

THURSDAY, APRIL 18, 2024

11:06 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Wednesday, April the 17th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Wednesday, April

the 17th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. If I could share this quote. Today, this one is coming from Queen Elizabeth II who, as we all know, was the Queen of the United Kingdom and other commonwealth (inaudible) until -- from February 6th of 1952 until her death in 2022. Her words for us today: *It is often the small steps, not the giant leaps, that brings about the most lasting change.* Again, those words from the Late Queen Elizabeth [sic].

Mr. Speaker, colleagues have on their desk a main Calendar. We're going to call for the following Committees, Ways and Means and Rules to meet in the Speaker's Conference Room. These Committees are going to produce an A-Calendar of which we will take up today. After you have done any housekeeping and/or introductions, we will take up Calendar resolutions on page 3. Thereafter as the Committee meetings proceed, we will hold at ease should they not be completed by the time we're ready for them. I will announce further floor activity if there is a need to do so, sir.

That's where we are today. If you have introductions, now would be a great time.

ACTING SPEAKER AUBRY: We are ready to have committee meetings.

MRS. PEOPLES-STOKES: Mr. Speaker, if I could add one other thing. At the conclusion of our work today on the floor, the Minority is going to be calling for another Motion to Discharge.

ACTING SPEAKER AUBRY: Thank you.

Committee on Ways and Means to the Speaker's Conference Room.

We'll start with resolutions on page 3, Assembly print 2056, the Clerk will read.

THE CLERK: Assembly Resolution No. 2056, Mr. Gallahan.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 8-12, 2024, as America Saves Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Gallahan on the resolution, sir.

MR. GALLAHAN: Thank you, Mr. Speaker. I rise to talk about this resolution today because it is a very important resolution about America Saves. There are too many Americans that aren't saving currently for their future. And I want to share just a quick story with you about how this affected the life of myself and my wife. Many years ago when she was working at Garlock in Palmyra, New York, she was promoted to the lab, and she was a lab technician for 34 years there. When she made that move, she was required to fill out a new form because the salary folks had a different plan than the hourly folks in the plant and they matched 6 percent on her 401(k).

Well, not knowing much about investments, my wife came to me with the form and said, *Jeff, will you please fill this out and I have to take this back to personnel?* Which I did. When she got her next paycheck, I thought we were gonna be divorced because I filled it out to the max that she could put in for her 401(k).

Now, let's fast forward ahead 34 years when the company offered my wife a buyout, and she took that buyout and she came home and said, *Do I have to go back to work?* And I reminded her of that day that she came home and she was so upset about her paycheck being so light. I said, *No, you don't have to go back to work, we've prepared and saved for retirement.* That was 12 years ago.

I'm proud to offer this resolution and bring this to the attention of everyone in New York State that if you're a saver you have your own destiny in your hands, and it's very important. And I hope that everyone here in this Chamber is saving. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 2057, Mr. Slater.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 17-21, 2024, as Work Zone Awareness Week in the State of New York.

ACTING SPEAKER RIVERA: Mr. Slater on resolution.

MR. SLATER: Thank you, Mr. Speaker. I rise today to offer this resolution really to recognize the hard work of so many of our State and municipal employees who work every day in these dangerous work zone areas. Statistics show that in 2023 there were 413 work zone intrusions just on New York State roads. That has resulted unfortunately and tragically in three fatalities and over 140 injuries to our highway workers and to our drivers. In fact, earlier this year we heard from our DOT Commissioner who testified that when it comes to work zone safety, there was one incident where they had a motorist doing over 100-miles-an-hour through a work zone on the BQE. And again, this results in putting our employees and putting our workers in very dangerous conditions.

Of course, I also want to offer and remember a very special individual, Yorktown's own Highway Department employee Jake Arcara. Jake, who was killed in a work zone on September 14th, 2022. And again, it's important that we honor his memory and we honor the memory of those who have been tragically killed in work zones because of negligence or distracted driving. And so to Jake's fiancé Katie, his mother Kelly, his father Jack, we remember him today and always. And to all of our motorists who are on the -- on the road, please make sure that you're paying attention to our employees. They're just out there doing a job and they deserve your attention and respect.

Thank you very much, Mr. Speaker.

(Pause)

ACTING SPEAKER RIVERA: Ms. Shimsky on the resolution.

MS. SHIMSKY: Thank you very much, Mr. Speaker. There is a great deal that we could do as drivers to help keep our work crews safe, the people who keep our infrastructure up and in good repair and keep our society and economy moving. Even if you are being attentive behind the wheel, if you pass a -- a crew that's very close to your lane at a high rate of speed, that in itself can be dangerous because it can cause the workers to lose balance. So one thing that we all need to do a better job of is when those low speed limit signs come up near where work crews are working, that is the reason why the speed limits are so low and we should be very scrupulous about observing them.

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

THE CLERK: Assembly Resolution No. 2058, Mr. Eachus.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 21-27, 2024, as Volunteer Week in the State of New York.

ACTING SPEAKER RIVERA: Mr. Eachus on the resolution.

MR. EACHUS: Thank you, Mr. Speaker. You know, this -- this particular resolution doesn't really even need addressing; how important are all of our volunteers? And think about it, we're all familiar with firefighters, with EMS and someone like that, but you have Boy Scouts, Girl Scouts, all kinds of volunteers helping all of society. They actually -- volunteers actually put into our economy over \$2 trillion a year in time so we don't have to pay as a State, as a municipality for these volunteers hours. And we certainly appreciate their -- their -- their involvement in this. We know that volunteers are getting short and far between, and so therefore I encourage my colleagues not only to vote positively on this resolution, but to go home and, in a way, vote positively for the volunteers in your district by recognizing them, giving out certificates and recognizing all good works that are done by volunteers.

Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 2059, Mr. Lavine.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 22-26, 2024, as Student Leadership Week in the State of New York.

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

adopted.

THE CLERK: Assembly Resolution No. 2060, Mr. Hevesi.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 30, 2024, as Adverse Childhood Experiences Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 2061, Mr. Lemondes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 29, 2024, as Undiagnosed Rare Disease Day in the State of New York.

ACTING SPEAKER RIVERA: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. The purpose of this resolution is to recognize the unique challenges of both victims of undiagnosed diseases and conditions and their families who seek answers, oftentimes for the rest of their lives. In 2016, the year of my daughter Elly's death at 16-and-a-half, the Rare and Undiagnosed Network ironically began its awareness campaign for annual recognition on April 29th of that year on behalf of the entire rare disease network. Moreover, the associated bewilderment with wear -- with rare and undiagnosed conditions leaves patients, parents, extended family and caregivers alike in an uncomfortable position.

As all families have tragedy of some type, they are usually easier to accept and move on from when you know why. However, when you don't, you find yourself in a very uncomfortable and oftentimes perpetually vulnerable position. As my wife and I sat many times at our daughter's deathbed not knowing if she would make it through the night, I was always surprised to see the angels descend to help. These are the people you wouldn't expect, but are comforted by in recognition that you may not be as alone as you think. I have always been amazed at the power of the human soul in God's hand in times of tragedy. Similarly, patients plagued by these conditions need extra advocacy as they and their families experience every form of discrimination imaginable; subtle, overt, unintended, and sometimes deliberate. Oftentimes with no precedent to fall back on, there is limited advocacy for them which further exacerbates their care, comfort, education, sometimes jobs and ability to earn a living, and end-of-life care as well.

In closing, the burden of uncertainty is so stark that it impacts several other aspects of life for all of those in the circle of people afflicted by these conditions. Please join me in recognizing the unique challenges of those suffering from rare and/or undiagnosed conditions and the burdens on their families. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 2062, Ms.

McMahon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2024, as Sexual Assault Awareness Month in the State of New York.

ACTING SPEAKER RIVERA: Ms. McMahon on the resolution.

MS. MCMAHON: Thank you, Mr. Speaker, for allowing me to address this important resolution. Today we call upon Governor Hochul to proclaim April as Sexual Assault Awareness Month in the State of New York, in conjunction with National Sexual Assault Awareness Month. In the United States, there is an incident of sexual assault every 68 seconds, and every nine minutes that victim is a child. While these crimes most often impact women, this is a -- this problem knows no gender, as 1 in 33 men also experience sexual assault. Sexual assault is a disturbing issue, and silence and shame allow this problem to persist.

This Sexual Assault Awareness Month and all year, let's shine a light on this problem by exploring ways to prevent sexual assault, providing justice for victims, and ensuring safer schools, workplaces and communities. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 2063, Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2024, as Bullying Prevention Month in the State of New York.

(Pause)

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please call the Rules Committee to the Speaker's Conference Room.

ACTING SPEAKER RIVERA: Rules Committee to the Speaker's Conference Room.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Would you please hold the -- the House at ease?

ACTING SPEAKER RIVERA: The House will stand at ease.

(Whereupon, at 11:22 a.m., the House stood at ease.)

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ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we now have an A-Calendar on our desk. I would offer a motion to move that

A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, sir. So if we can begin our work with Rules Report No. 33, followed by Rules Report No. 30, 31, and 32 in that order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Page 10, Rules Report No. 33, the Clerk will read.

THE CLERK: Assembly No. A09852, Rules Report No. 33, Weinstein. An act making appropriations for the support of government; to amend Chapter 111 of the Laws of 2024, relating to making appropriations for the support of government, in relation to thereto; to amend Chapter 113 of the Laws of 2024, relating to making appropriations for the support of government, in relation to thereto; and to amend Chapter 114 of the Laws of 2024, relating to making appropriations for the support of government, in relation to thereto, and providing for the repeal of such provisions upon expiration thereof.

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: Explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Yes, Mr. Speaker. As we work

to finalize agreements on a budget, this bill would ensure funding for State operations and other programs through tomorrow, and includes funding for unemployment insurance, WIC, and homeless veterans' programs.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. RA: Thank you. So I know we have this extender and we have our first couple of bills coming up. So just quickly with regard to this extender, what is the additional amount appropriated and then what does that bring us to total in the, I believe, now six extenders we have done?

MS. WEINSTEIN: Yes; \$16,084,000 and the total then is \$1,693,356,000.

MR. RA: Thank you. And we'll talk about maybe some more general budget items when get into the bills, but do we have any sense of when we might see additional bills, or will -- will we be listening to the new Taylor Swift album that comes out at midnight before we see additional budget bills?

MS. WEINSTEIN: I'm hopeful that we will be able to have additional bills later -- later today.

MR. RA: Okay. Well, we can take breaks in

between.

MS. WEINSTEIN: I -- I haven't followed that her album was breaking tonight, so...

(Laughter)

MR. RA: Very good. As long as they come before the muggy days of summer. Thank you. Thank you, Chair Weinstein.

Mr. Speaker, on the bill.

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

MR. RA: So, you know, we've had kind of an odd series of -- of events over the last, you know, few weeks getting to this point. Happy to see we have three budget bills in print at -- at this point. You know, we had the extender on Monday, then boom, the Governor comes out, we have a deal. There was a lot of talk as to where we actually were, so I'm happy to see the process is moving forward. Obviously, this, as has been all the extenders, is the responsible thing to do in terms of keeping the -- the State operating, but I am hopeful that, you know, we -- we're wrapping up and drawing to a close here with this.

I'll talk more about some of the general things that, you know, we think are important that need to be out there as we're going through this process, like a financial plan. But I'm gonna be voting in the affirmative on this -- on this extender, and like I said, we'll -- we'll talk further on the -- on the budget bills. Thank you, Mr. Speaker.

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.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 30, the Clerk will read.

THE CLERK: Assembly No. A08805-C, Rules Report No. 30, Budget Bill. An act to amend the Penal Law in relation to assault on a retail worker (Part A); to amend the Penal Law, in relation to establishing the crime of fostering the sale of stolen goods (Part B); to amend the Penal Law and the Judiciary Law, in relation to specified offenses that constitute a hate crime (Part C); relating to the closure of correctional facilities; and providing for the repeal of such provisions upon the expiration thereof (Part D); to amend the Tax Law, in relation to suspending the transfer of monies into the Emergency Services Revolving Loan Fund from the Public Safety Communications Account (Part E); to amend the Judiciary Law, the Penal Law and the Election Law, in relation to increasing the safety and security of judges and their immediate families (Part F); to amend the Cannabis Law, the Administrative Code of the City of New York, the County Law, the Penal Law, and the Real Property Actions and Proceedings Law, in relation to providing additional enforcement

powers to localities and the Office of Cannabis Management (Part G); to amend the Alcoholic Beverage Control Law, in relation to notifying municipalities of the filing of certain applications, and providing for certain temporary permits; and to repeal certain provisions of such law related thereto (Part H); to amend the Alcoholic Beverage Control Law, in relation to establishing a temporary wholesale permit (Part I); to amend Chapter 118 of the Laws of 2012 amending the Alcoholic Beverage Control Law relating to the powers of the chairman and members of the authority, in relation to the effectiveness of certain provisions thereof (Part J); to amend Chapter 396 of the Laws of 2010 amending the Alcoholic Beverage Control Law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part K); intentionally omitted (Part L); to amend the Labor Law, in relation to providing paid prenatal personal leave (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the State finance Law, in relation to eliminating the alternate procedure for the payment of salaries for certain employees and the withholding of five days of salary for certain employees (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the General Municipal Law, in relation to countywide shared services panels; to amend the Executive Law, in relation to the administration of certain monies; and to amend the Village Law, in relation to unexpended fund balances incurred for the incorporation if a village is not incorporated (Part U); intentionally omitted (Part V); to amend the

State Finance Law, in relation to reforming the Local Government Efficiency Grant Program (Part W); intentionally omitted (Part X); to amend Part P of Chapter 55 of the Laws of 2022, amending the Alcoholic Beverage Control Law relating to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for off-premises consumption, in relation to the effectiveness thereof (Part Y); to amend the Penal Law, in relation to harassing certain employees of a transit agency or authority (Part Z); to amend the Criminal Procedure Law, in relation to maintaining actions against certain adolescent offenders for certain sexual offenses in criminal court (Part AA); to amend the Real Property Tax Law, in relation to requiring excess proceeds from a tax foreclosure sale to be returned to the former owner, delinquent tax interest rates and establishing a homeowner bill of rights; to amend the Tax Law, in relation to disclosure of STAR credit disclosures; and to amend Chapter 602 of the Laws of 1993 amending the Real Property Tax Law relating to the enforcement of the collection of delinquent real property taxes and to the collection of taxes by banks, in relation to the effectiveness thereof (Part BB); to amend the Alcoholic Beverage Control Law, in relation to alcohol in certain motion picture theatres, and providing for the repeal of such provisions upon the expiration thereof (Part CC); in relation to deeming the objects or purposes for which certain bonds were issued by the City of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or

purposes (Subpart A); in relation to deeming the objects or purposes for which certain bonds were issued by the City of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart B); in relation to deeming the objects or purposes for which certain bonds were issued by the City of Buffalo to be for the construction of a new police training facility and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart C); and in relation to deeming the objects or purposes for which certain bonds were issued by the City of Buffalo to be for the construction of a new police training facility, including planning and design work, related site improvements, and furnishings and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Subpart D)Part DD); to amend the Retirement and Social Security Law, in relation to the establishment of 25-year retirement programs for members of the New York City Employees' Retirement System employed as fire protection inspectors and associate fire protection inspectors (Part EE); to amend the Penal Law, in relation to determining the value of goods or merchandise stolen pursuant to a common scheme for the purpose of grand larceny offenses; and in relation to exempting grand larceny offenses from the definition of persistent felony offender (Part FF); to amend part HH of Chapter 56 of the Laws of 2022 amending the Retirement and Social Security Law relating to waiving approval and income limitations on retirees employed in school districts and board of cooperative

educational services, in relation to the effectiveness thereof (Part GG); to amend the Retirement and Social Security Law, in relation to certain disabilities of university police officers appointed by the State University of New York (Part HH); to amend the Administrative Code of the City of New York, in relation to the pensionable earnings of first grade police officers (Part II); to amend the Retirement and Social Security Law, in relation to the calculation of past service credit for police officers employed by the Division of Law Enforcement in the Department of Environmental Protection in the City of New York transferring between the New York City Employees' Retirement System to the New York State and Local Police and Fire Retirement System (Part JJ); and to amend the Retirement and Social Security Law, in relation to extending provisions setting certain member contribution rates (Part KK).

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: Explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Yes, Mr. Speaker. This bill would enact the -- into law major components of legislation that are necessary to implement the State Fiscal Year 2024-'25 Budget as it pertains to the Public Protection and General Government Budget. A couple of the highlights is we amend the Penal Law in relation to

assault in the second degree of a retail worker; we amend the Penal Law in relation to specific offenses that constitute a hate crime; various -- amend various laws in relation to redacting information to protect court officials, judges and their immediate family; and importantly, we both provide additional enforcement powers to the Office of Cannabis Management and to localities to be able to padlock and seal locations -- unlicensed locations selling cannabis.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Thank you. Okay. So now as we get into the, you know, meat of -- of the budget, just some, I guess, preliminary and, obviously, we will have this conversation multiple times until we get there, but, you know, last year we passed about 50 percent of the budget bills without a financial plan available. Do we know when we will be able to see a financial plan?

MS. WEINSTEIN: Well, there are still final details being worked on the -- on the budget, so once those are resolved we will have a financial plan.

MR. RA: Okay. More generally, do we know, has there been an agreement on the full spending of this budget?

MS. WEINSTEIN: We are still in the process of

finalizing that.

MR. RA: Okay. The Governor I believe the other day suggested that that number was going to end up about \$237 billion, which is around 4 billion higher than the Executive. Can you give any detail as to where that additional spending might be going?

MS. WEINSTEIN: Well, I believe, as the Governor has said, we had the consensus revenue meeting as -- as you know, that you participated in, that we agreed to have -- that there was an additional 1.4 billion available. The tax receipts have been higher than we have -- we had anticipated. The Governor's budget is presented really based on end-of-year 2023 data, and there are some other changes in the budget with Medicaid funding that we've been able to increase the amount of funds that we believe we have available.

MR. RA: Okay. And that spending -- I mean, again, when we see a full financial plan. But there are no broad-based tax increases in -- in this budget that is all spending largely, you know, under current law and current taxing structures?

MS. WEINSTEIN: Yes, at this time, though I -- as we had discussed with the one-House proposal, this budget in terms of additional dollars anticipates the MCO -- managed care organization -- tax being included and providing some additional revenues that we will have available to be spent in this fiscal year.

MR. RA: Okay. And would we expect to see that in

Health and Mental Hygiene?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Thank you. At the time of the Executive proposal, there was an out-year gap of about \$20 billion cumulatively. Do we have sense any as to what our out-year budget gaps look like under this enacted budget?

MS. WEINSTEIN: There -- there won't be a gap in -- in this year, this will be -- this budget will be balanced, but we still are working the details of -- to be able to answer that question fully. We'll have to wait a day.

MR. RA: Okay. Reserve Funds. Do we know if this budget will be making any additional deposits into our Reserve Funds?

MS. WEINSTEIN: Yeah, I -- I think it's best to wait for a later bill to be able to discuss transfers.

MR. RA: Okay. And are -- do we know at this point whether there are any Reserve Funds that are being utilized for that additional spending number?

MS. WEINSTEIN: You know, again, we'll -- we'll discuss a little later on when we are dealing with the appropriate bill.

MR. RA: Okay. And more particularly, there was, obviously, a very clear example of this that the Governor had proposed utilizing \$500 million from the Economic Uncertainties Fund to be transferred in the -- the 2026 Fiscal Year for migrant costs. Do we know if that is happening?

MS. WEINSTEIN: I think we need to wait for our -- for the financial plan to be out to be able to appropriately answer that question.

MR. RA: Okay. Thank you. All right. So I want to get a little a bit more into the substance of this particular budget bill. I mean, first starting with -- with a piece that appears to be missing, one of our great pieces of onomatopoeia in our budget are sweeps and transfers. That is omitted from this bill, correct?

MS. WEINSTEIN: Yes. That will be in a different bill.

MR. RA: Okay. In terms of the retail theft provisions, obviously the Governor had a proposal at the beginning of this process regarding retail theft, increasing penalties. It was not part of the one-House, but we -- we now are including that in -- in this enacted budget, correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And -- and how -- how is that being put forth? This is just a -- it increases the penalty to a, what, a Class E felony for the assault of a retail worker?

MS. WEINSTEIN: Yes. Yes.

MR. RA: Okay. And then could you just briefly detail -- I know there are provisions also regarding retail theft in terms of aggregation of when somebody, you know, engages in -- in repeated retail theft. Could -- could you just detail what -- what those provisions look like?

MS. WEINSTEIN: I am going to defer to our Codes Chair, Assemblyman Dinowitz, to discuss that provision.

MR. RA: Great. Thank you, Mr. Dinowitz.

MR. DINOWITZ: Okay. So what we do is we amend larceny to allow for the aggregation of stolen property when the value exceeds \$1,000 and is stolen pursuant to a common scheme or plan. The property has to consist of retail goods or merchandise stolen pursuant to this common scheme or plan, or a single ongoing intent to deprive another or others of property or to appropriate the property to the actor or another person and the value exceeds a certain amount. But depending upon the amount that it exceeds, it could be grand larceny in the fourth degree if it exceeds \$1,000; third degree if it exceeds \$3,000; and it can even go up to second degree or first degree if it's a really, really large amount. Currently, aggregation is allowed only when the property is stolen from the same owner. That would no longer be the case. So this would allow the aggregation of stolen retail goods regardless of whether the goods were stolen from the same owner.

MR. RA: Okay. So you know, you said like norm -- right now it would be the same owner, so if, say, there's an organized, you know, retail theft ring and they're hitting all the, you know, bodegas in a certain neighborhood or all the CVSs in a certain neighborhood, that would be able to be aggregated and -- and bring the charge up, correct?

MR. DINOWITZ: I mean, depending, but the answer

is yes, yeah.

MR. RA: Okay. But I mean, is -- is that the intention of this language of calling it a common scheme or plan?

MR. DINOWITZ: Yes.

MR. RA: Okay. And would that be -- could that be over the course of -- of days, weeks, would it be with -- or is it our intention that it be, you know, something that's going on on a single day?

MR. DINOWITZ: No, it could be over a period of time, there's no particular time limit.

MR. RA: Okay. Thank you. And -- and I -- and I do think, you know, I -- I think that is a helpful provision. I know, you know, one of our colleagues has talked about this a number of times because this has become a -- a, you know, a major problem and I -- and I think this will be a useful tool for -- for our district attorneys and for law enforcement with regard to these, you know, sophisticated retail theft rings. So -- so I -- I -- I appreciate the answer.

I think -- well, let me -- let me -- let me just ask you more -- more generally, you know, we had talked about going through this process of, you know, there was a lot of talk that -- that maybe these provisions would be -- would be left out. So like I said, I'm -- I'm glad to see them here. But I guess is -- is it your belief that, you know, these provisions having the increased penalties for the assault of a retail worker and these provisions regarding aggregated theft will -- will address the issue as opposed to maybe some more broad-based

criminal justice changes that, you know, many of us have been calling for?

MR. DINOWITZ: Well, I -- I think we're trying to zero in on a particular problem that I know is one in my area and in New York City and probably well beyond the City, and that is organized retail theft. We want to make sure that we can get to those who are causing probably a very heavy disproportionate amount of -- of the theft that's taking place, number one. And number two, since you mentioned assault on a retail worker, we want to address that issue as well. So I think what we've done here is we've added a number of provisions that I think strike the right balance in terms of trying to deal with this particular problem.

MR. RA: Okay. Thank you. And then, would -- would you be the person to answer a question regarding the -- the protections for judges?

MR. DINOWITZ: No.

MR. RA: Okay. All right. Thank you, Mr. Dinowitz.

Just -- just as a, I guess, a point of clarification, this -- the -- the definitions look to be comprehensive, so we're talking about any judge, State level, local courts, Federal. It includes all judges in that protection, correct?

MS. WEINSTEIN: Yes, all judges in -- in New York State.

MR. RA: Okay. Thank you.

So with regard to -- and -- and I know some of my other colleagues will have, you know, additional points certainly they'll raise with regard to this, but the -- the prison closure piece. You know, we have traditionally a process that -- that provides for a -- a lengthier time frame with one of these. It's in law for good reason. It gives an opportunity, I think, for input and certainly for the workforce to -- to take proper -- to have -- to have time to -- to make a decision. I know we like try to make sure, you know, keep these individuals employed within the system but sometimes it may involve uprooting their family and moving, you know, hours away. So this provides for a shortened time frame. Do we know at this point, though, which prisons would be slated for closure?

MS. WEINSTEIN: No, we do not.

MR. RA: Okay. Do -- has NYSCOPBA, who -- who represents our correction officers, been consulted through this process to try to ensure that -- that, you know, their membership and the impact on their membership has -- can be mitigated as these closures come forward?

MS. WEINSTEIN: I don't believe on this specific proposal, but I know that DOCCS and NYSCOPBA have ongoing conversations.

MR. RA: Okay. And is there any particular thing being done with regard to those impacted communities? You know, we've done several rounds of these over -- over the last I would say 10 to 15 years, and many of the properties while they were talked about,

how they were gonna be redeveloped and everything else, are -- are really sitting unused. Is there anything in particular in terms of the input of the local community and -- and ensuring that these properties moving forward are -- are utilized for, you know, whether it's local economic development or -- or to benefit the local community that -- that has subject to the closure?

MS. WEINSTEIN: There is nothing specific in -- in that regard, but I -- I would just mention that in terms of the methodology used to determine which prisons should be closed, the impact on the communities affected is one of -- given tremendous weight, heavy weighted, along with the -- the other factors. I -- I would just note when we talk about the correction officers that -- and -- and the prison system that currently there are 3,800 vacancies in the system and 1,900 of them being correctional officers. So I do believe that there would be -- there -- there are -- a number of openings for the correctional officers, so we feel confident that no one will need to lose their job.

MR. RA: Yeah, and -- and, you know, I think, you know, we appreciate that fact that, you know, the -- the effort is made to find -- find other opportunities within the system. But like I said, it may be -- it may be a situation when somebody has to, in a very short time frame, make the decision to uproot their family or -- or potentially be commuting hours and hours away from -- from home. So it's a good thing that they have that, maybe, choice, but still it is not, you know, it doesn't fully address, you know, what -- what their

concerns are.

With regard to the provisions on tax foreclosures and real property tax relief.

MS. WEINSTEIN: Yes.

MR. RA: So, how does this -- these provisions compare to the standalone bill that we had done last year that, right, I believe was vetoed by the Governor?

MS. WEINSTEIN: So, they are very similar to our proposal. I think one of the -- the main difference would be that the homeowner has up to three years to claim the difference between the -- what was their delinquency and the surplus on the sale.

MR. RA: Okay. Now, it doesn't include the moratorium that was present in the standalone bill that we did last year, correct?

MS. WEINSTEIN: No. And I would also note the difference with this proposal is NYSAC and NYCOM support this proposal, where they were opposed to the -- the legislation that we adopted last year.

MR. RA: Okay. And in terms of just the application of this, how far back does it go? Are the local governments having to account for these type of situations going back? I know that the -- the court decision, I guess, you know, looked backwards with regard to this. Is that -- is that -- does this speak to that issue?

MS. WEINSTEIN: It -- it conforms to the -- to the Supreme Court decision in that homeowners will be able to get back

their excess equity, but it is only prospective in its application.

MR. RA: Okay. Thank you.

The illicit cannabis sales. We know, obviously, this is another -- like retail theft, this is another thing that has been a very hot topic all over the State and, you know, my -- my understanding is, you know, New York State at this point is home to over 2,000 illegal cannabis dispensaries, but only 108 legal adult-use dispensaries. So my understanding is this will provide some new tools both locally and at the State level. What -- what is the timeline of -- of this provision going to effect and -- and getting these stores shut down that -- that have really been a, you know, a major problem?

MS. WEINSTEIN: The law -- the law takes effect immediately upon the bill being signed. In New York City, we actually make the changes in this legislation to amend the Administrative Code to allow -- the -- the sheriffs will be doing the main enforcement along with the NYPD, and they're -- they can start acting immediately, and localities can opt-in to their -- can opt-in to how they -- who is going to do the enforcement.

MR. RA: Okay. And local police departments will be able to shut these operations down now under these provisions?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Do -- do you believe, or -- or does the Majority believe as we're putting this forth that there is a correlation between, you know, the -- really the hiccups we've had in -- in out -- rolling out the adult-use facilities legally and the fact that

we've had such a proliferation of these illicit sales of cannabis?

MS. WEINSTEIN: Well, clearly the -- the change in the law and some of the confusion as to what was covered, what sales were covered allowed -- allowed these non -- non-approved locations to open up. I think it is -- we're now at a -- at a point, last year -- well, let me just say that we -- last year we adopted a fine schedule; unfortunately, that has not had its intended effect of closing as many facilities as we would have liked, and we feel this will immediately have a tremendous impact.

MR. RA: Okay. And with these, you know, enhanced ability for enforcement, do we think that the Department of Tax and Finance and the Office of Cannabis Management are going to need additional staffing, additional investigators to be able to effectively utilize this new enforcement authority?

MS. WEINSTEIN: Well, they have been working with staffing up, but I -- I do believe that the -- just speaking for -- in terms of New York City, that it will happen in all the localities that the law enforcement aspect of -- of this, their involvement will have a tremendous impact.

MR. RA: Do -- do you -- do we know how -- like, how many investigators currently they have in the Office of Cannabis Management and Tax and Finance that -- that do this type of investigating?

MS. WEINSTEIN: So, they do have 15 investigators and they are working to hire additional investigators.

MR. RA: Okay. Thank you.

The -- I -- I guess a few other issues just related to our -- our State workforce provisions that are here. So, we have an extension of the 211 waiver for school districts, correct, which would have expired in June?

MS. WEINSTEIN: Correct.

MR. RA: Okay. And -- but it's -- it's for one year?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And so -- so that will, I guess, then allow the districts if they, you know, if they hire somebody they're not -- they won't be subject to that \$35,000 number --

MS. WEINSTEIN: Correct.

MR. RA: -- that we're familiar with, correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And then the -- I know that there is obviously larger talk regarding Tier 6 and perhaps -- I mean, I don't know if you can give us any sense of where that stands in -- in the larger picture, but -- but if you can just quickly describe the -- this is a, obviously, a smaller piece of what has been in conversation regarding the two-year overtime extension.

MS. WEINSTEIN: Well, I -- I think we'll be able to discuss the larger Tier 6 issue a little later on, but we do in -- we do have some small changes for a 25-year plan for New York City Fire Protection Specialists. As we mentioned -- as you mentioned, the extending of the 211 waiver, a Heart Bill for SUNY Police, and some

enhanced pension benefits for NYPD First Class Officers with 25, 30 experience and some New York City DEP Police service credit transfers.

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

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you, Mr. Speaker. So just quickly, you know, as I said, this is our first real budget bill. I -- I want to reiterate the fact to -- to use a technical term, this is a ginormous State Budget, right? We're talking about, it sounds like from the Governor \$237 billion. We have three bills before us today, you know, we previously did the Debt Service bill and we don't have a financial plan. And as I said earlier, last year we adopted about half of the budget bills without having a financial plan. Why is that important? Well, generally speaking, it tells us how much we're spending, it tells us whether we're putting ourselves in a position that we're going to be able to keep up with that spending next year, the year after that, the year after that, and gives us that complete picture. As you may recall, as of last summer and fall there were concerns that we had a multi-billion-dollar deficit that we were gonna be facing in this budget. Thankfully, our tax receipts have been strong and they have come in above projections and that didn't materialize. But that doesn't mean it's not gonna materialize in the future. And that's why I think it's very important that we have a sense of the full spending and whether our recurring revenues and our recurring spending line up

with each other. And I think it's easy to look at that as just something that, you know, is talked about on this side of the aisle, but it's something that the Comptroller has talked about routinely over the last few years. So it's not -- it's not just a Republican talking point, it -- it's a -- it's a serious concern that I think we need to keep an eye on going forward because in each of these budgets, and obviously our spending has gone up over the last few years, but in each of these budgets we've done a lot of really great things. But those things can end up on the chopping block if we end up, you know, with a multi-billion-dollar deficit next year or the year after that, or -- or whenever it happens.

On the positive side, again, reserves. We've done a good job with that the last couple of years, but again, something that we don't have full detail. Are we touching those reserves in this budget, or -- or are we actually saving them for -- for when we potentially have an issue going forward?

More globally in terms of just this budget and the pieces, there is some good things in this bill. The -- the retail theft provisions, I'm glad they -- they made them despite, you know, the talk of -- of leaving them out. I think that's important in terms of protecting retail workers from assault. And I think the aggregation of -- of the amounts is helpful as well, will be a helpful tool for our law enforcement, for our district attorneys in combatting these organized retail theft rings. And as I mentioned, our colleague on our side of the aisle has talked about this a lot and had introduced legislation regarding that, so that's a good thing. We have some, you know, good

labor provisions here. I would reiterate my concern with the prison -- prison closure provisions and the impact that shortened time frame has on those workers. It's -- it's great to say, *We're gonna keep you employed*, but again, if -- if that opportunity is hours away from home and you have a very short time frame to make that decision, that's tough on a family, on an officer who already works a very dangerous and stressful job to now decide whether they're going to uproot their family or potentially be commuting hours away from home. So I think that's something we need to keep in mind, and certainly I would -- I would join my colleagues in calling for some transparency with regard to when and if those facilities are actually identified so that you maximize the amount of time that those workers have, you maximize the input the local communities can make with regard to those prison closures.

We will have plenty of conversations as this moves forward regarding, you know, other issues that are or are not in, but my -- my time is running short so I do want to, again, mention since this is the Public Protection and General Government bill, we do think that we need to do more with regard to crime. The provisions in here are good in terms of illicit cannabis, in terms of retail theft, but we still continue to have a problem in this State. Unfortunately, you know, we lost two more law enforcement officers the other day, we had another officer shot right here in Albany this week, and -- and I think we still need to take a real look at the full gamut of criminal justice reforms that we've enacted in this Chamber over the last five

years and -- and really think about restoring some balance to our system.

So with that, thank you to the Chair, and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Jensen.

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

Will Chair Weinstein yield for some questions --

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. JENSEN: -- relating to the prenatal leave provision of the budget bill. With the inclusion of this -- this item in this Article VII bill, would all employers, regardless of their size, be offering this paid prenatal leave to their employees?

MS. WEINSTEIN: Yes, 20 hours.

MR. JENSEN: Twenty hours. Is there any subsequent language in a budget bill we may see later to provide assistance to pay for this leave for these employers?

MS. WEINSTEIN: Not -- there's nothing that we're contemplating at this time.

MR. JENSEN: Okay. If a employer does not provide paid sick leave to their employees currently, do they have to provide paid prenatal sick leave to their employees?

MS. WEINSTEIN: Yes.

MR. JENSEN: So if they don't allow an employee who may have a cold to take sick leave, they would have to do it for prenatal as well?

MS. WEINSTEIN: Well, under current -- current law, sick leave for under five employees -- well, current law, sick leave has to be offered. If it's under five employees, it can be unpaid leave, but above that it's paid leave. So I don't envision the circumstance that you -- you described --

MR. JENSEN: Okay.

MS. WEINSTEIN: -- taking place.

MR. JENSEN: Okay, I appreciate that. Is there any provision that would force the employee to provide some sort of evidence or proof or verification that the leave they're taking is, in fact, for a prenatal medical visit versus another kind of reason for -- for being absent?

MS. WEINSTEIN: There is not a requirement that the employee disclose the information.

MR. JENSEN: Okay. My understanding is this would provide for paid prenatal personal leave, includes physical exams, medical procedures, monitoring, testing, and discussions with the health care provider related to the pregnancy for that certain -- for 20 hours over the 52 weeks. So, I'm going to use an example with me as the -- so if my wife wants to go and have a discussion about IVF or for testing, if I wanted to go and be supportive for my wife or anybody's spouse or partner wanted to be supportive of their wife,

granted, she would be able to get that leave under this provision.

Would I be able to take that leave to support my spouse or for somebody to support their partner in that medical...

MS. WEINSTEIN: No, it's only for the individual who's having the medical testing or procedures.

MR. JENSEN: Okay. So would all portions of the pregnancy process be covered under this prenatal paid leave? So whether it's to meet with your OB/GYN, to get a sonogram, maybe for the IVF process, would it cover all instances of prenatal care?

MS. WEINSTEIN: Anything that's related to the pregnancy, yes, would be covered.

MR. JENSEN: And it would for both males and females. So if a male is getting their hardware tested for the propensity of possible pregnancy, a male would be eligible for this type of prenatal leave?

MS. WEINSTEIN: I -- I don't think the bill contemplated that -- the language contemplates that situation.

MR. JENSEN: Well, I think it's --

MS. WEINSTEIN: I have to get some clarifying --

MR. JENSEN: And I -- I think that's an important thing to clarify because of part of the IVF process, certainly the men need to find out whether or not their portion of the baby-making process is, in fact, functional, and that would be a prenatal need. So that, I think, is something that deserves further clarification moving forward.

MS. WEINSTEIN: It's -- you know, since the language is related to pregnancy, it's possible.

MR. JENSEN: Okay. And the person, the individual who's taking this leave, they don't have to be actively pregnant, it can be about a medical visit for the purposes of becoming pregnant in the future?

MS. WEINSTEIN: Yeah, if it's related to pregnancy, yes.

MR. JENSEN: Okay. Thank you very much, Madam Chair. I appreciate your questions. Thank you, Mr. Speaker -- or your answers. But thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the Chairwoman yield for a few questions?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. REILLY: Ms. Weinstein, the questions I'm gonna have are going to relate to the retail workers and petty larceny and the assault, so I don't know if you wanna -- that would go to Mr. Dinowitz?

MS. WEINSTEIN: Well, why don't you --

MR. REILLY: Ask the question first?

MS. WEINSTEIN: Ask the question, but I think Mr.

Dinowitz will be probably be handling it.

ACTING SPEAKER AUBRY: Mr. Dinowitz will respond.

MS. WEINSTEIN: Well --

MR. REILLY: Mr. Dinowitz, would you yield?

MS. WEINSTEIN: -- we'll let -- we'll let him start off.

MR. REILLY: Okay. Thank you, Mr. Dinowitz; thank you, Madam Chair. So just talking about -- picking up on the first part about retail worker assaults, so this would be a Class E felony?

MR. DINOWITZ: Yes.

MR. REILLY: Would this be bail eligible?

MR. DINOWITZ: No.

MR. REILLY: And would it -- with the prior criminal justice reforms, Class E felonies require a desk appearance ticket. Would this require a desk appearance ticket if a retail employee was assaulted?

MR. DINOWITZ: Checking.

(Pause)

Not that I'm aware.

MR. REILLY: So they would be eligible to be held for arraignment, or would they have to be released at the precinct after being held for about two hours running through the live scan system and then the -- the online booking system, processed. Would they be

released from their precinct or would they go to arraignment?

MR. DINOWITZ: I'm pretty sure it could be either.

MR. REILLY: Well, there was a mandatory desk appearance ticket for Class E felonies in the criminal justice reforms, so would this fall under that mandatory desk appearance ticket?

(Pause)

MR. DINOWITZ: Say -- say it again, please?

MR. REILLY: So under the prior criminal justice reforms, Class E felonies, they were required to be given a desk appearance ticket upon initial arrest, which meant there would be a court appearance at a later date. With the assault -- would raising it to an Assault E felony for a retail worker, would this current statute when it gets implemented, would it be required to be -- the offender be required to be issued a desk appearance ticket at the precinct level?

MR. DINOWITZ: I don't see anything in the legislation to the contrary.

MR. REILLY: So since it's not in the legislation, the current legislation to fix that or to amend that, so then that would still fall under the prior requirement for a desk appearance ticket?

MR. DINOWITZ: It -- the legislation says Class E felony, so it would fall under the category of a Class E felony and there -- there would be a desk appearance ticket.

MR. REILLY: Okay. So -- so then it would be a court appearance at a later date when it's set by the desk appearance ticket, the appearance date, whatever that date comes down.

MR. DINOWITZ: Well, as you know, that's what a desk appearance ticket is.

MR. REILLY: Well, I know, but I'm -- I'm doing this as a clarification so people understand what is in this legislation, what's in this bill so the public will be able to understand what the ramifications are. So that's the reason why I'm asking these questions.

MR. DINOWITZ: Okay.

MR. REILLY: When it comes to the retail worker assault, it gives a definition of, "A retail worker shall mean any person whose usual place of work is a retail establishment. This shall include, but is not limited to, an employee of the retail establishment, an owner of the retail establishment, or a person who works in the retail establishment under arrangements made between the person and the establishment. Retail establishment shall mean any physical business or commercial entity engaged in the sale of goods, merchandise or services directly to consumers." The one -- the question that I have with that, say you have a supermarket and -- we'll say Stop & Shop, and you have a Boar's Head delivery person that's stocking the shelves. They do not have -- they don't make sales directly to consumers. Would that fall under they would be covered under the part that would say, "made between the person and the establishment"?

MR. DINOWITZ: I believe it says here, and you read it just a few seconds ago, or it says, "... or a person who works in the retail establishment under arrangements made between the person and

the establishment." So therefore, that would be taken in.

MR. REILLY: Okay. That's -- that's a clarification question that I wanted to make sure that we had, because if you had a contractor that was coming into the business, say you have a -- say they -- they're having some renovations done for their store and they have an electrician working there, would that person be considered under that? Say the electrician gets assaulted while he's in the establishment.

MR. DINOWITZ: That -- I don't think that would fall under the word "arrangement" within that scope. But the people who are there because they're involved with the actual work of the store, whether it's the situation you described with the (inaudible), whatever that was, Boar's Head, that would be -- that would be taken in.

MR. REILLY: Okay. So, like, say you have an electrician that's working on the refrigeration system?

MR. DINOWITZ: Well, an electrician, unlike the Boar's Head person, it could be anything. It could be in a retail establishment, it could be in someone's apartment, it could be here. So that's a little bit different. So I'm not -- I don't know that that would be the same.

MR. REILLY: Well that's the clarification that I wanted to see if we can get on the record because as we've just discussed in our back-and-forth here, there could be a broad definition here. So that's why I want to make sure that we --

MR. DINOWITZ: Well, it -- it says here -- I'm looking -- knew or should have known. So there's no reason to anticipate, necessarily, that an electrician would be in the store. I mean, obviously an electrician can be in the store at any time. But there is every reason to anticipate that somebody who's -- who had brought the merchandise to the store would be there.

MR. REILLY: Okay. So one last question in that area. Would a delivery person off premise be included under this legislation?

MR. DINOWITZ: No. I don't see anything in here that would suggest that.

MR. REILLY: So that wouldn't cover under an arrangement with the owner and it extends to selling to a customer?

MR. DINOWITZ: Well, I think we're talking about the store, not -- we're not talking about a delivery person who may be miles away.

MR. REILLY: So you're -- so under this legislation it would have to be in the actual physical location of the retail establishment?

MR. DINOWITZ: Yeah, that's what I would -- I would say that. In the store, on the property.

MR. REILLY: Okay. So it doesn't extend to anybody that's delivering. Okay.

Moving on to the judges with the -- the stalking, assault and aggravated harassment.

MR. DINOWITZ: I'll pass that along to the Chair.

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

MS. WEINSTEIN: Yes, Mr. Reilly.

MR. REILLY: So would that -- would this be bail eligible?

(Pause)

MS. WEINSTEIN: Hold on.

(Pause)

No -- no, it -- it's not that, because we already do have assault on a judge, and this is now aggravated assault on a judge.

MR. REILLY: So -- but the aggravated harassment part, would that be bail -- bail eligible?

MS. WEINSTEIN: No.

MR. REILLY: And would it be DAT mandatory as a Class E felony?

MS. WEINSTEIN: I'm sorry, Mr. Reilly, can you --

MR. REILLY: Would it -- the same question had for Mr. Dinowitz before with the other part, would this be DAT mandatory, a desk appearance ticket?

MS. WEINSTEIN: Yes.

MR. REILLY: Okay.

I'll go down to the -- the next one, harassment of transit employees. Would this be DAT eligible as well? I think it --

(Pause)

MS. WEINSTEIN: Yes, they would be issued a desk

appearance ticket.

MR. REILLY: All right. So they wouldn't be bail eligible, okay.

MS. WEINSTEIN: Yes.

MR. REILLY: With regards to the petty larceny with the aggravated -- I'm sorry, with the aggregate number in different areas and different establishments. Now, would that be DAT eligible? Meaning that the aggregate amount goes to \$1,000, creating it -- making it into an E felony?

MS. WEINSTEIN: No, that would not be bail eligible.

MR. REILLY: But it would -- it would be desk appearance -- it would be DAT eligible?

MS. WEINSTEIN: Yes.

MR. REILLY: Okay. Staying there for a minute, are there any adjustments in this legislation for law enforcement and district attorneys to comply with the discovery statutory requirements that can result in automatic dismissals?

MS. WEINSTEIN: No, there are not.

MR. REILLY: All right. So Madam Chair, the reason why I ask that question is with petty larceny, if we charged them with the aggregate and there is an arrest made, it starts the clock for discovery if they get arrested for the single charge of petty larceny at one location. So once they are arrested, it now starts the clock for district attorneys and law enforcement to comply with the discovery.

If the investigation leads to them determining that there were possibly nine -- nine other locations, that would now increase it to the E felony of over \$1,000. They may need more time, and is there anything that is in the legislation that would allow them to get an extension for that discovery proceeding?

MS. WEINSTEIN: No, there is not. And aggregation is already allowed in other instances, so this is not a new concept.

MR. REILLY: Aggregation is already allowed in where?

(Pause)

MS. WEINSTEIN: Currently -- if it's the same owner, you can aggregate currently.

MR. REILLY: This is different owners, so --

MS. WEINSTEIN: Right, but I --

MR. REILLY: -- if you had --

MS. WEINSTEIN: -- I guess what I'm saying is that there is a process that already exists.

MR. REILLY: What -- in discovery?

MS. WEINSTEIN: We're -- we're not changing the current process.

MR. REILLY: Okay. All right.

Are there any changes to Raise the Age, specifically where it applies to loaded firearms possessed by 16- and 17-year-olds?

MS. WEINSTEIN: No.

MR. REILLY: Okay.

Touching on the cannabis, are there any changes that would allow police officers to take into account the odor of marijuana in vehicle stops when comes to driving under the influence?

MS. WEINSTEIN: No.

MR. REILLY: Okay. All right. Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So the reason why I was asking these questions regarding DAT eligible -- eligibility, desk appearance tickets, or bail eligible is that especially when it comes to the -- raising the petty larceny, aggregating it to ten different incidents at ten different locations and it equates to over \$1,000 or more, raising it to a felony, the issue becomes when the individual who may be involved in the organized retail crime gets arrested for that one incident, it now triggers the accusatory instrument and, therefore, the discovery statute limitations apply. And allowing district attorneys and law enforcement to continue an investigation where now they may discover a month prior there were eight -- eight other locations, and now that money -- that -- the stuff, the -- the items that were stolen would raise that threshold, it could cause an issue with an automatic dismissal for that first arrest when the discovery cannot be met within the 45 days or whatever the time period is. That's why I think it's very important that we revisit the discovery aspect to ensure that we

account for having complete investigations and ensuring that we really stop the ongoing organized retail theft. And when we talk about organized retail theft, we're not talking about those that are stealing because they're hungry, or stealing because, you know, they really don't have the means. We're talking about those that are really stealing so they can make a profit off of selling things, like we do in this bill, on the internet or right outside the store maybe that they actually stole it from. And this is an ongoing problem where they're hitting neighborhoods across the City and the State.

So I think if we really focus on ensuring that we can prosecute them under the statutes that we are going to pass, we really need to make sure that we touch on that discovery. So Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, will the sponsor yield for some questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. PALMESANO: Thank you, Ms. Weinstein. I'm gonna focus my attention on the prison closure issue during this discussion if that's okay?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And I would like to say, obviously, here we are not debating a bill between midnight and breakfast, so maybe there's a small window of hope that this can continue or maybe we might even anticipate a slight invasion of some bills after midnight that we'd be debating and discussing.

My first question I wanted to ask you, the Governor presented her budget and she had a 90-day closure notification. We did our one-House budget, the Assembly budget, and we rejected that 90-day notification and then, boom, here we are again with accepting the Governor's 90-day notification. How come we're doing that? How come we're accepting that 90-day notification? Why not continue? Why -- why didn't we stand where we believed on that issue in this Chamber?

MS. WEINSTEIN: Well, the -- the prison -- prison closures do affect the financial plan, because the Governor predicts \$77 million in savings by adopting this procedure.

MR. PALMESANO: Right, and I understand that. But you would certainly agree, I mean, the prison closure under the current law it's a one-year notification, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And you'd certainly agree, just even a one-year notification of you're losing your job and have to move or -- is -- is difficult enough. But a 90-day notification, wouldn't you think that's really basically an insult to the brave men

and women who sacrifice so much for us and work a very dangerous job to keep us safe? And I will remind you, it's not just our -- our corrections officers, it's PEF, CSEA. All these workers and families, these are human beings. Isn't that devastating enough? Why the 90-day, just to get the savings?

MS. WEINSTEIN: The -- to have the savings in this year's fiscal -- this year's fiscal year. You know, it can be more than 90 days, the 90 days is just the minimum amount of time. But it --

MR. PALMESANO: I understand.

MS. WEINSTEIN: -- DOCCS does not anticipate anyone losing their jobs, as I mentioned earlier to Mr. Ra.

MR. PALMESANO: How many --

MS. WEINSTEIN: There are --

MR. PALMESANO: -- vacancies did you say, approximately?

MS. WEINSTEIN: Well, how many exist?

MR. PALMESANO: How many vacancies in the DOCCS system?

MS. WEINSTEIN: Oh, so there's 3,800 vacancies in the system, and 1,900 of those are correction officer vacancies.

MR. PALMESANO: Okay. And then when we talk about the money and the savings, are any of that money, or will that be determined by DOCCS and the Administration on how that money will be reinvested? Would any of that money go back into our workforce to provide them with better pay, better benefits, better

security, or does that all -- nothing in this bill does that, that's all gonna to be determined by DOCCS probably, right?

MS. WEINSTEIN: Well, there's nothing in this legislation which just deals with prison closing, but we will have legislation regarding housing and investments in communities that could apply to cities or counties that lose a -- have a prison closure.

MR. PALMESANO: And when they make these decisions on prison closures, is it your understanding they're gonna take into consideration, like, the existing infrastructure, the architecture, the investments that have been made, the impact to the community. All those things will be taken into consideration when (inaudible) these facilities when they determine closures in the future?

MS. WEINSTEIN: Yes. I mean what's in -- the factors that are included are the population, staffing, infrastructure needs, security level programs offered, health services and as I mentioned earlier, the communities affected, the potential closures and previous closures in that community.

MR. PALMESANO: You -- you obviously and I applaud you and my colleague Mr. Ra this afternoon, who sat through countless hours of budget hearings and I was there and you were there for the Commissioner of DOCCS who was there and he said -- because in the past when we've pulled down prisons it's because of the decline in the prison population, but he specifically said it was more because of a -- a workforce issue that we needed to get more workers into the facility. Does that really seem like a logical argument from

that perspective?

MS. WEINSTEIN: Well, you know, I think it -- it's two-fold. The impetus for the closures is in fact staffing shortages but there also is a 55 percent reduction in the incarcerated populations since their peak so it's a two-fold reason.

MR. PALMESANO: You are -- you are correct, we have seen a decline I believe from 56,000 to 32,000 since 2011, but we've also seen an increase in the population of more than \$1,400 -- 1,400 inmates in the past year so since that is -- since that's flat and increasing we might see a further increase. Wouldn't it have been a better idea to pause on this? It just seems like the more it focuses on the workforce shortage issue -- I mean isn't there a better way to approach the workforce shortage issue and say we're going to close down prisons and -- and then consolidate and put more workers in them and make them move around the State? I mean 'cause you would agree with me too, wouldn't you, Madam Chair, that we have a workforce shortage in our -- in our healthcare industry, but do we say okay, let's close down hospitals and nursing homes to -- and then move nurses and -- and aides to different facilities and consolidate them? We don't do that. How do we address that issue? Usually the recruitment retention (inaudible) -- why aren't we looking at something like that as an alternative to help with the -- the workforce shortage that the Commissioner mentioned and others are mentioning?

MS. WEINSTEIN: You know, I -- I would just say that, you know, I listened to what you said about inmate population.

But the -- there's nearly 50 percent of the facilities that are less than 70 percent full and 12 facilities are less than 60 percent full.

MR. PALMESANO: Okay.

MS. WEINSTEIN: So it's a very low -- the lowest population staff ratio currently.

MR. PALMESANO: I -- I -- I -- I do understand. I just want to go back to the 90-day notification one more time. We used a 90-day notification in 2019 when we closed -- in '20, '21, '22 to close down 11 so we're looking at up to five more. Don't you think -- isn't this an insult to the workers who work in these facilities in a very dangerous job? I mean what are we saying to them if we're just saying okay, you gotta basically move and uproot your family, find a new school, find a new community. Because I'll tell you, Madam Chair, I've talked to -- I know corrections officers who are at Livingston that was closed down. Then it went to Gowanda that was closed down. Southport was closed down. They had to find another place and now here we are again, this is going to be the fifth time. I mean this is really -- how do we expect to address the workforce issue if they never know that they're not going to be looking for another job in two years at the whim of this Governor and then the Legislature that helps them by not even allowing for the one year notification under the law that we have? We're fast tracking these prison closures. It's a really, in my opinion, an insult and I just -- I wish you guys would've stopped with what you put in your one-House budget. That would've sent a positive message. We could -- we could've rejected that and let them follow

the law. So I (inaudible) -- just a quick comment on that and then I'll let you go.

MS. WEINSTEIN: I -- I would just say that better staffing will in fact make it safer for the correctional officers in the -- in various -- in some of these various facilities, and there are prisons located close together so that wouldn't really require large amounts of -- of people having to -- to relocate.

MR. PALMESANO: All right. And I will -- not so much a question and I'll get on the bill here momentarily, but when you mentioned the safety. We have closed 25 prisons since 2011. This --11 since 2019, this would be 16, and from -- from 2011 we've seen inmate-on-staff assaults increase 190 percent. Inmate-on-inmate assaults increase 217 percent and that's this implementation of the HALT Act. We've seen a dramatic spike just since 2021, a 42 percent increase in assaults on inmates on staffs, 500 more to a record high. And also for our inmates who are in our facilities, we've seen a 90 percent increase to a record increase of 1,000 or more. So I just think from that perspective I'm very, very concerned on the assaults. I know you mentioned that. I'm glad you mentioned that. That's something that needs to be addressed also but I appreciate your time on this.

Mr. Speaker, on the bill.

ACTING SPEAKER ZACCARO: On the bill.

MR. PALMESANO: Yes, Mr. Speaker. There's so much more we could be doing to help address what's going on inside our correctional facilities. We talked about, you know, possibly

benefits and things of that nature. The workforce -- the Commissioner said were closing down these facilities because we have a workforce crisis. Listen, we have a workforce crisis in the healthcare industry. We have -- we need more nurses, we need more aides, but we don't see in the policies not moving forward, let's shut down more healthcare facilities, hospitals, and nursing homes. No. We don't do that. What do we do? We provide recruitment bonuses, we provide retention bonuses. Why aren't we looking at solutions like that with better pay, better benefits. My goodness, and I didn't bring that up as a question, we have the death gamble legislation that passed this House unanimously last year, the Governor vetoed it. She didn't put it in her budget, she said it has to be in the budget, so she didn't put it in her budget, which makes no sense. It comes to our one-House, we fail to put that in our one-House budget, which I don't understand. The death gamble bill would protect families, spouses of our brave men and women who work in our correctional facilities to protect the retirement for their spouses. We want to keep these workers working longer but yet they're scared of losing a pension for their spouse. Why wouldn't we put that death gamble, that's common sense, that's a recruitment tool, that's a retention tool, but we just put our heads in the sand and ignore it time and time again. We want (inaudible) retirement incentives and that's great, for -- especially for our public safety and our law enforcement. Our corrections officers, they have a 25 year retirement plan. But after each additional year they retire at 50 percent with that, but if they work 26, 27, 28 years, it stays at 50

percent, where as others get a gradual rate increase -- a percentage increase each year. That's something that would be a benefit that would help our corrections officers to stay. We need more corrections officers but the way to do it is not shut down more and more facilities. I mean shutting down a facility in 90 days is an insult to these brave men and women who work inside our correctional facilities. They work a terribly dangerous job and the statistics point that out, there's much more we can do there. It's bad enough the one-year notification. But to say to a family, *hey, you got 90 days, go find a new school for your kids, go find a new home, you need to travel two hours away.* This is not a quality of life. These are families, and year after year since 2019 -- we did it in '19, '20, '21, '22 and here we are again in 2024 assisting the Governor to close down these facilities and devastating these communities and devastating the employees that are working in these facilities. I mean often I hear your side of the aisle say we're for public employees. Not in this case, I'm sorry, because the actions don't back up the words, and I'm sorry. We could be doing a better job to represent our corrections officers and again, it affects PEF and CSEA employees as well. And when we want to talk about the violence, since we've had these prison closures with taking away tools like the ability to segregate our most violent inmates from the rest of the general population, we've seen a dramatic spike in violence and assaults going inside our correctional facilities. We should be giving our correctional officers hazard pay for that matter if you want to do other things besides the death gamble and better benefits and

pay.

Just to show you some of the staggering statistics, I mentioned it earlier. Since 2011 we have closed down nearly 25 facilities across the State but inmate-on-staff assaults are up 197 percent, inmate-on-inmate assaults are up over 217 percent, and then you want to take the perfect storm when we implemented the HALT Act which took away a very valuable tool of -- a safe -- a safety tool to protect our correction officers and also I would say the other inmates that are inside our correctional facilities, taking away that tool from them to segregate the most violent, dangerous and destructive inmates inside our correctional facilities. And even in our medium security facilities we're seeing a spike in violence there because what we're doing is we're cramming more inmates into fewer facilities. We should be spacing them out, not closing down facilities because when you have more room and more space to breathe, it works for a better environment for our law enforcement that are working inside of there. Mr. Speaker and my colleagues, what are we doing? We're not saving money, and why isn't this money being reinvested back into better paying benefits for these facilities to give them the tools, have body scanners in every correctional facility because of the drugs we know get inside our correctional facilities in different ways. Why aren't we helping to do that? We just keep closing down, closing down these facilities and saying we're saving money but you're devastating communities, you're devastating families, you're devastating the workforce and the morale. That's not a way to keep employees and to

address the workforce shorter [sic]. All this is going to do is exacerbate this problem. This is not a big problem, this is a ginormous problem and I'm going to keep talking about this issue. I wish the other side of the aisle would really -- would've just drew the line in the sand on this issue, you could have. You draw the line on the sand on so many other issues that are important to you, why couldn't you draw the line in the sand and say we're not passing a budget and giving the Governor the authority to shut down a -- a -- a correctional facility in 90 days period. If you want to close it down, Governor, use the full year that this requires in the law, but we have accommodated her year after year after year just like her predecessor. It's wrong. These brave men and women who work in our corrections work a dangerous job each and every day they go there. They're assaulted, the things that happen to them time and time again is not enough to talk about here. Once and for all, this Chamber should have their backs like they have our backs, but what we're sending with this budget message about closing down five -- up to five facilities and not providing better benefits, better pay, death gamble, things of that nature, we're just sending -- we're thumbing our nose at them and it's a really, really sad day in this Chamber, Mr. Speaker, and for that reason, I'm going to be voting in the negative on this bill. Thank you.

ACTING SPEAKER ZACCARO: Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker.

Would the sponsor yield? I would like to ask questions --

ACTING SPEAKER ZACCARO: Ms. Weinstein,

will you yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER ZACCARO: The sponsor yields.

MR. TANNOUSIS: -- questions regarding retail workers.

MS. WEINSTEIN: Mr. Dinowitz?

MR. TANNOUSIS: Thank you. Sorry, Mr. Dinowitz.

MR. DINOWITZ: No, it keeps me awake.

MR. TANNOUSIS: So I just want to be clear. I know that I believe you stated this before, but assault on a retail worker, this bill would make it an E felony, a non-violent crime which is not bail eligible, correct?

MR. DINOWITZ: It would make it an E felony, yes.

MR. TANNOUSIS: Okay. And getting back -- also, in addition to that, the charge of fostering the sale of stolen goods, it would make that an A misdemeanor, correct?

MR. DINOWITZ: Yes.

MR. TANNOUSIS: Which is also not bail eligible, correct?

MR. DINOWITZ: Correct.

MR. TANNOUSIS: I notice also in the budget that there is a new charge for harassment to transit employees; is that correct?

MR. DINOWITZ: That is.

MR. TANNOUSIS: What level crime would that make it in New York State?

MR. DINOWITZ: It would make it a -- I think it's a Class A misdemeanor.

MR. TANNOUSIS: Also non-bail eligible, correct?

MR. DINOWITZ: Right.

MR. TANNOUSIS: Correct.

MR. DINOWITZ: You seem to focus on bail when this bill is not about bail, but okay I'll be happy to answer --

MR. TANNOUSIS: Well, none of it is about bail clearly --

MR. DINOWITZ: That's right.

MR. TANNOUSIS: -- in this bill today. So just to be clear for the public and for everyone else, there are no changes in regards to bail eligibility throughout any part of this budget, correct?

MR. DINOWITZ: Correct.

MR. TANNOUSIS: Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER ZACCARO: On the bill.

MR. TANNOUSIS: Last week in the Codes Committee I had a bill held, and that bill would have created the law of harassment of a police officer. As I stated during that committee, our police officers are on the front lines. They deal with the general public, they put their lives on the line each and every day and

unfortunately sometimes they make the ultimate sacrifice. Just like Detective Diller, just like other police officers have done during recent times. We have a budget before us that creates certain laws. None of them bail eligible, at all. We have in our budget certain laws protecting retail workers, protecting transit employees and some laws even protecting judges. No portion of this budget does anything to protect our police officers, the ones that put their lives on the line each and every day to protect us. The ones that answer those 9-1-1 calls and don't know what to expect when they get to that scene. I cannot support this budget. Thank you.

ACTING SPEAKER ZACCARO: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will Chair Weinstein yield?

(Pause)

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER ZACCARO: The sponsor yields.

MS. WALSH: Thank you very much, Chair Weinstein. My questions have to do with the judicial protections that are in this bill. And I -- I want to really thank those who made sure that it was included. I think that this is something that I've been hearing about for a number of years as somebody that practices in local courts. I just have some questions about the scope of it and --

and exactly, you know, how it might work.

MS. WEINSTEIN: Sure.

MS. WALSH: And I appreciate you helping me out with this. So first of all, and I believe that Mr. Ra might've asked this earlier, but my reading of it is that it includes all former or current judges at any level; State, Federal or local including the county; is that correct?

MS. WEINSTEIN: Yes, judges of record.

MS. WALSH: And it also includes their close family members.

MS. WEINSTEIN: The -- the difference is it protects the information of close family members.

MS. WALSH: The information of close family. Yeah, so parents, children, spouses and that.

MS. WEINSTEIN: Siblings.

MS. WALSH: Siblings, okay, that's great. So I guess what I'm trying to figure out is kind of procedurally how would this work. If say -- say you're -- say you're a town justice or local town. Who would that justice direct their request to have their personal information kept private?

MS. WEINSTEIN: Right. So it goes to their employer.

MS. WALSH: Okay. So in the case --

MS. WEINSTEIN: Past employer.

MS. WALSH: Okay. So like in that case it would be

the town, so they would direct their request to the town. Once you get a little higher than that in the judge pecking order, at that point would you direct your request to say the Office of Court Administration then?

MS. WEINSTEIN: Yes, certainly.

MS. WALSH: Okay. And so is there any requirement under this act for say -- say it's a Supreme Court judge to -- to I don't know, Google their name and figure out -- I mean I was just doing my own name before I got up to debate this.

MS. WEINSTEIN: That's a dangerous thing.

MS. WALSH: It is dangerous because I just found that there's a real estate agent named Mary Beth Walsh in Lafayette, Louisiana so... and I just saw an obituary so that's not me either, but I was looking at publicrecordssearcher.com, publicrecordsreviews.com, ourpublicrecords.org, not to give them any publicity but there are places like that that you could put in, you know, public officials or a judge's name and home address and these -- these sites pop up. If -- if the judge reaches out to OCA and says, *I am interested in having my personal information and that of my family kept private*, do they then -- does OCA then reach out to these different search engines and tell them that they need to keep this stuff private?

MS. WEINSTEIN: Yes.

MS. WALSH: Okay so the onus is not then on the judge to reach out to those separate search engines him or herself, they -- they go through their employer, their employer then takes the steps

to protect the information.

MS. WEINSTEIN: Yes, but, you know, in doing the request, the judge should specify where they believe there are records of their names that they'd like to have redacted or made, you know, not public.

MS. WALSH: Okay, yeah, that makes sense. So I noticed that there was something in the bill that talked about specifically the Board of Elections.

MS. WEINSTEIN: Correct.

MS. WALSH: So, you know, when petitions are passed, that could contain personal information about the judicial candidate. So if -- and a lot of those records are -- what about records that would be otherwise I guess subject to FOIL? Wouldn't some of those -- how does that -- how does this intersect with FOIL?

MS. WEINSTEIN: Well, currently FOIL does allow for information to be redacted so a FOIL request would come back with redacted information. In terms of the Board of Elections, you know, there is the -- the portion of relating to ballot access and then 30 days after the last day to commence a proceeding -- proceeding or action with respect to such filing, that would be if the judge himself was the candidate, that that record could be available until the time to challenge those petitions would no longer exist.

MS. WALSH: Okay, thank you. And -- and also the -- the act also has to do with court personnel, and just thinking in my mind about that would include security officers. Would that -- I see

your head shaking. How did I miss that?

MS. WEINSTEIN: Right. No, 'cause court personnel are not covered under this.

MS. WALSH: They are not covered. Court personnel is not covered. Where did I see that? Just a second.

(Pause)

Okay, well, I'll -- I'll read -- I'll read the bill later. Of course we've only had a couple of hours to work with it on our side so I thought I'd see something about court personnel but it does not include court personnel.

MS. WEINSTEIN: No.

MS. WALSH: Very good. Thank you so much for your answers to my questions.

MS. WEINSTEIN: Sure.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER ZACCARO: On the bill, Ms. Walsh.

MS. WALSH: I guess -- I guess starting at the end and working my way forward, I mean I think that there are plenty of people that work within the court system that would -- that would really appreciate having some protections as well. Look, I mean as you know I -- I've worked in the family court system for decades at this point and -- and I can tell you that some of the most unhappy people are in -- are in family court. I mean they're in criminal courts, too, no doubt but if you're in a matrimonial and you're in Supreme

Court that's not a happy court either or housing court, you name it. I mean for many of these courts, they're dealing with people on their very worst day. And I -- I can tell you that I know of more than one judge whose gotten a concealed carry just specifically because they've had a very bad experience on the bench where they've got somebody really giving them the eye when they've got to make a very difficult decision involving that individual or their families. So I'm very, very happy that these provisions are being included and I'm happy to support them. I do think that, you know, some of the nuances are going to have to get worked out but, you know, in this day of information and it's kind of ironic that we're talking about, you know, trying to curtail and control the dissemination of private information on, you know, on the web, because we all know that, you know, the bill drafting was hacked yesterday, you know. It's very difficult -- it's going to be very difficult to try to completely tamp this down but I think any steps that we could take as a State to try to protect -- protect our judges from this kind of really, you know, dangerous, really some very dangerous and very mentally-ill people that are out there, very unhappy people in the court system, I think that we need to do it. So I'm -- I'm very grateful for that portion of this -- of this particular budget bill. Thank you very much, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield for a couple quick questions?

ACTING SPEAKER ZACCARO: Ms. Weinstein,

will you yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER ZACCARO: Sponsor yields.

MR. DURSO: Thank you, Chair Weinstein. I appreciate it. So I just have two quick questions for you and then one obviously will be for Mr. Dinowitz. When it comes to the combating on licensed sale of cannabis --

MS. WEINSTEIN: Yes.

MR. D'URSO: -- it's saying here that it would provide additional enforcement authority to localities to enforce local laws addressing the sale of illicit cannabis. So can you just give me the definition of illicit cannabis? Is it only for retailers that do not have a license to sell cannabis, or is it them selling illegal cannabis within a shop that has a license to currently sell cannabis?

MS. WEINSTEIN: It's the shops that are not licensed.

MR. DURSO: So it's a shop that's not licensed to sell cannabis at all.

MS. WEINSTEIN: That -- that these provisions apply to, yes.

MR. DURSO: Okay. And so was there any change to the law in regards to the ones that do have a license to sell cannabis? I understand currently through the Office of Cannabis Management that, you know, to -- to gain a license for cannabis you have to -- one of the prerequisites is to have a cannabis arrest, you

know, or is one of a requisite, correct? It's not?

MS. WEINSTEIN: Nothing -- there's nothing in this relating to the licensed sales.

MR. DURSO: So there's no change to the current cannabis licensing or how you get them or retaining them.

MS. WEINSTEIN: No.

MR. DURSO: In other words, if you were a cannabis -- a licensed cannabis shop and you were to sell illegal cannabis or another illegal drug within your store, is there any change to if you could keep your cannabis license or not?

MS. WEINSTEIN: Well, not under this legislation, but, you know, those legal -- legal licensed locations are already subject to OCM inspection and if they are selling something that they're not licensed to do, as you say it's some illegal drug, then they could lose their license.

MR. DURSO: Okay. So I mean to my understanding under current OCM, the illegal sale of drugs through a cannabis store or by the licensed provider does not have them losing their cannabis license. So that doesn't change in this, correct?

MS. WEINSTEIN: No, we -- we do not change. This does not change the law. This -- this enforcement is related to the illegal sales.

MR. DURSO: Okay, thank you. And then just two more questions for you, actually just one. In regards to the Stop Addictive Feeds Expiration [sic], the Safe For Kids Act and the New

York Child Data Protective Act have obviously been omitted out of this portion of the budget. Do you see them popping up in another portion of the budget at all?

MS. WEINSTEIN: Not in another portion of the budget but I believe we still have a desire to work on -- on that before Session ends.

MR. DURSO: Okay. Thank you, Ms. Weinstein. My next question and then my last question will be about the retail theft.

Thank you, Mr. Dinowitz. I -- I appreciate you taking the questions. So just as my colleague had stated, retail worker assault through this bill will now be a Class D felony, correct?

MR. DINOWITZ: E.

MR. DURSO: Oh E, I'm sorry. So an E felony, right, is not bail eligible, correct?

MR. DINOWITZ: This would be as previously discussed a desk appearance ticket.

MR. DURSO: I'm sorry. Say that again, sir.

MR. DINOWITZ: As previously mentioned, this would be a desk appearance ticket. It would not be bail.

MR. DURSO: Okay. So now I -- I believe in the Governor's original proposal, the retail worker assault bill would have been a D felony, correct?

MR. DINOWITZ: I guess so.

MR. DURSO: Okay. Well, under the Governor's

Executive proposal it was, but now in this proposal the assault of a retail worker is a Class E felony, right?

MR. DINOWITZ: Yes.

MR. DURSO: Okay. But in this harassment or assault of a transit worker is a D felony. So why not the apples to apples comparison?

MR. DINOWITZ: Let me just double-check that.

MR. DURSO: Yes, sir.

(Pause)

MR. DINOWITZ: No, I don't think that's correct.

MR. DURSO: Oh, I have it as the -- let's see, Aggravated Harassment in the Second Degree is a Class A misdemeanor and the Assault in the Second Degree is a Class D felony of a transit worker.

MR. DINOWITZ: Oh, Assault in the Second yes, yes, you're correct.

MR. DURSO: Okay. So -- so in this current bill the assault of a transit worker would be a Class D felony, right and but the assault of a retail worker would only be a Class E. Why not -- why not have them be the same?

MR. DINOWITZ: So you're suggesting that the assault on a transit worker should be a class E felony instead of a D felony?

MR. DURSO: No. I think -- I think they should both be a Class D felony.

MR. DINOWITZ: Oh, you didn't say that. You just said they should be the same.

MR. DURSO: No. I asked you why they're not. I didn't say that, you did.

MR. DINOWITZ: Well, I -- I guess where one group is a public employee so perhaps they're being treated in a different ways similar to the way certain other categories where people are being treated but in either case, the Class E felony is still more than we have now and I think it's one of the tools that we hope to use to try to attack this problem that we've all been suffering.

MR. DURSO: Okay. And since I obviously, I don't understand the law. When they're talking about the aggregation of retail thefts, that obviously means it builds upon, correct? So if you steal from one, steal from the next, the -- the monetary value adds up, correct?

MR. DINOWITZ: Yes.

MR. DURSO: Okay. And now in the end with that, that would then go from a Class E to a Class D, Class C to a Class B felony depending on the amount of property --

MR. DINOWITZ: That's right. Whether it's 1,000 or 3,000, even up to a million. So it's just depends on the total amount.

MR. DURSO: Okay. So with that being said, when it comes to retail worker assault, if someone goes in and assaults a retail worker it is a charge of a Class E felony, which they can't be held on bail, but then if they go and do it again and again and again,

each individual collect case is only a Class E felony, correct? It doesn't aggregate. It doesn't add up to let's say they just keep assaulting retail workers, correct?

MR. DINOWITZ: I'm really not clear on what you're suggesting here, but when we're talking about aggregating we're talking about a dollar aggregation --

MR. DURSO: Right.

MR. DINOWITZ: -- that's -- that's like a different thing.

MR. DURSO: No, I understand that. That's why I'm just asking you to clarify it for me because like I said, I obviously don't understand the law. So I'm trying to clarify for anybody else who doesn't. If I was to go and assault five different retail workers in five different locations, it is -- and I was just using the example as the wording, the aggregate, so the adding on. If I was to go assault five different retail workers at five different locations, each one is only a Class E felony, correct? And you cannot hold someone on bail for multiple assaults, correct?

MR. DINOWITZ: Yes. Just like if you assaulted five different people regardless of whether they're retail workers, whatever the charge would be would not be multiplied simply because you did five separate things in five separate places. On the other hand, when we're talking about organized retail theft, we're talking about a situation where there are -- there's a person or people who are doing this and we want to make sure that we can add it up because as I

think as we know, a disproportionate amount of the retail theft is done by a relatively small group of people for whom this is big business, and so that's the purpose of having the aggregation.

MR. DURSO: Okay. Thank you, Mr. Dinowitz. I appreciate your answers.

MR. DINOWITZ: You're welcome.

MR. DURSO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Byrnes.

MS. BYRNES: 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.

MS. BYRNES: I believe that Mr. Dinowitz skates on this one, but you never know, you never know. My question is about the foreclosure surplus moneys.

MS. WEINSTEIN: Sure.

MS. BYRNES: And the part I want to originally direct your attention to is the part that requires that excess proceeds will be paid to the court that oversaw such sale.

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

MS. BYRNES: My -- my question is and I'm just double-checking because different courts can operate in different ways

in different parts of the state, which I appreciate. But what I want to double-check is that when you're referring to the court that oversaw the sale, for example, where I live in Livingston County, all the foreclosure cases are handled by State Supreme Court. They're not handled anywhere else. They're all a Supreme Court action. So you obviously have a Chief Clerk of Supreme Court who oversees court management and we have the County Clerk who maintains Supreme Court all the records and all the papers. I'm just double-checking with that when you refer to the court and taking in funds, that especially when we're talking about a Supreme Court action, you're talking specifically about the County Clerk, not the Chief Clerk of the Court.

MS. WEINSTEIN: Yes, I -- I would assume the County Clerk would be the one to take in the funds which would be held in escrow for three years.

MS. BYRNES: So you're not putting any burdens then on the OCA Chief Clerk.

MS. WEINSTEIN: No.

MS. BYRNES: This was strictly designed for the County Clerks.

MS. WEINSTEIN: Yes.

MS. BYRNES: My next question is right now and I'll grant you it's been held in advance for a while, after the Supreme Court sales had been completed, money went to the County Clerk, from there any excess funds or -- or any moneys awaiting a disposition went to the County Treasurer, because the County Treasurer has the

ability to create interest-bearing accounts to hold on to these moneys which is I believe required by law that it has to be in an interest-bearing account which the County Treasurer has the authority to do but not the County Clerk. So my question then is, are we going to force and require the County Clerks to create individual interest-bearing accounts for every foreclosure action or can we continue to allow even if it's by court order the County Treasurer to be the one that the County Clerk can transfer the moneys to to be held?

MS. WEINSTEIN: The same way that escrow moneys can be put together into one account. That's what would happen. The interest from that account could be held by the -- kept by the court.

MS. BYRNES: All right. So there's no problem with continuing the practice where the -- the County Treasurer is the one who physically creates - and I'm told it has to be separate interest-bearing accounts for each sale. But in any event, the County Treasurer can exercise their authorities that they're given by the court to handle these moneys, correct?

MS. WEINSTEIN: I -- I would believe so.

MS. BYRNES: The other thing I want to discuss and it is of great concern to the County Clerks, is that their concern that in this new process that they'll be made whole for all of the things they do, and I know that in the bill you cite a couple of specific examples of expenses that can be paid, but obviously it's not all inclusive and at one point you just referred to *other*. My question is obviously the

taxes that are due are going to be paid to the respective municipalities, but out of those other remaining surplus funds. Also, can the counties be reimbursed for the publication, the costs of hiring attorneys, the costs of holding the auctions, the costs of the auctioneer, and any other costs that may be related to handling the money and setting up accounts?

MS. WEINSTEIN: Yes. Those -- those costs could be covered.

MS. BYRNES: So you're in a position where you can assure our County Clerks that in this process, even as it's changing, that the counties and the County Clerks will be made whole for any and all expenses incurred as a result of the foreclosure sales under this new statute?

MS. WEINSTEIN: Yes, I believe so and if there is a cost that isn't covered by statute, they can before the escrow money is disbursed back to the homeowner, they can go to the court to re -- to request their expenses to come out of that -- that those funds before they are returned to the homeowner.

MS. BYRNES: Okay. It's not automatic though, they have to make a request of the court, they have to go back to the Supreme Court judge? I'm presuming, (inaudible) to all parties all over again.

MS. WEINSTEIN: Well, you know we do think that the statute will cover all expenses, but if there is something that's not anticipated in the statute they can go to the -- the court.

MS. BYRNES: Just asking because again, it refers generically to *other*, so the question becomes what is *other*.

Thank you. I appreciate your -- your courtesies and I have no questions for Mr. Dinowitz today, anyway.

ACTING SPEAKER AUBRY: Mr. Gibbs.

MR. GIBBS: Thank you, Mr. Speaker. I rise in appreciation to the member's concerns regarding prison closures; however, in 2021 this Body passed a bill, A3295, which was signed into law by Governor Hochul. This particular legislation replaces all instances of the words inmate and inmate with incarcerated individuals or incarcerated individuals. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Beephan.

MR. BEEPHAN: Thank you, Mr. Speaker. Will the sponsor yield for a couple questions? They're cannabis related so...

ACTING SPEAKER AUBRY: Ms. Weinstein?

MR. BEEPHAN: So it seems that the onus of enforcing the new cannabis laws falls under the municipalities. Are you aware of any funding that was added to the budget for either the creation of new laws or for the actual enforcement?

MS. WEINSTEIN: No, there is not.

MR. BEEPHAN: All right. So speaking of municipalities creating their own laws, are there any limitations to the civil penalties that they can implement?

MS. WEINSTEIN: I'm sorry. Can -- can you just say

that again?

MR. BEEPHAN: So it sounds like from what I understand, the municipalities will be able to create their own civil penalties for violations of cannabis laws?

MS. WEINSTEIN: Yes. I mean though they would have to follow the requirements of the -- the current statute.

MR. BEEPHAN: Okay. And does the Office of Cannabis Management have any oversight or can they have any feedback on those liabilities or penalties rather?

MS. WEINSTEIN: The -- the localities will have to share their laws with OCM, and there is a reporting requirement from the localities to OCM once they take -- regarding what action they've taken locally and I'm not --

MR. BEEPHAN: So speaking of that reporting requirement, can they overrule a municipality's decision for enforcement?

MS. WEINSTEIN: No.

MR. BEEPHAN: Okay, I understand. And then lastly, from what I understand this law does not impact any licensed cannabis shops, correct?

MS. WEINSTEIN: Correct.

MR. BEEPHAN: So say if a licensed vendor was violating State law statutes, what would the municipality do in that case?

MS. WEINSTEIN: Well, right -- currently they

would contact the OCM if they were made aware, but there is -- in terms of the local -- any legal cannabis business OCM has authority over those.

MR. BEEPHAN: Understood. All right. Thank you, Madam Chair.

ACTING SPEAKER AUBRY: Mr. McGowan.

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

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

MS. WEINSTEIN: Yes.

MR. MCGOWAN: Actually, Madam Chair, I have some questions about the retail theft.

MS. WEINSTEIN: So then we'll defer to Mr. Dinowitz.

ACTING SPEAKER AUBRY: We'll switch over to Mr. Dinowitz.

MR. MCGOWAN: Thank you, sir, and thank you, Mr. Dinowitz. My questions are focused on the new crime of assault of a retail worker that's been discussed throughout this -- this debate so far. Can you describe a situation that this new proposed crime addresses?

MR. DINOWITZ: It addresses assault on a retail worker.

MR. MCGOWAN: Okay. And typically under what

circumstance would that arise?

MR. DINOWITZ: That could happen in any one of a number of cases. It could happen where somebody is in a bodega and is stealing something and then attacked a retail worker or it can be an attack without a stealing, but an assault is an assault and unfortunately, certainly since the advent of the pandemic there has been a market increase in these kind of assaults. Certainly in my area and throughout the City and probably throughout the country, so we're to find a way to address this problem in a way that's reasonable and doing this I think is reasonable and fair. And the -- the retail workers, I mean somebody who works in a supermarket or any other kind of an establishment should not have to go to work and worry about being assaulted by somebody, As I said, whether or not they're stealing something, but all too often it is when they're stealing something.

MR. MCGOWAN: Okay. Would you say that the theft part of it, that's -- that situation is probably the overwhelming or the majority -- the majority or the largest concern essentially that led to the creation of this legislation?

MR. DINOWITZ: I -- I -- I think it can be during a robbery, but I think there have been increases in assaults on retail workers regardless of whether there's been a robbery. I mean there's just been an increase, and I think -- and I think we think that the people who work in these stores, stores that we all depend upon, deserve our concern and deserve for us to try to address the situation.

MR. MCGOWAN: Thank you, sir.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCGOWAN: There are aspects of this legislation that -- that I can support and others that I feel just really -- really aren't addressing the primary concern and the situation that we see in New York, especially in the criminal justice context and the increasing number of crimes and assaults on many New Yorkers including retail workers. I certainly applaud the goal of trying to protect our retail workers, but what does this really do? This is a Class E felony, which is the lowest level felony, and it's kind of a mixture of assault and really robbery. Because at the core, what are we talking about? We're talking about looting and we're talking about stealing, and during the course of which a retail worker is injured. We know what we're talking about. And Mr. Dinowitz I appreciate his -- his comments and responses to my questions but he referenced robbery. Now robbery is stealing plus force. A baseline robbery is a Class D felony, which is not bail eligible. But when you add physical injury to a person during the commission of the robbery, it becomes Robbery in the Second Degree which is a Class C violent felony, which is bail eligible. It's -- it was discussed earlier that bail is not referenced in this bill, and I think that's the problem. Because we're putting not a Band-Aid, maybe another shaped Band-Aid on a wound, but we're addressing the symptom, not the cause of this crisis we have in New York, which is reducing the consequences for criminal offenses. So this sounds great. Protect retail workers, I agree. Come

up with new crimes to address the problems that we're seeing, but we already have laws that address the very situation that is the predicate for this crime. We have robbery that could be charged. We have other offenses that would be bail eligible but instead we come up with a softer felony. Again, bail is the issue because we're taking away and we have taken away as a Body the ability for our judges to evaluate a case, to evaluate whether someone should be held on bail pending their trial. And in doing so it's created this culture. I don't think this will fix it. This is another tool to give law enforcement and I support that, but this is not the root of the issue of what's going on in New York. So while I applaud the effort and the attempt, it simply isn't enough. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Norris.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. NORRIS: I just want to go back to the judicial security section.

MS. WEINSTEIN: Sure.

MR. NORRIS: So if you had a judge who ran for public office, for example filed a petition for county judge or town judge, can we just narrow in on that? They have to have the name on the petition, they file it, the filing -- the challenge period has then passed by. At that point could that information be redacted or

prevented from being on the internet?

MS. WEINSTEIN: Yes.

MR. NORRIS: Okay. So, my next question for you and I apologize, I had to put it on my phone just so I got the exact -- exact language. There's a section in here when it deals with news reporting, for example. And it says, *notwithstanding any provision of this paragraph to the contrary. This paragraph shall not apply to, and I just want to read it. Displayed of the personal information of an eligible individual if such information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern.* Now I read that specifically because I really would like to know the intent. If there is a sitting judge and they are running for election or reelection, would their personal address be relevant to a matter in their reelection campaign?

MS. WEINSTEIN: I would think generally not, but in terms of the -- allowing the news reports relates to First Amendment issue. It would need to be relative to the -- the release of this information, the publication of this information would have to be relevant to what they were reporting on.

MR. NORRIS: So if a county judge who deals with criminal matters, very serious criminal matters, is running for reelection for the bench, for that particular seat, is it newsworth -- and the petition period has already passed, it's well-known that that individual lives within that particular county or the jurisdiction, is it newsworthy for their personal address to be listed in a article of --

about the campaign, about the reelection?

MS. WEINSTEIN: Well, you know, we -- we can't go backwards and redact the information that's published but, you know, the language does say *displayed the personal information of an eligible individual of such information is relevant to and displayed as part of a news story, commentary and editorial or other speech on a matter of public concerns*. So it would need to relate to that.

MR. NORRIS: If -- if that judge filed the request with the agency, the Board of Elections, that that information should not be placed on the internet and I understand passed the challenge period, because it's certainly a matter of public concern that that individual was eligible to seek that particular office. After that period, is it newsworthy for that personal address to appear in a article about them running for reelection? That's what I'm trying (inaudible). Because they have taken the step at that point in time to say this is a personal information, my home address.

MS. WEINSTEIN: I don't see how that information would be relevant to the news story unless there was an article about the person not resigning [sic] within the, you know, the judicial district that they're running in.

MR. NORRIS: I appreciate -- I appreciate that clarification, because after that point in time there may be an issue and there was an ability for a voter to challenge the residency and that period has ended.

MS. WEINSTEIN: Correct.

MR. NORRIS: And then they run the story several months later, maybe a month before Election Day because it is not relevant at that point, really where their home address is, because quite frankly, there is a public safety issue at effect. They have their family, they're dealing with very serious situations, particularly the matters that are before them. So I thought -- I appreciate you clarifying that for future reference when these issues are dealt with in the courts or through the administrative process.

MS. WEINSTEIN: Well, I -- I -- I would just say, even though you thanked me for it, I would just say that even if the challenge period had ended and it wasn't a challenge in that regard, it could be of public interest if the -- even though there wasn't a challenge if that -- that running judicial -- that person running for judicial office didn't in fact live within -- didn't meet requirements of -- of the law even if they hadn't been challenged. I would think that would be the only time I could see it being relevant.

MR. NORRIS: Otherwise, the news entity would be aware that that individual may live at their home address or residential address but not for the whole public to see, for someone to Google right there and find out oh yes, that's where the judge lives, you know. So I -- I think that's important for public safety purposes and to clarify the interpretation on the record. So thank you very much, Madam Chair.

MS. WEINSTEIN: Sure. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Would Ms. Weinstein yield?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. GOODELL: Thank you, Ms. Weinstein. I see that this bill has a number of provisions relating to marihuana as do other provisions. In particular this has a number of provisions talking about increasing enforcement on unlicensed sale of marihuana; is that correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: Now this only focuses on the unlicensed sale if there's a outlet, is that correct, like a brick and mortar store?

(Pause)

MS. WEINSTEIN: Yes, basically but it -- it could also -- unlicensed shops but it could also apply to a place like a -- a gas station that might be operating unlaw -- unlawfully. So it doesn't have to be solely an illegal cannabis shop.

MR. GOODELL: I see. And I think one of my colleagues mentioned that there are only 108 legal dispensaries open; is that correct?

MS. WEINSTEIN: That's my understanding, yes.

MR. GOODELL: Which would be a little bit less than two -- about two per county if it were spread equally, much less of course in the smaller counties presumably. Does this bill in any

way address the fact that a few years ago we authorized people to have five pounds of marihuana in their house?

MS. WEINSTEIN: No. This does not address that issue.

MR. GOODELL: I see. And if there's only 108 legal dispensaries in New York State, how is it that somebody could have five pounds in their house and still buy that five pounds legally?

MS. WEINSTEIN: We allow -- if you recall when we decriminalized marihuana, we allowed for personal -- people to grow their own and, you know, maybe they are accumulating marihuana and not using it.

MR. GOODELL: Now perhaps we could have budding agriculturalists, no -- no doubt. When we originally legalized these marihuana dispensaries, we were projecting a revenue that when fully implemented would be about a third-of-a-billion. How much are we projecting now?

(Pause)

MS. WEINSTEIN: When we have the enacted budget we will have a clearer sense of what we have already, and obviously we expect the revenues to grow as we -- as more locations open and people move from illegal locations to legal locations to purchase marihuana.

MR. GOODELL: Now am I correct, though, that so far, since we've legalized marihuana, the State has actually lost over \$200 million net?

MS. WEINSTEIN: I -- I don't really see that -- that number. We can look in -- into that.

MR. GOODELL: I see, okay. With regard to prison closings. I know that since 2019 to now, since we eliminated bail to now, there's been a dramatic increase in crime. Last year there was some reduction in some of the serious crimes but overall, going back five years, murders up 23 percent, robberies up 27 percent, felony assault 35 percent, burglary up 30 percent, grand larceny 17 percent, auto theft 194 percent - that's as of the end of last year, why is it when we have a huge increase in crime, we think we can afford or should shut down five more prisons? Is it because people aren't being arrested or they aren't being convicted or they aren't being sentenced? Do you have a sense of why it is with a huge spike in crime were closing prisons?

MS. WEINSTEIN: You know, I -- I guess I would take issue with your -- your original premise about the increase in crime but we can look at those statistics at a different time. But, you know, we know from DOCCS that there is a tremendous amount of overcapacity. As I mentioned earlier that 50 percent of the prisons have less than -- are only at 70 percent capacity and quite a few are only at 12 or only at 60 percent capacity so there certainly is capacity for any increases.

MR. GOODELL: So this budget acknowledges that we're not sentencing people to prisons but doesn't analyze or review why.

MS. WEINSTEIN: This is -- this is not the subject of this legislation.

MR. GOODELL: I see, okay. I see we have foreclosure -- new foreclosure policy applying to county governments. Under current property tax foreclosures, prior to the recent Supreme Court ruling it was a strict foreclosure so the counties kept the surplus if they sold the property for more than the outstanding property tax. But at the same time because it was a strict foreclosure there was no personal liability on a homeowner if they -- if there was a shortfall on the foreclosure sale. Does this statutory change authorize the counties to sue the homeowner for personal liability if the foreclosure sale is less --

MS. WEINSTEIN: No.

MR. GOODELL: -- from what they owe?

MS. WEINSTEIN: No, it does not.

MR. GOODELL: Now many municipalities, many counties pay the local municipalities their full tax levy and do the foreclosure at the end. Does this legislation allow a county to back-charge a municipality if a particular property sells for less than the amount of outstanding taxes?

MS. WEINSTEIN: That's not addressed in this legislation.

MR. GOODELL: So this legislation requires a county to return or put aside all the surplus, but it doesn't provide any financial protection in the counties in the event a property sells for less

than the outstanding taxes; is that correct?

MS. WEINSTEIN: Well, any lienholder would be made whole before there would be a surplus, but it does not allow for, as you say, to try and get additional moneys from the individual homeowner who now lost their home presumably because they didn't have resources.

MR. GOODELL: All right. Thank you very much. I did have some questions on retail theft.

MS. WEINSTEIN: Okay. Mr. Dinowitz is --

ACTING SPEAKER AUBRY: Mr. Dinowitz will answer. One minute. Hold on, Mr. Dinowitz. No rush.

(Pause)

MR. DINOWITZ: What are you waiting for?

MR. GOODELL: Thank you, Mr. Dinowitz. I had some questions I would hope would be food for thought.

MR. DINOWITZ: I've had plenty of food, thank you.

(Laughter)

MR. GOODELL: I see a number of provisions in here dealing with retail theft, and how -- how serious is this issue? I mean it seems to be getting a lot of press but do we have data on how serious retail theft has become?

MR. DINOWITZ: It's -- it's a serious issue. I -- I -- I think the general trend with crime right now, now that the pandemic has -- has evaded, is that for the most part crime is going down, but it's not down far enough and it's not down to its pre-pandemic low under

Mayor de Blasio. So we want to see crime continue to go down. And one of the stubborn areas that we've dealt with is retail theft, particularly organized retail theft.

MR. GOODELL: One of the concerns I had, and I think it was touched on by one of my colleagues, is that this law allows us to aggregate retail thefts, and as a result you might have a Class A misdemeanor at one store and later in the day a Class A misdemeanor, if it were charged separately, at a different store. And this would allow them to be aggregated which could result in a much higher sentence. The concern, though, might be that if you're involved in one of these crime rings and you're caught, you could be facing potentially a Class D or a Class C felony, depending on the amount; is that correct?

MR. DINOWITZ: Yes.

MR. GOODELL: But yet assaulting the retail worker is only a Class E felony. So doesn't this create up a perverse incentive if you're involved in one of these crime rings and you're caught shoplifting that you're facing a lower charge if you assault the retail worker and get away then if you're caught?

MR. DINOWITZ: What we're doing here is to try to address a situation, and I'm sure when push comes to shove, everybody here is going to want to vote for this bill which contains each of these provisions, because a no vote means you don't want to do anything to address the issue of organized retail theft, you don't want to do anything to protect the retail workers and so on. These

provisions I think will be very helpful. As far as a perverse incentive to attack somebody, I -- I don't see how one has anything to do with the other. We're talking about two different things here. The aggregation provision in here gives law enforcement a very strong tool to charge somebody with a more serious crime because if they're doing this on a regular basis in various places with -- with -- with other people in fact, they can be charged with a more serious crime and if they're convicted will face a much more strict penalty.

Now on the issue of attacking a retail worker, we are strengthening the law there as well because we believe that the retail workers deserve this additional protection.

MR. GOODELL: Thank you, and I appreciate that, those comments and for the most part agree with them. Is there anything in this law that provides a penalty or incentive for district attorneys to actually enforce the law or is it still up to a district attorney to say on day one say, I am not going to enforce the law when it comes to shoplifting or fare-beating or marihuana offenses or a whole list of other things? Is there anything in this law that would incentivize or punish DAs who just simply refuse to enforce the law?

MR. DINOWITZ: Well, first of all, the --

MR. GOODELL: I -- I think it's a yes or no question. Is there anything in this law that would incentivize or punish DAs --

MR. DINOWITZ: It's a definite yes or no question but you're not getting a yes or no answer.

MR. GOODELL: I suspected that might be the case.

MR. DINOWITZ: So I -- I know that DAs don't need an incentive nor do they want an incentive to do that which they should do, and comparing this type of stuff to - what did you say - fare-beating or marihuana?

MR. GOODELL: Or other misdemeanors.

MR. DINOWITZ: Well, I'm sorry but I don't put those things -- I'm not saying those are good, but they're not in the same category as, you know, as attacking a retail worker or being part of an organized ring that is stealing thousands and thousands of dollars. It's just not the same thing. So the DAs will do what they need to do and we're giving them more tools to do it.

MR. GOODELL: Thank you. And I certainly hope that our DAs do what they're elected to do, which is to enforce the law and not issue day one memos so that the list of laws are not going to be enforced but thank you very much for your comments.

Mr. Speaker, on the bill.

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

MR. GOODELL: Thank you. And I want to commend my colleagues for taking on some challenging issues. To be honest, what I find as frustrating in this bill is what's not being done as what is being done. So we enforce -- we increase enforcement on the unlicensed sale of marihuana, and this is a curious thing to me because a few years ago we legalized the possession of marihuana when there was no way you could legally buy it in New York State, now think

about that. We passed a law that said you could possess marihuana at a time when you could not legally buy it anywhere, and we continue to say you can have five pounds of marihuana and you can't buy it anywhere except these 108 outlets. It's insane. Now, later on we'll raise the tax or adjust the tax. The total tax on legal marihuana sales is 22 percent. Plus, of course you got Workers' Comp, unemployment, FICA, Paid Family Leave and everything else, and we expect the legal marihuana stores to compete successfully against the people who have five pounds in their house who don't pay any tax at all, don't pay any FICA, don't pay any unemployment? If you think that business model with a legal, highly-taxed entity is going to beat the illegal market, you don't have any business experience because the illegal market undersells them and delivers more for a better price.

We talked about retail theft and I think those changes are positive and I commend my colleagues. Yet, we have DAs who issue day one memos listing all the crimes that they were elected to enforce that they will not enforce including retail crime and only seen an explosion. We eliminated bail for over 400 crimes and we made it extraordinarily difficult for DAs to meet the discovery requirements under extraordinarily tight circumstances and then we say hey, why is all these serious crimes going up? And before my colleagues correct me by pointing out that rape, robbery, murder and violent crimes go down, I point out we still have bail for those.

So again, I appreciate my colleague's comments. I look forward to further debate and again, thank you for answering my

questions. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: She yields.

MR. GANDOLFO: Actually they may be better suited for our colleague who is trying to enjoy his lunch, so I apologize but it is related to some of the Penal Law.

MS. WEINSTEIN: Okay.

(Pause)

MR. GANDOLFO: So in this budget bill there are certain protections for retail workers and transit workers, right, strengthening the penalties for those specific types of workers?

MR. DINOWITZ: Yes.

MR. GANDOLFO: And we're doing that because they're often, you know, assaulted in the commission of other crimes and it's happening at a rate which is concerning so we're looking to strengthen the penalties to hopefully try to curb -- curb that violence against them or harassment or...

MR. DINOWITZ: Well, yes, yes. I'll give you just one example if you don't mind. Transit workers, while many people including most people in this room were working during the pandemic on their computer, they were out there. They are an example of a

frontline worker. They had to go to work, they could not do their job on Zoom, and -- and all too often they were the target of -- of various crimes down to spitting, which is a really bad thing during a pandemic. So we are trying to take steps to protect them, which I'm sure everybody here would like to do.

MR. GANDOLFO: Of course, and I think that's a great thing but I just want to bring attention to another group of workers on the frontline which are corrections officers. Now corrections officers, specifically female corrections officers let's say at Rikers are frequently, it's a little alarming, assaulted and sexually assaulted by detainees there. Is there anything in this budget bill that specifically protects corrections officers from these types of assaults and sexual assaults?

MR. DINOWITZ: Well -- well, that what you just described is a horrible thing and it's certainly something which I think we need to look at, but there's nothing specific in this budget to deal with that.

MR. GANDOLFO: Okay. So there's for retail workers, transit workers, nothing for the corrections officers, just to clarify this in this -- in this budget.

MR. DINOWITZ: Yes. That's what I said.

MR. GANDOLFO: Okay. Now there's also the expansion of crimes that are able to be charged as hate crimes. Let's say, I believe in Part C forceable touching is in there. Now if a detainee were to forcibly touch a corrections officer, would that then

be able to be charged as a hate crime?

MR. DINOWITZ: No. You have to look at the underlying law. Something can be charged as a hate crime if it meets certain criteria, and generally speaking that means if the crime was motivated by hate based on -- on race, on religion, on sexual orientation, and -- and other categories. So when somebody is charged with the underlying crime, which already exist in the laws or in this case I think there were 23 additional crimes that we're adding in this bill, if the crime that they are charged with was also -- law enforcement believes was motivated by hate as defined in the law, then they could be charged with a hate crime as well. And if they are convicted of both the underlying crime as -- as well as it being a hate crime, then they basically (inaudible) one notch. So if they were -- would otherwise be convicted of say a Class D felony for doing whatever it is they were convicted of doing they could be convicted of a Class C felony.

MR. GANDOLFO: Okay. I appreciate the clarification.

Mr. Speaker, on the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GANDOLFO: Mr. Speaker, there are some good things in this budget bill, I think we really do need to protect our retail workers and our transit workers and strengthen penalties for assaults against these people, but it's just really unfortunate that we are -- that there no further protections for corrections officers who face

very dangerous conditions in their work environment, specifically female corrections officers who often are trying to keep a male population under control, and all too often they are sexually assaulted and there's nothing that will go further to increase penalties in these instances. So again, it's a good thing that we're looking to protect our transit workers and our retail workers but there should be something in here for corrections officers as well.

ACTING SPEAKER AUBRY: Thank you, Mr. Brown [sic].

I mean Mr. Brown.

MR. K. BROWN: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. K. BROWN: So I just want to clarify a couple of provisions here just so we can advise our local officials. Under the alcoholic beverage control to combat unlicensed sale of cannabis, there's a question there, it says *the Office of Cannabis Management will have the authority to seal a building premises of an illicit cannabis operator upon the presence of certain factors*. Do we know what those factors are?

(Pause)

MS. WEINSTEIN: There is a -- the list in the law documented sales to minors, unlicensed processing of cannabis, violent behavior that expresses intent not to comply with the closure

orders, documented presence of unlawful firearms, proximity to schools, youth facilities or houses of worship and sales of cannabis products that have not been tested lawfully.

MR. K. BROWN: Excellent. And I just want to understand the process in which this notice of violation and order would be effectuated because the bill text language, I took a look at it before, and it says that it's not just counties, but if I understand it correctly, it also includes local officials. I just want to read it just for the record. It's -- basically, it sounds like the Office of Cannabis Management is deputizing the county attorney, court counsel, local government authorized pursuant to subdivision 8 of this section. I'm looking at Section 16-A sub7 of the -- of paragraph G.

MS. WEINSTEIN: Well, the counties can enact local law or they can work through OCM.

MR. K. BROWN: So will our local towns and villages have the authority to enforce the provisions of this section?

(Pause)

MS. WEINSTEIN: They -- they could not seal automatically. They would have to work with OCM in that regard.

MR. K. BROWN: Right. So if anybody could advise you of what the process is. Is that the local -- let's say they suspect a local vape store is selling illicit marihuana, do they go directly to the Office of Cannabis Management and ask them for the ability to seal that building? How does that work? The notice of violation, the order, that whole process, can you explain for the members so we can

understand.

MS. WEINSTEIN: Well, so on the local level they can do an order but they don't have the power to do an automatic sealing, padlocking.

MR. K. BROWN: So who has -- only the Office of Cannabis Management has the automatic right to seal a building that's illicit in selling illegal marihuana?

MS. WEINSTEIN: Cities and counties by local law, New York City by the amendment to the administrative code, which we do here, and OCM.

MR. K. BROWN: Okay. So if I understand that answer correctly, that means that counties and cities but not towns and villages will have the authority to go for a notice of violation and seal a building.

MS. WEINSTEIN: Correct.

MR. K. BROWN: Okay. Thank you. So... bear with me a second.

MS. WEINSTEIN: Sure.

MR. K. BROWN: This also includes the provision of vehicles that are used for such businesses being that if it's suspected that a vehicle is selling marihuana illegally, that that vehicle could be, I guess, possessed by the -- the local enforcement agency, whoever that is?

(Pause)

MS. WEINSTEIN: Yes, it can be seized.

MR. K. BROWN: Great. Skipping to the next one. It says this part allows - this is Part H now - this part allows individuals to apply for license with the State Liquor Authority without having to wait the 30 days for municipal notice period to lapse. I -- I assume that's referring to liquor licenses and can you tell me how that -- what types does that cover?

(Pause)

MS. WEINSTEIN: I'm sorry, Mr. Brown. Can you just repeat the --

MR. K. BROWN: Yeah, sure. It's Part H. I just want to understand. Does that cover cider, mead, braggot and liquor of municipal beverages for one day permits? Is that the waiver of the --

MS. WEINSTEIN: Yes, yes.

MR. K. BROWN: -- of the 30-day requirement?

MS. WEINSTEIN: Yes.

MR. K. BROWN: Okay. And then skipping down, I'm trying to understand how these two sections work with one another. This is Part I. It says this part, Part I, removes the Governor's proposal to allow multiple wholesale licenses for cider, wine, beer and liquor at one location. Can you tell me what the intended purpose of that is?

(Pause)

MS. WEINSTEIN: That's removed, it's -- it's not added. So it -- it removes the -- the duplication. We removed that whole section.

MR. K. BROWN: Okay, all right. And then Part L talks about noncontiguous and outdoor cafe licensing. This part would have allowed retail on-premise licenses to file an application with the SLA seeking permission to utilize municipal public space. What is intended by that?

MS. WEINSTEIN: That -- so, as you say in Part L so it was intentionally omitted so that it is something that we can have a discussion outside of the budget.

MR. K. BROWN: But I'm trying to understand the municipal public spaces that is intended by Part L. When would that come up, like an event or a festival of some type where there's alcohol being sold, like a town park or something that's having a fall festival and wants to have a -- a beer garden?

(Pause)

MS. WEINSTEIN: Right. So the -- the temporary permits are for the one day events and that would -- and the noncontiguous municipal space, that is something we can review post-budget.

MR. K. BROWN: So it covers municipal property when the alcohol is sold on a one day event on municipal property; is that correct?

MS. WEINSTEIN: Yes.

MR. K. BROWN: Okay, all right. Skipping ahead to alcohol and movie theaters, Part CC. There was a provision that the movie theater would have to sell some type of food and that's been

amended to limited to only popcorn, candy and light snacks. I think the intended purpose of it originally was -- was to allow the food to absorb some of the alcohol so people were not getting as intoxicated as they would be if they would otherwise. And now we're removing that and we're just saying that the movie theater only has to sell popcorn, candy and light snacks. Do I understand that correctly?

MS. WEINSTEIN: That's -- you're -- you're reading that correctly and that's the standard currently for a tavern license.

MR. K. BROWN: So we only want people to not get as intoxicated because they're eating popcorn and snacks, I got it, okay.

Can I please defer to the Chairman of Codes for a couple of questions about --

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. K. BROWN: -- retail larceny.

Mr. Dinowitz, there's a couple provisions here that my colleagues have talked about but I just want to understand that I understand the section correctly, it has to do with aggregation of retail thefts. So we -- we increase the penalties depending on the amount of the larceny. We have a conspiracy theory because we're including (inaudible), scheme or plan. But is there any type of bail eligibility for people who are in a conspiracy to smash and grab retail?

MR. DINOWITZ: There seems to be bit of --

MR. K. BROWN: Isn't bail --

MR. DINOWITZ: Can I finish? There seems to be a

bit of obsession here with bail when the subject matter here isn't bail. The subject matter is us trying to tackle important issues affecting our districts. Organized retail theft, attacks on retail workers or attacks on transit workers, dealing with hate crimes so that's --

MR. K. BROWN: I'm talking --

MR. DINOWITZ: -- what these provisions do. There are no changes one way or the other in terms of bail in the bail law in this bill.

MR. K. BROWN: But we -- but with all due respect, we've added a -- a provision to the Penal Code, right, and I'm just trying to understand. We have -- we have gangs of people who are going out there throwing, you know, bricks and garbage cans through windows and then a group of people are going in stealing, you know, items from the stores. It's a real problem in this State, we're trying to fix it, and I just want to know with that new law that I just read, is it bail eligible?

MR. DINOWITZ: Well, I've already said no.

MR. K. BROWN: Okay. So then my next question is, if there's a raid that does this on multiple occasions, they hit up Macy's at one point, they hit up another store, they hit up another, so there's multiple times that they've done this. Does that become bail eligible?

MR. DINOWITZ: We are providing a section to be able to aggregate some of these crimes and, quite frankly, you know, it's easy to throw out the word *bail* all the time, but the fact is people

who have the money make bail and they're out anyway, so let's not give people the false impression that just because bail could be set in a particular crime, that means the person's going to be locked up pending trial. That's just not always the case. And I'm pretty sure in the case of these kind of crimes where they -- where they've probably have stolen a lot already, they probably have the money to make bail anyway. So I think our focus really has to be more so -- rather than setting up this -- this red herring on bail, we have to focus on trying to stop these crimes from happening, or if they do happen on being able to prosecute people in a serious way for the crime dealing with organized retail theft.

MR. K. BROWN: So if you can answer this, would you consider a ring of people that are performing these smash and grabs dangerous to the community?

MR. DINOWITZ: Well, first of all, they're not all smash and grabs the way you characterize it. Some are, some aren't. In many cases people are just walking into the stores, they're taking stuff out, a smashless grab, okay? So it's not the way you're describing it, but it's a horrible thing what's going on and we're trying to do something about it. So I suggest you vote yes on this bill if you want to do something about it.

MR. K. BROWN: So I'll take that as a yes for my answer.

(Inaudible/cross-talk).

MR. DINOWITZ: -- (inaudible) your question, but

okay.

MR. K. BROWN: I had a specific bill in your committee last week that the committee decided to hold, right, that was based on smash and grab that would make it an E felony and would also make it bail eligible, right. And that never made itself out. So my bill was a little different than this, right, because I was trying to go after the actual rings that are going around. So I'll ask another question, and that question is, when you have some -- a ring that's been picked up, right, and they're locked up and they're released, right, they got a desk appearance ticket, they went out, and they perform it again a second time. The same thing happens, they release, they go out a third time. Does that aggregation of this -- that ring performing multiple smash and grabs, does the number -- the number of incidents of smash and grab or retail theft ever amount to bail eligibility?

MR. DINOWITZ: Again, they're not all smash and grabs. The bill --

MR. K. BROWN: But I'm talking about smash and grabs specifically.

MR. DINOWITZ: Sir, if you'd let me finish my sentences that would be a big help. The bill very clearly describes how these crimes can be aggregated. This is very serious business we're dealing with here and we're -- it's going to result in very serious penalties. For example, if this ring ends up stealing more than \$50,000 they can be charged with Grand Larceny in the Second Degree and that's a very serious penalty that they would get if they're

convicted. These are serious crimes. If they're convicted, they're going to serve real jail time.

MR. K. BROWN: I appreciate that, but we haven't dealt -- we haven't taken them off the street for any particular period of time. They're allowed to go back out and do it again. So I want to --

MR. DINOWITZ: Wait, just a second. What did you say they're allowed to go out and do it again? You're saying it as if they're being encouraged to do it again. If they do it again and they're charged with that again then they can -- and they're convicted, they can -- they will serve time and time -- it'll be added up. So that's a lot of time that they can spend in jail if they are convicted of these crimes, which right now we are hoping to give DAs a much stronger tool to prosecute, and if we pass this -- if we pass it, I think that will strengthen the hand of our DAs and of law enforcement in general.

MR. K. BROWN: Great. Thank you for those answers, I appreciate it.

MR. DINOWITZ: Any time.

MR. K. BROWN: If I could go back to Chair Weinstein for a minute.

ACTING SPEAKER AUBRY: Ms. Weinstein?

MR. K. BROWN: So just one last question, Ms. Weinstein. There's a provision, Part O, it was Stop Addictive Feeds Exploitation (SAFE) For Kids Act, it was intentionally omitted. That part would have made it unlawful for an operator of a social media

platform to provide addictive social media feeds from minors. Do we know why that was removed where it would protect teenagers from such instances?

MS. WEINSTEIN: It's a very complex issue and it's our intention to look at this after the budget is passed before Session ends.

MR. K. BROWN: Great. I look forward to revisiting it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this budget bill, but there may be members who would like to support it in which case they are encouraged to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Party is generally going to be in favor of this piece of legislation; however, there may be a few that would desire to be an exception. They should feel free to do so at their seats. Thank you.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As many of us who are on the floor know, this is a 110 page bill and it has parts that run from Part A to Part TT, so we have about 30 or 40 different parts to this 110 page budget bill, and some of those parts are positive. I appreciate the language which strengthens enforcement options on illegal marihuana stores, as I was never high on marihuana sales anyway. I appreciate that we're taking steps to address retail theft. I know there's some employment-related matters that many of us would find attractive like the Tier 6 overtime extension. At the same token there are some things that many of us find really concerning like prison closures on just 90-days notice, or the fact that we're looking at closing five more prisons at a time when over the last five years we've seen a substantial increase in crime, and while we're seeing some improvement lately, it's still a serious issue. Hidden in this 110 pages is a bond authorization for the New York State Transition Finance Authority that raises their bonding authority or their debt authority from 13.5 to 26 billion. And the reason why there's a New York City Transition Finance Authority is it's a mechanism that was created by the State of New York to allow the City of New York to borrow more money than would be otherwise allowed under the New York State Constitution by creating a separate entity outside of the City that can

borrow on behalf of the City. It's a scam and it's an indirect violation of the State Constitution. For those who like alcohol, I suppose the alcohol-to-go thing is a great thing, you might even want to have some drinks while you're watching theater. Others are opposed to increasing alcohol availability, so it's a balancing act. So many of my colleagues will be voting yes. For me, I will be voting no in large part over what's not included in this budget bill like bail reform or discovery reform or other issues. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Steck.

MR. STECK: Thank you, Mr. Speaker. I'll be voting in support of this bill. I just want to note my opposition to the takeaway sales of alcohol. I don't think in this State we should be continually seeking to push alcohol consumption as a vehicle for economic development, nor have I seen any evidence that any restaurant has been saved from closure as a result of takeaway sales of alcohol, particularly when the sale of alcohol in a restaurant is about twice as expensive as it is in say a wine store. So I -- I don't want to be accused of being hypocritical as Chair of the Committee on Alcoholism and Substance Abuse, so I am voting for the bill. There are, you know, 99 percent of these provisions are good, but I do need to note my disagreement with that one. Thank you.

ACTING SPEAKER AUBRY: Mr. Steck in the affirmative.

Mr. Flood to explain his vote.

MR. FLOOD: Thank you, Speaker. I will be voting for this bill because I do think we are taking a step in the right direction, but when it comes to criminal justice reforms that's just what we're doing, we're taking a step when we need to go a mile. I know a lot of our -- our people on our side of the aisle are concerned with this because we're just not doing enough, and I know, you know, Chairman had just mentioned before that when someone's arrested and they're released to go back out of jail and then they can go do this crime again and it's not like they're continuing. However, if there was bail in place so when someone was able to, you know, if I walk out and I hit my colleague and they take me to jail and I'm not given any bail, I can go out and do it again and again and again. Where if there was bail set or if a judge had an ability to use dangerous standards, that person could then either, one, be given more bail on top of it and is a financial penalty to keep people from recommitting crimes, or at some point - and this is where the judge goes, *this guy clearly doesn't get it and we're going to hold him because he's a danger to the society*. These -- this bill doesn't do anything to address that. It also doesn't do anything to address our opioid addiction, fentanyl which is still not even a crime in this State to possess which is insane. So I think on our side, like I said, this is a -- I will support it because there are some good things in here, but we need do a whole lot more to make New Yorkers safe. Thank you.

ACTING SPEAKER AUBRY: Mr. Flood in the

affirmative.

Ms. Rajkumar to explain her vote.

MS. RAJKUMAR: Mr. Speaker, today I am proud that my SMOKEOUT Act has just passed in our budget so we can smoke them all out and close the illegal cannabis stores in our State and shut them down for good. On the first day of this legislative Session I pledged to New Yorkers that I was going to close down all 36,000 illegal smoke shops ballooning across our State. It's time to smoke them out and shut them down. These illegal smoke shops are hot beds of crime. They endanger our children by opening up near schools and selling unregulated cannabis. They harm the legal cannabis market costing us millions in taxpayer dollars. That is why on day one of Session, I authored -- I introduced the SMOKEOUT Act. I said we are going to smoke them all out and padlock them so they can never reopen. And today as SMOKEOUT passes in the budget, this is not just my victory, but a victory for public safety, common sense, and the health of our children. The people have spoken and Albany has listened. These past few months I launched "Operation Smokeout" which brought New Yorkers together across all five boroughs and backgrounds with the common cause of shutting down these illegal shops. Thank you to the people of New York for taking a stand for what is right. You are an inspiration and I am honored to stand with you, the people for public safety and for public health no matter how hard it is or what powerful interests we are up against. I am proud to announce for the next few weeks I will be raiding illegal

smoke shops across New York City with New York City Sheriff Anthony Miranda, smoking out all the illegal smoke shops, padlocking them and shutting them down for good. Thank you to our Speaker Carl Heastie --

ACTING SPEAKER AUBRY: Ms. Rajkumar, how do you vote?

MS. RAJKUMAR: Majority Leader Andrea Stewart-Cousins, Governor Kathy Hochul and Mayor Eric Adams for your partnership in achieving today's (mic cut out).

ACTING SPEAKER AUBRY: Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to briefly explain my vote. I've been through many, many budgets and usually you -- I have been supportive of the wide range of bills that come before us and when there are in fact a few problematic sections. And I just want to point out that the -- we make rules in an emergency situation that perhaps when the emergency is over should be withdrawn. I share my colleague's concern about alcohol-to-go. I believe that people should drink in restaurants and in bars and give tips to the staff that are there. If one wants to have a party, one should go and get your beer at a supermarket or at a delicatessen, and if you want wine and spirits you should go to your local liquor store. So I believe that it is more important for us to return to normal order and go out and enjoy ourselves in a bar or a restaurant or bring things home from stores that have been licensed by the State to do -- to sell

these products. So while I will be supporting the bill, I am concerned that we continue for another five years allowing this this inappropriate cocktails-to-go provision to be included. And I would just say that we've made adjustments to bail and when you are a repeat offender you are -- it is bail eligible, so somehow we seemed to have forgotten that. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, to explain my vote. This afternoon we've listened to many people talk about the prison foreclosures in closing them. I'm sorry, closing them, not foreclosures. And we think about the buildings, but what I've learned a long time ago being a farmer, the most important asset I had on my farm was my farm employees. I had assets of equipment and land and everything else, but when things got tough I couldn't just dump my barns, I couldn't just dump my property. I had to make sure I took care of my employees. We looked at different ways of doing things when we had bad years, we looked at growing asparagus. We looked at the possibility of doing dragon fruit in a greenhouse. We had to do that because I valued my employees. I did not want to create a ginormous problem for my farm or my employees. We're doing that here in New York State. The men and women that work in our correctional facilities and their families and the area that support them and they support as well. We need to make it work where we

can keep these prisons open, we can repurpose those buildings, we can repurpose parts of those prisons that aren't being used, because if we just dump all these prisons and just change the landscape of all these small communities, we are going to have a serious problem down the road. So there's a lot of good pieces of this bill that brought forward -- that was brought forward today, and I -- I appreciate a lot of the comments. I really want to support this, Mr. Speaker, but because of moving those individuals around five more prisons I cannot support that. These men and women and their families and in the communities that they live in are the most important part of New York State. So for that reason, Mr. Speaker, I'll be voting in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Mr. Maher to explain his vote.

MR. MAHER: Thank you, Mr. Speaker. So like any time I speak on the floor I'd like to start and focus on the positive. I did join several of my colleagues on bills that would tackle the issue of illicit cannabis. So I am very happy to see smoke'em out get put in the budget among other important, you know, parts of that issue. Another area that I think it's good to take a first step on is Tier 6, but I do not think obviously we've gone far enough, and as much as we're going to talk about expense in this budget, that is one area that I think we have a ton of jobs and a ton of individuals in our workforce that really need to see us go a little bit further, and that actually taps into

the issue of our prisons. I have four State prisons in my district. I have four counties with their own individual county jails that are impacted when we change laws here at the State level, and when it comes to closing five more prisons I have to echo the sentiment of many of my colleagues that this is not a sustainable long-term solution. This is a problem that's going to continue to come up. When you have us losing over 54 corrections officers every two weeks with less than 100 in the training pipeline, that is not something that is going to be solved by closing a certain number of prisons. We're going to see this continue to come up. So I hope to join my colleagues on both sides of the aisle to talk about how we can sustainably address that issue and for those reasons and many others I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Maher in the negative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker. I am voting no on this bill. I'm not going to talk about some of the policies that are good but I'm talking about the prison closures. I'm concerned about the negative impact for our safety, for our corrections officers, their families. We should not be closing any prisons, certainly with not just 90-day notification. That is an insult to the brave men and women who work a dangerous job to keep us safe and their families. These prison closures coupled with failed policies has created a powder -- dangerous powder-keg environment inside our correctional

facilities. Just since 2011 we have closed 25 facilities, inmate-on-staff assaults are up 197 percent, inmate-on-inmate assaults are up 217 percent respectfully, even contraband getting into our facilities is up over 53 percent during that time, and just in the last two years with the implementation of HALT. Inmate-on-inmate, inmate-on-staff assaults are up 42 percent and inmate-on-inmate assaults are up 90 percent, this is dangerous. We have to -- also get these drugs out of our correctional facilities. We should have drug dogs and body scanners at every facility. We're not worried about getting cauliflower and plums into our correctional facilities. We gotta get the drugs out of our correctional facilities. Body scanners and drug dogs will help do that while keeping our facilities safer for our -- for our corrections officers and for the inmates themselves. The Commissioner talked about a workforce crisis. If we want to deal with the workforce crisis, we shouldn't be shutting down more facilities, we don't do that with healthcare facilities with shortage of nurses, we pay recruitment bonuses, retention bonuses, we have -- we should be paying better benefits, we should even be having the death gamble in here. That's something that will protect families and their spouses. That's the right thing to do. Let's do recruitment and retention bonuses, those are the types of things we need to be looking at. As my colleague mentioned, let's show our CEOs if there's a sexual assault against our female corrections officers it's going to be treated as a felony and be taken care -- be taken seriously instead of being dismissed as a misdemeanor. It's long past due for us to start taking care and

showing the brave corrections officers that protect us and keep us safe that we have their backs just like they have our backs.

(Buzzer sounded)

Time -- that's why I'm going to be voting no, Mr. Speaker.

(Laughter)

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Lavine to explain his vote.

MR. LAVINE: Thanks, Mr. Speaker. I'm extraordinarily pleased that there are so many great things in this part of the budget including the Judicial Security Act. And I only wish that Judge William H. Pauley, III were still with us because he brought this to our attention and what a great United States District Judge -- Court Judge he was prior to his premature death in July of 2021. But, as an old public defender and someone who has a pretty good grasp of the bail laws and has had for a -- for a long time, I don't know why any of us would stand up here and say that people are just released, they're arrested again, they're released, they're arrested again. This is the law. And this is the law that we made in 2020. When someone who has a pending case is released and then goes on to be arrested for a felony or an A misdemeanor, a judge may set bail or order detention on the new charge. For example, if someone shoplifts -- shoplifts is released and then shoplifts again, and we've had references, many references to that today, the person becomes bail

eligible on the new case based on the fact that both petty larceny charges involve harm to property. This provision was added in 2020 to address concerns about people repeatedly committing crimes after they've been released. That is the state of the law. Must we frighten New Yorkers? Must we frighten Americans by telling them stuff that simply is not true? That's a rhetorical question. I'm very pleased to vote in favor of this.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I -- I want to thank the Speaker and all the staff who were able to help get us to this point, the Ways and Means staff specifically. So when we passed the MRTA we were talking about transformative justice, we were talking about how do we take the -- the -- the legalization of marihuana and help people who are formally incarcerated to be able to go into the legal market. What we've seen unfortunately in the last couple years is this growth of this -- of the gray market and people selling this illegally. What we did in this bill, we're going to take a huge step forward and to ensure that the people who are in this gray market will be padlocked and closed immediately. There are dozens and dozens of these illegal smoke shops in my district and I am looking forward to the day, hopefully next week, when the sheriff comes with a padlock and shuts them all down. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Lee to explain her vote.

MS. LEE: I'm proud that this year's budget addresses public safety issues for New Yorkers by strengthening our hate crime statute and enhancing enforcement against illegal cannabis stores. Adopting language from the Hate Crimes Modernization Act, which I introduced last fall, we are updating New York's outdated hate crime statute to respond to the severe rise in hate against minority communities including the Asian, Jewish, Muslim, Black and LGBTQ+ New Yorkers. There is a long-term corrosive effect when we fail to address hate in our communities. The amendment will make us more prepared to recognize, track and address hate crimes when they occur and it will empower and validate hate crimes victims. This budget also enhances enforcement against illegal cannabis stores that have proliferated in our communities. I have dozens of illegal stores on the Lower East Side that are threatening the survival of the legal industry and legal store -- stores in my neighborhood. I am thrilled to see actions taken to immediately padlock all of the illegal stores. Together these two parts of the budget will improve life for constituents in my Lower Manhattan district and I want to thank our Speaker Carl Heastie and Governor Hochul for their leadership and support of these initiatives. I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Lee in the affirmative.

Mr. Zaccaro to explain his vote.

MR. ZACCARO: Thank you, Mr. Speaker. Today I proudly rise to support the new illegal cannabis enforcement powers included in the State's final budget. For far too long, smoke shops, delis, bodegas have been found selling illicit cannabis have known that they face limited consequences with little to no long-term ramifications for their actions. They have used vehicles like cana buses or push carts to openly peddle illegal cannabis for anyone to buy. Smoke shops have reopened shortly after raids and inspections fully stocked and ready to sell more product. It is this brazenness and lack of enforcement that has angered so many throughout our State. New York must have the tools to prevent this unlawful behavior and now in this budget we will have more tools in our toolbox. Revoking or suspending the tobacco, liquor and lottery licence of stores that illegal -- illegally sell cannabis is vital, and I am thrilled that this power will be included in the State budget. This unique approach to adjust the plethora of smoke shops, delis and bodegas will circumvent -- who circumvent the law was introduced in A9520 by me and received significant bipartisan support in this Chamber. I truly thank my colleagues for your unwavering support in our fight against illegal smoke shops, it has been invaluable. Without these licenses these businesses will lose revenue plain and simple. The cost of doing business for illegal smoke shops is about to go up and be much more costly. We will remember it is a privilege and not a right to hold any of these licenses and if you're going to abuse that privilege or actively

breaking the law, that ends today. I will always continue to champion commonsense policies that will improve public safety and uplift the quality of life for all New Yorkers. I want to thank the Speaker, the Majority Leader, leaders in the cannabis industry across New York and all 71 cosponsors across this Chamber for ensuring that we got this bill across the finish line. Mr. Speaker, for that I vote proudly in the affirmative. Thank you so much.

ACTING SPEAKER AUBRY: Mr. Zaccaro in the affirmative.

Mr. Chang.

MR. CHANG: Thank you, Mr. Speaker. Not all bills are perfect, and I like to talk about the positiveness of this bill and I'd like to thank both Houses make this bill and the debate today. Retail theft is one thing as I'm fully embraced with this improved laws. Cannabis, of course I mention about it all day. I'm very happy about that. Prenatal leave, I support that. Supporting the New York City, New York State pensions improvement on the -- on the pension itself. And the correctional facilities, I do not support the closing but who knows that with this new law we may fill those prisons back again, and this -- and this bill I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

Although there are many components of this bill that are worthy of advocacy, I have to vote in the negative because of a simple provision

of its treatment of correctional officers and the law enforcement infrastructure in the event that any prisons in this State are closed. I'm going to take a leap, I'm probably the only person in this Legislature that ever had to close large-scale industrial facilities. Having closed four across the country, each in a different state, totaling roughly just under 6,000 people. We did this over the course of two-and-a-half to three years. The thought and notion of displacing people and their families in 90 days is about the most unconscionable inconsiderate thing I could ever imagine this Body doing to a group of professionals that have pledged their lives to protect us all. I would ask you simply to keep in mind if these people were your family members, would you act the same way? Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lemondes in the negative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker, very briefly. I just want to make the record perfectly clear that while I am voting in the affirmative, it is the section about the prison closures on 90 days notice that really did give me pause and I almost really did switch my vote over. Although I don't have any prisons located in my immediate district, they're definitely in my region and I know especially as you get a little bit further north of my district and certainly west, as many of my colleagues have noted, you know, these -- these -- these prisons are sometimes the only thing in the local economy that's there, the biggest employer for an area. So this is going to be a bitter pill really

to have up to five more closures and on such short notice, but as has been said and I tried to address it in debate, I do think that there are good things in it, too. The Judicial Protection Act being one of them, so I will be in the affirmative. But I do want my -- those in the corrections field to understand that I do so with great concerns about the prison closure issue. Thank you. I'll be in the -- in the affirmative here.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker, and I rise again to explain my vote as well. And there's just a couple of pieces of this bill that I'd like to highlight and that I'm pleased to see and I'll commend all my colleagues for including and I must start with the retail theft provisions. I live here in Albany and it's no secret that we've had our struggles in the city and there's many reasons for that and we're determined to turn that around. But in the meantime in the heart of the city we have lost Stewart's Shops, we have lost CVS, we have lost a Shop Rite grocery store and a Rite Aid drugstore. So after years of progress on addressing pharmacy deserts and food deserts, we have gone backwards, that's for many reasons, particularly during COVID but theft -- retail theft has certainly aggravated all of those problems. So I'm pleased to see that we are addressing assaults on retail workers as well as the sale of stolen goods, which has been a huge problem with the resale of these stolen goods. Also very pleased

after years of -- three years of really a botched rollout on the cannabis -- legalization of cannabis, I'm very pleased and commend so many of my colleagues for the enforcement and the effort, the renewed and much stronger effort to shut down these illegal cannabis shops. It's really been a -- a flagrant disregard for the law and hurting those who are legitimately trying to put their life savings in and enter this business in a legitimate way. So very pleased to see that and also pleased to see the expansion of hate crimes, particularly the offenses that include gang assault, sexual assault, and more as we cannot -- we must address hate crime in this society which has unfortunately grown, not gotten better. So with that, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Taylor to explain his vote.

MR. TAYLOR: Thank you, Mr. Speaker. I rise to share my support for this legislation especially when we talk about retail theft and how it has become a blight in our communities and folks have run rampant. So today in singing on -- or supporting this legislation, we serve notice that it will no longer be business as usual, and especially when it comes to the cannabis -- illegal cannabis shops that have opened up, they are a blight and eyesore and a danger to our communities across the State and especially in New York City. So today I'm proud to sign in the affirmative, go on the affirmative for this piece of legislation, but also to say that those that are operating

have done so without regard to the community. Today we serve notice that business will not go on as usual, if you have a license you will lose it and you will be padlocked and we have the resources to get the job done. So I wholeheartedly support this. And I also support the idea of closing prisons because prisons do not always do what we want them to do, and if you build the people will come to it, and it has been no surprise that in this State that although we are in a crisis, have been in crisis, the Black and Brown people that fill these prisons, people have shipped their kids to college and school and built a whole life, great. We work as far -- it's ideal to have a job and get paid for it, but I solely support the idea of closing some of the jails so that we can do a lot of other things to re -- reinvent ways to taking care of our communities whether it is ways to keep people from going to jail, what are some of those things? But jail is not always the way to answer it so I commend the sponsors and I wholeheartedly support this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. Taylor in the affirmative.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. And I want to thank obviously our Chair and our whole team for all the work they've done on this budget. But I want to speak just momentarily about the provisions around retail theft. As you know last year we actually passed a bill to establish a task force, and unfortunately it was vetoed but sometimes a veto actually leads to good things. And I

remember talking to the Governor's staff about this and they said, we don't want to wait for a task force, we want to do something now. And today we are doing something about retail theft, which is not just a New York State issue. Anybody who picks up any newspaper sees this happening throughout the country. But we are taking what I think are very logical steps primarily focused on the safety of the hard-working employees who are on the frontline that I think sometimes are forgotten in this conversation. And increasing in penalties of assault is appropriate in that situation, going after the bad actors that are taking these products, fencing them and putting them on the internet is an appropriate action in many aspects, and also the aggregation of repeat offenses. I think any normal person who happens to be in a Target on a Saturday afternoon is going about their business pushing their cart and see one person rolling out a cart with 20 or 30 jugs of Tide saying there's something categorically wrong. This is a shock value. A shock value that should not be permitted. I want to thank all of our partners for supporting this. I think it's long overdue. It's a step in the right direction. Thank you.

ACTING SPEAKER PRETLOW: Mr. McDonald in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. This reminds me when I first became a member of this House and you go through a budget bill debate and you hear things that you like a lot and you hear

things that you don't like at all, but at the end of the day you end up voting yes. And I will say that the idea of alcohol-to-go is one that I do not like at all. I think it's fair for people to go into a club or a bar or a restaurant and have as much alcohol as you would like, but to need to have it to go in movie theaters I just think that that is a bit overreached. And I will also say this as it relates to -- I've often wondered why there's always these complaints about bail reform when in fact judges do have the ability to implement a bail when people are repeat offenders, but we keep hearing that that doesn't happen. Well, it could happen and it does happen, but now understand better why we want -- need to have bail reform like it used to be, because we need people in the jails that are now needing to be closed. And so I do actually support the opportunity to close prisons. Now maybe the 90 day piece is not so fair to the families that work there, but I support the idea of closing prisons and I think what we've done with bail is the right thing to do to not have people incarcerated. Prisons are not supposed to be a job opportunity for people. It's supposed to be a way to reform people who have been convicted of a crime. If you haven't been convicted and you're not in jail there's no reason to keep them open, so I definitely do support that.

And lastly I will say this on the issue of the cannabis enforcement. The way the original language was written in MRTA is it's already illegal to sell to young people. Anybody under 21, that's illegal. It's illegal to sell a product that's not made, grown, processed and tested in New York, that's illegal. But if we have to keep coming

up with language that will help law enforcement understand that they have to do their job to help us close these places down, then let's just keep doing that, I'm okay with that so I support that as well. And lastly I will say this. The fact that these people are in business and are making tons of money, they literally, literally taken \$600 million from the State of New York. They should be going into our tax base and also should be going into the 40 percent of resources that need to be reinvested in communities that keep people out of jail, that provide people with access to jobs and pours into their -- their families and their children who have gone through a lot of trauma because there was this period when there was a war on drugs. And so, Mr. Speaker, I proudly support this piece of legislation even though there's some things in it that I don't necessarily care for. Thank you.

ACTING SPEAKER PRETLOW: Mrs.

Peoples-Stokes in the affirmative.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. There are many things in this bill that I do like. I do like the harassment of transit employees becoming a more stricter offense than what it has been in the past, but what troubles me is that a lot of these little fixes in this budget are to rectify problems that were created by this same Body, and these little fixes are not enough. And when we talk about public protection, I don't see anything in here about assault on law enforcement officers and more stricter crimes for that. Law enforcement is here to protect us and they are being violated every

day. We have moments of silence in this Chamber too many times for law enforcement that are under assault. We have bills that are out there that protect law enforcement that are not making it to committees and if they are, they're not making it out of committees, they're being held. And an assault on a law enforcement officer or on a transit worker should be automatically bail ineligible. You should be there until -- you should get a speedy trial, but that should never be acceptable in this State or anywhere in this country. Law enforcement protects us and we should do what we can to protect law enforcement. I will be voting no. There is not enough in this bill, it's piecemeal to rectify problems that were created by laws in this Chamber. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Ms. Giglio in the negative.

Are there other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 5, Rules Report No. 30 -- 31, the Clerk will read.

THE CLERK: Assembly No. A08808-C, Rules Report No. 31, Budget Bill. An act to amend Part PP of Chapter 54 of the Laws of 2016 amending the Public Authorities Law and the General Municipal Law relating to the New York Transit Authority and the Metropolitan Transportation Authority, in relation to extending provisions of law relating to certain tax increment financing

provisions (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 Warren County to such District (Part E); 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 F); 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 G); intentionally omitted (Part H); intentionally omitted (Part I); to amend Part FF of Chapter 55 of the Laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part J); to amend the Transportation Law and the Vehicle and Traffic Law, in relation to enacting the Stretch Limousine Passenger Safety Act; and providing for the repeal of certain provisions upon expiration thereof (Part K); to amend the Executive Law, the Criminal Procedure Law, the Retirement and Social Security Law and the Tax Law, in relation to creating the Waterfront Commission Act; and to repeal Chapter 882 of the Laws of 1953 relating to waterfront

employment and air freight industry regulation (Part L); to amend Part DDD of Chapter 55 of the Laws of 2021 amending the Public Authorities Law relating to the Clean Energy Resources Development and Incentives program, in relation to the effectiveness thereof; and to amend the Public Authorities Law, in relation to renewable energy generation projects and qualified energy storage systems (Part M); in relation to authorizing the New York State 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 from an assessment on gas and electric corporations (Part N); to amend the Public Service Law, the Eminent Domain Procedure Law, the Energy Law, the Environmental Conservation Law, the Public Authorities Law and the Labor Law, in relation to transferring the functions of the Office of Renewable Energy Siting to the Department of Public Service and accelerating the permitting of electric utility transmission facilities; to repeal certain provisions of the Executive Law and the Public Service Law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part O); intentionally omitted (Part P); 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 expiration thereof (Part Q); intentionally omitted (Part R); to amend the Environmental Conservation Law, in relation to authorizing state assistance payments toward climate smart community projects of up to 80 percent to municipalities that meet criteria relating to financial hardship or disadvantaged communities (Part S); to amend the Environmental Conservation Law, in relation to air quality control program fees and ozone non-attainment fee programs; to amend the State Finance Law, in relation to establishing the Air Quality Improvement Fund; and to repeal certain provisions of the Environmental Conservation Law and the State Finance Law relating thereto (Part T); intentionally omitted (Part U); 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 V); to amend the Public Authorities Law, in relation to the Battery Park City Authority (Part W); to amend the Economic Development Law, in relation to increasing the cap on grants to entrepreneurship assistance centers (Part X); to amend Chapter 261 of the Laws of 1988, amending the State Finance Law and other laws relating to the New York State Infrastructure Trust Fund, in relation to the effectiveness thereof (Part Y); to amend the New York State 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 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 AA); 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 BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the Insurance Law, in relation to cost sharing for covered prescription insulin drugs (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend Part WW of Chapter 56 of the Laws of 2022 amending the Public Officers Law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to extending the provisions thereof (Part KK); to amend the Insurance Law, in relation to reinsurance, distribution for life insurers, and assessments; and to amend the Tax Law, in relation to the credit relating to life and health insurance guaranty corporation assessments (Part LL); to amend the Civil Rights Law, in relation to privacy rights involving digitization (Subpart A); and to amend the Election Law, in relation to digitization in political communications (Subpart B)(Part MM); to amend the Insurance Law, in relation to rates for livery insurance (Part NN); to amend the New York State Urban

Development Corporation Act, in relation to internships for the Regional Economic Development Partnership program (Part OO); to amend the Tax Law, in relation to establishing a sales tax exemption for residential energy storage; and providing for the repeal of such provisions upon expiration thereof (Part PP); in relation to directing the New York State Energy Research and Development Authority to conduct a highway and depot charging needs evaluation (Part QQ); in relation to authorizing the State to consent to binding arbitration with respect to certain contracts, agreements or instruments adopted by the Gateway Development Commission (Part RR); to amend the Public Authorities Law, in relation to establishing a local authorities searchable subsidy and economic development benefits database (Subpart A); and to amend the Public Authorities Law, in relation to the applicability of open meetings and Freedom of Information laws to certain State and local authorities (Subpart B) (Part SS); and to amend the Economic Development Law and the Urban Development Corporation Act, in relation to establishing the New York State Empire Artificial Intelligence Research program and the Empire AI Consortium; and in relation to the plan of operation and financial oversight of the Empire AI consortium; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and in relation to authorizing the State University of New York at Buffalo to lease a portion of lands to the Empire AI Consortium to create and launch a state-of-the-art artificial intelligence computing center (Subpart B) (Part TT).

ACTING SPEAKER PRETLOW: The 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 PRETLOW: An explanation has been requested.

MS. WEINSTEIN: Very briefly, Mr. Speaker. This bill would enact into law major components of legislation that are necessary to implement the State Fiscal Year '24-'25 Budget as it pertains to the Transportation, Environment, and Economic Development Budget.

ACTING SPEAKER PRETLOW: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. RA: Thank you. I -- I won't -- I won't start by asking about a financial plan, because I assume we're not there yet, but we will hopefully --

MS. WEINSTEIN: Getting closer.

MR. RA: We're getting closer, good. That's -- that's a good update. So in -- in this particular bill I know there are a number of pieces that, you know, have been widely-discussed topics that have made it into this final bill, and -- and others that have not.

So I want to just ask quickly, though, about a couple of -- a couple of things that we had seen previously but -- but have not ultimately made it into the -- into this budget bill and -- and in particular, I guess, whether that we know if that means they're done or -- or if maybe we may see them at some other point.

With regard to the MTA, the fare enforcement and toll enforcement, right, those are both intentionally omitted?

MS. WEINSTEIN: From this bill, yes. We're still working on those.

MR. RA: Okay. So we may see provisions related to that later on.

MS. WEINSTEIN: Yes.

MR. RA: Okay. And is there anything in particular in here with regard to modifying, covering or -- or, you know, any of those things that people do with license plates?

MS. WEINSTEIN: Not in this bill but, you know, again, we may see some of that in the -- going forward in the next day-and-a-half.

MR. RA: Okay. Because I -- I think, you know, a lot of people, A, were concerned with the problem as is, but obviously with congestion pricing rolling out, I think there's even more of a potential for -- for those types of things to be done by people to try to avoid paying that -- that toll. You know, and as -- as has been stated, I think earlier this year the MTA was around \$50 million due to toll evasion on -- on the bridges and tunnels as is, and again, that's before

we even start the new congestion pricing system.

Another thing that appears to be out at least of this bill is the lithium ion batteries provisions. Do we expect to see something with that?

(Pause)

MS. WEINSTEIN: I -- that would -- could be something we could be discussing during Session post-budget.

MR. RA: Okay, thank you. Okay. So onto things that are part of -- part of this particular bill. So, one -- one of the major topics of conversation in this particular budget area was this RAPID Act and, you know, my understanding is this is designed to make those provisions for siting of transmission infrastructure basically mirror how we do the, you know, (inaudible) siting of the projects themselves, correct?

MS. WEINSTEIN: Yes.

MR. RA: So as -- under this plan, then, what ability does a local government have to be a part of that process when -- when there's a proposal to put transmission lines through, you know, their right-of-way and through their community?

MS. WEINSTEIN: Well, we -- we do modify the proposal to include measures to increase transparency and, in fact, to enhance municipal and public in -- involvement. In particular, in terms of the municipal involvement, it requires the developer of any renewable energy or transmission project to meet with the chief executive of all municipalities, their project that's located in prior to

filing an application with ORES, and it requires the DPS to appoint a staff member to represent the interests of the public and application of local law in any hearings. It does require there to be four public hearings throughout the State prior to the adoption of uniform standards, and requires a written notice to come to us whose dis -- the members whose district the project is located in, and to -- requires ORES to publish a written statement of public need before approving permits for a transmission facility.

MR. RA: Okay. Now suppose, you know, there's a, say, a situation like one that we had a -- a lengthy debate about last year here, and under current law, you know, that required an alienation of some -- of some land. And as a result, you know, we had to take action here with it. There was a lot of discussion about, you know, the local level, home rule and -- and that type of thing. That would -- that would not be something that would happen under -- under this new process, right, it would just be up to this entity to take the appropriate action?

MS. WEINSTEIN: That -- that process wouldn't change. There's no change in the legislation as to how eminent domain is handled under the current transmission siting process.

MR. RA: So -- so if they were going through, though, a public right-of-way of a municipality, would the municipality still, you know, have that direct control over whether that infrastructure, that transmission infrastructure could come through?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And then we're talking I -- I guess chiefly about transmission, but how does that relate to other pieces? So we have -- you know, we may have, say it's a wind project, right, we have the -- the wind turbines themselves, some transmission lines, and then what about energy storage infrastructure that is part of a project?

MS. WEINSTEIN: It -- storage is not included as part of this.

MR. RA: It would not be included in -- in this process?

MS. WEINSTEIN: Correct.

MR. RA: Okay. Now, is that currently included with regard to siting of -- of projects?

MS. WEINSTEIN: That -- that -- that stays local.

MR. RA: Stays local, okay. Thank you. And -- and, you know -- okay.

Just moving on to another piece related to -- related to energy and the Affordable Gas Transition Act, which was a proposal to eliminate the 100-foot rule. That is out of this bill?

MS. WEINSTEIN: Yes, correct.

MR. RA: And do we know if it's out-out or if it's something that may come up?

MS. WEINSTEIN: It is out. It's a very complex issue, so we won't be dealing with it with this budget.

MR. RA: Okay, very good.

The AI provisions, Empire AI. Can you explain, I guess -- does this differ from the original proposal of the Governor?

MS. WEINSTEIN: We do include legislation to define how this process should work.

MR. RA: Okay. And do we know with regard to the AI proposal how the -- I know we haven't seen any appropriation bills yet, the money side of it I -- you know, the original Executive budget proposal had very loose parameters. It was just -- there was just a sum of money with very little direction as to how that would be utilized. Do we know what the appropriation side of this is going to look like in terms of the amount and how it would be spread through the different campuses that might be part of this?

MS. WEINSTEIN: That -- that is still under discussion.

MR. RA: Okay, thank you.

MS. WEINSTEIN: You know, we -- we do, though, in the Article VII say that it -- it will be located in Buffalo.

MR. RA: I'm sorry, repeat that?

MS. WEINSTEIN: In the Article VII we do say that it -- it will be located in Buffalo.

MR. RA: Okay. Thank you.

With regard to a couple other issues on the financial side of -- financial services side, you know, we have had a discussion, I believe there's standalone legislation regarding the supplemental spousal liability coverage. Is -- I know that's out, so the assumption is

the standalone legislation will address that issue?

MS. WEINSTEIN: Out -- outside of the budget. We did pass the bill on that, and we will be addressing it outside the budget.

MR. RA: Okay. And another thing that we know has bills, a series of bills, really, outside of the budget is a Limousine Safety Task Force. I know we're all aware of the tragedy in Schoharie a few years ago. There were a lot of recommendations from this Limousine Safety Task Force in the Governor's budget and I know are several standalone bills regarding that. Are we doing anything with regard to that issue in this budget bill?

MS. WEINSTEIN: No.

MR. RA: Do -- do you believe that those -- that will be action of standalone bills at some point?

(Pause)

MS. WEINSTEIN: So, we are actually doing -- do include some things to improve safety. A requirement -- a requirement to have a window break tool and operational fire extinguishers, require that vehicles will be taken out of service when they are ten years or older or have 350,000 miles, whichever comes first; a -- a few other smaller provisions.

MR. RA: Yes, I -- I apologize, it's in this particular bill. Thank -- thank you for that.

And then really just some issues that I guess are more global to the general conversation of -- of economic development in --

in the State. Are -- are we making any changes with regard to our economic development programs? I know, you know, we've had conversations over the years about increased transparency, oversight, and I believe there's a provision in this bill related to some new transparency pieces for local entities like IDAs, but are we making any changes with regard to the State level when it comes to our, you know, our subsidy programs that really have been identified in studies to not be bringing us a bang for our buck?

MS. WEINSTEIN: No, there -- there are not any changes in -- in those relations.

MR. RA: Okay. And likewise with regard to, you know, situations like we had with Tesla and the factory in Buffalo, or -- or those types of deals, anything new or has there been any discussion about new, you know, procedures to kind of claw back when -- when a situation like that happens with -- with somebody that we've given an incentive to come to New York?

MS. WEINSTEIN: You know, there are discussions that take place, but there is nothing in this bill to deal with that.

MR. RA: Okay, thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So I -- I -- I do want to just reiterate that with regard to economic development, there's been studies, there's been talk over the years about these programs, and so many of them do not provide a return on investment for -- for New Yorkers that we

need to see. Now, there's a more global issue, obviously, and that's our tax structure, our -- our overall economic competitiveness as a State, and that's why we end up having to do these programs is because New York is very expensive to do business in. But -- but I do think we need to not only continue to try to look at ways of making these programs more transparent, but -- but just making them accountable, making sure that when we're spending taxpayer dollars, and we're doing it to the tune of billions of dollars, that we're actually getting a return on -- on our investment for New Yorkers so that we are improving our economy, growing our economy, and allowing jobs to come in. Because we've lost population as a State and we want -- we want to reverse that, and that -- that involves, I think, so many of the decisions we're making in this budget in terms of spending, in terms of taxing. And, you know, I'm obviously happy that we don't have really any broad-based tax increases in this -- in this budget, but again, we need to make those programs more accountable and we need to really address the root cause of the fact that we need these programs sometimes because it can be so unaffordable for a business in New York State.

Now, just in terms of some of the other pieces of this, we talked about fare evasion, toll enforcement. I do hope we see things with -- with regard to that. You know, there's been some crackdowns done Downstate, but I think the problem is going to get worse. You have -- when you have something like congestion pricing starting, people are gonna have even more incentive to cover their

license plates or find ways to -- to avoid those -- those tolls. And obviously, you know, \$50 million is a -- is a pretty small number relative to the budget of something like the MTA, but it's still \$50 million. And -- and certainly, with regard to fare evasion when it comes to the subway, that -- that is a much larger sum of money. So I hope we -- we look at these -- those provisions, hopefully we see something in a later budget bill.

And -- and then lastly, with regard to we talked about the RAPID Act. There are a lot of concerns that have been raised with that proposal. We want to make sure local governments have a proper say in -- in these types of situations, and sometimes it's not -- it's -- it's only just -- I think we think of that -- about this as them saying yes or no. Sometimes it -- it is a matter of that, but sometimes it's doing stuff in a way that least burdens the local community, and having a direct say I think is very important for the municipalities as -- as transmission infrastructure is coming through. Obviously, we have lots of these projects being proposed, lots coming online, and they're gonna continue to come as -- as we work to meet our -- our energy and climate goals. But the input of the local government and the local communities I think is paramount to -- to grow consensus around a project and -- and make sure that it -- it doesn't burden a local community.

So it's a number of issues that I'm concerned with in -- in this budget bill, and I'm going to be voting in the negative on -- on this particular bill, but I hope some of the things we mentioned

we'll see in the future. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. TAGUE: Thank you so much, Chairwoman.

As was previously discussed, I just -- I might ask a couple of questions again that Mr. Ra asked, but maybe a little bit differently because you gave a couple answers that I don't think were completely factual, so I want to ask again. Through the Article X from back in 2019, the State had already removed the ability of local communities to have any kind of actionable representation in the siting of renewable projects. And it appears in this legislation that the same will now apply concerning the siting of trans -- transmission infrastructure or solar or wind. So does this continue to conflict directly with New York State's longstanding legal tradition of municipal and home rule?

(Pause)

MS. WEINSTEIN: There -- there actually is more of a role for municipal involvement in this process than in the actual siting process.

MR. TAGUE: Could you explain how? Because I --

I honest -- I don't see it.

MS. WEINSTEIN: Well, it -- some of the response that I had given to Mr. Ra that it requires the developer of any renewable energy or transmission project to meet with the chief executive of all municipalities their project is located in prior to filing an application with the Office of Renewable Energy Siting. It requires the Department of Public Service to appoint a staff member to represent the interest of the public, an application of local law and any hearings, and increases the transparency requirements.

MR. TAGUE: Well, do you know of any local governments that have been able to stop one of these projects?

MS. WEINSTEIN: I -- you know, I can't really answer that question --

MR. TAGUE: Well I can tell you, there isn't.

MS. WEINSTEIN: I don't know or not know. But this is a new process and so we continue to require consideration of local laws, you know, and again, as I said, it requires the developer to meet with the chief executive officer of all municipalities.

MR. TAGUE: Well, either -- no matter what, how you look at this, or -- or how you look at the law, to me the question is why do we even have legal -- or local representation when we allow the Governor and ORES to just make decisions for local communities? Because no matter what you tell me, local government within this legislation cannot stop the siting of one of these projects.

MS. WEINSTEIN: Well, the -- the developer not

only has to meet with the chief executive of the municipality, but they have to provide a -- a record to ORES of those meetings as part of their application.

MR. TAGUE: Let me ask you this: Will -- will the RAPID Act enable the State to use eminent -- eminent domain to site transmission lines over local objections?

MS. WEINSTEIN: There is no change in the law as to how eminent domain is handled under the current transmission siting process.

MR. TAGUE: Are there any protections in here that shield farmers from any predatory practices used by transmission project developers?

MS. WEINSTEIN: Well, it does require agricultural protections that requires ORES uniform standards for renewable energy and transmission projects to avoid, to minimize or to mitigate impacts on land in agricultural production, as well as land in agricultural districts or -- or of certain soil types, and it does continue the work of the Farmland Protection Working Group.

MR. TAGUE: That -- that's the same hogwash that was put in the bill back in 2019; none of it's been done. We -- the left hand doesn't know what the right hand does. We've got solar farms going up all over productive viable farmland across the State. Will -- will any of the host communities receive any fiscal benefits from transmission siting projects as envisioned under this legislation?

MS. WEINSTEIN: I -- I do believe, just to -- to your

point on agricultural protections, that this is -- that this legislation does have expanded agricultural protections.

MR. TAGUE: Can you give me any examples?

(Pause)

MS. WEINSTEIN: None of this existed before for trans -- for transmission.

MR. TAGUE: That was my point, that was my point. And I can tell you right now that there are projects out there right now that there are -- nobody -- nobody is there watching what's going on. Destruction of farmland is happening, people who have farms that have the right to farm can't get to some of their properties because of the inaction of some of these companies that are running these solar projects. So if we're gonna continue on with this stuff, I would hope that Ag and Markets and DEC and ORES do a little bit better job of policing these projects, because it affects rural Upstate New York big time.

The other thing, and I think NYSAC is also very concerned about this, and I think that there needs to be an amendment that clarify that county governments are entitled to a host community benefit. You know, we put these projects up, we do it -- we -- we do some actions on town, county and village property, and then at the end of the day we don't do anything to make those municipalities whole.

MS. WEINSTEIN: Well, there are economic benefits to...

MR. TAGUE: Are -- are you aware of a number of --

and I'm gonna use solar farms for an instance because that's something that's prevalent in my district that's going up all over prime, productive farmland. Do you know how many bankruptcies there's been of these solar farms that have went up?

MS. WEINSTEIN: No, I do not.

MR. TAGUE: Well, I'll tell you, 65.

Now, if there's a potential host community that decides it doesn't want a transmission project on its prime farmland, can they stop it?

(Pause)

MS. WEINSTEIN: They cannot absolutely say no, but it -- they still have to follow local law, they have to have the meetings with the transmission project. And as I said, those meetings and the result of those meetings, the record of that has to be submitted to ORES as they consider their application.

MR. TAGUE: Well -- well, who's ultimately gonna to make the decision? Because the town supervisor or the village mayor, do they -- do them and their board, then, do they have the power to stop -- stop one of these projects?

MS. WEINSTEIN: Well, the Office of Renewable Energy Siting will ultimately make the decision, but obviously they will take into consideration the -- what is -- the meetings that have happened beforehand and the municipal --

MR. TAGUE: So in other words --

MS. WEINSTEIN: -- involvement.

MR. TAGUE: So in other words, the answer hasn't changed from 2009. The answer is that ORES is gonna make the decision and local government, again, home rule means nothing in rural Upstate New York.

MS. WEINSTEIN: Well, you know, some of these projects would require easements to go over property lines. People can refuse to -- to give those -- those easements.

MR. TAGUE: And lastly -- and again, I appreciate you taking all my questions. We -- I'm sure we do disagree on many of the answers, but I know it's gonna be a long day for you and even longer couple days, but we -- we always appreciate you here on the other side taking our questions.

MS. WEINSTEIN: Sure.

MR. TAGUE: Lastly, who's expected to pay for all this, and I guess more importantly, who's expected to bear the cost when these developers and these projects go bankrupt?

MS. WEINSTEIN: You know, we're -- we don't anticipate or expect that these projects will go bankrupt.

MR. TAGUE: Well, I just gave you an example, 65 of them, 65 of them that have went bankrupt.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: Mr. Speaker, this part, like the original charter with ORES before it, paves the way for a bunch of oil, solar, wind and now transmission line salesmen to come in and

swindle a farmer out of the ownership and use of his own land with local governments having no say in the bargain, nor any financial commitment from these companies to our host communities. If our prime farmland is eaten up by the development envisioned here, we'll have essentially given up our ability to feed ourselves locally for a collection of heavily-subsidized con men who when their pet projects fail, stick local landowners with the bill.

The Federal Government is spending 1.5 billion to reopen a decommissioned nuclear power plant in Michigan. If they can do it up there, we can do the same with Indian Point. That would be far better use of time, land and resources than what we're trying to do here. If the siting of projects is going to affect the land and livelihoods of the locals, they should have the right to decide for themselves whether or not these projects proceed, regardless of what the State thinks. This is the essence of representative government our State and our nation were built in the beginning, and should remain so now.

So I implore my colleagues to reconsider this measure. I fought against this all the way back in 2019 when it was simply referred to as Article X. For five years, I have watched as fertile essential farmland has been swallowed and dominated by green industries that both fail to provide a worthwhile benefit when measured against the cost of their investment, and that continually undermine local economy when deciding land use for Upstate communities. It is through this jackboot mentality the Majority

Conferences in this State have unfortunately undermined the integrity and dignity of Upstate communities, while at the same time failing to accommodate or address the needs of the communities and the officials that elect them as they force this horrible policy onto the State.

In other years, these moves might've been considered been a gross overreach. After five years, though, I consider it an affront to our communities. It's well documented that I aggressively protested the RAPID Act over the course of these many years, and I'm afraid that many of my initial concerns about early versions of this proposal only continue to worsen, farmland continues to be commandeered despite our State's clear reliance on our agricultural backbone. Farmers and their families can't work land that is being used to house solar farms, and these same solar farms aren't producing nearly enough energy to justify their investment. The public certainly isn't benefitting from these projects, nor are the local governments. I invite all my colleagues to come visit my district and see the damage that these programs have inflicted on the land in my community, (inaudible) the land my community relies upon not only to feed each and every one of you, but for the economy in the region that I represent.

It's another example of this government putting the cart before the horse. Those making these decisions are unable to regulate it effectively, and they've left local governments trying to fight back against these proposals at the whims of legislation buried

under red tape. The lack of land is forcing our Upstate farmers to conduct their business across State lines, robbing us of the opportunity to increase interstate revenue, which continually drives away farming families. People, without farms we have no food, and these proposals continually drive our farms away. It is unacceptable. In New York and our metropolitan area, we have legislators that live in apartments, and they're making decisions about Upstate farms and land. I am convinced that these proposals are drafted by those with not even the most basic understanding of Upstate New York or the agricultural work, or how essential it is to our economy and our State's character. The sacrifice of usable, farmable land hampers our State's output drastically, and the taking of that land for energy products that local communities rarely, if ever, benefit from should be a great shame, a great shame to this Body. We spend millions in energy and agriculture subsidies, but we are seeing a resurgence at either of these fields? The answer is no. Solar farms, while they're good their intention, are not a return on investment that can be relied upon, and the loss of farmers in this State only serves to hamper our agricultural and economic development at a time when it is so crucial we support it.

Mr. Speaker, I will be voting against this budget proposal, full stop, and I strongly encourage my colleagues to do the same. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Jensen.

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

Will the Chair yield for some questions on Empire AI?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. JENSEN: Thank you very much. So, reading the bill language, it -- it seems a little vague in the creation of the consortium. Who is creating this AI consortium?

(Pause)

MS. WEINSTEIN: It's a -- it's gonna be a not-for-profit corporation which will -- and authorizes SUNY Buffalo to lease property to the consortium to develop a facility.

MR. JENSEN: And I under -- and I understand it will be a not-for-profit corporation, but nothing in the Article VII language names the founding members of this consortium. So I guess the vagueness that I'm referring to is if the Article VII language doesn't name the membership of the consortium, how can the consortium become a not-for-profit corporation and start the process that the consortium would need to follow?

MS. WEINSTEIN: We don't name them; we know what -- what institutions will be included.

MR. JENSEN: So which institutions would those be?

MS. WEINSTEIN: SUNY, CUNY, RPI, Cornell,

Columbia, NYU, and the Simmons Foundation.

MR. JENSEN: So of all those facilities -- or universities and institutions that you reference, why was the decision made to have this AI center be at the University of Buffalo?

MS. WEINSTEIN: The Governor thought that that was the best location. They have the -- and they have the space for this facility.

MR. JENSEN: So they -- they may have the space to do that, but wouldn't it have made more logical sense and be cheaper to the taxpayers of the State to select a location for this -- this usage at either one of the members of the consortium or another existing institution? I can think of one in -- in my community, the University of Rochester, that already has many of these AI research methods, data science methods, high-value supercomputing usages already in place where it can be plug and play, rather than have to build something from the ground up.

MS. WEINSTEIN: Well, you know, I believe -- well, obviously Buffalo is part of the SUNY system, and I believe that the -- there was a desire to have it at a public institution.

MR. JENSEN: Why? Why -- why are we requiring it to be in a public institution?

MS. WEINSTEIN: Because it is the State's program, this was the Governor's proposal.

MR. JENSEN: But the State oftentimes -- I'm sure once we see further Article VII language or appropriation language

today, tomorrow or Saturday, we're gonna see the State investing resources and dollars in private institutions. So if we're trying to have the best use of these funds, why are we -- and -- and I understand that, you know, your answer was this was at the Governor's insistence that it be at -- at UB, but I would think it would make more sense to go where the knowledge base is and the -- the backbone of the research already exists and build up from that.

(Pause)

MS. WEINSTEIN: Well, you know, certainly, the -- because of the various institutions, just the -- the one location of where the hardware is for this consortium doesn't determine the -- where all of the -- all of the review and development will be taking place.

MR. JENSEN: Okay. So -- so does that mean that while the -- the hub, or the headquarters for the consortium may be based at the University of Buffalo, that the consortium could in the future decide to have satellite consortium locations at other either member institutions or other locations in the State?

MS. WEINSTEIN: Well, this is just where, you know, the initial computers will be. The Executive also envisions private -- more private members joining the consortium in the -- in the future, and that the fact that it would operate and -- and be on a State-owned research and com -- computing facility at SUNY Buffalo doesn't mean that that's the -- going to be the sole location of -- of work.

MR. JENSEN: So would the intent of the language in this Article VII legislation be that the founding members of the consortium that you -- you referenced would then, as part of becoming a not-for-profit corporation, come up with the bylaws with a mechanism to add more contributing members to the already existing members to have a larger consortium as time goes on?

MS. WEINSTEIN: Yes, yes. That is envisioned to be the case.

MR. JENSEN: And so am I -- you know, and I -- and I think Mr. Ra referenced this in -- in his questions -- so then that would mean that there would be buy-in from member institutions much like what the Governor proposed, I think it was in her State of the State?

MS. WEINSTEIN: Yes.

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

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JENSEN: I appreciate the -- the Chair answering my questions, especially with her insistence that a lot of the details of Empire AI and this Article VII language was at the Governor's insistence. While I highly value the role that the University of Buffalo plays in our State as part of the SUNY system and for -- for Erie County, I do question whether or not creating something from nothing when we have many tremendous institutions

of higher education, especially that are research-based, is the best use of our taxpayers' dollars and our focus. Certainly when we have in -- in my community, in Monroe County, the City of Rochester, we have the -- a Center of Excellence that's dedicated to data science that is among having one of the most highly-powered supercomputers in the world -- supercomputing sites in the world, a center for laser energetics, a system that is -- is in partnership with the Nuclear -- National Nuclear Security Administration, NYSERDA, Empire State Development, has an existing tech hub in the University of Rochester that exists, why we're not utilizing institutions such as that as the primary focus and hub of Empire AI. Certainly, the members of the consortium that -- that Chair Weinstein referenced are tremendous institutions in their own right, and would have been worthwhile of headquartering as well. So certainly, I think that our reliance if we are going to pursue, as the Governor said in her State of the State Address, that we are pursuing to be a world leader in AI, we should be focusing on doing it in the best way possible.

And certainly, it is concerning as I didn't reference that, you know, the -- the very first Center of Excellence for data science in the University of Rochester is not one of the founding members of the consortium I think is very disappointing to see, especially when they're already receiving State funding for that purpose at the University of Rochester.

So with that, I -- I appreciate the Chair's answers and I thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Thank you very much.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. PALMESANO: I'm gonna focus on the energy portions, Parts M, T and O. But my first question I wanted to ask you was relative to Cap and Invest. As you know, last year we passed the Cap and Invest as part of the budget, but going through it with our briefing I saw no mentions of Cap and Invest, how Cap and Invest will be funded, any fees, assessments, taxes. I do know that the DEC right now has been evaluating that and they're gonna make recommendations. Is it the -- is it the plan of the Majority and the Governor when DEC comes back with those recommendations, for us to come back on the floor and take an up or down vote on that -- those recommendations for transparency and accountability to the voters that elect us?

MS. WEINSTEIN: It -- it will all be done by regulation.

MR. PALMESANO: So everything is gonna be done by regulations, there's gonna be no account -- we're just gonna put it

all in the hands of unelected bureaucrats to develop this plan, taxes, fees and assessments, and we are passing all that responsibility over to them instead of us who are elected representatives and going back to our businesses, our families, our seniors, our manufacturers, on an accountability. So no accountability whatsoever, correct?

MS. WEINSTEIN: Well, there's nothing in this budget that speaks to that.

MR. PALMESANO: Right. But is there any -- but you just said -- you said the whole plan is let it be done through the regulatory process. So you don't have any plans to come back and have any up or down votes on Cap and Invest proposals and recommendations; is that correct at this time?

MS. WEINSTEIN: Obviously, we can always come back, but there is not a plan before the end of this Session to do this.

MR. PALMESANO: I didn't -- I didn't think there would, and it wouldn't have to be at the end of Session. But I -- I know their plan is to come forth with a plan after Session and put recommendations out there. I would -- I would urge us to bring whatever those recommendations forward, have a -- a -- a very nice debate about it and discuss the impact of the cost to the consumer, to the businesses, to the manufacturer. That's just my -- my...

MS. WEINSTEIN: Unfortunately, you and I will not be having that debate.

MR. PALMESANO: Yeah, well, that will be unfortunate, but -- especially for the -- for our -- our taxpayers and

ratepayers.

I would like to go, again, to Part M, the New York State Build-Ready portion. I know there's language that exempts agricultural land for Build-Ready. I see that, but then there's an except where necessary for interconnection of renewable energy products for the broader grid. So there's an exemption for ag land, but if it's needed for a broader base or for energy projects then it -- there is no exemption for ag land; is that correct?

MS. WEINSTEIN: It's -- it's only the feeder lines that can cross.

MR. PALMESANO: What's that?

MS. WEINSTEIN: It would only be the feeder -- the feeder lines that could cross, not the major transmission line.

MR. PALMESANO: Feeder lines, okay. Also you said -- I know there's a part that says NYSERDA can only build -- deem Build-Ready sites suitable for energy storage systems deployment, but they first must attain permission from the municipalities for that jurisdiction. So for the Build-Ready to do energy storage on those sites, they would need to get the approval, actual approval, yes or no, from that municipality for Build-Ready; is that correct?

MS. WEINSTEIN: Yes, that is correct.

MR. PALMESANO: Okay.

Now I'd like to take that down to the next section under the RAPID Act, under the transmission infrastructure. We

know under that, that's basically expanding ORES like for wind -- like we already have for wind and solar which was passed a couple years ago that basically, as we have said, take away any local control, any local approval. They might have input and I know you said that. So on -- but what about for the RAPID Act for transmission or for -- for large energy scale battery storage? Because I think you mentioned to my colleague that there was no language in there that would include battery storage in that process; is that what you said?

MS. WEINSTEIN: There's nothing in this legislation regarding battery storage.

MR. PALMESANO: Okay. I would just like to -- you know, maybe you want to take back, on page 57 it says major renewable energy facility means any renewable energy system as such term is defined in Section 66-P of this Chapter, with nameplate generating capacity of 25,000 kilowatts or more and, and, any co-located system storing energy generated from such a renewable energy system, and I can go on and on. But that right there, it has language that says colocation of energy storage. So I read that based on the law that energy storage, battery storage now would not -- would be part of this RAPID Act, so they would be able to go and put battery storage fields in communities all across Upstate New York if they so choose, without any local approval like you would need on the Build-Ready. Or is it your contention that it's not part of the bill? Because I'm just reading from the bill.

MS. WEINSTEIN: Right, it's not standalone energy

storage facilities, but if they're connected, then --

MR. PALMESANO: So yeah, if they're connected to a renewable project. You could have a -- a wind farm and you can have a 30-acre field of battery storage; that would be allowed, correct?

MS. WEINSTEIN: But -- but -- but that is existing law.

MR. PALMESANO: What's that?

MS. WEINSTEIN: Connected to is -- it's existing law. We don't make a change in terms of the energy -- the battery storage.

MR. PALMESANO: So -- but -- and with this case, though, they could do this battery storage -- you're saying they could set up battery storage, but they would need no local approval like you do under the Build-Ready. So you can only have local approval under Build-Ready sites, but any other site that's not under Build-Ready, a building, a battery storage supplier could come in and do that and address that issue, right, and -- and move forward?

MS. WEINSTEIN: So, it's my understanding that standalone battery storage needs local approval.

MR. PALMESANO: Okay. All right, thank you.

I want to go to Part T, the clean air compliance fees. I see there's substantial -- well, significant increases both for per-ton facilities and also per-facility. Do you have any idea how much this is gonna generate? And I think, if I'm understanding, in 2023 they generate 3.6 million. Any idea how much it's gonna generate and

what the funds will be used for?

MS. WEINSTEIN: Twelve million, and it's Federally -- Federally required to support the cost of the program.

MR. PALMESANO: Right, Federally required, but it's the State setting the permitting fees and the State's making the decision to raise these permitting fees, correct, as we are right here?

MS. WEINSTEIN: Yes, we have to make the decisions --

MR. PALMESANO: Okay, yes.

MS. WEINSTEIN: -- because we need the money for the program.

MR. PALMESANO: Okay. So -- so the State's raising fees, okay. Do you have any idea how many facilities would fall under this Title V permit fees in the State of New York?

MS. WEINSTEIN: I believe approximately 300.

MR. PALMESANO: That's -- that's exactly what I have. And do you -- you understand some of these facilities are colleges, hospitals, the Bronx Zoo, cement factories, steel factories that are used to produce materials to put up wind farms? Also, there's the -- the manufacturers and packaging. A manufacturer that does diesel -- does a diesel facility that has substrates, that clean -- get the particulates out of the engine and protects the environment, but then they're gonna have higher fees. So wouldn't this have a negative impact on those? Or West Point --

MS. WEINSTEIN: The -- these will be structured so

that a lot of those will be on a -- a much lower level and the commercial facilities will have higher fees.

MR. PALMESANO: And also, I believe Fort Drum and West Point are also one of those -- those organizations that will all be impacted by that as well. Will they be exempt because of -- they're Federal, or no?

MS. WEINSTEIN: No.

MR. PALMESANO: No? Okay.

One other quick question on the -- there's -- I know there's a sales tax exemption, and this is Part PP, energy storage for residential. Is that just for -- is that just for State sales tax or is the local sales tax gonna be automatically exempt? Will local officials have to address that issue, too? Will the -- will the locals be allowed to say, *We don't want the exemption, we want to collect the sales tax on energy storage for residential?* I was just curious on that.

MS. WEINSTEIN: It's only a two-year program, so they can't opt out.

MR. PALMESANO: It's a -- so it's a two-year program?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And it's -- so -- but it would include both the State and the local sales tax. So the locals --

MS. WEINSTEIN: Yes.

MR. PALMESANO: So the locals can't opt out and say, *We want to collect that sales tax,* correct? Okay.

MS. WEINSTEIN: Correct.

MR. PALMESANO: Bouncing around here, give me one second. Thank you, Helene, I appreciate your time.

MS. WEINSTEIN: Sure.

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

ACTING SPEAKER AUBRY: On the bill.

MR. PALMESANO: I appreciate the conversation with the sponsor and appreciate her time. I know it's been a long day already. Listen, this is all part of this -- this RAPID Act, the clean energy stuff that we all know is part of the CLCPA in New York. We passed the Cap and Invest last year. I am absolutely befuddled by the fact that we are looking at letting unelected bureaucrats implement that plan, because after Session happens the DEC is gonna come out with a proposed plan that's gonna have costs that are gonna affect manufacturers, businesses, families, and that cost is going to be shifted to the consumer. And that's unfortunate, because this is really all part of a plan, and it's really all part of the overall plan to really dismantle the reliable and affordable natural gas infrastructure, supply and delivery -- delivery system in the State of New York. It's all designed to take away consumer choice on how you heat your home, cook your food, power your buildings and the vehicle you drive, and this full march to electrification. It's gonna jeopardize the reliability of the grid, it's gonna lead to blackouts, and it's gonna continue to lead to the mass exodus of our nation-leading outmigration for families, farmers, seniors, small businesses and manufacturers.

Unfortunately, as we discussed the CLCPA, since 2019, which this is all part of, affordability and cost have been ignored, never been a part of the discussion. The feasibility of the plan, whether it's doable has never been a part of the discussion, it's kind of we're moving on the fly. Reliability has never been a part of the discussion. Certainly, local home rule control has never been part of the discussion because we've taken that away in every instance possible. And all these wind farms, solar farms, battery storage fields are gonna be placed on Upstate land, taking away farmland, taking away people's land. And what (inaudible)? Because we need to bring the power down to New York City because 90 percent of our generation Upstate is already emission-free. Unfortunately, for political reasons you shut down Indian Point and your emissions went from 70 percent fossil fuel to 90 percent fossil fuel, so that really made a lot of sense. Costs and affordability have never been a part of the equation.

Again, Cap and Invest. Where's the accountability? Why should we not have to stand up on this floor which we were elected to serve on to say to the voters that we represent, to say to the small business, the manufacturers, the families, the seniors, *Here comes this plan that's gonna increase your energy rates. Here's comes this plan that's gonna increase your business costs. Here's how we're going to implement it?* That's transparency, that's accountability. Transparency and accountability is not to say let the DEC take care of it. You don't wanna stand up on this floor and

debate that because know it's gonna be a disaster, so then you can blame it on someone else. You are responsible for this. And if you want to talk about costs and affordability, we already got (inaudible) just the CLCPA alone when we passed it in 2019, we used a 20-year methodology to measure emissions. Every other state in the country, the U.S. and international uses 100-year. If we do not change that methodology to 100-year methodology for measuring emissions, it's gonna increase prices at the pump for New Yorkers 63 cents a gallon, and increase natural gas heating costs 79 percent. Those are NYSERDA's numbers, not my numbers. That's what's happening. If we have to make this march to full electrification, which you're doing, it's a runaway freight train and you have the train running down the tracks and the public has no idea. To convert your home over from natural gas -- by the way, 60 percent of New Yorkers heat their homes with natural gas, 40 percent of our generation comes from natural gas. So we have to convert over from natural gas, it's gonna cost from estimates from three sources who say it would cost the average homeowner \$35,000-plus to convert their homes. Tell me what seniors, low-income people can -- anyone can afford that and would want to pay for that. And that doesn't even take into account the reliability. We've seen the unfunded mandate, the mother of all unfunded mandates, I'm curious to see if the Majority has any relief for our school districts with the electric school bus mandate that we know is gonna cost triple the normal of a near emission-free diesel school bus by -- from 125- to \$150,000 to 3- or \$400,000. That

doesn't account the charging infrastructure and also the improvements that need to be made for schools. One school district when we had up -- up here said that they had to pay \$30 million for a substation to bring that power so they could to do that. That's gonna be borne by the local property taxpayer. Another school district in my region said it would cost them 5- to \$10 million. No help from the State, borne by the property taxpayer.

Time and time again, it's one thing after another.

Where is the taxpayer, the ratepayer in this equation? Reliability, I didn't even talk about reliability, that NYSEL(phonetic) has talked about the reliability concerns. The most important thing for small business and for families is what it costs, is it affordable, and is the lights gonna stay on, the power gonna stay on. The energy policy we're implementing in this State jeopardizes that significantly. And I haven't even got into the -- the battery storage. We talked about the electric vehicles, whether it's a Honda electric vehicle, a Tesla, a Ford, it doesn't matter what it is. We talked about the cobalt mining with the children in the Congo, we talked about -- we see about the -- we see about the whales with offshore wind, we talked about birds and windmills. I mean, what's next, eagles, koala bears, donkeys, whatever it is, who knows? What's one more thing we're gonna do? I mean, that's what I'm worried about with what we see with the policies that are implemented. Affordability, reliability are not part of the equation, and certainly, this is not clean because we can talk about that time and time again.

I vote no.

ACTING SPEAKER AUBRY: Ms. Giglio.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. GIGLIO: Thank you. So, I'd talk to you a little bit about the renewable action through environmental review and permitting of both renewable energy generation, the RAPID Act being a one-stop-shop. So when it comes to the power generation lines, does that have to accompany a 25-megawatt solar power program that's currently being reviewed by ORES, or can they examine that independently?

MS. WEINSTEIN: It -- it can be separate.

MS. GIGLIO: It can be separate. Okay. And then when it says that ORES shall only grant electric transmission facility sitings for projects that demonstrate a qualified public need, are in the public and ratepayer interests, and identify and address environmental impacts. With -- when it comes to demonstrating a qualified public need, does that -- will that solar generation benefit the current town that it's in, or could it be generating solar and energy for other counties and other towns or Upstate New York or Brooklyn as we saw in the past year with the Long Beach wind turbine generation?

MS. WEINSTEIN: Well, since it's transmission it obviously can be over a longer distance, not that immediate community that the siting is happening in.

MS. GIGLIO: So the public need would not be for the immediate public that would be seeing these solar panels every day, it would be for the greater good.

MS. WEINSTEIN: It could be for the immediate area, and it could be for the larger needs.

MS. GIGLIO: Okay. And then it also says that it has to be in the public and ratepayer interests. Now, when we had the budget hearings, I did ask ORES if -- why LIPA district was excluded from the ratepayer benefit where every other power district throughout the State benefits from these solar arrays and these projects that ORES is approving. But the ratepayers in the LIPA district do not benefit from that, and the Public Service Commissioner told me that he would get back to me and I'm still waiting to hear back from him, so I'm hoping you'll have some information on that for me.

MS. WEINSTEIN: I don't have that information here, but we certainly can check with the -- we can check with the Commissioner. If they said they'd get back, we'll check to make sure we don't have -- if we have any answers to your question, we'll be sure to forward it, otherwise we can certainly follow up with that.

MS. GIGLIO: Okay. And then there have been 660 acres within a five-mile radius within my district that has been taken out of agricultural production and put into solar arrays. And I'm

just wondering if during this review of the solar, you know, and also the power line generations, if Ag and Markets is consulted by ORES and if their report is public.

MS. WEINSTEIN: I -- I know that they're consulted, I don't know that there are -- I can't talk to what's happened up until now, but there is much more public information that will be available under this RAPID Act.

MS. GIGLIO: Okay. And so when it comes to the transmission lines that may be going under roadways that are owned by local municipalities, will an easement agreement have to be executed prior to ORES issuing the permit, and will the costs associated with that easement and -- have to be negotiated prior to the permit being issued?

MS. WEINSTEIN: Yes. We don't make any changes in the existing law regarding that.

MS. GIGLIO: Well, that's good to hear because with the solar arrays, there is a community benefit; however, the community benefit is not negotiated until after the permit is issued, and then they have seven years to try and negotiate a dollar amount. So the -- the whole process of going through this usurping of local government and ORES issuing a permit, and then sending them to go to a local municipality saying, *Now go and negotiate how much money that town wants in order for you to build this solar array.* What's the community benefit? And -- and I can tell you that a project was approved in '21 and they still haven't reached an agreement on the

community benefit agreement, and they only have seven years for that permit to exist before they can. So isn't it kind of a waste of a process to not negotiate these easements and these community benefits prior to issuing permits?

MS. WEINSTEIN: Well, you know, this bill doesn't speak to that, but, you know, as we've -- I've mentioned to you and to others, it does require increased transparency in the process and increased involvement, municipal involvement in the process.

MS. GIGLIO: So as with the solar arrays where a community benefit is a requirement and these solar transmission lines can be reviewed independently, is there also a community benefit associated with the transmission line?

MS. WEINSTEIN: Yes.

MS. GIGLIO: There is. But that would get negotiated after the permit has been issued.

MS. WEINSTEIN: Well, this legislation doesn't speak to the timing of whether it's before or after.

MS. GIGLIO: Well, I'm just trying to understand the process so I can go back to my municipalities and say, you know, this is the process in which it happens and --

MS. WEINSTEIN: Well, you know, in terms of the municipality, as I -- I believe mentioned earlier, it does require the developer of the renewable energy or the transmission project to meet with the chief executive of all municipalities their project is located in prior to filing their application with ORES. So it does require that

meeting to take place, the municipal input meeting to take place prior to the application, and a record of what transpires in that meeting to be included as part -- part of their application.

MS. GIGLIO: Understood. And that's happening now with the solar arrays, also. Before an application is filed they have to meet with the public first and get any concerns and then they have to put that as part of their application. But -- and then there's also a 60-day comment period for the municipality after the application has been made, and a lot of times the concerns of the municipalities or a lot of those line items are ignored or omitted and -- and the, you know, they're not addressed. So it's great that you have a transparent system, but when the municipalities' concerns are not being addressed, it -- it's problematic. So I -- that's my concern with that.

And then what about -- does ORES have the ability to usurp alienation of parkland laws?

MS. WEINSTEIN: No, it does not.

MS. GIGLIO: Okay, that's good. And so a municipality, once an easement agreement has been established, then they can ask for bonding, they can ask for a fee and they can ask for a community benefit agreement?

(Pause)

MS. WEINSTEIN: We -- you know, again, we don't change the easement process, practices, so whatever it says now in terms of the easement would still exist.

MS. GIGLIO: Well, okay. Thank you very much, Chair Weinstein.

MS. WEINSTEIN: Sure.

MS. GIGLIO: So, Mr. Speaker, my concern on this bill is that we create ORES and say we need solar generation, we have to meet our climate goal needs and we have to do it. But then after the fact we say, *Oh, this could be a problem*, and battery storage is a problem, which is why the Governor created the task force after all these solar arrays and we were having problems with these battery storage facilities all throughout the State. And I just feel that when it comes to a transmission line especially, and power generation or, you know, the -- the infrastructure that's needed to support the energy, to push it out to other areas throughout the State or throughout the county or throughout the towns is -- is really -- it should be a matter of local control. I'm not sure what prompted this in the budget with -- when it came to transmission lines, but I -- I just think it's problematic and I'm -- I'm not at all for giving up local control, even if they do have a say, because a lot of times that say goes ignored.

So for those reasons and for other things that are within this bill, I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Mr. Speaker. Will the Chair yield for some questions on energy?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. SLATER: Thank you very much, Madam Chair. I'll be brief because my colleagues have done a great job and they haven't left much in leftovers for me, but I -- I have one particular issue that I just need some clarification on. In my district right now there is a proposed 160-megawatt battery storage facility that's being proposed. And so based on what I've heard today, I just want to make sure I'm clear on this, that the local government is still in charge of that particular project.

MS. WEINSTEIN: If it is not connected to a renewable project, then it's still the local --

MR. SLATER: As a standalone --

MS. WEINSTEIN: As a standalone --

MR. SLATER: -- it is still in the hands of local government.

MS. WEINSTEIN: Correct.

MR. SLATHER: Great, I appreciate that. Now, just to make sure clear on the definition of colocation, can you just describe that for me, please?

MS. WEINSTEIN: That it's associated with a renewable energy program -- project.

MR. SLATER: And does it have to be on the same site as the energy storage system?

MS. WEINSTEIN: Yes, I believe so.

MR. SLATER: Fantastic. Thank you very much. I -- I appreciate that.

I want to just, if we can, I promised I'd be brief, is there anything related to electric school buses in this bill, or is that something that we can expect in a different budget bill during this process?

MS. WEINSTEIN: No, there's nothing in this bill.

MR. SLATER: Nothing in this bill. Thank you. And one more time, as it relates to transmission projects, and I apologize for having to jump around, but I do see that there are land protections for farmland, for the State's Indian tribes. Are there any types of protections for environmentally-sensitive areas like the watershed in the Hudson Valley?

MS. WEINSTEIN: That's taken care of as part of the permitting -- that's taken care of as part of the permitting process.

MR. SLATER: Can you explain that for me, please?

MS. WEINSTEIN: So, when they actually go to the permit -- permitting process that the environmental sensitivity is one of the issues that would be considered.

MR. SLATER: And that obviously through the SEQR process, but also through the State's ORES process?

MS. WEINSTEIN: Yes, that's correct.

MR. SLATER: Okay, thank you for that clarification. I appreciate it. I promised to be brief, so thank you very

much.

Mr. Speaker, on the bill if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SLATER: Thank you very much. I appreciate the Chair's taking my questions and providing those clarifications. But I still have concerns, significant concerns regarding the proposals here as it relates to the NYSERDA Build-Ready Program extender, but also ORES. You know, in a lot of ways I see this as a gray wolf in sheep's clothing, and I'm just concerned that it's going to lead to a coup against our local governments. And as my colleague Assemblyman Tague has already pointed out, it's had significant impacts on our farms; killing our farms, killing our grapes, killing our produce. And I'm concerned from the Hudson Valley standpoint that it can extend to our region, but also as it relates to our woodlands in the suburbs that may also be threatened in this way by eroding local control.

But I do think that the energy policies of our State is probably the most -- one of the most important issues that we really need to get our hands around. I think the best word that -- that defines our current energy policy is deprivation, because again, you see the fact that we just don't have enough power on our grid. And all I need to provide is a letter I received sitting here today from a local school district as it relates to the electric school bus mandate, a letter to the Governor saying they simply don't have enough power on the grid to meet the deadlines that are in place.

And so, you know, this is a ginormous issue, Mr. Speaker, and I'll be voting in the negative. Thank you very much.

ACTING SPEAKER AUBRY: Mr. DiPietro.

MR. DIPIETRO: 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. DIPIETRO: Thank you, Mrs. Weinstein. On the RAPID Act.

MS. WEINSTEIN: Yes.

MR. DIPIETRO: I had put in a bill with Senator Borrello. Was any consideration given to, before we go into -- into agricultural lands, putting some of these industry -- putting some of these energies, solar or wind, in brownfield sites?

MS. WEINSTEIN: Yes. I mean, that's what the -- the Build-Ready program is for.

MR. DIPIETRO: Any consideration on Thruway medians?

(Pause)

MS. WEINSTEIN: It's -- it's really already part of the Build-Ready program, so we do the extender here for six years. And -- and again, we modify it to include additional protections for our

agricultural land.

MR. DIPIETRO: Okay. This is obviously for all of New York State; does this include waterways?

MS. WEINSTEIN: No.

MR. DIPIETRO: Does this include Lake Erie where the proposed -- where the previous Governor and this Governor proposed wind turbines in Lake Erie? Will this have any effect?

MS. WEINSTEIN: It -- it does not change any existing law.

MR. DIPIETRO: That's not what I asked. Will this affect Lake Erie? Will they now be able to use those 94C projects and other projects and do -- use eminent domain to go into Lake Erie without town...

MS. WEINSTEIN: I guess the easiest answer is if they can go into Lake Erie now, this doesn't change that. So it doesn't give any additional authority, it doesn't restrict any authority.

MR. DIPIETRO: Okay. That's what I had.

On the bill, sir.

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

MR. DIPIETRO: Thank you, Mrs. Weinstein. I needed to just get a little clarification on that. While -- yes, while they did -- she did say that the brownfields and Thruway medians, the fact is lack of foresight on the Majority. This should've been -- those should be the first places we go before we take agricultural land.

Those should have been prioritized, number one, to say, *Look, before we go into agriculture, have you exhausted any brownfields? Have you exhausted any industrial sites that are abandoned that could be used for these projects? Have you exhausted looking at the vast expanses in some of the Thruways and the medians where some of those are -- are 4- or 500 yards wide in between lanes?* Because I travel them all around the State as all of us have. Those are ideal spots for energy, not taking prime agricultural land.

And let's be very clear about this. This is all about New York City. It's a blatant running over of the -- all of the -- Western New York and Central New York, all because New York City can't handle their own energy needs because of their vast rush to close Indian Point, to tell us and shove it down our throats about green energy and not having a wit care about what happens in our areas. Because no one in Western New York where I'm from, I have seven towns right now fighting this, two 94C projects which are running right over our -- our constituents, none -- nobody in Western, New York, no municipality makes out on this. Every ounce of energy on every single one of these projects goes to New York City. It goes on the grid and gets shipped right out. Talk about unfair, talk about abuse of power. Talk about putting their foot down on the little person because they have the majority and they can do it.

I sit in this Chamber every day and hear about equality and fair treatment. I've been in this Assembly 12 years. There's nothing fair about it. I've never gotten a bill to the floor, I've

never been treated with respect. I've never been a part of a negotiation, I've never been a part of a budget. I've never been allowed to put even a bill. And it's even gotten worse this year where we on the 99s we only get three bills or four bills. Can't even get our own bills in the committee. It's a joke. This place has become a running joke, and it has to a lot of constituents around the State, also.

We're talking about farmland, which my district is -- is very agriculture, and I remember sitting here year after year as New York City implemented their own ideas and their laws in this Chamber on -- on farms and unionization and on wages and on everything else. And I listened to the bilge come out of this place about how it was gonna change and help our farmers and it's gonna be a great Godsend to our -- our farming community and agriculture, and every bit of it was a lie. Not one thing from wages on down has helped our farmers. Socialized agriculture is what we've got. These projects coming into my district and yours are all to placate the energy needs of New York City, let's be very clear about that. It's not helping Western New York, not an ounce of that energy comes to us. We're not getting any benefit from it, but it is hurting our communities and they're very upset.

And eminent domain, that's why I asked, is this gonna affect Lake Erie? A half of our -- in the last 40 days, half of our communities around Lake Erie, half of our towns, have been signing resolutions day after day to keep wind turbines out of Lake Erie. They do not want them in Western New York. There's not one town or city

-- even the City of Buffalo doesn't want these wind turbines in Lake Erie. NYSERDA came out with a study 18 months ago that said this will pollute the lake, the sediment -- when they dig up Lake Erie, this will cause serious contamination, a serious effect on the ecosystem in the lake. And, yet, this Governor still pushes for it. She's still trying to ram it down our throat when she comes from the Town of Hamburg which just signed a resolution to keep them out of Lake Erie, her own town which shares the lake. The disaster that will cause -- we have the nicest, probably one of the -- the top fishing, sports fishing in Lake Erie in the world. And every study has said that if you start disrupting that lake and put wind turbines in there it will devastate the number one sport fishing area in the entire world on that lake. But yet, here we are pushing this through so that we can placate the energy needs of New York City.

The corruption is incredible. I'll be voting no. I urge -- this is a devastating, chilling effect, eminent domain, taking the property of -- from towns and from individuals. No recourse, not one bit of recourse that our towns will have. I have five towns who have banded together to get the resources to hire the best attorneys to stop this, one of these 94C projects from coming in. And they're devastated. They don't want this, and they can't understand why the State of New York is ramming it down their throat and not listening to the people in the towns and the elected officials.

I please ask that you reconsider the RAPID Act. It does nothing to help anyone in our -- in our districts in Western New

York, Central New York, Northern New York. It benefits one area. So I would please ask, I will be voting no. I would ask that you do. I expect so little out of this place, and it still disappoints me. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lemondes.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. LEMONDES: Thank you. Just a few questions on energy policy. I'll try not to rehash anything that's been covered by my colleagues. First, do you think that wind and solar technology can satisfy our energy needs alone?

MS. WEINSTEIN: I don't know that it'll -- it'll satisfy, but it's certainly part of the solution.

MR. LEMONDES: Even though recognizing that in our climate solar generation is only 23 percent efficient?

MS. WEINSTEIN: You know, the technology increases daily. It becomes much -- becomes much more efficient and will -- is anticipated to become more efficient.

MR. LEMONDES: Thank you. I appreciate your answer. I disagree wholeheartedly.

I'd also like to know if you think that the proliferation

of windmills is okay for the conservation of all avian species.

MS. WEINSTEIN: You know, clearly the existing permitting -- per -- permitting takes that into consideration.

MR. LEMONDES: Recognizing that windmills are massive killers of any avian species flying at their -- at their -- at their height. This is a -- this is a fact I don't think anybody -- I would welcome that argument with anybody in this Body that would dispute that.

Let -- let me transition further. Do you think that New York's energy needs can be met without the implementation of small modular nuclear reactors?

MS. WEINSTEIN: I -- I don't have the personal knowledge to be able to answer that question, but I assume that that's something that the Public Service Commission will be looking at and continues to look at.

MR. LEMONDES: Madam Chair, that was exactly the answer I anticipated, and you have made my point explicitly that we haven't even done the research to understand what -- what forms of energy generation are available to solve our needs, and we're jumping to conclusions that ultimately, as many of my colleagues have said, will put the burden on ratepayers. Thank you for making that point for me.

Mr. Speaker, on the bill.

ACTING SPEAKER BORES: On the bill.

MR. LEMONDES: Thank you. I'd just like to

remind everyone that the conversion of agricultural land is a conservation catastrophe. It takes 100 years to make an inch of topsoil. Just think about that when we go and we deprive ourselves of agriculturally-productive land. This does two things: It drives feed and food prices higher, and eliminates or reduces our ability to feed ourselves over time as population grows. Right now we don't have that problem, we're the highest outmigrating state in the nation. We're ranked dead last, 50 out of 50 for the last three consecutive years. People are leaving in droves, businesses are shutting down. So right now we don't have the -- we don't have the challenge of population growth. Hopefully some -- sometime in the near future, we will. We haven't in the most recent past.

Mr. Speaker, for these reasons and multitudes of others that my colleagues have -- have gone over in great detail, I cannot support this. Thank you.

ACTING SPEAKER BORES: Thank you.

Mr. Norris.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER BORES: The sponsor yields.

MR. NORRIS: Thank you very much. I'd like to turn your attention to the material and deceptive media in elections. My question for you is, what are the penalties for individuals who deceive in elections in communications?

(Pause)

MS. WEINSTEIN: There -- there can be injunctive relief, attorney fees, court fees.

MR. NORRIS: Any criminal fees or penalties?

MS. WEINSTEIN: No, no.

MR. NORRIS: Why not?

MS. WEINSTEIN: Because that's not in the bill.

MR. NORRIS: Okay.

Let's go to the ability for an individual to bring a Order to Show Cause, which I see is in the bill. Do they need to bring that in the jurisdiction where it took place or are they restricted to the four counties that we chose a few weeks ago to handle these types of Election Law matters? I just need clarification for all the Election Law attorneys out there who were to bring this.

MS. WEINSTEIN: It -- it wouldn't be just limited to those four counties, it would be where the deceptive act took place.

MR. NORRIS: Okay, so any of the 62 counties they could bring this proceeding by an Order to Show Cause.

MS. WEINSTEIN: Well, not any, where the deceptive activity took place.

MR. NORRIS: That's fair.

MS. WEINSTEIN: The regular venue rules will apply.

MR. NORRIS: Regular venue would be fine. Okay. Thank you very much.

On the -- on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: In terms of this section of the bill, I think it is very, very important for all parties, for all candidates, for everybody who is involved in the political sphere that deception is not permitted, and that we actually allow the candidate themselves, through their own media and through their own communication, to get their message out. So though I am opposed pretty much to the entire budget and will be against this budget bill as well, I do want to just point out as the Ranking Member of the Election Law Committee, we have worked together in cooperation with the Majority on this issue and I am pleased to see that there was some action taken. I would -- I would hope that there was criminal penalties associated therein, and maybe that will be taken up in future bills. But I do want to just say that I think that's very important.

If I could just turn my attention to another section of this bill, and that's the RAPID Act. I represent a district from rural Upstate New York. Before I became an Assemblymember, this issue affected one of our towns where we had a very large wind project that they were trying to site along the southern shore of Lake Ontario, and it is a beautiful place. They tried to put 47 massive windmills along Lake Ontario. Fortunately, that project did not go forward. But also in my district, there were massive solar farms that are being proposed on agricultural land. And I just have to say that people have decided to reside in live in these communities because of the character of that

community. They want to live in agricultural settings without seeing these massive energy projects. And I must also say that the worst part about all of this, and it started with Article X, and then it started with -- continued with Article 94C, which by the way, I remember was passed in the budget in the height of COVID in March of 2020. And now it's a further expansion of the trampling of home rule rights in our Upstate rural communities. Because now they're going to extend this further to the transmission lines, and the trampling on the property rights of owners. It's gonna trample on the rights of the municipalities to decide whether or not they want these projects sited within their own community. What bothers me is this: Is that if you live in a city and you look at a particular business district, the local municipality decides where they want certain business districts to be sited. They decide where they want the industrial section of their community to be. They decide where they want apartment complexes. They decide where they want condos. And they also decide where they want their parks and they also decide all of the aspects of their community. If you want the suburban New York, it's the same thing there. They have the opportunity to decide, do they want the mall sited there. Do they want the mall that now has become vacant because we've changed how we do shopping, to be a multi-use facility with nice little boutiques and nice shopping centers, but also potentially trails for people to walk. They decide what the character of their neighborhood looks like. They decide how Main Street should look like in their community. This is all vested with the local control of their areas.

I remember in law school a case is coming out of New York City when they were actually fighting over how the lighting is with the major towers and whether or not somebody's lighting is being affected, and who should control that particular lighting. That's vested in your community. That's up to you to decide how it should be. It's home rule in the State of New York. And what is happening to Upstate New York and the places where I live in the rural community, the Majorities are trampling on our local rights. And they're not how allowing the local municipality to decide with consultation of their community how these projects should be sited. I've said repeatedly, if a rural community in Upstate New York wants to have a project in their community, a large energy facility, and they have voted to do that, I'm fine with it. But it should not be this Legislature and the Governor telling those local towns and municipalities that they must take this project. And by the way, you continue to expedite the process even further so there's less local control and less voices. I heard the Chair; yes, they got to check with the local supervisor, they have to consult with them. But at the end of the day, that power is vested with ORES to determine whether or not a local town or community in the State of New York Upstate will see that project for their lifetime, and I think that's wrong.

I am adamantly opposed to the RAPID Act and, therefore, Mr. Speaker, I'll be voting against this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Thank you, Ms. Weinstein. I appreciate your answers to all of my colleagues and your work over the last several weeks, of course. I note that this bill would triple -- more than triple the fees and charges for clean air compliance permits. Does -- and you mentioned something about Federal compliance. Does the Federal Government require us to triple the fees?

MS. WEINSTEIN: It -- it does require us to generate revenue to pay for the programs.

MR. GOODELL: But the decision to triple the fees was our decision, not their decision; is that correct?

MS. WEINSTEIN: Yes, but we need to pay for -- generate that income to -- to pay for the --

MR. GOODELL: And has the cost of this program tripled in the last year?

MS. WEINSTEIN: My understanding is it's been about ten years since we'd last raised these fees.

MR. GOODELL: I see. As you know, a few years ago we passed several amendments to the Human Rights Law and among other things we banned any discrimination based on sexual --

sexual orientation, gender identity or gender expression. But I see this bill extends the MWBE program. It is our intent to discriminate based on sexual identification or gender identity when it comes to the MWBE program?

MS. WEINSTEIN: We extend the -- the MWBE program to ensure that underrepresented communities have a -- a fair shot.

MR. GOODELL: And with this extension, are you eligible for the MWBE program if you're genetically a male but identify as a female?

MS. WEINSTEIN: If you have a business, yes.

MR. GOODELL: Okay. That will be helpful for some individuals who own businesses for sure.

I see that this bill would eliminate any co-pay for insulin. What is the anticipated cost to the insurance company and insurance -- the impact on insurance premiums?

(Pause)

MS. WEINSTEIN: So, there's \$1 million in State charges, but we don't have numbers on a Statewide basis. We believe it's a very small amount.

MR. GOODELL: And would this statutory change to all the insurance policies across the State of New York become effective as those policies renew or it is our intent to rewrite the policies in the middle of a term?

MS. WEINSTEIN: So it would be January 1, 2025.

MR. GOODELL: Okay. So any policies that would go a year starting today would actually be overruled by legislation. And this change would occur to their policies without an opportunity to change the premium, or do they have an opportunity to change the premium?

MS. WEINSTEIN: It -- it -- let -- let me just correct that. It would be policies starting after January 2025, so it wouldn't impact their existing policy that is not -- that is not renewed until after January 2025.

MR. GOODELL: Thank you for that clarification.

I see that we have new statutory language as it relates to stretch limos. One of the statutory provisions would ban the use of a stretch limo that is more than ten years old --

MS. WEINSTEIN: Correct.

MR. GOODELL: -- even though it may have very low milage. Why would we ban a low-mileage stretch limo just because it's ten years old?

MS. WEINSTEIN: You know, it is a priority -- we are prioritizing safety. There's been changes, obviously, in safety standards as new vehicles have come into -- into practice and use. And things over time can degrade even though there's low mileage.

MR. GOODELL: So with this change, am I correct, then, that owners of stretch limos would be able to depreciate those limos over the balance of that ten-year period? So if you have a limo, for example, that's eight years old you could fully depreciate it over

the remaining two years?

MS. WEINSTEIN: Obviously, the bill doesn't speak to that, but I would think that you would have an ability since you can't use it past the ten-year period.

MR. GOODELL: And have we made any analysis on what impact that would have on our State revenues?

MS. WEINSTEIN: No, I don't believe that we've looked at it, and we think it would be negligible.

MR. GOODELL: I see.

My colleagues have talked a lot about the RAPID Act, of course. As you may be aware, there's a -- a number of resolutions adopted by local governments. What's surprising is that these resolutions have been adopted by local governments with unanimous opposition to this legislation. Both by the Republicans or Democrats, it's been unanimous. How -- what -- how would you suggest we were to respond to that multitude of resolutions by both Republicans and Democrats opposed to the RAPID Act?

MS. WEINSTEIN: You know, we -- we -- you know, as -- as I mentioned earlier about some of the changes we made is we, in fact, have modified the original proposal sent by the Executive to include some of these measures to increase transparency, protect farmland and enhance municipal and public involvement.

MR. GOODELL: So you would recommend we write back and say maybe you didn't understand what this really does. Maybe we should. I mean, we want to make sure everybody

understands.

I know that this -- this Article VII language focuses on Transportation, Economic Development and Environmental Conservation. You know, it's very frustrating for many of us, of course, when these international or national independent organizations rate New York as being among the worst for economic opportunity. In fact, just recently there was a publication from the American Legislative Exchange Council, it's a national organization that ranked New York State dead last when it came to economic output or economic opportunity. Does this language that we're looking at today, does it cut the corporate tax rate which is currently the highest in the nation?

MS. WEINSTEIN: That -- well, it obviously wouldn't be in this bill and we are doing the revenue bill after this, but the preview answer would be no.

MR. GOODELL: I see. Does this bill make any Workers' Compensation reform? It's my understanding that New York also has the highest Workers' Compensation rate. Does this bill address any of those issues?

MS. WEINSTEIN: No, it does not.

MR. GOODELL: The Unemployment Fund in New York State, as you know, has a multi-billion-dollar deficit. Does this bill address any of that deficit or make any changes in the Unemployment Compensation Fund?

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

MR. GOODELL: New York has the proud reputation of having business regulations that cover coming, going and staying in business and everything in between. Does this legislation reduce any business regulatory requirements or permit requirements?

MS. WEINSTEIN: Not that I am aware of.

MR. GOODELL: I see.

One of the interesting notes that we sometimes see is the incredible amount of -- of fare beating on the MTA, the people who are getting on buses without paying or getting on the subway without paying. In fact, I think it was the New York City Comptroller or maybe it was the MTA itself that said that 41 percent of the people that ride New York City buses don't even bother to pay the fare, they just get on and go for a free ride. And that the estimated loss to the MTA is -- is \$690 million last year. Does this bill address that \$690 million loss to the MTA? Does it do anything to tighten the regulations or the standards or help the MTA deal with this issue?

MS. WEINSTEIN: Not in this bill, but we are still working on language and some of that may appear. We may be able to have this discussion tomorrow.

MR. GOODELL: Great, I look forward to that discussion tomorrow because that would be based on the assumption we'll have new -- new budget bills tonight. Thank you so much for your comments.

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Thank you. We have tremendous opportunities -- I want to start out on a high note -- we have tremendous opportunities in the State of New York, tremendous opportunities in the State of New York to improve our business environment. You know, the great thing about starting in dead last in every rating of business competitiveness is that you can only go up. You can't get worse. When you have the highest top business tax rate, you can only get better by cutting it. When you're known for having more regulations than almost any state, we can only do better by cutting back in the State oversight and the regulations and the expensive and time-consuming process. It's not just business. Try building a new apartment in New York City and let me know how many years it takes before you can get that building constructed.

We have the dubious distinction of having several of our counties ranked in the top ten in the nation in property taxes, driven primarily, by the way, with school taxes. So we have a great opportunity to save our -- our school systems literally hundreds of thousands of dollars, actually an estimated 8 billion, if we didn't require them to buy electric school buses which, by the way, in New York State would be recharged using 60 percent of fossil fuels. Less if you happen to be Upstate and more if you're Downstate. So we have a tremendous opportunity here in New York State to do better. But unfortunately, as my colleague mentioned, instead of cutting business costs, we triple the clean air compliance fees. Instead of

having an open competitive field, we continue the discrimination based on sexual orientation and sexual gender identity with the MWBE program. We strike from this bill, and hopefully we'll see it later, any effort to eliminate the \$690 million lost every year by the MTA by people who think they're entitled to a free ride. This bill continues and expands the Article X process that we started a few years ago to eliminate local control over green energy projects without adding provisions that say we should focus on green energy where it does the least damage, like on brownfield sites, right? Or abandoned industrial sites.

My friends, we have lots of opportunities to improve New York State by reducing the cost of our Workers' Compensation, our Unemployment fund, which has the highest -- one of the highest deficits. And why is it important? Because New York is number one in a different area. We're number one in the number of people leaving New York State because they have better opportunities somewhere else. So let's reverse that trend. Let's focus on being number one on economic development. Let's focus on number one on economic opportunity, and let's strive to be number 50 in outmigration. Let's reverse those trends. Unfortunately, this bill doesn't do that, in fact does nothing to address those areas that I identified.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

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

sponsor yield for just a few questions?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. WALSH: Thank you very much. And I apologize if I'm repeating anything that's been asked already. I just need a little bit of clarification on a couple of things. First, as far as the MWBE, am I correct that there's a study that is in -- in process right now on MWBE but it has not been completed yet?

MS. WEINSTEIN: Correct.

MS. WALSH: So is that the reason why instead of renewing or extending for five years, which is I think what we have done in the past, that's why we're only doing a one-year extender?

MS. WEINSTEIN: Yes, that is correct.

MS. WALSH: Okay. All right. Yeah, I find it incredible. How long has it been since we've asked for the study to be done? Is it -- is it -- would we consider it to be late even by Assembly standards?

MS. WEINSTEIN: You know, certainly I could say that we're not happy with how long it's been taking for the study to provide some results to us.

MS. WALSH: Fair enough, fair enough. Okay.

Secondly, I would -- I wanted to ask a couple of questions about the EV charger study, which I think is a really good thing. I think we need to know what the -- what the needs are

throughout the State in order to properly plan. So, do you know -- will NYSERDA be looking at all of the roads in New York State or just State highways? Like, I would imagine the Thruway would be examined, but what's the scope of NYSERDA? Where are they -- where are they supposed to study, the whole State, every road or...

MS. WEINSTEIN: I -- I think the focus will be on corridors. So the, you know, clearly the Thruway and intersecting roads, major roads.

MS. WALSH: Yeah, I mean, it's really important. I mean, if you drive a Tesla you've got to figure out where you can charge that thing up. I know.

Okay, so limo, the limos -- the limo rules, and I don't know whether that had been already addressed, so I apologize if it was. So it looks like we're gonna kind of lower the boom on some of these limousine companies, which I think is a good thing, especially considering that -- the tragedy that we had in Schoharie County a few years ago. There is a part of it that has to do with automatically -- did you address this (speaking to another member) -- okay, the ten years? Okay. Sorry, that's already been covered. I'll -- I'll move ahead on that, then.

As far as the AI deceptive practices, it -- does -- what about if it's in an -- in an election -- I know, everyone's running up to help you because I'm changing topics so quickly. I apologize.

MS. WEINSTEIN: That's okay, they need the exercise.

MS. WALSH: Yeah. So in -- in like an Election Law context, if you're sending out something where, like, you're putting marionette strings on your opponent in a -- in a mailing or you're putting -- superimposing their face on the body of a limer or, you know, something like that that's clearly not them, does that fall under this legislation or is that -- it -- is it -- does it have to be -- look authentic?

MS. WEINSTEIN: No, because this relates to something that would be realistic.

MS. WALSH: Okay.

MS. WEINSTEIN: So putting a head on an animal or marionette strings is allowed.

(Laughter)

MS. WALSH: All right. Maybe we wouldn't do it, but (inaudible/crosstalk) --

MS. WEINSTEIN: You just have to file it with the Board of Elections, your -- your ad.

MS. WALSH: Very good. Thank you so much, Madam Chair.

Mr. Speaker, on the bill.

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

MS. WALSH: Just to add very briefly, I mean, so many of my colleagues have spoken with a great deal of passion about the -- the RAPID Act, and I just -- I want to just add my voice to that for a moment. You know, part of -- my limited outside income is I

work as a -- as a town attorney for a small -- a very small town that doesn't have a lot of money to be doing a lot of sophisticated litigation or even a lot of, you know, zoning changes and -- but it borders a beautiful lake. And hearing some of the stories from my colleagues about wind turbines and large solar arrays, it's a very rural town. I think their -- their full-time year-round population is somewhere around 1,200 people. So probably there are a few city blocks in New York City that would -- would have more people than that. So I -- I really do worry about supplanting any kind of real local control or real local input. And I also think the other thing that really -- well, there are many things that bother me about the RAPID Act, but one of the things that bothers me is that once again this Legislature has the power and the -- the mission and the charge to legislate and regulate, and instead we're just kind of handing this whole thing over to NYSERDA to come up with the rules and I just think we're missing that opportunity to actually -- to actually do our jobs.

You know, there's paragraph after paragraph here I could talk about, but I'm -- I'm not gonna take up anymore time. I just -- I -- I cannot support this particular bill as it reads. There are some good things in it, but I -- I can't support it. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Forrest.

MS. FORREST: Thank you, Mr. Speaker.

On the bill.

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

MS. FORREST: Yes. I have -- as with any budget bill, you always have some good news and some bad news, and so I'm gonna start with the bad news but it's only one. I'm disappointed on behalf of many climate champions and ratepayers in my district to see that the New York HEAT Act was not included in this year's budget. It was actually my -- one of my most e-mailed and messaged bills. A lot of people called me, and I just wanted to let my constituents know that I will keep fighting to limit rate increases and end subsidies to utility companies and transition away from fossil fuels.

Now for the good news. I'm so proud that this budget bill, however, takes a major step towards healthcare for all by eliminating co-pays for insulin. I want to thank Mr. Speaker from the bottom of my heart for supporting this budget item. I'd also like to thank the Chairs of Health, Amy Paulin, and the Chair of Insurance, David Weprin, for championing it. Finally, I'd like to thank the American Diabetes Association, the advocates, the patients, the healthcare practitioners on their efforts, because those efforts have led us to this moment that's very poignant for me as a nurse. It has been an honor to fight for this proposal alongside everyone.

As a maternal-child health nurse, I've held the hand of new mothers as they struggle to manage the post-partum health and the looming presence of chronic conditions like diabetes. In addition to being worried about their well-being, they're also worried about whether they could afford the insulin needed to stay healthy for their

newborn children. For years, this situation has forced impossible choices upon the most vulnerable New Yorkers, particularly our -- in our communities of color where diabetes is disproportionately prevalent.

So thank you to everyone in this Chamber for either the word of encouragement or the letters or signing on to the bill, but also thank you to the advocates and the healthcare workers who have waged this fight for free insulin with me. I also want to thank all the patients I have supported over the years for sharing their stories with me and allowing me to come into their lives and care for them. They're the reason for what I do. This is a historic victory and I'm very proud to vote yes for this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brown.

MR. K. BROWN: Thank you, Mr. Speaker. Will the sponsor yield for just a few questions?

ACTING SPEAKER AUBRY: Ms. Weinstein --

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: -- will yield.

MS. WEINSTEIN: Yes.

MR. K. BROWN: So thank you, Madam Chair. This under the subject of Health and Mental Hygiene, it's the provision HH that was intentionally omitted for increasing penalties for mental health and substance use disorder requirements that would have allowed the Superintendent of Financial Services to increase penalties

up to \$2,000 per year for a violation for insurers who violated the Federal Mental Health Parity and Addiction Equity Act. The penalty for such violations with respect to accidental and health insurance is currently \$1,000 per violation. I would just like to know if you could provide some insight why that was internationally omitted. And just a little background, this was one of the recommendations that came out of the Attorney General's report on December 7th of last year on how we can best address the current mental health and substance use crisis that we have going on in New York State. So any insight would be extremely helpful.

MS. WEINSTEIN: I believe that we'd like the focus to be more on the agency helping the individuals rather than penalizing them.

MR. K. BROWN: So... and I believe you said when we hear on the one-House bill that the reason why it was stricken from the one-House bill in the Assembly was because it was a policy measure, correct?

MS. WEINSTEIN: Yes.

MR. K. BROWN: Okay.

On the bill, Mr. Speaker.

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

MR. K. BROWN: Mr. Speaker, with all due respect to the Chairwoman, the idea of not including policy in the State budget is just a joke, because we did it today. We had retail theft in

the last bill, we had illicit sale of marihuana. So we certainly include policy measures in the budget. And not to include this it -- it's just an affront to what's happening out there. This is the first time we've been talking about -- today's date -- here we are, we're in April and for the first time we're talking about substance abuse in the budget in this State when we have a raging public health crisis. There's a bill that's out there to create a state of emergency on this issue. The Attorney General did a scathing report that came out in December of last year, identifying ghost providers. A ghost provider is where you have an insurance company that claims that they offer mental health services and substance use services, but yet they really don't. And she used interns as secret shoppers to go in and ask to try to get appointments with these providers. Only 13 percent of the calls made actually resulted in an appointment with a mental health provider. And this issue that this portion of the budget dealt with, the issue is parity. Because we know in the State of New York that Medicaid patients who are looking for services for mental health and substance use, if they have Medicaid they're paid -- the providers are paid 100 cents on the dollar. If they are private insurance they only get paid 50 cents on the dollar. There are Federal parity laws, there are State parity laws that require the private insurance companies to pay 100 cents on the dollar, just like Medicaid. The Attorney General's report identified this specific recommendation, along with seven other recommendations that I hope are taken up by this House and down the hallway. But it's the number one issue affecting the treatment

providers because they can't earn a living and people, therefore, can't get the help that they need. So it keeps New Yorkers who are suffering from mental health and substance use issues from getting the help that they need.

I just -- I find it just ridiculous that we're sitting here at this late stage, four months into this year, four months into this budget process, and this is the first time we're dealing with this. So thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this particular budget bill. Those support it are welcome to vote yes here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally in favor of this piece of legislation; however, there may be a few that would desire to be an exception. They should feel free to do so at their seats.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Zaccaro to explain his vote.

MR. ZACCARO: Thank you, Mr. Speaker. I am proud to support this budget bill that reinforces New York's role as a leader that others follow. And while there are many policies in this bill that I support, I want to use my limited time today to speak on the one championed by my friend and colleague Assemblymember Phara Souffrant Forrest. This budget provides that covered prescription insulin drugs shall not be subject to deductibles, copayment, coinsurance or other cost-sharing requirements. I was proud to cosponsor my colleague's bill to prohibit cost-sharing for insulin as first -- as a first of its kind bill in our country and join her and many advocates to get this passed. Many members on both sides of my family have been diagnosed with diabetes, people I love dearly and those who I've watched struggle every single day. They carry on with their lives like many others to the fullest they can but they, too, like all diabetics, rely on insulin. When patients can't afford their insulin, they have no choice but to ration the little medication they can afford. This means they are skipping doses or taking less insulin that they need. If I cannot bear the thought that my loved ones cannot afford their insulin, then no New Yorker should either. This is what we mean when we say New York leads. This is what we mean when we put people over profits, and this is what we mean when we care.

Thank you so much Mr. Speaker. I proudly vote in

the affirmative.

ACTING SPEAKER AUBRY: Mr. Zaccaro in the affirmative.

Mr. Steck.

MR. STECK: Thank you, Mr. Speaker. I will be voting in favor of this bill. I do want to note two points that I agree with my colleague, the Ranker on the Alcoholism and Substance Abuse Committee, that we do need to pass that legislation requiring the private insurers to pay as much as Medicaid.

Secondly, on environmental issues, I do not subscribe to the gloom and doom scenarios of the Minority, but on the other hand I do think that we do in the future need to subsidize consumers to convert over to green energy.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Steck in the affirmative.

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker, for allowing me to explain my vote. As Chair of the Committee on Insurance, I fully support, as my -- some of my colleagues pointed out, the proposal to eliminate cost-sharing for insulin. More than 10 percent of New Yorkers, about 500,000 individuals, rely on insulin each and every day. Many are people of color, seniors or low-income households. This proposal is estimated to save New Yorkers an estimated \$14 million in 2025 alone. According to the American

Diabetes Association, people with diabetes have medical expenses that are 2.3 times higher than people that do not have diabetes.

Access to insulin is life or death. We need to make this lifesaving medication available to all people. The accessibility and affordability of insulin is critical to the health and longevity of New Yorkers throughout New York State. This proposal will not only improve the health of millions of New Yorkers, but will also help close the health equity gap and lower long-term healthcare costs.

I'm proud to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker, to explain my vote. Earlier during the debate one of my colleagues used the word "socialized agriculture." I would go even a little bit further to say "socialized society." In New York, government tells you what you can or can't do, what property you can own, how much money you can't or can't -- can make, how much you can charge for a product that you produce and sell.

My friends, New York State is simply unaffordable. Have you went to the grocery store lately? Price are outrages. Have you paid your electric bill? Unbelievable. Have you tried to borrow money from the bank or buy a home? Interest rates and mortgage rates are high, making it impossible for folks to borrow money to retain that American Dream of owning their own home. New York

State is unaffordable, and State government is full of mandates and regulations, strangling the financial light out of New York State citizens. Probably the reason why over one million New Yorkers have left our State, and it's mainly because of policies just like this one: the RAPID Act. The only thing rapid about this act is I'll bet you that more New Yorkers will rapidly be leaving our State.

For these reasons and many more, and I encourage our colleagues, vote no on this portion of the budget. It is a bad bill and it's especially bad for agriculture and Upstate rural New York. Bad. Thank you, Mr. Speaker. I'll vote no.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. You know, I guess it's the project manager in me, but I really do adhere to the -- to the notion that you can't manage what you can't measure. And so it was with pleasure that I saw that we were successful in getting into this bill the -- the capacity transmission planning that we need. Because our ability to achieve our zero-emission goals, our ability to achieve our goals to shift to electrification really depends on us being able to match demand and supply, and that requires that we thoroughly establish a baseline of what we need and what we have so that we can build a transmission plan to build out where we need additional capacity and where we don't. And that will address some of the concerns that

people have about building -- using land that we shouldn't be using to build -- to build energy capacity either in terms of generation or -- or transmission.

So I'm very pleased, and I want to thank the Speaker for including in this -- in this year's budget this transmission plan that this -- that last year this Body unanimously supported. Thank you very much, Mr. Speaker, and with that I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Bores to explain his vote.

MR. BORES: Thank you, Mr. Speaker. In September, days before an incredibly close national election in Slovakia, audio was leaked of the leading candidate bragging about rigging the election. Even worse, another recording was released of him raising the price of beer. Days later, in an upset he lost that election. The problem, of course, was all of those recordings were fake; they were made by AI. So we already know that this technology can influence elections, can make believable reproductions, and as future caucus members saw on Tuesday, they're very easy to make. We made live deep fakes of me which, no, I won't be releasing to the public. This budget finally takes strong action to keep our elections safe. By requiring disclosure of deceptive AI and providing injunctive relief to candidates, we will take the first step to keep our elections safe from this growing threat.

I want to thank the many, many people who

contributed to this: The Senate sponsor of the PAID Act, Kevin Parker; and the Senate sponsor of the FAIR Act, Kristin Gonzalez; Chair Otis, Chair Walker, Assemblymember Vanel, Senator Myrie, the Governor, Speaker Carl Heastie, all of whom have been critical to getting this regulation into the budget, and all of which are inimitable, even by AI.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Bores in the affirmative.

Ms. Wallace to explain her vote.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. While there are many great things that I support in this particular budget bill, I rise in particular to speak in favor of the provisions that will create the AI Consortium, and I rise to I guess give a little context to the questions that were raised earlier about why would we locate that consortium at the University of Buffalo when we have so many fine institutions across our State. And just, again, for context, the University of Buffalo is a national and international leader in AI and it has been for over four decades. In fact, the handwriting software machine that's currently used by the Postal Service was first created at -- and developed at the University of Buffalo. The University of Buffalo is number one for New York State public and private research universities in the National Science Foundation's cyber security funding. UB is home to the prestigious NSFAI Institute, which

awards over -- which has over 200 faculty and last year alone awarded over 1,600 degrees in AI fields. And I think that locating the -- the massive supercomputer that's going to be needed near the hydroelectric power that we have in Western New York makes a lot of sense, as well as having it located at a public university, which will ensure some level of public oversight over this transformational yet sometime dangerous technology.

So to me, locating this at the University of Buffalo is -- is obvious and I vote in support of this legislation. Thank you.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. I -- I know that change is difficult, and we are probably in the throes of what people felt like when the Industrial Revolution began, and so much in technology has moved so quickly that it's hard for us to adjust. But the reality is that we see the changing planet. We see the climate rapidly changing with dangerous implications for us and our future. So as difficult as it is, I'm pleased that we're moving forward with more renewable energy but still giving local communities more input. I think that's important. I think that we -- without that, we would have more resistance. But people are already paying the price. People in some places that they have relocated to are leaving those places because of climate change because they can't get insurance on their property.

So I think that this is a great step forward, and I share with my colleagues the pleasure in seeing some attempt to reign in AI when it comes to our elections. That is vital. We see that youngsters have the capacity to do so much manipulation, and they are way ahead of many of us. It is crucial if we are going to have free and fair elections, to be able to get a handle on deep fakes.

So I withdraw my request, vote in the affirmative and thank all involved in moving this review of AI forward.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Levenberg.

MS. LEVENBERG: Thank you, Mr. Speaker, for allowing me to explain my vote. I would just like to plus-one my colleague who mentioned that we are seeing change in our planet and we have to do everything we can to keep up with it. I think that, you know, if anything, the RAPID Act is happening even a little too slowly, so I'm very happy to be able to support this speed-up of the build out of our renewable energy infrastructure which is critical to our attacking climate change head on.

I am disappointed that we were not able to include the New York HEAT Act, because it would have helped us with the cost to consumers of both their current utility bills as well as the infrastructure needed in individual homes and apartments. So I'm hoping that we can continue to work on that, and I believe that we will continue to work on that this Session to hammer out something that

would actually work for all New Yorkers.

I also am grateful to my colleague for introducing the help for New Yorkers with insulin because we know how critical that is to keeping New Yorkers healthy. And grateful also to my colleagues for the help with AI, as that literally impacts all of us today and every day as we are looking at elections.

So I'm happy to explain my vote will be in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Levenberg in the affirmative.

Ms. Shimsky.

MS. SHIMSKY: Thank you, Mr. Speaker. I'm rising to, first of all, commend everyone on getting the insulin funding in this part of the budget. Not only will it save lives, save human suffering, but it's going to be more cost-effective in the long run. It's easier to provide insulin than deal with the medical complications from diabetes.

Second of all, I am happy that for the second year in a row we've been able to find an extra \$100 million in the budget for our local roads. In future years, however, we are going to have to accelerate our spending both for local roads and for our State roads. But this is a very difficult budget year because of the loss of COVID aid, so hopefully we will view this as something to build on. And hopefully we will also look for ways to be more cost-effective in our road maintenance operations.

Third of all, with regard to energy policy, I'd like to associate myself with Assemblywoman Glick's comments on energy policy. We are not going to have a world fit to live in if we don't make these moves now. Like Ms. Levenberg, I wish things might have happened somewhat faster, but we've got to move and one step is better than none.

So for all those reasons and everything else contained in the budget, Mr. Speaker, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Shimsky in the affirmative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I rise again today to explain my vote. A couple of issues I want to note in this budget bill, and that is joining my colleagues and commending the Speaker and more for including the insulin co-pays -- or eliminating those copayments, which I think is very significant and will help save lives. Very pleased, this is a -- also a Transportation Budget, but really pleased on some of the transit expansions, especially for Upstate. Also -- sorry, not on this. But also want to talk about the expanding renewable energy and the transmission lines here about growing our transmission lines, as well as including the -- the -- the RAPID Act which has been so significant.

I should note the HEAT bill, which is the Home Energy Transition [sic] bill, is not in and look forward to continuing to work with folks on that to make sure that this transition is reliable and

affordable as we transition the -- this system to renewable energy.

And mostly I want to talk about the Empire AI. We know there is -- AI is ripe for fraud and abuse and can threaten elections, as we've already see demonstrations of that. It is important what we are seeing; U Albany is also at the cutting edge of so much of this, as is U Buffalo, and I'm proud as Higher Ed Chair that we are adopting this and we will help grow the research to keep ahead of some of the fraud and abuse, but grow that research I hope will be the epicenter for AI research in the country via SUNY, CUNY and many of our outstanding private colleges.

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

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker, thank you all. I would like to comment in this bill on the Empire AI Consortium, which is very important because it has New York State playing a role, an outside role, hopefully, in leading the nation, leading governmental involvement in AI development. AI has been with us, actually, for many, many years, and many of our SUNY institutions have been leading that research for -- for a long time. But AI is going to quickly -- already in the last few months it's evolving so quickly, and so it's very important that we as a state play a leadership role much as we did with semiconductors and the chip industry that -- with

Micron and the other expansion of chip jobs around the State. The goal is that we do this in New York as well when it comes to AI.

And so my compliments to those in the Legislature that worked on this, to the Executive Branch and also to our institutions of higher learning. There's a lot of work to be done not -- not just to make sure that we have the evolution of AI, get it right, but also that we protect against the harms, possible abuses, ways that our privacy can be taken away by AI. Like everything else, we have to be on top of all of this. New York should be at the center of the good and the protected.

Thank you, I vote aye.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I join with many of my colleagues in supporting the Empire AI and protecting our elections, which is so critical to our way of life, and support the RAPID Act, although I am disappointed, like many of my colleagues, that we have not advanced the New York HEAT Act or -- that will continue to sustain tax credits to some of the most polluting industries. I also support the funding that we're providing for insulin, which is so critical. And I particularly want to also highlight how proud I am that the Waterfront Commission Act is included in this budget bill. This will enable us to continue to clean up corruption in our waterfront, but also protect and sustain a working waterfront with real jobs for New

Yorkers. And it's a -- a bill that needed to happen. Its time has come and I'm very pleased to see it advance in this budget bill, and I thank you.

I'll be voting in the affirmative.

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

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 32, the Clerk will read.

THE CLERK: Assembly No. A08809-B, Rules Report No. 32, Budget Bill. An act to amend the Tax Law and the Administrative Code of the City of New York, in relation to extending the itemized deduction limit on individuals with income over \$10 million (Part A); to amend Part N of Chapter 61 of the Laws of 2005, amending the Tax Law relating to certain transactions and related information and relating to the voluntary compliance initiative, in relation to extending the effectiveness thereof (Part B); to amend the Tax Law, in relation to making technical corrections to the Metropolitan Commuter Transportation Mobility Tax (Part C); to amend the Tax Law, in relation to the restriction upon issuing notices for a tax year that is the subject of a pending petition filed with the Division of Tax Appeals (Part D); to amend the Executive Law and the Tax Law, in relation to creating the Commercial Security Tax Credit program (Part E); to amend Part U of Chapter 61 of the Laws of 2011, amending the Real Property Tax Law and other laws relating

to establishing standards for electronic tax administration, in relation to the effectiveness of certain provisions relating to mandatory electronic filing of tax documents (Part F); to amend Part U of Chapter 61 of the Laws of 2011, amending the Real Property Tax Law and other laws relating to establishing standards for electronic tax administration, allowing the Department of Taxation and Finance to use electronic communication means to furnish tax notices and other documents, mandatory electronic filing of tax documents, debit cards issued for tax refunds, improving sales tax compliance, in relation to extending the provisions thereof (Part G); to amend the Tax Law, in relation to the filing of amended returns under Article 28 thereof (Part H); to amend the Tax Law, in relation to exempting from sales and use tax certain tangible personal property and services sold to a related person (Part I); to amend the Tax Law, in relation to extending the sales tax exemption for certain sales made through vending machines (Part J); intentionally omitted (Part K); to amend the Tax Law, in relation to the imposition of taxes on the sale of cannabis (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the utilization of funds in the Catskill and the Capital Off-Track Betting Corporations' capital acquisition funds (Part O); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-State thoroughbred races, simulcasting of races run by out-of-State harness tracks and distributions of wagers;

to amend Chapter 281 of the Laws of 1994 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting, in relation to the effectiveness thereof; and to amend Chapter 346 of the Laws of 1990 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting and the imposition of certain taxes, in relation to the effectiveness thereof (Part P); to amend the Tax Law, in relation to the computation of tax on little cigars (Part Q); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part R); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to extending certain exceptions to licensing at a race meet; and providing for the repeal of such provisions upon expiration thereof (Part S); and to amend the Tax Law and the State Finance Law, in relation to the excise tax on medical cannabis and the allocation of moneys of the Medical Cannabis Trust Fund (Part T).

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 has been requested, Ms. Weinstein.

MS. WEINSTEIN: Mr. Speaker, this bill would

enact the major pieces of legislation that are required to implement the revenue proposals that are necessary to ensure a balanced State budget. This bill would reduce State revenues in '20 -- fiscal year 2024-'25 by 9 million. Anticipating Mr. Ra's questions, in the out years revenue would be increased by 193 million in '25-'26, 370 million in '26-'27, 375 million in fiscal year '26 -- in '27-'28, and 325 million in fiscal year '28-'29. And just to highlight a few items in this bill, we include language to establish the Commercial Security Tax Credit; we provide various extensions for certain tax provisions; we -- it repeals and replaces the Cannabis Potency Tax as well as decreases the Medical Cannabis Excise Tax.

So with that, I'd be happy to answer questions.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: All right. And thank you for that information related to the revenue figures as we get into this fiscal year and -- and the future years. So, I mean, let me start again with the global question. Still getting closer in terms of a financial plan?

MS. WEINSTEIN: We're getting closer.

MR. RA: Okay.

With regard to some of the provisions in -- in this

particular bill, you mentioned the Commercial Security Tax Credit.

MS. WEINSTEIN: Yes.

MR. RA: So can you just describe the type of measures that a business could be eligible for -- for the tax credit for implementing?

MS. WEINSTEIN: Various -- the bill doesn't describe -- the Division of Criminal Justice Services will help provide a list, but it's -- we anticipate things like security alarms, hiring of security personnel, cameras. Those -- those types of --

MR. RA: So -- so it can be both equipment or security personnel?

MS. WEINSTEIN: Yes, yes.

MR. RA: Okay. And it's a credit of up to \$3,000 for each retail location of -- of a business?

MS. WEINSTEIN: Yes.

MR. RA: So can a, like, a particular corporation say or, like, our small business owner who has multiple locations can apply for the multiple locations?

MS. WEINSTEIN: Yes, in that we did amend -- well, let me just put the parameters on that. We did amend the -- the Governor's original proposal that went up to 100 employees and had a higher amount of money you'd have to put out in order to spend in order to get the credit. So under this proposal it allows just businesses with 50 or fewer employees to receive the credit. The threshold is lowered for expenses from the original 12,000 to \$4,000 for

businesses with 25 or fewer employee -- employees, and \$6,000 for businesses that have between 26 and 50 employees, with an aggregate cap of \$5 million. So under the scenario you present it could be multiple locations, but the -- as long as they would be under 50 employees at the various locations combined.

MR. RA: Okay. And then in terms of the -- the \$5 million cap, how -- how will it be determined, you know, which businesses actually get it if -- if there were to be more that, you know, got this certificate from the State after filing if -- if say there's, you know, \$10 million in -- in people that have -- have claimed the credit and certified. How -- how will it be determined who actually gets it each year?

MS. WEINSTEIN: Well, it would be on a first -- first-come basis, and the Division of Criminal Justice Services would certify that these are expenses that qualify for the -- the credit, and then the credit would be issued by DFS.

MR. RA: Okay. And then just going back for a second on the multiple locations, is there anything that would, you know, if -- if an entity, say, you know, files very early on but has multiple locations, but then some other businesses maybe later on doesn't get it because they -- they were -- they were too late to the game. Is there anything to, you know, ensure that the other business who hasn't gotten the credit is -- is eligible before a second location?

MS. WEINSTEIN: Well, this bill doesn't -- doesn't speak to that, but we do have this lower number of employees. So it

would still have to be under the -- even if you have multiple locations, as I mentioned, you would still have to be under 50 employees. This is obviously the first year we're doing this. It would be for tax years 2024 and '25, and depending on how that goes and how many applicants there are, certainly a future Legislature could increase that -- that amount of funding tax credits that would be available.

MR. RA: With regard to some of the other, you know, I guess consumption use-type taxes, the Cannabis Potency Tax. So we're -- we're changing from, right, the Potency Tax to a host -- somethings based on the wholesale price of the cannabis, correct?

MS. WEINSTEIN: Correct. It will be easier to administer than having to deal with testing the potency.

MR. RA: Okay. And, I mean, do -- do we have any sense on if this perhaps -- and -- and I -- I believe we talked about it earlier, you know, this rollout has been fairly slow. But in terms of the ability of -- to cut down on, you know, the -- the black market, so-to-speak, you know, whether it's illicit cannabis stores or -- or other illegal operations, do we think having a cleaner taxing struct -- structure will -- will help with that problem as well?

MS. WEINSTEIN: I'm not sure that this really deals with that. Obviously, the bill we just adopted deals with the -- our first bill deals with the illegal sales. So I'm -- I'm not sure that this has much to do with that.

MR. RA: Okay.

MS. WEINSTEIN: It'll just make it easier to

administer the -- the tax and collect the tax without having expenses of certifying the -- the potencies.

MR. RA: Okay.

And then there's also a change with regard to medical cannabis taxing as well?

MS. WEINSTEIN: Correct. So there -- it would decrease the medical -- this bill decreases the med -- Medical Cannabis Excise Tax from 7 percent to 3.15 percent, which would result in \$4 million annually of a reduction in taxes.

MR. RA: Okay.

The little cigars piece. How -- how are these taxed currently, and then how -- how will this new tax work with regard to this?

MS. WEINSTEIN: This -- this really clarifies that the little cigars are taxed at 26.75 per -- per stick. Previously, the law said they would be taxed the same as cigarettes even though they're not packed in packages of 20, I guess the way cigarettes are. So there was -- they could mistakenly be taxed at over \$5 just for a single stick.

MR. RA: Okay. Thank you.

With regard to the personal income tax provision, and in -- in particular, we have an extension for I believe five years of the itemized deduction limit for high-income filers?

MS. WEINSTEIN: Yes.

MR. RA: Do you have -- I know you -- you went through the overall, you know, tax picture, you know, for -- for the bill

as a whole, but do you have the numbers on that provision itself for this fiscal year and the next few years?

MS. WEINSTEIN: Sure. I -- I believe it would be similar year after year, and we anticipate that it would retain 175 million in revenues beginning in 2025-'26.

MR. RA: Thank you. Do -- how -- do we -- do you know how -- how long that has been in effect? When did we first put that in?

(Pause)

MS. WEINSTEIN: I'm told in 2015.

MR. RA: 2015. Okay, thank you.

The -- let's see. I have smaller items than this than we're used to. I guess the -- the one other one I wanted to ask about was the -- the sales tax exemption from the vending machines.

MS. WEINSTEIN: Yes.

MR. RA: So, this is -- is this a straight extension or has this changed the parameters of the --

MS. WEINSTEIN: It's just a straight extension --

MR. RA: Okay. Thank you.

MS. WEINSTEIN: -- for five years.

MR. RA: Thank you.

MS. WEINSTEIN: For one -- I'm sorry, for one year, just through the one-year extension.

MR. RA: Okay.

And then just a couple of things that I -- I don't see

here that I wanted to ask about. There was a proposal for vacation marketplace providers to collect sales tax on vacation rentals. That -- that's omitted?

MS. WEINSTEIN: Yes.

MR. RA: And is that -- do we think that's dead, at least in terms of this budget?

MS. WEINSTEIN: It's not in this bill. I don't anticipate it coming forward, but we still haven't closed everything down.

MR. RA: Okay.

And an issue that I know was -- was central to -- to the Majority's one-House budget and certainly something, you know, our Conference has offered a package on is -- is child care and -- and I know there -- there was some proposals for, you know, tax credits and -- and things of that nature. There's nothing in this --

MS. WEINSTEIN: Not in this bill.

MR. RA: But we may see something on that later on?

MS. WEINSTEIN: It's possible.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you. Just quickly, since this is a revenue bill and obviously we've -- we've had years where this is kind of, you know, the one that had everything but the kitchen sink in it

but, you know, this year this is a little bit I think pared down, fairly simple. Again, glad to see no broad-based tax increases, but I just want to reiterate, and I talked about this on the last bill, you know, our tax climate. We, I think, are somewhat repeating history here in that it's an election year and we're not doing tax increases. But what we have seen in the pattern over the last, you know, five years is that there's tax -- there -- there's usually tax increases in that off year, and then the even year there isn't. So we need -- we need to continue to -- to think about not taxing so much, improving our business climate and certainly trying to find additional ways to support our small businesses in our State. I think that, you know, the -- the provisions regarding the credit for -- for security measures is great. You know, we want to help businesses that are -- that are doing things. You know, a lot of these businesses who -- who maybe had never thought before of having to need a security guard or -- or having to put additional theft -- antitheft measures in -- in their premises, you know, that's just another cost that -- that is being borne. So I think it's -- it's a good positive thing for us to be doing, going -- going -- in addition to, you know, what we did in the previous bill with regard to aggregating crimes and with regard to protecting workers from assault, so I think that is a very positive piece of -- of this bill. But again, we -- we talk about it constantly; our State has -- relies on for almost half of our income tax revenue, 1.6 percent of filers. So we -- we continue to be very dependent on those individuals, and a small number of them leaving can cause a big problem in the future for this State. So we

need to continue to keep that in mind as we go through this total budget and into the future.

Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Weinstein. I note that according to the American Legislative Exchange Council's analysis of tax policy throughout the nation that New York has the current dubious distinction of being number one in terms of the highest income tax rate of any state. Does this revenue bill propose to reduce the top marginal rate for income taxes?

MS. WEINSTEIN: No, it does not.

MR. GOODELL: I note, by the way, that there are nine states that have no income tax at all, and another half a dozen that recently made a commitment to reduce their income tax to zero. And surprisingly, all those states have seen a growth in population while New York State's led the nation in outmigration. Do you believe there's a connection to the fact that New York lost about 8 billion in adjusted gross income to states that had no tax, income tax?

MS. WEINSTEIN: There's been no correlation that that is the reason why people have left.

MR. GOODELL: I see. And why do you think

people are leaving in droves?

MS. WEINSTEIN: Some people like the weather in the -- in some of the -- in North Carolina and Florida, Arizona. Some people stay because they -- they like the services we -- many of these people stay because they like the services that they get for their tax dollars.

MR. GOODELL: You're not suggesting that New York's weather's worse than Vermont, Massachusetts, Maine, North Dakota, yet those states are not experiencing the same outmigration as we are. Does weather show up on the interviews of people who are leaving our State?

MS. WEINSTEIN: What happens is, I think we discussed this during the one-House Budget discussion that the Commissioner of Tax and Finance said that you basically can use whatever data you want to justify your - not you, personally - but a person's position on why people are leaving. And certainly, some people are leaving for the weather. People are leaving Florida -- it was recently reported in *The Wall Street Journal* people are leaving Florida for North Carolina, some people are leaving for political reasons --

MR. GOODELL: Sure.

MS. WEINSTEIN: -- it was just reported today.

MR. GOODELL: The data I looked at, by the way, and the explanations I look at are from publications from the State Comptroller. I mean, it may be a different party but normally, I find

its numbers to be fairly accurate and consistent, along with data from the New York State Department of Taxation and Finance. But I note that a couple years ago in a legislative measure that I thought was really smart, we directed the Department of Taxation and Finance to do a cost-benefit analysis on economic development programs, in particular tax incentives. And they contracted with one of the top accounting firms in the nation, PFM Group Consulting, and they released their analysis of tax incentives, and their return on investment just December 30th of last year, just four-and-a-half months ago -- or three-and-a-half months ago. And one of the things they found which was interesting is that the film tax credit, which is 700 million in this year's budget, had a negative rate of return of 69 to 80 percent, and the theater tax credit, for which we have 300 million in this year's budget, had a negative return on investment of 73 percent. Wouldn't it make sense since we directed them to come up with a study that we follow their recommendations and eliminate programs that have a negative return on investment?

MS. WEINSTEIN: There are more important reasons to -- many important reasons to have these programs concerned about outmigration, certainly having New York, and in particular New York City be a center for theater and filmmaking helps bring people into our State, and many are people who earn a -- large incomes. The City of Buffalo has -- had tremendous benefit of having the film program tax credit in -- in their city, as other cities around the State. So there are I believe more important issues that we have to

consider, not just the dollar-for-dollar return.

MR. GOODELL: Now, of course their analysis also indicated that several business tax incentives had a much higher rate of return. So instead of getting only 23 cents for every dollar that the State invested, there were some that were actually positive. Wouldn't it make sense to increase the tax incentives for those programs that had a high rate of return and reduce the tax incentive for those that had a negative rate of return?

MS. WEINSTEIN: We can certainly look at the ones that have a high rate of return if we want to expand them next year.

MR. GOODELL: Yes, I would agree, although we probably won't be debating that between the two of us.

MS. WEINSTEIN: Right, but we can have an offline discussion, if you'd like.

MR. GOODELL: Yes. Of course, as I mentioned earlier the -- the analysis showed that New York State's business tax credit is -- or business tax is currently the highest in the nation; I think you already told me, this does not reduce it.

MS. WEINSTEIN: Correct.

MR. GOODELL: Now, in the one-House budget there was a \$4 billion tax on Medicaid providers. What that was intended to bring in additional Federal funds that would offset that; is that in this budget this year?

MS. WEINSTEIN: It's not in this bill, but something we'll be discussing probably tomorrow.

MR. GOODELL: Probably when?

MS. WEINSTEIN: Tomorrow.

MR. GOODELL: Tomorrow. Oh, it's always good to look forward to a \$4 billion tax tomorrow as opposed to today, I guess, right? But thank you for that -- that guidance.

MS. WEINSTEIN: You know, just to clarify, just -- I don't want to just leave that what you said hanging, that proposal which we can go into more depth when we discuss tomorrow, is a tax that gets reimbursed basically to the companies, and we are able to get some Federal dollars that we can then spend on health issues.

MR. GOODELL: Yes, thank you for that clarification. And thank you for your comments.

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Often, I know that people are, when we stand up here and say we need to focus our priorities on what's important, and we need to cut spending, we need to cut taxes, we need to help businesses with the unemployment fund which has a huge multi-billion dollar deficit. An appropriate question back is where are you getting the money from? So right now, New York State spends 1.1 billion, 1.1 billion in support of the film and theater industry. And these, by definition, are temporary jobs. And when they were announced in terms of the rate of return, the New York State Department of Taxation and Finance in conjunction with some nationally renown accounting firms said that the film tax credit returns

between 15 cents and 31 cents for every dollar that we spend. That's for a temporary job. And the theater tax credit returns 23 cents for every dollar we spend, again, for temporary jobs. So wouldn't it make sense for us to eliminate the programs where we get a negative rate of return and instead invest those funds and tax cuts or financial support for permanent jobs where we get a good rate of return? And the study identified those programs. We don't need to pay thousands and thousands of dollars for an expert analysis of our tax incentives and then ignore them, that doesn't make any sense. We should follow them and make the changes so that we can address the outmigration by providing people with better opportunities here in New York by helping them have more employment opportunities, an increased demand for employment. That increased demand will result in a general wage increase and an economic benefit to all of us.

So let's focus on the big picture. Let's change this ship around, see what we can do to encourage businesses to grow and expand here, encourage businesses to be highly profitable here, encourage businesses to pay higher wages so that there are more opportunities for our friends and our neighbors right here in New York State, and we can do it by eliminating the programs that have a negative return on investment and focusing our funds on those programs that we have documented that work. Unfortunately, this budget doesn't do that. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Brown.

MR. K. BROWN: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

MS. WEINSTEIN: Yes.

MR. K. BROWN: Thank you, Chair. If I could ask you questions about the replace -- sorry, repeal and replace the cannabis potency tax?

MS. WEINSTEIN: Yes.

MR. K. BROWN: So I understand that we're removing the THC potency tax and replacing it with the 9 percent excise tax. Could you tell me, was there any discussion during the budget negotiations about regulating marijuana potency levels at all?

MS. WEINSTEIN: No, there wasn't. The industry did come out very strongly against the use of the potency as a -- as a measure.

MR. K. BROWN: As a measure of -- of taxation?

MS. WEINSTEIN: Yes.

MR. K. BROWN: And was that the original intent, though, behind the potency tax was to treat it more like alcohol? We hear all the time that we should treat marijuana more like alcohol, so the potency tax was kind of equivalent of the proof that was used in alcohol sale?

MS. WEINSTEIN: This is a -- a much simpler way to be able to assess the tax.

MR. K. BROWN: I understand, but I believe there was a portion of it was from a policy point of view, they wanted to

deter people from using high potency marihuana; wasn't that true?

MS. WEINSTEIN: Well, one of the issues with, I'm told, with the potency taxes as -- as it -- as the product ages, the potency changes so it's almost like what time -- at what stage you do the testing, the potency. It became much more difficult and confusing to administer in that way.

MR. K. BROWN: Understood. Are you aware that the State of California -- sorry, strike that, the State of Colorado, the first state to legalize marihuana is actually looking to regulate potency today?

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

MR. K. BROWN: Okay. Thank you very much for answering my questions.

On the bill, Mr. Speaker.

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

MR. K. BROWN: So Mr. Speaker, with respect to the potency levels, states such as Colorado are looking to regulate potency, and it's a very important issue, especially as it relates to teenagers in our State. In 2021 - excuse me, fellows; excuse me - in 2021, 35.4 percent of young adults age 18 to 25 reported using marihuana in the past year, and in 2022 that rose to 30.7 percent of 12th graders reported using marihuana, with 6.3 percent of them reported that they use marihuana daily. Since legalization, that number has risen. We also know that traffic accidents on our roads

has increased, and a number of fatalities as a result of people using marihuana and driving has increased to 301 people as of March 2023, according to *The New York Times*.

In addition, many young people also use vape devices to consume marihuana products. In 2018, more than 1 in 10 8th graders said they vaped marihuana in the past year. And according to the Drug Enforcement Agency, the marihuana concentrate that's used for vaping is highly potent THC concentrated (inaudible) that's most similar in appearance to honey or butter. It contains extraordinary high THC levels ranging from 40 to 80 percent, and this form of marihuana can be up to four times stronger in THC content than a high-grade or top shelf marihuana which only measures substantially less, around 20 percent of THC levels. Many young people prefer the vaping device because it is smokeless, sometimes odorless and extremely easy to hide or conceal.

Long-term effects of consumption including marihuana use disorder, harm to brain health, mental health issues such as depression and social anxiety, breathing problems, increased heart rate could increase chances of heart attack, and problems with child development during or after pregnancy are all a result of high potency weed. And then there's dabbing. And for those members who don't know what dabbing is, dabbing is to weed what crack is to cocaine. Dabbing is the act of inhaling vaporized cannabis concentrates via a device such as a dab rig. Its side effects include rapid heartbeat, paranoia, hallucinations, numbness and crawling

sensations under the skin, anxiety, panic attacks, and/or uncontrollable shivering and shaking. In other words, it's not the same seeds and stems of the 1970s.

And as for frequent and high potency users, there's something known as Cannabinoid Hyperemesis Syndrome, or CHS. CHS is recurrent nausea, vomiting, cramping, abdominal pain that can occur due to prolonged high-dose cannabis use. These symptoms may be relieved temporarily by taking a hot shower or a bath. So if your teenage child at home is vomiting uncontrollably all day long, or is taking extremely hot showers to the point that they're getting burned and welts on their body, they could be suffering from CHS. Complications that are related to persistent vomiting and dehydration which may lead to kidney failure and electrolyte problems. Those affected experience severe nausea, vomiting, dehydration, sometimes requiring emergency medical attention.

On the mental health side, Marihuana Use Disorder, also known as marihuana addiction is a psychiatric disorder defined in the 5th revision of the Diagnostic and Statistical Manual of Mental Disorders, the DSM-5. Cannabis users have shown decreased reactivity to dopamine, suggesting a possible link to dampening of the reward system of the brain, and an increase in negative emotion and addiction severity. Cannabis users can develop tolerance to the effects of THC. Cannabis addiction is often due to prolonged and increasing use of the drug, and adolescent cannabis users are therefore particularly vulnerable to potential adverse effects of cannabis use.

So Mr. Speaker, the point of this was to tell you that it is time to pass potency levels for marihuana like other states like Colorado are doing, and stop sticking our heads in the sand about the ill effects of smoking high-potency weed. I'll be voting in the negative. Thank you.

ACTING SPEAKER ZACCARO: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, quickly on the bill.

ACTING SPEAKER ZACCARO: On the bill.

MR. PALMESANO: I just want to say -- I just want speak out, this -- this Hollywood film tax credit in my opinion is a wasteful program. It started at \$420 million, now we're up to \$700 million. We have an affordability crisis in this State, why are we subsidizing the Hollywood elite? Why are we subsidizing programs like *The Tonight Show*? Why are subsidizing Jimmy Fallon's salary because it was above the line credit now? Why in the world are we subsidizing *Saturday Night Live*? In 2021, they received \$18.6 million, they receive tens of millions of dollars in taxpayer subsidies over the years. Why are we subsidizing *Saturday Night Live*? How do they start out their show each week? They say "Live from New York," not live from Saskatchewan. They're not going anywhere, we shouldn't be putting taxpayer dollars there. It's just more misplaced priorities.

We talk about -- we had to kick and scream to try to fight for a COLA for our direct support professionals for a fair living

wage for them because they take care of our most vulnerable citizens, the developmentally disabled. We had to fight to get increase to our school aids that the Governor proposed cut, we had to fight to fund local roads and bridges. And we all walked by the individuals with disabilities in the Concourse today that were here to speak out on the pending cuts to the program with the Consumer Directed Personal Assistance Program which is going to devastate the way they receive their care. It's just more misplaced priorities from this Majority and this Governor, I vote no.

ACTING SPEAKER ZACCARO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZACCARO: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this particular revenue bill. Those who support it are certainly encouraged to vote yes here on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER ZACCARO: Mrs. Peoples-Stokes.

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

ACTING SPEAKER ZACCARO: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Mr. Steck to explain his vote.

MR. STECK: Thank you, Mr. Chairman.

Unfortunately, the philosophy that we've heard, cut taxes, you'll have economic growth, life will be beautiful, was tried in the State of Kansas and it resulted in complete disaster and had to be repealed.

With respect to the tax credits, I have stated my position in opposition to those credits before, I'm not going to belabor that point now. I totally support the legalization of cannabis, nothing was being accomplished by making it criminal. We've had -- there's tremendous problems with alcoholism, always has been. We don't allow extreme percentages of alcohol in drinks, we should not do that with marihuana either. One of the challenges of cannabis is to properly regulate it. We have experience since the 1930s with alcohol, we are just starting out with cannabis. We hope that eventually we will be able to get in a proper place with the regulation of cannabis.

And with those comments, I vote in favor of this bill.

ACTING SPEAKER ZACCARO: Mr. Steck in the affirmative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. For two years now, the cannabis growers in and around my district have come to me and asked that we change the potency tax into a wholesale tax and I am very pleased to

vote for this bill where we finally have done what the cannabis farmers have been asking for. So with that, I vote in the affirmative. Thank you.

ACTING SPEAKER ZACCARO: Mr. Slater.

MR. SLATER: Thank you, Mr. Speaker. I just wanted to explain my vote quickly. You know, we are -- I think we're well aware of the affordability crisis that our State continues to face. We've heard about the economic outlook of New York State, we've heard about the high rate of taxation, amongst the highest in the country, if not the highest, and this is a real opportunity for us to send a strong message to New Yorkers that we hear their concerns when it comes to that affordability crisis. If you go look at purchasing nearly anything today, whether it's a Nissan car or a bag of peas, or even if you go to the hardware store and you buy some screws, everything is costing more and more. And right now, this bill does not, I think, address the affordability crisis that we really need almost a tug boat to redirect our efforts here in the Legislature to respect taxpayers and respect New Yorkers. So with that, Mr. Speaker, I'll be voting in the negative. Thank you very much.

ACTING SPEAKER ZACCARO: Mr. Slater in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'd like to applaud the sponsor of this budget bill and thank her for her due diligence for getting us through today. I do want to

just make a couple comments, particularly as it relates to the film tax credit. I know that it seems like it's not effective and doesn't bring back or have a return on our investment as a State, but I'm going to disagree with that. In fact, I want to say early next month or mid-next month there will be a brand new Hallmark studio opening up in the City of Buffalo. That was planned for the last three years, but it is based on the fact that we provide this tax credit. Tons of people were in town not only for the plan and preparation of it, but for the construction of it as well, including people who are construction workers in and around Buffalo. Restaurants did business, everybody in the vicinity of where it's being built did business. Now, I'm a Hallmark watcher, I like Hallmark TV. And I remember when there was only one Hallmark station on TV, now there's three. And so the fact that they're going to be making some of those movies right in the City of Buffalo, it's because of New York's investment and encouragement to do so. And I -- I want to appreciate all the people who worked hard to put that work together.

Also wanted to, you know, just mention that I think it is time for taxes to be removed from a medical marihuana project -- product. You don't go to Walgreens or CVS or anywhere else and get a prescription filled and pay taxes on it, except for when you go to get medical marihuana filled. That's unfair and I guess I do kind of appreciate the fact that it did get decreased in this budget bill, but it really should have been eliminated. And hopefully, you know, like they say, if at first you don't succeed, try, try, try again. I will be

trying again on that one because it is inherently unfair for people to pay for a prescription taxes when they don't pay for it on any other prescription that there is.

And lastly I would say this, Mr. Speaker, on the potency issue of cannabis, there's no need to have an additional tax on that either. And while I have a bill that will propose to reduce that to 7, we were able to through negotiations, get it down to 9 percent. And so I guess we'll have to be satisfied with that one for now, but again, if at first you don't succeed, try, try again. And try again I will. Thank you, Mr. Speaker.

ACTING SPEAKER ZACCARO: Mr. Maher to explain his vote.

MR. MAHER: Thank you, Mr. Speaker. I rise today to talk a little about procedure in this room that looks a lot like a museum, or a cathedral. It's quite a paradox and I know that we sometimes can really splurge when it comes to funding all the things that we need to fund and being creative to find revenue, but at the end of the day this is a ginormous budget and as we sit here with a little break eating some of the eggplant, earlier some of the watermelon, you know, it's just something that we really ought to consider as we continue to go through these budget bills. And I will be in the negative on this bill.

ACTING SPEAKER ZACCARO: Mr. Maher in the negative.

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. If you would please call on Mr. Pirozzolo for the purpose of a motion to discharge.

ACTING SPEAKER AUBRY: Mr. Pirozzolo.

MR. PIROZZOLO: Good evening, Mr. Speaker; how are you?

ACTING SPEAKER AUBRY: One minute, one minute. Excuse me, folks. Time to clear. Yes. Thank you.

MR. PIROZZOLO: Good evening, Mr. Speaker; how are you today?

ACTING SPEAKER AUBRY: I am well, how about you?

MR. PIROZZOLO: Mr. Speaker, I would like to move to discharge the Committee on Ways and Means from further consideration of Assembly bill A-8351, sponsored by myself, for the purpose of bringing the same before the House for its immediate consideration, and I request permission to explain it.

ACTING SPEAKER AUBRY: The motion is in order. Mr. Pirozzolo, please proceed to explain.

MR. PIROZZOLO: Thank you, sir. Just to be sure that everyone knows, this is a bill which would allow a \$6,000 tax

reduction to our veterans. While New York State does provide many benefits to its veterans, it is important for us to recognize that more can be done to serve the people who have given us everything.

Almost everyone in this Chamber has said we would not be standing here today if not for the brave sacrifices of our veterans. Most, if not all, members of this Body would agree that we owe everything we have to our veterans and, yet, Mr. Speaker, when we use the term "everything," either with symbolic representation or verbalization, we understand it to mean everything. If I ask everyone to look around at everything, nothing will go unseen, Mr. Speaker, because everything means everything. Unfortunately, this is not true for our veterans. In this case, everything means nothing, zip, zilch, nada. I could go on, but I think everyone gets the point. Actually, Mr. Speaker, I'm not sure we all get the point so I will give you an example. Illegal migrants have been flown into New York in the dead of the night. Now, in reality, unlike our veterans, they have given no service to this country and, yet, we give them unfettered access to our country. They have given our country nothing, yet we give them everything. We give them a tax-funded -- a taxpayer funded place to live. We give them taxpayer-funded food, medication, education and, yes, Mr. Speaker, we even give them a credit card so they can have money in their pockets. In essence, we give them everything while giving our veterans nothing as it pertains to this bill. Surely we can reduce the payout to illegal migrants by \$6,000 for the sake of those veterans who are the reason we are standing here today. Quite frankly, the

benefits being sought by illegal migrants would not exist had it not been for the sacrifices of our veterans. Are we really going to refuse this needed benefit? This bill presents an opportunity for the New York State Legislature to say thank you to our veterans and put us on par with neighboring states such as New Jersey, a place that so many of our veterans have had to flee simply because we have made New York an unfriendly and unsustainable place to live.

Mr. Speaker, by not allowing this bill out of committee, we are turning our backs on the people we have acknowledged for giving us everything. This is not a respectful or justified way to treat our veterans. This is bipartisan legislation in both Houses, I might add, that would allow a \$6,000 tax deduction to other than honorably discharge veterans beginning on January 1, 2024. Our veterans will not be using this money to pay for U-Hauls or move to flee New York like so many others to states that do provide a tax incentive to be a resident. Instead, I believe, sir, that our veterans will reinvest this money into the New York State economy. They would have a greater assurance to purchase the food and medication they need, they could help their children put a deposit on a home, they could even take a trip to the local ice cream parlor and spend more quality time with their grandchildren. In essence, sir, this money will be reinvested back into our State.

As the world becomes a more dangerous place, with wars raging almost everywhere, I believe that we must do all we can to make New York State a home for heroes, our veterans, and to assist

all of those who have given us the opportunity to stand here today. It is for these reasons that I urge my colleagues to vote yes. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. We just heard some very flowery words, many of which were not necessarily true, this is a State that does an enormous number of things in the interest of veterans who have served this country. And we all honor them, but I will remind my colleagues that this is not the proper procedure for dispensing a bill. The bills have to go through Committee. This one did not, and for that reason I would ask my colleagues to remember that it's just a procedural vote, this is not about how we feel about veterans. You all know how we feel about veterans, we honor them every time they step in these Chambers. At the end of the day, this should be a motion -- this motion to discharge is just procedural and it should not be voted on on its merits. So I'm going to encourage my colleagues to keep that in mind as you join me in voting against this motion to discharge.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. On the motion.

ACTING SPEAKER AUBRY: On the motion.

MR. TAGUE: I just want to remind my friends on

the other side of the aisle, the reason why this bill gets brought to the floor like this is because none of our bills ever make it through Committee, and they get held every time. We say over on our side that the Republican Assembly Conference Minority is where all the great bills that can do a lot of good for New York go to die. So just a reminder, the reason why we have to do this and why we're here doing this is because this is a good piece of legislation, and unfortunately due to politics, that's right, politics, the bill never gets the opportunity to get passed. I'll be supporting this motion, so thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. DiPietro --

MR. DIPIETRO: Thank you, Mr. --

ACTING SPEAKER AUBRY: -- on the motion.

MR. DIPIETRO: On the motion, Mr. Speaker. I just want to remind my colleagues on the other side of the aisle that every budget bill is supposed to get three days of sunshine by State law so that the people can read the vote -- they can read the budget, but we always get message of necessity. So when talking about procedure, we're not even following procedure today, nor have we ever literally in my 12 years here. So I just wanted to make that point, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell on the motion.

MR. GOODELL: Thank you, sir. If on procedural grounds we decide not to follow the procedure that's set forth in our rules to allow the bill to come directly to the floor, I would hope that

the Veterans' Committee will then bring this up, pass it, so that we can then vote on it in a few weeks and approve it on its merits. I think on its merits everyone thinks this is a great idea to help our veterans.

And while we always stand and applaud them when they're here, they would appreciate a direct assistance that this bill would provide.

Thank you, sir.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is happy to support this legislation to help our veterans. If there's someone here on the floor that doesn't want to support it, they are certainly welcome to vote against it. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I am again asking my colleagues to stay with our Conference and vote against this motion to discharge.

ACTING SPEAKER AUBRY: Again, members are reminded that the motion before the House is a procedural question and not a vote on the merits of the bill.

On Mr. Pirozzolo's motion, the Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The motion is lost.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have neither housekeeping nor resolutions, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Beautiful. Would you please call on Mr. Jacobson for the purpose of an announcement?

ACTING SPEAKER AUBRY: Mr. Jacobson for the purposes of a announcement.

MR. JACOBSON: Thank you, thank you for your support. Mr. Speaker, the most anticipated conference will be held this evening, but it will be at 7 o'clock, 7 p.m. in Hearing Room C. And that's conference for the Majority. Thank you.

ACTING SPEAKER AUBRY: A Majority Conference, 7 p.m., Hearing Room C. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned and that we reconvene at the call of the Speaker.

ACTING SPEAKER AUBRY: Assembly stands adjourned at the call of the Speaker.

(Whereupon, at 6:25 p.m., the Assembly stood adjourned until the call of the Speaker.)