will be a -- a majority vote on all matters without regard to the appointing authority.

MR. RA: And then should they -- should the Commission, you know, undertake an investigation, what -- what action are they able to take with regard to, say, a member of the Legislature or the Executive?

MS. WEINSTEIN: They could recommend a letter of caution, a civil -- a civil penalty. And to the extent that that's against a member of the Legislature, it would -- the LEC would do -- would be the enforcing Body.

MR. RA: Thank you. You know, I'm just going to try to get into one other area quickly, retirement. I know there's provisions that waive the income cap for retired teachers and school workers --

MS. WEINSTEIN: Correct.

MR. RA: -- which -- this will expire in 2023 now rather than the original proposal of 2024?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Do you know the reason for that change? It seems if we're trying to incentivize teachers to come back to work due to a shortage, you know, if it's only in effect for one year I'm concerned it may not have that impact.

MS. WEINSTEIN: We -- we really just want to see how it works for a year. This -- the intention would be assuming it works that it would be continued.

MR. RA: Okay. And does it apply to any school worker? You know, could it be maintenance, other staff or is it just for teachers?

MS. WEINSTEIN: Yes -- no, it applies to any -- any school worker.

MR. RA: Okay. And then that piece that -- that includes a provision to help public-sector employees in New York State that worked throughout COVID-19, it seems that it impacted contribution rates from 2022 to 2024. So can you explain the purpose how -- and how that will aid these workers that worked throughout

COVID-19?

MS. WEINSTEIN: Are -- are you talking about the -- the bonus or are you talking --

MR. RA: No, the --

MS. WEINSTEIN: -- government employee aspect, the overtime aspect?

MR. RA: The overtime aspect.

MS. WEINSTEIN: Sure. So the -- going forward -- going forward to this year, the overtime will not -- they will get the credit for the overtime but they will not be paid for -- their contribution will not be based on the salary that includes their overtime, just based on their base salary.

MR. RA: And do you have a total cost to the State for that?

MS. WEINSTEIN: We estimate that the first year cost would be 4.4 million; 1.8 million to the State, 2.6 million for the local costs. The -- the ERS. I -- I also have the -- the New York State Teachers Retirement System is 9.3 million over the two-year period. For New York City - I guess it's NYCERS - would be 2.6 million over the two-year period. We -- we also are reducing the -- as -- as I think you know, for the Tier 5 and Tier 6 to allow the members in those tiers to attain vested status in five years of credit instead of the current ten years.

MR. RA: Okay. And so the cost of these two -- you just went through the couple of years, so --

MS. WEINSTEIN: Well, actually, I was -- I was just doing the cost related to the overtime. So the -- there's an additional cost for the -- for the -- the tier change of vesting to ten -- to five from ten. Do -- do you want to know those figures, also?

MR. RA: Yeah, if you have them.

MS. WEINSTEIN: Sure. For the New York State, the Retirement System, 65 million annually. That would be 25 million State, 38 million local. For New York State teachers, 6.2 million annually. For NYCERS, New York City, 38.6 million and for PFRS 1.3 million.

(Buzzer sounds)

MR. RA: Thank you.

MS. WEINSTEIN: There's the bell.

ACTING SPEAKER AUBRY: Mr. Lemondes.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LEMONDES: Thank you -- thank you very much, I appreciate it. I have two areas to cover, one will be electric school buses and the other a few questions on bail reform. With respect to electrification of the school bus fleets across New York

State, could you comment on the unit cost comparison between fully diesel units and fully electric units?

(Pause)

MS. WEINSTEIN: We -- we at the moment believe it's close to three times the cost, so we -- we hope that with the increased demand and increased technology that that cost factor will be reduced.

MR. LEMONDES: Right. Bottom line, significant with -- with today's knowledge, significantly higher cost. And do you think that that might pose a challenge for low-wealth or rural districts across our State?

MS. WEINSTEIN: They have -- well, there's five years before they have to start only buying or retrofitting existing buses and then not till -- till 20 -- to '35 -- 2035 before they have to fully comply. And there's also for a one-time extension of up to 24 months to comply with the 2027 mandate. And, you know, I don't know that we've calculated the cost of -- this increased cost of diesel fuel when we're talking about the cost of -- you know, we talk about the cost of buying the bus, but perhaps not the cost of maintaining and running the buses.

MR. LEMONDES: So as I understand it, then, the buses would be able to replace -- to be replaced in each school's fleet as they became -- as they came out of service.

MS. WEINSTEIN: Yes. Correct. And as we -- I think I discussed with a number of your colleagues in the prior -- on

the prior bill as part of the Environmental Bond Act, there is an allocation for 500 million that would go towards electric buses. And the Federal Infrastructure Act --

(Pause)

Yeah. And then the Federal Infrastructure Act had a 5 billion allocation nationally for electric school buses. So there would be -- it -- there would be financial assistance for all of these districts. And as I mentioned about the -- the increased cost of diesel fuel, the -- these buses are most likely going to be less expensive to both run and to maintain.

MR. LEMONDES: Thank you. And is there -- is there any funding in this budget for employees and mechanics that will have to do the maintenance on these new units? The -- the premise is so that -- so that current employees don't --

MS. WEINSTEIN: I mean, we do have it -- there -- there is not specifically for through SED but through NYSERDA there is \$50 million for training, for technology training. So I would imagine that workers at the -- current workers in the school districts or others could be trained in this technology.

MR. LEMONDES: Okay. Thank you. Let me -- let me transition to bail reform, and specifically with respect to dangerousness --

MS. WEINSTEIN: Excuse me, if you could hold it. Assemblyman Dinowitz, the Chair of our Codes Committee, will be handling the criminal justice matters. So if -- if Mr. Dinowitz could --

could --

MR. LEMONDES: Sure.

MS. WEINSTEIN: Yield on that.

MR. LEMONDES: Mr. Speaker.

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

MR. DINOWITZ: Yes.

MR. LEMONDES: Thank you. I appreciate it --

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. LEMONDES: With respect to dangerousness, New York State is the only state in the country that does not allow judges to consider that. Will this change that at all?

MR. DINOWITZ: I'm not sure it's the only state, but in either case this does not change that.

MR. LEMONDES: It -- it does not change that.

MR. DINOWITZ: It does not change that.

MR. LEMONDES: Do you believe that that's a good thing for our public safety for our State?

MR. DINOWITZ: The purpose of bail is to ensure that a defendant shows up, and dangerousness has never been part of the calculus in terms of making that determination.

MR. LEMONDES: But, sir, the purpose of government is to protect its people above all else. Does this enable that?

MR. DINOWITZ: This does enable that.

MR. LEMONDES: I thought you just said it did not.

MR. DINOWITZ: No, I said it -- it enables government to protect people. What I said is that this does not change the law in terms of New York never having used dangerousness as a standard in determining bail.

MR. LEMONDES: Thank you for that answer. With respect to flight risk, does this proposal add any additional factors when determining pretrial release for an offender?

MR. DINOWITZ: A judge is entitled to take into account various factors in deciding whether or not to impose bail if a particular violation is bail eligible. Among those factors include whether or not the alleged conduct causes -- caused serious harm to an individual or individuals, whether there are violations of orders of protection, and also the history of use or possession of firearms or flight from prosecution.

MR. LEMONDES: Thank you. Thank you, Mr. Speaker.

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

MR. REILLY: Thank you, Mr. Speaker. Would the Chairwoman yield for some questions?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. REILLY: Thank you, Ms. Weinstein. I just wanted to pick up on the -- our earlier conversation now that we have

the -- the correct bill in front of us. So the first -- I wanted to start out with the healthcare and mental hygiene worker bonuses. So, earlier in the day I asked you if those that would be eligible, do we know if in that list are healthcare workers that were employed during the pandemic but were terminated after not receiving a COVID-19 vaccine. During the time period when they were working, would that still qualify them for the bonus?

MS. WEINSTEIN: They -- they have to be employed. I -- under the circumstances you described I would think not because they have to be employed at the time of the bonus and have -- to get the bonus right away, they will have had to have worked for the past six months to get the bonus. Prospectively they have to be starting -- starting work and then continue to work and would come up -- come in steps. So, you know, certainly they can -- the Executive Order can change or they can decide that they should get a vaccine and then they would be eligible for the bonus going forward.

MR. REILLY: So if they say they received the COVID vaccine when this is signed into law and they now determine that they're going to sign -- they're going to go get the vaccine and they're rehired, they're not working now for six months, would they be eligible then?

MS. WEINSTEIN: They would be eligible as far as the prospective bonus. And the -- the last vesting period for -- so they have to -- you have to have worked the six-month period before October 20 -- 2021 and you have to start by March 31st of 2024.

MR. REILLY: So if they worked -- if they weren't terminated before that 2021 date would they be eligible?

MS. WEINSTEIN: You have to be employed when you get the bonus, but there is close to two years' time that people can begin working. And regardless of why they left the system, assuming they get rehired or just someone gets hired initially, they will be eligible for the bonus payment and the new people with a stepped up -- three-step -- a three-tier going forward depending on hours. And those in the -- who have already worked for six months will receive the bonus based on hours of work when the -- once the system gets running once the bill is signed.

MR. REILLY: So earlier in the -- in the debate on a -- on a budget bill that involved public funding for certain procedures and allocations, we -- it was discussed about health choices. And the funding was said that you can't hold it back by somebody's health choice. This was -- this falls in line with that, the idea of you're punishing someone for the -- their health choice. So that -- that's why I was trying to see if it was possible that they would be qualified because they worked during the time when no vaccine was available, no PPE was available at the time.

MS. WEINSTEIN: The -- what we discussed earlier had to do with Federal -- Federal policy. And here we are dealing with the -- the bonus is based on current employment. And I would argue that being in a hospital or a healthcare setting and not being vaccinated doesn't just expose you but exposes all of the other -- your

coworkers -- impacts your coworkers and the patients and family members in that facility. So I would not say that they are similar situations.

MR. REILLY: Okay. Fair enough. I'd like to move on to ask you a couple of questions about the Buffalo Bills Stadium that's in this budget -- in this budget piece. And I actually want to tie it into the other piece that's in here on the Ethics Commission Reform Act of 2022.

MS. WEINSTEIN: Sure.

MR. REILLY: The Commission on Ethics and Lobbying in Government. There's been some talk in the media about some questionable activity between the Executive and the decision for this happening. Has there -- has there been any consultation with the New York State Comptroller or anybody in regards to an analysis to see if there is any validity to those accusations?

MS. WEINSTEIN: I -- not to my knowledge. And I'm not quite sure what you're talking about, but not to my knowledge that there's been any --

MR. REILLY: What I'm referring to is a family member having a direct relationship with the operation of the Stadium or activities that go on at the Stadium and this allocation --

MS. WEINSTEIN: There's nothing -- there's nothing in this deal that requires any -- any continued -- continuing contractual obligation with any of the existing vendors in the current Buffalo Bills Stadium.

MR. REILLY: Okay. Thank you. Then one last thing before I get to the criminal justice. I wanted to touch on the retired teachers administrators portion in this. Is there anything in the bill in -- in this budget bill that would prevent an administrator, say, a principal, from when this is -- the day that this is passed for them to retire and then remain in that position if the school district wanted them to?

MS. WEINSTEIN: I'm not sure that it would be, but I just wanted to point out as I mentioned earlier that it's only a one-year program. So someone doing that would take a large risk of retiring both in having a guarantee that they were going to be rehired for the same position and that they would -- that this program would continue beyond the one year.

MR. REILLY: Well, that -- that's why I was asking the question. I wanted to see if there was a safeguard in place that protected them.

MS. WEINSTEIN: That -- that is why I -- why we want to -- we want to have a one-year plan, have this in effect for one year so that there is the ability to assess what -- who takes advantage of it and -- and what the -- and what the impact is.

MR. REILLY: Thank you, Madam Chair.

I have questions on the criminal justice.

MS. WEINSTEIN: So then -- yes. Could you ask Mr. Dinowitz to yield?

ACTING SPEAKER AUBRY: Mr. Dinowitz, will

you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. REILLY: Thank you, Mr. Dinowitz. So, specifically I wanted to ask, is there anything in this -- in this legislation that would -- that -- in regards to 16- and 17-year-olds under Raise the Age, is there any changes when it comes to possessing a firearm?

MR. DINOWITZ: I'm sorry, possess -- say the last part again.

MR. REILLY: Possessing a firearm.

MR. DINOWITZ: We made some changes in the law regarding firearms. For example, we amended the crime of Criminal Sale of a Firearm in the First Degree to reduce the threshold from ten to three guns on lawfully-sold exchange, dispose of or given to another person in a year. And we also changed -- we amend Criminal Sale of a Firearm in the Second Degree to reduce that threshold from five to two, and we also reduced the threshold for -- from possession of five guns to three guns, which is -- for which it is presumptive evidence that a person intended to sell such guns.

MR. REILLY: So, Mr. Dinowitz, would -- if a 17-year-old -- if a 17-year-old is on West 45th Street and 8th Avenue in Manhattan and they possess three -- three firearms, would they be subjected to arrest and qualify for criminal -- Youth Part Criminal?

MR. DINOWITZ: If you're below 18 you would go

to Family Court -- you would end up in Family Court.

MR. REILLY: Why is that?

MR. DINOWITZ: Because Family Courts would be for people below 18.

MR. REILLY: So if you have three firearms and you're 17 years old and it's loaded and you're on 45th Street and 8th Avenue in Duffy Square, Times Square area, and you have those firearms in a bag, the presumption is that you're selling them. Would you be prosecuted in Youth Part Criminal?

MR. DINOWITZ: If -- if you're below 18 and in those circumstances, yes, you would start out in the Youth Part of Family Court but you would be transferred to -- I'm sorry, the Youth Part of Criminal Court, you would be transferred to Family Court.

MR. REILLY: So the judge has to at that point send you to Family Court, correct?

MR. DINOWITZ: No.

MR. REILLY: Can -- if -- so in the -- in the circumstances that I give you now, I'm going to lay this out for you again, you have a 17-year-old with three firearms, right? I'll even paint you a picture. We have a 17-year-old with a 9 millimeter Glock, 17. He's got a 45 caliber, he has a Beretta 380 and they're loaded and they're in a -- in a backpack. Police officers have a discussion with him, raises some incidents, some -- some concern. They feel his backpack, they feel what looks like a fire -- or feels like a firearm, the outline. They now go into that backpack and they arrest him for

having three loaded firearms. The presumption under this current bill will be that he's selling them. Now he's taken back to the precinct, he's processed. When he's brought to court, you're saying he starts out at Youth Part Criminal, does the judge have the opportunity under those circumstances to keep him in criminal court?

MR. DINOWITZ: The -- the prosecutor can certainly make a motion, but this legislation doesn't affect that. What -- what is in effect would remain in effect with this legislation with respect to what you're talking about.

MR. REILLY: Okay. Thank you, Mr. Dinowitz.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: That scenario I gave you happened on 45th Street and 8th Avenue many years ago. But it can happen today. Seventeen years old. Those three firearms loaded in a backpack. He will go to Family Court. If he was 18 he'd go to Criminal Court because under this legislation we're reducing the threshold with the presumption that it's for sale. But we're letting a 17-year-old now go to Family Court. The reason why I raise the issue about the judge being able to refer and keep that case in Youth Part Criminal is because under the current Raise the Age Law the judge can't do that. At all. Because the only way they can do that is if a 16- and 17-year-old actually displays that firearm or uses a firearm to commit a crime. And what's the difference between that? Well, displaying it means you can see it. Maybe they have it in their waist and you see it

showing. Using it, not necessarily firing it, but maybe they have it in their jacket and they do a robbery like this. That part or they menace someone with a gun like this, that's the use. It doesn't necessarily mean it has to be the trigger pulled. The shortsightedness here, we had the opportunity to fix this. We talk about crime, we talk about gun violence. What I'm saying is that the opportunity to actually address the gun violence, especially in New York City, this really --

ACTING SPEAKER AUBRY: Ms. Walker, why do you rise?

MR. REILLY: And there was an opportunity here --

ACTING SPEAKER AUBRY: Ms. -- one minute.
Ms. Walker, why do you rise?

MS. WALKER: Will the speaker pause for a couple of questions?

ACTING SPEAKER AUBRY: Will you yield, sir?

MR. REILLY: Respectfully, I have 37 seconds and I don't know if I'm going to be able to answer your question. So, I'm sorry, I can't yield at this time.

ACTING SPEAKER AUBRY: The member will not yield.

MR. REILLY: So the last -- the last thing that I'm going to say is that we had the opportunity here. I'm not saying that we need to use a hatchet on bail reform, I'm saying we need to use a scalpel. And the scalpel, we didn't have a doctor in the House tonight.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker. Will the sponsor yield in regards to the criminal justice?

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

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. TANNOUSIS: Thank you, Mr. Dinowitz. I just want to ask you a question. In regards to the budget bill that is before us, is the main difference here in regards to criminal justice the ability of a police officer to make a live arrest as opposed to issuing a desk appearance ticket?

MR. DINOWITZ: I'm not sure I'd characterize it as the main difference.

MR. TANNOUSIS: Well, that's in the budget bill that's before us; is that correct, sir?

MR. DINOWITZ: If there's a difference, yeah.

MR. TANNOUSIS: Okay. And just to be clear, it doesn't change -- the -- the laws that are before us do not actually change any laws in terms of setting bail on certain laws as opposed to others; is that correct?

MR. DINOWITZ: We are making some changes in terms of custodial arrests in this.

MR. TANNOUSIS: And does the budget bill -- I

know that my colleague addressed this briefly, does the budget bill before us address, as was referred to earlier, 16- or 17-year-olds that carry loaded weapons?

MR. DINOWITZ: I would hope that our concern about loaded weapons extends to anybody who's carrying loaded weapons. I'm not sure why you're focusing on 16- or 17-year-olds. I, myself, am very concerned about guns in general. Certainly about people who carry guns, but more particularly about loaded weapons, 16-, 17-, or 50-year-olds.

MR. TANNOUSIS: Well, the reason I'm concerned with 16- or 17-year-olds carrying loaded weapons is because when I was a prosecutor I observed gang members forcing 16- and 17-year-olds to carry loaded weapons so that they could commit the crimes because they knew that the repercussions for them would not be as severe. That is the reason I have that concern. So my question to you again is, does this bill address 16- and 17-year-olds with possessing or utilizing loaded weapons? And by that I mean does it take a case -- does it prevent a case going from Family Court instead of going to Criminal Court Youth Part?

MR. DINOWITZ: It starts in Criminal Court Youth Part and then would be sent to Family Court. But I -- I must say, I don't know that 16- and 17-year-olds, I don't know that it enters into their thought process, *Oh, I'm 17 so no one's going to bother me. I can't be touched because I'm going to be in Family Court.* Look, I don't think that's how people think. I certainly don't think that's how a

teenager thinks.

MR. TANNOUSIS: I don't think -- just to be clear. It's not the 16- or 17-year-old that would think that way, it's the gang member who's an older age that would think that way.

ACTING SPEAKER AUBRY: Ms. Walker, why do you rise?

MS. WALKER: Will Mr. Tannousis yield?

ACTING SPEAKER AUBRY: Mr. Tannousis, will you yield to Ms. Walker?

MR. TANNOUSIS: I'm sorry, no.

ACTING SPEAKER AUBRY: Mr. Tannousis will not yield, Ms. Walker. Mr. Dinowitz, back to you.

MR. DINOWITZ: If -- if you have statistics or data or evidence that shows that what you're saying is true, I would love to see it. But I have not seen evidence that that is taking place whatsoever.

MR. TANNOUSIS: Very good. You will -- you will hear some evidence shortly. Mr. Dinowitz, does this bill before us give judges more discretion?

MR. DINOWITZ: In -- in some aspects I think the -- the judge might have more discretion, but certain offenses -- if you've talking about bail now, certain offenses bail can be set forth, certain offenses there -- there won't be bail set forth. But let's keep in mind, again, the purpose of bail is to ensure the appearance of a -- of an accused at trial. That's the purpose. It's not to be punitive. It's not

meant to keep some people in jail and some people not in jail, although that's been the net effect of bail, that -- the -- the woman who was accused recently of pushing an 87-year-old music teacher down on the ground who ultimately died from that, \$500,000 bail was set. And because she comes from a wealthy family she's walking the streets after having possibly killed somebody. But somebody who doesn't have money would be rotting away at Rikers Island. The purpose of bail is not to be punitive. You don't have preventive detention in this country. Poor people have less of an opportunity to be out for the very same offense that they're accused of as a wealthier person. That's what bail is.

MR. TANNOUSIS: Thank you.

MR. DINOWITZ: (Inaudible)

MR. TANNOUSIS: I'm well aware of what the purpose of bail was. Now I'm going to continue with my question. Are judges now able to determine dangerousness as a factor when determining pretrial release?

MR. DINOWITZ: I'm pretty sure I answered that question previously, but I'll answer it again. The answer is that dangerous -- dangerousness is not the standard that we use.

MR. TANNOUSIS: Okay, so that would be a no. Does this new law take into account the safety of people or the community when determining whether to release fixed bail or remand?

MR. DINOWITZ: As -- as I said earlier, the judge

can consider certain factors including whether the alleged conduct caused serious time -- harm to a person or persons, whether there's a violation of Orders of Protection and also the history or use of use or position of firearms or flight from prosecution. That's part of keeping people safe.

MR. TANNOUSIS: Thank you, Mr. Dinowitz.

On the bill, Mr. Speaker.

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

MR. TANNOUSIS: Thank you, Mr. Speaker. As a former prosecutor I am well aware of what the purpose of bail was. And I am also aware of what needs to be done as a result of the changes that this Body made. I'm also well aware of what's happening in the streets of our great City and in our great State, and I am also well aware that this bill does not go far enough to keep our communities safe.

For that reason I will be voting no. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. Will the Chairwoman yield for a couple of questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein

yields, sir.

MR. GANDOLFO: All right. I'm going to switch gears a little bit. It's off of criminal justice. To start, I do have a question about higher education. That's one. I know in this budget we are repealing a 1995 law and restoring TAP for prisoners.

MS. WEINSTEIN: Correct.

MR. GANDOLFO: Have there have been any discussions about bringing back graduate TAP that was repealed in 2010 or 2011?

MS. WEINSTEIN: You know, it is something that we're aware of, comes up in conversations, but it was not something we advanced in -- in our one-House and it's not part of the discussions, the three-way discussions.

MR. GANDOLFO: Okay. And was -- is that generally because of a funding issue or anything like that?

MS. WEINSTEIN: You know, since it's not that much money per student it was never really advanced as something because of the not that large a benefit to the general -- to the population.

MR. GANDOLFO: Okay. I just since we are restoring TAP to certain individuals I hope that's something that we can consider in the future given the rising cost of tuition.

But moving forward and switching gears, I do have some questions about the Bills Stadium provision in Part YY.

MS. WEINSTEIN: Sure. Yes.

MR. GANDOLFO: Okay. So, Part YY authorizes Erie County to transfer the property to -- of the new Stadium site to the Erie County Stadium Corporation, and the leasee will be the ECSC who will sublease to the Bills. I saw that there's a commitment for 30 years. Why was that 30-year number decided?

MS. WEINSTEIN: Well, to the extent that we issue bonds that's really the -- the life of the -- life of the bonds.

MR. GANDOLFO: Okay. Because based on the Governor's comments it sounds like the team owners were threatening to pull the team from the City if they didn't receive the State funding. Is there any concern after the 30-year lease is up they're going to use that leverage again to come back for more money for capital improvements?

MS. WEINSTEIN: There is a non-relocation provision in this -- in the contract.

MR. GANDOLFO: Okay. Okay. And do we have a number on exactly what the State share will be for the Stadium?

MS. WEINSTEIN: Yes. Well, the State will be financing 600 million. There's 418 million in cash which represents the -- finally the payment due to the State from the gaming --the tribal gaming casinos, and so that's 418- in cash and then 182 million in debt for capital costs.

MR. GANDOLFO: Okay. So the cash there was taken from the Seneca Nation to pay for the Bills Stadium?

MS. WEINSTEIN: It wasn't taken from the Seneca

Nation --

MR. GANDOLFO: Well, it was recovered property.

MS. WEINSTEIN: It was owed to the State of --

MR. GANDOLFO: Okay.

MS. WEINSTEIN: -- to the State of New York, and after much negotiations back and forth it was finally submitted to the State.

MR. GANDOLFO: Okay. And the remaining share I guess will be bonded. Is that why the Bills Stadium project was included in the economic development bond cap?

MS. WEINSTEIN: Yes, 182 million, as I mentioned, is -- is going to be bonded for debt for capital costs.

MR. GANDOLFO: All right. Thank you. Now, is that the overall cost? Is there -- are there going to be any ongoing costs that the State is going to pick up for maintenance of the Stadium or anything of that nature?

MS. WEINSTEIN: No, the --

MR. GANDOLFO: It's just a one-time payment to them?

MS. WEINSTEIN: The -- there are current lease obligations so that there -- there is some State support currently that will continue. There's 2.2 million in capital appropriations and you're seeing there's 4.8 million ATL appropriation in UDC.

MR. GANDOLFO: Okay, so it's beyond that initial number of 600- and change?

MS. WEINSTEIN: Yes, but a -- a small -- there -- there is -- the Bills are responsible, the Stadium is responsible for the maintenance, not -- not the State.

MR. GANDOLFO: Okay. That answered my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GANDOLFO: There are countless studies going back probably more than 20 years that show publicly-funded stadiums are not good investments for the taxpayer. We're consistently shown that they're -- oftentimes there is little to no net benefit in terms of financial revenue. But here we are, we're getting ready to give hundreds of millions in taxpayer dollars to billionaire team owners to build a new stadium. You know, they're certainly getting their fair share from New York State. And, you know, of course I'm a football fan. I don't want to see Buffalo lose their team. I know how emotional that it is for a lot of people. But I do want to see billionaire team owners that are extremely wealthy, they could pay for their fair share and build their own stadiums. And now Bills fans, I'm sorry to say a new stadium will not bring you a championship. Trust me, I know. I'm a Jets fan. But at least the Jets did not extort hundreds of millions of dollars of taxpayer money.

And with that, Mr. Speaker, I just can't support this. I find the bill to be wide right.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor -- or Madam Chairwoman yield for some questions?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Yes. Thank you again. I appreciate your time. I want to talk about electric vehicles, school bus vehicles again, if I may.

MS. WEINSTEIN: Sure.

MR. PALMESANO: So it's my understanding by July 1st of 2027 all school districts from that point on can only purchase or lease zero-emission school buses, which would be electric school buses pretty much, correct?

MS. WEINSTEIN: As -- as I mentioned, I believe to one of your colleagues earlier there is -- a -- a school district could apply to SED for a two-year -- up -- up to 24 month -- up to a two-year waiver of the July '27 mandate, and based on a hardship or financial conditions.

MR. PALMESANO: So it would be two years. But then by July 1st, 2035 all -- all school districts can only operate zero-emission school buses, basically electric school buses.

MS. WEINSTEIN: Correct.

MR. PALMESANO: You also mentioned in this where it says it would require any procurement for the manufacturing and retrofitting of the zero-emission school buses or charging infrastructure that the components and parts used must be or be produced and engineered in the United States, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Does that apply to the rare earth materials that comprise the batteries that are put together that would have to be placed in the school bus, like cobalt and lithium? Does that -- I mean, does that have to be made here and comprised and mined here in the United States or can they continue to get the cobalt from the Democratic Republic of Congo where child labor is being used?

MS. WEINSTEIN: Well, I -- I would respond that NYSERDA can -- will be charged to see what materials would be available and they'd be able to make a waiver. Also, we don't know now what will be available come, you know, five years from now.

MR. PALMESANO: So, but it wouldn't apply to the rare earth materials?

MS. WEINSTEIN: Well, you know, let me just say that the waiver from -- that SED in consultation with NYSERDA could make would be based on that it would be -- result in unreasonable costs and that buying the American components and parts would increase the school districts' contract by an unreasonable -- unreasonable amount for the components or -- and parts cannot be produced, made or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality.

MR. PALMESANO: I'm going to get to cost here in a second, but the reason I brought that up -- issue up is because I know we had the conversation earlier about --

MS. WEINSTEIN: Right.

MR. PALMESANO: -- the cobalt. Seventy percent of the cobalt which is used in the batteries for electric vehicles is manufactured in the Democratic Republic of the Congo and it's being used with child labor. Children who are dying, children who are being maimed -- maimed during mining collapses. I know it's kind of interesting to think about this. I mean, do you know how much these kids get paid a day when they're -- when they're doing this? It's about a dollar a day. You'd think they might be in school, right? The problem is the government charges them \$6 a day to go to school. So they're not in school, they go to these camps. They get picked up and they go work in these mines for a dollar a day and risking their lives and risking their limbs. And that's all part of this electric vehicle aspect that you all are going down the road to and with the CLCPA.

But let's talk about cost a little bit. You had mentioned that the -- the cost for electric vehicles -- for electric school buses is about a three-to-one difference.

MS. WEINSTEIN: Correct.

MR. PALMESANO: Is that correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Because I know they had a -- a demonstration outside on the -- outside the Capitol they had an electric school bus and they -- we asked them the average cost of a brand-new electric school bus is about \$350,000. Does that sound accurate, approximately, give or take --

MS. WEINSTEIN: Yes, yes.

MS. PALMESANO: -- (inaudible). And the actual or approximate cost of a diesel school bus is about 110-, maybe 120- depending on the bells and whistles.

MS. WEINSTEIN: Yes. That would be the three-to-one.

MR. PALMESANO: Right. Okay. Now, the battery range. What's the battery range? I guess where we do agree that the battery range estimate on some of these electric school buses is about 125 or maybe 160 miles. Is that -- is that a fair estimate, accurate? I'm not saying a hard -- hard number, but about 120 to 160?

MS. WEINSTEIN: The -- you know, the problem is you're -- you're looking at what happens today and transposing it to five years from now. We don't know what technology will exist five years from now, or even with the waiver seven years from now, the same way that if we were having this conversation five years ago I don't think there'd be much discussion about electric cars as we've had. People wouldn't be thinking about electric cars as a -- as a viable option. So we can't really transpose today's setting to five years from now or seven years from now.

MR. PALMESANO: But there's no guarantee that this technology is going to work to that degree, and right now that's the range of these vehicles. And the -- and the requirement that they face right now with all electric vehicles is they tell you there's a buffer -- buffer charge where only fill between 20 -- don't let it get below 20,

we don't like it above 80 percent because that drains or depletes the life of the battery. So that's the technology right now. And, you know, when you talk about that, when you break that 125 to 160, that averages a range of about 75 to 90. You realize, you know, an average school bus route in Upstate rural New York can be 75 miles east in a day, so that's going to require additional school buses for the dependency on these chargers. Is that -- is that a fair estimate?

MS. WEINSTEIN: Well, you know, again, you're using today's technology and carrying it out five to seven years from now or even to, you know, 30, 35. You know, the same way that just -- if you go to gas cars, the difference in mileage over -- that per-gallon milage has increased dramatically over the years and the standards have increased over the years.

MR. PALMESANO: We have about 47 (inaudible) from the transportation organizations, about 47,000 school buses, maybe up to \$55,000 -- 55,000 school buses. That -- that's a fair estimate based on the 47- to 55,000?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And, again, at a cost of 47,000 school buses at a cost of \$350,000 each is about \$16.4 billion. That's a pretty significant cost, would you not agree?

MS. WEINSTEIN: Yes. That's -- you know, again, using today's costs with the -- and transposing it down now to -- to 2035 as -- as the -- as the cost. So if you had to buy them all today, yes. But we don't know. And as the demand increases I would think

that the price would fall as well as technology increasing and reducing price.

MR. PALMESANO: Well, and the thing I think about is, I know you say you keep -- you're saying that we're trying to figure it out now. There's obviously -- there has been no cost-benefit analysis. That's the problem with the CLCPA, that's the problem with full electrification. No one wants to do the cost-benefit analysis of what it could cost, what the potential cost is. I mean, I know there's language in here that says they -- they can slow it down if that's the case. You know, whether from a cost perspective. It just seems like -- that nothing's being taken into account from a cost perspective. But you put \$500 million in an Environmental Bond Act that's not even come nowhere close to covering the cost of this. So you can't ignore the cost, it's very real. Costs are going to continue to go up on this. I mean, it's skyrocketing now.

MS. WEINSTEIN: Well, I think -- I don't think I was with you, perhaps with Mr. Goodell earlier I was talking about how the maintenance on the -- the -- there are lower maintenance cost on the electric buses and we project that it would -- the buses will last longer than the current -- the projected lifespan of diesel buses.

MR. PALMESANO: All right. Well, let me talk about that, too. The infrastructure costs, there's some estimates by transportation groups that it would cost between \$2- and \$5 million per 50 all-electric school buses. So using that number, let's use \$33 million for 50 buses. That would equate to \$3.4 billion needed in

infrastructure over the next four years to meet that 2027 deadline. You all say they will get a little bit of an extension, but that's -- that's a significant cost. Based on the infrastructure, I think we can't ignore that as well, I think that's something that needs to be taken into consideration. Wouldn't you agree? And then let's talk about the diesel. So I know --

MS. WEINSTEIN: Well, since you mentioned infrastructure, I think I gave these figures before, but for those who might not have been here or paid attention at the moment -- at that moment, there -- there is \$500 million in the Environmental Bond Act that would -- here in New York that would go towards electrical -- electric school buses, and the Federal Infrastructure Act has \$5 billion for electric school buses. So, you know, obviously that's not all for New York, but I think New York will receive a substantial share of those funds.

MR. PALMESANO: So what's the average lifespan of an electric vehicle battery or guarantee? I mean, how long will one of those last or projected to last based on perfect charging and that? Because we know that the effects of the weather, the way it will affect all that. Do you have an idea, ballpark, of how long an electric vehicle battery can last before it has to be replaced?

MS. WEINSTEIN: We think ten years, but they're improving every day. I know in my car I've already had three batteries in five years, so...

MR. PALMESANO: I know, that's --

MS. WEINSTEIN: That's a lot cobalt there.

MR. PALMESANO: No, that's -- that's pretty costly, you know, for our school districts now. Who's going to pay for the cost of these school buses? Because the local school districts will pay and they may get some reimbursement through the transportation -- there's already a cap on that reimbursable aid or is it going to be the -- are they -- is the State going to reimburse them the full amount? How would that cap (inaudible) on the school bus purchase?

MS. WEINSTEIN: It -- it -- you know, transportation aid is reimbursable (inaudible), and, you know, certainly as the years go -- continue and the -- we see more districts -- more districts adding electric school buses to come up to these standards, that will be something that we'll be considering as we prepare our education budgets.

MR. PALMESANO: Sure. You mentioned -- again, we know 2035 all buses have to be zero-emission buses.

MS. WEINSTEIN: Correct.

MR. PALMESANO: You said that. So, but average lifespan of a diesel school bus right now that's, you know, near zero emissions but not -- maybe not zero emissions, is 15 to 20 years. So let's say a school district gets a diesel school bus in 2025. I mean, they can't -- after 2035 they can't have it on the road or are they allowed to keep it on the road?

MS. WEINSTEIN: I -- I -- you know, I don't have independent knowledge of the lifespan of a diesel bus, but I am told

that it is not -- it -- it's not the time frame you -- you mentioned, that it be more like 12 years at the max.

MR. PALMESANO: So even in -- in 20 -- 2025, 2026 they get a diesel school bus, it's running perfectly fine in 2035, they're not going to keep it on the road. They're going to have to put it on -- on the side of the road because it's not zero emission at that point in time. They're going to have to purchase --

MS. WEINSTEIN: Well, this -- I'm sorry, I didn't mean to interrupt, but with this being the -- the law I think it would be (inaudible) for a school district to in 2024-'25 be buying a -- a diesel bus knowing that ten years later they would need to go to all electric.

MR. PALMESANO: But wouldn't you agree if a -- if a diesel school bus is costing them \$100,000 but an electric school bus is going to cost them 350,000, cost has to go into this consideration. I know you're talking about the future we can't look that way. We can certainly look in the immediate. If they're going to make a decision as to how that's going to affect them, I mean, if they're going to spend three times the amount for an electric vehicle -- school bus, that's going to take away aid from other programs. I mean, that's a significant cost.

MS. WEINSTEIN: Well, you know, as I said earlier, the more the demand increases the cost should be -- we anticipate the cost going down, and -- and as I said, this is a reimbursable transportation and it's paid as a reimbursable expense.

MR. PALMESANO: So I don't -- and you said when

we talked about -- just to get back to the lifespan of an electric school bus it was about ten years, and you said in -- in your vehicle you've had to replace a few of them. You know, it's -- we've heard three to five years. I mean, hopefully the technology changes, but if this is the way it's going -- but do you know what the replacement cost of an electric vehicle pack is for a -- for a school bus?

(Pause)

MS. WEINSTEIN: Well, I don't really know the answer to that. Perhaps --

MR. PALMESANO: Well, it's about --

MS. WEINSTEIN: -- if you do, please inform us.

MR. PALMESANO: A battery pack can cost anywhere from 45- to 90,000. The new ones that are out on the -- out -- outside the Capitol, it was about -- it comprised of 14 different batteries for a total of \$90,000. Their retrofit cost -- they retrofitted a school bus and it was three very, very large batteries weight-wise and -- and -- and height-wise. And at \$15,000 a piece, I mean, these are significant costs that are going to be borne on vehicles, again, with the a fewer mileage range that's not proven, it's not -- you know, I know the hope is the cost will come down. I know the hope is the technology will show this both further, but it's not there yet. But we're going to go forward with this technology and mandate it on our school districts and mandate it on our taxpayers at a time when they -- they have enough challenges as it is. It just seems kind of like a little bit out of the -- out of the realm of understanding from a cost perspective.

Have you -- but we're just going to move forward with this, correct?

MS. WEINSTEIN: I -- I don't think that it's unreasonable for us to move in this direction.

MR. PALMESANO: Okay. And I know I'm running out of time for questions so I -- I actually want to say thank you for your time. I know it's been a long night. I'll -- I'll probably explain my vote a little bit later on this.

MS. WEINSTEIN: Sure.

MR. PALMESANO: But thank you for your time.

MS. WEINSTEIN: Thank you, Mr. Palmesano.

MR. PALMESANO: I know I'm right around that time frame so I don't think I even have time to go on the bill at this time yet. So I'll -- I'll come back and explain my vote later, but I will -- my vote will be a no vote. Thank you.

ACTING SPEAKER AUBRY: Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. Will the -- will the Chairwoman yield?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. ASHBY: Thank you, Madam Chair. My -- my questions have to do with the section that elevates the Division of Veterans' Services to a department.

MS. WEINSTEIN: Yes.

MR. ASHBY: So this has been a focus of ours for a while. Under this section, what's the appropriation looking like?

MS. WEINSTEIN: Since it doesn't take effect until April of 2023, until next year, there is no additional appropriation for the -- the change to Department from Division in this budget.

MR. ASHBY: I see. So it wouldn't take effect until next April and at that point, next year's budget we would see the appropriation for the full agency and department, correct?

MS. WEINSTEIN: Yes. Yes.

MR. ASHBY: Okay. Is there anything else outlined in -- in this -- in this section in -- in terms of the structure of the Department?

MS. WEINSTEIN: So, once it becomes a department instead of a division, the Director becomes a Commissioner. It becomes a full cabinet and becomes a full cabinet member.

MR. ASHBY: Do we have an estimate in terms of how many new employees?

MS. WEINSTEIN: Not at -- not at this time do we have -- do we know what will -- what -- what additional staff will be. There's -- there's none appropriated in this budget -- budget for that purpose. So -- so the department itself, before it -- well, the division before it becomes a department has 17 new FTEs.

MR. ASHBY: Okay. So the sky's the limit as to right now.

MS. WEINSTEIN: Well, the 17 -- the 17 new

people, as we just mentioned, since we're talking about veterans there is -- the Governor's -- part of the Governor's budget did have a proposal to increase the minimum funding for county and city veterans' agencies from 10,000 to \$25,000. So that's also here. And when we get to the Capital bill - I'll just give you a preview - when we get to the Capital bill we have \$5 million for the not-for-profit -- for veterans' facilities, VFW halls and -- and such.

MR. ASHBY: Those are all going to have a great impact. Thank you, Madam Chair.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ASHBY: So, this has been, as I said earlier, a significant legislative focus for myself and several other people in the Chamber and -- and on Zoom. And what this -- what this section will do is it will streamline the services that we provide to veterans and their families. It will make the Department eligible for Federal funding which currently it is not, and it will make the Director now a Commissioner and it will give them a seat at the budget, which we are going through right now. And we will be able to provide better and higher quality services for our veterans and their families. I've dedicated a large portion of my time in elected office to this. I've traveled from Niagara County to Nassau County advocating for this, gained bipartisan support -- support for this, and we could not be happier to see that it's -- that it's finally happening. And some may say, *Oh, why -- why is this necessary? We have the VA already. Is*

this -- is this duplicative? And my response would be absolutely not. This is an agency and these are the people that go off to fight and risk their lives for our country and they come home and we have the expectation and the responsibility to take care of them and their families. And I can tell you firsthand that there are gaps that we see between the VA and the State and then down on to the county. And it's our responsibility as a State to monitor and fill those gaps. And I think by elevating the Division to a department we will be able to do that. We're talking about gaps in healthcare, education, housing, workforce development, legal issues, immigration, really across the board. We have such an opportunity here. And I look forward to next year when we get to direct the funding for this and actually put some muscle on to -- on to this Department because I think it's just going to do tremendous things.

I want to thank all of my colleagues for supporting this legislation on both sides of the aisle. I want to thank the advocates across the State and really across the country that have helped make this happen, and I will be proudly casting my vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- no, I'm sorry, Ms. Walsh.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you, Chairwoman. I have a few questions regarding the new replacement for JCOPE, the Commission on Ethics.

MS. WEINSTEIN: Yes.

MS. WALSH: So -- okay. Would -- would a current JCOPE Commissioner that was appointed previously by the Governor be eligible to serve on this new commission?

MS. WEINSTEIN: Yes. And what -- they could be, but I didn't -- I neglected with Mr. Ra to explain how those commissioners got their nomination by the various parties outlined, their recommendation for appointment. The appointing authority goes to the 15 -- a committee of the 15 deans of the law schools in New York State -- or -- or assistant deans effective -- effectively be vetted as to their capabilities to be a member. So yes, it would not preclude someone who's there currently, but they would have to go through this new process.

MS. WALSH: That's great. And so my question has to do -- let's back up a little bit to the members of this Independent Review Committee. You said there were 15 -- there are 15 accredited (inaudible/cross-talk) and these would be the deans or assistant deans who would be serving. How -- are they being vetted at all? Are they subject to financial disclosure? Are they being vetted for any kind of conflict with the procedure or are they just automatically, by

legislation, just coming on to this thing?

MS. WEINSTEIN: I -- no, because by -- by this legislation they are automatically -- they -- the committee, they've agreed to -- I believe the deans have been contacted and they've agreed to be part of this process.

MS. WALSH: So all 15 of the deans have agreed to be a part of this process. But there's been no vetting of them to ask them if they have any kind of conflict?

MS. WALSH: That -- that's what were are told by the Executive.

MS. WALSH: Okay. Oh, okay, so --

MS. WEINSTEIN: No, that -- that they've agreed, not, you know, that there's been any independent vetting of the -- the deans themselves.

MS. WALSH: Okay. And Chairwoman, do you happen to know if in any instance of those 15 that they -- anybody declined and said, *I'm going to have the assistant dean do it because I was a high school classmate of the Attorney General* or something like that? And that-- that is a hypothetical, I'm just throwing it out there. It's late.

MS. WEINSTEIN: We -- we don't know of any specific case, but they are allowed to have an assistant dean.

MS. WALSH: Okay. I don't know if you've been asked this before, and I apologize because I kind of walked in in the middle of Mr. Ra's questioning earlier in this debate. But what's the

reason that the Attorney General and the Comptroller will have an appointment to make on this new commission? Was there a -- what was the thinking behind that?

MS. WEINSTEIN: Well, it -- it's kind of reverting back to a prior -- a pre-JCOPE situation commission where they did each have an appointment. So it basically broadens the appointing authorities.

MS. WALSH: All right. Very good. Now, in doing a little bit of research to kind of prepare for questioning tonight, I noticed that there was reported in one of our local papers some criticisms about this new plan and I wanted to give you an opportunity to be able to respond to them. One individual who was a -- a current -- current member of JCOPE was critical in that a former staffer of JCOPE was involved in negotiating this deal that we're discussing tonight, in her current role working as Deputy Counsel on the ethics issues in Governor Hochul's office; is that -- is that true?

MS. WEINSTEIN: I'm -- I'm told she was involved, but I don't have any -- I don't have myself independent knowledge but I believe the answer is yes.

MS. WALSH: Okay. And another criticism that was lodged against this -- this plan is that this -- this legislation empowers staff over commissioners on the new panel because the bill facilitates the rehiring of current JCOPE staff to the new commission, whereas as we discussed earlier a current JCOPE commissioner would need to go through this different vetting and appointment process. They're not

precluded, but JCOPE staff would be able to be qualified to be immediately placed onto the staff of the new commission. Is there -- is that -- is that correct?

MS. WEINSTEIN: It is -- we lead to the commissioners to choose staff. We have -- the plan includes -- and -- and I would just say in terms that this wasn't one person who drafted this, it was discussion amongst all parties. But there is a requirement for specific units, an Advice and Guidance Unit, a Training Unit, Financial Disclosure Unit, a Lobbying Unit and Investigations and Enforcement Unit and the Commissioner would appoint the Executive Director and there would be a staffing plan developed.

(Pause)

And -- and let me just say also, the Executive -- there are restrictions on who the Executive -- the Executive Director chosen by the commissioners could be. So in the last two years may not have been a registered lobbyist or a member or employee of the Legislature, a Statewide elected official or employee, a commissioner of a State agency appointed by the Governor or a political party chair.

MS. WALSH: Yes, I saw those provisions as well, as far as the Executive Director. Thank you very much, and I appreciate you answering my questions.

Mr. Speaker, on the bill.

(Pause)

I'll just go on the bill. So anyway, the -- my -- my issue, I guess, with -- I have a great deal of sympathy for any -- any

Body -- any Body that is trying reform JCOPE because JCOPE, as we know, has been a complete and total and utter mess and disaster. The -- the -- the thing is, I don't know if this separate group of deans is really maybe the right way to go because I think it's very difficult to just scrub politics out of this -- out of politics, out of this whole process and I think that's -- that's my issue. I don't think that we can automatically take a look at 15 deans from law -- and they're probably very, very professional people. I don't know any of them personally, including my own former Albany Law School. I don't even know who the dean is right -- there right -- I hate to say. And I don't mean to disparage them in any way. But -- but, you know, it's a small world. And I think that legislation that creates this Independent Review Committee I think needs to take steps to ensure that the Independent Review Committee is truly independent. And it seems as though there's kind of a big gaping hole that I'm spotting in the legislation because it doesn't vet them out at all, it just presumes that because there are deans of law schools -- of a law school in the State of New York that they are without any conflict. And I -- I think that that could be an error that I think really ought to be corrected in this. I do think that there are improvements in the way that this new commission is set up. I think, you know, sadly, as a member of the Minority I have to say that, you know, a simple -- it doesn't -- you know, you just have to do basic math to figure out that if the -- if this -- things carry by a simple majority vote but the vast majority of appointments are going to be made under our current political climate

and the current elected people that we have by members of the same political party. So nine of the 11 appointees are going to be of one political party and six are needed for a majority vote. So I also had questions about -- and we didn't really didn't get into this in the debate. I don't know whether my colleague, the Ranker of Ways and Means covered this. But I don't know why -- I have concerns about the Attorney General having an appointment and -- and concerned that perhaps that might be some kind of a conflict. I don't know what the past history was prior to JCOPE about the Attorney General having such an appointment, but I don't know about that. But I just think that the Independent Review Committee needs to be independent. I do think that this construct is an improvement over having the Governor make all of these appointments. But I think the real problem with JCOPE wasn't necessarily -- well, I think it was a few things. The big thing, I think, is that there were leaks. There were leaks out of JCOPE to either the individuals who appointed them, by either the Governor's Office or perhaps to others. And we all know that leaks are a problem. They go hand in hand with things in -- in our world here because everybody wants to be in the know and everybody wants to tell somebody else something. And so I don't know that we can necessarily legislate leaks out of a system like -- like this, but I think that that is a lot -- was a lot of the problem with JCOPE. And of course the fact that the Governor had an extraordinary amount of control over -- over JCOPE.

So I think that this is a step in the right direction, but

I also think that there are some things that I think need to be changed. And I -- I do commend -- I commend those who put this together as a proposed solution, but I don't think it's really going to prove to be really adequate. But anyway, that's -- that's where I stand on the ethics commission, the new ethics commission. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walker.

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

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

MS. WALKER: I would like to first begin my thoughts by congratulating the Speaker and the staff for not including a blatant dangerousness standard be implemented within our bail reform considerations. Offer rolling back discovery where a defendant who was just accused and had not been convicted of a crime will continue to receive information which may be exculpatory and lead to his success or her success at trial. Not be given to them on the eve of trial, but at a point in time where they have access to witnesses and adequate evidence. I also want to acknowledge that we did not allow 13-, 14-, 15-, 16- and 17-year-olds to be tried as adults. Although I recognize that the Family Court system has done a significant job with prosecuting any crimes that are committed by that particular demographic, contrary to many of the thoughts that we heard here this evening. Just three years ago we secured greater

access to justice to tens of thousands of people in New York who were locked away in jail pretrial simply because they could not afford to pay bail. This State had a two-tier system where Black and Brown people who didn't have enough money to pay bail were sent to jail pretrial while folk who had enough money to pay bail were sent home to await trial in the comfort of their homes, with their families and without losing their jobs. Before bail reform we routinely saw that more than 20,000 people were locked in City jails on any given day, most of them being Black and Brown, all of them being held pretrial. Records from the New York State Division of Criminal Justice Services show that the City jail population was down from that 20,000 to 5,426 at the end of February 2022. Overall, the City's jail population has declined significantly after bail reform went into effect in 2019. By that measure, bail reform is working. Over the last few months bail reform has been blamed for an increase of crime without any empirical data or evidence to support that, including evidence where the New York University's Brennan Center for Justice released a report last month that found the following: There is no clear connection between recent crime increases and the bail reform law enacted in 2019, and that data does not currently support further revisions to the legislation. The NYU report cited an analysis of State data by the *Times Union* that looked at nearly 100,000 cases in which people were released pretrial under bail reform laws between July of 2020 and June 2021. Of those cases, only 2 percent of the defendants were rearrested on a violent felony, and of those rearrested on a

violent felony, less than 1 percent involved a gun-related felony. By that measure, bail reform is working. But we are here. Now we have bail reform rollbacks that will lead to another disproportionate number of Black and Brown people being jailed on misdemeanors. We are taking the people accused of the lowest level offenses and making them cash eligible. We went from mandatory desk appearance tickets to landing on the Monopoly square "go directly to jail and do not pass go." What makes things even worse is that the terms and the language used in the rollbacks is vague. The harm provision added in the 2020 rollback is finally being defined. If you can even call it a definition. Harm is being mostly defined as including, but not limited to theft and damage to property. Including, but not limited to. Think about that. When we don't say what we mean, then that means somebody else will get to tell us what we mean. I find it hard to believe that this would not include jumping a turnstile, which is called theft of services in the Penal Law. I just have to know that we are not here today sending people to jail not for committing some egregious crime, but not paying 2.75 for a fare. Speaking of which, there was a young man who came into my office. He wanted to turn himself in to the police department. And when he did, bail was lodged against him and the bail refund -- Bail Fund Department paid this young individual's bail. But there was a \$1 hold that was placed on him. We made telephone call after telephone call for someone to go down and pay that \$1, and we were told that they did not have the car fare, \$2.75 cents, in order to make it downtown to pay \$1 in jail. And this young man was not

allowed to go back home to his family and he was not allowed to go back to work, and that was one of the most egregious injustices that we have seen. Just a few years ago we were here talking about opioid abuse being a public health crisis. But now that we are talking about Black and Brown individuals we are returning back to the criminalization of addiction and the mass incarceration of a people without fault. I have -- I have to believe that we're not going to be criminalizing poverty and jailing our most vulnerable New Yorkers simply because they can't afford a sandwich or baby formula. I acknowledge the attempt to exclude negligible theft. That brings me to my earlier point. If we don't say what we mean, then someone else will tell us what we mean. What exactly is negligible theft? I don't know. But I can only hope that it means that we are not sending people less likely to pay any amount of cash bail, not even one who can afford \$100 or who was accused of stealing toothpaste, which was in the case here in the State of New York. Again, the criminalization of poverty. We recognized that the 13th Amendment indicates that slavery was abolished except in the case of criminal punishment. And so many individuals who are subjected to the criminal justice system are returned back to slavery in its truest form. So this is our abolitionist moment. This is our opportunity. But yet we allow misinformation and lies to be perpetuated throughout our airways and placed on the front of covers of newspapers throughout the State of New York. And we tried so hard to be able to chase that print, but you can never run fast enough. We even had a situation here where

we had an NYPD Commissioner speak about an individual crime that took place and blamed bail reform for an individual who possibly committed that crime even though that individual was presently on Rikers Island and he had to come back and apologize for that. We have seen time and time again story after story where judges have the ability to be able to post cash bail in that particular situation, but yet the judicial advocacy, or maybe it's through misunderstanding because I want to believe that we cannot blame intent when ignorance will do. And so if this is a situation where judges sincerely did not understand, we need to recognize that bail reform was not the reason for the increase of crimes across the State of New York. Incarcerating people with -- with -- incarcerating people without doing anything to alleviate the circumstances of their arrest is just bad policy and it is cruel. It is cruel to say, *I will give you housing, but only if it's jail*. It is cruel to say, *I will give you mental health, but only in jail*. It is cruel to say, *We can give you food, but only in jail*. It is cruel and it is bad policy. While we have not adopted a dangerousness standing here today, this admission of serious harm will muddy the waters and cause chaos in our courts. We have -- we have two years now introduced new terms into our Penal Law without definition. This has been chaotic for judges, prosecutors and defense counsel. What does it mean? Harm. It's emotional harm. Should someone be subjected to bail because someone's feeling are hurt? It's a psychological harm and an economic harm. We have to say what we mean or the court will eviscerate our intent. If we do not say what we mean then someone

else will tell us what we mean. Dangerousness. There's nothing discretion that's insinuated in that term. Quite frankly, there are algorithms that are used which are inherently biased that as a defendant when he's arrested, *Where you live? How long have you lived there? Where do you work? How long have you worked there? How many years of education have you completed?* None of those questions go towards a person's propensity towards dangerousness. It only serves to insignify how much poverty that individual is living in. And so when we kept those rap sheets, this discretion that folk are talking about, there are recommendations. Sometimes there are recommendations for ROR and so -- released on your own recognizance. But sometimes there's a recommendation for rehab. So how much discretion is actually being utilized in this situation? And quite frankly, we gave judges more tools in their toolbox than they ever had before because there are conditions which are non-monetary bail that we can utilize where a person has a mental health issue or a drug abuse issue or a housing issue or whatever the social issue is. A judge had an opportunity to issue supervised release, where they never had that in the past and we were pouncing down on people and having them be released back into the community without any services. We know that in communities that are Black and Brown across our State, we call those communities Billion Dollar Blocks. Why? Because they serve to fuel a billion-dollar criminal justice system where people are allowed to live lavishly and to retire comfortably even though so many people are dying. Quite frankly, in the eves of the ten-point

plan that was proposed in this particular budget cycle, two people died on Rikers Island under conditions which aren't even adequate for the United Nations. Last year, in 2021, 16 people died pretrial. And this is what is so severe about why it's important for us to recognize that pretrial incarceration just not is the answer. It will not satisfy the rise in crimes that we are seeking across our community. But yes, what we do need to do something about is a proliferation of illegal guns on the streets of New York. My brother was murdered at the age of 19, so I understand victimization. I understand what it feels like to have a family grow up without someone in the home. I understand what it feels like to be robbed. I understand what it feels like for my car to be broken into. So yes, I want public safety. But I do not want it at the expense of our civil rights here in this country. But why do we have civil rights? Because the Constitution gives it to us. And the same Constitution that gave it to us is the same Constitution that took it away from us. And because you're subjected to a criminal justice system, you're not even considered a whole human being in this State. We had to fight just for our persons to be counted in the Census when they are incarcerated. So why should the 8th Amendment apply to you? Why should the 8th Amendment say bail should not be cruel and unusual punishment. Why should it, Black boy? Why should it when you are not a citizen here in this country. We're talking so much about hate crimes. Hate crimes. But no one acknowledges the hate that gets perpetuated on communities of color all across this country and all across this State without retribution. We cannot, we cannot

even get the satisfaction of many judges with so many Black and Brown people who are dying in our streets at the hands of law enforcement. Yeah, guns are bad. Yeah, guns are wrong, no matter whose hands they're in. My daughter, who's ten years old, and I witnessed someone who's in law enforcement gun someone down right before our very eyes in our community. So in Brownsville we have to live in a -- in a state of perpetual fear. Sometimes it's from our brother man, but sometimes it's at the hands of the same law enforcement who serves to protect us. And right now this -- there's an opportunity here for us to be able to protect all of the people here in the State of New York. So I believe that rolling back bail was not the answer here. This is being done of course under bad policies. This was not introduced at a budget proposal. This was not introduced in a 30-day amendment. This was not introduced in a 21-day amendment. This was impounded on us. This was a hijacking of a budgetary process in an institution that I love and I respect, and it is my greatest --

(Buzzer sounds)

-- honor to serve in. Thank you so much, Mr. Speaker, for allowing me to submit my comments on very injustice opportunities that we're experiencing here and the perpetuation of racist policies in the State of New York.

ACTING SPEAKER AUBRY: You're quite welcome. Thank you.

(Applause)

Hello, hello, hello. Ladies and gentlemen. Thank you.

Ms. Byrnes.

MS. BYRNES: Thank you. There were just a couple of comments I wanted to make on the bill. So --

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

MS. BYRNES: So, Madam Chair, I will spare you any other questions at least for this evening. What I wanted to say was that is as I look at bills that have come in so far and the one specifically that I'm voting on right now, I'm disillusioned by the fact that the home care workers -- home healthcare workers have gotten such minimal increases and raises for what they asked for and for what I believe that they deserve. At the same time that I see what their good works are and their efforts at having appropriate wages for the work that they do for each and every one of us and I see that their needs falling terribly short, at least from what I see so far in this budget. But by the same token I turn around and I see that \$600 million will go to the Buffalo Bills. And that will probably be more over the years as there will be maintenance costs that the State will bear, probably \$2- or \$300,000 -- millions of dollars more, excuse me -- in costs over the years in repairs over this 30-year lease. You know, as -- as we have these two diametrically opposed, we have those who truly are in need of a solid wage to live by and who keep being told, you know, we support our direct care workers, and yet then when the budget comes out it's not what they were promised. It's not what they

were expecting. It's not what they deserve. And on the other hand, we see those who do not have merely a need who are getting a lot of money that could be better spent in other directions. I'm saddened by what I believe are the unfortunate regrettable priorities that are being put on this budget. You know, just this fall I lost five group homes in my district. Most of them over Thanksgiving when on zero notice group homes were closed. Young people that were living in them, sometimes older people that had lived in homes for decades, were summarily moved. They went home for Thanksgiving with their mom and dad and they were told, *Bring them back to somewhere else because this place shut down and closed*. Their entire lives were turned upside down of these residents and their parents. We were told money issues, salary issues. People don't want to work for what we're offering to pay them. And then we come here and I watch 600 million, plus more into the future, going off in a direction. And I think what could a fraction of that money have done to help the people not just in my district, but in your district as well.

For those reasons and many others, I'm voting no on this budget bill. Thank you, Mr. Speaker. Thank you, Madam Chair.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you. Will Mr. Dinowitz yield for a few questions?

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

MR. DINOWITZ: Yes.

MR. LAWLER: You said there is not a dangerousness standard that was introduced within this legislation. What exactly does harm to a identifiable person or property mean?

MR. DINOWITZ: Well, it doesn't mean dangerousness.

MR. LAWLER: What does it mean?

MR. DINOWITZ: Well, let's see. Harm -- you want me to define what harm means?

MR. LAWLER: I don't want you to be cute, I want you to actually define what the term is in the bill.

MR. DINOWITZ: Harm means harm. I don't know how else to define harm except --

MR. LAWLER: Well, what's the purpose of putting this in the bill if it isn't intended to give more discretion to a judge? What was the purpose of this?

MR. DINOWITZ: Okay. Well, let me read to you. It would amend CPL will to define harm to an identifiable person or property to include theft of or damage to property. This is intended to allow the court to set bail in cases of repeated retail theft, for example.

MR. LAWLER: Okay, so let's look at some offenses. Criminal possession of stolen property, First, Second, Third, Fourth and Fifth Degree. Under the 2019 bail reform bill there was no bail permitted with that offense. Under the 2020 amendments there was no bail allowed for that offense. Are you now saying that under this

new reform that criminal possession of stolen property, which I would constitute that has harm, can now be -- is now bail eligible?

MR. DINOWITZ: Well, what I just read to you is -- I'm not going to read it again -- it's up to the court to make that determination.

MR. LAWLER: Well, we're passing a law so obviously we're trying to determine the intent. Are you saying it is or it is not bail eligible?

MR. DINOWITZ: I'm saying what I already said, but let me repeat it in case you missed it. It would amend the CPL to define harm to identifiable person or property to include theft of or damage to property. Judges can look at that, look at the situation and make a determination.

MR. LAWLER: Okay. Arson in the Third Degree, intentionally causing damage to a building or vehicle by fire or explosion. Under '19 and '20 it was not bail eligible. Is it bail eligible today if this law passes?

MR. DINOWITZ: Again, I guess the answer would be the same.

MR. LAWLER: It should be a yes or no. Is it yes or no?

MR. DINOWITZ: The judge will have to make that determination based upon the criteria that I already read.

MR. LAWLER: Okay. So as of the existing law the judge cannot make it bail eligible. Will this change make it bail

eligible? It's a pretty straightforward question. I don't know why you're trying to obfuscate it.

MR. DINOWITZ: I don't obfuscate it. I gave the best answer I can.

ACTING SPEAKER AUBRY: Ms. Walker, why do you rise?

MS. WALKER: Will Mr. Lawler yield for a couple of questions?

MR. LAWLER: Sure.

ACTING SPEAKER AUBRY: Mr. Lawler will yield.

MS. WALKER: Mr. Lawler, are you aware that when a person is arrested if there is a present Order of Protection that has been violated and/or a warrant issued against that individual that that person may be brought before a court and ultimately bail eligible?

MR. LAWLER: Okay.

MS. WALKER: So I would say that the appropriate answer to that question is it depends. This law is not black and white. There are a number of instances where a person, whether or not they're misdemeanors, which are low-level misdemeanors, are bail eligible in print which may become bail eligible in certain circumstances, including whether or not there was an Order of Protection that was in place as well. And so again, the answer is not yes or no as you may believe it to be. But it is -- it depends on the circumstances.

MR. LAWLER: No, actually -- so what I'm getting at here is actually in part the point you were making. That it is not black and white and it is not clear. And that these terms that are being thrown about here are, in fact, designed to do one thing: Create absolutely chaos. Okay?

MS. WALKER: Well, Mr. Speaker, I --

MR. LAWLER: Our Governor --

MS. WALKER: -- believe that my point --

MR. LAWLER: Mr. -- Mr. Speaker, I'm going to -- Mr. Speaker, I'm going to take back my time, thank you.

MS. WALKER: Thank you.

MR. LAWLER: This -- this bill, this proposal that we're -- is before us is a half-baked cockamamy attempt to deal with bail reform. Our Governor earlier in the year said she wasn't going to do anything on this. Apparently she got a few poll numbers back and decided, *Oh my God, there's a problem*. This is a joke. She releases a ten-point plan two weeks before the budget, creates absolutely chaos in the State. A bunch of your Conference ain't even going to vote for this because of it. And what have we actually accomplished? My colleague can't even answer the question as to whether or not these offenses qualify. It's a total joke. The fact that 16- and 17-year-olds who commit violent offenses, felony crimes using a gun won't even qualify to be charged in criminal court but will be referred to Family Court is a joke. You have gangs all across this State using 16- and 17-year-olds to commit crime. We want to talk about Raise the Age, we

want to talk about statistics? I'll give you some statistics. This is from DCJS. It's not from me, it's from DCJS. In 2020 only 3 percent - that's 119 of 3,727 - 16- and 17-year-old adolescent -- adolescent offenders were arrested for a felony -- that were arrested for a felony actually received a felony conviction. Only 44 of them received sentences greater than a year. You want to know what they were arrested for? Forty-eight were arrested for homicide. Fifty-two were arrested for attempted homicide. Fifty-five were arrested for sex offenses. Four hundred and sixty were arrested for firearms and dangerous weapon offenses. Thirteen were arrested for making a terrorist threat, and 3,000 were arrested for additional felony arrests that occurred. Over 90 percent of those cases escaped Criminal Court and went to Family Court. That's Raise the Age.

Let's talk bail reform. Shootings, shootings in New York City. From the time that bail reform got implemented to the end of 2021 are up 103 percent. Beautiful Buffalo, up 96 percent. Rochester, 144 percent increase. Albany, 83 percent. Syracuse, 53 percent. We hear about 2 percent of defendants that are released are rearrested? That's a false stat. Between January 1st of 2020 to June 30th of 2021, 80,000 people were arrested for a felony offense in the State of New York. Fifty-six thousand of those folks - 70 percent - had a prior conviction or a pending case. Ten thousand were released on non-monetary bail. Forty percent of those folks, 40 percent of that 10,000 were rearrested for a crime while their case was pending. That's not 2 percent. So when we talk about stats, let's be honest

about it. Bail reform is not the only ill plaguing our society right now. On that I agree. The reality is that many of the decisions that have been made have contributed to this increase in crime when you don't enforce petty crimes. Now some want to ascribe it just for poverty and, yes, there are instances of that. But there are also instances of people who don't think the damn law applies to them. When you don't enforce the law, when you disband the anti-crime unit, when you reduce the number of police on the streets it creates the environment that we are dealing with. The fact that homicides in the City of New York are up 53 percent, it's alarming. There was a steady decline for years, which was a good thing. I don't want to see anybody die. I don't want to see anybody be the victim of a gun crime. But what we are dealing with right now is a rapid rise in crime. Unfortunately, the Governor, instead of being serious about it, put together some half-baked plan. The Mayor of the City of New York ran on and got elected on addressing many of these issues. Many of you supported him. Many of you endorsed him. He ran on ensuring that judges have judicial discretion. He talked about ensuring that there is a dangerousness standard. I know many of my colleagues on the other side do believe that that term "harm to an identifiable person or property" is creating a dangerousness standard. Now, the sponsor may not want to admit that, but that is what it does. Within Subpart B, judges will now have the ability to look at a principal's activities and histories. If the principal is a defendant, the charges facing the principal. The principal's criminal conviction record. The principal's

record of previous adjudication as a juvenile delinquent. The principal's previous record with respect to fight to avoid criminal prosecution. The principal's individual financial circumstances and ability to post bail without undue hardship. Any violation by the principal of an Order of Protection, as my colleague brought up. The principal's history and use of possession of a firearm. Whether the charge is alleged to have caused serious harm to an individual or group of individuals. And if the principal is a defendant in the case of an application for securing an order pending appeal, the merit or lack of merit will be appealed. So, which is it? Who's lying here? Who's not telling the truth in this Chamber about what this bill does or doesn't do? At the end of the day we need to get real. My colleague gave a very impassioned speech, and I very -- I listened intently to every word that she said. I understand her concerns. I understand the concerns of many of my colleagues with respect to the criminal justice system and the impact that it has had on Black and Brown communities. I don't discount that. But I also look at the fact that every individual is responsible for their own actions and their own conduct. And there are consequences when you make a decision. We have to find a balance, for sure. Whatever this is, ain't it!

So I will be voting no. I'm sure there are colleagues on the other side who will be voting no. And I think we need to really have a serious conversation about the path forward because this ain't it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Forrest.

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

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

MS. SOUFFRANT FORREST: Okay. Every year elected officials in New York are tasked with one responsibility: To pass legislation that increases the security, dignity and freedom for all New Yorkers. Today I believe our government is failing in its commitment to the people of New York State and to the people of my district. We have billions of dollars of Federal money, significant budget surpluses, unallocated revenues from last year's tax increases and a Democratic supermajority in both Houses of the legislator [sic]. But instead of using our resources to uplift our constituents across the State, we are continuing to criminalize and punish poor people. When we say public safety we mean quality of life. The number one thing that safe neighborhoods have is clear investments in all sectors of life. Public safety is investing in food security. In healthcare. In housing. In education. Because when you wake up with a good job, a comfortable home and healthy body you know that things can't go bad. That is why our failure to invest a single dollar in housing voucher, our failure to invest in home care workers to give home care workers the raise that they deserve and need, our failure to fully fund options to the -- child care options to the undocumented workers who keep our society running, our failure to give healthcare to the people who are most at risk is simply unacceptable. Kalief Browder died from suicide after three years on Rikers Island because of a backpack.

All hope was taken from him. When I went to Rikers Island recently, I saw so many hopeless souls. Nineteen people have died on Rikers Island in the year-and-a-half alone. We are abandoning people who have not even been convicted of a crime. And we do this in the name of public safety, even though there is no evidence that bail rollbacks will do anything to keep anyone safe. The real message, however, of -- of bail rollbacks is that if you're poor you need to watch your own back. No housing. No healthcare. No safety nets. But the minute you slip up we've got jail waiting for you. What kind of justice is that, though? If we're going to use our power as legislators to create a just society, we need to make different decisions. Home care workers need a pay increase of 150 percent at the minimum wage Statewide. Fair wages is the only way to solve the home care crisis and the caring Majority coalition has made that loud and clear. The budget doesn't raise wages enough. The wage raises that are included are an insult to home care workers like my mother who gave 25 of -- 25 years of her life caring for people in their home. And it's an insult to patients like my father, who did not die from COVID, but rather neglect in a nursing home. This budget does make a clear position, though. There are tax breaks for wealthy homeowners. Tax breaks for billionaire sports team and plenty of corporate subsidies. The final budget says the pandemic is over, now get back to work. We are choosing the rich and the corporations as our priorities instead of working -- instead of choosing working-class New Yorkers and poor New Yorkers who carry through -- carried us through this pandemic for the last two

years. Although we claim to represent the majority, this budget is not aimed at the majority. And in the process we are failing to address the problems that unite us the most. New Yorkers across the State agree on a couple of simple things. How you deal with homelessness, affordable housing. How do you deal with safety, jobs and education? How do you deal with mental illness treatment? These are the popular positions.

We, the Legislature, have missed an important opportunity to listen to our constituents and stand strong for what our people believe in. I believe we have a responsibility to govern differently, and that's why, Mr. Speaker, I will be voting on the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. First I want to thank Speaker Heastie and Majority Leader Peoples-Stokes for their leadership and their fidelity to Democratic values and principles. I want to thank the incredibly smart and hard-working staff to have kept at it and made so much progress on this budget. And I want to acknowledge that this budget does a great deal of good. We are moving towards universal child care and have made enormous progress towards a new deal for CUNY and additional funding for SUNY. And we are well on our way to fully funding the Campaign for Fiscal Equity's mandate for our public schools. We have increased the Environmental Bond Act and are moving quickly to decarbonize

our vehicles. And while I'm disappointed that we weren't able to provide more pay for home care workers or provide health coverage for all, we have made important first steps into a more equitable future. This budget, however, contains some bitter pills. My colleagues have already talked about some of those issues. And while I will be supporting most of this budget, for me there is one issue that is among others, but this one in particular is a bridge too far, and that bridge lies in the contours of the New York State Constitution. So, I'm a disabilities civil rights lawyer, and the changes being made to Kendra's Law are, in my opinion, unconstitutional. Kendra's Law was meant to address people who are so seriously mentally ill that their psychosis has undertaken their ability to function. It is not a violence prevention strategy. As Dr. Schwartz, one of the authors of New York often referred to study of Kendra's Law has said, there's no evidence that outpatient commitment orders - Kendra's Law - can reduce major acts of violence resulting in injury or weapon use. In fact, people with mental illness are 11 times more likely to be violently victimized than to victimize others. So the changes here will render Kendra's Law unconstitutional because it would allow orders to be extended without due process protections. In fact, those are what is needed to follow the mandates of Kendra's Law. But base it merely on behaviors which constitute an undefined substantial increase in symptoms of mental illness and these symptoms occur within an arbitrary six months from a previous order having expired. By inserting a proposed standard and by a new provision of Section 960 of the Mental Hygiene Law, the

law would apply Kendra's -- Kendra's Law order to people who appear, only appear, that they cannot provide food, shelter, clothing or medical services for themselves. By subjecting these individuals to involuntary outpatient treatment, New York would eliminate Kendra's Law requirement that a person must have a history of a lack of compliance with treatment for mental illness, and that person is likely to benefit from assisted outpatient treatment. Now, why does this matter? These two criteria were the bases upon which the New York Court of Appeals upheld Kendra's Law against a constitutional challenge in 2004. And simply put, by lowering the constitutionally-mandated criteria for the issuance of such an order to terms that are important for one's civil rights protections meant to apply to 61 million Americans with disabilities protected by the Americans with Disabilities Act creates a vague, overly broad and inappropriate standard for these circumstances. Rather than the appropriately strict standards established by the Court of Appeals and permitting Kendra's Law orders, this would allow reliance on a person merely having experienced a substantial increase in symptoms of mental illness or exhibit symptoms that substantially interferes or limits one or more major life activities; language borrowed directly from the ADA. Now, major life activities include things such as caring for one self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating. Having tried a similar case on what constitutes a substantial limitation to a major life activity and having

testified before the U.S. Senate when amending the ADA to ensure the broad liberal construction originally intended by Congress, I feel that I know a thing or two about how much this could go wrong. Moreover, you can't reinstate a judicial order once it's expired just because you feel like it because a court no longer has any jurisdiction, so there's no legal procedural path to do that, so this provision is impossible of performance as well. A recent opinion piece suggested that the 2009 study I referred to earlier had debunked prior findings that assisted outpatient treatment orders were issued in a racially-disparate manner. And I looked up the study and it didn't actually say that. It did acknowledge systemic racism led to poor access to physical and mental healthcare. But what it did say is that Upstate psychiatrists and courts were far more likely to recommend enhanced voluntary services, a voluntary agreement where the recipient signs a statement that he will or she will adhere to a prescribed community treatment plan. So that approach first is used in Upstate counties while the assisted outpatient treatment first is the predominant model Downstate. And because of regional differences in the approach of Downstate psychiatrists and courts, the AOTs are issued to more Black and Brown individuals and it's intentional. It's not made intentionally discriminatory, but it is an intentional approach and it seems deliberately indifferent to the recipients' civil rights.

So again, there are items I think in this bill that I would be fine with. But pulling the constitutional rug out from under severely mentally ill people is just not something that I can vote for.

Thank you.

ACTING SPEAKER CUSICK: Ms. Cruz.

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

ACTING SPEAKER CUSICK: On the bill.

MS. CRUZ: How did we get here today? We're legislators representing thousands of people around our State with diverse needs, but tonight, those human needs are going to be put to the side for the political needs of others. This bill is often referred to as the Big Ugly because in the same package they will put policies and investment that pull our conscience in different directions. And this is done intentional.

It was no different this year. It includes increases in wages for our home health care workers, support for folks who can't pay their utilities, and much needed additional funding for our schools, but it also includes drastic changes to our criminal justice system and leaves thousands of New Yorkers out of much needed support simply because they lack that coveted Social Security Number.

First, let me address the changes in the criminal justice system, changes that are going to take us back decades in the progress we have made to decriminalize poverty, all because of a few skewed political polls, it falls in fear mongering police-sponsored media blitz, and a series of uninformed elected officials, including the Mayor of New York City, who argued they were needed. But when we're back here next year, because believe me we're going to be back

here next year, with the rate of crime relatively unchanged because we chose to further violate people's Constitutional rights, criminalize poverty and insist in imprisoning Black and Brown people at alarming rates rather than fund supportive services to address the real root of crime, I'm going to have to tell you, *I told you so*.

I am, however, infinitely thankful to our Speaker and our staff for minimizing as much as possible the detrimental impact that this bill could have in our communities. People may not understand what goes into negotiating these budgets, but hear me when I say this, we did all that we could. This is a -- the result of a poorly played out political move that began with a leaked memo, not with an Executive proposal, not with legislation, not even with something as simple and as respectful as a meeting with the legislators here today. When you're forced to negotiate against yourself and some would argue against your community, as this Legislature has been forced to do today, it is impossible to win.

First, let me address the good things in the bill. For decades, our home health care workers have been begging for support. They care for our ailing parents, the loved ones that you and I don't have the capacity to care for. A 20 percent raise over two years is a start, but that's all that it is, a start. They deserve so much more from us. These people feed, bathe, wipe and do just about anything that you and I, you have to admit, wouldn't be able to do. They do it with love, with dignity, and with compassion. They deserve stellar, not just fair pay. This is a win, but our fight's going to continue. Last week I

met with Onarina Landi (phonetic), a member of 1199, who told me that she has to work 90 hours a week just so that she can pay her rent, buy her food, and support her family. But she is exhausted, and she deserves for us to fight more, to continue to fight to ensure that she doesn't have to live a life of exhaustion just to survive. No one should have to work themselves to death as she's doing. So thank you, Onarina, and to the thousands of workers who walked our halls every week for the last couple of months. We're here today because of you and we're going to continue to fight because you deserve it.

Overall, our budget did include much needed investment and I am very thankful for it, including Nourish New York that many of you know I have championed and I am so happy to see that we're investing in it again, to tackle food insecurity and to help our neighbors through LRAP and ERAP, because we've got to make sure that they can stay in their homes.

But then there are changers -- changes and failures to act that are absolutely abhorrent, the type that shake your belief in whether we are in the right business of policymaking. I'm going to talk to you about the changes in the criminal justice system and how they're being rolled back. When it comes to addressing those with mental health care needs, this budget includes a badly drafted proposal that I believe is unconstitutional and, as a colleague said earlier, it is in direct contradiction to Kendra's Law. It creates a confusing process that would subject people to invasive mental health screenings by criminal court judges and local hospitals that have no expertise or

training in mental health. It'll formally prevent any person who has been unable to access mental health services from voluntarily getting them. So this bill will actually ensure that no one who has struggled to obtain mental health treatment will get it voluntarily. The only real option under this proposal is forced treatment, which we know simply does not work. I have seen it in my personal life, a close family friend and a close person in my home. When you force someone, it doesn't work. It violates their rights, it violates their integrity and they're not going to get any better. It's going to subject them to invasive hearings about their medical and mental health in open court, creating a host of Constitutional problems and enabling the *New York Post* to obtain intimate details about the individual's medical history and use them to try to force us to be here again next year. This proposal will not help a single struggling New Yorker with mental health issues.

And then there's bail reform, which we cannot repeat enough times is not meant to be punishment, but has been used as such against Black and Brown communities. The new language is going to ask the judge to determine if based on the facts of the accusatory instrument the theft is negligible and does not appear to be in furtherance of a criminal activity. To me in plain language, that sounds like is someone eligible for bail because they committed a crime because they were poor or because they were dangerous. And I can guarantee you it will be poor Black and Brown members of our communities who are, once again, at the losing end of that analysis. Not because they're dangerous, but because they're poor. And I can

also guarantee you that it is going to have very little effect on the crime rate in our State, but perhaps it'll help a few people win their election.

We also missed a huge opportunity to change the life of 2.3 million New Yorkers and their families by passing things late in this -- in this budget. New Yorkers who made a mistake, went to jail, paid their dues, came out of the -- of jail, have become good-standing members of our community and now simply want dignified work and a dignified roof over their head, but the omission of this bill in our budget is an example of the something is better than nothing methodology that we have fallen for so many times before. Our Governor, taking a page out of her predecessor's book, trying to bully us into certain changes that would be closer to her version, which is a version that would completely gut the purpose of this bill and that's why it's not in this budget. And because, once again, politics are more important than people, it's -- it's not in the budget. This is not how collaborative leadership is supposed to look. But our fight continues and we're going to get it passed this year.

And for the past four years, I want to talk to you in a little bit about how my community is going to be impacted by what's missing in this budget. For the past four years, I've had the opportunity to represent a community that wants nothing more than to belong. These are the people who get up before the sun rises each and every day and go to work to do the kind of work no one else in this country wants to do. They go and work in the farms, in the

supermarkets, in the construction sites, in the restaurants, they're the ones who clean your house, tend to your children, to your sick parents so that you and I and the rest of our constituents can go out earn our money and live our lives, leaving their own children behind often at home alone or under the care of an older sibling, a neighbor, or even a stranger, neglecting their own health needs because they cannot afford something as simple as a doctor's visit, a routine mammogram, let alone a life-saving surgery. Many left their country of origin because remaining was not an option. They faced abject poverty, violence, and even death. Here, they try to live a life of dignity, paying their taxes, and supporting our economy as they themselves try to achieve that coveted American Dream for their families. And each time our country has gone into crisis, these are the same taxpaying New Yorkers who ran to the scene.

I'm going to tell you the story of Rose Espinoza (phonetic) who on 9/11 was one of the first workers down at the site helping clean. She's undocumented and a construction worker. For a long time, she worked cleaning asbestos and on 9/11, she was one of the first ones. She's now been dealing with cancer, stomach issues, and a slew of health issues and the only reason she has health care is because of that special program we created for 9/11 survivors. And then there are the thousands of workers who over the last two years were our frontline workers, and we felt very comfortable praising them, and in this House last year we helped them get some support. But a one-time thing is all they can get. A one-time thing is what

we're comfortable with doing. The reason they got sick, the reason why almost 40,000 people in my district tested positive, why I became the epicenter, is because none of them could get preventative health care, because they had to go work and clean your houses and tend to your children leaving their own children behind and neglecting their own health. But we can't do something as simple as get them access to preventative health care. And then we wonder why we ended up with an epidemic. No one ever asked them when they went out to take care of our community during the worst of the pandemic, *Let me see your Social Security Number. Let me see if you have papers.* But now when they want something as simple as a visit to the doctor, we can't afford it. We can't afford it.

And now let's get to something that for me has been probably the most heartbreaking omission in this bill and in this budget. How do we have the heart to leave undocumented children out of access to early childhood education? We are the House that two years taking told Dreamers -- three years ago, told Dreamers, *You matter and we're going to give you access to college because education is going to give you that opportunity that your parents brought you to this country to get.* But we're now saying, *Children, you don't matter. You are too expensive for the State to worry about you.* We've fallen short. This proposal fails to understand the lives, the reality of undocumented families.

To stand here and say that we're doing more than the last guy is absolutely atrocious, because the new guy seems to be just

the same as the last one. This is nothing more than a lukewarm attempt for a positive news headline, and I am absolutely exhausted of my community being used for headlines. We are not your political pawn. You're either with us when it gets really tough or don't come knocking when they come for you.

And before I get off this mic, I'm going to tell you two stories of real life people that depended on this change and they're going not going to get it today. Diana lives in New York City. She was diagnosed with a brain tumor when she was four years old. After extensive surgery, her family was told that one piece had to remain in her brain as doctors determined that it was too dangerous to remove it. She has been forced to live with that brain tumor throughout her life, and it continues to threaten her life. Her father's job for a long time was able to provide her with that health care. But as soon as Diana turned 18, she wasn't able to stay on her father's health insurance plan because she's undocumented. And as an undocumented college student, she's excluded from the insurance options that exist. Now, when she suffers severe headaches or experiences other symptoms that could be related to her tumor, she avoids going to the doctor because she can't afford it. Living without affordable access to health care is going to be her death sentence.

And then there's Linda. She's the mother of two children, one was born in this country, one was not. They're both toddlers. And now one child will have an opportunity, because we have all read the books about what it means when a child has access to

early childhood education. Not only for the child -- the mother's ability to get a job and be able to provide for them. And now she won't be able to do that. And because of these reasons and because of the thousands of children that we're leaving out of this budget, I will be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. On March 28, 1965 in Brooklyn, a baby was born to Elizabeth and Samuel McCollum. His name was Darius. At a very young age, Darius became fixated with trains. His parents would take him on the subway to calm him down, like other parents take their kids for a ride in the car to make them fall asleep. By the age of five, Darius memorized the entire New York City subway system. But despite his genius, he didn't do very well in school. He ended up in a special education program in the City of New York. He struggled socially with his classmates, just couldn't keep his mind on school, was more interested in buses and trains and large engines.

One winter day when he was 12 years old, he went to school in a heavy snowfall. There was only one other student in the class, the teacher left the two of them alone. As Darius worked on a puzzle, the other young man picked up scissors and stabbed Darius. Darius laid on the floor bleeding and lying there in a pool of blood unconscious. He spent a couple of weeks in the hospital, endured several surgeries, but from that moment on Darius hated school. Unable to handle his fears, Darius snuck off to the subway every day

even though his parents thought he was going to school. And the MTA employees loved him. He loved to volunteer to sweep the trains, clean the work areas; he was obsessed with the subway system. And the workers liked this little kid. They gave him uniforms and keys and hardhats, anything that looked like the MTA.

Eventually, Darius grew up and became a big boy. By 15, he became a proficient helper. The employees actually taught Darius how to run a subway. One day, an employee decided to turn the subway over to Darius. Passengers became alarmed, Darius was arrested for stealing a train. But he kept his secret as to how he got the train, and the MTA employees continued to love Darius. But he was adjudicated a felon and eventually he went back to school, but that didn't last. He was more interested in trains and buses than he was in school. So he would keep going back to the subways, and that was a violation of his probation. The MTA workers kept teaching him, despite his violation of probation. He became the unofficial operator of the buses when they needed washing.

Ultimately in 1989, he was diagnosed with Asperger's Syndrome, a form of Autism. But Darius never received any treatment; he never got into the OPWDD system. And he kept going for rides on buses and trains. One day, he was arrested at gunpoint by five New York City Police Officers for maneuvering a Greyhound bus carefully through the streets of New York City. Interesting side life, following 9/11 Darius was taken out of Rikers by Federal agents and became their guide to show them the New York City subway system

and where some people who -- some intruders might hide.

But none of this helped Darius. In court, the District Attorney from Brooklyn portrayed Darius as a dangerous monster. A Wall Street law firm offered their services and represented him pro bono. They brought in psychiatrists to say he had Autism, he was not mentally ill. The judge, despite the fact that Darius never hurt anyone, never acted violently, never damaged any property, committed Darius to Hell on Earth, the Mid-Hudson Forensic Psychiatric Center, a place for the criminally insane. The judge said that the law is unclear as to what mentally ill actually means. In the meantime, Darius still sits locked away at the Rochester Forensic Psychiatric Hospital, a prison facility for the criminally insane, with the most dangerous inmates in the State. Darius is not dangerous and has never been, but he's a result of a bad system.

This is Kendra's Law in action. And what does this budget do about Kendra's Law? Does it fix it? No, it makes it worse. It adds some standards which are alien to our mental hygiene statutory scheme so broad it'll capture many more Darius's. We tried to change it. I spoke with our staff, they went forward with a proposal that I had made, very simple proposal to say if somebody is captured who's not mentally ill, send them to OPWDD. Kendra's Law says you either -- you're sent for analysis. If you're found mentally ill, you get sent for treatment. If you're not, you go back to court. Autism, other developmental disabilities are not mental illness. So the alternative is you go in for treatment you don't need or you go back to court and

plead like Darius tried to that he wasn't responsible for his actions, which doesn't work.

So we have before us a budget that makes the situation even worse. Law enforcement agents, courts are not trained to recognize the difference between people with IDD who manifest behavioral difficulties very similar to those who have mental illness. And this bill is responding to a concern by the people of the City of New York that there are too many people on the street who have some kind of a condition that is a problem. It doesn't provide more beds for those who are found to be mentally ill. It doesn't provide any more treatment, it just acts as if somehow those who are judged to be mentally ill will be taken care of. And those who are not mentally ill, well, they must be criminals. It forgets that third category, the Darius's of the world.

We've heard my colleagues talk about the infirmities, the legal infirmities of Kendra's Law, I'm not going to dwell on those. I just want you all to understand the practical implications of what we have. Some of my colleagues have looked at these problems and said these are reasons to vote no. As the Chairman of Committee on People with Disabilities, Mr. Speaker, I'm very tempted to vote no because this is a very serious problem. But at the same time, I was elected for the people of the State of New York to do as many good things as I could. Lawrence O'Brien, who was a counselor to John Kennedy many years ago, wrote a book that said there are no final victories. You know, there are no final decisions. The legislative

process is an ongoing process. All year long we work, for six months we pass legislation. Every once in a while, there's an inflection, we stop, we pass a budget, we pass a big bill, but the process keeps going. We have an obligation to make this government work for as many people as possible and to keep this government going.

If we don't pass a budget tonight, it stops. The schools don't get the money they need. That Bond Act that we're so proud of doesn't get put on -- on the ballot. All of the other increases, no, we're not giving enough money to the workers who day in and day out take care of our loved ones, but we're giving them more than they had yesterday. It's not enough, but it's a little bit better.

So Mr. Speaker, I look at all the work that our staff has put in, including the Speaker of the Assembly, the Majority Leader, all of the staff and so many other people and I can't now vote no and say it was all for naught. Rather, I'm going to draft a bill and put it in on Monday morning to solve the problem that I just talked about. And so many of the other things that people are complaining about tonight are about policy. And this debate tonight and this piece of legislation demonstrates very care -- very -- very well why we should not have policy in the budget. But we have Governors who insist on using that power that they have to put policy in the budget and we've got to deal with it.

So I don't like the policy, but I look at the overall package and I say this package moves us forward. So Mr. Speaker, I'm going to vote yes tonight. I've made my concerns known, but

tonight is not the end. On Monday morning, I'm going to put a piece of legislation in to correct what I think is a very serious flaw in this legislation. But it's one flaw in a very good piece of legislation and a very good budget. And I just ask my colleagues to join me, vote yes tonight and Monday morning, draft a piece of legislation to correct the things that you think are wrong with this budget. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker.

On the bill.

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

MS. NIOU: After two years of brutal pandemic-driven suffering, this year's budget was our chance, our best chance in a generation to not only make sure we were better prepared for so many predictable crises of the future, but also to correct some of the deep injustices of our past. Our State is flush with cash and we enjoy one of the largest budget surpluses ever. Knowing the two long years of struggling so many of our constituents have faced and all of the needs that we have, this budget was our opportunity to think big, to reach out to so often forgotten New Yorkers who have earned our gratitude and respect, and to give our State a stronger and fairer future. We should be celebrating all of the amazing priorities that we were able to deliver for New Yorkers, but we aren't.

As we well know, a budget is a values document and

a reflection of who we care about and what we prioritize. A budget being a values document can also reflect who we do not care about and what we do not prioritize. FDR says, "The test of our progress is not whether we add to the abundance of those who have much. It is whether we provide enough to those who have little." We have a budget that willfully ignores the needs of our people, and instead continues our long and unfortunate tradition of giving the least to those who need it most, and giving the most to those who need it least. I am a member of this Assembly because my constituents trusted me to speak for them, and it is their voice, all of their voices that I must oppose this misguided budget.

I respect that there are good elements to this package, and I appreciate so much every person who worked on these packages, but we all know a few good policies does not balance out the tremendous wasted opportunities and the huge numbers of priorities we have gutted or left behind entirely, policies our constituents have asked for loudly and repeatedly only to once again it be ignored in favor of wealthy and entrenched political interests.

Let's start with the most basic priority, to be healthy. At a time when our State is recovering from the most severe health crisis in a century, I hope that we would better recognize the value of those who keep us healthy, but we do not. The raise for our home care workers is beyond uninspiring. It is insulting. Our State is facing a crisis. There are simply not enough home care workers to ensure our growing senior population can age in place while receiving the

expert medical support and sustained care they need. We have asked care workers, most of whom are women and most of them women of color, to provide these essential services for poverty wages while we overlook stress-related depression, anxiety, and illness from the demands of their work. These past two years, we have needed them more than ever and they performed despite the poverty wages that we pay them, yet the proposed raise, \$3 over two years, barely accounts for the last year of inflation and does nothing to address the issue of poor working conditions and inadequate pay. It's a travesty. The way forward for our nurses and aides isn't through a paltry one-time bonus either. It is through a permanent wage increase that is commensurate with the stress they've endured and the vital work that they do for us.

This lack of regard for the disabled and those in need of medical care appears again when we look at Medicaid reimbursement. A paltry increase across the board does little for those who have struggled with dramatically insufficient reimbursement. Having a disability or a chronic illness is not a choice, but it is an expense. A major expense. And we need to raise our reimbursement rates to sufficiently meet the expenses of those who need the assistance.

These failures in the realm of health also show us how our budget has neglected our immigrant communities. Our State is home to over 150,000 uninsured low-income New Yorkers who would qualify for the State's Essential Health Plan except for one thing: Their immigration status. Let's be clear, these are New

Yorkers, they live here. They work here. They provide our essential services, staff our restaurants, care for our children, and have the same exact right to health that you and I have; in fact, their health care impacts our health care. These are the people we all depended on to deliver our food while we were homebound under lockdown. They are the reason we are healthy at all. Immigrant New Yorkers represent over half of the essential workers leading the frontline fight against COVID-19. For all they have done for us at cost and risk to themselves, are they now less deserving of their right to help because they are undocumented? Because that is the message we are sending when we intentionally exclude them from coverage. That is the message we are sending with a budget where the Excluded Workers Fund received zero additional funding, a kick to the ribs of those who have suffered disproportionately during the pandemic only to find themselves left behind as our State recovers.

We are told that this budget has universal child care, but we cannot seriously call it universal when we refuse to include undocumented children. Maybe our Governor lives in a universe without undocumented kids, but the rest of New York does not. And the idea that we would exclude them from the term *universal* is the clearest way you can show just how invisible they are to our State. I don't care if a child is born here or across the border. Our -- all children are entitled to care and they did not choose where they are. This is legislation that's meant to help working people; yet, we are deliberately excluding an entire class of working people that we

depend on. Universal child care is not supposed to be a slogan or a political ploy. It's meant to be a statement that our government understands the values of all families, working mothers and children, regardless of where they come from. This is a moral failing and the weight of this failure will be felt by our most vulnerable and precious population, our children. After the child care challenges we witnessed during this pandemic, some impacting our own lawmakers, have we really learned nothing?

The money the budget saved by neglecting our public health and excluding our immigrants did not go to real community-based economic development. We once again failed to inadequately fund CDFIs, Community Development Financial Institutions. If we really wanted to help our small businesses, we should have funded our New York CDFI funds. We created this fund in order to expand our incredibly successful CDFIs; yet, we have never funded it. Within a two-month period, 302 CDFI PPP providers made 106,113 PPP loans, totaling \$7.4 billion in loans. In comparison, JP Morgan Chase, the largest PPP lender with over \$2 trillion in assets and nine times the size of the entire CDFI industry, only made four times the amount of PPP loans as CDFIs did. Supporting CDFIs would have yielded \$12 to \$20 in economic activity for every dollar spent, mainly by increasing access to loans in communities ignored or underserved by mega banks. Instead, we neglected this opportunity to directly serve our small businesses and underfinanced people once again.

We also left much to be desired in the realm of housing. I appreciate the money we got for NYCHA capital funds, but in years past we have been told that NYCHA lacks the necessary operating funds to properly deploy these resources. This has not changed. We also neglected successive programs like HAVP, the Housing Access Voucher Program, leaving our families to sleep in unsafe buildings or leaving them to sleep outside with a higher risk of getting sick and ending up in a hospital without insurance.

I am frustrated by the criminal justice policy introduced in this budget. New York is in the midst of a once in a generation moment, a chance to look forward and build the kind of State that serves as a model to the nation. Instead, on crucial areas from criminal justice reform to disability issues to climate change, our State seems to be heading backwards and, instead, decides that we're going to criminalize poverty. Instead of offering New Yorkers a new deal, we're rehashing the same old bad deal that voters and this Legislature have rejected in the past. And nowhere is that more apparent than in Governor Hochul's deeply disappointing 11th hour push to ram bail reform -- sorry, ram bail and discovery reform rollbacks into this budget instead of honestly solving our real issues of housing, food insecurity, and poverty instead.

Our Governor has said she does not negotiate in public, even as she reveals budget details to the press that she has not shared with the Legislature. But the reality is, our Governor does not appear to negotiate with anyone. She unilaterally used her power to

force major policy decisions into the budget while caving to baseless right-wing talking points, and now, our Assembly is about to validate those lies and unbalance the scales of justice that we so recently worked to fix.

No one can point a single public safety goal served by these discovery reform rollbacks. All they do is further empower prosecutors to withhold evidence from criminal defendants in an effort to exert pressure towards accepting plea deals. That doesn't make anyone safer. It just convinces disproportionately low-income and Minority New Yorkers to surrender their right to trial or even the right to see the evidence against them. Unfortunately for the New Yorkers who will now suffer under an increasingly unfair criminal justice system, Governor Hochul did not feel this critical issue merited actual debate and discussion with the Legislature. We all want our communities to be safer. The policies have to match the issues or we never solve the problems that we are trying to solve.

This streak of bad policy continues into matters of ethics. I have fought hard to pass bills to fight against a culture of sexual misconduct in Albany, and the Governor even signed one of my bills this year. But will any survivor or potential whistleblower ever feel comfortable speaking up if there is no potent, independent Body to evaluate the situation and take action. JCOPE was a failure, this is almost universally agreed upon; yet, for some reason we seem intent on repeating its biggest failure. As a coalition of good governing groups made clear, no list of qualifications or vetting will

matter as the people handpicking the members of an ethics committee are the same people subject to its inquiries.

I had hoped that our latest corruption scandal would finally bring about a change, but apparently I was too optimistic. How many times must this Legislature subject itself to the embarrassment of obviously biased and ineffective ethics investigations? How many times must our staff and constituents be subject to the pain of grift, impropriety, and sexual misconduct before we decide to listen to the voices of reason and establish a truly independent committee? Until we do this, we will have nothing to show to the millions of New Yorkers who see Albany as a hive of corruption.

I worry for the children of New York. Our State has made it harder for the young to inherit communities that are safe from the ravages of climate change, something my constituents know intimately. My district in Lower Manhattan is a frontline community for climate change. We have lived through the real effects of worsened flooding on our infrastructure, our businesses, and our families. None of this is theoretical to my constituents who are in dire need of long-term investments in climate change, remediation, and clean energy technology, and who had hoped that our budget surplus might mean the time had finally come to plan for the future. Instead, they see another year wasted as we continue to spew fossil fuels and our oceans continue to rise.

The last time this Body chose to delay real meaningful action on climate change, the excuse was that we needed a

fiscal surplus to make the necessary investments that would protect millions of New Yorkers and billions of dollars in economic activity. Now we have that surplus, but we still fail to pass a Green New Deal. We cannot continue to kick this problem down the road. The window to prepare is rapidly closing and the cost of necessary action will spike significantly. Only then, it will not be optional. Our economic engine will stall as flooding worsens and storms become more violent. What would cost us \$1 in preparedness spending today will soon cost \$10 or \$20 in repair and response funding. Our State's surplus could have built modern climate remediation, fostered a job creating nation-leading clean tech industry, set the path to ending our reliance on fossil fuels, and implemented a Green New Deal to save our future. The ICPP says that 2025 is our deadline for significant climate change -- climate action and because of our decisions here today, we have to go back to the children of New York and tell them that we agreed to tick one year closer to that deadline with no appreciable progress.

It is no surprise that the element of this budget that has perhaps gotten the most media attention is the astonishing Buffalo Bills handout. In the context of an over \$220 billion budget, it is easy to lose sight of just how massive \$850 million public dollar handout is, so allow me to put it in perspective. For \$850 million, we could remove lead paint from the tens of thousands of public housing units. For \$850 million, we could fund coverage for all twice over. For \$850 million, we could have fully funded our Community Development Financial Institutions, started a public bank, and

pumped money directly into our small businesses. With all of these options, how can we in good conscience agree to sign over this much State money to the billionaire owner of a multi-billion dollar organization? Just about every constituent, media organization, and analysts in our State has made it crystal clear that this is not a sound investment. It will not see a return and it robs countless other organizations and initiatives of the opportunity to serve our State.

Our budget is a values document, Mr. Speaker, and we see who we value and what we prioritize. We also see who we don't value and what we don't prioritize. My values are simple: No to billionaire handouts, yes to funding our communities. This year was a real chance to build the New York we should want our future generations to inherit. We had a chance to put State -- put the State on a path to climate resiliency, economic security, and real shared prosperity. Instead, we perpetuate a system that overlooks and ignores the marginalized and the working class, in favor of a go-along get-along budget that defers tough choices for at least another year. I appreciate that all budgets are compromises, but this budget compromises the future of our New Yorkers to secure more status quo thinking at a time when our State needs a bold and ambitious new deal. That was the budget I hoped we would see. Unfortunately, the budget being voted on is a shadow of that transformative agenda.

I will be voting in the negative and I urge my colleagues to -- colleagues to think about what and who they value, and if this budget is reflective of who we are as a State. Thank you,

Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. We are close to the four hour limit, so members who are -- have -- we can get to, please remember that your time is going to take away from somebody else's time.

And, Ms. Kelles, why do you rise? Are you -- are you rising for any particular reason?

MS. KELLES: On the bill.

ACTING SPEAKER AUBRY: Not up yet, so you need to sit down because if you rise, I'm going to recognize you. Thank you.

Mr. Carroll.

Oh, I understand that.

MR. CARROLL: Thank you, Mr. Speaker. I'll try to be brief.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CARROLL: On August 24th, we were all told that there was a new day in Albany. We were told that there -- with our now Governor there would be cooperation, transparency, and decency. And for a little while, that seemed to be true. And then in early January we were told that we were going to have the greatest, most generous budget that we've ever imagined. And for a little while that, too, seemed to be true. But unfortunately, the Governor decided to be cynical and to be politically craven, and at the last minute

instead of presenting to the world in a transparent way what she wanted to do and how she wanted the State to move forward, she leaked to that bastion of liberal values, the *New York Post*, a plan to eviscerate our bail and discovery laws. And she did that because it was politically opportune, not because it would make anybody in this Chamber any safer, not because it would stop a tragedy in any of our districts, but because polling numbers said it was good politics in the suburbs and throughout our State.

And she has that right, she's the Governor. But we also have the right to push back, to question her values. And up until about 30 minutes ago I said, well I'll vote no. I've voted no on lots and lots of budgets, why not this one? Why not wag my finger and say, *Shame on you Governor, you didn't fool me*. But then I realized that's what she wanted me to do. She wanted me to vote no. She wanted me to disempower this Body. And I said I won't do that, because this only way we stand up to this Governor who is rapacious, and she has shown how rapacious she is by giving an obscene amount of money to the Buffalo Bills, by playing on our fears, is to empower the Leaders of this Body, the Leaders of this Body who stood up to her and said, *You will not destroy our discovery laws. You will not make sure that more people go to jail*, who stood up to her when she wanted to raise the age of criminal liability.

So though I don't like what she's done and I don't think just because she's spent more money on schools or health care it justifies her trying to criminalize people or giving handouts to

billionaires, I'm going to vote yes. I'm going to vote yes because the only way we stop her and we stop other Governors from abusing their authority is by empowering the Legislature. This entire budget process is skewed in her favor. Because guess what? She gets to write the bill, we don't. It's the only time that happens. So we have to be the veto. Well, we've got to change that because it makes absolutely no sense.

So no longer will I disempower myself and play the victim. I will vote yes, I will move forward. I will make sure we support the membership of this Body that puts forward good, progressive change, and we will call out the mendacity that has come from the Second Floor. I guess we thought it was going to be a new day, but I guess they say, you know what? Fool me once, shame on you. Fool me twice, shame on me. Something tells me no one's going to get fooled next year in this Body. I vote yes.

ACTING SPEAKER AUBRY: Ms. Mitaynes.

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

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

MS. MITAYNES: At a time when we have the largest fiscal surplus in recent memory, when our poor and working class communities are struggling to find jobs, stay in their housing and get the care that they need, we are choosing to subsidize billionaires, keep more people in horrifying in jail conditions, and willfully ignore the fact that the root cause of crime stems from continued

disinvestment from our communities. We once agreed that the wealth does not determine culpability; yet, by expanding the instances where cash bail can be used, we are affirming that access to financial resources should determine whether you have a right to pretrial dignity. We are walking away from the opportunity to start addressing our homeless crisis by leaving on investments to the Housing Access Voucher Program, while at the same time leaving out NYCHA residents from access to rent relief while knowing our public housing is on life support.

I am the first immigrant indigenous Peruvian in the State Legislature, and I'm asked to support a budget that intentionally leaves behind our immigrant communities. Seventy-five thousand Excluded Workers continue to be denied any pandemic relief and have no access to unemployment insurance. Undocumented children are purposefully left out of expansion to child care, and people continue to be denied access to health care due to their immigration status. It is difficult to see this budget as anything short of punitive and predictive to our poor, working-class brothers and sisters at a time when our constituents are desperate for transformative change. This budget reflects more of what we have known: Socialism for the wealthy, rugged capitalism, and punishment of poverty for everyone else. I will be voting in the negative.

ACTING SPEAKER AUBRY: Thank you.

Ms. Kelles.

MS. KELLES: Mr. Speaker, on the bill.

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

MS. KELLES: I want to just start by thanking the Speaker, leadership, and the staff that have worked tirelessly and for many nights sleeplessly, for all of us to get this bill to where we are and to get this budget to where we are. I have not seen anything like it and on my two nights so far of sleeplessness, I'm going to try and get through the next few minutes of sharing my thoughts on this budget and on this bill.

There are things in this particular bill that I want to point out that I think are very positive. We have included, once again, Foundation Aid, and increasing our support for Foundation Aid. Foundation Aid is intended to create equity in our school systems, equity and funding for all of our school systems. We have increased in public library funding. We have a new plan for zero emission school buses, a transition. We have Tuition Assistance Program, TAP Gap, closing that TAP Gap that will create equity in our higher education system. We have expanded this TAP Gap eligibility to people who are part-time students. That is so incredibly important because there are so many people who are low-income that cannot afford to go to school full-time, and they need economic support and this will allow that to be -- will allow that to happen. It also allows for TAP to be used for people who are not seeking a degree, but education that will be an -- it will help them with their workforce development. And that is very critical. We also have increased the support of our incarcerated population by once again creating TAP

eligibility for people incarcerated. For child care, we have increased payments to 80 percent reimbursement from what has been 69 percent, and increased eligibility for subsidies up to 300 percent of the poverty level. These are all wonderful things, and I want to honor that because it will help people in our -- in our State.

But this is a representative government, and I have to stand here and acknowledge the things in this budget that will not help the people of this State, that will not do the very thing that we need more than ever right now, which is to recover from this pandemic. We have had two years of profound crises in this State that has exacerbated inequities in this State, creating burdens on the undocumented who have been our frontline workers, who have gotten COVID at a rate far greater than other populations. And, yet, they have not received assistance from us like others.

We have seen a destabilization of housing, an increase in social isolation, an increase in mental health issues. We need to address the very things that have -- that have happened as a result of COVID so that we can all recover from this pandemic. That is our job. That is our duty as a State government. And there are things that will lend us -- lead us in the other direction that deeply concern me.

The first one, in the State of the State address, we got this speech that talked about creating a State educational system that would be one of a kind, we would address the fact that we have disinvested in our State system to such an extent that it is 28 percent

less. It has 28 percent less funding than 2008. We've seen a loss in matriculation of 20 percent in our State education system. We were going to create a budget that turned it around and made our State system one of the best in the country. But we have failed to do that. And this is the system that creates equity. This is the system that will help everyone recover from this pandemic.

We have a SUNY hospital system that has been pummeled by this pandemic, pummeled by this pandemic, and they asked for our support. They pay more for their staff because they are the only component of our State system that has to pay benefits. And because we have good benefits of the State, they pay more benefits than private hospitals. It is a huge burden and instead of supporting them, we left that at zero and now they will have to cut staff or remain at an equal level. And they were already low staff prior to COVID, prior to the burnout.

But despite this, I'll explain the vote for this bill, because we can do this next year. Then I looked at community colleges. Community colleges are the only part of the State system where the State funding is based on matriculation, for every student that is matriculated. We have seen a decline in our matriculation in our community colleges because we have disinvested in our community colleges; yet, it is the one place where low-income people can get an education and pull themselves out of poverty because it's accessible. And we have put zero dollars, additional dollars in this budget for community colleges. Not only that, we've held them

harmless at the 2020 levels where they were at a decreased matriculation because of COVID, artificially. The one place where people can really pull themselves out of poverty. Again, looking at a budget that we need to invest in that will create equity and pull everyone out of this pandemic.

But I'm still going to vote for this budget because we can do that next year. And then I came to some more problematic things in this budget, and this is what crossed the line for me. Yes, we are investing in child care, but as you've heard today, we have systematically selected certain children that we have deemed less valued, undeserving. We have stated that in this budget. If you are undocumented as a child, you don't deserve child care. That's what we've said in this budget. This was a statement. This was a moral document that came from the Governor, that we fought back against, but it's in the final budget. That crossed the line for me.

We have fair pay for home care effort, why are we pushing so hard for fair pay? Because home health care providers earn on average \$22,000 a year. How many of you could live on \$22,000 a year with a family, many of them who are on social services because \$22,000 is not enough to pay for a family so they have social services. We were asking for an increase up to 150 percent of the poverty line. Why? Why was this such a crisis this year? Because we have a demand that exceeds supply of home health care providers by 70- to 100,000.

There are people -- I have heard stories in the last two

weeks you will have seen these people who are in the hallways in wheelchairs that have been sleeping in these wheelchairs. Stories that they have shared. I don't know if you've all heard them. One of them that broke my heart. A woman who called in who said, *I'm at my house right now. I haven't been able to get a home health care provider for three days, I have been going -- going to the bathroom in my diapers for three days. I've been sleeping in my wheelchair for three days, and I'm eating the food that I have in a bag on my wheelchair because I can't get a home health care provider.* Crystal Brown, who's in my district, she worked her way out through rehabilitation out of the nursing homes into her own home and became an advocate for other people to transition out of nursing homes in independent living with the support of home health care providers, but she lost her home health care provider. Her husband had to quit his job, a huge pay cut, to become her home health care provider. And every single time she goes to the hospital, they have zero income as a family because he doesn't get paid for those hours. Those are the situations that we have going on.

This is one of the greatest crises that we have going on right now in our State. That is why there was the fair pay for home care. We weren't asking for the world. We weren't asking for the moon. We were asking for 150 percent poverty level. But what's in this budget is a two-year increase, \$2 the first year, \$1 the second year. And what will happen in many cases is that instead of helping, this will push them just over the benefits cliff. And to avoid that,

many of them will cut back their hours, making the situation worse with less access to home health care providers. Even more so, it will not inspire people to enter into one of the hardest, most stressful psychologically and physically jobs that exist in our State. What's more, these jobs are done primarily by women and primarily by women of color. Undocumented people of color. See the trend? There's a trend.

Coverage for all, it was gutted. It's now only for postpartum for one year and people over 65. The one thing that people need to understand is that people who are undocumented, many, many of them pay taxes. They pay taxes into our system. Billions of dollars a year in this country. But people say that they're working under the table and now they're seeking a handout. No, we're simply not paying them for what they are paying into the system. And we've gutted this. People with color. See the trend?

Bail reform rollbacks. I don't need to go into it in great detail because so many beautiful, amazing speeches have been given this evening. But I want to point out one thing. I can't help it. As a scientist, I look at the numbers. And there's one thing that's really important to me and that's causality. When I see a problem, I want to understand what caused that problem and then address those causes to create a solution. That's my job. That's my job and my responsibility. That's good governance. And when you look at bail reform, there has been an increase in violent crime, gun violence across the country over the last two years. Significant increase.

What's interesting is that the increase in New York State is less than the national average. Less than the national average.

So how is it possible that bail reform was the cause of the increase in gun violence in New York? Ask yourself that question. How is that possible? What did happen over the last two years? Anyone? COVID? Maybe. What did COVID cause? Social isolation, mental health issues, destabilization of housing, destabilization of an economic situation for many, many households. All causes, known causes, documented causes of criminality. And, yet, we have not prioritized those things in this budget. Housing, mental health, not enough. Stabilization of the economy of these household, not enough.

So when we go through this year and we do not see the decrease in crime, the anecdotes that people are prioritizing in their discussions, we'll know why, because we didn't address the true cause. And what will bail reform rollbacks do, primarily affect? People of color. See the trend? Kendra's Law expansion, we've already heard about the unconstitutionality of that. And, yet, as everybody has said tonight, millions and millions of hundreds of millions of dollars to support a billionaire's building a stadium and, again, we've heard tonight documented that this does not create increased economic wealth in a community.

Let's focus on building roads. Let's focus on building something that can be used over and over that we know will improve the economy of a community. Let's focus on housing. Let's focus on

job creation. Those things we know create true economic wealth. The billionaire can build his stadium, but that's what we're focusing on.

So these things all disturb me because these things will not create the stability that we need, the equity that we need to fully recover, all of us, from this pandemic. These all cross the line for me. And a trend that I see in this budget that was disturbing is that these all affect low-income and more often Black and Brown people in our communities. And that concerning trend is something that I don't want to support. It's a message that I want to say we can't do this again. So I stand in the negative, and thank you so much for the time.

ACTING SPEAKER AUBRY: Thank you.

Mr. Mamdani.

MR. MAMDANI: To explain my vote -- oh, no, apologies.

On the bill.

ACTING SPEAKER AUBRY: On the bill; you could do both.

MR. MAMDANI: The hours is getting to me. Ditmars, Broadway, Steinway. These are some of the thoroughfares that typically come to mind when you think of Astoria, my district. But tonight I want to speak about Hazen Street, which begins by Astoria Boulevard and ends at 19th Avenue, at which point it becomes something else. The bridge to Rikers Island. An island that is just beyond my district. Just out of view. Too often, those are the same

words that define how we legislate in this Chamber. With Rikers just beyond our consciousness. Beyond our convictions. Beyond our care. I became the Assemblymember of the 36th District on January 1st, 2021. Since that day, 18 New Yorkers have died on Rikers Island. An island where each correctional officer is given a medical hook for the explicit purpose of cutting people down if they attempt to hang themselves. An island where Kalief Browder attempted suicide at least six times. An island that is a stain on our State's conscience. And yet it is the same island that Governor Hochul and Lieutenant Governor Benjamin have made into an altar where they will sacrifice the lives of the poorest New Yorkers in the name of public safety. For that is what these rollbacks do. They place bail on someone for a second misdemeanor offense. A mother who is alleged to have stolen baby formula from Duane Reed one day and toilet paper the next. Or a teenager who's caught graffitiing and then jumps the turnstile the next day. These are the people that Governor Hochul and Lieutenant Governor Benjamin label, quote, "repeat offenders." These are the people who will end up on Rikers. These rollbacks will expose thousands more New Yorkers to the violence of our carceral state, disrupting their families and their lives. Despite what you've been told by the Governor, rolling back bail was never about justice and the results will never be safety. I vote no.

(Pause)

ACTING SPEAKER CUNNINGHAM: On the bill.

MR. AUBRY: I did not urge my colleagues to hurry

up so I could get some time.

(Laughter)

But it worked out that way.

(Applause)

This is -- again, we face most difficult choices in this House. That is what we come here to do. So this is a very difficult choice relative to what I believe is everybody seeking; the good. That's what we all come here seeking, the good. It just gets defined differently if you're from Upstate or Downstate or side-State or mid-State. The good generally can get defined differently. I think of justice in the way in which we characterize it, which is a lady with a blindfold and a scale. The justice system that I know and I have watched over my life, the blindfold is down a little. And so we saw that people who were poor and were Black and Brown never really got justice. Because the systems that we have - trial, discovery, bail - all recognized well and rewarded well. That is a reality. None of you could really sit back and say, *Well, that's not true*. But you could see the statistics, the data that shows that that is the reality that we've lived in. So in the past two or three years when we attacked this, because it was the first time we had the chance to do that, we decided to change the way in which that scale was held and pulled the cloth back over the lady's eyes. We were immediately attacked. The concept of changing the privilege of privilege for those who were unprivileged was just through the system crazy. They went nuts. They decided that it was responsible for crime before the bill came into effect. How can

a bill change the world? As if criminals, our every day criminals were reading our -- and watching us on TV. Well, we know that's not true. But that's what happened. And it engendered this great turmoil, political turmoil, paper turmoil, as which everybody who is screaming and yelling, *This is horrible, this is horrible*. Folks, a vested interest was in danger. The only explanation that you could find for that kind of attack and the way that it came. And elected officials, many of whom, you know, were looking to make themselves popular joined in that attack because it was easier to join than to oppose. And so we were forced into compromising and changing some of the principles that we (inaudible). But the idea of a speedy trial, that means you don't languish in prison. The idea that discovery, the idea that you have the right to know what you're accused of and that there's no unfair advantage to a prosecutor as opposed to a defendant. The idea that you should not necessarily stay in jail because you're poor, how can you argue that? Any of you, if you close your eyes and decided that you were another color, another race and would think about that and say, *Well, sure, because you know the world*. There's -- the world is obvious to all of you, to all of us. But politics is what politics is. And so here we are, trying to defend those principles that I believe you believe in because if it was your family you'd believe in it. If it's my family, you'd believe in it. If you were Kalief Browder's mother, you'd believe in it. If you were any of the people who were found in cells on the wrong end of justice, you'd believe in it. But what do we do about it? We're in such a politicized situation, we jump from side

to side. You know, folks who may know better have seen other things. We have incidents that I can point to and incidents -- you can point to an incident but you don't make laws over an incident. You make laws over judgment of what's right and what's wrong and how that common justice ought to be applied to the people of the State of New York. We need to protect our people. We need to protect people who walk on our streets. We need to make sure guns are not in the hands of irresponsible people. But those are common beliefs I think we all share. But if we keep tilting the system back to where it was, we know what results in that. If you visit Rikers Island you know what results in that. If you go to Sing Sing or Dannemora, you know what results in that. So we can't go back. We cannot go back. We can't say that this ought to be the way the world operates because it makes me comfy.

My grandmother loved to talk about my family. Born in the late 1890's, used to tell us when we were down South, *Don't make* -- and in her days that is what she said -- *don't make White people nervous, because when you make them nervous there's a cross on your lawn, there's a bang at your door. You'll find yourself hanging from a tree.* That's the American criminal justice beginning for us. And so you will understand that the faith that we should have in this system starts with a problem. And so we will fight to make sure that justice's cloth is not pulled down and that she can't see. And that actually the scales are weighed accurately, giving no advantage to someone who accuses you more than you defend yourself. Justice.

Putin doesn't believe in justice. We have lots of dictators around the world who would love to lock up people they don't like, they don't trust, they're afraid of. We need to respond to the fear by telling folks that this is America. And we will have justice, but it will be fair. And so while this is tough and I know many of my colleagues are in a place where they don't want to vote for this, but on the other hand we need to provide the resources to our community, to our State, that this bill encompasses as well as find justice. We can do that. We have to find a way to do that. But we won't be silent about injustice, and nor would you expect me to be silent about injustice. No more I should be silent about a Chinese woman who's knocked down the stairs or, you know, a gentleman Upstate who goes crazy and drives a car at 100 miles an hour and kills people. We can't be silent, but we shouldn't be vengeful and we shouldn't be political when we make decisions about how we live together.

So I will vote for this tough vote. All of you have to make that decision. But there is a tomorrow. I think the one thing one of my colleagues said before, this is a -- a year goes so fast, doesn't it? A year goes so fast. We came from COVID to pre-COVID, (inaudible) COVID, whatever you want to call we're at now, and the world has changed. And we're back together in a way here where we weren't last year. So the world changes for us, but we have a responsibility to make sure we understand what are the lives of those who are the least of us, who don't have the resources to protect themselves. Who can't get the best lawyers, who don't have the

opportunity to have the ability to defend themselves. That's part of who we are. They're us. They're -- many of us, they're our are ancestors. They're how we began. Many of you come from countries that had that injustice in it and you have transitioned from that. But it wasn't right there and it isn't right here.

So I will vote in the affirmative and I hope my colleague's commit themselves to the true seeking of justice and not the noise of justice. The true seeking of justice and not the noise. Thank you.

(Applause)

ACTING SPEAKER CUNNINGHAM: 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 CUNNINGHAM: The Clerk will record the vote on S -- Senate print 8006-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 number previously provided.

(Applause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this legislation. But those who want to support it can certainly vote in favor of it here on

the floor or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The majority of the Democratic members of this Body will be in the affirmative on this piece of legislation. However, there may be some of our colleagues who are in the Chambers. They can press their button while they're here. If they're not in the Chambers they can feel free to call the Majority Leader's Office and we will make sure that their vote is properly recorded.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Thank you, Mr. Speaker. I've been focused on the health part of this budget, and this is the best health budget that we have had in the 35 years that I've chaired the Health Committee. Now, I share the anger that many of us feel about the pieces of this budget relating to home care and healthcare, health coverage for -- for our immigrant New Yorkers. But as angry as I am about the inadequacy of those provisions, they are at least a start. And while I won't be here with you next year to build on -- on those pieces, I know that you will. This is the first budget that I've seen in the

health area that, first of all, does no harm to the healthcare system. And second of all, in fact, includes major investments in healthcare, especially for the healthcare providers who take care of the poorest and most vulnerable New Yorkers including our safety net hospitals and public hospitals. And it has a long list of improvements in the Medicaid program, in health coverage, and a whole variety of important provisions relating to healthcare. And so to me, if this budget is not something worth voting for, I don't know what would be.

And so I am proud to vote yes on this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Thank you. You know, every time we have a bill like this that has so much in it, you can vote either way because there are so much good, there are bad things in the bill and you have to make a choice. I believe this bill has so much more good in it than things that I object to. Despite things like that damn Stadium, the -- the things that we're accomplishing here are like nothing that I've ever seen, and I think that I have no choice but to vote yes. But I -- I've got to say, three years ago I -- I enthusiastically support criminal justice reform. What I saw was a two-tier system, a cast system, if you will. Separate but equal where if you had money you could pay the bail and if you didn't you're rotting away at Rikers Island. And that's not how things should be. Whether you sit in a jail

cell depends on whether or not you have money. When I questioned Commissioner Shea last October at our hearing, I asked him, I said, *How many people that you've arrested were out on bail for having committed the same crime?* And he admitted very few people fell into that category. So in essence he was admitting that it wasn't bail reform that was causing the spike in crime in New York City. I like to look at facts and data. I don't like to look at, you know, legal terms like cockamamy or half-baked. I look at facts and data. St. Petersburg, Florida, the home of Governor DeSantis, the murder rate from 2020 to 2021 doubled. Austin, Texas, the State of Governor Abbott, the murder rate also almost doubled. The murder rate went up in practically in every city and every state across the country. Was that because of New York bail reform? I don't think so. We all know what it was because of. It had nothing to do with bail reform unless New York bail reform had such a dramatic impact that affected the entire country. We know that wasn't the case. You can't listen to pandering politicians and demagogues, which is what's been going on for the past couple of years on this issue. We just have to look at the facts, we have to look at the reality.

So I hope that based upon what we have in this budget that you all vote yes. I know I am voting yes. Thank you.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mrs. Barrett.

MRS. BARRETT: Thank you, Mr. Speaker.

Listening to this debate and your comments earlier, I can't help but think of the sort of somehow always relevant lines from *Hamilton*. And in this case it's, *Winning is easy, governing is harder*. And I -- I think that's what we all are coming to terms with in a budget like this where it's not perfect. We are incrementally improving things. But I am very proud to vote for this budget because I had the great honor for the last four years of chairing the Assembly's Committee on Veterans' Affairs. I don't have a military background, I don't come from a military family. This has been a real learning experience for me. And we have a piece of legislation in this bill that creates the first new department in the State of New York in probably 30 years, since the DEC was started in 1970. And it's for our veterans. For our veterans and the military families, their families, who are veterans who actually put their lives on the line for the democracy and the rights and the values that we're all talking about here. And that's extraordinary that New York is doing this and it's extraordinary that our Governor and our Speaker worked together to make this happen so that we can do that. We heard our colleague eloquently speak earlier, who is a veteran, about the difference this is going to make. A one-stop shop for all our veterans so that they can no longer have to go to a half-a-dozen different places to address a range of issues that they're struggling with.

So this bill has many good things in it, and I'm very proud to vote in the positive and I hope that many of my other colleagues will join me in that. Thank you.

ACTING SPEAKER AUBRY: Mrs. Barrett in the affirmative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker. So, I stand here incredibly pained. I have made six visits to jails and prisons as a State Assemblymember. During one of those visits I witnessed a person attempt to take their own life. This is what I know. Our society's historic drive to punish does not working. It doesn't. There are real public safety concerns in my community, and there are real solutions. Rolling back bail reform is not one of them. Housing, jobs, mental health care are amongst the proven solution that disrupt violence. We are acting out of fear and not facts. I have tried to understand this vote and I can't. I cannot understand the lack of vision and imagination or the inclination to do what is easy but not what is right. Kalief Browder deserved better. Layleen Polanco deserved better. I fought for funding for CUNY and SUNY. I fought for healthcare for our Essential Workers. I fought for funding for childcare. But the Governor dead set by excluding undocumented children from child care in this budget. The children in my community, it is unconscionable. Every single child deserves to be cared for. The Governor is choosing to deny healthcare to undocumented New Yorkers coming out of this pandemic. I was not elected to perpetuate criminalization nor the exclusion of our undocumented communities. I was not elected to benefit only the few while so many suffered. I was not elected to give the wealthy \$600

million for a stadium while home care workers are only given a \$3 increase to do back-breaking work that saves lives. This budget bill is an insult to our most vulnerable, our most vulnerable New Yorkers.

I vote no.

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

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. The hour's late, I'll try to take only a minute. But, you know, I have been proud to defend in my community, which is a very well-to-do community, a working middle-class and well-to-do community as well, to defend bail reform that we put in place. And I believe in that. And it is hard to roll things back or feel as if we're rolling things back. But the people not just in my community, even more so in other communities that are facing a crises in gun violence, people have a right to be safe, not just feel safe. I don't know that this will make anybody safer. But if we can take the temperature down on the fear mongering, that in itself would be a positive. But there is so much more in this bill. I've been through -- this is Governor six, and I've seen budgets that have in higher ed never given anything. Never given anything to our public systems that have been so important to all of us. This -- while it's not everything I wanted by a long shot, this budget in the area of higher education in a lot of ways deals with things we fought for for a long time. TAP for the incarcerated. Part-time TAP will be hugely important for the people who most often can't go to school because

they can't afford it and they have to work. Part-time TAP is huge. Childcare. It's not everything we wanted, but you don't always get everything in a negotiation that you want.

(Buzzer sounds)

This enterprise is worth fighting for and worth understanding that it is a negotiated settlement. And then you come back the next year and you fight and you continue to fight for what you want. This is worth voting for, and creating a foundation upon which to build for next year. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. We all come from different backgrounds and we have different life experiences. And those shape our views and the policies that we're here advocating for. Mr. Speaker, I very much appreciate your comments and your perspective and that of my colleague from Brownsville. And I share in the fight with you for justice, for equal justice under the law. A justice that is blind, a justice that is fair. A justice that does not discriminate. But a justice that also holds people accountable for the choices that they make and their actions. Especially when it causes harm to another. It is about finding balance, and we have a lot of work to do to get there. And I think as we move forward, it is not just about bail reform. There are a lot of policy decisions that have been made throughout this State at the State level

and local that have contributed to the rising crime. And that requires an honest conversation, and a serious one. And not some half-baked plan. And that is why I cannot support this legislation, because it will not fix a thing.

And with that, Mr. Speaker, I thank you for the time.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thanks, Mr. Speaker. So, in this House, for good reason, we have a rule and that rule strictly, strictly forbids us to mention colleagues' names on the floor. And because I always follow rules and follow them religiously, I want to say that Jeff Aubry and Dick Gottfried said it all.

(Laughter)

I'm proud to be a member of this Assembly and I'm proud to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine, you're out of order.

MR. LAVINE: Sanction me.

(Laughter)

I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker. Well, budgets are tough. They're never all we want and they are never as good as

they should be. But I would like to talk about advocacy for a second this evening because we've seen some great advocacy here from -- from colleagues. And there is -- there are great things in this budget. Dick Gottfried - sorry for mentioning him - mentioned healthcare. Education, this is -- the biggest education aid increase in State history is in this budget proposed by this Governor. We have environmental and climate change additions in the Bond Act and clean water. Great things there. But we have work to do. We have work to do for people who are working, who are paying taxes. Who kids need -- kids need the right kind of child care. And we live in a state where no one should be left out. So we should leave here today figuring out how we're going to do it better next time, how we're going to do it together next time. How we're going to make sure that this Capitol lives up to the highest expectations in our hearts, and we should pass this budget because this is a budget that has a lot of good things in it. But our work is not done. And for the people that have been left out this time around, we're going to make the argument, we're going to make the case. We're going to build the bridges, figure out how to pay for things and get it done.

Thank you very much.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker. I'm very pleased to see support for our veterans including -- included

in this bill by elevating the Division of Veterans' Services to a full State department. I want to thank our Chair of the Veterans' Affairs Committee and all the members and everyone that worked so hard to make this possible. It's something that is supported by so many, and to see this change in here is very meaningful to our veterans in the way we provide services for them. As our Chair mentioned, the department -- New York State Division of Veterans' Services has remained unchanged for a very long time, and this bill is going to allow the agency to broaden its scope to better serve New York veterans. It's also going to help -- help provide veterans and families access to more resources and services, which is what they deserve. This change will also expand the Department's outreach, its efforts to get veterans connected with education, employment, housing and mental health services and things that other State agencies may offer. And while this is a significant step forward, I'm happy to see it in here, I'm happy to see it pass with this -- within the State budget this year. We should always continue to work to assure that our veterans have the resources and support they deserve. Myself, having served in our nation's Armed Forces - I was a member of the U.S. Army Reserve - I'm very pleased to see this measure moving forward and I know our veterans are as well. It will help ensure New York's a place service members and veterans are proud to call home.

And with that, Mr. Speaker, I'm very proud to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in

the affirmative.

Ms. Griffin.

MS. GRIFFIN: Thank you, Mr. Speaker, for allowing me to explain my vote. And thank you for your meaningful words. In 2019 we passed long overdue criminal justice reform. We can all agree that everyone has the right to equal justice when accused of a crime. Bail and discovery reform were intended to ensure all New Yorkers are fairly under the law. By June of 2019, many stakeholders in law enforcement, mayors, my local mayors, DAs, high-level ADAs, shared concerns with me about unintended consequences. I got right to work and participated in many meetings, conferences and discussions with these stakeholders in an effort to craft legislation to make corrections to address the unintended consequences without diminishing the spirit of the law. It is to be expected that when comprehensive legislation like this is passed that there would be a need for some commonsense edits to assure safety for victims and potential victims, provide law enforcement, prosecutors, defense attorneys and judges the tools needed to ensure public safety while fairly administering justice. I, along with others in the Majority fought for changes to address these issues, and as a result in March of '20, along with my Majority colleagues in the Assembly and Senate we passed significant rollbacks to bail and discovery. This, too, was a negotiation since a large majority of members were adamantly opposed to any rollbacks, as we've heard tonight. Very impassioned words that are really meaningful. Of course in the past

four years we have seen bail reform used as a political weapon and rhetoric and misinformation used to create fear and division. I -- despite all divisive rhetoric, there are still issues that I think we needed to address. I appreciated what the Nassau County Police Commissioner said on Fox 5 News this past December. He said bail reform is good, it just needs some fixes. And I thought that was a step in the right direction for a Nassau County Police Commissioner. So, I worked hard to get these revisions included in our budget, despite the fact that we had many members are fiercely opposed to making any revisions, and I understand that. And you have heard the impassioned and heartfelt positions of many of my colleagues here tonight. Therefore, this is a --

(Buzzer sounds)

-- negotiation so neither side can get everything they asked for. So all I can say is I think there's other great things in this budget, and for -- and I'm proud to vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Ms. Fernandez to explain her vote.

MS. FERNANDEZ: Thank you, Mr. Speaker. I know we all share the same sentiment that this was not an easy bill, and your words really touched me, as a lot of the things you say get to me. And if I vote yes, I'm going to be proud to say that I helped to get money to our schools. That I helped to give a raise for our healthcare workers, which are abundant in my district. That we did move to help

the environmental crisis. But if I vote no I'm going to be proud that I stood against the rollbacks because I know that they hurt my district. I know that they hurt people of this State. If I vote no, I'm going to be proud that I'm standing up for the undocumented children that are still left out of any services when it comes to child care and early education. If I vote no, I'm going to be proud that I stood against not protecting every New Yorker in this State when it comes to healthcare. And I'm still pretty stuck on what to do. If I should go with the good things or vote no because of the bad things. And I really want us to move forward. I want this State to move forward in a way that we're creating society, a system, that is bringing real justice to us. That is bringing real justice to our neighbors. And I'm committed to still fighting against these rollbacks and to still fighting for our undocumented community. And I will continue to do that. But there's a lot in the budget that my community asked for, and in this particular bill, as much as this State asked us not to -- to roll back some of the things in here. And I'm going to keep my vote a yes, but this is my -- my explanation to -- to you and my colleagues that we have to keep moving forward, and we cannot keep going backwards to -- to.... I'm even at a loss for words right now because this really is that bothersome to me. But I'm not happy with this yes vote, as I'm not happy with the majority of this bill. I'm grateful to what it brings back to my district and to the State, but I beg of us, I beg of you all, please, let's go back to the drawing board this Session and make sure that we are providing New Yorkers, undocumented or not, that deserve

support and protection.

Thank you.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I just want to begin by just saying one really quick quote. *Justice for all just ain't specific enough.* And it's not. Those are words and comments of a great song called "Glory." But this is the reality that I want to say Black people have lived their entire time in America. Justice for all just ain't specific enough. But every now and then we move right past that justice that's blind that you talked about, Mr. Speaker. We move right past that. And we do really great things. We make things happen for our community. This piece of legislation does make things happen in our community. Is it right for bail reform to even be talked about? No, because it was talked about in the wrong context. If it had been talked about by the fact that it saved a lot of money -- in fact, I want to say somewhere around \$600-or-some-odd million that should have been used to put into our criminal justice system, provide the training that judges -- I think judges needed. Give police officers more opportunities to have people working with them so the discovery issues can be dealt with. Give DAs more resources so that discovery issues can be dealt with. Not finding ways to shut that down, find ways to build that up. I think we have time to do that. It didn't

happen with this legislation, but we're not done yet. Because we already know that justice for all just ain't specific enough. But if you want to make justice for all specific enough, it's not going to happen in one year, one Session, one budget. It's going to call for some additional work. Long, hard work. I heard somebody here today - and I've been here all day - mention the fact that there could be a lot of legislation that comes after this particular budget right here to fix things that's broken. Everybody in here is a legislator. Everybody has an opportunity to write a bill. Let's write one. I think we've got to start first of all with defining "harm." That's got to be defined in the law. Maybe you can introduce that (indicating). Or perhaps you (indicating). Or perhaps even Ms. Walker who led the fight on bail reform. But that needs to be defined. In the meantime, we've got to be proud of hearing a person like Dick Gottfried, who has served this House with honor for well over 30 years, say this is the best healthcare budget he's ever seen. That means that there are a lot of people across the State of New York who are going to have something in healthcare that they've never had before. And they probably live in your neighborhood. And so if you can't vote yes on this, don't go and tell them what you did to help out with their health issues because you didn't do anything. But your colleagues will. We've decided that that's what we are going to do. Many of us are taking a yes vote. And for those of you who have the ability, that kind of stamina and in the face of something that hurts just even thinking about it, I commend you. I commend you.

I think we're doing the right thing here, and so it gives me a lot of pleasure to join those of you who are voting yes to join with you and be a yes voter. I vote yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

And amen, Mrs. Peoples-Stokes.

Mr. --

MRS. PEOPLES-STOKES: Mr. Speaker, I have some exceptions.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If you could record our colleagues Mr. Quart, Mr. Kim, Mr. Dilan, Mr. Epstein, Ms. Gallagher, Ms. Buttenschon, Ms. Walker and Ms. Forrest in the negative on this piece of legislation, Mr. Speaker.

ACTING SPEAKER AUBRY: So noted, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Rules Report No. 75, the Clerk will read.

THE CLERK: Assembly No. A09771, Rules Report No. 75, Abbate. An act to amend the Civil Service Law, the State Finance Law and the Retirement and Social Security Law, in relation

to compensation, benefits and other terms and conditions of employment for members of the collective negotiating unit designated as the Agency Police Services Unit; to implement an agreement between the State of New York and the employee organization representing members of the collective negotiating unit designated as the Agency Police Services Unit; making an appropriation therefor; and to repeal certain provisions of the Civil Service Law relating thereto (Part A); and to amend the Civil Service Law, in relation to compensation, benefits and other terms and conditions of employment for members of the District Council 37 Rent Regulation Services Unit; to implement a collective bargaining agreement between the State of New York and the District Council 37 Rent Regulation Services Unit; making an appropriation therefor; and to repeal certain provisions of such law relating thereto (Part B).

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Governor's message is at the desk.

The Clerk will read.

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

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8748. 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. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleague Mr. Walczyk in the negative on this legislation.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I would ask all the Republican members to please pay attention to their texts or e-mails for further updates as our staff is prepared to brief us.

Thank you.

ACTING SPEAKER AUBRY: Certainly. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please have the House stand at ease?

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease.)

ACTING SPEAKER AUBRY: The House will come

to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Members have on their desks the C-Calendar. Mr. Speaker, I now move to advance that C-Calendar.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the C-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Now that we have the C-Calendar before us, Mr. Speaker, at 6:15 a.m., we're going to start with Rules Report No. 76; followed by Rules Report No. 78; then Rules Report No. 79; and last and excitedly last, Rules Report No. 77, Mr. Speaker. In that order. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. Seventy-seven, lucky number.

On page 3, Rules Report No. 76, the Clerk will read.

THE CLERK: Assembly No. A09000-E, Rules Report No. 76, Budget Bill. An act making appropriations for the support of government, State Operations Budget.

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

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

ACTING SPEAKER AUBRY: An explanation is

requested, Ms. Weinstein.

MS. WEINSTEIN: So this bill -- this bill would enact the State Operations bill for State Fiscal Year 2022-'23 and includes an All-Funds appropriation of 8.-- 82.6 billion.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: So I understand we are ready to get into some of those top line numbers, so I wanted to -- I know some information was distributed here on the floor, which is welcome, but I wanted to just go through some of those numbers for the record.

MS. WEINSTEIN: Sure.

MR. RA: So how much now total is the number that this budget spends, and how does that compare to the Governor and last year?

MS. WEINSTEIN: So the All-Funds Budget is 220.472 billion. This is an increase of \$7.546 billion, or 3.5 percent from Fiscal Year '21-'22. This also is an increase of 4 billion, or 1.8 percent above the Executive proposal.

MR. RA: Okay. And on a State Operating Funds basis?

MS. WEINSTEIN: The State Operating Funds is an

increase of 6.622 billion, or 5.7 percent over Fiscal Year 2021-'22, and that is an increase of 2.9 billion above the Executive proposal, or 2.5 percent.

MR. RA: And on a General Fund basis?

MS. WEINSTEIN: The General Fund is 98.424 billion. That's an increase of 7.73 billion or 8.5 percent over Fiscal Year '21-'22, and an increase of 2.7 billion or 3 percent above the Executive proposal.

MR. RA: And lastly on a State Funds basis.

MS. WEINSTEIN: And for the State Funds, this is an increase of 9.128 -- 9.182 billion or 7.1 percent over Fiscal Year 2021, and an increase of 2.941 billion, or 2.2 percent above the Executive proposal.

MR. RA: Okay. And so with the increased spending over the Governor's proposal, how does this budget pay for that increased spending?

MS. WEINSTEIN: Well, the 2 billion -- I'm sorry, 2 billion is the unallocated pandemic relief funds that the Governor had in the budget that was presented to us and as I think mentioned previously, our receipts are -- we have an additional \$1.190 billion in receipts reestimate from the 30 day Executive, and there are additional Federal receipts related to Medicaid spending. And we also have \$2.5 billion from last year where we had accelerated revenues that were beyond our original estimates.

MR. RA: Okay. With regard to the Reserve Funds,

what is the total in the Rainy Day Reserve Fund?

MS. WEINSTEIN: The Rainy Day Reserves are 2.72 billion, which is unchanged from the Executive proposal.

MR. RA: Okay. And the Tax Stabilization Fund?

MS. WEINSTEIN: The Tax Stabilization Fund is 1.55 billion, unchanged from the Executive proposal.

MR. RA: Okay. And the total in the Economic Uncertainties Fund for Fiscal Year '23?

MS. WEINSTEIN: Yes, it's 9.58 billion in the reserve -- Economic Uncertainties, and that's a reduction of 145 million.

MR. RA: Okay, thank you. In terms of the out-years, the Governor's budget balanced each year of the plan. Does this budget create any budget gaps or surpluses in the out-years?

MS. WEINSTEIN: We -- we believe that this budget will be balanced in the out-years based on the additional revenues that we anticipate receiving.

MR. RA: Okay. And do we have an updated debt outstanding number for Fiscal Year '23?

MS. WEINSTEIN: So the debt has not changed from the Executive's presentation to us.

MR. RA: Okay. And is there any change in debt cap numbers for the out-years?

MS. WEINSTEIN: So the -- just to refresh recollection of colleagues, the 2023 main capacity under the debt cap

is projected at 11.42 billion and the out-years for 2024, the remaining capacity is projected at 7.23 billion. In 2024, the 2025 Fiscal Year remaining capacity is projected to be 4.0 billion. In 2026 Fiscal Year, remaining capacity projected to be 1.93 billion, and in 2027, the remaining capacity is projected to be 273 million.

MR. RA: Thank you. So just getting into this particular bill, I believe you said it at the top but I missed it. How much does this bill appropriate?

MS. WEINSTEIN: \$82.6 billion.

MR. RA: Okay, and what's the fiscal impact?

MS. WEINSTEIN: So the bill authorizes disbursements of up to 21.7 billion in State Operations or the General Fund, and 34.2 billion in State Operations on an All-Funds basis -- up to 34.2-.

MR. RA: Thank you. With regard to this special emergency appropriations which you stated were utilized for the additional spending, in the one-House there was provided a spending schedule for the 2 billion. How did this \$2 billion get spent?

MS. WEINSTEIN: It is spent throughout the appropriation bill. Do you want the breakdown now or when we get to the approps bill?

MR. RA: Well, is it -- I think --

MS. WEINSTEIN: It's -- in programatic areas I guess the highlight would be 800 million for hospitals, then 1.1 billion for ERAP and LRAP. Really, the main \$290 million for child care,

right, \$250 million for the utility arrears. I think that's pretty close to the 2 billion.

MR. RA: Okay. So is it still with each of those programs then being spent on services and expenses related to COVID-19 --

MS. WEINSTEIN: Yes.

MR. RA: -- and COVID-19 recovery?

MS. WEINSTEIN: Yes. As you know, the LRAP and the ERAP funding was in last year's budget and we're exhausted so we are -- we are replenishing those programs.

MR. RA: And the Executive Budget included a \$25 billion special Federal emergency appropriation to allow for the transfer and spending of Federal funds received. This appropriation has been reduced by \$15 billion to \$10 billion.

MS. WEINSTEIN: Correct.

MR. RA: Why is this appropriation being reduced?

MS. WEINSTEIN: We've reduced the -- we've reduced that number because the -- it had been higher in anticipation of additional Federal receipts and -- that we had received during the pandemic and that has not been forthcoming.

MR. RA: Thank you. Just a couple of areas of this. So on the mental hygiene side, the Legislature passed budget language authorizing their workforce bonus and a 5.4 percent COLA. Does this budget bill reflect those initiatives in personnel costs?

MS. WEINSTEIN: You say personnel costs, are you

talking about the administrative cost for those programs or...

MR. RA: Well, the --

MS. WEINSTEIN: Or just the --

MR. RA: No, the personnel that would be on the State side.

MS. WEINSTEIN: There are no State Ops costs for that, but obviously the COLA is coming -- will be in the Aid to Locality Bill.

MR. RA: Okay. Another issue that has come up recently was the New York State Summer School for the Arts, many of my colleagues may have heard that they're not going to be operating this summer due to deficit in the account that funds the program. Does this budget provide any additional funding to remedying the deficit in the Summer School for the Arts account?

MS. WEINSTEIN: There is no additional funding for it, just the normal appropriation.

MR. RA: Okay. Is there any plan for the Legislature to assist in remedying this negative account balance so the program can come back into existence in 2023?

MS. WEINSTEIN: Not at this time.

MR. RA: Okay. And then with regard to SUNY and CUNY, there's a \$60 million -- \$60 million in new funding for operating support at SUNY and 40 million for CUNY. Are there specific needs identified by this schools that this funding is intended to address?

MS. WEINSTEIN: The respective schools will come up with a plan that will be approved by the Division of Budget.

MR. RA: Okay. And then I know the final budget also proposes \$53 million for hiring new full time faculty at SUNY and CUNY. Is there any guidance being provided to SUNY and CUNY to ensure the hiring needs of the institutions are met by this funding?

MS. WEINSTEIN: We -- we don't provide direction as to how to spend the money, but in the prior budget bill, the ELFA bill that we passed, there was Article VII language requiring a reporting of how that money is spent.

MR. RA: Okay. Are there academic departments that have been identified at SUNY and CUNY that are being prioritized?

MS. WEINSTEIN: Not by us.

MR. RA: Thank you.

MS. WEINSTEIN: Sure.

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

ACTING SPEAKER SANTABARBARA: On the bill.

MR. RA: Thank you. You know, just quickly since we did finally get into these overall spending numbers, you know, on this particular bill and the other appropriation bills to come, you know, this budget as we have been talking about for the last couple of days does do a lot of good things. \$220 billion in spending will do

that, it will have a lot of good in it, but the same concerns that we raised at the time of the one-House I think continue to hold true. And that's that we continue to go to higher and higher levels of spending, it's great that our tax receipts are coming in the way they are. I'm happy that some of the initiatives with regard to Reserve Funds that the Governor proposed are being kept, because we do need to prepare for the future.

And we saw it a little over a decade ago and then we saw it two years ago what can happen when there is suddenly a situation when our revenues plummet. And we are very dependent on a very small set of taxpayers in this State and when those revenues plummet, these very programs that we're celebrating funding today become the ones that are in jeopardy. You know, it was school aid that was terrified two years that they were suddenly going -- going to get cuts. It was health care institutions, it was services for -- for people with developmental disabilities that were fearful that suddenly the rug was going to be pulled out from under them. So while this budget does many great things, we need to be cognizant --

(Buzzer going off)

ACTING SPEAKER SANTABARBARA: Mr. Ra
for a second 15?

MR. RA: Thank you, Mr. Speaker.

ACTING SPEAKER SANTABARBARA: Mr.
Lawler.

MR. LAWLER: Thank you, Mr. Speaker. Will the

sponsor yield?

ACTING SPEAKER SANTABARBARA: Will the sponsor yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER SANTABARBARA: The sponsor yields.

MR. LAWLER: Thank you, Chairwoman. Am I correct in reading that for this year's receipts in the enacted plan we will be getting 85.5 billion from the Federal government?

MS. WEINSTEIN: Yes, I -- yes.

MR. LAWLER: Would you agree that that is roughly 40 percent of our total receipts?

MS. WEINSTEIN: For 6:30 in the morning, I'll say yes without doing the math.

(Laughter)

MR. LAWLER: I just used my calculator and it was 40 percent. How much do we anticipate losing next year in terms of Federal receipts?

(Pause)

MS. WEINSTEIN: Next year -- next year it's expected to be 75.665 billion.

MR. LAWLER: So we're saying we're only expecting to lose 10 billion or so?

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. So do you anticipate next

year that we would try to maintain the same level of spending or would we reduce our spending commiserate with the reduction in Federal funds that we are going to potentially be losing?

MS. WEINSTEIN: Well, next year we, first of all, we do have \$2 billion of pandemic relief funds being -- that are being spent here, so we don't necessarily anticipate having -- for that, and we have estimated having increased receipts and we do not estimate any shortfall for next year based on this budget and what we're anticipating from the Federal receipts next year.

MR. LAWLER: Okay. So you think we will have an increase in tax receipts to help offset the 10 billion in losses from the Federal government?

MS. WEINSTEIN: Yes -- yes, and we do have some one-time spendings in this -- in this proposal and one-time credits -- tax reductions that will be --

MR. LAWLER: That will dissipate?

MS. WEINSTEIN: Right. We won't have to make up those dollars.

MR. LAWLER: So in other words --

MS. WEINSTEIN: For example, the 2.2-homeowner tax credit is a loss of revenues. If it's only a one-time situation, we don't need that extra two-and-a-half -- 2.2 billion next year.

MR. LAWLER: Okay. How -- how much did our tax receipts increase year over year from the prior year?

(Pause)

MS. WEINSTEIN: Well, I'll give you the number, but it's a little deceptive. The receipts in '21-'22 were 160.733- -- no, I'm sorry, were 126.71- and this year it's estimated 99.808-, but that has to do with the workaround for the (inaudible) program where we received the taxes last year and this year those -- those taxpayers get the credit. So together, it's a revenue neutral situation for us.

MR. LAWLER: And so this year we anticipate receiving 99- --

MS. WEINSTEIN: Correct.

MR. LAWLER: -- and next year you would anticipate how much of a potential increase in tax receipts? Do we have maybe like a five-year rolling average that we can look at, or...

(Pause)

MS. WEINSTEIN: So in the T tables and the Governor's Executive Budget financial plan, you have lots of charts that you can look at at your leisure. So you wanted top -- the bottom number on anticipated taxes for next year?

MR. LAWLER: Yeah.

MS. WEINSTEIN: 100-and -- 112.847 billion.

MR. LAWLER: So you believe year over year based on that chart, our tax receipts are going to go up by \$13 billion?

MS. WEINSTEIN: So you know, the problem is you have to look at two years at a time because it's a pass through entity tax that skews it on -- I guess on the even -- on the odd years in terms

of receipts. So you have to look at the -- the same way that last year there was a large amount of receipts, but it was the pass through entity tax that now those -- those entities get a reduction. So the same thing, you can't really compare year to year, you have to look at a two-year piece.

MR. LAWLER: A two-year cycle?

MS. WEINSTEIN: Correct.

MR. LAWLER: Okay. And do you anticipate -- two years ago our enacted budget was about 178 billion; is that correct?

MS. WEINSTEIN: It was somewhere in that range.

MR. LAWLER: In that ballpark, give or take.

MS. WEINSTEIN: Yes.

MR. LAWLER: Last year, the enacted budget was 212 billion roughly, this year 220.5-.

MS. WEINSTEIN: Correct.

MR. LAWLER: Okay. So roughly we have increased, rough terms, over a two-year window \$42 billion in new spending and, yes, obviously the pandemic played a major role in that and, yes, the Federal government increased funds, but we're anticipating losing 10 billion in Federal funds.

MS. WEINSTEIN: Correct.

MR. LAWLER: Do you anticipate, given the \$42 billion increase in spending, that we're going to continue to see an increase in spending, or are we going to kind of plateau, or maybe reduce.

MS. WEINSTEIN: Well, obviously spending varies from year to year. The reason there was that high bump was the tremendous influx of Federal dollars, pandemic relief dollars.

MR. LAWLER: Right, but so since -- since that was kind of an anomaly, if you will, hopefully, hopefully we never experience that type of pandemic situation again, but since that was an anomaly and we got that big influx, shouldn't we maybe kind of come down in spending next year?

MS. WEINSTEIN: We don't anticipate that there will be -- there will be a reduction in tax receipts that would necessitate us having to at this time predict that spending would be decreased.

MR. LAWLER: So you believe strongly that even with the reduction in Federal funds that our tax receipts are strong enough to sustain this level of spending going forward?

MS. WEINSTEIN: Yes; yes, I do.

MR. LAWLER: Okay. Thank you, Madam Chair.
On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: Thank you. The fact that we are increasing spending by \$42 billion year over year in a two-year period with, according to the Chairwoman, no intention of reducing spending going forward and with the belief and a hope that our tax revenues will be able to sustain it. I strongly believe that this level of spending is not only unsustainable, it's irresponsible. And as the State with the

second highest indebted rate in the country with 292 billion in debt, total debt, as of 2020 and with our debt outstanding slighted to rise year over year over year in the out-years here, I just don't see how this is possible to -- to maintain. And when we're crafting a budget, we have to be looking to the future, and we have to be anticipating the fact that there very well may be a downward turn. And when you're dealing with record high inflation, the highest in over 40 years, when we continue to deal with rising gas prices, when you continue to see the fact that we are dealing with supply chain issues, when you think about the fact that at a Federal level, most of the money that has come here has come by being printed as new money creating this inflationary bubble. It is not sustainable. And to bury our heads in the sand and hope that our tax receipts are strong enough to sustain it with no plan to cut down on spending as the Federal government peels off \$10 billion in Federal aid I think is very troubling.

And I would strongly encourage all of my colleagues to vote against this. The fact that we are just getting this fiscal plan in the wee small hours of the morning and expected to vote on it five minutes later says all you need to know about our fiscal health. The intent of the Governor seems to be to keep everybody in the dark. And it doesn't even appear it's light out fully outside yet, which is exactly why we're voting on this at this time. So I encourage everybody to vote no on this and demand a more responsible State budget going forward.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8000-E. 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: Good morning, sir.

ACTING SPEAKER AUBRY: Good morning.

MR. GOODELL: The Republican Conference is generally opposed to this legislation. Of course, those who want to vote in favor of it can certainly do so here on the floor or by calling the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Good morning, Mr. Speaker.

ACTING SPEAKER AUBRY: Good morning, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: The Majority Conference will generally be in favor of this piece of legislation; however, should colleagues desire to be an exception, they should feel free to contact the Majority Leader's Office so that their vote might be properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Mamdani to explain his vote.

MR. MAMDANI: To explain my vote, sir.

ACTING SPEAKER AUBRY: Yes, sir. Good morning to you.

MR. MAMDANI: Good morning.

ACTING SPEAKER AUBRY: Proceed.

MR. MAMDANI: While this budget is an improvement for CUNY, this still leaves the 16,000-plus students, faculty, staff, and recent alums that call my district home without the investments that they deserve. Investments that would fund the academic advisors, create adjunct pay parity, adequately fund mental health services, and it would decrease and ultimately eliminate tuition.

As we fall short, I think of the stories of those I have connected with as I have fought for the New Deal for CUNY. I think of Rebecca, an adjunct professor driven to homelessness by the lack of adjunct pay parity. I think of Stephanie, who was forced to work multiple jobs, sleeping only two to three hours each night just so she could keep up with the cost of tuition. I think of Devon, a chronically homeless student who was never able to get mental health care due to the lack of such services on his campus. Our budget allows each of these stories to repeat themselves in the lives of students, faculty, and staff across New York City for the next year.

And so it is for all of them that I must vote no, and it's for all of them that I will continue to fight to pass the New Deal for

CUNY in the next year to come.

ACTING SPEAKER AUBRY: Mr. Mamdani in the negative.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleagues Ms. Gallagher and Ms. Mitaynes in the negative on this piece of legislation?

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On page 3, Rules Report No. 78, the Clerk will read.

THE CLERK: Assembly No. A09003-D, Rules Report No. 78, Budget Bill. An act making appropriations for the support of government, Aid to Localities Budget.

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

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

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

MS. WEINSTEIN: So this bill would enact the Aid to Localities Bill for State Fiscal Year 2022-'23. It includes an All-Funds appropriation of 288.4 billion. Enactment of this

legislation is necessary to provide for local assistance payments throughout Fiscal Year 2022-'23, and this bill authorizes disbursements of up to 67.6 billion from the General Fund and up to 220.5 billion on an All Funds basis.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

MR. RA: Thank you. So I know this has a number of different areas, I'm going to try to go through as many of them as I can without taking up too much time here. So with regard to utilities, are there any specifics on how the \$250 million in utility arrear funding appropriated through the Department of Public Service will be dispersed?

MS. WEINSTEIN: No. We rely upon the -- we direct the Public Service Commission to come up with a plan of --

MR. RA: Okay.

MS. WEINSTEIN: -- with the priority of low -- or low-income New Yorkers being helped the most.

MR. RA: Okay. But other than that it will be entirely managed within the Department?

MS. WEINSTEIN: Correct.

MR. RA: Okay. Within Alcoholic Beverage Control, the budget contains \$50 million for the State's share of a \$200 million public/private fund to provide direct capital and startup

support to social equity applicants establishing adult use of cannabis --

MS. WEINSTEIN: Correct.

MR. RA: -- retail business. Can you explain how this funding will work?

(Pause)

MS. WEINSTEIN: So the funding is designed to startup, to construct and to actually construct the stores so that the socially-disadvantaged applicants who are approved can begin to -- to have establishments.

MR. RA: Okay. So will the State be an owner in these stores?

MS. WEINSTEIN: No. They will be leased and it will be through a subsidiary of DASNY.

MR. RA: Would the State receive any portion of the profits of these stores?

MS. WEINSTEIN: Not profits, but sales tax.

MR. RA: So sales tax in the same way they would for another licensee?

MS. WEINSTEIN: Yes, correct.

MR. RA: Okay. Will farmers who are looking to be cultivators be able to qualify for this fund?

MS. WEINSTEIN: No, no. They are -- I am just informed that they are already licensed now; they have conditional licenses.

MR. RA: And the regulations for the provisional

retail licenses were recently released by the Cannabis Control Board. Is it correct that to qualify for one of the first licenses, a person needs to have been convicted or have a family member that was convicted of a drug charge?

MS. WEINSTEIN: I would just amend that to say of a marijuana charge, not a general drug charge.

MR. RA: Okay. So those will be prioritized for the first licenses --

MS. WEINSTEIN: Correct.

MR. RA: -- marijuana charge rather than a drug charge. Okay, thank you.

On economic development.

MS. WEINSTEIN: Yes.

MR. RA: Does this budget maintain or increase funding for economic development initiatives and marketing such as the Governor's Open for Business Initiative, trade missions, Global NY and advertising for START-UP NY?

MS. WEINSTEIN: We accept the Governor's proposal of 45 million.

MR. RA: Which is a \$2.5 million increase from last year, correct?

MS. WEINSTEIN: Yes; yes, that is.

MR. RA: And I know we got into yesterday I think it was talking about how we're going to start to look at some of our programs. Do we know what return on investment we got on the 42.5

million we spent last year?

MS. WEINSTEIN: I don't know offhand, but there is an annual report that (inaudible) issues annually.

MR. RA: Okay. And was -- do you know if any of that was spent for START-UP NY advertisement?

MS. WEINSTEIN: No funding was spent for START-UP NY.

MR. RA: Okay, thank you. On education.

MS. WEINSTEIN: Mm-hmm.

MR. RA: One of the things, you know, I think we've heard a lot about is learning loss as well as teacher burnout as a result of the pandemic. Several other states have made significant investments in high dosage in-person tutoring which have shown positive signs of relieving teacher burnout, improving workforce challenges. Do we make any investments in this budget in tutoring services for students?

MS. WEINSTEIN: We -- we don't necessarily designate funding in that regard, but the school districts around the State receive Federal funds directly and have -- we believe that they have the ability to fund these programs if they so wish.

MR. RA: Okay. And does this budget make investments in our teachers to help them recover from the challenges they faced with COVID-19?

MS. WEINSTEIN: Nothing that is -- while there's funding for various teacher programs, nothing specific related to the

pandemic as you describe.

MR. RA: Thank you. Regarding technology. It was recently reported that there's been a -- there was a massive data breach of the New York City Department of Education that exposed the files of more than 800,000 students and in a blog post, the New York State Association of School Attorneys stated there have been more than 1,100 cyber attacks on schools across the country since 2016. Is there any funding or other initiatives provided to address the growing threat of cyber attacks?

MS. WEINSTEIN: Nothing that we specifically have done but, if you recall, the Governor has, I believe, established a task force and has dedicated funds to deal not necessarily relating to education or school districts, but to deal with cyber attacks.

MR. RA: Okay, thank you. And an issue that we spoke about earlier, the prior year claims, in the ELFA bill we did provide, you know, blanket forgiveness for school districts that file their school transportation contracts or final cost reports late with SED and avails them to prior year claim funds if they had been penalized in the past for such actions. Does this budget bill provide any funding to school districts that are currently listed on the prior year claims que?

MS. WEINSTEIN: We don't here, but we do believe in next year's financial plan we will see those numbers.

MR. RA: Okay, thank you. And then elections. Now, I know we talked about some of the new initiatives yesterday with regard to elections, the postage as well as the polling sites.

MS. WEINSTEIN: Correct.

MR. RA: But this also now shows some additional funding in some of the election reforms we have done in recent years, including the public financing of campaigns; \$10.5 million is included to support staff at the Public Campaign Finance Board, in addition to 10 million to support the payment of public matching funds for participating candidates. So is this to start to create that fund? I know there is also, there was talk that this fund would be funded through a checkoff and some other funds. Are we starting to put money into this fund now that is going to be used directly by candidates?

MS. WEINSTEIN: Right. Well, most of that funding is -- is for the establishment of the program for the administration implementation, though there is some amount, I believe, that will be -- \$10 million towards the payment of matching funds.

MR. RA: Okay. And now am I correct, we won't have any matching funds to pay for another election cycle, correct?

MS. WEINSTEIN: Correct.

MR. RA: And has there any -- been any other funding come in through that checkoff at this point?

MS. WEINSTEIN: The checkoff, we don't -- we don't know, but we think it's very de minimus.

MR. RA: I'm not particularly surprised by that. I think we spoke about that on the day that we passed that initiative.

MS. WEINSTEIN: Well, people have yet to file --

file the 20 --

MR. RA: I'm not that confident they're going to be -- be too generous to that program because it hasn't worked that way at the Federal level and I still think, as I did a couple years ago when we talked about that, that money is going to ultimately come out of the General Fund just like we're seeing some appropriation going there this year. Does this budget include any new funding for the other initiatives we have put forth the last few years, I think early voting and electronic poll books?

MS. WEINSTEIN: No, it does not. Last year, we provided capital money for the Boards, in particular -- in particular for the electronic poll books. I think there was 25 million in last year's budget.

MR. RA: Yes, we did but we also have several times now expanded the number of early voting sites that we're requiring, and I think that that may require additional capital investment by our local Boards of Elections and I know you'll recall during the budget hearings, you know, many of them made that case that they needed that additional funding, so I hope this is something that we continue to look at. We have put a lot of new responsibilities on our Boards of Elections the past few years.

And just in terms of some of the other programs that we're funding, you talked about what the breakout of the \$2 million and some of the things we're still doing on COVID recovery, ERAP and LRAP which have nearly exhausted all their funds. So has all of

the 2.4 billion that made up the ERAP in last year's budget been expended?

MS. WEINSTEIN: It has been committed, but not spent.

MR. RA: Okay. And do we know how many people applied for the ERAP program that didn't qualify for help?

MS. WEINSTEIN: That applied and did not qualify you're asking?

MR. RA: Correct.

MS. WEINSTEIN: We -- okay. So the total number of applications received was 322,347; the total awarded was 168,156.

MR. RA: Okay. And do we have an idea of how many applicants will be provided with assistance from this new addition of money?

MS. WEINSTEIN: So this -- the 950- that -- the 950 million that's appropriated here, it's estimated it would cover an additional 76,000 payments, the average payment being \$12,500.

MR. RA: Okay. And do we know how many more applications have been received since OTDA was required to reopen the application process?

MS. WEINSTEIN: Well, it's a -- oh, since they opened --

MR. RA: Since they were required to re -- reopen the process back in January.

MS. WEINSTEIN: That I can't tell you. The number

I gave you was as of April 1st, 2022 so that includes the numbers of people who -- perhaps I overstated the number of applications that were received for last year's funding because this also includes now a number of 322,000, includes people who have applied subsequent to when the program was reopened.

MR. RA: Okay. And you gave me the numbers in terms of applicants and those who had not received assistance from ERAP. Do you have those numbers for the Landlord Rental Assistance Program?

MS. WEINSTEIN: Yes. So the LRAP, just to refresh recollection, the LRAP application form portal was open from October 7th to November 21st, 2021, and any applications submitted after November 16th was not able to be paid due to a lack of funds. So they received 55,000 applications, 2,000 denied, 40,000 are open and 20,000 landlords with over 20 units.

MR. RA: Okay. And do you have an estimated number of applicants that will be able to receive assistance with this additional funding?

MS. WEINSTEIN: Well, if we look at what was -- what was dispersed with the original period of funding where there was \$125 million dispersed to 12,000 recipients so we think that it would be somewhat similar numbers.

MR. RA: Okay, thank you. And just a couple questions on the local government assistance provisions. I know this year both the Association of Counties and New York State Conference

of Mayors called on the State to increase funding for the Aid and Incentives for Municipalities, AIM program as we know it. This funding has been flat since 2008 and the State has failed to provide a minimal increase that at least considers rising inflation. Obviously, we are flush with cash, we spent a lot of money in this budget, but AIM continues to be flat, correct?

MS. WEINSTEIN: Yes. We do not increase the AIM funding other than adding a few new towns that were left out of the original formula, but we have talked about in the past and I'll just repeat that with the ending of the tax interceptor is an extra \$50 million that is available to the counties outside of New York City.

MR. RA: Now, will the counties, now that AIM is going to be fully funded by the State again, have any intercepted sales tax revenue returned to them, or will this just be going forward that they won't have to --

MS. WEINSTEIN: No, it's just going to be perspective.

MR. RA: Okay. And the Aid to Localities bill that's before us provides roughly \$25.5 million in miscellaneous financial assistance to a list of municipalities and counties to be used however they see fit. How were these municipalities chosen, and why are there not more cities, towns, and villages that are able to receive this additional funding?

MS. WEINSTEIN: These are typically distressed municipalities that need additional financial assistance.

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

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: If this were a movie, it would be called, *Budget Blowout in New York*. Tonight, today, this morning, wherever we are after this marathon process, we're going to approve spending about \$220 billion total, which is up about \$50 billion since I first came to this Body just a few short years ago. That's somewhere around a 25 percent increase. It includes about \$292 billion of debt which is the State's aggregate total if you include backdoor borrowing, but we approved \$69 billion in debt, 6 billion new of debt this year, \$4.2 billion in a new environmental bond fund, on top of \$20 billion in Federal money that we have received from the various COVID relief acts.

And we have to really ask ourselves as we approve this budget, where is the money going to come from next year? What taxes are going to be raised to make up for this shortfall? Is it going to be carbon tax, which is a bill before this Body? A stock transfer tax, which is before -- another bill that's before this Body. When you look at aggregate debt load and the amount of money that we spend in this financial plan, it raises red flags, warning signals are going off not

only in New York, but all over our economy. Some people are skeptical about inflation, but Deutsche Bank predicts recession in 2023. The current international uncertainty does not bode well for our future, particularly in energy markets.

So while the Federal Reserve is actually raising rates to combat inflation, why are we not doing appropriate fiscal planning in response to all of these red lights that are flashing in our economy? In my mind, more Federal spending on borrowed time is foolhardy. Money that's borrowed with a full faith in credit of the United States government must be paid back. There is no free lunch when it comes to the international/national in our State economy.

We spend as much as California does, but they have twice as many people. Florida and Texas, which collectively has twice as many people, spend just as much as we do. In my mind, we spend far too much money that we do not have on things that we do not need. To put it up in sum, with this budget, with the past budgets, with the budgets I see coming, New York is on a path to fiscal unsustainability. We in this Body should not be along for a joy ride in that adventure. This is very serious stuff, this is strategic planning for the fiscal future of our State. For that reason, I'll be voting no on this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker.

On the bill.

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

MS. NIOU: My district was hit by COVID-19 before we as a State knew that the scale of this crisis would be so dire. And what we suffered from was not only the disease, but the xenophobia, the racism, the hatred against Asian-Americans that grew and spread around the world, fanned from bigoted statements and racial targeting from the highest levels of governments.

But sadly, this was not something new to us. From the Chinese Exclusion Act to the Japanese internment, to laws that prevented Asian-Americans from intermarrying, we have grown use to the long record of legally-sanctioned hate against the Asian-American community. The otherness that not only allows us to be seen as less than, but encourages people to see us that way. And many internalize this feeling that somehow we do not belong here, to the point of feeling justified in acting on those feelings in the brutal and violent way, robbing us of so many of our Asian-American community members, like Christina Yuna Lee, Yao Pan Ma, Michelle Go, Sala Uddin Miah and Gui Ying Ma. My district is acutely aware and is suffering through just how much this pandemic has changed and will change our City and State. This pandemic has put a harsh spotlight on reality in which not enough has changed to meet the needs of today, and a reality which existed long before this moment and which will continue into the future.

This is my last budget with this Body, and in this bill I'm proud to see signs of progress. When I first joined this Body, there

was no Asian-American Pacific-American Task Force, there was no conversation about the needs of Asian-American communities. In fact, there wasn't even a single item in the budget dedicated to our community's needs. I am beyond proud to have been able to change that in the past six years, and I am glad that we are at least investing 20 million this year into our community-sourced AAPI Equity Budget. This is landmark funding for our community, and I thank the Speaker for his leadership and working with our Asian Pacific American Task Force, my colleagues here, I am so grateful to all of you for helping to make history today for the Asian-American community in New York.

This Equity Budget was designed by community organizations to address systemic racism and discrimination faced by the Asian-American community. This investment represents one of the most significant actions to date in the United States that aims to address the horrific surge in anti-Asian-American hate, the disproportionate impacts of COVID-19, and the historic underfunding of Asian-American communities. New York has the largest Asian-American community in the country, and the 2020 Census shows us that it continues to grow at a faster rate than any other group. While last year we made an initial step towards investing in our communities, it is vital that we improve on that commitment to show our recognition of the community's continued growth, and to acknowledge disproportional underfunding of Asian-American groups in the past. This funding will help truly protect our Asian-American communities, and invest in our local community members. It will also

provide a road -- road map for those organizations to provide even better direct services and help address the inequities that exist in our State.

Furthermore, for the sixth year in a row, we are leading critical human services restorations and funding. This year's budget includes \$2.45 million for the Settlement House Program, a full restoration. While I had hoped for more, I am relieved that funding was not cut, and I remain optimistic for future progress. In lower Manhattan, settlement houses provide comprehensive services to children, families, and seniors ranging from after-school programming, workforce training, and meal services. Since the beginning of the COVID-19 pandemic, New York settlement houses have gone to tremendous lengths to provide essential services to their communities, providing emergency food, counseling, shelter, youth and family supports and more. This funding will help our local settlement houses carry out their crucial services in our neighborhoods, especially as we recover from the pandemic.

We are also investing in our senior community members. Naturally occurring retirement communities, or NORCs, as we call them, are hubs that are home to a significant number of older individuals which provide critical social services for our aging population. In the wake of COVID-19, NORCs have been critical in providing essential services to our constituents, and safe and close-to-home locations, with culturally and linguistically diverse staff and volunteers. These organizations have expanded their services

during the pandemic, providing crucial community outreach, health and social service programs, along with serving as partners in the State's vaccination, testing, and PPE distribution efforts. Our constituents have come to rely on N/NORCs and NORCs as their main bridge to essential social and government programs. Without the support of these organizations, many of our constituents would be left without the assistance necessary to navigate our State's opaque social welfare programs or resources to live through this pandemic. This year's budget increases the NORC allocation by an additional \$825,000 and maintains critical funding for this essential program.

As you all know, there are parts of this budget where I feel we have not done enough to follow our values and stand up for our communities long neglected by our State, but I am heartened to see these priorities for my district in this budget bill, and I'm so proud that we will be voting in the affirmative. Thank you.

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 Article VII bill

dealing with the essential plan, it talked about Green Card holders being able to qualify for the essential plan regardless of whether or not they qualified Federally. I just wanted to understand, are we circumventing the Feds on that or what are we -- what is it that we're actually doing with the essential plan program for Green Card holders?

MS. WEINSTEIN: It's in Medicaid, not the essential plan just for clarification. We're not circumventing the Federal government, we're just paying for State-only funds.

MR. LAWLER: So okay, we're just using State funds to pay --

MS. WEINSTEIN: Correct.

MR. LAWLER: -- there's no Federal funds. Okay. I just wanted to clarify that. With respect to bullet aid, the Assembly has been given 6.3 million in bullet aid?

MS. WEINSTEIN: Yes.

MR. LAWLER: And if I understand correctly, we have to pass a separate resolution?

MS. WEINSTEIN: Yes, yes.

MR. LAWLER: And when do you anticipate us doing that?

MS. WEINSTEIN: Before Session ends.

MR. LAWLER: Okay. I noticed there was miscellaneous financial assistance within the budget; is this new funding, about 20.5 million?

(Pause)

MS. WEINSTEIN: It's the new fund to -- for various municipalities to help support their needs.

MR. LAWLER: And how do they qualify for this new funding?

(Pause)

MS. WEINSTEIN: These are largely distressed localities where the -- that have needs that have been unmet.

MR. LAWLER: And so did they apply? Like, who did they go through to get on this list? Did they go through the Comptroller? Did we get a list from the Comptroller of distressed communities, or did this come from members?

MS. WEINSTEIN: Not all of these are -- there is a Financial Restructuring Board that actually I am a member of and a number, when I look at the list of localities -- of municipalities, a number of them have either been before the Board or have applied for funding or are on the list that will become eligible for funding. Others have not been. These are municipalities that have been brought to the -- our attention that need additional assistance.

MR. LAWLER: Okay. And I note that there's no restrictions on how they use the money; is that correct?

MS. WEINSTEIN: Correct.

MR. LAWLER: So if they're financially distressed, why wouldn't we apply restrictions to how they use the money towards helping get them out of fiscal stress as opposed to potentially

just accruing new spending and --

MS. WEINSTEIN: Well, they -- they aren't localities that -- municipalities that have control boards over them, and we are leaving to their discretion on how to spend the funds.

MR. LAWLER: But we're saying they're fiscally stressed, so why would we just hand them new money without any requirements? I mean, we put requirements on money all the time.

MS. WEINSTEIN: You know, I would just note that the Onondaga County funding is for a school discipline pilot project in conjunction with the Syracuse City School District. The other funds are for the other needs that the -- these municipalities have and we're not micromanaging how they spend these funds.

MR. LAWLER: Okay. For the future, who should we all go to, to get on this miscellaneous financial assistance list?

MS. WEINSTEIN: I would think the Governor's Office would be the place to go.

MR. LAWLER: Okay. And just on the City of Albany, I see we're giving them \$15 million. Can they fix the damn road outside the building here?

MS. WEINSTEIN: We have -- we're going to get Mr. Abinanti to help fix the potholes. You know, one of the issues with the City of Albany is that so many of the buildings here are not taxpayers, so that is a way to assist the city for the use of these buildings and the loss of revenue that they receive.

MR. LAWLER: Which I think is totally fair. I

would just hope that maybe they could, you know, use -- I don't know, a hundred grand or something to repave State Street so we all don't pop tires on our way out, might be nice.

Just on the issue of charter school --

MS. WEINSTEIN: Okay.

MR. LAWLER: -- charter schools facility aid. I just want to know, are we giving charter schools 48.5 million more than last year?

MS. WEINSTEIN: The City of New York is required to pay the rent or to house charter schools, so this reimburses the City of New York for those costs.

MR. LAWLER: Okay. So this Body, just to be clear, is spending \$100 million to reimburse the City of New York for charter schools.

MS. WEINSTEIN: Yes. It's been established through State Law.

MR. LAWLER: Okay. And we're also going to spend 185 million on supplemental tuition payments to charter schools, which I believe is \$52 million more than last year?

MS. WEINSTEIN: Yes. You know, again, it goes to school districts to reimburse the school district for the cost of the charter schools.

MR. LAWLER: Okay. Personally, I don't have a problem with that, I support that. It's nice to see, though, that the Majority also supports charter schools. I'm sure NYSUT is happy to

see that, so it's good.

MS. WEINSTEIN: Well, this is the Executive proposal.

MR. LAWLER: Which we're adopting, correct?

MS. WEINSTEIN: Correct, yes.

MR. LAWLER: Okay. So that's good.

MS. WEINSTEIN: All right.

MR. LAWLER: Very good. Thank you, Madam Chair.

ACTING SPEAKER AUBRY: Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JENSEN: From people smarter than I, I have learned that budgets are more than just authorizing language and appropriation, but they're really a statement of priority. And with it being the very last day of Library Week, one of my priorities, I know one of the priorities of a lot of our colleagues has been our State's libraries. They're critically important to our communities and the people who live in them.

So while I'm not unhappy that we help to add an incremental addition to library aid and restore a \$20 million construction aid cut that the Governor proposed, it does not -- this budget and its priority for libraries does not adequately support, invest, and assist our libraries across the State. In a budget of over

\$220 billion, our libraries in Suffolk County, in New York City, in the Hudson Valley, Central New York, the North Country, the Finger Lakes and Western New York asked for a little bit more. They asked for \$123 million to help do what their patrons, what their community members have been asking them to do, which is be all things to all people.

During the pandemic when people had no other place to turn, the community library was where they went. It's where they'd go for programming, it's where they'd go to get tax forms, it's where they'd go if their -- their government office can't help with unemployment assistance, they'd go to their library and they'd talk to the librarians who are trained to do a lot of those things.

We're asking libraries to be all things for all people, but we're not adequately investing or supporting them as they do it. Our colleague from Queens, it feels like a lifetime ago, but it was only two days, three days ago, she talked about how in her Assembly District there's not a single library; 134,000-ish people in that community do not have access to a library in a convenient location. Another one of our colleagues who represents Cohoes just had a library that literally is falling down. The Governor said, *You know what? It doesn't matter if buildings are falling down, it doesn't matter that the central library in Rochester is falling into the Genesee River piece by piece, that we don't have to fill a \$1.5 billion need in construction of our libraries.* They didn't ask for 1.5 billion, they asked for 45 million in a budget that's over \$220 billion and it was an

extra 8 billion from last year.

Budgets are a statement of priorities. And it's clear that the person who wrote this budget does not believe that libraries are a priority. Investment and support of libraries is investment and support of community, and it's clear that in this budget, we're not investing in our communities and we're not supporting our communities. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- Mr. Palmesano.

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

Thank you, I appreciate your time, I know it's been a long -- long night. I have some questions relative to the funding and the bill for Hurricane Ida relief for \$41 million.

MS. WEINSTEIN: Yes.

MR. PALMESANO: Is that specifically for homeowners or businesses, or who qualifies for that funding? Who can qualify for that funding; tenants, the homeowners, businesses?

MS. WEINSTEIN: It's --

MR. PALMESANO: Because it says anybody, or whose ever affected.

MS. WEINSTEIN: It's available to anyone whose FEMA payments, insurance payments don't cover their losses.

MR. PALMESANO: Okay. Now, this is specifically for Hurricane Ida that --

MS. WEINSTEIN: Correct.

MR. PALMESANO: -- right, because when we talked during the one-House budget, you had Hurricane Ida and you said it wasn't intended for just Hurricane Ida, it was intended for other people, as well. So this is just for Hurricane Ida, because as I read the language it says Hurricane Ida.

MS. WEINSTEIN: The reason why, this is Federal funding that is -- was given specifically for Hurricane Ida. Our one-House had wanted to expand to also include the past emergencies.

MR. PALMESANO: All right. Then a little further into the bill, there's \$25 million for Hurricane Ida relief victims for undocumented immigrants; is that correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: So Hurricane Ida took place on September 1st, and it was devastating, it was damaging for sure. Are you aware what happened with Tropical Storm Fred that happened on August 18th two weeks before then? I wouldn't think you would be familiar with it, but that was the flooding that took place and devastated several counties in Upstate New York, including Steuben County which I represent, Assemblywoman Byrnes and Giglio represents, was decimated. The school, the Jasper-Troupsburg School was decimated, the kids aren't there. That qualified for Federal FEMA disaster declaration. I know after Ida, Governor Hochul was down in New York City pledging \$27 million to help undocumented individuals. We are now eight months later, there's been no pledge

from this Administration or now this Body to help the citizens of Steuben County whose homes were devastated, whose businesses were devastated, whose infrastructure was devastated.

So why is it - can you answer a question - why do we have funding in here for just Hurricane Ida and why are the citizens of Steuben County having to use their tax dollars just to pay for the citizens of New York and undocumented citizens in New York City? And I'm not saying no one should get the funding, but what I'm saying is let's help everybody. But this particular thing doesn't do anything to help anyone in Steuben County. They have been waiting eight months, there are people who still are out of their homes with no help from this government, the State of New York.

MS. WEINSTEIN: What I would say obviously we have concern for the devastation that was -- was caused by Fred. I would just say that the State money for Ida is for individuals that did not qualify, do not qualify for FEMA funds. And I'm sure, as you saw in the news reports, there was horrific --

MR. PALMESANO: Yes, there was.

MS. WEINSTEIN: -- loss of life because of, really, people not being able to afford a housing --

MR. PALMESANO: Sure.

MS. WEINSTEIN: -- that had a second means of egress.

MR. PALMESANO: No question, Madam Chair, I'm not going to dispute what happened with Hurricane Ida was horrific.

People lost their life. We did have someone lose their life in Steuben County, maybe not as many people in New York City, but we did have someone lose their life. But, Steuben County is a poor, rural county. This happened in the southeastern and western part of that county. Total devastation. Governor Hochul shows up in New York City a week or two after Hurricane Ida and pledges \$27 million to help undocumented immigrants. There's been no pledge to help the citizens of Steuben County and when you start talking about who didn't qualify, the -- there was -- they applied for individual assistance for FEMA for those individuals, the Federal government denied them, so these individuals in Steuben County didn't have the coverage for their hot water tanks and boilers and furnaces, and their appliances.

Where is the commitment, if we're one State, we always hear people talk about one State, but yet why aren't we just doing it for all disasters? But this is just specific for Hurricane Ida. Tropical Storm Fred might not be on the extent of Hurricane Ida, but to those residents in Steuben County, those residents, businesses of Steuben County, they were devastated.

Can I just give you just an example for my colleagues in the room? The Town of Woodhull Highway Department, they were -- there was a gentleman on top of the highway trucks while the flood rolls up to the window level, and there's another gentleman across the way, a worker, on top of a gravel pile while their two trucks were totally submerged. It just -- I don't understand, where is the balance in -- in funding? And this is -- this is just typical. It's always New York

City, it's never Upstate New York. We could talk about that with this, and we will be talking about it with infrastructure, too. I don't understand. Those families were devastated. Where is the commitment from this House to help those families? Specifically, the line item for Ida. And when we talked about it in the one-House you said no, it wasn't just for Ida, it was for everybody. But now here we have the budget, it's just for Ida.

MS. WEINSTEIN: There -- I would -- I would just say that there is a storm recovery -- there is a Storm Recovery Office. We were just looking to see if there --

MR. PALMESANO: That that was my next question.

MS. WEINSTEIN: -- if there are funds available there --

MR. PALMESANO: That was my next question. Because I -- I do see that there's \$32 million in the Governor's Office of Storm Recovery. What -- there's no message of what that is used for or can be used for. Can that be used to provide direct assistance grants for those homeowners whose properties were devastated, for their appliances, for furnaces? Can that be used to help small businesses who were devastated and put out by this storm? Can that funding work? Does the Governor have discretion to use this pot of money to do that? Because obviously Ida has her own pot now for -- for individuals, for businesses and for undocumented while the citizens of Steuben County are still sitting there eight months later

without any help. So can this Office of Storm Recovery, this \$32 million, can that be used to help the residents of Steuben County? How does that work? How does this funding work?

MS. WEINSTEIN: Well, unfortunately not. Apparently the FEMA money was used for purposes not approved by -- that ultimately were not approved by FEMA, so these -- this is going to be reimbursement -- reimbursement money.

MR. PALMESANO: So this \$32 million can't be used for -- to help the residents of Steuben County for their -- for their homes or their businesses or it can be?

MS. WEINSTEIN: But -- but there is capital money that the Office of Storm Recovery does have. So I would think that that might be available.

MR. PALMESANO: And now who -- who controls that capital money? Would that be the Executive? So what you're saying here that the Governor has the discretion to put and dedicate funds for the residents and businesses of Steuben County?

MS. WEINSTEIN: There -- there is \$77 million in that Fund. It's capital money and is controlled by the Governor's Office.

MR. PALMESANO: So the Governor would have the authority to use those funds --

MS. WEINSTEIN: Yes, I believe so.

MR. PALMESANO: -- to help provide the residents, for individuals, for homeowners, for businesses?

MS. WEINSTEIN: I'm not sure what the restrictions are to -- to that, but -- to that Fund, but it is through the Governor's Office.

MR. PALMESANO: Well, one other question. I appreciate your time on that area. I see that there is State support for MTA operating aid in this budget, a total of \$3.8 billion which includes an \$800 million increase over last year. \$800 million increase over last year; is that correct? For operating aid for MTA State support, correct? \$800 million increase over last year.

MS. WEINSTEIN: It's actually a little higher than -- you said 999.3 million increase or 19.2 percent. That -- this is coming from dedicated funds that are generated from -- from the region, from the -- from New York City and the MTA region.

MR. PALMESANO: And plus an additional \$2.4 billion in off-budgeting for a total of 6.2 billion, correct?

MS. WEINSTEIN: That does sound about right.

MR. PALMESANO: Okay. I think -- so \$800 million increase -- or a \$990-plus million increase over --

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay. For MTA operating aid, obviously.

MS. WEINSTEIN: Correct.

MR. PALMESANO: And you mentioned dedicated funds. And certainly with the Highway Road and Bridge Trust Funds we have that you -- that \$900 million, just so you know and to my

colleagues in the room, that \$900 million increase is more than what's allocated for CHIPS, Extreme Winter Recovery and PAVE-NY. That \$900 million is more than what is in the budget for CHIPS, Extreme Winter Recovery and PAVE-NY.

MS. WEINSTEIN: But this is dedicated funds generated by the MTA region --

MR. PALMESANO: Right.

MS. WEINSTEIN: -- that by law must go to the MTA.

MR. PALMESANO: And there's also dedicated funds that are on driver-related taxes, fees, sales tax, excise tax, business petroleum tax. Over \$2-plus billion, and even more so than that, dedicated funds that are supposed to be going for infrastructure. So that's \$4- and \$2- but none of that -- what about 580- -- \$38 million for CHIPS. Correct? But we're going to talk about that in the Capital Budget. But I just wanted to make the point to my colleagues in the room that the increase for the (inaudible) MTA operating aid of \$900-plus million is more than the total amount that's allocated for our local municipalities for their roads and bridges and culverts, for CHIPS, Extreme Winter Recovery and PAVE-NY. It just seems a little -- just like my concern is with the -- the flooding money, how New York City is taken care of. And I understand the MTA is the lifeblood of Downstate transportation network, but CHIPS is the -- is the lifeblood of the Upstate transportation network. So -- but Madam Chair, you've been really gracious with your time. I appreciate you

answering my questions on the flooding issues and trying to direct the storm recovery.

MS. WEINSTEIN: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes. So I appreciate Madam Chair's time on answering this question. This -- this flooding issue has been very, very frustrating for us. We had -- there is a number of counties that were devastated by Tropical Storm Fred. We lost a life. But there is total devastation. Look at the video that the kids from Jasper-Troupsburg sent to President Biden. When you look at that video, four feet of water piercing through the doors of the Jasper-Troupsburg School. Those kids are not in that school. They qualify for FEMA disaster declaration. Just in Steuben County alone they made that qualification. And it's -- 75 percent comes from the Federal government. Where is the rest of the money from the State to help offset that cost? We're looking for that because those taxpayers can't afford that. They already have been devastated and now we're going to devastate them again by not helping them there? And those homeowners, I know we talked about individuals who didn't qualify for FEMA in New York City. Well, ladies and gentlemen, the citizens of Steuben County did not qualify for individual assistance from FEMA either. But yet, in your budget, you specifically line item out help for individuals, for people affected by flooding for Ida. And then you put out another \$25 million for undocumented citizen --

immigrants. And I'm not here saying we shouldn't help people who were devastated in that flooding. We're one state. There is devastation. But my God, what about the people of Steuben County who have been eight months out waiting for reimbursement that they haven't received? Where is the caring from the New York City and this Body to say we're going to help everybody who has a flood disaster declaration when there's flooding? We shouldn't be saying where you're from or -- you should be helping everyone. Eight months we've been waiting for the Governor's Office to come through on this. She was down in New York City a week after Ida pledging support for undocumented immigrants. We asked her to come to Steuben County. She didn't come to Steuben County to see the flooding. She came to Steuben County for a fundraiser, but she didn't come down there to see the -- the citizens and the devastation that happened. If you would have come here and toured through that school, toured through that -- that town, that highway department, those businesses, you would be agreeing with us. But it's not New York City, so it just seems like it -- it's frustrating.

So based on that and the MTA operating aid being more than what we see for CHIPS aid or whatever I'm going to be voting no on this bill and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. WEINSTEIN: Yes.

MR. GOODELL: Thank you very much, Ms. Weinstein. I just wanted to follow up on a couple of areas. A couple of years ago we passed legislation that required the commuter vans in the New York City area to dramatically increase their insurance. And at the time several of us pointed out that that was going to create a real financial hardship for those commuter vans. It looks like we now have 11 million in this year's budget for a commuter van stabilization program. Is that 11 million to address the issue that we created when we raised all their insurance requirements?

MS. WEINSTEIN: We did lower it back down to 500,000.

MR. GOODELL: And then what is this 11 million for?

MS. WEINSTEIN: To subsidize the insurance coverage. But it's -- it's not the -- it -- it's not due to the higher limits that we had instituted.

MR. GOODELL: So, do we have any other program where we use State tax dollars to subsidize private insurance coverage for automobiles or vans?

MS. WEINSTEIN: You know, I would say the Motor Vehicle Accident Indemnification Fund where we compensate individuals who are -- with a corresponding vehicle, an accident, and

does not have insurance.

MR. GOODELL: And of course that would apply as well to these commuter vans, of course. It's not limited. But this 11 million, is that going into the Fund for Uninsured Motorists or is it a direct offset on their insurance expenses?

MS. WEINSTEIN: It goes to paying for the insurance for the commuter vans. Some are insured and some may not be. Three-and-a-half million of -- of this is going for a safety subsidy to provide training in -- for -- for the van owners.

MR. GOODELL: Just an aside, almost all my residents drive their own cars and we pay our own insurance. And from what I understand you might need an additional safety inspection if you're driving in New York City, which has its own special challenges, I think, based just on my experience.

MS. WEINSTEIN: Well, I'm familiar with the -- the vans living in a -- and representing a transit desert, as I know a number of my colleagues do. And the -- the vans -- these vans do actually provide transportation where there is no public transportation available.

MR. GOODELL: Thanks. Just a couple of quick questions --

MS. WEINSTEIN: And -- and I would just note that some of them are operating uninsured and we want them -- we want them to be insured and we protect our constituents.

MR. GOODELL: Okay. Just a couple of quick

questions. We -- I see we have 50 million for direct capital and startup costs for cannabis?

MS. WEINSTEIN: Yes.

MR. GOODELL: Are those loans? Grants? How is that structured?

MS. WEINSTEIN: Those are the -- I -- I think we discussed this before with Mr. Ra. These are to set up the -- it -- it's the cost or the capital costs of setting up these dispensaries.

MR. GOODELL: Are they in the form of a loan or a grant or both?

MS. WEINSTEIN: They will be then leased. They'll -- they -- they will be leased and the dispensary owners will -- will pay back through a loan.

MR. GOODELL: Okay. I see there's Bullet Aid, 13.1 million. Is that Bullet Aid available equally to Republicans and Democrats or is that limited just to Democrats?

MS. WEINSTEIN: There's been no determination yet as to how that Bullet Aid will be spent. And there will be -- will be a resolution before Session ends to allocating those funds.

MR. GOODELL: But as far as you know it's equally available to any school district regardless of whether they're in an area represented by a Republican or an area represented by a Democrat?

MS. WEINSTEIN: We don't have a -- a plan yet, so I couldn't really tell you how that money will be disbursed.

MR. GOODELL: But certainly as far as the statute is

concerned there is no distinction; is that correct?

MS. WEINSTEIN: Correct. There's no distinction in statute.

MR. GOODELL: Thank you very much. I appreciate your comments and your insights.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8003-D. 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 budget bill. Those who support it are certainly free to vote here on the floor of the Assembly or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Please.

MS. HYNDMAN: I would like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions I ask Majority

members to contact the Majority Leader's Office at the number previously provided and their names will be announced accordingly.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Hyndman.

(The Clerk recorded the vote.)

ACTING SPEAKER STIRPE: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleagues Mr. Reilly and Mr. Tannousis in the affirmative.

Thank you, sir.

ACTING SPEAKER STIRPE: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 79, the Clerk will read.

THE CLERK: Assembly No. A09004-D, Rules Report No. 79, Budget Bill. An act making appropriations for the support of government. (CAPITAL PROJECTS BUDGET)

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

The Clerk will read.

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

ACTING SPEAKER STIRPE: An explanation has

been requested.

MS. WEINSTEIN: Yes -- yes, Mr. Speaker. This bill would enact the Capital Projects bill for State Fiscal Year 2022-'23 and includes an All-Funds appropriation of \$37 billion. Enactment of this legislation is necessary to provide for capital spending of State agencies and public authorities throughout 2022-'23, and the bill authorizes disbursements of up to 11.9 million on an All-Funds basis for capital projects.

ACTING SPEAKER STIRPE: Mr. Ra.

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

MS. WEINSTEIN: Yes.

MR. RA: Thank you. So, just getting right into economic development. How much does this bill contain to support the State getting into the business of owning a new stadium for the Buffalo Bills?

MS. WEINSTEIN: Six hundred million.

MR. RA: Okay. And that's in two different appropriations, correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Do we know how many permanent jobs will be created from this investment?

MS. WEINSTEIN: Ten thousand construction jobs and approximately 2,000 permanent jobs.

MR. RA: Okay. Thank you. Now, I would note, you

know, with regard to this, like many have said, I -- I, too, have great concerns with this and -- and I think that if the Governor wanted to do this it should have been in the Executive Budget proposal. There should have been an opportunity for somebody to appear before the Legislature and have us be able to ask questions and really get the data to back up this investment. Because as many have talked about, these deals just do not work out for -- for municipalities or -- or state governments. There's countless, countless examples of that. But I don't want to belabor the point with this. As my colleague said earlier, I'm also a Jet fan. He -- I don't know if he did point out, but they wanted a chance, the Jets that I had maybe in my lifetime, to get back into New York but it was somewhat stymied by the leadership of -- of this Body years ago. But I'm not going to -- I'm not going to even bother going back there. I do want to just talk quickly about a couple of discretionary pots of money that are in this bill, though.

MS. WEINSTEIN: Sure.

MR. RA: So, there's the Community Resiliency Economic Sustainability and Technology program, \$385 million in new funding. So how is that spending going to be given out?

MS. WEINSTEIN: Well, let me just say that the entities that are available are State and New York counties, towns, cities, villages, colleges, universities, public school districts, public housing authorities, public libraries and library systems, public parks and conservancies, not-for-profit organizations, fire districts, departments and commissioned for the use of capital projects. There's

not yet a plan of how those funds will be distributed.

MR. RA: Okay. And am I correct that the plan ultimately will -- will be approved by the Director of the Budget?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Will it be just created from within that Department or is there any type of committee or entity that will make suggestions?

MS. WEINSTEIN: This is a brand-new program, so we do not know how the appropriations will be determined.

MR. RA: Okay. So will it be entirely, then, set up by DOB?

MS. WEINSTEIN: Well, DOB will be involved and have ultimate approval of -- of the funding.

MR. RA: Okay. The Local Community Assistance Program, \$185 million in new funding. What type of entities will be eligible for this funding and how will that funding be distributed?

MS. WEINSTEIN: Likewise, some of the same groups that I mentioned will qualify. Municipal and State government entities, public authorities and not-for-profit corporations.

MR. RA: Who will be selecting the recipients of that funding?

MS. WEINSTEIN: Similar to how I described the other program. This is a new program so we will have -- projects will be approved by -- through DOB.

MR. RA: Through DOB. And then the \$800 million

New York State Regional Economic and Community Assistance Program. What type of entities are eligible for that, and again, who is going to be tasked with implementing and giving out those funds?

(Pause)

MS. WEINSTEIN: I believe this is the (inaudible) -- I'm -- I'm sorry, it's not the -- it's not the continuation of the past REDC programs. It -- it -- it's a brand-new economic development program that will be administered through EDC.

MR. RA: I'm sorry, through...

MS. WEINSTEIN: EDC.

MR. RA: EDC. Okay. And will -- is -- is DOB involved then and will sign off on the projects and then distribute the money?

MS. WEINSTEIN: I'm -- I'm -- I'm sorry, can -- can you repeat that?

MR. RA: So DEC, will they have full control over the money or is it --

MS. WEINSTEIN: EDC.

MR. RA: EDC, I'm sorry.

MS. WEINSTEIN: Yes.

MR. RA: I -- I can't --

MS. WEINSTEIN: I mean, 24 hours doesn't put those --

MR. RA: Yeah. I don't want to belabor that point, so one last piece. The Regional Economic Development Program

Councils, they're funding for another round of that, correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay.

MS. WEINSTEIN: \$150 million.

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

Mr. Speaker, on the bill.

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

MR. RA: Thank you. As we get near the end here, you know, I -- I -- I'm mixing up letters and all of that and I can't imagine how you feel after, you know, all this time answering questions. So -- so I thank -- I thank the Chair for indulging us in all of these questions, trying to give us the best answers possible under the circumstances, and certainly her work and her staff's work throughout this -- throughout this budget process.

You know, one of the things -- and I talked about this the other day and we talked about it during budget hearings -- there was the spirit of it being a new day in Albany, and there are so many things in this overall budget that reflect a change from the past. But I look at this bill and, boy, a lot of familiar ways of doing things that we saw from the prior Administration. And I just went through three initiatives that basically look like slush funds that are going to be totally administered by this Administration. Who knows how they're going to be given out, how they're going to be prioritized. If the Governor learned anything from her predecessor, I have a good idea of how they're going to be given out and prioritized. So that's

concerning to me. So, you know, the news has been about the \$600 million for the Stadium, and like I said earlier there's been no transparency with regard to that. I don't think it's a good investment for our State. Certainly, maybe some investment infrastructure, something might be appropriate if we had all the facts and went through a -- an open process to learn what the benefits are, what the possibility is of the team actually leaving. Because we've seen this time and time again. And this deal really is kind of out of, like, 30 years ago because this is what happened often with teams 30 years ago. And I'd just really point out the irony of the fact that we have a billionaire owner who made his money in a business that is banned in New York State. Only in New York.

So I hope that as we go forward -- we adopted some good initiatives yesterday in terms of trying to increase transparency in our different economic development programs in terms of figuring out whether we're really getting our bang for our buck, which isn't going to be very hard because we know we haven't over the years despite tons and tons of spending. So I hope that when we're back here a year from now maybe we'll have some information that's come from that and maybe we'll start to look at some of the programs and not keep doing the same old thing and just giving out money with little return on -- on our investment.

So I will be voting in the negative on this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.

Mr. Lawler.

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

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

MS. WEINSTEIN: Yes.

MR. LAWLER: Thank you, Madam Chair. I -- I just wanted to follow up on something that my colleague raised because I was unclear based on the answer. I know the Director of Budget will approve CREST and LCAP spending ultimately. Will legislators be involved in at least recommending these potential recipients or will they be involved in, you know, passing some sort of resolution that then would go to the Director of the Budget, or is it all going to be controlled by the Executive Branch?

MS. WEINSTEIN: Well, as I said, they're new programs so there's not a -- a process. But we do know that Governor Hochul has been -- talked about a collaborative process and we would hope that we would have involvement.

MR. LAWLER: So the intention is for legislators to have involvement and make recommendations to the Governor and the Director of Budget for approval?

MS. WEINSTEIN: I don't see a prohibition on legislators making recommendations to the -- to the Executive or DOB.

MR. LAWLER: Okay.

MS. WEINSTEIN: There is no plan as of yet how this -- these funds will be disbursed.

MR. LAWLER: I understand there's not a plan, but is the intention of this Body in adopting these proposals to ensure that this Body has a say in how these funds are spent?

MS. WEINSTEIN: We -- you know, I -- I would just say as a co-equal branch of government we, you know, hope to always have a say in how funds are spent.

MR. LAWLER: Okay. With respect to the Buffalo Bills --

MS. WEINSTEIN: Yes.

MR. LAWLER: I know you said that the monies that were secured from the Seneca Nation had -- were monies that we were owed; is that correct?

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. All of that -- all of those monies are going to be dedicated towards an upfront cash payment? Or how is that money going to be allocated?

MS. WEINSTEIN: It -- it is a multi-year construction plan, so I couldn't tell you what the -- what the schedule for these payments would be.

MR. LAWLER: Okay. And the bonds for the remainder will be over 30 years?

MS. WEINSTEIN: It's not yet set, but that likely could be the case.

MR. LAWLER: Okay. And I know there's in addition over \$4 million in funding that we're also paying to the Buffalo Bills; is that correct?

MS. WEINSTEIN: It's -- yes, it's to cover current lease -- lease agreements for the current stadium.

MR. LAWLER: I'm -- what is -- I'm sorry, can you clarify that? What exactly are we paying them for?

MS. WEINSTEIN: Current lease obligations for the current stadium.

MR. LAWLER: And what are those obligations, if you know?

MS. WEINSTEIN: This is -- there's capital costs involved, there's maintenance costs.

MR. LAWLER: On the -- on the current stadium.

MS. WEINSTEIN: On the current stadium, yes.

MR. LAWLER: And so moving forward, once the new stadium is built you don't anticipate that we will have any further obligations beyond the construction of the stadium, correct?

MS. WEINSTEIN: Well, I -- I think there's -- there's probably a likelihood that we'd be carrying this over, but it will -- you know, it's still to be determined until this new stadium is -- is -- until the new stadium is constructed and available.

MR. LAWLER: Okay. Thank you, Madam Chair.
On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: As my colleague rightly pointed out, much of this budget bill seems to be a continuation of the previous administration, with little transparency, little accountability, a lot of spending that seems to be tailored towards donors, supporters. There seems to be a lot of slush funds in here with very little detail as to how this money is going to be spent, which is interesting given it be an election year. It's disturbing. The amount of corruption in the prior administration when it came to economic development was staggering. The crony capitalism, the pay-to-play culture that dominated the prior administration seems to be progressing quite nicely in this one. And, you know, I'm a big fan of The Who. It's probably my favorite band. And I'm just always reminded every passing day with this Governor of the line in the song, "Won't Get Fooled Again", *Meet the new boss, same as the old boss*. There is nothing different here. You don't raise \$21 million in campaign funds in a filing period without giving away the farm. And this budget is chock full of it. And I just find it bizarre that we, as a legislature, would adopt a budget that creates multiple new streams of spending and we're unsure whether or not we're going to be involved in how it's allocated. Three hundred and eighty-five million for CREST, 185 million for local community assistance, LCAP. The Buffalo Bills getting 418 million in cash payments. And by the way, I would argue the way the Governor went about that and the fact that she dedicated those funds towards this without even a consultation amounts to fleecing the Seneca Nation. And I would argue if we want to be fair

to our Native American ancestors we should restore the name of the Tappan Zee Bridge so we can respect their heritage since we're taking their money. But we really need to change the way we do business in this State. This is not the way forward, it's not the way we should conduct ourselves. It's not the way that the taxpayers of New York should expect us to conduct ourselves. Frankly, as much as I would argue that the Seneca Nation got fleeced, the taxpayers are getting fleeced in this budget. It's their money and we're just spending it without any checks and balance, without any transparency, without any accountability.

So I would strongly encourage everybody to vote no against this. Especially in an election year. Maybe that's a platform we could all run on. We're not going to bamboozle you for votes by handing out your money as if we did something for you. It's your money. We should be giving it back to you. I vote no.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

Will the Madam Chair yield?

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

MS. WEINSTEIN: Yes.

MR. PALMESANO: Thank you, Ms. Weinstein.

The bad news is I'm back. The good news is this is the last time you're all going to hear from me tonight. So...

MS. WEINSTEIN: Okay.

MR. PALMESANO: I just have a couple of questions --

MS. WEINSTEIN: Sure.

MR. PALMESANO: -- to ask you first. The -- what's -- what's in here for the five-year DOT Capital Plan? Because I know the Governor proposed 32.8 billion, I know the one-House and the Senate added a little -- a bit to that. What's the deal to the five-year Capital Plan, per the five-year plan?

MS. WEINSTEIN: It is the plan presented by the Executive, 32.8 billion.

MR. PALMESANO: And right now we're in the middle of a five-year MTA Capital Plan which is about five-year -- 54- or 52 billion, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay. Now, this new program that the Governor initiated, this pothole program, the \$100 million -- I know it's \$100 million for local, \$100 million for State. How is that 100 million going to be distributed? Is that going to be distributed through the CHIPS formula or how is that going to be distributed?

MS. WEINSTEIN: Yes, the PAVE-NY is CHIPS -- is CHIPS --

MR. PALMESANO: It's doing to be distributed to the PAVE-NY program --

MS. WEINSTEIN: Yes.

MR. PALMESANO: -- funding. Okay, that's -- okay,

that's -- that's fine. I just wanted to make sure on that. So the CHIPS program. There's no increase in this budget for the CHIPS program?

MS. WEINSTEIN: Correct.

MR. PALMESANO: Extreme Winter Recovery. There's no increase in this program for the Extreme Weather Recovery program, correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: The PAVE-NY program. There's no increase in this budget for the PAVE-NY program, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: So CHIPS, Winter Recovery, PAVE-NY are flat, correct?

MS. WEINSTEIN: Actually, PAVE-NY did go up by 50- in Executive proposals which we've adopted. And this does not include the -- the pothole.

MR. PALMESANO: All right.

MS. WEINSTEIN: The potholes is an increase.

MR. PALMESANO: Now, we've received \$13.4 billion in Federal Infrastructure Aid, correct? That's going to become \$13.4 billion, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And we're -- we're looking at a two-year budget surplus of \$11.5 billion, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And we're spending \$220

billion in this budget, which is \$8 billion more than last year, correct?

MS. WEINSTEIN: 220- -- 220.2.

MR. PALMESANO: Approximately.

MS. WEINSTEIN: Yes, 220-.

MR. PALMESANO: And -- and this -- this \$220 billion is \$42 billion more than two years ago, correct?

Approximately. All-Funds.

MS. WEINSTEIN: Well, the -- the budget grows and, you know, again, this -- it includes some -- some Federal monies and we were in a worse fiscal situation two years ago.

MR. PALMESANO: Okay. That's -- that's fair enough. Now, these two new programs in this, the Community -- the CREST and LCAP, the total of those new two programs are -- is \$570 million, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And the total amount allocated for CHIPS in this budget is \$538 million, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: So we're spending \$32 million more from these two new programs than we are for CHIPS and CHIPS is flat in this budget; is that accurate?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Great. Thank you. Thank you, Madam Chair. Thanks for your time. I really appreciate it. I know we all (inaudible) a lot we go through through budget, but I appreciate

your patience with me and my questions and all my colleagues at this late hour.

Mr. Speaker, on the bill.

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

MR. PALMESANO: Mr. Speaker, I'm -- I'm really puzzled by this budget. Specifically with infrastructure. CHIPS benefits every municipality in the State. The cities benefit, New York City benefits, Long Island benefits, Upstate New York benefits. I know when we talk about the MTA, the Downstate transportation that's the lifeblood of the Downstate transportation network, but CHIPS is the lifeblood of our Upstate transportation networks. Sometimes CHIPS is the only money these local communities have to spend. It is absolutely mind blowing to me that we're receiving \$13.4 billion in Federal Infrastructure Aid and -- \$13.4 billion in Federal aid and an \$11.5 billion surplus -- two-year surplus that's projected to be \$25 billion over five years. We're spending \$220 billion, \$8 billion more than last year. And the fact of the matter is some other numbers you need to know -- I -- I don't understand how this House -- and specifically I guess I -- I -- I'm going to direct this to my Upstate colleagues. How you could vote for a budget like this and spend this much money, all the Federal dollars that came in here and yet not have an increase in the CHIPS program or Extreme Winter Recovery? I don't understand that. The fact of the matter is 87 percent of the roads in New York State are owned and maintained by our local

municipalities. Fifty-two percent of the 18,000 bridges in New York are owned and maintained by our local municipalities, and 48 percent of the miles driven are driven on our local roads. And the need is there. There's \$27- -- the Comptroller estimated \$27 billion in needs on our local bridges. Eight-seven billion dollar in needs on our whole infrastructure network. \$1.7 by the -- the town highway superintendents did a study that it's going to take \$1.7 billion annually to fill the gap over the next 15 to 20 years. TRIP did a study and says it's costing drivers in higher fuel taxes and vehicle costs \$28 billion, some as much as \$30 -- \$3,200. And inflation in rising costs has estimated according to our local highway superintendents. Diesel gas prices we know are up over 50 percent. Steel is up over 115 percent. The plastic they use is up over 35 percent. The materials and supplies are up over 20 percent cumulatively. So what they're getting is being taken away. And there's no increase for them. It is -- I just do not understand how my colleagues on the other side of the aisle can support a budget like this on transportation that does not look out for Upstate New York and does not look out for everybody because CHIPS benefits everybody. And we already talked about the fact that there's an \$800 million increase for MTA operating aid. That \$800 million is more than CHIPS, PAVE-NY and Winter Recovery combined. What does that say about our priority? Where's the balance there? I mean, whatever these issues are I just don't understand. You know, I just -- I just have to say I don't get it. We had a historic opportunity with this budget to make key infrastructure

investments and (inaudible). Again, the DOT Capital Plan is five years, \$32 billion. The MTA Capital Plan is five years -- in the middle of a five-year \$54 billion. We just want some parity. We want some balance. And I'm not saying we shouldn't support the MTA. I have businesses in my district that support the MTA with their high-speed rail and rail contract and subway. We support that. We understand that. I get that it's the life blood of the Downstate transportation network. And again, I will repeat, CHIPS is the life blood of our Upstate transportation network. And I just think for my Upstate colleagues, how you cannot have in this budget and secure in this budget additional money for CHIPS is mind blowing to me while there's a \$600- -- \$800 million increase that you supported for the MTA operating aid. I don't know how you justify that back to your -- to your constituents. I don't see it. And then you create brand-new programs that give discretionary money that spends more money than the CHIPS program.

So based on these reasons, Mr. Speaker, and other reasons I'm going to be voting no on this bill and I'm going to encourage my colleagues to do the same. I do appreciate the patience and time of my colleagues listening to me this evening, and I wish you all well. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Palmesano. So you know that I listened to you, you said a couple of questions, it turned into 13. You are great mathematician.

(Laughter)

Mr. Mamdani.

MR. MAMDANI: On the bill, sir.

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

MR. MAMDANI: Governor Hochul's proposal to spend over \$1 billion in public money for the new Bills Stadium would make this the largest public expenditure for an NFL stadium ever. She's proposing this under the guise of it being, quote, "an economic driver." Yes, Buffalo needs economic investments. And the Bills are an important part of Buffalo's community. But there are two problems with the public paying for a new NFL stadium. First, this isn't a real solution for economic development. Economists on the left and on the right have shown that sports stadiums, quote, "provide little or no economic stimulus to local communities." What's more, the jobs created in this case will largely be temporary, and the bulk of revenue generated through naming rights, media rights and more will stay within the Pegula family. And to top it all off, we are being asked to vote on this prior to the signing of any community benefits agreement. If we truly wanted to address economic opportunity in Buffalo, this is not how we would do it. And second, we are using public money when we have literal billionaires invested in and benefitting from the Stadium. I want to be clear. Building a new stadium isn't the issue. It's acting like the public has to pay for it when Terry Pegula's net worth is almost \$6 billion. The NFL is valued at \$112 billion. So here's what this budget has taught me.

When someone takes \$5.50 from the MTA they are labeled a repeat offender. But when someone takes more than \$1 billion from working-class people to build an NFL stadium we call them the Governor.

I will be voting no.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: And I will do my best to keep this to about a minute. Mr. Speaker, I know one of my fellow colleagues that's not here this morning could not be here, and I know I can't use his name but he's from the 131st District. And I just want to say thank you to the Veterans' Committee's Chairwoman, our Ranker and all of our veterans. I'm so happy to see the -- the money in the budget this year for the veterans cemetery. It actually sits in the member's district. It's on the former -- a former naval base along Seneca Lake. If you ever get the chance to go there, go and see the cemetery. There's also a museum down the road. It's a gorgeous place. It's a beautiful cemetery. And it's so honoring to our veterans and their families to see that here in New York State. So I want to say thank you to all of you for helping to make this happen here in New York. We've debated some pretty tough stuff here in the budget the last couple of days, but this one of the -- one of the true blessings and -- and a proud moment in our budget.

So, Mr. Speaker, again, I just want to say thank you for allowing me to share this with you, and God bless our veterans. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. One of the best things in this Capital Projects budget bill is \$500 million for clean water programs. This House got that ball rolling in 2015. There was mention made about what we do for outside of New York City or Upstate members. \$500,000 a year every year since 2017 for clean water projects to help municipalities deal with water infrastructure with emerging contaminants and all -- all sorts of other things that the New York -- the State was not contributing money to in a significant way before 2015.

So I will be voting for this bill, but when we're talking about getting things back to our communities that are important, this is an important piece of the action. We should all be behind it. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Otis.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BURDICK: You know, I was listening with some key interest to our colleagues in the Minority and found it quite

interesting that this Capital budget is being described as a collection of slush funds, which -- and the word mind boggling I think came up a couple of times. Well, I actually consider that characterization rather mind boggling in and of itself. So what do we have in this Capital budget? We have a lot of funds getting done for the State of New York and for all of our communities. We just heard my colleague from Westchester talking about the clean water program that helps communities throughout the State. And the Regional Economic Development program actually has been a highly, highly effective program helping communities throughout the State. It's also a highly competitive program, and one in which panels of business community and labor leaders together with non-voting members of the Assembly can sit on that, take a hard look in vetting capital projects for their regions. And it works. It works to provide jobs and economic development. We've heard about CHIPS. We've heard about the Department of Transportation affecting all the State roads throughout the -- our -- throughout all of our districts. The State University system and CUNY. And so all of these I can hardly describe as a collection of slush funds. Rather, a tremendous driver for getting things done in the State of New York and helping all New Yorkers.

I will be voting yes. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. NIOU: First I want to thank and acknowledge our Speaker and all the staff pushed so hard to make sure that some things like our public housing dollars are in this bill. You know, I know that the bill itself did not include public housing dollars until we pushed for them in our House, and both of our one-House budgets were able to include \$500 million for public housing. But this bill only includes \$350 million. So \$500 million and this bill only includes \$350 million. So I wanted to say that, you know, the Executive Budget did not include public housing at all. And I just want to say that, you know, we here are seeing that in this budget bill we are putting in \$600 million to hand over to a billionaire while putting only \$350 million towards public housing. I just want to, you know, kind of talk about how we have not taken the opportunity this year to get a budget that -- that we could have. And with so much funding available, record amounts, we finally could have recognized the sacrifices that our constituents have made throughout these years. And we could have addressed chronic needs of housing, healthcare, the social safety net and so much more. We could have finally given real funding, funding that's vitally needed to our critical public institutions including CUNY and SUNY and our public housing stock. Position of our State for a post-pandemic future where everyone has a better and more equal opportunity for a great education and safe housing. That's what this year's budget could have been, but it's not. The status of our public housing is both unconscionable and

unsustainable. With a \$40 billion capital deficit, some of our most vulnerable residents live in inhumane conditions in high-rises with broken elevators and bathrooms that leak and contain toxic mold and kitchens with endless disease and pest infestations and drafty apartments that face chronic heat and hot water outages, and rooms where children are threatened by unbated lead poisoning. Albany's short-changing of NYCHA is not simply been original in the ledger book. It is a legacy of needless health problems and sabotage potential as our residents suffer. NYCHA needs \$40 billion. I know that we cannot do this in one year or anything like that. But the \$350 million that we allocated is less than 1 percent of that. One percent. Public housing is one of New York's most critical elements of affordable housing, and while \$350 million will certainly help some of the developments, let's not kid ourselves. This is both less than the Legislature expected and far less than NYCHA needs. But what's truly offensive is that we are coming up so short on public housing while forking over hundreds of millions of dollars to give a family of billionaires a new stadium. We all know that affordable housing is one of the most pressing issues our constituents face, and I had truly hoped this budget would make preservation of affordable housing through NYCHA more of a priority. For those of us with public housing in our districts, are we really ready to go home and to say to those families, *I'm sorry your son has chronic respiratory problems because of toxic mold, or, It's too bad your daughter will have lifetime learning disabilities because of lead poisoning that we never dealt*

with. But hey, there's a shiny new stadium that made a couple of billionaires happy. Is that what we stand for? Is that what our taxpayers want? I just -- I know that people, you know, see all of the good things that we are doing in this Capital budget, but I want to note that our public schools got less than Buffalo Bills Stadium. The climate -- you know, the climate projects that we really wanted also got less than the Buffalo Bills project. Our schools also got less. Our pre-K got less. Colleges got less. Even our, you know, homeowners and landlords got less. And so I just want to note that this is a moment when we really have to look at what our priorities are and who we are valuing, because it's showing. And we should really make sure that we are prioritizing our people and not just a few individuals.

So thank you, Mr. Speaker, for letting me speak on this issue.

ACTING SPEAKER AUBRY: Thank you.

Mr. McDonald.

MR. MCDONALD: Well, thank you, Mr. Speaker. And as a member from the Capital Region and Upstate New York I wanted to offer some commentary to one of my colleague's comments. He seemed to be dwelling particularly on the CHIPS program, and he's been a champion for the CHIPS program like many of us. And as much as, yes, CHIPS is flat this year. It's been flat for a couple of years. As a mayor ten years removed I remember it was down to \$250 million, so it's gone up over the years. But you can't just focus on one program. I think that I can look at things and (inaudible). As I'm

looking at a summary of some of these programs that we have just for transportation, \$200 million for BridgeNY, \$150 million for PAVE-NY, \$100 million for State route arterial maintenance. A second year we're doing this program that's really giving to these local governments that helps these (inaudible) and gives them wide latitude to address not just those (inaudible), but other routes in their community. It's very clear we're getting some things done for transportation. \$100 million continued of course for Extreme Winter Recovery, and then just by chance, another \$100 million thrown into a new program called Pave our Potholes. Now arguably, I could argue that we could have put \$100 million into CHIPS. That being said, I'm not the Governor. I don't get to title the program. So personally, because it's a local road program, I'll take \$100 million and make the community be happy and get it done.

And a final comment, I know there's a lot of back-and-forth about the MTA. Yes, they're seeing about a 18, 19 percent increase in operating aid. But Upstate transit is seeing a very similar increase percentage-wise. So Upstate New York, we can always do better but we're doing pretty darn good. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. McDonald.

And Mr. Conrad.

MR. CONRAD: Thank you, Mr. Speaker. I want to comment about this Capital budget and how important it is for local municipalities. We're barely back from the pandemic. The cost of

upgrades to critical infrastructure are surmountable. In my district we have a rapidly filling wastewater treatment plant, and the State's investment in this wastewater and water treatment and management is not just a financial relief for the constituents, but it's a matter of health and quality for my residents and environmental protection.

I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes to close.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to start by mentioning this article that someone sent me a few weeks ago, and it is called *So many seats, so many tax breaks*. It's an article that was written in 2018 by a reporter from the *New York Times*. The first line in the article says, Mr. Speaker, *New York State is considered one of the country's most crowded markets for sports stadiums and arenas, many of which have been built with sizeable public assistance in the form of free land, tax breaks and cash*. And I would suggest that if we looked at newspapers across the country we would see similar articles about professional sports. Yes, the owners are generally very wealthy people. The NBA, the NFL, the National Hockey League, the Baseball League. They're all very wealthy organizations. But generally there is a public input in terms of investing in these sort of facilities. I think the biggest thing that's the difference here, one, that it's Buffalo and people generally don't take the time to support in Buffalo. And two, that it's a -- it's a sizeable chunk. I will say this. I think the amount of resources that

are being expended here are -- is a lot of money. But I do believe, being born and raised in Buffalo, that there will be a return on that investment and it will be as sizeable. Just the thousands of construction jobs alone that are attached, quite frankly, to New York State's MWBE goals is going to allow families not only to grow their businesses, grow their skill set, grow a new workforce, but the bill will send their kids to college, to prepare for college. I see opportunities for people to buy a house because they have a consistent job that will last a little longer than -- than a season or a football season. I see restaurants, bars, supermarkets, retail stores that will flourish during these opportunities while the facility is being built and will flourish afterwards. I recall when they were going to school did earn their money from doing something that we won't allow to happen in New York State. They -- they're moving to Pennsylvania that way. When they came to Buffalo and bought the Sabres, they also bought a chunk of land. It's right in front of the facility where the Sabres play. It was a vacant surface parking lot for half of my life. They bought that from the City, but they bought it under the agreement that whatever you build here, even though you're using your own money and there is no public money in it so we can't require you to have MWBE goals, we can't require you to hire people who live in and around the City of Buffalo and Western New York. But they agreed to do that. And they said to anyone who wanted to complete the RFP to build their new project, which was a new hotel that included two hockey rinks that have people bringing their young people to learn

how to play hockey all year long indoors. They said that anybody who wanted to apply -- *If you don't want to apply to build this facility for us, come with your MWBE goals already listed. Don't even show up if you don't have that.* And that allowed more than one MWBE business to grow in a way that they are now probably doing business across the State. And so I see that there's value in these things way beyond the immediate investment that the State is making here. I understand -- well, I want people to understand I am a Bills fan and I'm not going to deny that. I was born and raised that way. And most of the people who live in the community in and around Western New York are Bills fans. People are so psychologically somehow attached to the Bills that they even call themselves "The Bills Mafia". When people start adding that kind of verb to their name about a team that they love it's really, really serious. And so there may be some things that our new Governor has done in this budget that I dis -- totally disagree with and think there were wrong calls made on, but I don't believe this one is a wrong call. And I respectfully will hear anybody else's opinion and I don't have a problem listening to it but I respectfully disagree with it. I think it's the proper thing to do. And the only other problem -- the thing that could have made it better is if it had been in Downtown Buffalo. That's the only other thing that could have made it better. The problem with that is, one, it would have cost a lot more money. Probably wouldn't have been able to do it in this budget. We would need couple of budgets to do it. And it would more than likely displace a ton of people who live in public

housing. And so sometimes you have to measure everything at the same time and figure out how you get the best result. I think this is the best result, and so I look forward to voting for this piece of legislation. And I think that -- well, there are a lot of folks who really think they know what's best for Buffalo, in this case this is really good for Buffalo and Western New York. This is really good for every Upstate community around us. This is good for people who live in Toronto who show up at games on a regular basis. This is good for the rest of us in and around Buffalo that sometimes don't even necessarily have business until there is a game. This is good for, quite frankly, senior citizens who want to go to the supermarket without a crowd. Because you can go to the supermarket without a crowd when the Bills are playing because people will often be watching the game somewhere, in somebody's business, in somebody's yard, in somebody's home.

And so, Mr. Speaker, I respectfully disagree with the people who don't think this is a good investment. This is a good investment, and I will be delighted to show them the result -- results of it.

Lastly I want to say this. People who have questioned in many times in the course of this budget debate the Buffalo Billion and how that impacted Buffalo. And yeah, there were some people who did some things wrong there. But you know what? They paid for it, and they should. They should pay for it. They should have paid for that. But in -- in the interim there was something

that was set up with that Buffalo Billion that allowed the development that was happening in a regional area to stop being -- businesses from being developed outside of the City, pushed them back into the City and allowed the City of Buffalo to grow in a way that has not grown in decades. Not only has the economy grown in Buffalo as a result of that strategy, but the population has grown as well. Everything is better in Buffalo because of the investment that the State of New York made. There are companies that come here from around the country because of 43 North. That's a Buffalo Billion investment. There are companies who -- who want to come to Buffalo because of what happened with the Buffalo Billion, and because of the fact that there's an NFL team there. Buffalo's already had the experience of losing a basketball team, the Buffalo Braves. You might not even remember them. They're now the L.A. Clippers or the Tennessee Clippers or -- they went through four different things since they left. The -- the concern that I have with that is we -- we aren't going to see that happen again. And even though there are a lot of people who thought, *Well, if we don't do this the Bills are going to leave because the Bills can make more money somewhere else.* Well, they could make more money somewhere else. And I don't know if that was a decision that they would have made. But I do understand the NFL, and I do understand the vast majority of their owners. And I do understand that their major drive is to make more money. Buffalo is a small market. They can make more money somewhere else. They don't even have to think about it twice. And I understand that there are a lot

of cities, states that would have happily moved them to wherever they wanted to be. I'm glad they didn't make that decision, and I'm glad that we have an opportunity to offer them an opportunity to stay in Buffalo and I look forward to them doing exactly that. And it's my great pleasure to vote for this piece of the budget as it was for the remainder of it.

In that instance, Mr. Speaker, I say, Go Bills.

(Applause)

ACTING SPEAKER AUBRY: I remember Bob McAdoo, too.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8004-D. 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 budget bill. But certainly, those who are great Buffalo Bills fans or otherwise support the budget should vote in the affirmative here on the floor 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, Mr.

Speaker. The Majority Conference is generally going to be in favor of this piece of legislation. However, I already understand there are some no votes because I heard them talk. And I also know that there are some no votes who are not in the room. You should feel comfortable contacting the Majority Leader's Office and your vote will be properly recorded. But I would ask everyone to join me in going with the Bills.

Thank you, Mr. Speaker.

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

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. As we all know, we're presented with bills that are -- when I say "bills" I meant the legislation -- that's often hundreds of pages long, that has a lot of positive things and sometimes things we don't really like at all. And so that puts us all in an awkward situation. But I just wanted to share briefly a little perspective. What I have discovered over the years here is that when money has come to my district that's a brilliant idea. When it's going to your district, nah, not quite such a great idea. And I saw that demonstrated just this week. I was walking over here with one my colleagues from New York City. He said, *Why are we spending all this money on the Bills Stadium? \$600 million.* And I said, *Well, we can finance that real easily. We'll eliminate that \$420*

million annual tax credit for multi-millionaire Hollywood film producers in your district. And we'll eliminate the \$200 million annual tax credit for the theater district in your district, and we can pay for the one-time Buffalo Bills and have lots of money left over.

And for some reason he didn't quite see the wisdom in that -- that approach. So we're a family. We recognize sometimes we help one area more than we help another area. Sometimes we need to look at the -- the whole picture. But what I would urge all my colleagues -- as difficult as it is, I would urge all my colleagues to seek some level of parity throughout the State. And I know that's hard and I know it's a challenge. And we see it even in this budget. So while I'm grateful for the 600 million that's coming to Buffalo, I'm frustrated with the 4.5 billion that's going to the New York City area because we've totally destroyed the rental market with a two-year moratorium and all the other changes. So let's focus --

(Buzzer sounds)

-- to the extent we can on recognizing that each area has its own challenges and try to be as fair and equitable as we can.

I love the Bills. I can't vote for 4.5 million in somebody else's district which is why I'm no. But maybe in the future we can be a little bit more fair all across the State. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative with a heartfelt.

Mr. Cahill.

MR. CAHILL: Mr. Speaker, thank you. I grew up a

relatively poor kid in my neighborhood and terribly unable to participate in any sports. So I never had the opportunity when I didn't get my way to bring my ball home. And so has been the case here as well. If I waited to agree to legislation that had everything I wanted in it and only what I wanted in it, I don't think I would have ever voted yes on anything in this House. But that's not the way legislatures work. That's not the way governments work. Governments work very differently, and some would say don't work. But I would argue that they work a lot better than the alternative, which would be anarchy. We did a lot of things that we could have done better in this whole budget. But there are things that we did in this budget that we've done better than we've ever done before in my career. And as difficult as it is to vote on a bill that has elements in it that I don't like or vote for a bill that left out things that I thought were important, I understand my duty to the people of this State and the people of my district.

So I'll be voting in the affirmative. But before I do, Mr. Speaker, I wanted to extend my thanks as a person who comes here to be informed as well as to cast my vote, to all of my colleagues who stood up and raised issues on both sides of the aisle, and to also to you and to the rostrum for enduring all of this and keep it moving forward in an orderly way. For the Speaker for making sure that we all had an opportunity to be heard. And especially to our Ways and Means Chair, her staff, the Ways and Means staff and the Program and Counsel staff who have just endured all of us through all this process.

And with that, Mr. Speaker, thank you and I

withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cahill in the affirmative.

(Applause)

We will --

Ms. Mitaynes.

MS. MITAYNES: The Buffalo Bills got 600 million. New York small businesses got 350 million less. New York's hospitals got 596 million less. New York pre-kindergarten got \$470 million less. New York public schools got 149 million less. New York college students got 450 million less. SUNY and CUNY got 200 million less. New York utility payers are getting 350 million less. New York homeowners and landlords are getting 475 million less. Climate and environment, 200 million less. Clean energy, 100 million less. New York gun violence prevention, 376 million less. New York Community Stabilization, 587 million less. New York communities with gun violence got \$580 million less. The Buffalo Bills got more.

Thank you. I'm voting in the negative.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Please record my colleague Mr. Smith in the affirmative. Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Would you please record our colleagues Ms. Gallagher, Mr. Steck, Mrs. Gunther, Ms. Frontus, Ms. Forrest and Ms. Buttenschon in the negative on this one.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 77, the Clerk will read.

THE CLERK: Assembly No. A09001-A, Rules Report No. 77, Budget Bill. An act making appropriations for the support of government, Legislature and Judiciary Budget.

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

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

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

MS. WEINSTEIN: Thank you, Mr. Speaker. This bill would enact appropriations in support of the Legislature and Judiciary for State Fiscal Year 2022-'23 and includes an All Funds appropriation of \$3.6 billion. Enactment of this legislation is necessary to provide for the operations of the Assembly, Senate, and

the Unified Court System through Fiscal Year 2022-'23, and the bill authorizes disbursements of up to 3.5 billion from the General Fund and up to 4 billion on an All Funds basis.

ACTING SPEAKER AUBRY: Mr. Lawler.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LAWLER: Within the legislative budget, there is \$2 million set aside for the Independent Redistricting Commission. Do you know why we are appropriating \$2 million for the Independent Redistricting Commission?

MS. WEINSTEIN: Because they -- they still maintain information and demographics after even post-redistricting.

MR. LAWLER: So you anticipate every year we're going to be spending roughly \$2 million for them to maintain data and, I guess, maps that we didn't use?

MS. WEINSTEIN: Yes.

MR. LAWLER: Okay. With respect to the Legislature, the Assembly is allocating \$123,995,977?

MS. WEINSTEIN: Yes.

MR. LAWLER: All right. How much of that money is allocated towards staff allotments?

MS. WEINSTEIN: 98.3 million.

MR. LAWLER: And how is that money allocated?

Who is making the decision on how that money is allocated?

MS. WEINSTEIN: It -- well, that money is split between the Assembly and the Senate and is --

MR. LAWLER: Sorry, within the Assembly budget.

MS. WEINSTEIN: Oh, for the Assembly budget, yes. It is allocated through the Speaker for the operations of our House and to support members and the staffs.

MR. LAWLER: Okay. I know throughout the -- the entirety of the budget debate there were a lot of staff that were involved in -- in obviously assisting throughout the debate. Do you know if they are all compensated equally?

MS. WEINSTEIN: I don't know the particulars of the staff compensation.

MR. LAWLER: Do you think they should be compensated equally in terms of the allotments and allocations that are distributed?

MS. WEINSTEIN: I don't have a particular opinion on that.

MR. LAWLER: Okay. Do you think within this budget that all of us as members of the Assembly should be allocated an equal amount for our district offices?

MS. WEINSTEIN: Certainly members have different needs.

MR. LAWLER: So what type of -- what type of needs would determine allotment?

MS. WEINSTEIN: Relates to geographic, it can be geographic needs, tenures, responsibility of the legislator.

MR. LAWLER: Okay, so for instance, I live in Rockland County. Rockland County is a very high cost of living, so should that play a factor, then, when you say geographic, does that -- is that what you mean by cost of living?

MS. WEINSTEIN: Yes. You know, the cost of maintaining an office.

MR. LAWLER: Okay. So we should have kind of a regional cost for our staff and our offices?

MS. WEINSTEIN: Oh, that -- that's just one piece of it. I think, you know, when I said responsibilities, the -- the member's responsibilities, Committee and leadership, membership on Committees, that -- those are the types of factors that I -- I think help -- help determine what kind of staff support and -- staff support is needed.

MR. LAWLER: Right. So a member who is not in leadership or does not have a Committee Chair, what additional responsibilities would they have that another member who is not in leadership and not a Committee Chair have?

MS. WEINSTEIN: We have a -- a large number of subcommittees that -- in the Legislature that are not chaired beyond the -- the sort of statutory committees and task force and commissions.

MR. LAWLER: But that would be the members, and I'm not sure necessarily what that would have to do with your district

office. So in terms of our district offices where we represent an equal number of people roughly, wouldn't we want to ensure parity in terms of being able to represent our districts?

MS. WEINSTEIN: I don't have a particular opinion. I know that different members have different responsibilities.

MR. LAWLER: Okay.

MS. WEINSTEIN: Right. You know, and -- and allocations are made by the Minority Leader as well as the Majority and the Speaker.

MR. LAWLER: Okay. All right. Thank you, Madam Chair.

On the -- on the bill.

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

MR. LAWLER: Thank you. A few weeks ago, we had a lively discussion on this particular topic, and I appreciate my colleague's responses about seniority and added responsibilities. But the reality is that all of us represent an -- roughly, equal number of constituents. And in order to serve our constituents, we should all be allocated an equal share to hire staff. The idea that seniority should play a role in that is wrong. Where seniority plays a role is that you become a Chair. If you've been here 20 years, 30 years, in some cases 50 years, you get a Chairmanship. Some Chairs get an additional stipend for themselves. Some Chairs get additional moneys to hire Committee staff to help with that, that's fine. But that has nothing to

do with doing your job on behalf of your constituents and your district.

And what I would just recommend to everybody as we move forward and adopt this type of budget that there should be an allocation specific to each district and each member, and it shouldn't be based on geography or cost of -- of living. If that was the case, I certainly would be getting more for my district than some other districts. But that shouldn't be what it is. So I certainly encourage everybody as we move forward to ensure that there is a pay equity within this legislative Body, to ensure that there is equity among districts, and to ensure that everybody is being treated fairly and compensated fairly. I've heard many of my colleagues praise the staff, right -- rightly. I'm sure the best way to praise them is to ensure that they're actually paid fairly and equitably within this Body, especially as we legislate on issues of pay equity every day.

So with that and for that reason, I will be in the negative on this bill because it does not have an equitable distribution of the resources of the Legislature. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. WEINSTEIN: Yes.

MR. GOODELL: I actually had a couple of questions on the Judiciary budget.

MS. WEINSTEIN: Okay. Well, we'll try.

MR. GOODELL: I -- I read over the -- request from Judiciary and they point out that they were only disposing of less than half of the new case filings and that they were suffering a horrific backlog, especially in housing court. Does the Judiciary budget provide additional funding to support the housing court and the other courts with additional staff, or additional judicial resources to overcome this horrific backlog?

MS. WEINSTEIN: They are bringing staff up to -- they're in the process of bringing staff up to pre-COVID levels. As you know, the courts were closed for a good portion of the time during the pandemic which led to the backlog.

MR. GOODELL: It was a great frustration to us when all of the law firms were open, all the businesses were open. None of the courts were open even though the judges sat behind the bench protected by armed guards and apparently couldn't figure out how to handle COVID, but I'm glad to see that they're bringing staff back. But did the budget increase the funding for these courts?

MS. WEINSTEIN: Yes, it did.

MR. GOODELL: Great. And did the budget, Judiciary budget also increase the funding to enable tenants to more efficiently participate, perhaps by Zoom or other electronic means, to make it easier for tenants to participate, as well?

MS. WEINSTEIN: Yes, I believe all parties at various times have participated virtually.

MR. GOODELL: And my third and last question for you --

MS. WEINSTEIN: Okay.

MR. GOODELL: -- does the Judiciary budget provide additional funding for the community justice centers to provide alternative dispute mechanisms or to hear these housing cases to alleviate pressure on the courts?

MS. WEINSTEIN: I do believe that that has increased. I think it tends to go up every year.

MR. GOODELL: I would hope.

Thank you very much.

On the budget.

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

MR. GOODELL: Thanks.

ACTING SPEAKER AUBRY: No problem. Twenty-four hours.

MR. GOODELL: I have to tell you, you know, unfortunately the Judiciary is real mess at the moment. I filed a case in local court. Normally, the case would take a few weeks. They scheduled it out three months. When I arrived, the other party asked for an adjournment, they got a couple of adjournments. From the time I filed the case, and this is in city court, it's a local court, the time they

scheduled the hearing is seven months. And it's a horrific injustice to every party, the plaintiff and the defendant because everyone needs a decision so they can make appropriate plans and move on with their life. And it's extraordinarily frustrating to see the courts being one of the last entities to open.

The budget requests from the courts, as you know, is very modest, but I hope that the courts will move forward and achieving the reality that's reflected in the soaring rhetoric of the head of OCA and the head of the courts who keeps talking about how efficient they are in dispensing judgment and justice in an efficient manner. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I'm really kind of grateful this is our last budget bill for today.

(Applause)

It is very exciting, it something to clap about. But knowing that and understanding the work that went into all of this, Mr. Speaker, I really do have to make sure that we commend the phenomenal staff that we have. Mr. Washington, Mr. Curry and their entire staff, the time that they spent with all the members and the Speaker, it's just -- it's amazing to me the time that they put in. And even when we were able to run off and get a couple hours of sleep, they were still up, moving and making things happen. So I want to

honor our staff --

(Applause)

And I certainly want to honor the Speaker for his leadership as he rests.

I also want to just take an opportunity to say that we have a brand new baby in our baby caucus of the State Assembly. Yes, Ken and his wife have a new little Nora Elizabeth Zebrowski, she is (inaudible).

(Applause)

(Inaudible) working on the budget, they've been bringing new life to our baby caucus.

With that, Mr. Speaker, I would move this budget forward, let's take this vote, let's move on. I won't say Go Bills until later --

(Laughter)

-- but thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

MR. BARCLAY: Thank you --

ACTING SPEAKER AUBRY: Please.

MR. BARCLAY: -- Mr. Speaker, I just want to echo the Majority Leaders's comments and thank all my colleagues. It's been a long, long process - we're looking at 9:21 in the morning - but I appreciate the other side and I appreciate the Chair of Ways and Means and our Ranker on Ways and Means for all you've done.

(Applause)

And all the staff and all my colleagues. So let's go home and get some rest. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8001-A. 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 budget bill. Those who favor it can certainly vote here on the floor, or they can talk to the Minority Leader who is here on the floor, or if they'd rather, they can just call his office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you so very much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is generally a Party vote in favor of this legislation; however, there may be members who would like to be an exception. Please feel free to contact the Majority Leader's Office, or if you're in the Chambers, push your button. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

(The Clerk recorded the vote.)

Ms. Weinstein, the extraordinary Ms. Weinstein, to explain her vote.

(Applause)

I think you're good now.

MS. WEINSTEIN: Okay. I don't think anyone wants to hear from me any more this morning. I just want to take a moment to thank, first of all, the former Ranker on Ways and Means for his kind remarks, Will Barclay; our Ranker, Ed Ra, who sat with me through all those hearings, budget hearings -- at 100-plus hours of budget hearings, our colleagues who joined us. I particularly want to thank the Speaker who helped bring us through, and all the members who helped bring us to a budget that invests in our families and helps so many of our friends and neighbors, making real difference and impact in their lives. But also, as has been said by our Majority Leader who has sat here this -- the whole time, we don't get to go back to our offices and put our legs up.

I also just really want to thank the staff, all of the Ways and Means staff. The only break I think they got was last night at 3:15 when the transformer at Enterprise blew out the Assembly computers and they couldn't send e-mails, so they got a little break and went home. But I want to thank, starting with our Budget Secretaries, Blake Washington; the Deputies Phil -- Phil Fields, Sean O'Keefe, the Deputies and all of the staff that you -- are here and that

you have seen handing me pieces of paper to make me look good here. They've worked incredible hours and have put together a budget that I believe we all can be very proud of. So if we can give them a round of applause.

(Applause)

And with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker, just briefly to explain my vote. And I'm sorry -- this process over the last few months has been a distraction in a difficult time in my life and I appreciate the opportunity to have this role, the trust that our Minority Leader, Will Barclay, put in me a couple of years ago when he became Leader. But I really want to take the opportunity to thank our staff, you know, Lauren O'Hare, our Director; her Deputies, Josh Risler, Ed Golden, Dave Young, who probably, much like the Majority staff have slept about two or three hours in the last week. It's the work that they put in that allows us to come here, be informed and make points and try to make progress in this State on behalf of our constituents.

And what I thought about a lot the last few days is my father who I lost at the end of November used to watch us when we'd be here late at night, and he'd text me and he'd call me and he had a great career in public service, but the first thing he did in public service, he was an Assembly staffer for an Assemblyman in Brooklyn where he grew up. So I didn't even think about that thread being

woven together until just now when I was about to stand up, but I just want to thank all the staff for the work that you put in but, in particular, our Assembly Ways and Means staff on the Minority side, all the analysts, all the staff for their tireless efforts to make sure we knew what was in this budget, we could raise points, we could do it passionately and make votes that thought were best for our constituents.

With that, as this is the bill that pays for our staff, I vote in the affirmative. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to speak on this overall budget process. I'm not going to comment. I think my Leg Leaders throughout the whole process have commented on a number of the issues. I'm really here to say thank you to you, Mr. Speaker, Ways and Means Chair, our Majority Leader, our -- the Ranking Minority Leaders on the other side, and all of my colleagues for really putting some time and some effort with all the advocates and making sure that we had a budget pass. As you heard, we're not always going to be happy with everything, and I have learned that from being in the State Legislature for the last -- past seven years. This is what government is, this is what politics is, and we need to find a way to work with each other.

But at the end of the day, we need to put the people of the State of New York first.

So with that, I thank you all; I thank you all for being fighters and for getting past through this. God bless you. Thank you.

ACTING SPEAKER AUBRY: Thank you.

(Applause)

Mr. Goodell.

MR. GOODELL: There is another vote. Please record my colleague, Mr. Durso, in the affirmative on this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Durso in the affirmative, so noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

(Applause)

Yes, why not, it's over.

(Applause)

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I will say that there's one real high-quality thing about our Speaker, Carl

Heastie, is that he gets it done from the background and he doesn't mind being in the background, doesn't need to be out front. I really appreciate that about him. So again, I just want to give a special thank you to Speaker Carl Heastie.

(Applause)

Now, Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have neither resolution nor housekeeping nor nothing.

(Laughter)

MRS. PEOPLES-STOKES: Yes, well awesome. I move that the Assembly stand adjourned until Saturday, tomorrow being a legislative day - actually, that's today - and that we reconvene at 2 p.m. on April the 25th, that Monday will be a Session day.

(Applause)

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 9:32 a.m., the Assembly stood adjourned until Saturday, April 9th, Saturday being a legislative day, and to reconvene on Monday, April 25th at 2:00 p.m., Monday being a Session day.)