

MONDAY, MAY 1, 2023

1:30 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Sunday, April 30th.

Mrs. Peoples-Stokes.

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

and -- of Sunday, April the 30th and that the same should stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker and colleagues that are in the Chambers. I do want to share a quote with you all today. I know many of you are avid baseball fans. I'm a big fan but not so much baseball. But this quote comes from Wade Boggs. You probably know him. He is an American former professional third baseman. He spent 18 seasons in Major League Baseball. Primarily he was with the Boston Red Sox, but he also played for the New York Yankees and the Tampa Bay Red Devils [sic]. On -- he won the World Series in 1966 [sic] when he was with Yankees when they beat the Atlanta Braves. I actually kind of sort of remember that. A lot of people were very excited about that. His words for us today, Mr. Speaker, "A positive attitude causes a chain reaction of positive thoughts, events and outcomes. It is a catalyst and it sparks extraordinary results." We're going to be looking for those extraordinarily positive results today as we begin our work, Mr. Speaker.

Colleagues have on their desk a main Calendar. After any housekeeping and/or introductions, we're going take up resolutions which are on page 3. We will then be calling for the following committees: Ways and Means and Rules in the Speaker's

Conference Room. Those Committees are going to produce an A-Calendar of which we're going to take up today. If there is a need for additional floor activity, Mr. Speaker, I will acknowledge that at that point. However, that's the general outline of where we're going today. If you have housekeeping or introductions, now would be a great time, sir.

Thank you.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes. We do have a piece of housekeeping.

On a motion by Ms. Paulin, page 22, Calendar No. 142, Bill No. A.5848-A, amendments are received and adopted.

For the purposes of an introduction, Mr. Gibbs.

MR. GIBBS: Thank you, Mr. Speaker. I rise to introduce an exceptional friend, Honorable Shah A. Ally. Judge Shah Ally is an elected Civil Court Judge in New York County. Judge Ally was elected in November of 2018 as the only candidate to ever be reported as most highly qualified from three separate screening panels in one year. Judge Ally is the first Muslim male judge elected in New York State history. Judge Ally is currently the Supervising Judge to the New York County Civil Court, making him the first South Asian supervising judge or judge in any administrative role in New York State history. Judge Ally is also the President of the Asian-American Judges Association of New York, a Statewide association advocating for the inclusion and advancement of Asian-American judges in our State court systems.

For a decade prior to his time on the bench, Judge Ally operated his own law practice specializing in family court and criminal law. Judge Ally was a member of the 18B Panel, where he provided indigent legal services to litigants in family, criminal and supreme courts, and Judge Ally is a firm believer in public service and community service. He was the Chairman of Community Board 12, Washington Heights and Inwood. Judge Ally was also appointed Chief Judge by Janet DiFiore as the Commissioner to the Franklin H. Williams Commission to address racially -- equality, excuse me, in the court system. Judge Ally currently sits on the Board of Directors of Row New York and the Fort Tryon Park Trust where he is the chairperson of the Dog Run Committee; he's also the member of this Committee. Judge Ally also resides in Manhattan with his wife, a family court judge; and their son/puppy, Mr. Bear.

So, Mr. Speaker, I ask that you'd please extend the cordiality to my dear friend, Judge Shah Ally. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Gibbs, the Speaker and all the members, Your Honor, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Congratulations on obviously a fruitful and beneficial career that you had and continue to have. Please know that you are always welcome here. Thank you so much for the service that you've provided this State. Thank you.

(Applause)

Mr. Reilly for the purposes of an introduction.

MR. REILLY: Thank you, Mr. Speaker. On behalf myself, Mr. Fall, Mr. Pirozzolo and Mr. Tannousis, I'd like to introduce Donny Swanson and students and staff from Pathways to Graduation from the New York City Department of Education. Donny Swanson is not only the principal of Pathways to Graduation, he is a dear friend of mine and a dear friend to all four of us in the education system. And the work that they have done in their short existence since he is at the helm is nothing less than remarkable. I've seen these students in action and they've done some wonderful work. So just to give you a little insight into what Pathways to Graduation is, it's a program where students can earn their high school equivalency diploma by preparing for the High School Equivalency Exam. Classes take place at various locations across the City and are open for students ages 17 to 21. Pathways to Graduation Staten Island has implemented a program where students who were considered alternate access -- alternate assessment and not on track to receive a diploma option can now do so in Staten Island through District 79Z.

Graduation -- Pathways to Graduation Staten Island, P2G-Staten Island, is an alternative learning program within the New York City Department of Education that serves as one of five borough-based programs which collectively make up our Citywide program, who typically did not find success within the traditional learning environment. Moreover, Pathways to Graduation welcomes all students, regardless of their credit accumulation or previous participation in the New York City school system. We welcome,

affirm and celebrate the background and identities of our school community as we work to leverage opportunities, supports, that promotes success within the three domains of transition planning -- Education, employment, independent living -- and preparing all students to obtain their HSE diploma and beyond.

Today in Albany, they met with the -- the Chief Disability Officer with the Governor's Office, and they were pleading their case of how good this program is and all the success that they can do for not only themselves, but for our community as a whole.

So please, Mr. Speaker, welcome them to the Assembly floor and give them the most -- utmost respect that they deserve. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Reilly and the entire Staten Island Delegation, we welcome these students and principal here to the New York State Assembly, extend to you the privileges of the floor. Congratulate you on the work that you're doing in the Pathways program. Continue that good work, and continue to spread the word about how successful you are and this program is. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes for the purposes of a announcement.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Could you please call the Ways and Means Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Certainly. Ways and Means, Speaker's Conference Room immediately, please.

Resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 370, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2023 as the Month of the Military Child in the State of New York.

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

THE CLERK: Assembly Resolution No. 371, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 1-5, 2023 as Maternal Health Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 372, Mr. Sayegh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 1, 2023 as School Principal's Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Sayegh on the

resolution.

MR. SAYEGH: Thank you very much, Mr. Speaker. I rise today to show not only our respect, but acknowledgement of the role school principals play. School administrators, predominantly principals, are truly unsung heroes. When we look at the urgency and the importance of a good quality education, we realize that in addition to the impact good teachers have, it's the leadership in the school building that sets the tone for academic success for a learning atmosphere that makes students and parents feel welcome, that promotes team teaching, that promotes identity building, self-esteem building that motivates students to do their very best. And I can tell you as a principal for some 30 years, I've had the pleasure working in that field and recognize what it takes to really promote academic success, especially to make sure that students learn at their maximum potential, making sure that students are best prepared to take standardized testing, and that students appreciate each other's differences. And this is through leadership at the principal's level. So whether it's setting academic standards, providing leadership, promoting teamwork, mobilizing a positive energy in a school building, the role of principals is to promote open minds among students and teachers alike, and to encourage new ideas and knowledge, and to really practice democracy through civic pride and civic awareness.

So today is very special to recognize unsung heroes, school administrators, specifically school principals, for the role they

play. Thank you very much, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 373, Ms. Darling.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2023 as Foster Care Month in the State of New York.

ACTING SPEAKER EACHUS: Ms. Darling on the resolution.

MS. DARLING: Thank you, Mr. Speaker. I stand today as the Chairwoman of the Subcommittee for Foster Care, and I am so excited about so much of the work that we're able to accomplish here for foster care, the work that we've been able to do to decrease the numbers of students and -- and children in foster care, the amount of work that we've done to support families in lieu of removing children from families in foster care. But, we still have a lot of work left to do for foster care, specifically for our foster care workers. Our foster care workers have not received a salary that is livable here in the State of New York for probably the last ten years. So we are requesting the \$17 million required to bring this industry whole. Continuity of care within this industry is so important because our children become attached and they form relationships. And we want people who want to work in this field working in this field.

So today I stand to recognize foster care; all the people who support that industry, all of our children who are in the system, who have left the system. And I want to say again, we still have so much work to do with this sytem. Thank you very much for allowing me to speak on this resolution.

ACTING SPEAKER EACHUS: Being the brother of 13 foster brothers and sisters, thank you very much.

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

THE CLERK: Assembly Resolution No. 374, Mr. Lavine.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2023 as Stroke Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 375, Mr. Thiele.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2023 as Lupus Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 376, Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2023 as Workers' Awareness Month in the State of New York.

ACTING SPEAKER EACHUS: Ms. Reyes on the resolution.

MS. REYES: Thank you, Mr. Speaker. I am proud to introduce this resolution proclaiming May 2023 as Workers' Awareness Month in the State of New York. In conjunction with the observance of International Workers' Day, this day not only honors the hard work of all residents, but more importantly, pays homage to the strong union traditions of our great State. May Day, marked as a day of solidarity, is an official holiday in 66 countries. But the roots of May Day, however, are deeply rooted in American history and date back to May 1, 1886 when more than 300,000 workers walked off their jobs and 13,000 businesses closed their doors across the United States in demand for an eight-hour workday. It is the original people over profits rally call, and because of that we must acknowledge that May Day and the struggle of workers fighting for social and economic justice did not come easy. Rather, their determination coincided with sacrifice, and ultimately created a standard that allowed millions of workers to organize. Since then, organized labor has fought for the rights and dignity of all workers. From this organizing and their sacrifice we now have labor laws such as the 40-hour work week,

living wage laws, a minimum wage -- and we are fighting to raise that floor in this year's budget as we speak -- health care, pension benefits, Social Security and so much more, all of which benefit all workers past, present and future, that call New York their home. I may be an elected official, but I am also a proud rank-and-file union member. In the labor movement we believe that united we bargain, and divided we beg. It is my hope that we do not only take this opportunity to recognize the contributions of workers which strive through policy and law to protect workers and their families in all we do.

Thank you, Mr. Speaker.

ACTING SPEAKER EACHUS: 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, would you please put the House at ease?

ACTING SPEAKER EACHUS: The House will stand at ease.

(Whereupon, the House stood at ease.)

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ACTING SPEAKER AUBRY: The House will come to order.

For the purposes of a introduction, Ms. Weinstein.

MS. WEINSTEIN: Thank you, Mr. Speaker. I'm

very honored today to have several guests here in the Chamber as we begin -- observing as we begin our budget adoption today. We have -- lucky to have with us Mike Freer, who is a Member of Parliament and Justice Minister for the Courts and Legal Services. He's in Albany today to extend ties from one of the world's key global legal jurisdictions to another, work with the U.K.'s common law country partners and celebrate Law Day. He was over at the Court of Appeals just earlier and he attended events there, both -- also with the State Bar Association and American Bar Association. And today, the Honorable Mike Freer is joined when -- with Ben Brierley, Senior Policy Advisor of the British Consulate in New York and coincidentally, my cousin. And Tom Marsan, who is Private Secretary to Mike Freer.

I would ask that you extend the courtesies of the floor to our guests today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Weinstein, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for sharing your time with us here in Albany and for watching these proceedings. Please know that you're always welcome here, and that bond of friendship that exists between our countries will continue still. Thank you so very much.

(Applause)

Mr. Manktelow.

MR. MANKTELOW: Thank -- thank you, Mr.

Speaker, for the time to give an introduction, sir. It's my privilege to introduce Emily Foster. Emily is here for the New York State Foundation of Republican Women from Monroe County. She is in town for the 104th annual conference and dinner gala. She is also the Ambassador for the Fredericks -- Frederick Douglass Foundation, Finger Lakes Region, and she's in my district. And it's just great to have her on the floor, and I would ask for the cordialities of the House to be given to her.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Manktelow, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for joining us here today. Know that your work has been much appreciated. Continue the great work. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members have on their desks an A-Calendar. I'd like to advance that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If we could begin our work today with the A-Calendar, we would like to start with Budget Bill No. 3004 [sic]. It's Rules Report No. 24 [sic] and it is going to be

managed by our very capable Chair of Ways and Means, Helene Weinstein.

ACTING SPEAKER AUBRY: Thank you.

Page 3, Rules Report No. 124, the Clerk will read.

THE CLERK: Assembly No. A03004-D, Rules Report No. 124, Budget Bill. An act making appropriations for the support of government, Capital Projects Budget.

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

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

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

MS. WEINSTEIN: Thank you, Mr. Speaker. Today marks the 62nd day of March, and I'm happy to report that we are prepared to adopt the budget for State Fiscal Year '23-'24. The Executive Budget was released on February 1st, and members have worked diligently since that time. Your feedback and perspective throughout this period have influenced the product before us greatly, and on behalf of the Speaker I thank all of you for your coop -- collaboration and patience.

The budget before us authorizes 229 billion in new spending, an increase of 2.1 billion over the Executive Budget. The budget includes nearly 3 billion in general support for public schools, an amount which fully funds the Foundation Aid formula once and for

all. The budget also includes a new 150 million for Universal Pre-k, 130 million to provide meals free of charge to all children in disadvantaged schools and school districts. This budget invests in SUNY and CUNY and provides multi-year State support for public colleges and universities in lieu of a tuition increase. Substantial capital investments in higher education will ensure that our students have access to state-of-the-art facilities long into the future.

The budget invests in our health care, infrastructure providing long overdue increases in Medicaid rates for inpatient and outpatient services, nursing home services and assisted living programs. A new \$500 million is included for distressed and safety net hospitals as well.

The proposal includes 1.6 billion to shore up the finances of the MTA while dedicating resources to soften the impact of future fare increases. We enhanced subway service as a result of -- there will be enhanced subway service as a result of the MTA funding and establishing prior -- a pilot program to have a no-fare bus route in each of the five boroughs. Separately, an additional 100 million is provided for local roads, and 20 million is added for Upstate transit.

And after a 5 percent increase just last year, the human services COLA is authorized to increase by an additional 4 percent under this budget, aiding workers who assist vulnerable New Yorkers. The budget provides for a \$2 increase to the minimum wage with indexing pegged to inflation once fully phased in. This budget also -- also authorizes one-time payments to stabilize and retain the

childcare workforce as well.

Last, nearly 400 million is provided to address outstanding rental arrears in Upstate public housing authorities and NYCHA, as well as arrears for Section 8 applications submitted to the ERAP portal, combined with over 246 million in Federal and State resources now available to all other pending ERAP cases. The amounts we provide today are intended to settle up on pandemic-related arrears once and for all.

And with that, Mr. Speaker, I'll conclude these opening remarks and I'm happy to take questions specific to this bill.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. RA: Thank you. So -- so starting with I -- your remark about this being the 62nd day of March, I think we'd all be happy that it's still shorter than March of 2020, so we'll take it. So I want to just start at the top. You gave some of the global overview of this budget, and in Committee we just got some of the -- I -- I know a financial plan is forthcoming shortly, which we will look forward to seeing, and I would say, you know, we'd prefer to have before we're voting or discussing any budget bills. But if you can just give -- give us those numbers in terms of what this budget spends amongst the

different categories.

MS. WEINSTEIN: Sure. So, as I said, All Funds, 229 billion, an increase of 2 billion -- actually 2.1 billion over the Executive proposal, and 8.6 billion or 3.9 percent over last fiscal year. And it's largely attributed to commitments to school aid, higher ed, housing, Medicaid, the cost of living -- the COLA for human services, indigent legal representation, aid to local governments and various programs. In terms of State Operating Funds, 127.2 billion, which is an increase of rough -- roughly 2 billion over the Governor's estimates, and 3.4 billion or 2.8 percent over last fiscal year. And the General Fund is 108.1 billion, which is an increase of 1.2 billion over the Executive proposal, and 15.3- or 16.5 percent over fiscal year '22-'23. And in terms of State Funds, 145 billion, which is an increase of 2 billion over the Executive, and 9.5 billion or 7 percent over fiscal year '22-'23.

MR. RA: Great. Thank you. Now, moving to this bill itself, our Capital bill. So, how much does this bill appropriate?

MS. WEINSTEIN: 23.2 billion.

MR. RA: Okay. Okay. And then what is the fiscal impact or the actual amount that will be spent by this bill?

MS. WEINSTEIN: 18.6 billion.

MR. RA: Okay. And then how much in new debt issuance does this bill authorize?

MS. WEINSTEIN: That's 9.8 billion.

MR. RA: Thank you. So, one of the things that I

know is contained this year, some are new, in particular dating back to last year in terms of some of these new funds, would you be able to identify the appropriations or programs within this bill that are discretionary funds that are supported by the Governor and Majorities but don't have a set recipient lined out or -- or a formula distributing them?

(Pause)

MS. WEINSTEIN: I believe approximately 385 million.

MR. RA: Okay. So that -- is that all within the CREST program?

MS. WEINSTEIN: Yes, in SAM and -- and reappropriations.

MR. RA: Yes. There is no new money in SAM, correct?

MS. WEINSTEIN: No.

MR. RA: Okay.

MS. WEINSTEIN: Yes, that's correct. There is no new SAM money.

MR. RA: Yes, thank you. Okay, so just going through a few of the different areas. I guess I will start alphabetically with agriculture. Mr. Palmesano found that funny. So, I know the budget doesn't include any new funding for a meat processing grant program which was enacted last year. However, the 5 million that's been reappropriated from 2022-'23 for expanding existing plants,

creating new plants, job training safety upgrades or other purposes to further opportunities for beef, pork and other meat, farmers to process meat within New York State. And my understanding is those grant amounts were consistent with a minimum of \$50,000 per recipient. I know there's been a lot of discussion about this program. There's been hearings over the last few years about how important it is that New York not only maintain the meat processing capacity, it still has, but also expand processing capacity to meet existing demand. So, was there any talk of providing new funding to this type of program, or is that something that we can continue to look at in the future?

MS. WEINSTEIN: We certainly can continue to look at it in the future. There are new -- not -- there are not any new monies appropriated because that money is reappropriated from last year's budget.

MR. RA: Okay. How much is reappropriated for that?

MS. WEINSTEIN: I don't have that information at hand, but certainly as the day goes on I can provide that information.

MR. RA: Okay. Do we -- do you have any information in terms of what the participation has been in that program in terms of how many grants or how much has gone out?

MS. WEINSTEIN: Unfortunately, I don't have that information. I'm sorry that I don't have that for you.

MR. RA: Okay. Lastly, in terms of just, you know, future discussions, you know, do we believe that's something that once

we get to that point that we have exhausted the reappropriations that we might look at putting new money into the programs so that we can continue to support these farmers?

MS. WEINSTEIN: Oh, certainly. If -- if the program is -- uses the funds that have been reappropriated, it certainly would mean that we would be looking at it in terms of going forward in a future budget.

MR. RA: Okay. Moving to environmental conservation. So the -- the Capital budget appropriates \$5 million in new funding for expenses related to projects undertaken to facilitate net conservation benefits to endangered and threatened species potentially impacted by major renewable energy facilities via the Endangered and Threatened Species Mitigation Fund bank. Now, this was first set up under the Accelerated Renewable Energy Growth and Community Benefit Act back in 2020, but this is the first time we're providing funding with regard to this. So just wondering, you know, as we're going through, you know, things like the Climate Leadership and Community Protection Act, is that what's prompting this, us moving forward with some of those projects to finally provide some funding for this issue?

MS. WEINSTEIN: I believe that because it's a dedicated fund that there's finally enough resources in that fund to be appropriating it.

MR. RA: Okay, thank you. So, I -- I know many of my other colleagues have, you know, a lot to say and also have better

knowledge regarding a lot of these issues so I'm going to leave some of that to them. But obviously, this is something that people have been looking at, especially we're now three or four years out from, you know, passing the CLCPA, these types of issues of mitigating some of those impacts I think are going to be a continued conversation.

Now, in terms of this enacted budget, moving over to energy, so the 2022-'23 enacted budget appropriates \$200 million in new funding, which is the same as the Governor, for loans, grants and other costs related to NYSERDA clean energy products for low-income State residents. These include energy efficiency, heating and cooling, health and safety and other related energy improvements as well as administrative expenses. Do we -- how do we feel about this funding round? Is it related to a feasible goal considering the exorbitant expenses associated with home and business electrification?

MS. WEINSTEIN: We believe it would help fund up to 20,000 projects, residential projects.

MR. RA: Okay. And, you know, putting this in as new funding, obviously there is a lot of long-term work that is going to go into all of these initiatives. So what is the long-term outlook with regard to this funding and maybe future funding to make sure that we're achieving the objectives without passing on the fiscal consequences to our ratepayers and businesses?

MS. WEINSTEIN: But for the moment this is brand-new funding. So as we go forward over the next years as we

see how the program is utilized, certainly we would be considering adding additional funding in future budget years.

MR. RA: And lastly on this piece, are the rural poor considered part of this low-income conversation?

MS. WEINSTEIN: I -- I don't see why not. Of course they would be.

MR. RA: Thank you. I'm going to move on to economic development, starting in particular with the Belmont Park redevelopment. This was obviously something that was within the Governor's original proposal to support, you know, this ultimate renovation of Belmont Park, and -- and in particular a loan. So, can you tell me, A, how is this different -- differ from the Governor's original proposal for this?

(Pause)

MS. WEINSTEIN: The -- the funding mechanism is the same as the Governor's proposal.

MR. RA: Okay. Are there any other provisions that differ from the Governor's proposal?

MS. WEINSTEIN: There are some requirements as to what happens with Aqueduct once this proposal goes forward, once Belmont goes forward.

MR. RA: Okay. Does -- so does it require, you know, by some date certain that Aqueduct cease operations once Belmont's renovation is complete?

(Pause)

MS. WEINSTEIN: Once -- the Aqueduct property would revert back to the State once there's substantial completion of Belmont, and then a local advisory board would be formed to assess bids and make recommendations as to the use of the property.

MR. RA: Okay. And is there any specific parameters related to the property that -- you know, any limiting language in terms of what that entity could ultimately decide to use the property or is it pretty wide open that they could, you know, basically meet with the community and meet with stakeholders and come up with the proper use that will best benefit the State and the local community?

MS. WEINSTEIN: I would say there are general parameters, but it's really going to be decided by the advisory board.

MR. RA: Okay. And then lastly, with regard to the construction itself, this does contain some new labor provisions regarding the work at Belmont, correct?

MS. WEINSTEIN: Yes. There -- there -- it's a requirement of a project labor agreement.

MR. RA: Okay. Thank you very much.

Moving on to our Regional Economic Development Councils, which, you know, obviously any of us who've been around for a while know these have been something well over a decade now. Now, I know -- you know, this process, I think we've seen it regionally, you know, have impacts. But certainly during the prior administration, you know, there -- there'd be these elaborate award

ceremonies and all that type of stuff, but I think that many of us have thought over the years, well, this may work in some larger sense. The better approach might be pushing for widespread small business tax and regulatory relief. And in particular, you know, there are industries that -- that have been pretty hard hit in the State. Between 2011 and November 2022, manufacturing jobs nationwide have increased by 1.2 million while New York lost 34,800 manufacturing jobs for a decrease of about almost 8 percent. So this -- does this budget include any new capital to support small businesses who are struggling with high inflation and the lingering effects of the COVID pandemic who might not be able to get the support of an entity like the REDCs?

MS. WEINSTEIN: Not in particular, in terms of a widespread allocation of funds. But the Regional Economic Development Councils do look to helping to revitalize downtowns, revitalize commercial entities. And having been to over the years a number of their presentations around the State of the Regional Economic Development Councils, I think they clearly focus on improving the economy, the locals economy.

MR. RA: Okay. Thank you.

ACTING SPEAKER AUBRY: Mr. Ra, you are on your second 15.

MR. RA: Yes, sir. Thank you, Mr. Speaker. Moving on to education, in particular, libraries and library construction. As I think all of my colleagues know, we all hear from our local libraries on a regular basis, and unfortunately, our local

libraries seem to be proposed for cuts every year by the Executive. Thankfully there is strong support in this Body and down the hall for our local libraries and trying to meet both their operating and capital needs. But one of the things that they look at is to eliminate the library construction cap. This cap limits public library systems to awarding only 50 percent of their total -- total library construction grants allocation to libraries serving economically-distressed communities. The New York Library Association asserts that renewing this cap will ensure that libraries in these communities as well as those in rural regions can benefit from library construction aid as intended. So, number one, does this budget bill or any subsequent bills eliminate the library construction cap?

MS. WEINSTEIN: No, we don't eliminate it, we do add \$20 million. And we can look at the library construction cap and all of those issues post-budget. It's not required. We don't -- we can do that through legislation, not through -- we don't have to do it through the budget.

MR. RA: I -- I think that would be appreciated that we can, you know, have a discussion maybe outside of the pressure of this process about the merits of that cap, you know, so thank you for that. You know, those same stakeholders that we hear from in our community have repeatedly informed us that many of our State's libraries are in urgent need of repair and renovation. More than half of the State's libraries are over 60 years old, and data shows a significant backlog of \$1.5 billion in capital needs for libraries

Statewide. These aging facilities not only present physical and safety concerns, but also hinder the libraries' ability to provide modern, innovative services to their community. And I think addressing this issue by investing in library infrastructure will only help ensure that our public libraries remain vibrant, accessible and valuable community resources for years to come. So given the urgent need for greater Statewide investment in library capital construction projects, why do we have to negotiate just to maintain previous years' spending levels? This -- as I said, why are we always in a situation that we're working from behind with regard to our libraries?

MS. WEINSTEIN: Well, as -- as you know, we are -- our one-House proposal had double the amount that we're ultimately ending up with, and negotiation is a three-way negotiation to get to a final budget and that was the limit that we were able to achieve in this year's budget.

MR. RA: All right. Do you know if -- have there been any conversations about maybe some type of multi-year plan or -- or some type of bond act that would give some certainty in -- into future years for our libraries with regard to their capital needs and trying to meet them?

MS. WEINSTEIN: Not specifically relating to this, but, you know, clearly we have lots of conversations about funds throughout the budget.

MR. RA: Okay. Moving to health. So, the Statewide Healthcare Transformation Fund, as you know, a significant

amount of funds from the previous rounds of this program remain unspent. Have we identified what the causes of delays in spending from previous rounds of this funding have been?

MS. WEINSTEIN: Well, since it's not a specific RFP they have to go through -- there's a lot of administrative requirements that they have to go through, so it just takes -- it takes time to -- to go through that process.

MR. RA: And with regard to the Wadsworth Laboratories, this Capital Projects bill includes \$967 million in funding for the Wadsworth Laboratories. Is this related to the 750 million that was announced for Wadsworth by the Governor last April?

MS. WEINSTEIN: It -- it replaces that money. That money is brought into the Department of Health from Economic Development.

MR. RA: It replaces that money?

MS. WEINSTEIN: Yes.

MR. RA: So what is the plan for this almost billion-dollar investment?

(Pause)

MS. WEINSTEIN: They -- there have been years trying to reestablish and -- and improve Wadsworth. Certainly during the COVID pandemic we saw the importance of -- of Wads -- Wadsworth and this will be for a new campus in -- at the Harriman State facility.

MR. RA: And in terms of the operation and activities of the laboratories, will this funding or -- or, you know, building and all of that interrupt any of their operations?

MS. WEINSTEIN: It's a -- it will not because it's a brand-new building, so once the -- Wadsworth will continue once the new -- in its current location. Once the new facility is built it will be transferred over.

MR. RA: Thank you. Moving to higher education. So, the proposal for CUNY and SUNY to receive new what's being called "flexible funding" capital appropriations. It's a total of 805 million between them; 435- and \$370 million respectively. So can you just explain what's meant by flexible funding, and how are we ensuring that their funds are intended only to be used for higher education capital projects?

MS. WEINSTEIN: So, flexible funding is what it sounds like. It can be used for any -- any purpose of the campus that would be a capital need, including IT.

MR. RA: Including IT. Is there any method that's going to be used to identify the definite uses for these capital appropriations?

MS. WEINSTEIN: The -- the Board of Trustees at each institution will make those determinations. I would note that in SUNY, of the 370- there is 20 million that is dedicated for SUNY Poly.

MR. RA: Okay, thank you. I just want to ask about a

couple of other items. I have a few minutes left here. So, with regard to something that we established last year, the Veterans Non-Profit Capital program. The budget includes \$5 million in funding for the Veterans Non-Profit Capital projects so that veteran service organizations can make capital improvements to their facilities. There was no reappropriation. Some may remember that our Conference proposed a much larger capital fund for these organizations. We're talking about, you know, those VFWs, those American Legions within so many of our districts that need roofs and repave parking lots and all kinds of renovations because they're older buildings. So, can you tell me, number one, do you know how much money is still out there in this program from last year?

MS. WEINSTEIN: So the money hasn't gone out, and part of the problem was that the funding was going through DASNY and that was really the roadblock to getting this -- this money out. So the RFP is out there, and with DASNY being out of the picture the money should start to flow.

MR. RA: Okay. And is -- is that also why this year's application process ended up being extended? It was supposed to be in March, it was extended out to June?

MS. WEINSTEIN: Yes. Yes, that's largely responsible for that.

MR. RA: Okay. And do you know, are these veteran service organizations being notified about the availability of this grant program and -- and that, you know, the deadline has been extended?

MS. WEINSTEIN: I -- I believe that the Department of Veteran Affairs is -- is notifying, has in the past and will continue to notify the organizations of the availability of funding.

MR. RA: Okay. I'm going to try to get into one other topic within Public Protection and General Government, Criminal Justice Services. There's \$50 million in funding to support discovery implementation and pre-trial services. Do you know how DCJS is going to determine which non-profit organizations receive these capital investments?

MS. WEINSTEIN: Well, they-- Statewide we did have in last year's budget, so I think DCJS will make determinations as they get requests for funding.

MR. RA: And do you know just on the -- on the back end how DCJS evaluates the effectiveness of these funds with the non-profit organizations they're providing them to?

MS. WEINSTEIN: We're -- we're not providing criteria for DCJS, so they will develop the criteria to deal with the various organizations in terms of funding.

MR. RA: Thank you very much, Chair Weinstein.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So, I -- I thank the Chair for -- for answering the questions. Obviously, we have eight more bills after this one to do, so we will have lots of conversations about the pieces of this budget. But just a couple of things at the outset here. Now, we

went -- just went through this bill. Obviously, if you think back over a month ago now we passed the Debt Service bill and, you know, many talked about our debt on our State. The Comptroller had a report about the impact of our debt and how large it is, that we're second to only California. So I would ask my colleagues to keep in mind that this bill is what issues a lot of that debt. Now, all debt's not bad.

There are reasons we issue debt for things that are -- you know, have a long, useful life. And, you know, we're trying to make investments in things like our infrastructure, both physical and otherwise. I think that term means something very different now than it did ten years ago or 20 years ago when we start to talk about technology and all those types of things. But it's something I think we all need to continue to be cognizant of is our debt burden. And in particular, that we continue to issue a lot of this debt through authorities, through back-door borrowing. And our taxpayers do not get the opportunity to approve the vast, vast majority of it, as is actually required under our State Constitution.

Now, relative to this budget process as a whole, we're a month late. I'm glad we're here, I'm glad we're having the opportunity. We're debating our first budget bill. It's only 3 o'clock in the afternoon, so we're in the light of day, which is a good thing. But we're still relying on a Message of Necessity, we're still here debating and discussing and voting on our first budget bill without a full financial plan out there, and I just continue to think we can do better. So, hope springs eternal that we can be more transparent, we can

make sure the public knows what's going on. But I hope that as we get through this process we continue to have these discussions in a way that we're awake, we're alert, and we're having the opportunity to discuss, debate and make votes that are in the best interests of all of our constituents.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, will the sponsor -- or the Chairlady Weinstein yield?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Ms. Weinstein. I kind of want to talk about a couple of areas, if I could. Just some general questions and then I'll get into a main topic. The budget proposal from the Governor when she submitted it to us, had an \$8.7 billion approximate surplus, correct? Approximately.

(Pause)

That wasn't a hard question.

(Laughter)

MS. WEINSTEIN: I think -- I think -- it made me think about different things. There was 30 -- over \$30 billion in reserve.

MR. PALMESANO: Okay.

MS. WEINSTEIN: Is that what you're talking about?

MR. PALMESANO: Yeah, I was just talking about the general budget surplus projected, you know, with the Governor.

MS. WEINSTEIN: Yes.

MR. PALMESANO: So that was the number I had. And then we're also looking at about \$13 billion in an Economic Uncertainties Fund, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay. And then -- and the Capital portion, we're looking at the CREST funding of \$385 million increase on top of the current \$385 million increase, correct? For a total of 700 million for CREST funding?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Right? And that's total discretionary funding that's going to be divvied up by the Governor and the members of the Legislature how that's allocated, correct?

MS. WEINSTEIN: The CREST funding is 385 million.

MR. PALMESANO: Yeah, a \$385 million increase, right?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay. On top of the 385- from current. Okay.

MS. WEINSTEIN: Of the reappropriations.

MR. PALMESANO: Yes. And then we have the SAM program is a \$3.1 billion program, 2.1 billion is available right now given the budget situation, correct?

MS. WEINSTEIN: That's a reappropriation. There's no new funding.

MR. PALMESANO: Right. Okay. So but that's all -- also a discretionary-funded program, correct?

MS. WEINSTEIN: It's -- I mean, discretionary in the sense that it isn't delineated within the Capital budget what the use of those funds is for, but it is --

MR. PALMESANO: Right, so --

MS. WEINSTEIN: -- allocated based on needs --

MR. PALMESANO: Members generally direct how that funding is going to be allocated, correct?

MS. WEINSTEIN: Members, the Speaker and the Majority Leader --

MR. PALMESANO: And the Governor.

MS. WEINSTEIN: -- make recommendations as to -- and the Governor make recommendations for the spending of that capital funds.

MR. PALMESANO: And I know there's a -- it's not in this bill, but one of the next bills we're going to be dealing with is the film tax credit is going to be expanded to a \$380 million increase for that, correct, to 700 million?

MS. WEINSTEIN: Yes. Yes, we'll have an

opportunity tomorrow.

MR. PALMESANO: Okay. I want to talk about the local infrastructure, if we may, like the CHIPS program.

MS. WEINSTEIN: Sure.

MR. PALMESANO: So right now, you know, this year they -- they took a big hit, you know, as far as asphalt prices or -- or -- excuse me, fuel costs are high -- are 260 percent higher, asphalt prices are 80 percent higher, steel costs have increased by 115 per -- 115 percent, a 22 percent construction inflation rate. I know this budget calls for a \$60 million increase in the CHIPS program and a \$40 million in Touring Roads [sic]. It was estimated just because of the inflationary increase they would need \$270 million between CHIPS and other local infrastructure funding to kind of make up that difference, but this is a really -- that doesn't really get to the point of the problem there from that perspective, does it?

MS. WEINSTEIN: Well, as you say, we have \$100 million total above the Governor in CHIPS fund -- in CHIPS and the State Route [sic].

MR. PALMESANO: All right. How many -- how many municipalities benefit from the local Touring Roads [sic] program? Isn't about 88 municipalities? Like, 56 cities, 22 villages, ten towns. Is that about right?

MS. WEINSTEIN: Well, the -- the State Road [sic] program runs through -- throughout the State. So I don't -- I couldn't tell you right now how many specific roads are covered.

MR. PALMESANO: I -- I think it's like 88. And there's like 1,500 municipalities that benefit from the CHIPS program, right? Every town, municipality, village, city, county gets benefits from the CHIPS program because it's done through a formula that's determined --

MS. WEINSTEIN: Yes, every municipality receives CHIPS funding.

MR. PALMESANO: Right, but the Touring Roads [sic], that just goes to a limited number of municipalities, correct? Eighty-eight?

MS. WEINSTEIN: It goes to the -- it has -- municipalities that have State roads --

MR. PALMESANO: Right.

MS. WEINSTEIN: -- going through them, so they are State roads and some of --

MR. PALMESANO: Correct.

MS. WEINSTEIN: -- it is reimbursement for the local spending of money.

MR. PALMESANO: And you're aware of what the Federal infrastructure money that's coming in, we're set to receive about \$13.4 billion or a \$4.6 billion increase of Federal infrastructure aid coming into New York State, correct? Approximately.

MS. WEINSTEIN: We -- we are still waiting for that infrastructure funding.

MR. PALMESANO: And then that -- and that --

unfortunately, you are aware that most of our local municipalities do not benefit from that funding for local infrastructure because they're not eligible for that Federal transportation aid, correct?

MS. WEINSTEIN: I -- that -- I can't offhand be able to say that that's a correct assessment.

MR. PALMESANO: Okay. Now, I don't have it here, but what's the MTA non-capital? What's the MTA operating assistance from the State to the MTA for operating?

MS. WEINSTEIN: \$4 billion.

MR. PALMESANO: \$4 billion. Okay. And that's the -- is that an increase over last year or is that the same amount?

MS. WEINSTEIN: It's an increase, but I don't think a dramatic increase over the last year. You know, that's dedicated tax revenue --

MR. PALMESANO: Sure.

MS. WEINSTEIN: -- so --

MR. PALMESANO: Sure.

MS. WEINSTEIN: -- not -- not General Funds.

MR. PALMESANO: Just getting back to the -- the local infrastructure aspect of it and the inflationary increases that we talked about. I mean, again, I'll repeat them. Asphalt -- or fuel costs, 260 percent higher; asphalt, 80 percent higher; and steel costs, 115 percent higher. Shouldn't we be looking -- I mean, we're talking about a minimum wage increase to deal with inflationary increases. Shouldn't we be doing the same thing for our local governments

because they're constrained by this funding, and wouldn't it be better to make some parity with our MTA funding?

MS. WEINSTEIN: Well, I mean, that is why we have the increase in local capital funding for CHIPS and State Roads [sic].

MR. PALMESANO: Right.

MS. WEINSTEIN: The State program, State-funded roads program, in fact, has not increased this year.

MR. PALMESANO: Right. And -- and -- and great. I'm very, you know, excited there's a CHIPS increase or should be -- don't believe it's enough, but that's okay. I guess -- Mr. Speaker, on the bill. Thank you, Madam Chair, for your time. I really appreciate it.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker, my colleagues. You know, when I look at this Capital budget I get a little frustrated on the local infrastructure side. Yes, there's a CHIPS increase of \$60 million. It's nice that there's an increase, but we said it and I mentioned it before, there's significant inflationary increases that hit those local municipalities; a 22 percent construction inflation rate increase, fuel costs increased by 260 percent, asphalt costs by 80 percent, steel costs by 115 percent. They needed 270 million just to break even. It's eating away at them. And yet, you know, the funding for the MTA always is a priority. And then I think I get more frustrated, and I understand we have discretionary funding in this

budget, but we're talking about a \$385 million increase to the CREST program on top of the 385 million that's already in there for discretionary funding that the Governor and members will be able to decide, which is fine. But our local municipalities need that money, too. We could help them dramatically if we provide some of this assistance. We had an \$8.7 billion surplus, a \$13 billion Economic Uncertainty Fund. All these dollars could be helpful, but we're providing this \$60 million for the CHIPS program. And I understand the Touring Roads [sic] that's going to our communities, too, but that -- that's really going through to benefit the, like, through 88 communities when we have over 1,500 municipalities that benefit from the CHIPS program.

You know, I talk about this issue a lot every year. I mean, the fact of the matter is our local infrastructure doesn't get the attention it needs. The MTA is always a focus. And I'm not -- I don't have a problem funding the MTA. The MTA is a good program. I mean, they benefit companies Upstate that make mass transit and rail which I have in my district and also in others. But -- and I understand that the MTA is the lifeblood of the Downstate transportation network, but CHIPS is the lifeblood of our Upstate transportation network. Sometimes it's the only funding municipalities receive and then take it on top, even the money they're receiving with the inflationary increases we talked about is not going to make an impact. Eighty-seven percent of the roads in New York State are owned and maintained by our local municipalities, 52 percent of the bridges are

owned and maintained by local municipalities, and 48 percent of the miles driven are driven on our local roads. I mean, this is a public safety issue, this is an economic development issue. And when we talk about we need to be proactive, I mean, how many of us put our children on a school bus every day, they go over a local bridge. God forbid one of those bridges were to collapse, because the statistics show that there's -- the pavement conditions, the bridge conditions. And the Comptroller and others are saying they're not doing very well and they need attention. The New York State Association of Towns did a study saying there's \$2 billion that are needed to make up where we need to be. Even the Comptroller did a report a few years ago saying there's \$89 billion in unmet needs. I mean, there's a need here. There's -- there's a crisis on our local infrastructure, but every year we come back, we have several of our highway superintendents that come up and advocate. Everyone says we're all for it, but when the budget comes around there's never a significant commitment on this side and there needs to be, especially with the inflationary side. This is something that will create jobs. This is something that will make an impact. But it just seems like it gets ignored. You know, each -- for each \$150 million that are invested in our local roads, bridges and culverts it creates 4,200 highway construction jobs. So we can have an economic impact, a safety impact. You know, I talked about the school bus. How many -- you know, when that ambulance or police officer is trying to get to a scene, if there's a local road or a bridge is out that -- that -- that changes the public safety contents. We can do

better on this issue, my colleagues. I just don't understand why every year we come back up here and I have to bring this up, and we're just not making the investment and commitment in the CHIPS program which will make an impact. Every dollar we invest in the CHIPS program saves the property taxpayer \$1. Every dollar invested in the CHIPS program saves \$6 to \$14 in long-term rehabilitation costs. We have to do a better job on this. I mean, I'd like to see more of a commitment from the Majority on this. Certainly would like to see more of a commitment from the Governor on this. Because whenever it involves the MTA, you know, whether it's -- we go all out for the MTA, but there's never no parity when it comes to our Upstate infrastructure network, especially for the CHIPS program, and then it just gets borne on the back of taxpayers and then they're going to get hit more and more and more, so they can't do the critical infrastructure work that needs to be done. This should have been more commonsense more than ever in this budget with the surplus we had, the Economic Uncertainty Funds we had, but yet, in the same budget bill we're increasing discretionary funding by \$385 million. We still have the \$2.1 billion in the SAM funding, but yet in another budget bill we're going to increase by \$380 million the film tax credits for Hollywood to subsidize film tax credit but yet we're going to let our bridges, our culverts and bridges and roads deteriorate, and that's what's happening, because there's not a strong enough commitment from this Governor nor this Legislature, And we could do a much better job. So I mean, I -- the budget is here where it is and I

understand it. But let's try to do a better job, ladies and gentlemen. This is about our local communities, and quite frankly, our local taxpayers deserve to have some of their tax -- State tax dollars come back to their local communities to fix their roads and bridges.

So, we can do -- we can do a much stronger commitment on this. Unfortunately, this budget doesn't do it for this year and that's why I'm going to be voting no. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. Would you ask the Chairwoman to yield for some questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. ANGELINO: Hello, Madam Chair. I'll be talking about the -- the Capital budget, some of the State facilities, corrections facilities and also right here in this building. And I guess I'll start with the easy one. There's a \$3 million appropriation for the Legislative Library within this building. If you know, I would like -- I was -- the question is, is this going to be a multi-year project?

MS. WEINSTEIN: It -- it is -- the \$3 million is for a -- a multi-year project.

MR. ANGELINO: Thank you. And will the library

be closed or displaced or keeping operations someplace else within the building?

MS. WEINSTEIN: I think that's going to be subject to their plan. I think that ideally they would like to keep the library open as the renovations take place on a limited basis.

MR. ANGELINO: Do you know if this is -- it's called the Legislative Library. Is this something that either our House or the people down the hall asked for or did OGS ask for this?

MS. WEINSTEIN: Yes.

MR. ANGELINO: Yes to all?

MS. WEINSTEIN: Yes, to all of it. It's -- it's used extensively by both Houses and the members.

MR. ANGELINO: All right. Thank you very much, because I do use that and it's a -- it's a gem over there and I could see -- I was told the walls were supposed to be white and they're a nice patina of tan.

MS. WEINSTEIN: And they have nice historical murals. I encourage people to take -- there's a little brochure that talks about the history of the library.

MR. ANGELINO: Well, thank you, ma'am.

Moving on to a corrections portion in the Public Protection, General Government area, I see there's about a 110 million for facility maintenance and operations, and then a 372 million for maintenance and improvement of existing facilities. Is there any new-build construction or is this renovations?

MS. WEINSTEIN: It -- it is for ongoing improvements and construction of existing facilities.

MR. ANGELINO: Okay. Because one was called facility maintenance and the other is maintenance and improvements. And again, it's 109 million for one and 372 million for the other. What -- how do you differentiate?

(Pause)

MS. WEINSTEIN: I think, you know, just the common meanings of the words "maintenance" is existing facilities to keep them in the condition that they are, should be, and "improvements" means something that improvement to the facility modernization were needed.

MR. ANGELINO: That's fine. I'm satisfied, thank you. The -- is there anything in there -- over the past 20 years I think we've closed 15 State correctional facilities. Is there anything in the budget about the shuttered facilities? What are we doing with them? I know we've tried to sell some, but others are just sitting vacant.

MS. WEINSTEIN: You know, certainly we share the concern about the shuttered facilities. You know, some of the issue relates to facilities being out of municipal areas, being more isolated and -- and having -- OGS is having difficulty finding tenants willing to make the commitment to move -- to take over those facilities.

MR. ANGELINO: Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: So just down the hall is the wonderful Legislative Library, and I do use it and I encourage others to go down there. It's a very nice portion, a lot of history in there that every time I go in there I'm usually there by myself with librarians. I'd like to see it used more if we're investing this money into it.

Now, going on to the correctional facility questions that I asked, so we've closed scores of facilities over the last 20 years. I -- I have two of these closed facilities in my district. One was sold to a private developer that really didn't go very far. I don't know where that is now; hopefully it's still paying taxes. Another one of the facilities was a camp that has sat idle for 15 years with no maintenance. It's a beautiful facility. It has a chapel, classrooms, barracks, kitchen. I think it even has its own sewage treatment plant. This has been sitting idle and it's rotting away. Constituents drive past it and it's a monument to a waste of money. These places at one time employed hundreds of our neighbors and had multi-million-dollar payrolls. And it's just -- it's a tough pill to swallow for people to drive by. If -- if we have the money in the Capital budget, maybe we just level it and put -- maybe it will be more market -- marketable if it were an empty lot instead of a decaying facility.

So I appreciate Madam Chair's patience and I know she's going to have a long day. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. Would

the Chairwoman yield?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. SIMPSON: Thank you. My colleague asked questions about closed facilities and I just wanted to ask a question for clarity. So we have a recently-closed facility within my district in Essex County. This building has had great investment by New York State, it's in great shape. We really can't afford to let that building just go unheated, unmaintained until such time that -- until we can figure out what to do with it. It's going to require a constitutional amendment to actually release it from the confines of the State and the Adirondack Park to find someone to locate there. In the meantime, is there any funding that will preserve this building so it doesn't end up like some of the other facilities my colleague has spoke about and some of the other higher profile communities like in Saratoga County, that basically it's -- it's a dangerous place to even be.

MS. WEINSTEIN: Well, specifically to your question about that facility I couldn't give you exact information. But OGS does work with the -- the EDC to try and find appropriate tenants to come up with ideas for how to convert some -- some of these facilities. There have been some that have been converted to housing and others looking -- EDC looking to try and attract a tenant

that would be appropriate. So certainly we can talk separately about your -- that facility in Essex but I don't have any particular information.

MR. SIMPSON: So, as I said, the real concern is there is somebody there. I'm not sure if they're corrections staff or if it's OGS that's maintaining it, keeping the lights on, keeping, you know, things from deteriorating, but it's in the Adirondack Park where we see extreme weather.

MS. WEINSTEIN: You know, the Governor, as you're probably aware, last year launched a prison redevelopment commission with -- they have a panel of experts across the -- the State regarding Economic Development, Criminal Justice Reform and trying to examine and come up with ideas to how to repurpose the shuttered correctional facilities.

MR. SIMPSON: Okay, thank you.

MS. WEINSTEIN: Hopefully that commission is continuing to -- to work and trying to come up for ideas how to develop these -- the prisons.

MR. SIMPSON: Okay, thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SIMPSON: Clearly we -- even at this time after we've made the decision to close a prison that really has a huge impact on our communities economically, also they have these empty State buildings and I'm disappointed that it's been months and months since

this facility has been closed. And I haven't been able to get a clear answer on how we're even going to even preserve the building that is there from deteriorating should we find a suitable tenant to come in there. For that reason I'm going to vote no on this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Thank you, Ms. Weinstein, and thank you by the way for all your answers to our questions. You noted earlier that this bill contemplates an additional 9.8 billion in debt. How much of that debt has been approved by the voters?

(Pause)

MS. WEINSTEIN: Right, so 6 percent of this debt is general obligation debt.

MR. GOODELL: I see. So 94 percent has not been approved by the voters if your numbers are correct.

MS. WEINSTEIN: Well, it's sales tax and PIT.

MR. GOODELL: So that's the amount. You said 94 percent is then backed by sales tax revenues and personal income tax

revenues?

MS. WEINSTEIN: Yes.

MR. GOODELL: I see. And of that 94 percent of the debt that's backed by the personal income tax or sales tax revenue, how much of it is issued by on or on behalf of the State? Is it all issued on behalf of the State?

MS. WEINSTEIN: All of it, yes.

MR. GOODELL: And so the Constitution, as you know, says that any debt that's issued by or on behalf of the State requires voter approval. How come we don't have any voter approval if all this debt is issued by or on behalf of the State?

MS. WEINSTEIN: Having, you know, researched the capital -- rather the Court of Appeals decision relating to this we're satisfied that we do not need voter approval.

MR. GOODELL: I see. I note that on page 114 and 115 of this Budget Bill there's an appropriation for competitive grants to provide safety and security projects at non-profit organizations. And it looks like it's maybe a -- it looks like 35 million, 50 million, no I'm sorry, 35 million, right? That's on page 115. I also note though that Article VII, Section 8 of the New York State Constitution states and I quote, "*The money of the state shall not be given or loaned to or in aid of any private corporation or association; nor shall the credit of the state be given or loaned to or in aid of any individual, or public or private corporation or association.*" And then it has a couple of exceptions that are listed. What exception does this fall under?

(Pause)

MS. WEINSTEIN: It's overseen by the Department of Corrections -- I'm sorry, DCJS Criminal Justice.

MR. GOODELL: Well, I understand but these funds are going directly to non-profit corporations or associations, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: Is 35 million going to non-for-profit corporations?

MS. WEINSTEIN: Yes.

MR. GOODELL: And the State constitution says no money of the state shall be given or loaned to any not-for-profit or private organization with certain exceptions. I read through the exceptions, I didn't see one that applied. Did I miss something?

What exception would authorize as expenditure consistent with Article VIII, Section -- I'm sorry Article VII, Section 8 of the Constitution?

MS. WEINSTEIN: We believe, you know, again -- I just would tell you that we believe that it is within the decision of the Schulz case to allow that these payments are allowed.

MR. GOODELL: Well, the Schulz case --

MS. WEINSTEIN: Because, you know, they are providing services to the State and for our citizens and we've entered into agreements to allow them to do that.

MR. GOODELL: Well, the Schulz case dealt with the borrowing provisions. This deals with the expenditure provisions,

different section of the Constitution. I don't think the Schulz case dealt with Article VII, Section 8, did it?

I believe the Schulz decision dealt with Article VII -- Article VII, Section 11, not Section 8.

MS. WEINSTEIN: This is funding for communities where there are violent crimes, these have gone to organizations that are high risk of hate crimes or attacks, you know, so this is funding that has gone to synagogues and churches, too, and mosques for criminal justice improvements to harden their facilities and, you know, are -- we believe that this is Constitutional and it's been funding that has happened over the years and has not been challenged in the courts as being inappropriate.

MR. GOODELL: Okay. I see that the language says that 10 million shall be made available for not-for-profit reproductive health centers. I assume that it would of course include pro-abortion centers, but would it also include pro-life centers since they are both subject to these kinds of threats?

MS. WEINSTEIN: Funding would be applied for so for any facility that talks -- that comes within this definition of reproductive health center could apply for funding.

MR. GOODELL: Thank you. My colleague noted that there was another 385 million appropriated for the Community Resilient Economic Sustainability and Technology Program.

MS. WEINSTEIN: Correct.

MR. GOODELL: That's in addition to the 385- that's

being re-appropriated, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: And that statutory language which is on page 1,108, starting on line 25 says *funding under this appropriation shall be pursuant to a plan agreed to by the Director of the Budget, Speaker of the Assembly and President Pro Temp of the Senate*. So are we appropriating between these two programs two-thirds of \$1 billion to be allocated without any legislative oversight? That plan does not have to be approved by the Legislature, correct?

MS. WEINSTEIN: It doesn't have to be approved by the Legislature per se, but I would say that the Speaker and the Majority Leader of the Senate certainly are legislators and act on behalf of our Bodies, our respective Bodies.

MR. GOODELL: But of course as you and I both know they ran from the same size legislative district as I did and as you did and they only have one vote on the floor but we're giving them authority this year over more than two-thirds of a \$1 billion without any plan. Is there a plan in place by the way? Have they already written a plan?

MS. WEINSTEIN: There is no plan but certainly members who did not want to accept this funding because of how it is -- how it is presented in the budget don't have to submit project -- capital projects they would like to have funded in their district.

MR. GOODELL: For sure. Now this of course is the

second year that we've had this appropriation and the legislation last year called for a plan. Is that plan in writing or is it ad hoc?

MS. WEINSTEIN: It is a plan that is resolved and worked on between the Legislature, the Division of the Budget and DASNY projects I'm aware of from members of our House are vetted by our -- by our Ways and Means staff prior to their being moved on to -- to actual -- actual funding.

MR. GOODELL: Okay. Is this plan available to the public? Is it open and available for everyone to review and comment on or is it developed -- I mean the statute only provides three people to do it. It's just those three or is it --

MS. WEINSTEIN: Since no funding has been provided through this plan there is no plan.

MR. GOODELL: There isn't a need for the plan since no money is set aside.

MS. WEINSTEIN: Yes, right.

MR. GOODELL: Now of course the Majority has always been very sensitive to being fair and equitable to minorities across the State and we have multiple legislative initiatives in that regard. Is it fair to expect that these funds will be allocated on an equitable basis between the Majority and the Minority?

MS. WEINSTEIN: It's the -- the funding is allocated on a -- it's not allocated on a set formula.

MR. GOODELL: No, I understand that but I mean reflecting the fact that the Republicans represent roughly one-third of

the State population, can we reasonably anticipate that if it's spread equally between the Senate and the Assembly and then subsequently allocated one-third the Republicans, two-thirds the Democrats, that the Republicans ought to be looking at 61.4 million out of this fund? Is that part of the discussion about being equitable to minorities as well?

MS. WEINSTEIN: I -- I cannot tell you how this funding will be spent in the future but certainly any member of our House or the Senate can submit a proposal for the -- for capital funding and that would be evaluated.

MR. GOODELL: Thank you very much.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Thank you very much. Obviously I have deep concerns on the constitutionality of various aspects of this because we're allocating literally millions of dollars of State money to non-for-profits when the State Constitution is very clear that we are not to use the State treasury and the taxpayers as a personal piggybank to fund not-for-profits through others. And there are certain exceptions of course. But I didn't hear what those exceptions were in terms of this particular language. And so that's a concern to us and obviously the State Constitution has restrictions on borrowing and it says that any money that's borrowed by or on behalf of the State needs voter approval, and we're told that we have 9.8 billion of additional borrowing in this, that this budget includes a guarantee, if you will, of

taxpayer money through the sales tax allocation and personal income tax allocation but there's no voter approval. Well, we've done that lots in the past and so we're going to continue it. It certainly violates the spirit if not the letter of the law. We're asked to approve one-third of \$1 billion in discretionary funding to be decided upon by the Director of the Budget, the Speaker of the Assembly and the President Pro Temp of the Senate with no input whatsoever in the statute from the Minority. And we don't even get an informal commitment that the one-third of the State that's represented by the Minority will be treated fairly.

As my colleague mentioned, this budget provides \$1 billion in tax credits for wealthy Hollywood millionaires and those engaged in theater productions in New York City, \$1 billion. And we modified the language to make sure that you can qualify for this tax credit even though you're making a half a million dollars. Yeah, we're not here helping the poor. This tax credit helps the filthy rich. But what are we doing to help municipalities deal with the fact that our local businesses across the State, not just the ones that make a fancy film with multi-millionaires in New York City once in a while or elsewhere. No tax credit for those folks. Too bad. I think we can do better and I look forward to doing better in the future, Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will Chair

Weinstein yield?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Sponsor yields, ma'am.

MS. WALSH: Thank you very much. My questions are going to be surrounding the community mental health facilities. So last year there was a budget item for \$35 million on this particular topic and this year it's gone up to \$1 billion. And we know that there was a lot of discussion throughout all of our budget hearings and really frankly I mean in this Chamber we've spoken quite a bit about the need for increasing supports for individuals with mental health needs. And I'm very supportive of that. I just -- my questions have to do with how it's worded and how it will be implemented. So from what I can see it says it will be for municipalities and non-for-profit agencies for increased support and expansion of intensive crisis stabilization centers, intensive mobile treatment, low barrier housing, supportive and reentry transitional housing and inpatient alternatives to detention and treatment; is that correct?

MS. WEINSTEIN: Yes, yes.

MS. WALSH: And that's a lot and that's a wide range of services and that could be -- that could be great. Is there anything though in the bill that talks about out of those how this \$1 billion is going to be apportioned? Because I mean we know that in

this -- I mean it's a \$229 billion budget, I guess what's 1 billion but it's a lot of money so how is it going to be spent?

MS. WEINSTEIN: So some portion is for capital investment to -- for new units and others are for the -- in the appropriation to support existing facilities.

MS. WALSH: But in the bill itself Chairwoman, is it broken down as far as different types of strategies and what portion of the 1 billion each thing will be getting or is it -- how is it going to be decided?

MS. WEINSTEIN: There's 60 million for step-down facilities, there's funding for -- specifically for 1,000 new -- new units, 1,000 new units in capital and then also support in the 1,000 units in the Aid to Localities budget.

MS. WALSH: Okay, very good. And are there certain criteria for applying for these funds or is this being done on a -- on an awarded grant basis or how is this going to be decided?

MS. WEINSTEIN: I believe it will be through RFPs.

MS. WALSH: Through RFPs, okay. And is there any provision in the bill language or any thought behind how this \$1 billion in mental health facility, community mental health facility money will be spread out throughout the State either in percentage or in any other manner.

MS. WEINSTEIN: Well, I believe that there are stakeholder meetings happening as we speak to help determine how this funding will be allocated, but certainly it would be our intention

that it be spread around the State based on -- on the need and specific communities.

MS. WALSH: And Chairwoman, who -- who will be the -- who will be making the decisions about who is going to get this money and how much and where throughout the State?

MS. WEINSTEIN: The Commissioner will be.

MS. WALSH: The Commissioner...

MS. WEINSTEIN: Mental Health ultimately will be.

MS. WALSH: The Commissioner of Mental Health, okay, very good. Thank you very much, Mr. Speaker. Thank you, Chair.

ACTING SPEAKER AUBRY: Thank you.

(Pause)

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, Mr. Speaker. The Republican Conference is generally opposed to this, but with any bill that runs 1,200 pages there's some that may wish to vote in favor of it. And if so they can do so 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 ecstatic to have this opportunity to begin voting on our budget process and so we generally are going to be in favor of this first budget bill. However, there may be a few that will decide to dissent and they certainly should be pressing their button at their desk.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Otis to explain his vote

MR. OTIS: Thank you, Mr. Speaker. I just want to highlight that in this budget bill is contained a new \$500 million in funding for clean water projects around the State, the WIOA Program which I think everyone here is familiar with is giving out in its life over \$2.6 billion in grants to local water projects. This budget bill also includes money from the Bond Act of 250 million for new storm water grant program, an additional 200 million for clean water projects. So there is good funding here for clean water that should help every district represented in this House and so I will be voting aye for that reason and for the many other good reasons and things that are in this bill, thank you.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I am voting in the affirmative for this budget bill. There are many great

projects that will be funded. One that many of you would be happy to know, even though instead of voting against it, there's \$15 million for the County Boards of Election so they can update their voting machines, the absentee voting scanners, their mail processing and also to update the software for security and connectivity of the system. So this is really great. It will be allocated according to the number of people that are registered in each county and it's something that you should consider, because I know that even those that vote against it will be able to tap this as an accomplishment. So I vote in the affirmative. I thank the Chair of the Ways and Means Committee for doing a fabulous job and for all of us for passing this capital budget, thank you.

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

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 125, the Clerk will read.

THE CLERK: Assembly No. A03005-C, Rules Report No. 125, Budget Bill. An act to amend Chapter 887 of the Laws of 1983, amending the Correction Law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend Chapter 428 of the Laws of 1999, amending the Executive Law and the Criminal Procedure Law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such Chapter; to amend Chapter

886 of the Laws of 1972, amending the Correction Law and the Penal Law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend Chapter 261 of the Laws of 1987, amending Chapters 50, 53 and 54 of the Laws of 1987, the Correction Law, the Penal Law and other Chapters and Laws relating to correctional facilities, in relation to the effectiveness thereof; to amend Chapter 55 of the Laws of 1992, amending the Tax Law and other Laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such Chapter; to amend Chapter 339 of the Laws of 1972, amending the Correction Law and the Penal Law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend Chapter 60 of the Laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriate actions made by Chapter 50 of the Laws of 1994 enacting the State Operations Budget, in relation to the effectiveness thereof; to amend Chapter 907 of the Laws of 1984, amending the Correction Law, the New York City Criminal Court Act and the Executive Law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such Chapter; to amend Chapter 166 of the Laws of 1991, amending the Tax Law and other Laws relating to taxes, in relation to extending the expiration of certain provisions of such Chapter; to amend the Vehicle and Traffic Law, in relation to extending the expiration of the mandatory surcharge and

victim assistance fee; to amend Chapter 713 of the Laws of 1988, amending the Vehicle and Traffic Law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend Chapter 435 of the Laws of 1997, amending the Military Law and other Laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the Correction Law and the Penal Law of such Chapter; to amend part D of Chapter 412 of the Laws of 1999, amending the Civil Practice Law and Rules and the Court of Claims Act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the Civil Practice Law and rules and general filing fee provision and inmate property claims exhaustion requirement of the Court of Claims Act of such Chapter; to amend the Family Protection and Domestic Violence Intervention Act of 1994, in relation to extending the expiration of certain provisions of the Criminal Procedure Law requiring the arrest of certain persons engaged in family violence; to Amend Chapter 505 of the Laws of 1985, amending the Criminal Procedure Law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend the Sentencing Reform Act of 1995, in relation to extending the expiration of certain provisions of such Chapter; to amend Chapter 689 of the Laws of 1993 amending the Criminal Procedure Law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to

amend Chapter 688 of the Laws of 2003, amending the Executive Law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend part H of Chapter 56 of the Laws of 2009, amending the Correction Law relating to limiting the closing of certain correctional facilities, providing for the custody by the Department of Correctional Services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such Chapter; to amend part C of Chapter 152 of the Laws of 2001 amending the Military Law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend Chapter 554 of the Laws of 1986, amending the Correction Law and the Penal Law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend part F of Chapter 55 of the Laws of 2018, amending the Criminal Procedure Law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the Penal Law, in relation to certain crimes relating to the possession and storage of a firearm (Part F); to amend the State Finance Law and the Executive Law, in relation to establishing a hazard mitigation revolving loan fund (Part G); to amend the Volunteer Firefighters' Benefit Law and the General

Municipal Law, in relation to permitting the paying of a training stipend to volunteer firefighters (Part H); intentionally omitted (Part I); to amend the Military Law, in relation to the expansion of eligibility for World Trade Center death and disability benefits for members of New York's organized militia (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); 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 O); intentionally omitted (Part P); to amend Chapter 303 of the Laws of 1988, relating to the extension of the State Commission on the Restoration of the Capitol, in relation to extending such provisions for an additional five years (Part Q); to amend the State Finance Law, in relation to methods of procurement; and to repeal certain provisions of such law relating thereto (Part R); to amend the Civil Service Law, in relation to competitive workforce expansion and retention (Part S); to amend the Civil Service Law, in relation to employment of certain persons with disabilities (Part T); intentionally omitted (Part U); 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 V); to amend the Retirement and Social Security Law, in relation to allowing participating employers of the New York State and Local Retirement

System to withdraw from the Contribution Stabilization Program (Part W); intentionally omitted (Part X); to amend the General Municipal Law, in relation to moving the special accidental death benefit appropriation from the Department of Audit and Control to the General Funds miscellaneous all state department and agencies (Part Y); to amend the Executive Law, in relation to the first class of the Commission on Ethics and Lobbying in Government (Part Z); to amend the Tax Law and Part C of Chapter 2 of the Laws of 2005 amending the Tax Law relating to exemptions from sales and use taxes, in relation to extending certain provisions thereof; to amend the General City Law and the Administrative Code of the City of New York, in relation to extending certain provisions relating to specially eligible premises and special rebates; to amend the Administrative Code of the City of New York, in relation to extending certain provisions relating to exemptions and deductions from base rent; to amend the Real Property Tax Law, in relation to extending certain provisions relating to eligibility periods and requirements; to amend the Real Property Tax Law, in relation to extending certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; and to amend the Administrative Code of the City of New York, in relation to extending certain provisions relating to a special reduction in determining the taxable base rent (Part AA); to repeal Subdivision 12 of Section 239-BB of the General Municipal Law relating to county-wide shared services panels (Part BB); intentionally omitted (Part CC); to amend Chapter

141 of the Laws of 1994, amending the Legislative Law and the State Finance Law relating to the operation and administration of the legislature, in relation to extending such provisions (Part DD); to amend the Civil Service Law, in relation to waiving State Civil Service examination fees between July 1, 2023 and December 31, 2025; and providing for the repeal of such provisions upon the expiration thereof (Part EE); to amend the General Municipal Law, in relation to providing Suffolk County certain fees for the services of the Suffolk County Traffic and Parking Violations Agency (Part FF); to amend the Retirement and Social Security Law, in relation to providing certain death benefits to correction officers, correction officer-sergeants, correction officer-captains, assistant wardens, associate wardens or wardens employed by Westchester County (Part GG); to amend the Retirement and Social Security Law, in relation to authorizing police/fire members of the New York City Fire Department Pension Fund to obtain credit for service as an EMT member (Part HH); to amend the Retirement and Social Security Law, in relation to providing certain death benefits to county fire marshals, supervising fire marshals, fire marshals, assistant fire marshals, assistant chief fire marshals, chief fire marshals and division supervising fire marshals employed by Nassau County (Part II); to amend the Retirement and Social Security Law, in relation to allowing certain members of the New York City Police Pension Fund to borrow from contributions (Part JJ); to amend the Retirement and Social Security Law, in relation to the retirement of deputy sheriffs-civil in

the County of Monroe (Part KK); to amend the Retirement and Social Security Law, in relation to certain medical presumptions applicable to members of the New York State and Local Employees' Retirement System (Part LL); to amend the State Finance Law, in relation to the transfer and disposal of certain personal property of the state (Part MM); to amend the Executive Law, in relation to reports by the Director of the Office of Counterterrorism (Part NN); and to amend the Not-for-Profit Corporation Law, the Executive Law, and the Education Law, in relation to the discovery and disposition of human remains and funerary objects (Part OO).

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.

MS. WEINSTEIN: So briefly, this bill would enact -- would enact into law major components of legislation that are necessary to implement the State fiscal year budget as it pertains to the Public Protection General Government budget and it's necessary for the enactment of portions of the '23-'24 budget as contained in the State Operations Capital Projects and Aid to Localities bills.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

MR. RA: Thank you. So just a few questions. As

you know and many of my colleagues know, there was a lot that was in this bill in terms of the Executive but is not in this final version is omitted so there are things that perhaps we will see later today or tomorrow in -- in other bills. So I want to start with probably the issue that pretty much anybody who's been following the budget process knows has been very much in the mix and was perhaps really one of the major pieces of the reason we're here a month after the budget deadline and that's bail reform. So, you know, that's not included in this bill and my assumption is that the changes that have been negotiated we will see in a later bill?

MS. WEINSTEIN: Yes, you are correct that was -- those sections were removed from this bill and will be in a bill we will be discussing tomorrow.

MR. RA: Okay. And we think that will be ELFA?

MS. WEINSTEIN: Yes.

MR. RA: Great. So as, you know, you're aware and part of this discussion has been the fact that New York State remains the only State in the nation that doesn't allow judges to consider dangerousness when determining pretrial release or conditions. Do those changes - and as I said, we will see them maybe later today or tomorrow, do those changes finally provide judges with the necessary discretion to ensure the safety of our communities and make those changes that the public has been asking for?

MS. WEINSTEIN: We will discuss those changes tomorrow.

MR. RA: Okay, fair enough. In terms of the changes to the Concealed Carry Improvement Act. You know, there were many issues that came up after we passed those provisions last -- last summer after the Supreme Court decision and we're pleased to see that the final budget includes provisions to clarify the intent of that and ensure that our law-abiding gun owners are not unfairly or unjustly prosecuted. And as I said, it did cause a lot of confusion in terms of those who are lawfully participating in activities such as hunting, military ceremonies and historical reenactments that believe they would no longer be able to engage in those activities. So, do these amendments now clarify that these individuals are allowed to lawfully engage in these activities without concern for being accused of a crime?

MS. WEINSTEIN: Yes, yes. That is -- that is correct. Also, I don't know if you mentioned like Memorial Day Parades and events like, like that but yes. Those -- all of those concerns have been addressed with the changes now to the concealed carry.

MR. RA: Okay. And that was one of the concerns was that whether military ceremonies and honor guards and color guards could still be performed. I -- I didn't think that they specifically talked about color guards participating in parades in this legislation but we think those are covered now?

MS. WEINSTEIN: Yes. We believe that would be covered.

MR. RA: Okay. And do we know or have we directed in this bill in any way how State agencies such as the State Police and DCJS will make sure that information gets out to the public in terms of these things? As you may have seen, you know, one of the things that I know I directed constituents to there was a lot of questions and answers on -- on the websites that theoretically clarified the intent of the law but didn't necessarily reflect the statutory provisions that hopefully we're now putting in place here.

MS. WEINSTEIN: I -- I would assume that those questions will be updated to reflect what we're doing here today.

MR. RA: Okay. And one other piece of that that I know came up was with regard to our youth and Boy Scouts, you know, at camps who may participate in marksmanship. I believe they have a badge that they're able to earn at camps and there was some concerns raised that they wouldn't be able to do that. Does this clarify their ability to engage in those activities at Boy Scouts camps?

MS. WEINSTEIN: Yes, it does. It includes hunter, education training, marksmanship practice, marksmanship competition training or training in the safe handling and use of firearms. Those are all contained within this -- within this clarification.

MR. RA: Thank you. One piece that we would normally see in this bill, at least in the Executive proposal, is the sweeps and transfers language. It's been omitted in this bill. Has this language been signed off on at this point?

MS. WEINSTEIN: It has been signed off. You're correct. It's not in this bill but it will be in ELFA tomorrow.

MR. RA: Okay. Do we know what Article VII bill we will see that in? Will that also be ELFA?

MS. WEINSTEIN: ELFA.

MR. RA: Okay. Sounds like ELFA is going to be doing a lot of heavy lifting in this budget.

MS. WEINSTEIN: And we'll have four hours to discuss that bill tomorrow.

MR. RA: Yes, we will, thank you. Just one or two other questions. There are a couple of pieces related to different -- I'm sorry, let me find it here. So regarding credits, death benefits, things of that nature. So first there's a heart presumption -- provision. Does that match the legislative language in the bill that the Legislature adopted last year that was subsequently vetoed by the Governor?

MS. WEINSTEIN: Yes. One of the things we are including a number of bills that had been adopted last year are folded into this proposal.

MR. RA: Okay. I know there's a number of these like you said. There's three you said? It's -- there's an EMT one, correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And what's the third one?

(Pause)

MS. WEINSTEIN: In -- in Monroe County, and then

also in the EMT -- hold on -- so Nassau Deputy --

MR. RA: Fire Marshal?

MS. WEINSTEIN: Fire Marshals and Monroe County Retirement as I mentioned, and Westchester County.

MR. RA: Correction officers.

MS. WEINSTEIN: Death benefit.

MR. RA: Any of these that -- that are relative to bills that were passed last year and vetoed, the language is all the same as --

MS. WEINSTEIN: Yes.

MR. RA: -- they were in those standalone bills.

MS. WEINSTEIN: Yes.

MR. RA: Which is great because as you know so often in the past we've had bills get vetoed and the Executive saying hey, this is a budget issue and then they end up not making it into the budget so --

MS. WEINSTEIN: Correct. Not -- not everything we passed made it.

MR. RA: Not everything but --

MS. WEINSTEIN: It's really -- it's the first time that we've been able to incorporate some of those bills that we've passed into the budget.

MR. RA: Okay, thank you. One other piece that I wanted to ask about because a lot of this area has been excluded with regard to alcoholic beverage control. We have, I think, a few different

provisions that have been omitted here, the review of Alcoholic Beverage Control Law which was going to have the SLA to review the ABC Law and recommend policy neutral legislative changes, temporary wholesale permits, expediting SLA review of corporate changes and expedited SLA municipal notification process. I know it's been a conversation over the last several budgets really regarding some modernization and looking at our -- our laws with regard to beverage control is -- are we anticipating any of those things coming up in a later bill or are these out and something that maybe we'll look at post-budget?

MS. WEINSTEIN: These are policy-related issues that we'll be looking at post-budget.

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

Mr. Speaker, on the bill.

ACTING SPEAKER OTIS: On the bill.

MR. RA: Thank you. So this one, as I said, is really kind of stripped down. There's a lot of things missing from it, one -- one of them being bail reform which obviously has been a hot topic in this bill and I think we're all anxious to see the legislative language of those changes when they appear in the ELFA bill later today, tomorrow, whenever we get our hands on that so we can look at how that's going to impact things. Unfortunately, like several years ago when the first version of bail reform was adopted, it's unlikely that we're going to have a ton of time to get input from people as to what

the impact of those changes are going to be. But, you know, on balance there are some important things that have made it into this -- this budget bill, like I've said. Some of the things that have been vetoed, it's not always the case that we hear from the Executive *hey, this is a budget issue* and then we actually end up tackling the budget so I do think it's a positive thing that we address those issues within the budget after the Governor veto bills that passed unanimously, if not near unanimously within -- within the last legislative Session. But also, some of the clarifications regarding the Concealed Carry Improvement Act that we passed last summer which we did on very -- very much like a budget bill, very little notice, very little opportunity for people to weigh in and really I think that's the reason why we're making so many of these changes is there were issues that weren't considered that would have been considered if we had adequate time for the public to look at it and say *hey, how does this effect or reenact or how does this effect the ceremonial unit, how does this effect a Boy Scout camp*. So I'm happy to see many of those provisions that I know many of my colleagues on our side of the aisle fought for and -- and I hope that we can continue to have those conversations because I think there are still some issues outstanding regarding this whether it's about, you know, retired law enforcement or -- or even some of our business owners that still are in a murky area with regard to doing things that they feel are necessary to protect themselves and their business. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. REILLY: Thank you, Madam Chair. So just to for clarification because I remember during the debate on the Concealed Carry, we were talking about H.R. 218 which is the qualification for active and retired law enforcement officers to be able to carry across state lines. In this -- in this bill, does the language include that all active and retired law enforcement would be required to have an H.R. 218 to be exempt from the sensitive and restricted locations?

MS. WEINSTEIN: Yes. The short answer is yes.

MR. REILLY: Thank you, Madam Chair. One other point that I wanted -- and I thank -- I just want to thank you for clarifying that. Another thing that I wanted to -- to ask, in this -- in this bill, would it be covered in this one or would it be another one if we're talking about the drug recognition experts for additional allocation of funding. I know last year, a couple of years ago we were able to secure an extra \$10 million to train more officers. Is there any allocation for that in this budget?

(Pause)

MS. WEINSTEIN: There's no funding in this bill for that.

MR. REILLY: Okay. Do we know if there's funding in another bill?

(Pause)

MS. WEINSTEIN: I -- I think -- I think it would be in a different bill, perhaps in State Ops.

MR. REILLY: Okay. Maybe we can --

MS. WEINSTEIN: We have to talk about it tomorrow.

MR. REILLY: Okay. I can wait until tomorrow, we waited this long. Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: So one key aspect that I think is a great improvement to this for the Concealed Carry is that we -- we moved so quickly last summer that we actually left off retired peace officers such as New York City correction officers, New York State correction officers. They -- if they were retired they were no -- no longer allowed to carry when their concealed firearm -- and remember that while they were working they received death threats, death threats to themselves, to their families. So that's why they are granted the opportunity to have a concealed carry permit just like police officers when they retire. And to put this into perspective of why this is a good change, if you're a retired corrections officer and you're with your family and you're driving home and now one of your kids has to go to the bathroom so you stop at a Dunkin' Donuts so you can go get

a cup of coffee, let your kid use the bathroom, because you have your firearm on you, you are violating the Concealed Carry Permit Law all because a little mixup that we didn't have when we had it in the legislation that retired police officers were exempt, but not law enforcement officers that were designated as peace officers. So allowing those who are qualified under H.R. 218, the Law Enforcement -- Law Enforcement Officer Safety Act is really a good thing and I'm happy to see that we're making that change so thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Jensen.

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

Will the Chairwoman yield for a few questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. JENSEN: Thank you, Madam Chair. I might ask a couple questions regarding the training segments for volunteer firefighters. Is this -- are these stipends going to be mandatory for every volunteer fire department in the State to provide to their membership for completing certain training?

(Pause)

MS. WEINSTEIN: I believe that that's an

appropriation so it would be in the Aid to Localities.

MR. JENSEN: It's not in the Public Protection? The Article VII language authorizing the program?

MS. WEINSTEIN: The Article VII language is, yes.

MR. JENSEN: Yes, so that's -- so is it going to be mandatory for every volunteer fire department to provide this stipend for their members?

MS. WEINSTEIN: I'm advised, yes.

MR. JENSEN: Yes, okay. So my next question is in the authorization language for this program, who is responsible for paying this stipend? Is it a State grant that fire departments are going to apply for? Is it the fire departments themselves for money they may raise from fundraising drives or is it the fire districts they're associated with based on the tax revenue they collect from their levy?

(Pause)

MS. WEINSTEIN: It's -- it's estimated to be \$750 per firefighter and it would be the Office of Fire Prevention Control will promulgate rules and regulations necessary to implement -- implement the provisions of the section.

MR. JENSEN: So is it \$750 per firefighter if they accomplish X, Y and Z training or is it per training evolution --

MS. WEINSTEIN: That's really the estimate of what it would be.

MR. JENSEN: Okay. So it's not -- so take for example a Fire Fighter 1 course that may be upwards of 100 hours for

completion. They wouldn't get say minimum wage per hour for the completion of that course even if they're at the State Fire Academy in Montour Falls.

MS. WEINSTEIN: Not necessarily, correct.

MR. JENSEN: Is it -- does -- I know you said it was estimation but would that \$750 per training, would that change based on what the training is?

MS. WEINSTEIN: I mean that's the DOB estimate. I couldn't tell you the particulars for any individual department.

MR. JENSEN: Okay. Do we know if this income is going to be taxable income under New York State?

(Pause)

MS. WEINSTEIN: It's not going to be taxable by the State.

MR. JENSEN: It's not taxable income and just to make sure I'm correct. So it's not the -- if a fire district levies taxes, they're not going to be paying the stipend out of their General Fund, it's going -- it's going to be money coming from OFPC via grant so it's not local taxpayers picking up this cost.

MS. WEINSTEIN: Correct.

MR. JENSEN: Okay. I know in some communities where they have volunteers for things like zoning board or other different planning review boards there's a stipend associated with that. And I know when localities may compensate their time for this through a stipend, they're eligible to join the New York State

Retirement System. Will volunteer firefighters who are not members of State retirement system also be eligible to join the State retirement system for the compensated training?

MS. WEINSTEIN: There's nothing here that provides for that.

MR. JENSEN: Would they be able to join a union if the fire district has an existing union as part of it?

MS. WEINSTEIN: We don't make any changes relating to -- to that in this proposal.

MR. JENSEN: Is there any concern that this program, if implemented, would violate the Fair Labor Standards Act?

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

MR. JENSEN: Okay. Thank you, Madam Chair. I appreciate your answers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Angelino.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. ANGELINO: Regarding the Concealed Carry Improvement Act, there were some amendments in there. When the law originally was discussed last year in extraordinary session, there's

a whole section in there about ammunition purchases. Were there any amendments or changes to the ammunition purchases?

MS. WEINSTEIN: No.

MR. ANGELINO: Thank you. That's okay. She didn't yell at me.

MS. WEINSTEIN: It was too short of a question, sorry.

MR. ANGELINO: Well, I -- I was concerned about that because I have a whole -- there's a -- a group of my constituents that are really having difficulty purchasing ammo that I'll speak about on the bill. I'm glad my colleague asked all those questions about the volunteer firefighter stipend because I had a whole bunch and he asked them and I wish I were his constituent. Under the Civil Service Law I see there's some changes to 55B, the employment of people with disabilities. You're increasing that from 1,200 to 1,700 and that's 55B of the Civil Service Law. Were there any changes to 55C like Charlie?

MS. WEINSTEIN: No, there were not.

MR. ANGELINO: Okay, thank you. And I've been having trouble -- there's a lot of interesting things in here. Is this about the time I should be asking you about the retirement of state law enforcement officers of the 25 year plan?

MS. WEINSTEIN: This would be the appropriate time to ask that question.

MR. ANGELINO: Okay, because I couldn't find it so

I was hoping I was going to find it someplace else. There's three Statewide law enforcement agencies; park police, SUNY Campus Police, the Encon officers and forest rangers. They're fine agencies but they're losing officers because they're not competitive because they have 25 year retirement. Is there anything in here that gives them equity to others?

MS. WEINSTEIN: Unfortunately, no.

MR. ANGELINO: Okay, because we've heard all kinds of excuses back and forth of why that doesn't happen but I promised them that I would ask.

MS. WEINSTEIN: Well, as you are aware that was legislation that we did pass. It was vetoed and while we are supportive of it we could not get an agreement to include it in this budget.

MR. ANGELINO: Thank you, I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANGELINO: So the questions I just asked and were answered very quickly, the section of the Civil Service Law 55C that's the part that employees disabled and wounded veterans. And this country's been at war for 20 years and we have a whole slew of new wounded veterans and I would have liked to have seen those numbers increase for their employment abilities, and I guess I'll try to take that up through my position on the Veterans Committee. The other is the Concealed Carry Improvement Act. I tried to crack the

code on this, I knew it was being negotiated but I -- I couldn't get any of my questions asked or any of my concerns brought to your negotiations of the Majority. But I represent a huge Amish community. Amish do not get their photographs taken and the Amish buy a lot of ammunition because they hunt and fish and they're pretty self-sustained. They can't buy their ammunition without being a felon, they can't have anybody give them ammunition without being -- somebody being a felon. A FFL dealer cannot sell it to them because they don't have photo ID. So, I don't know how it's working out. I don't know if they're just finding ammunition laying on the side of the road near their mailbox, but that's a group of people that should be considered if we're going to make further amendments. The Amish community, they're pretty much left out in the dark when it comes to being able to buy ammunition in New York State. And let me just check if I have anything more I wanted to comment on, it was probably volunteer firefighter things. So, Mr. Speaker, thank you very much. I'm complete.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. Would the Chairwoman Weinstein yield?

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. SIMPSON: Thank you. I just have a clarifying question. When this was passed, the CCIA was passed, there was a lot of discussion about the definition of parks and whether it included the Adirondack Park and the Catskill Park. And I know that there's clarity now on private property within those regions. Did we clarify the State land within the Adirondack Park and Catskill Park?

MS. WEINSTEIN: We do clarify the definition of public park that it shall not include any private -- privately held land within a public park not dedicated to public use or forest preserve is also now defined as lands within specific county except any private property land within the limits of a village or city and the Adirondack or Catskill Parks.

MR. SIMPSON: So you said within the limits --

MS. WEINSTEIN: The private land is not included even if it exists within the Adirondack or the Catskill Park, and the forest preserve as well.

MR. SIMPSON: Okay. Thank you for that clarification. No further questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.
Would Chairwoman yield for just one question?

MS. WEINSTEIN: Sure.

MR. MANKTELOW: Thank you, Ms. Weinstein.
Back to the Concealed Carry Improvement Act, I know we talk about

military ceremonies and I know in my area we have a lot of different ceremonies that really attribute to our military. And one of those is our fife and drum bands that march with the military, sometimes with military ceremonies, sometimes with other parades. Are they allowed to carry their -- their weapons in those parades as well; is that correct?

MS. WEINSTEIN: Yes, yes.

MR. MANKTELOW: And sometimes when they're marching -- and why I'm asking the question is I know this year up in our area there's going to be a contingency of out-of-country fife and drum groups that are coming to -- to New York State. And are they allowed to use their muskets, too, as well in -- in that parade?

MS. WEINSTEIN: If it is within one of the permitted activities, yes. You know, specifically as we discussed persons while participating in military ceremonies, funerals and our guards -- honor guards rather, yes.

MR. MANKTELOW: So marching in -- marching in a parade would be part of that as well?

MS. WEINSTEIN: Yes, yes.

MR. MANKTELOW: Okay. And they would be allowed to carry their weapons and show them how they use them like reenactments; is that correct?

MS. WEINSTEIN: Yes.

MR. MANKTELOW: Okay, that's all I have then, Chair. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Mr. Speaker. I'd like to ask the Chairman if she'd yield -- Chairwoman, sorry.

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. PIROZZOLO: I would, too, would also like a little bit of clarification on the Concealed Carry Act.

MS. WEINSTEIN: Sure.

MR. PIROZZOLO: Let me just state, though, for the record that I think any attempt to prevent people who have a Concealed Carry Permit from carrying, I disagree with, but there are some things that, you know, I have read that, you know, in the initial statement I didn't have clarification, I have a little more clarification here but I'd just like to be sure. We're talking about the regulation or preventing people who have a carry permit from carrying in areas that are designated by or areas that are under the control of Federal, State or Local Government. It goes on to mention specifically Times Square. And I know that we have improved this Act, if that could be said as far as people who are court officers, people who work and things like that, but I'm very concerned about security guards. And I do see in Section E that security guards is defined or people who are registered to carry a weapon can do so while at the location of their employment. So my concern is about the location, because many times we have security guards who work for armed security agencies

who will be driving from location to location, in and out of locations so I want to know if they are included in that. Will they be able to work without having a problem?

MS. WEINSTEIN: It covers people while working so if they are working in -- as they drive from location to location --

MR. PIROZZOLO: While at the location, not at the locations or not that they can be moving around. So I would like clarity on that.

MS. WEINSTEIN: If they are -- if they are working I think it's clear that while working they can carry.

MR. PIROZZOLO: Are we sure?

MS. WEINSTEIN: Security existing law that security guards grant a special armed registration card at the location of their employment during their work hours as such a security guard.

MR. PIROZZOLO: Okay.

MS. WEINSTEIN: So the work hours includes the traveling from location to location.

MR. PIROZZOLO: I really just wanted to be sure because that -- that was a big problem we had last time. And you know you have people who are trying to make a living doing their job, all of a sudden coming under -- under scrutiny. Thank you very much. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Pirozzolo.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor yield for a question?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. SMULLEN: Well, thank you, Chair. This is another question on Part F, the Concealed Carry Improvement Act. Do any of the amendments that are presented to us today and the bill we passed last year, do any of them have any fiscal implications to New York State?

MS. WEINSTEIN: No.

MR. SMULLEN: Well, thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: So here we are on a Message of Necessity. We're here because the Governor's deemed that this is so important that we wouldn't have three days to age this bill, to take a look at it, to talk to people around the State about it and say we can now move forward on voting yes or no on this bill. And that seems just like when we passed the Concealed Carry Improvement Act last year in July in a special Session on a Message of Necessity when we had exactly the same situation as we have before us today. I've went through all of the proposed amendments to the Concealed Carry Improvement Act and I'm here to say, from my perspective, none of them go far enough for an Act which needs to be reviewed judicially. And the cynic in me says that this is an attempt to soften some of the

provisions of the Concealed Carry Improvement Act to make it more palatable to where it sits right now in the Second Circuit Court of Appeals to federal judges who are actually have heard arguments and are actually considering what to do about this bill. And the -- the further cynic in me says that we're trying to correct a bad bill that was rushed through on a Message of Necessity from last year. So when -- when I see all of these things and I look at the -- the aggregate in total and say what are we trying to do here, we're putting policy fixes in the budget to bad policy that we rushed through last summer. So for those reasons I'll be voting no on this particular section of the budget bill and look forward to how the judiciary actually reviews this whether as the Second Circuit Court of Appeals or again at the United States Supreme Court in conformance with Justice Thomas's decision in the Bruen case. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. DeStefano.

MR. DESTEFANO: 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. DESTEFANO: Thank you, Chairwoman. This is going to be more like a follow-up to when we're doing the

one-House budget and I was just hoping to see some of those changes or language in the budget which I haven't seen so I'm going to ask as a follow-up to those questions that I asked you during the one-House budget. When we talked about the out-of-network doctors that the Governor did her Executive Order on to lower the reimbursement, is there any reason why that was not put into the budget for the out-of-network doctors?

(Pause)

MS. WEINSTEIN: It's -- it's not part of the budget. It's an issue with Government employees.

MR. DESTEFANO: Health benefits for the employees are, and that should be put somewhere in the budget where we're talking about the benefits that our employees receive from our State, and we say we would address that at a later date.

MS. WEINSTEIN: It's not in -- it's not in this bill.

MR. DESTEFANO: Okay. In the Governor's State of the State she highlighted that the State will experience a significant workers shortage. We are pleased to see that there are some modifications with the Civil Service continuous testing. How much will the State lose on the fee waiver for the -- giving those continuous tests? Do we know?

MS. WEINSTEIN: Well, we have added \$2.5 million to cover the -- the waivers for these next few years.

MR. DESTEFANO: And do you think that that's going to be enough to combat the problem of the worker shortages

that we are experiencing in the State?

MS. WEINSTEIN: We are hopeful that it will encourage people to take the Civil Service exams.

MR. DESTEFANO: Because it's going to be free to take? Is that the idea?

MS. WEINSTEIN: I'm sorry?

MR. DESTEFANO: It's free for them to take the test?

MS. WEINSTEIN: Yes, yes. And there's also promotions about the importance of -- the benefits of working for municipal government and State government.

MR. DESTEFANO: Okay. So for the continuous recruitment and giving these tests on a -- on a revolving basis, who determines which tests are going to be on the continuous testing program?

(Pause)

MS. WEINSTEIN: So the local and State governments would be able to determine which -- based on where there are needs.

MR. DESTEFANO: So the localities will be the ones like the counties who give Civil Service tests, they're the ones that are going to make that decision which tests will be on an ongoing basis?

MS. WEINSTEIN: Yes.

MR. DESTEFANO: Okay. So in my opinion as I -- as I mentioned here several times, I've been a -- I was a civil servant

for over 30 years working for my county. Doesn't that look like it perceives the idea that it's like cherry-picking which ones are going to be available on a continuous basis rather than a set time for when certain tests will be given?

MS. WEINSTEIN: Well, you know, where -- it's -- it's not really for us to be micromanaging this area. The localities would have a much -- and the State will have a much clearer understanding of where there's a demand where we need additional personnel. So that would -- it would be up to those discussions.

MR. DESTEFANO: So the county that's going to be making the criteria for which tests are going to be on an ongoing basis, doesn't that give the appearance of possible cronyism or nepotism when they know somebody's friend or cousin or grandfather needs a -- a job and they're going to, you know, just continue those tests because we know a lot of people that are in the family need to take a test to get the job?

MS. WEINSTEIN: Well, I -- I would hope not.

MR. DESTEFANO: Oh, okay, moving on. We talk a lot about the -- when we're going to waive the -- the cap for the 35,000 for another year for public school employees to be able to -- was there any thought given to exceed that amount for other positions within the State? Because we know as you say, we have a crisis with the amount of people that work in public employment. And one of the deterrent factors is the \$35,000 cap that they cannot exceed if they're already receiving a pension. We had talked originally about that, that

we were going to maybe move that into another level, and I was just wondering, you know, being the Chair of Ways and Means if that was ever considered to do that in any other job?

MS. WEINSTEIN: That was not discussed as part of this budget.

MR. DESTEFANO: Okay. Again, going back to that original one-House budget debate we had Tier 6. We -- we hear a lot about it. I think that's one of the things that is lacking in our budget process because when we talk about it they say it's got be a standalone bill and then somebody else says well, no, it's just got to be in the budget process and obviously it's omitted from this. Is there any consideration being given to reform Tier 6?

MS. WEINSTEIN: There is -- it's not in this bill.

MR. DESTEFANO: Okay.

MS. WEINSTEIN: Or this budget.

MR. DESTEFANO: Okay. You know, we talk about it all the time and it always seems like we're kicking it down the road, but there's a legitimate problem with the -- with the amount of employees that we are lacking in state government, county government, local governments, you know, towns, villages. I would just have hoped that we had addressed those seeing as we have the highest budget ever being introduced into the State. Some of those things that are having a problem I would think would be landing in this budget in some way, shape or form, maybe just for a little bit of progress. So I want to thank you for answering my questions. I

appreciate it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- Ms. Byrnes.

MS. BYRNES: Thank you, Mr. Speaker. If the Chairwoman would yield.

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MS. BYRNES: Thank you. Just -- I know that as soon as I start making posts, someone's going to ask a question, I know what it's going to be. So I'm going to right now, by the way of clarification, ask you a question that I know is coming at most of our direction within an hour. By the changes that you are making to -- to the gun laws, are you affirmatively, though, indicating that all of the shooting sports that are engaged in in sportsmen's clubs, be it trap, skeet, five-stand, whatever the shooting sport is that those are exempt from the gun laws --

MS. WEINSTEIN: Well, I think I did read it previously but marksmanship training and competition is -- is included.

MS. BYRNES: So any of the shooting sports including practice for them are exempt.

MS. WEINSTEIN: Yes.

MS. BYRNES: Thank you.

ACTING SPEAKER AUBRY: Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you. Will the sponsor yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. BLUMENCRANZ: Thank you. My question is concerning the cybersecurity briefing Part NN.

MS. WEINSTEIN: Yes.

MR. BLUMENCRANZ: So with regards to the briefing, is there any speci -- specificity to the relationship or the collaboration between ITS and CISO? It wasn't exactly laid out in the language we received.

(Pause)

MS. WEINSTEIN: So, this -- the Department of Homeland Security every year does briefing for the Legislature so this will -- by including this language we're requiring that cybersecurity be part of that briefing.

MR. BLUMENCRANZ: Okay. So my next question was in the past, has cybersecurity resiliency been taken into consideration in this report?

MS. WEINSTEIN: They -- having attended a number of these briefings myself, it's sometimes brought up but it's not specifically -- it hasn't been specifically required so it will now be specifically required. So it's possible there may be a more robust discussion about cybersecurity in our State.

MR. BLUMENCRANZ: Great, thank you very much.

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: Great, thank you. So with the issuance of temporary retail permits for alcoholic beverages and retail facilities, I'm just concerned about it because if they do not have a certificate of occupancy or if it is not a permitted use, once they are open and the SLA has given them a temporary permit, what is the procedure to remove them after a year when the SLA evaluates the paperwork and decides that they should not be there? Does this require a letter from the local government or municipality that actually permits this to exist as a retail sale for retail applicants?

MS. WEINSTEIN: Right. So this is -- we're really just extend -- this is an extender, a one-year extender. So the temporary permit can be reviewed, similar to in terms of the initial application can be revoked if there is a reason to revoke it.

MS. GIGLIO: Okay. Because it says that they're going to issue the temporary permits and then they'll wait for a full review. So I'm just asking if that full review -- if that temporary

permit would require a letter from the local government saying that it's a permitted use in that zoning district. Before the temporary permit could be issued.

MS. WEINSTEIN: So we did not change the requirement for notification to the locality of the application.

MS. GIGLIO: So if a local government were to say we object and it's not permitted in that zoning district then the SLA would review that and then they would not issue the temporary permit.

MS. WEINSTEIN: Correct. I had -- I had some of these questions myself in -- in my community and my understanding is that the locality can prevent the temporary permit from being issued.

MS. GIGLIO: That's great, thank you. And then also when it came to the Civil Service to permit the continuous recruitment testing process, I mean the problem with Civil Service seems to be that there aren't as -- as many people as are needed to grade the tests. Don't you think that fixing the initial problem of getting enough people to administer the test and then to grade the test might be more appropriate or if there is a position open to expedite the review of those test results rather than cherry-picking as one of my former colleagues has stated.

MS. WEINSTEIN: I -- I'm just not aware of that situation. Certainly will look into it.

MS. GIGLIO: Yeah, sometimes it can take up to six months for a test to be graded. And then when it comes to the landfill

closure under the Environmental Protection Fund where we are -- it was in 2022-'23 it was at 750- then it was 300 for 2023-'24 and now -- so it's reducing it by 450. And in my district we have -- and on Long Island we have the last landfill that is about to close in 2024, and by lowering that landfill closure budgeted amount is really very problematic especially because localities are trying to figure out what they're going to do and how they're going to get rid of the garbage off of Long Island. And really, I mean we need more money to figure out what new market for recyclables so that we don't have as much garbage coming off of the Island.

MS. WEINSTEIN: We certainly will look into that, Assemblymember.

MS. GIGLIO: Okay. I just think that landfill closures seeing it was a State unfunded mandate and it's put on the taxpayers of Long Island that we have a mechanism to get rid of our garbage and enough money to do it. And I -- I thank you for answering my questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. GOODELL: Thank you, Ms. Weinstein. I see

that the increase in funding for assigned counsel for indigent legal services was intentionally removed from this budget. Do we anticipate it will show up somewhere else?

MS. WEINSTEIN: Yes.

MR. GOODELL: And are we anticipating an increase? It's quite low now.

MS. WEINSTEIN: Yes, yes.

MR. GOODELL: Thank you. I had some questions on the Lower Manhattan Sales and Use Tax Exemption.

MS. WEINSTEIN: Okay.

MR. GOODELL: It's my understanding - this is Part AA - that that was initially implemented in response to 9/11. 9/11 of course was what, twenty-two years ago? And it applies or provides a sales tax exemption for office equipment. With the exception of the chairs in this Chamber most office equipment is replaced in a much faster time frame than 20 plus years. How long do you anticipate that this sales tax exemption would apply to office equipment with a useful life typically of three to five years?

MS. WEINSTEIN: Well, we are modifying the Governor's proposal to extend these programs for four years instead of the five years.

MR. GOODELL: So this temporary use tax exception [sic] will only apply for a quarter of a century?

MS. WEINSTEIN: It's four more years.

MR. GOODELL: Okay. How much revenue is

effected by this sales and use tax exemption?

(Pause)

MS. WEINSTEIN: So all of these together we estimate 10 -- \$10 million.

MR. GOODELL: So Lower Manhattan, of course, is the location of the new -- I mean relatively new Freedom Tower, right? And it's -- obviously that's where Wall Street is. It's actually probably one of the highest assessed areas in New York State, even in the nation. Why is it that we're providing sales and use tax exemptions to one of the most profitable and expensive parts of the country?

MS. WEINSTEIN: This was requested by New York City.

MR. GOODELL: No doubt. Most likely from Lower Manhattan, correct?

MS. WEINSTEIN: New York City represents all of the five boroughs.

MR. GOODELL: There's many of us that come from districts - and this is true as well in New York City, certainly areas in Brooklyn, the Bronx, Harlem, Upstate where the residents are not as wealthy as those who live in Lower Manhattan. Is there a consideration for having a sales and use tax exemption that would apply to the poor residents of the State as opposed to the wealthiest residents that would help Upstaters address, for example, the impact of inflation?

MS. WEINSTEIN: So this is a proposal that the City of New York has requested. They know they're losing some funds, sales and use tax from this and we are going along. There's nothing that prevents us from looking at other areas in a future budget.

MR. GOODELL: But we're waiving our State share of the sales and use tax as well, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: Okay. So you're saying that you believe the Majority would favorably review a request from all the poorer counties across the State; Bronx, Harlem, my county, rural counties for a waiver of the State share of sales tax on office furniture, building renovations, commercial property that would be likewise considered favorably?

MS. WEINSTEIN: Well, you know, I -- I would note that Lower Manhattan is a major generator of in -- income tax for revenues for our State. And these are programs designed to keep that population in New York City and New York State.

MR. GOODELL: Thank you very much. In order to qualify for the exemption, do you have to actually purchase the item in Lower Manhattan or you can purchase it anywhere in the United States?

(Pause)

MS. WEINSTEIN: It needs to be purchased locally.

MR. GOODELL: Purchased in Lower Manhattan?

MS. WEINSTEIN: Not necessarily there but locally.

Locally as that's --

MR. GOODELL: What do you mean? In New York City you mean?

(Pause)

MS. WEINSTEIN: I'm sorry. It can be pur -- it has to be used in the -- in this area, can be purchased other places.

MR. GOODELL: So the exemption is based on where its intended use is as opposed to where it's purchased from.

MS. WEINSTEIN: Correct.

MR. GOODELL: I see. And is there any recapture provision that prevents someone who's ingenious and wants to buy furniture using a warehouse in Manhattan and then reselling it?

MS. WEINSTEIN: There isn't something like that, but -- as part of this but obviously any fraud could be reported to the Department of Tax and Finance.

MR. GOODELL: Okay. Yeah, you know, I appreciate the fact that most of the furniture in my office has a little tag so that the State can track its location, certainly nothing comparable here. I mean if you buy it and you certify you're in Lower Manhattan and you ship it off to some other location, there's really no way to track that, correct?

MS. WEINSTEIN: These are items that are -- these exemptions are audited -- potentially audited by the Tax Department so I have -- do not have a lot of concern.

MR. GOODELL: Thank you very much for your

comments. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gallahan.

MS. GALLAHAN: Thank you, Mr. Speaker. Will the sponsor yield for one question?

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

MS. WEINSTEIN: Yes.

MR. GALLAHAN: Thank you. As a small business owner, I'm curious about carrying my concealed handgun through different areas when I go to buy supplies and -- and I'd like to know what I'd do when I -- when I have sums of money that I take to the bank. Are there any provisions in the new language that would allow me to do that?

MS. WEINSTEIN: We have not changed that definition that if it is -- if someone with a concealed permit's going -- if you're going to private property, as long as that private property owner allows it, there's no State prohibition.

MR. GALLAHAN: So picking up supplies, going to a -- going to a wholesale meat market or vegetables market?

MS. WEINSTEIN: If they don't have signage or prohibiting.

MR. GALLAHAN: So signage is still required.

(Pause)

MS. WEINSTEIN: It -- it can be just expressed

consent or signage that allows it in a private setting.

MR. GALLAHAN: Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this budget bill. Certainly those who support it can vote in favor 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 going to be supporting this piece of legislation. However, there may be some who choose not to do so. That would be their opportunity to do so. Thank you, sir.

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 8, Rules Report No. 126, the Clerk will read.

THE CLERK: Assembly No. A03007-C, Rules

Report No. 126, budget bill. An act to amend Part H of Chapter 59 of the Laws of 2011, amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates, in relation to known and projected Department of Health State Fund Medicaid expenditures (Part A); to amend Chapter 451 of the Laws of 2007, amending the Public Health Law, the Social Services Law and the Insurance Law relating to providing enhanced consumer and provider protections, in relation to the effectiveness of certain provisions relating to contracts between plans, insurers, or corporations and hospitals; to amend Part C of Chapter 58 of the Laws of 2007, amending the Social Services Law and other laws relating to adjustments of rates, in relation to the effectiveness of certain provisions relating to the amount of income to be applied toward the cost of medical care, services and supplies of institutionalized spouses; to amend Chapter 906 of the Laws of 1984, amending the Social Services Law relating to expanding medical assistance eligibility and the scope of services available to certain persons with disabilities, in relation to the effectiveness thereof; to amend the Social Services Law, in relation to the age of eligibility for home and community-based services waivers; to amend Chapter 313 of the Laws of 2018, amending the Public Health Law relating to body imaging scanning equipment, in relation to the effectiveness thereof; to amend Chapter 426 of the Laws of 1983, amending the Public Health Law relating to professional misconduct proceedings, in relation to the effectiveness of certain provisions thereof; to amend

Chapter 582 of the Laws of 1984, amending the Public Health Law relating to regulating activities of physicians, in relation to the effectiveness of certain provisions thereof; to amend the Public Health Law, in relation to extending the demonstration period in certain physician committees; to amend Chapter 505 of the Laws of 1995, amending the Public Health Law relating to the operation of Department of Health facilities, in relation to the effectiveness thereof; to amend the Public Health Law, in relation to reimbursement rate promulgation for residential health care facilities; to amend the Public Health Law, in relation to certified home health agency services payments; to amend Chapter 19 of the Laws of 1998, amending the Social Services Law relating to limiting the method of payment for prescription drugs under the medical assistance program, in relation to the effectiveness thereof; to amend the Public Health Law, in relation to continuing nursing home upper payment limit payments; to amend Chapter 904 of the Laws of 1984, amending the Public Health Law and the Social Services Law relating to encouraging comprehensive health services, in relation to the effectiveness thereof; to amend Part X2 of Chapter 62 of the Laws of 2003, amending the Public Health Law relating to allowing for the use of funds of the Office of Professional Medical Conduct for Activities of the Patient Health Information and Quality Improvement Act of 2000, in relation to the effectiveness of certain provisions relating to increasing information available to patients; to amend Part H of Chapter 59 of the Laws of 2011, amending the Public Health Law relating to the Statewide

Health Information Network of New York and the statewide planning and research cooperative system and general powers and duties, in relation to making certain provisions permanent; to amend Part A of Chapter 58 of the Laws of 2008, amending the Elder Law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to extending the expiration of certain provisions thereof; to amend Chapter 474 of the Laws of 1996, amending the Education Law and other laws relating to rates for residential health care facilities, in relation to extending the effectiveness of certain provisions thereof; to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to extending the effectiveness of certain provisions thereof; to amend the Social Services Law, in relation to the effectiveness of certain provisions relating to negotiation of supplemental rebates relating to medication assisted treatment; to amend Part B of Chapter 57 of the Laws of 2015, amending the Social Services Law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; to amend Part KK of Chapter 56 of the Laws of 2020, amending the Public Health Law relating to the designation of statewide general hospital quality and sole community pools and the reduction of capital related inpatient expenses, in relation to the effectiveness thereof; to amend Part C of Chapter 60 of the Laws of 2014, amending the Social Services Law relating to fair hearings within the Fully Integrated Duals Advantage Program, in relation to

the effectiveness thereof; to amend Chapter 779 of the Laws of 1986, amending the Social Services Law relating to authorizing services for non-residents in adult homes, residences for adults and enriched housing programs, in relation to extending the effectiveness of certain provisions thereof; to amend Chapter 884 of the Laws of 1990, amending the Public Health Law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to extending the provisions thereof; to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend Part A of Chapter 56 of the Laws of 2013, amending Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates, in relation to extending government rates for behavioral services and adding an alternative payment methodology requirement; and to amend the Public Health Law, in relation to residential health care facility assessments; to amend Part MM of Chapter 57 of the Laws of 2021 amending the Public Health Law relating to aiding in the transition to adulthood for children with medical fragility living in pediatric nursing homes and other settings, in relation to the effectiveness thereof; to amend Chapter 471 of the Laws of 2016 amending the Education Law and the Public Health Law relating to authorizing certain advanced home health aides to perform certain advanced tasks, in relation to the effectiveness thereof; and to amend Part R of Chapter 59 of the Laws of 2016

amending the Public Health Law and the Education Law relating to electronic prescriptions, in relation to the effectiveness thereof (Part B); to amend Part A3 of Chapter 62 of the Laws of 2003 amending the General Business Law and other laws relating to enacting major components necessary to implement the State Fiscal Plan for the 2003-04 State Fiscal Year, in relation to extending the effectiveness of provisions thereof; to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of provisions thereof; to amend the Public Health Law, in relation to extending certain provisions relating to the distribution of pool allocations and graduate medical education; to amend the Public Health Law, in relation to extending certain provisions relating to health care initiative pool distributions; to amend the Social Services Law, in relation to extending payment provisions for general hospitals; and to amend the Public Health Law, in relation to extending certain provisions relating to the assessments on covered lives (Part C); intentionally omitted (Part D); to amend the Public Health Law, in relation to amending and extending the voluntary indigent care pool; in relation to establishing the definition of rural emergency hospital; and in relation to expanding eligibility for vital access provider assurance program funding; and to amend Part I of Chapter 57 of the Laws of 2022 relating to providing a five percent across the board payment increase to all qualifying fee-for-service Medicaid rates, in relation to Medicaid payments made for the

operating component of hospital inpatient services and hospital outpatient services (Part E); to amend Chapter 266 of the Laws of 1986 amending the Civil Practice Law and rules and other laws relating to malpractice and professional medical conduct, in relation to extending the effectiveness of certain provisions thereof; to amend Part J of Chapter 63 of the Laws of 2001 amending Chapter 266 of the Laws of 1986 amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend Part H of Chapter 57 of the Laws of 2017 amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part F); to amend the Elder Law, in relation to programs for the aging (Part G); to amend Section 5 of Part AAA of Chapter 56 of the Laws of 2022, amending the Social Services Law relating to expanding Medicaid eligibility requirements for seniors and disabled individuals, in relation to the effectiveness of the Basic Health Plan Program; to amend the Social Services Law, in relation to enacting the 1332 State Innovation Program; and to amend the State Finance Law, in relation to establishing the 1332 State Innovation Program Fund (Part H); to amend the Public Health Law, in relation to extending authority to enroll certain recipients in need of more than 120 days of community-based long-term care in a managed long-term care plan; to amend the Public Health Law, in relation to extending the moratorium

on the processing and approval of applications seeking a certificate of authority as a managed long-term care plan and setting performance standards for managed long-term care plans; to amend Part H of Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to known and projected Department of Health State Fund medical expenditures, in relation to extending the provisions thereof; and to amend Part I of Chapter 57 of the Laws of 2022 providing a one percent across the board payment increase to all qualifying fee-for-service Medicaid rates, in relation to providing an additional increase to all qualifying fee-for-service Medicaid rates for the operating component of residential health care facilities services and an additional increase to all qualifying fee-for-service Medicaid rates for the operating component of assisted living programs (Part I); intentionally omitted (Part J); to amend the Social Services Law, in relation to authorizing Medicaid eligibility for certain services provided to individuals who are in a correctional institution, and for certain services provided to individuals who are in an institution for mental disease (Part K); to amend the Insurance Law and the Public Health Law, in relation to site of service review and coverage for services provided at hospital-based outpatient clinics (Part L); to amend the Public Health Law, in relation to review and oversight of material transactions (Part M); to amend the Social Services Law, in relation to expanding the Medicaid Buy-In Program for people with disabilities (Part N); intentionally omitted (Part O); to amend the Public Health Law, in relation to establishing a new Statewide Health

Care Transformative Program; and to amend the Public Health Law, in relation to adding debt retirement, working capital or other non-capital projects to existing health care facility transformation programs (Part P); to amend the Social Services Law, in relation to establishing Medicaid reimbursement for community health workers (CHWs) for high-risk populations; and to amend the Public Health Law, in relation to permitting licensed mental health counselors and licensed marriage and family therapists in community health centers to be reimbursed (Part Q); to amend the Social Services Law and the Public Health Law, in relation to expanding Medicaid coverage of preventative health care services (Part R); to amend the Public Health Law and the Civil Service Law, in relation to modernizing the State of New York's Emergency Medical System and Workforce (Part S); to amend the Public Health Law, in relation to lead testing in certain multiple dwellings; to amend the Executive Law, in relation to expanding the powers of the Secretary of State with respect to the New York State Uniform Fire Prevention and Building Code; and providing for the repeal of certain provisions of the Public Health Law upon expiration thereof (Part T); to amend the General Business Law, in relation to safeguarding abortion access through data privacy protection (Part U); intentionally omitted (Part V); to amend Chapter 471 of the Laws of 2016 amending the Education Law and the Public Health Law relating to authorizing certain advanced home health aides to perform certain advanced tasks, in relation to the effectiveness thereof (Part W); to amend the Public Health Law, in relation to

providing for the registration of temporary health care services agencies (Part X); to amend the Civil Practice Law and rules and the Judiciary Law, in relation to affidavits for medical debt actions (Subpart A); intentionally omitted (Subpart B); to amend the Public Health Law, in relation to requiring hospitals participating in the general hospital indigent care pool to use certain forms for the collection of medical debt (Subpart C); and to amend the Insurance Law, in relation to guaranty fund coverage for insurers writing health insurance; and to direct the superintendent of financial services to develop an assessment offset plan to limit the impact of certain assessments (Subpart D) (Part Y); intentionally omitted (Part Z); to amend the Public Health Law, in relation to hepatitis C screening and requiring third trimester syphilis testing; and to amend Chapter 425 of the Laws of 2013 amending the Public Health Law relating to requiring hospitals to offer hepatitis C testing, in relation to extending such provisions thereof (Part AA); to amend the Public Health Law, in relation to adding certain fentanyl analogs to the schedules of controlled substances (Part BB); intentionally omitted (Part CC); in relation to establishing a cost of living adjustment for designated human services programs (Part DD); to amend Part A of Chapter 56 of the Laws of 2013, amending the Social Services Law and other laws relating to enacting the major components of legislation necessary to implement the Health and Mental Hygiene Budget for the 2013-2014 State Fiscal Year, in relation to the effectiveness of certain provisions thereof (Part EE); intentionally

omitted (Part FF); intentionally omitted (Part GG); to amend the Mental Hygiene Law, in relation to certified community behavioral health clinics (Part HH); to amend the Insurance Law and the Financial Services Law, in relation to insurance coverage for behavioral health services (Subpart A); to amend the Insurance Law, in relation to utilization review standards for mental health services (Subpart B); intentionally omitted (Subpart C); intentionally omitted (Subpart D); to amend the Insurance Law, in relation to substance use disorder treatment (Subpart E); and to amend the Insurance Law and the Public Health Law, in relation to network adequacy for mental health and substance use disorder services (Subpart F) (Part II); to amend the Mental Hygiene Law, in relation to the imposition of sanctions by the Commissioner of Mental Health (Part JJ); to amend the Mental Hygiene Law, in relation to establishing the Independent Developmental Disability Ombudsman Program (Part KK); to amend the Insurance Law, in relation to coverage for abortion services (Part LL); to amend the Public Health Law and the Insurance Law, in relation to the definition of clinical peer reviewer (Part MM); to amend the Public Health Law, in relation to wage adjustments for home care aides; to amend the Social Services Law, in relation to electronic visit certifications; and to repeal certain provisions of the Social Services Law, relating to definitions and to preclaim review for participating providers of medical assistance program services and items (Part NN); to direct the Office of Mental Health to convene a task force on implementing mental health crisis response and for

mental health, alcohol use, and substance use crises; and providing for the repeal of such provisions upon the expiration thereof (Part OO); and directing the Commissioner of Mental Health to establish a maternal mental health workgroup to study and issue recommendations related to maternal mental health and perinatal and postpartum mood and anxiety disorders; and providing for the repeal of such provision upon expiration thereof (Part PP).

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

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

ACTING SPEAKER AUBRY: An explanation has been requested, Ms. Weinstein.

MS. WEINSTEIN: Briefly, this bill would enact into law major components of legislation that are necessary to implement the State fiscal year budget '23-'24 as it pertains to health and mental hygiene budget.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. RA: Thank you. So just want to go through a

few of these provisions here. So starting with the Executive budget include provisions that would have decreased the income threshold for individuals to access the private pay program within the State Office for the Aging. That is rejected here; am I correct?

MS. WEINSTEIN: It was ultimately accepted.

MR. RA: It was accepted?

MS. WEINSTEIN: Yes.

MR. RA: In this bill.

MS. WEINSTEIN: Yes.

MR. RA: Okay. Emergency Medical Services Health Insurance. This bill includes provisions that make active members of voluntary ambulance companies serving municipal corporation receive State health benefits regardless of the amount derived from public sources; is that correct?

MS. WEINSTEIN: Yes.

MR. RA: So do we know what the overall cost of the State would be under these provisions?

MS. WEINSTEIN: We don't have a fiscal estimate on that.

MR. RA: Okay. And are there any costs pursuant to that that are borne by the municipalities?

MS. WEINSTEIN: So in terms of local costs not -- it would -- there's no new mandates. I believe what we're really is codifying what currently exists.

MR. RA: Okay, thank you. With regard to the health

insurance guarantee funding. The Enacted Health and Mental Hygiene Article VII bill before us includes provisions to create a health insurance guarantee fund to protect policyholders in the event of a health insurance claim becoming insolvent. In the event of a plan becoming insolvent, is there anything in this legislation that would prevent health insurance companies from passing assessment costs onto their policyholders?

MS. WEINSTEIN: No, there's not.

MR. RA: Okay. With regard to home care worker wages. My understanding is this bill reduces the supplemental payments to home care workers by \$1.55 per hour immediately and then in the out-years the minimum wage for home care workers is increased, correct?

(Pause)

MS. WEINSTEIN: This all takes effect next year January 1st, 2024 so the wage parity will kick in so there won't be that dramatic reduction.

MR. RA: Okay. So given that, will home care workers receiving the supplemental payments lose take-home pay until the minimum wage is increased in the future or the way this is set up it'll kick in so that they won't?

MS. WEINSTEIN: It'll keep them even. There's 53 million to increase home health care wages by the \$1.55 beginning in January 2024 and then index in wages after that.

MR. RA: Now, does it keep that -- it'll keep them

even. Does it keep them even with where they would have been with the supplement going forward?

MS. WEINSTEIN: It will -- going forward it will be increased. They'll be a larger increase going forward in terms of the supplement, because it'll be 55 cents per -- per year versus the, you know, versus the dollar.

MR. RA: Okay. And is there a cost savings associated with reducing the supplemental payments to home care workers?

MS. WEINSTEIN: Going forward it will be about \$400 million a year to pay for this increase.

MR. RA: Okay. So there's not a savings being realized by getting rid of the supplemental, this is for the increase in terms of the new minimum wage that would be put in place.

MS. WEINSTEIN: Right. The savings doesn't really offset what the -- the changes are.

MR. RA: Okay. And then with regard to some of the COLAs starting with human services, the cost of living adjustment. The bill authorizes a 4 percent COLA for human service workers. I know the Executive proposal included 2.5 percent COLA while advocates claimed an 8.5 percent COLA was necessary to address the workforce shortage. So number one, do you believe this increase is adequate to address the issues that many advocates have identified in terms of the workforce shortage recruiting workers as well as retaining workers?

MS. WEINSTEIN: Well, first I would say that we had advocated for a higher percentage but this is where the negotiations ended up.

MR. RA: Okay. I will take that somewhat to mean that maybe not, but a couple of other pieces, though, that I know fit into this. So last year there was a COLA which was put in notwithstanding the normal rate setting. Does this -- is this structured in the legislative language so that this COLA built on top of last year's COLA?

MS. WEINSTEIN: Yes. Yes, it does.

MR. RA: Okay. And then one of the other issues that was brought up and I recall discussing this at the budget hearing was that the fiscal years don't necessarily line up. So there was a concern with a shortage that would be present in the final quarter of the fiscal year for the -- not our fiscal year but the year that these providers operate on, basically the period between April 1st and the end of June. And they were requesting some type of short-term cash infusion to make sure that they could keep up with last year's COLA during that interim period. Are we doing anything to address that in this budget?

MS. WEINSTEIN: I -- I don't believe that it is a cash flow issue because many of these programs are paid on a weekly basis. So I don't think the difference of a -- of a fiscal year ultimately results in any problems.

MR. RA: Well, then I'll ask it this way then. So the

second COLA, it would kick in when? At the beginning of our fiscal year as of April 1st or at some later time?

MS. WEINSTEIN: Our fiscal year, April 1st.

MR. RA: Thank you. Regarding the Medicaid County Sharing and Global Cap. This bill significantly expands benefits under the Medicaid program while also extending the Medicaid Global Cap. So number one, does this budget comply with the Medicaid Global Cap?

MS. WEINSTEIN: Yes, it does.

MR. RA: And are you able to break out how much this budget spends in terms of Medicaid by Federal, State and local spending?

MS. WEINSTEIN: We don't make any changes from the Executive budget in that regard.

MR. RA: Okay. And do you know how close this budget with all of its provisions come to the global cap? Does it leave any room in the case some type of emergency should arise in terms of the program?

MS. WEINSTEIN: The global cap is balanced and there always is a potential for emergency and that would be funded outside of the global cap.

MR. RA: Thank you for that. As you know one of the big issues that was out there with regard to Medicaid was the Executive budget proposal really administrative actions that impact the financial plan and provide room under the Medicaid Global Cap.

One of those actions was not passing on the eFMAP funding to the counties. It wasn't necessarily an actual budget language provision but it was something that the administration was planning on doing and I know in your one-House budget you put forth some language that would have prevented that from happening. Do we have anything in the enacted budget that would prevent that from happening?

MS. WEINSTEIN: We do restore 405 million in the county ACA FMAP for this budget '23-'24 which would be 90 percent of that money. And it's projected 270 million would flow to the counties in '24-'25 and then it would be phased out in several years after that but, you know, I do think that it's important to take into consideration that -- that while sales tax revenues in the counties have increased the -- we have frozen as of 2015 the annual local share of Medicaid. So, for example, this year that the State is adding \$7.6 billion to the what otherwise had been the county share for Medicaid. And ironically the counties have received the enhanced FMAP from the ACA on the State monies and they've been able to keep that money. So what we're doing here is we're phasing out that -- that amount of money over the next four years. The State would save approximately 2.4 billion while paying during that same period probably over \$9 billion to the counties.

MR. RA: Just going back for a second, you said 405 million this year and you said it was a 90 percent restoration. That --

MS. WEINSTEIN: I'm sorry. It's 75.

MR. RA: Seventy-five.

MS. WEINSTEIN: Yes.

MR. RA: Okay. That makes more sense because I believe the total amount was 644 million --

MS. WEINSTEIN: Yes.

MR. RA: So what -- do you know what the -- so that 270, do you know what that represents as a percentage?

MS. WEINSTEIN: About 50 percent off the base.

MR. RA: Off the base. And in terms of the restoration, is there any like breakout in terms of I know sometimes we've had instances where it was approached one way say in New York City and in a different way in the counties outside of New York City. Is it across the board 75 percent or is there any variation with regard to that?

MS. WEINSTEIN: It's -- that amount is across the board.

MR. RA: Great, thank you. This legislation also provides provisions that provide a 6.5 percent rate increase to nursing homes with the possibility of that rate increasing to 7.5 percent pending Federal approval. Can you just explain that in terms of why the need for the Federal approval to do the 7.5 percent?

MS. WEINSTEIN: Because in order to go about to have that increase we need Federal approval because we want the Federal match to our -- they have to approve the match so the 6.5 we're confident will be approved, but we're trying to get the additional 1 percent to have a 7.5 percent increase as you mentioned.

MR. RA: Okay. And do we have any idea what the timeline is on that in terms of how late it usually takes the Federal government to approve or disapprove of -- of such an increase?

MS. WEINSTEIN: In the past it's been about a month's time that our plan is approved.

MR. RA: Okay. And so given that obviously that will impact, do we know how this is going to be accounted for in the State financial plan for the enacted budget?

MS. WEINSTEIN: At the moment it's accounted for the 6.5 percent which would be 216.5 million.

MR. RA: Thank you. In terms of the Medicaid Fee for Service Transition 340-B, the Medicaid Pharmacy Benefit Fee for Service Transition as we know and I believe we discussed last week on the last extender went into effect on April 1st. The Majority's one-House budget had proposed repealing that transition, but now the Department of Health has moved forward. So can you tell me about any provisions in this bill regarding the transition? We're allowing that to move forward now; is that correct?

MS. WEINSTEIN: Yes. It's estimated that the 410 million in savings is associated with the New York Rx transition and what we do is we have 30 million to reinvest in savings associated with that transition to support the Ryan White clinics, 125 million to reinvest savings associated to port -- to support the FQHCs and D -- DTC supplemental payments and additional reinvestment of savings \$45 million, and there are some more smaller amounts.

MR. RA: Okay, thank you. Medicaid Waiver Eligibility Expansion. I understand this bill includes provisions that require -- requires a waiver to provide Medicaid for individuals in an institute of mental disease --

(Buzzer sounds)

ACTING SPEAKER AUBRY: Yes, sir.

MR. RA: All right, thank you, Mr. Speaker. So institute of mental disease. What is included in this budget that would assist foster cares that would meet the definition of an institute of mental disease?

MS. WEINSTEIN: Well, we -- its services we've already been providing but because of changes in the Federal law we need to have an additional waiver to continue.

MR. RA: Okay. And then the Statewide Health Care Facility Transformation Program. This bill includes language that allows for another \$1 billion in capital funding for health care facilities across the State, considerable amounts of funding from previous rounds remain unspent. Do we know what the delay is from previous rounds of this funding in terms of getting it out the door and what is included in this legislation to ensure that it gets out the door in a transparent, equitable and timely manner?

MS. WEINSTEIN: My understanding is that 600 million has already been approved and from the prior trans --

MR. RA: How much?

MS. WEINSTEIN: Six hundred million from the

prior transformation funding. So we're anticipating that this money will be disbursed in a timely manner.

MR. RA: Okay, thank you. Just a couple of other questions about programs that had been proposed that are not part of this. So there was a program called Pay and Resolve, otherwise known as Pay and Pursue that is intentionally omitted. Is it safe to say that is out? We won't see that in some other bill?

MS. WEINSTEIN: Correct, that will not be reappearing.

MR. RA: Okay, thank you. In terms of the tobacco-related provisions. Now I know looking at this more globally there were I think two major things in this budget. There was a proposal for an increase in cigarette tax and then there was this proposal that would have been seen here regarding banning the sale of flavored tobacco, expanding the definition of vaping products and increase enforcement capabilities under the Public Health Law, those are all omitted from this bill?

MS. WEINSTEIN: The tax will be in the next bill that we take up tonight but -- we accepted the increase of tax and the flavored tobacco is out.

MR. RA: Okay.

MS. WEINSTEIN: And will not be reappearing.

MR. RA: You know, we'll see the tax in revenue, correct?

MS. WEINSTEIN: Right.

MR. RA: Thank you very much, Madam Chair.

Mr. Speaker, on the bill.

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

MR. RA: So just quickly, and I thank the Chair for the opportunity to ask some of these questions. I think we all know that this can be a complicated policy area, it's always one of the more interesting budget hearings as we go through it because there a lot of these types of proposals that are complicated and -- and involve a lot of back and forth between different entities. So, you know, we're happy to I think have conversations about maybe some of them outside of the budget but I think, you know, we talked a lot during this process and during this time about some of the COLAs that were out there, the need for investments in a lot of these sectors within the health and human services realm, particularly some who struggled before the pandemic to recruit staff, to retain staff, so those continue to be a concern. I am happy that we're making some investments in that, but we do have to continue to try to address what was at crisis levels even pre-pandemic and now has gotten that much worse. And unfortunately in a lot of cases, not only in terms of the workers but those people they serve who are struggling after such a difficult time as well. So, I thank my colleagues for a lot of dialog and advocacy that has gone on the last few months related to these issues and I hope it will continue because we still have a long way to go to make the investment in those workers and the people they serve. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Jensen.

MR. JENSEN: Thank you very much, Mr. Speaker. Will the Chair yield for a cornucopia of questions regarding this budget bill?

MS. WEINSTEIN: Sure.

MR. JENSEN: Thank you, Madam Chair. Revisiting the Medicaid rate increase for long-term care providers. Originally the long-term care providers were -- were asking for a 20 percent increase. The Governor proposed 5 percent. The one-House budgets were in agreement that it should be 10 percent and yet today we're seeing a budget bill that's at 6.5 percent that maybe will be 7.5 in a month's time. Are we confident that 6.5 percent and/or 7.5 percent will actually be enough to satisfy the needs of these providers that they expressed for why they needed the 20 percent at the beginning of this year?

MS. WEINSTEIN: Well, as you said our one-House included a hiring reimbursement. We are at the 6.5 with the possibility of the 7.5 percent as a result of negotiations.

MR. JENSEN: Okay. And was it -- was it the unwillingness of the Governor to budge off of her 6.5 once it was discussed after other topics were agreed upon?

MS. WEINSTEIN: This is where we -- this is where we landed on this proposal. This does increase the nursing home and assisted living reimbursement by \$216.5 million.

MR. JENSEN: Okay. Thank you very much,

Madam Chair. Is there any language included in this Article VII legislation that would require more consistent rebasing of Medicaid reimbursement rates that on a regular basis whether it's three years or five years?

MS. WEINSTEIN: No, because we don't believe they need language to work on that.

MR. JENSEN: Why -- why not?

MS. WEINSTEIN: We believe we have made that suggestion about the -- we've made the suggestion about the -- the need to look at rebasing and we believe that can be done administratively.

MR. JENSEN: Well, wouldn't putting something in statute that would require consistent rebasing on a regular basis make common sense to make sure that we don't get into a position where we have such a divergent mix of requests that we have providers coming back asking for double digit increases to satisfy 14 years of underfunding?

MS. WEINSTEIN: Well, you know, I guess there's two different ways of rebasing. One is within the total dollars that they have and the other is, as we were discussing I think more -- your question is more directed at is the rebasing to increase the rates and that they can make the request of us through budget discussions.

MR. JENSEN: Okay. Is there any additional funding, whether it's included in this bill or subsequent budget bills, that would provide additional funding outside the Medicaid rate

increase funds to assist long-term care providers to implement and abide by any staffing mandates set forth by the State?

(Pause)

MS. WEINSTEIN: So the 190 million from the State share has gone out the door, we're waiting for the Federal match money to come in.

MR. JENSEN: So there was -- and maybe I'm remembering incorrectly, but whether it was in the Governor's proposal there was \$187 million that was proposed for this staffing increase -- our staffing assistance, excuse me. Is that money being used to cover part of the Medicaid rate increase?

MS. WEINSTEIN: So last year we're waiting for the Federal money and this year's money instead of that program we opted for the -- to have some of those funds for the rate increase.

MR. JENSEN: So there's no separate line item for standalone staffing assistance.

MS. WEINSTEIN: No, there isn't and, you know, they believe there's a feeling that the rate increase will get money into the facilities faster than developing a staffing program and is fairer and that it is -- it is available to all of the facilities.

MR. JENSEN: Okay. You -- ranking member Ra asked about the transition to NYRx so I won't revisit that, but I know you listed off a couple different programs at the savings of that transition we're going to. Is any of those savings going to help offset the 7.5 percent Medicaid rate increase that's going to hospitals?

(Pause)

MS. WEINSTEIN: Yes. Some of it is to offset that increase.

MR. JENSEN: Do you know approximately how much or...

MS. WEINSTEIN: So it's just over 200 million.

MR. JENSEN: Okay, thank you. I know with the transition or providers that were receiving the 340-B funds, the Medicaid increase, rate increase is going to help make them whole, but there are some providers that are still going to see a deficit based on losing the 340-B funds that they were managing for their community health providers. The Medicaid rate doesn't close that gap. In this legislation or any other legislation to come, is there a make-whole provision to ensure that these health providers will still have the resource available to continue offering these community health services that members of communities have relied on?

MS. WEINSTEIN: Not necessarily a dollar for dollar but the 45 million that I mentioned in -- in additional reinvestment of savings associated with the move to the RN -- the New YorkRx transition program will -- is there to help offset losses from any 30 -- 340-B elimination.

MR. JENSEN: Are those offset funds going to be prorated with equity so that if, you know, that everybody is getting either a 65 percent or whatever the percentage may be that you're not having one system maybe get a different amount than another system?

MS. WEINSTEIN: The programs will need to apply and I -- and then the funding will be allocated based on an assessment of the information they submit.

MR. JENSEN: It -- it may be -- it may be worth clarifying at some point, in some way that those funds apply equitably for each system. Staying with hospitals, Mr. Ra also touched on this about the Statewide Health Care Facility Transformation Program. Is there any requirement changes in round five for this funding from previous approved rounds?

MS. WEINSTEIN: No.

MR. JENSEN: No changes --

MS. WEINSTEIN: No. They are --

MR. JENSEN: Same requirements?

MS. WEINSTEIN: Same requirements.

MR. JENSEN: Okay. Is there any requirement for equity in the distribution of these funds either by region of the State or by provider-type whether that is acute care, long-term care, PACE programs, community health providers? I know there was some provision in the one-House budget about earmarking certain percentages to certain providers.

MS. WEINSTEIN: There isn't a requirement but that is something that is looked at in determining the awarding of transformation funds.

MR. JENSEN: Is that going to be done by DOH and the Governor through the non-competitive grant process?

MS. WEINSTEIN: Yes.

MR. JENSEN: Okay. Going -- so we've -- we've talked about Medicaid rate increases for nursing homes, we've talked about Medicaid rate increases for hospitals. Is there any Medicaid rate increase for assisted living providers?

MS. WEINSTEIN: Yes, 6.5 percent.

MR. JENSEN: Six-and-a-half percent. Is there any funding available for hospice or palliative care providers?

MS. WEINSTEIN: No rate increases but they can apply through the capital funding.

MR. JENSEN: So no -- no earmarked funding directly for them like the other three health care providing entities.

MS. WEINSTEIN: Correct.

MR. JENSEN: Okay. Is there any Medicaid rate increase for home care providers?

(Pause)

MS. WEINSTEIN: Not a Medicaid rate but the -- the increase that I mentioned in the wages and then there would be the increase in minimum wage going forward.

MR. JENSEN: Okay. Regarding the staffing provisions that were included in this Article VII language that make the nurse staffing agencies register with the State. Is there any geographic restrictions contained in where the employees of these staffing agencies can work in comparative to what their zip code may be?

MS. WEINSTEIN: No, there's not language but the agencies cannot restrict where the employees go.

MR. JENSEN: So somebody could work on a unit on a Friday, they could quit a health system, be hired by an agency on Saturday and be working on the same unit on Monday with less responsibilities and increased pay?

MS. WEINSTEIN: You're -- you're not incorrect but we are trying to collect data on that issue.

MR. JENSEN: Is there -- on that -- on that review group, is there any legislative appointments to -- to that registration review board?

MS. WEINSTEIN: I don't believe so.

MR. JENSEN: Okay, thank you. Was the funding that was eliminated or proposed to be eliminated for the managed long-term care quality pool, was that restored in this budget?

MS. WEINSTEIN: Yes -- yes, it was.

MR. JENSEN: Okay. Were any of the Governor's proposed scope of practice changes contained in this enacted budget?

MS. WEINSTEIN: No.

MR. JENSEN: Okay. Does that include the interstate nurse licensure compact?

MS. WEINSTEIN: Correct, that was not -- that's not included.

MR. JENSEN: In this legislation or subsequent legislation, is there any change to the level of funding for the Patricia

McGee Nurse Faculty Scholarship?

MS. WEINSTEIN: No.

MR. JENSEN: So it's consistent -- still going to be consistent at a little over 5.9 million?

(Pause)

MS. WEINSTEIN: We will talk about that tomorrow. I believe we did actually increase in the Higher Ed budget.

MR. JENSEN: Madam Chair, that's cruel to make me wait a whole another day to -- to find out.

MS WEINSTEIN: Well, we can -- we can talk on the side.

MR. JENSEN: All right. Let me ask this question but I think I'm going to get the same answer. Is there any change for the Nurse Family Partnership Funding?

MS. WEINSTEIN: We added a \$1 million. It'll be in the Aid to Localities, but I won't make you wait until tomorrow. There will be a \$1 million more for a total of 4 million.

MR. JENSEN: Much appreciated for the sneak peek. Just between you and I, Madam Chair. Regarding the mental health provisions, the Governor announced in her -- her conceptual three-way agreement that she announced by herself, she announced a \$1 billion commitment to Mental Health Funding. And it looks like in this budget bill there's a lot of different things that make up that \$1 billion. Are we sure that we're going to have enough capacity to provide the necessary mental health services that State residents

require based on the amount of providers we currently have who do that mental health work? And is there any money specifically designated to increasing the available staffing or recruiting new mental health providing staff?

MS. WEINSTEIN: Well, in terms of the staffing, we do add 150 beds over 35 -- 3,500 residential slots. So we do increase the COLA for -- the Human Services COLA to 4 percent.

MR. JENSEN: Well, and I understand about the COLA and I'm not necessarily talking about the -- the workers that we're envisioning that would be eligible for that COLA increase. I'm talking about the actual licensed provider. And certainly \$1 billion for 150 beds and 30 some odd inpatient beds, that's a \$1 billion is a lot of money for less than 200 beds Statewide. So my question is, are we -- we're adding beds, which is great, but do we actually have the care providers, the licensed clinical staff to provide this increased level of care that we need?

MS. WEINSTEIN: We -- to encourage more employee participation we have 14 million in loan forgiveness as part of this, and the -- the COLA would result in 85.6 million for OMH workers.

MR. JENSEN: Okay. Well, thank you, Madam Chair. I have five seconds left and I'll return so you can get a sip of water. Thank you, Madam Chair. Thank you, Madam Speaker.

ACTING SPEAKER LUNSFORD: Mr. Ari Brown.

MR. A. BROWN: Thank you, Madam Speaker. Will

the Madam Chairperson yield for some questions?

MS. WEINSTEIN: Yes.

ACTING SPEAKER LUNSFORD: Madam Chairperson, will you yield?

MR. A. BROWN: Thank you.

ACTING SPEAKER LUNSFORD: Don't take my job.

(Laughter)

MR. A. BROWN: On page 129, line 12, it states owners shall certify as free of lead paint hazards. Madam Chairperson, please clarify what "free of paint hazards mean?" Does this mean existing or exposed?

MS. WEINSTEIN: Exposed.

MR. A. BROWN: Exposed, okay. Thank you, Madam Chairperson. On this -- on this map from the Department of Health website, the most hazardous locations of lead paint contamination include all of Long Island. Madam Chairperson, can you tell me how many rental units there are on Long Island?

MS. WEINSTEIN: We -- we don't know that information, but that will be -- there's three -- there's a several-year phase-in of this program and that'll be something that the -- the local Departments of Health -- Health will help determine.

MR. A. BROWN: Thank you, Madam Chair.

MS. WEINSTEIN: I assume, the local property records.

MR. A. BROWN: Thank you. According to the Long Island Index, there are actually 2,338 multi-family buildings, and 162,000 apartments on Long Island. But let's get back to that in a moment.

MS. WEINSTEIN: Okay.

MR. A. BROWN: On page 129, line 29.5, "the Department shall establish an annual inspection and audit process which shall review at least 10 percent of the certification inspections of the residential dwellings qualified for the registry." On line 34, "Such order shall be conducted in person." Accordingly, how will this committee audit the 10 percent of the 162,000 units, 16,000, let alone all the rest of them in the State?

MS. WEINSTEIN: So, first of all, I would just say that we have \$18.2 million associated with this inspection. The proposal allows for self-certification, and these -- the audit would be 10 percent of those who are self-certified, to audit 10 percent of those that are self-certified.

MR. A. BROWN: Thank you, Madam Chairperson. With respect, it doesn't exactly say that in there, kind of going through the weeds on the self-certification. But let's talk about that. I'm going to do a little rounding for you. Let's call it \$20 million allocated for this endeavor. Madam Chairperson, even if there were 150,000 inspections taking into account the whole State, 10 percent of the volume of units, apartment units (inaudible), that would amount to sending a full-time employee to conduct these in-person inspections

for about 100, \$120 an inspection, a full day to pay someone to do that, and that doesn't even leave a penny more for any of the aspects of the certification process. So I ask you, Madam Chairperson, do you believe that there's enough funding in this budget, really, to perform these tasks?

MS. WEINSTEIN: I'll -- let -- let me just clarify something. My -- I'm just -- I'm informed that the -- since it's based on communities of interest that Long Island is not part -- would not be subject to this registry at this time.

MR. A. BROWN: I'm so happy to hear that, Madam Chairperson. But if you look at the Department of Health chart, they specifically say, in color, the entire Island is, and they boldly express that. It's straight from the Department of Health..

MS. WEINSTEIN: My understanding is that there is a different map as it relates to lead, communities of -- of concern, and that -- you know, and it is dwellings before 1980, so we can help clarify that afterwards for you.

MR. A. BROWN: Thank you, Madam Chairperson. Even if the existing lead -- lead paint may be encapsulated and certified, what happens to the tenancy during a renovation? In other words, certainly once the renovation takes place, the building would not then be in compliance, thereby the tenant -- thereby exposing the tenants. Must every tenant then move out during even the smallest of renovations?

MS. WEINSTEIN: Right, it -- it's just an abatement

so it's just painting over.

MR. A. BROWN: Thank you, Madam Chair.

MS. WEINSTEIN: It's not, you know, a major renovation that has to take place.

MR. A. BROWN: Well, if I may, Madam Chairperson, that actually exists today. We didn't need this bill to say that. This has been going on at -- I'm in the construction business for nearly five decades, we're all required to have one man on every job that's certified for this. This bill absolutely does not say that. This really gets into the weeds on -- on -- beyond encapsulation and -- and all those other components you were just talking about. It's not the -- it's not what exists. There's something new happening here, that's why we're here today.

But let's move -- move on forward. I have to ask this question; it's actually the million-dollar question, or the few-million-dollar-question or the billion-dollar question. Why is New York City excluded? According to --

MS. WEINSTEIN: Because New York's already covered.

MR. A. BROWN: Well, to some to degree but not fully. Not like -- not with this particular legislation. I mean, you have --

MS. WEINSTEIN: Well -- well, there's -- there's also requirements, in particular with NYCHA, that are Federal requirements.

MR. A. BROWN: Okay, but this -- does this bill not carve out New York City specifically? Why not take it in? There are 2,183,000 renter-occupied housing units in New York City. Certainly New York City has an inventory that's a lot older, all of which or most of which was built before '79, full of lead paint. Why not throw New York City into this thing, also?

MS. WEINSTEIN: At the moment, it's -- it's modeled after the Rochester program which -- the Monroe County program which has been very successful. So the idea is expanding it to these other communities of concern.

ACTING SPEAKER LUNSFORD: Gentlemen in the back, if we could please keep our voices down, we're on debate.

MR. A. BROWN: Thank you, Madam Chairperson.
Madam Speaker, on the bill.

ACTING SPEAKER LUNSFORD: On the bill.

MR. A. BROWN: Thank you. It's my firm belief that the government's push for lead-free buildings in New York is unrealistic and potentially harmful to the rental industry. The task of making multi-rental units lead-free in New York, while admirable in theory, is virtually impossible without major demolition and reconstruction of the building. As we know, lead was commonly used in paint and plumbing in older buildings before regulations were put in place before 1970 and '79. It's important that we recognize that some issues cannot be remedied by top-down regulation alone. Fighting against lead contamination in multi-rental unit buildings is an

admirable goal, but we must recognize that the task is not as easy as it may seem. Let's focus on preventative measures rather than unrealistic physical and economically-harmful regulations.

Lastly, just as the Governor's Housing Compact went after suburbia, this piece of legislation does the same. Haven't we learned anything from that failed endeavor? Thank you, Madam Chairperson and Madam Speaker.

ACTING SPEAKER LUNSFORD: Ms. Giglio.

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

ACTING SPEAKER LUNSFORD: Will the sponsor yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MS. GIGLIO: Okay. So budgets reflect priorities in the State, and what message are we sending our vulnerable population when direct service professionals who haven't seen an increase in 10 years get a slight increase last year, and then both sides of the aisle agree in both one-House bills to give an 8.5 percent increase, a Cost of Living Adjustment, and it gets put down to 4 percent? I just am -- I'm baffled at how that happened, and I -- I would like to know what the justification for it is.

MS. WEINSTEIN: Well, we do recognize the importance of the increase. It was 5.4 last year, a 5.4 percent increase

last year, then a 4 percent increase. That's pretty dramatic over just a two-year period of time. We had wanted a higher (inaudible) in our one-House, we had a higher percentage included, but as a result of negotiations and needs in other areas, this is where we ended up, at the additional 4 percent.

MS. GIGLIO: Yeah, so that's, you know, 5.4 and then 4 percent over a 12-year period for a Cost of Living Adjustment, which is really -- I mean, when we're looking at minimum wage and we're losing direct service professionals to minimum wage and going and working at a fast food place rather than taking care of our vulnerable population, I think the priorities -- I'll -- I'll go to the bill afterwards.

MS. WEINSTEIN: Sure.

MS. GIGLIO: My next question has to do with the Independent Developmental Disability Ombuds program, and how will it implement transparency measures, if at all, with the concerns of complaints and the reporting of complaints?

(Pause)

MS. WEINSTEIN: It's -- this program is to help individuals, families, access the programs. It's not really looking at complaints.

MS. GIGLIO: So will there be an online data -- database to track all the account -- all the complaints?

MS. WEINSTEIN: Not at -- not at this time.

MS. GIGLIO: And who is going to be running the

Independent Developmental Disability Ombudsman Program? Will that be a State-hired person or will that be a not-for-profit?

MS. WEINSTEIN: It will be a not-for-profit.

MS. GIGLIO: A not-for-profit. So what accountability by the ombudsman will the State require if a complaint by a family member is not addressed?

MS. WEINSTEIN: Do you mean how would the not-for-profit be chosen, or...

MS. GIGLIO: Yes. I mean, a lot of the people with developmental disabilities have said that it was a conflict of interest reporting to an ombudsman within a home or a facility where their loved one resides and lives. So how is this ombudsman going to be held accountable for the tracking of complaints if an ombudsman within a house or a facility is not addressed?

MS. WEINSTEIN: It -- it is an independent not-for-profit that will be the ombudsman obviously subject to the State rules and regulations.

MS. GIGLIO: But there -- there won't be any tracking as to any complaints to that ombudsman that is getting the money from the State for the not-for-profit?

MS. WEINSTEIN: This is not really the -- their goal -- their purpose is not to receive complaints, it's to help families navigate the system, and individuals navigate the system. So they're not going to be receiving complaints, they're going to be providing assistance for services -- (inaudible) services.

MS. GIGLIO: Okay, because I -- I have attended a -- with one of my colleagues over here in the corner over the summer where the concerns about an ombudsman that would be hearing complaints outside of the facility rather than an ombudsman within a facility where their loved one is residing would -- there would be an ombudsman that that complaint could go to and be tracked about a facility that is a not-for-profit that is caring for someone.

MS. WEINSTEIN: The -- this is what we're discussing here now is all outside of the facility. It's a not-for-profit outside of the facility.

MS. GIGLIO: Okay, but it is so that the facilities themselves hand out the information for the ombudsman. So you're saying that I've already identified a facility that I want to have my loved one stay in, and when I go there they have to hand out a paper telling them how to contact an ombudsman to help them get into that facility or home?

MS. WEINSTEIN: It -- the ombudsman will be providing information of how to access services.

MS. GIGLIO: Okay, but it says that the not-for-profits are basically going to be handing out that paperwork to them, so they're already there.

MS. WEINSTEIN: They are separate and apart from the entity that's providing the services.

MS. GIGLIO: Okay, I thought the State was doing a good thing in making sure there was an ombudsman that was not

within a home or a facility where someone was saying that they could report a complaint to and track it which, in my opinion, would be a much better service for an ombudsman rather than having a facility pass out paperwork saying, *Here's the ombudsman, he's going to help you through the process*, when most of these facilities and homes have somebody in-house that will help them fill out the paperwork and get through the process. So it's my --

MS. WEINSTEIN: Well, it's more than just the paperwork, it's locating the services that the people are looking for.

MS. GIGLIO: But they're getting it from for the agency that they're seeking out, so...

MS. WEINSTEIN: Well, it also may help inform them as to perhaps a more appropriate facility that -- or service that may meet their needs.

MS. GIGLIO: Okay. And when it comes to the home care reduction, you know, that is becoming a scarce job placement for people that want to be involved with our vulnerable population. The reduction in cost, like I said, you know, it's a matter of going and working here and making a living wage, which is what New York stands for. So the reduction in the home care criteria, and actually the new criteria in order to get home care if you should be hospitalized and then home is, in -- in my opinion -- I'm sorry. Thank you. Thank you, Madam Chair.

On the bill.

ACTING SPEAKER LUNSFORD: On the bill.

MS. GIGLIO: In my opinion, we're driving people into hospitals, we're driving them into nursing homes and we are trying to cut down on the amount of workers that take care of our vulnerable population in this State. By cutting the COLA -- you know, you're -- you're talking minimum wage, we need a living wage, but the people that are working for our vulnerable population can't afford a house, they can't afford -- they're working two and three jobs. So if we're gung-ho about making sure that everybody in New York State has a living wage, we should be taking care of our State residents that are vulnerable.

Thank you, Madam Speaker.

ACTING SPEAKER LUNSFORD: Thank you.

Mr. Simpson.

MR. SIMPSON: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER LUNSFORD: On the bill.

MR. SIMPSON: Nursing homes have not seen the necessary Medicaid rate reimbursement adjustment since 2007. As a matter of fact, New York State cut that rate in 2020. Since then, costs have increased nearly 45 percent. The industry is in dire, critical and desperate need for a 20 percent increase to become solvent and stable in the long-term. One of the most respected nursing homes in my region has the highest staffing rating by CMS in the region, but has been unable to achieve that staffing ratio on over 90 percent of the days in 2023, despite operating with over 25 empty beds. New data

on direct care staffing in nursing homes shows that the shortage of RNs, LPNs, and aides is not improving. Three of four homes were unable to meet the State's mandated staffing levels data based on comprehensive data from the fourth quarter of 2022 released by the CMS on April 26th. To reiterate, 77 percent of homes Statewide in the fourth quarter are currently unable to meet the State staffing requirements. Those that can meet the requirements are 20 percent more likely to have lower capacity. The only way to attract staff or (inaudible) departures is to ensure adequate Medicaid reimbursement to fund wages commensurate with the importance of the work. The lone 5-star home in my district will continue to struggle and make difficult decisions. A 6.5 percent or even a 7.5 percent increase does not adequately address the nursing home crisis that we all know exists, and has existed for several years.

For those reasons, I cannot support this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker.

Will the sponsor yield?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. BLUMENCRANZ: So, the portion of the bill

defining site of service clinical review refers to the clinical criteria applied to health care plans for the purposes of determining whether or not urgent outpatient medical procedures and surgeries will be covered by a given insurer or enrollee. My question is, what exactly are the considered clinical criteria?

MS. WEINSTEIN: I can't give you specific examples, but it was something that we were requested by providers to help identify and it will be developed over time through the agency.

MR. BLUMENCRANZ: I guess my question comes up because I'm very concerned that this review, as it stands, does not include the use of evidence-based medical review. So, essentially what you could see happening in the future is that these ambulatory service centers using the criteria that would be fully based on cost factors, and I find that very destructive towards the consumer and especially for medical care providers who would have to look back and see if they're doing the most cost-effective approach versus the most evidence-based approach when it comes to treating a patient.

MS. WEINSTEIN: All right. I understand your -- your -- your concerns, but this will be subject to regulations moving forward. There'll be opportunity to comment that.

MR. BLUMENCRANZ: Okay. So I guess if I asked you questions based on the geographical issues within the bill I would have the same answer?

MS. WEINSTEIN: Yeah.

MR. BLUMENCRANZ: All right. Okay. So then I

just had another question based on Part T, the lead-based testing registry. What's the enforcement mechanism in place on this registry?

(Pause)

MS. WEINSTEIN: So, the audits are done by the Department of Health and there would be -- the local Health Departments and there would be penalties assessed if it was determined you were out of compliance.

MR. BLUMENCRANZ: Okay. I -- I was just curious, also, where these civil penalties or fees that will be incurred to violators, where -- where those funds will go and what they'll be used for? Will they be used to remediate these projects or assist in remediation in projects that can't necessarily be fixed by the small-time care -- I'm sorry, small-time housing provider?

MS. WEINSTEIN: So, some of the funding is going to the local Departments of Health to perform these inspections and there's also funding to help with landlords to abate the property -- the lead problems.

MR. BLUMENCRANZ: I'm sorry, can you repeat that last part?

MS. WEINSTEIN: Some of the funding would also go -- I believe \$4 million would also be available for owners to -- to apply for to abate the lead problems.

MR. BLUMENCRANZ: Okay. All right.

My next question is on the data sharing protections. So with respect to the provisions that call for data information sharing

in the budget, such as Part HH regarding community behavioral health clinics' joint licensure, will data tokenization be taken into consideration to allow for the ease of data sharing between intergovernmental departments and agencies?

MS. WEINSTEIN: Just the criminal background check sharing.

MR. BLUMENCRANZ: Okay. And what, if any, protections will be in place for -- to ensure privacy protection?

MS. WEINSTEIN: There -- there are confidentiality procedures that are already in place.

MR. BLUMENCRANZ: Okay. And that would -- that would continue --

MS. WEINSTEIN: Correct.

MR. BLUMENCRANZ: -- within interagency data transfers?

MS. WEINSTEIN: Yes, with interagency, yes.

MR. BLUMENCRANZ: All right. That will -- that will be all my questions that haven't already been answered today. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. GOODELL: Thank you, Ms. Weinstein. I

appreciate your insights. I wanted to touch base first on the lead paint registry. I see that it finds the owner as a vendee in possession. As you know, a vendee in possession would include somebody who's buying the property on a land contract even though they're not -- they're the recorded owner. They're not the record owner, they're the titled owner. Would the notice of a violation go to both the vendee in possession and the title owner?

MS. WEINSTEIN: Whoever was authorizing the lease would get the notice.

MR. GOODELL: I see. And a lot of the venders in possession are there under a land contract that's not recorded. Does this bill provide any mechanism for identifying who the vendee in possession is?

MS. WEINSTEIN: Nothing in particular here, but I think I had mentioned earlier that there is a three-year -- this doesn't -- it takes effect in three years, it's to allow the three-year build up and to be able to identify the -- who the appropriate individual owner would be (inaudible) --

MR. GOODELL: So in other words, we don't know now, but we have three years to figure it out, basically.

MS. WEINSTEIN: Well, the department of -- the local Departments of Health working with the local property assessors will work to develop this program --

MR. GOODELL: But this is a State -- this is a State rental, not a local rental registration, correct? It's a Statewide?

MS. WEINSTEIN: Statewide, yes.

MR. GOODELL: Now, it also applies not only to apartments with two or more units, but it says those that are potentially eligible for rental. So in other words, every single duplex, even though it's not being rented, would be subject to this?

MS. WEINSTEIN: Yes.

MR. GOODELL: And so even though the owners may be actually using both sides of the duplex are going to have to certify that it's lead-free?

MS. WEINSTEIN: Let me correct myself. Only if there is an intention to rent or lease that property.

MR. GOODELL: But the language in the statute actually says "are potentially eligible", right? I mean, there's no reference to intent, the actual language says potentially eligible, correct?

MS. WEINSTEIN: Yes, but, you know, since it is subject to self-certification there would -- I believe they would be able to certify that they don't have any rental property.

MR. GOODELL: Now let's assume they're going through the self-certification, they had the property tested and there's a lead problem. Does this mean, then, that the owner would have to evict the tenants?

MS. WEINSTEIN: No. Most --

MR. GOODELL: Either fix it or evict the tenants?

MS. WEINSTEIN: Well, the issue -- the -- the word

-- the operative word is abate the problem, and most instances we're really talking about is exposed lead paint. So it --

MR. GOODELL: But if they don't have --

MS. WEINSTEIN: -- again, it can easily be --

MR. GOODELL: I apologize.

MS. WEINSTEIN: -- painted over.

MR. GOODELL: But if they don't have the money to fix it, then their only other option is to vacate the premises themselves if they're in a duplex or -- or require the tenants to vacate?

MS. WEINSTEIN: That's why there is \$4 million associated with -- funds available for landlords to access to help with the costs of abating.

MR. GOODELL: Just so we're clear, their three options are, one, apply to funding and hopefully they can get it, right? If they -- obviously our first priority is to abate, that's what we hope. If they can't afford it, then they can apply for the 4 million. If they are ineligible and the 4 million doesn't cover it, then is the last option to vacate the premises and require the tenants to vacate?

MS. WEINSTEIN: Ultimately, if -- if that's -- if the situation is so bad that it can't be easily abated, yes, because we don't want to have, particularly children, exposed to -- people exposed to this hazardous condition.

MR. GOODELL: Now, it references civil penalties under Section 12 of the Public Health Law, that's \$2,000 for the first violation. Is it a separate violation each day, or is it just one violation

for the year? How is that calculated?

MS. WEINSTEIN: It is one day. It's daily until you either start abating or stop leasing.

MR. GOODELL: I see. So if it tests positive and they don't have the money to fix it and they can't wait for a grant because a grant obviously will take days, week, months, most likely months, then what they should do is ask the local municipality to condemn the property so they can immediately get the tenants out, correct? Otherwise they're facing \$2,000 a day penalty?

MS. WEINSTEIN: Well, this will be largely left up to the regulations, but I certainly would suggest that if once you apply for funding to abate the problem that that would stay any fines.

MR. GOODELL: I would certainly hope so.

Turning, if I may, to page 173 dealing with abortion medication. This section of the law authorizes the -- physicians in New York State to prescribe abortion medication even if that abortion medication has not been approved by the Food and Drug Administration, correct?

MS. WEINSTEIN: Yes, if it's off-label -- it would allow for off-label use.

MR. GOODELL: But it's illegal to buy drugs unless they're approved by the FDA, right, in interstate commerce?

MS. WEINSTEIN: As similar as to cancer treatments, as long as it's approved by the FDA for a legitimate purpose it can be approved off-label.

MR. GOODELL: Oh, no doubt. If it's been approved it can be used, and there's emergency authorization to get approval. But this says even if the drug has not been approved, right? I mean, it expressly says that even though we have drug that's not been approved by the FDA as safe and effective, this statute authorizes physicians to prescribe it?

MS. WEINSTEIN: Only if it hasn't been approved for off-label use that section refers to that.

MR. GOODELL: Well, it says any drug, right? Coverage for abortion shall include coverage for any drug prescribed for the purpose of an abortion, including both generic and name-brand, even if the drug hasn't been approved. Are we now not caring at all about the health and safety of women and the role of the FDA to ensure that a drug is safe and effective?

MS. WEINSTEIN: Even if it is an unapproved, off-label (inaudible) from the FDA if it is on the World -- World Health Organization list of approved drugs.

MR. GOODELL: Ah, so we're now looking to the World Health Organization to authorize drugs that have not been certified by the FDA to be safe and effective; is that correct? As long as it relates to abortion.

MS. WEINSTEIN: I -- I think this is -- discussion is theoretical since the -- the two drugs that are in fact approved by the -- currently approved by the FDA.

MR. GOODELL: Now, this also goes on to say that

every malpractice insurance carrier cannot deny coverage or refuse to renew coverage for a physician that has prescribed abortion medication; is that correct?

MS. WEINSTEIN: Solely for that -- on that basis, yes.

MR. GOODELL: So a survey done and cosponsored in part by Planned Parenthood indicated that out of roughly 2,000 people that responded, 125 required medical follow-up following the ingestion of these abortion medications. Can a -- under this language, can an insurance company refuse to renew a policy to a physician if the physician failed to give informed consent and advise the client of the high risk of follow-up need, or if there were adverse reactions that weren't adequately explained, if there was inadequate follow-up or he committed malpractice in any other regard?

MS. WEINSTEIN: Since this is subject to informed consent, the prescribing of it I don't believe there's a concern.

MR. GOODELL: Well, of course under the current court rulings they reverted back -- at least one circuit did -- to where the standards were for the first 17 years and required three in-person meetings with the physician, including a follow-up, ultrasound and other best practices. Can a -- can an insurance company refuse to renew a malpractice insurance if there's a lawsuit because the physician failed to follow those safety procedures that were in place for the first 17 years of this (inaudible)?

MS. WEINSTEIN: Yeah, as you're aware, that

opinion has been stayed pending appeal.

MR. GOODELL: I understand, but I'm -- I'm just questioning. I mean, it's one thing to write a prescription, but as you know, best practices would be a personal visit, having a drug taken in the presence of the physician, a scheduled follow-up, (inaudible) medical care for well-known and serious side effects. Am I correct, the insurance company, even under this language, could renew -- refuse to renew a malpractice insurance if the physician failed to protect the health of the woman by following those procedures?

MS. WEINSTEIN: It can't -- as I said, the insurance company can't refuse to renew based on the prescribing. If there are other irregularities with -- of a physician, then that could potentially be a basis.

MR. GOODELL: Thank you very much for those clarifications.

On the bill, sir.

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

MR. GOODELL: So, it's been well reported that we have a housing crisis across New York State. It's particularly severe in New York City, but it's a serious issue across the State. And so what are we doing as a Legislature to improve the number of housing units that are available for rent? Well, we shot down -- apparently the Majority did -- any proposals by the Governor in that regard. What's this bill do? This bill says that if you own a duplex and you're living

in half and renting the other half, or you're even thinking about renting both halves, you have to do a lead inspection. And if that lead inspection shows that you have elevated lead, you're facing a \$2,000-a-day fine. Now, the only way to avoid that fine, of course, is to vacate the premises immediately because at \$2,000 a day, even if you were -- even if your brother-in-law were a painter it's unlikely you'd get him there fast enough. Now we're told, *Don't worry about it, you can apply for a grant.* Yeah, \$4 million Statewide. How many of you have seen a grant process in the State of New York that didn't take months? So if you can't afford to repair and you can't wait months for a grant, your only option is to vacate the premises. That means you tell your tenant, *Get the heck out.*

Now, as my colleague noted, there are hundreds of thousands of apartments that will be affected by this. We're told, *Well, wait a minute, it's only going to be in the most serious areas.* Really? What's the statute say? The actual statutory language says "located within communities of concern as identified by the Health Department." What's that mean, my friends? Now, we -- every one of us here in this Chamber want to see a reduction in lead. All of us. We all support lead abatement. But this proposal is a hammer, it's not a handout. It's a slap across the face. It doesn't provide the means of achieving this end, it forces thousands, if not hundreds of thousands of rental units off the market. And if you think you've got a housing crisis now, wait 'til you're done with this.

Then we have an astounding provision when it relates

to abortion medication. Apparently, this Legislature believes that as long as you're terminating the life of an unborn child, you can use prescription medication that's not approved by the FDA and the malpractice insurance coverage has to cover you. Really? We're saying that you can prescribe medication that's not been approved by the FDA as (inaudible) safe and effective and that's okay as long as you're killing an unborn baby?

Please, my friends, let's put women's health first, let's address -- address the housing crisis by providing positive financial incentives rather than a hammer, and let's focus on moving the State forward rather than backwards with punitive measures that don't reflect public safety. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Keith Brown.

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

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

MS. WEINSTEIN: Yes.

MR. K. BROWN: Thank you, Madam Chair. I promise not to be repetitive, I just had some questions in some areas that we haven't gone over yet. In Part II, behavioral health insurance reform says -- a section in there refers to clarifications were made to various opioid antagonists that are exempt from prior authorization. Can you just explain what the -- what that means?

MS. WEINSTEIN: It removes prior authorize -- authorization for the medicated treatments, assisted treatments. MAT treatments.

MR. K. BROWN: I'm sorry, I couldn't hear you.

MS. WEINSTEIN: It removes the prior authorization requirement for medicated-assisted treatments such as Methadone.

MR. K. BROWN: I'm sorry, either it's because the back of the room or (inaudible) --

MS. WEINSTEIN: Well, maybe you need to ask some of your colleagues to...

MR. K. BROWN: I caught most of it, I didn't hear the end of it.

MS. WEINSTEIN: MAT treat -- MAT, medicated-assisted treatments. It removes the requirement of prior authorization.

MR. K. BROWN: Okay, very good. Thank you.

Also, I saw that there was an omission of the sale of flavored tobacco for vape products. That didn't make it into the final? Any particular reason why?

MS. WEINSTEIN: There was not agreement about including it in the budget.

MR. K. BROWN: Okay. And then, later on, staying on the topic of fentanyl, Part BB under Mental Hygiene relates to State Schedule 1 and 2 list of controlled substances including various fentanyl analogs. This came up last time we talked about this in the one-House bill. Any particular reason why we're trying to classify

drugs under fentanyl and analogs? In other words, why are we constantly trying to classify instead of coming up with some more generic language that allows us to stay ahead of the drugs on the street, rather than always playing catchup in the State of New York?

MS. WEINSTEIN: It -- it's merely based on the Federal -- the changes on the Federal level to keep up with the Federal schedule.

MR. K. BROWN: Well, I understand that. But we have State courts, right, and we have a system of State law that classifies each one so that district attorneys and police have to prove each and every singular drug, rather than the Federal legislation which has a more omnibus approach. And I don't understand why in New York we don't adopt a similar type of provision. And I speak about this all the time.

MS. WEINSTEIN: We're just matching what the Federal government does in this regard.

MR. K. BROWN: Okay. So again, we're going to be a step behind and we're going to constantly -- I'm sorry, I'll ask another question.

The joint licensure. One of my colleagues brought up the fact of information sharing and I wanted to ask it in a different way. I constantly hear from service providers in the alcohol and substance abuse arena that they have a problem because even treatment facilities can't share medical information. And are we doing anything to address the fact that we're not sharing information even

between not just OMH and OASAS, but not between providers? So in other words, when a patient switches from one provider to the next, there's no ability to share that information. So there's no continuity of care. Are we addressing that with this provision of the budget?

MS. WEINSTEIN: No. As I mentioned to an earlier question -- in response to an earlier question, just the sharing of background checks.

MR. K. BROWN: So maybe we'll address that outside of the budget or perhaps next year?

MS. WEINSTEIN: We certainly can look at it.

MR. K. BROWN: Okay. Thank you.

With regard to Daniel's Law Task Force, I see there's no Minority Leader appointments either in the Senate or the Assembly. This is an ongoing problem that we've had. Something like this, which is a -- a bipartisan issue that crosses party lines, why don't we have Minority representation? And why can't we address this like adults?

MS. WEINSTEIN: We think that the representation here will provide sufficient guidance.

MR. K. BROWN: Okay. Thank you, Mr. Speaker. Thank you, Madam Chairwoman for the answers to the questions. I have no further questions.

ACTING SPEAKER AUBRY: Thank you, sir.

On a motion by --

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker.

(Inaudible-audio is off) one of colleagues brought up the concern about one of the medications that is unlabelled use. Basically that means it's not indicated for a particular condition. It is very common in medicine to have medications not be indicated as an abortive (inaudible), for example, but to be allowed to be used based on peer review. It's very common in medicine. As a matter of fact, today if anybody ever heard of Ozempic? It's not indicated for weight loss, but many people are getting it paid by their insurance plans for weight loss. So, there was a little bit of concern expressed by my colleague, I just want people to understand that that medication has been well-studied, well-documented and it does actually have a role in -- in this process.

MR. GOODELL: Mr. Speaker? Mr. Speaker?

Would Mr. McDonald yield?

ACTING SPEAKER AUBRY: Mr. McDonald, will you yield?

MR. MCDONALD: Well (inaudible) --

ACTING SPEAKER AUBRY: Maybe not.

MR. MCDONALD: Well, we just lost four countries, but that's okay.

MR. GOODELL: Okay. Thank you for yielding, Mr. McDonald. And I -- and I appreciate the fact --

MR. MCDONALD: Sorry.

MR. GOODELL: -- that we have a practicing

pharmacist here on the floor of the Assembly --

MR. MCDONALD: Yep.

MR. GOODELL: -- and I appreciate that expertise that you bring, and hopefully you'll either sell your practice or become less successful in two years so you can stay here.

(Inaudible/cross-talk)

MR. MCDONALD: Actually, I've already -- I've already -- I sold my practice two years ago, but I still practice pharmacy on a daily basis. And I'll be happy to be here as long as the people of the 108th Assembly District will allow me to be here.

MR. GOODELL: Well, I'm glad. So, obviously, you've talked a lot about -- or you spoke some about off-label use, if you will, of a drug that's approved by the FDA.

MR. MCDONALD: Correct.

MR. GOODELL: Have you ever dealt with a situation where a physician for prescribing a drug that was not approved by the FDA?

MR. MCDONALD: Yes.

MR. GOODELL: And in what circumstances --

MR. MCDONALD: For its indication. Just to be clear, for what it's indicated for.

MR. GOODELL: Under what circumstances would a pharmacist be able to buy a drug or fill a prescription if the drug were not approved by the FDA?

MR. MCDONALD: So, the example of the drug that

you're referencing here is Misoprostol, which years ago was known as Cytotec, which was used commonly for arthritis. It is still readily available today. I buy it at least two or three times a week because it's approved by the FDA. What you were honing in on, understandably, is what is it indicated for and I think that's an important distinction.

MR. GOODELL: Now, the language in the bill that we're discussing requires coverage for, quote, "any drug prescribed for the purpose of an abortion, including generic and brand-name drugs, even if such drug was not approved by the FDA for that purpose." And so what you're saying is if it's approved for arthritis you can use it to kill an unborn baby.

MR. MCDONALD: No, I'm not saying that.

MR. GOODELL: Okay. What are you --

MR. MCDONALD: What I'm saying is the medication is approved by the FDA. It's not indicated for abortion, but there are many peer review journal articles that allow it to happen. And interestingly enough, you can actually read the literature and it will show you the unlabelled uses. This is an unlabeled use of Misoprostol. Now, people may agree or disagree on the unlabeled use, and that's okay, that's absolutely fine. But I think it's just an important clarification because it's being -- potentially being confused to be a dangerous medication, and the bottom line is as long as the appropriate prescriber prescribing it for the appropriate situation as a -- as an unlabeled use for is safe.

MR. GOODELL: Now am I correct that this

combination of medications has a -- a serious side effect that affects upwards of 1 percent of those who take it that would then require follow-up medical care; is that correct?

MR. MCDONALD: All medications have potential side effects.

MR. GOODELL: Right.

MR. MCDONALD: I mean, this is --

MR. GOODELL: One percent, wouldn't you agree, is a fairly high percentage of medication that requires medical follow-up or hospitalization?

MR. MCDONALD: And this is why I always reinforce with individuals that medication sharing is not appropriate. Because if it's prescribed inappropriately for the wrong patient, it may cause those type of conditions. Unfortunately, in many different areas -- substance use is a great example -- we have a lot of medication being shared inappropriately on a regular basis. Misoprostol is a drug that we, as pharmacists, guard very carefully and advise patients, whether they're taking it for arthritis or any other purpose, that it's intended for them from the prescriber, not for anybody else.

MR. GOODELL: Again, thank you for your expertise.

MR. MCDONALD: Thank you.

MR. GOODELL: Thank you, Mr. Speaker, and thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the Chairwoman just please yield for a quick question?

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

MS. WEINSTEIN: Yes.

MS. WALSH: Thank you very much. The question that I have is pretty specific and it has to do with Part DD, which has to do with the human services cost of living adjustment.

MS. WEINSTEIN: Yes.

MS. WALSH: So, I've been contacted by a constituent who was concerned that children's health home care managers who operate under the auspices of DOH rather than OMH, OPWDD, were not being included in the COLA, and I just wanted to either confirm -- I just want clarification on that part for my constituent.

MS. WEINSTEIN: Unfortunately, they are not included in this COLA.

MS. WALSH: Is -- is there a particular reason why? Because from what I understand, the work that they do is -- is -- is important work and it -- it just -- the -- the constituent was wondering if it was because she was under DOH rather than one of these other -- OMH or OPWDD. Is that -- is that why, or is there something I can tell her?

MS. WEINSTEIN: There were some statutory

inconsistencies with several -- that's not the only title that is not included, so they were just a number that we were not able to include.

MS. WALSH: Okay. Well, thank you very much for your answer. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

(Pause)

Read the last section. Hold up.

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

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed to this budget bill. Certainly, those who support it can do so by voting in favor on the floor.

Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation. It's a good piece, we're going to support it.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker. I just wanted to highlight one of the provisions in this budget bill that was mentioned a little in discussion earlier, having to do with quasi-public EMS providers allowing their people to qualify for NYSHIP. This codifies a regulatory change the Department of Civil Service made in February of this year. It was something that was in a bill that I carried. But the real point of it was that these kinds of entities, their people were not eligible for NYSHIP because what was being held against them was the insurance revenues that they get, and there's a 50 percent rule for the municipal contributions of these entities. They're really quasi-governmental. The Department of Civil Service, in their wisdom, decided that that was the wrong policy and so they did by regulation, which we're now reinforcing by statute in this budget bill. It's a good thing for retaining emergency EMS workers, which is a problem Statewide. Easier access to health insurance is a good thing for everybody in this State, and in this case warranted. Our compliments to the Department of Civil Service and also to State Comptroller Tom DiNapoli whose staff fed into this and my colleague in the Senate, Shelley Mayer.

I vote aye.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. Many of us pushed hard for our -- an increased reimbursement rate for our nursing homes, and we succeeded in achieving a higher rate than the Governor had proposed. But still, with the increase of 6.5 percent and even with the potential that it could go to 7.5 percent, it's unlikely to be enough to stabilize the finances of our not-for-profit nursing homes. To adjust to the financial circumstances they find themselves in, they have closed beds, and in fact across the State our nursing homes have closed 6,000 beds since the pandemic. And I suspect that we can expect to see even more beds closed, and that's going to further impact hospitals and patients across the State. In the last quarter of 2022, 77 percent of nursing homes could not meet their required staffing levels because they couldn't attract or retain appropriate staff, and that's with significantly fewer beds open. The only way to fix the staffing is to be able to offer better pay, and that requires a better reimbursement rate that supports higher wages for the people who care for our vulnerable elderly. We have more work to be done, and I look forward to working with all of you to make sure that our nursing homes in the future have the resources they need to care for their patients.

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

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mrs. Gunther to explain her vote.

MRS. GUNTHER: I rise today to talk about my

disappointment in the increases for both people that work on mental health units and in long-term care. As a registered nurse, I've worked on a mental health floor, I've worked in long-term care, it's very hard to explain both the physical and the emotional energy that we put in to our job. I think that this increase -- and I -- I concur with my colleague Carrie Woerner that this will not attract more people to come to our long-term cares to take care of people with mental hygiene. And it's so imperative that we go back and think about it, that this are mostly women working on the floor. It's both physical and -- it's both physical and mental, and it's just not fair that we have to beg every year to get a living wage that -- for people that provide care to people that are the most vulnerable. So we can't keep doing this. We have to pay them a living wage. Mostly women. Again, I say mostly women. If it was a man's world it wouldn't be like this.

So I'm voting yes on this budget bill, but I'm voting -- I'm horrified that we couldn't do a better job. Thank you.

ACTING SPEAKER AUBRY: Mrs. Gunther in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, Mr. Speaker, to explain my vote. I also rise to express my incredible disappointment and frustration with this budget, especially the fact of the matter is our responsibility -- budgeting is about priorities. And what does this say to us as a -- about us as a state if we're not taking care of our most vulnerable citizens? Those individuals with intellectual and

developmental disabilities who were dealt a very bad hand in life at no fault of their own, and yet their quality of care and quality of life is dependent upon what we do up here in Albany. And -- and also what it's really dependent on is the direct support professionals who care for them who are tasked with improving their quality of care and quality of life, but yet there are tremendous staff shortages in homes all around the State because we're not providing the resources they need to hire more people, to pay them a fair wage, and it just doesn't make any sense to me. We all remember the Be Fair to -- Be Fair to Direct Care campaign a few years ago. I guess we all forgot about that. And it's just contradictory. What do our priorities say when in our next budget bill we're going to be taking up we're talking about a \$700 million tax credit for Hollywood millionaires? Really? When our most vulnerable citizens and the direct support professionals who care for them just want a living wage so they can stay and do that job. Those individuals are the ones they meet on a regular basis every day. Sometimes that's the only family member those individuals with disabilities they see, are those staff members who are in those homes every day. They're there because they care and they want to improve their quality of care and life. But yet, this budget fails them dramatically. We should all be ashamed of ourselves that there's not more in this budget to help take care of those most vulnerable citizens, those individuals with developmental disabilities. And we could have done that if we gave the direct support professionals who care for them each and every day a living wage.

I vote no.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Steck to explain his vote.

MR. STECK: Thank you, Mr. Speaker. I join in the remarks of my colleague, the Chair of the Mental Health Committee. And on the substance abuse side I would just note that our staff worked very hard to try and infuse the 12 addiction treatment centers operated by the State of New York with mental health services so that we could more effectively treat the biggest problem in this field, which is cooccurring mental health and substance abuse disorders. However, the Governor inflexibly will not hire additional State workers to do that job. And unfortunately, in a lot of our not-for-profits they don't offer high enough wages to attract the type of personnel needed to do that work.

So, obviously our staff worked very hard. There -- there's many, many good things in this budget. I will be voting for this particular part of the budget, but I do concur in the sentiments of my colleague that we could do much better.

ACTING SPEAKER AUBRY: Mr. Steck in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to share that I -- my comments reflect the same issues that were raised by our Mental Health Chair regarding the -- the rates -- regarding the

reimbursement rates not being enough. I know the not-for-profit nursing home in my district very, very much needs more than 6.5 percent and more than the possibility of 7.5 percent. And also, our failure to provide sufficient resources to pay for those people who care for our most vulnerable New Yorkers. And I also wanted to address the comments that were made previously on the floor to just reiterate and make very clear that the scientific consensus is that Mifepristone is safe and effective and it has been for 23 years. It has fewer side effects than either Tylenol or Viagra.

Thank you. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Kelles to explain her vote.

MS. KELLES: I just want to add my -- my voice to comments that have been made already. I had a conversation two nights ago with an Executive Director of a municipal nursing home -- there's only 14 left in the State -- and she was practically in tears because they were at a negative of 18 million last year because of the Medicaid reimbursement rates and were just unclear to them how they will possibly survive without a sufficient Medicaid reimbursement rate. And I have to admit, it was very heartbreaking. I, too, am heartbroken that we haven't been able to do more. 6.5 is nowhere near what they needed, neither is 7.5. I do think that we are going to have to revisit this, because the last thing we want is to lose the municipal nursing homes that we have.

And the other thing I wanted to just add my voice to would be the COLA, the Cost of Living Adjustment. I have heard so often, *Well, there is a raise, there's a 4 percent raise*. Can we please acknowledge that a cost of living adjustment is not a raise, it is to hold them harmless from going backwards, to having the value of their wage be less than it was worth prior to inflation. What we acknowledged is that 8.5 percent would be what they would be need -- what they would have needed to be held harmless. So we have not reached that. I recognize that we don't -- this budget is something we're voting on. I am moving forward with the rest of our Body, but this is something we are absolutely going to have to continue to revisit. Our workers in this State need our support.

I will support, but I -- I do hope we revisit these important -- these important issues.

Thank you.

ACTING SPEAKER AUBRY: Ms. Kelles in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I certainly do empathize with the Chair of Mental Health and those who spoke about our inability to come up with some ways to fairly compensate them for the work that they do every day. But it brought to mind a good friend of mine who just retired. Her name is Rhonda Fredericks [sic] and she worked at People Inc. which is a facility that deals with the

disabled population and finds housing for them and health care, whatever they need she works it out. And I mentioned Rhonda because she started out as a health care worker and she worked there long enough to become the CEO and build it into a corporation that's not as dependent as it used to be on strictly government resources. They build housing and they're just doing a phenomenal job. And I don't bring it up to diminish the fact that people need to be paid now, but I do bring it up to say that we can get by that. Rhonda is a good demonstration of that.

Last thing I want to say is we've been working and understanding with clarity how detrimental lead is to particularly children whose neurological systems are not yet developed. At some point we really have to deal with that. And shame on us. It's been since 1943 that we've known this was a problem. This is still 2023, 2023. We have to do something about lead poisoning. And while this is probably not the preferred method, it's worked in some other places. And by the way, I live in one of those communities of concern, because in a previous life I had legislation introduced by then-Assemblymember Arthur Reed and Senator Volker that required the State to keep a record. Where do the children live who have lead poisoning? A lot of them live in my district. A lot of them live in and around Western, New York. And I would like for it to be finally once and for all cleaned up, giving children an opportunity for a clean bill of health and a decent education. I'm happy to support this bill.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes

in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 14, Rules Report No. 127, the Clerk will read.

THE CLERK: Assembly No. A03009-C, Rules Report No. 127, Budget Bill. An act to amend the Tax Law, in relation to providing the authority to abate interest for taxpayers impacted by declared disasters (Part A); to amend the Tax Law, in relation to clarifying the definition of limited partner for the purposes of the Metropolitan Commuter Transportation Mobility Tax (Part B); to amend the Tax Law, in relation to making the investment tax credit refundable for eligible farmers for five years (Part C); to amend the Tax Law, in relation to the Empire State Film Production Credit and the Empire State Film Post-production Credit (Part D); to amend the Tax Law, in relation to the abatement of penalties for underpayment of estimated tax by a corporation (Part E); to amend the Economic Development Law, in relation to the COVID-19 Capital Costs Tax Credit Program (Part F); to amend the Social Services Law and the Tax Law, in relation to creating a tax credit for the creation and expansion of child care (Part G); to amend the Tax Law and the Administrative Code of the City of New York, in relation to a credit for certain businesses engaged in biotechnologies (Part H); to amend the Tax Law, in relation to extending the current corporate tax rates (Subpart A); to amend the Tax Law, in relation to extending the

rehabilitation of historic properties tax credit (Subpart B); to amend the Tax Law, in relation to extending the Empire State Commercial Production Tax Credit for five years (Subpart C); to amend the Tax Law, in relation to extending provisions of law relating to the Grade No. 6 Heating Oil Conversion Tax Credit (Subpart D); to amend Subpart B of Part PP of Chapter 59 of the Laws of 2021 amending the Tax Law and the State Finance Law relating to establishing the New York City Musical and Theatrical Production Tax Credit and establishing the New York State Council on the Arts Cultural Program Fund, in relation to the effectiveness thereof; and to amend the Tax Law, in relation to the New York City Musical and Theatrical Production Tax Credit (Subpart E)(Part I); to amend the Tax Law, in relation to making technical corrections to the credit for companies who provide transportation to individuals with disabilities (Subpart A); to amend the Tax Law, in relation to eligibility for the Brownfield Redevelopment Tax Credit (Subpart B); to amend the Tax Law, in relation to the pass-through entity tax and city pass-through entity tax and making technical corrections thereto (Subpart C) (Part J); to amend the Real Property Tax Law, in relation to simplifying certain Senior Citizens Real Property Tax Exemptions (Part K); to amend Chapter 540 of the Laws of 1992, amending the Real Property Tax Law relating to oil and gas charges, in relation to the effectiveness thereof (Part L); intentionally omitted (Part M); to amend the Real Property Tax Law and the State Administrative Procedure Act, in relation to clarifying the solar or wind energy system appraisal model

(Part N); intentionally omitted (Part O); to repeal certain provisions of the Tax Law, relating to eliminating congestion surcharge registration requirements (Part P); to amend the Tax Law, in relation to the payment of tax on increased quantities of motor fuel and diesel motor fuel on which the taxes pursuant to Articles 12-A, 13-A and 28 were not previously paid (Part Q); to amend the Tax Law, in relation to extending the sales tax exemption for certain sales made through vending machines (Part R); to amend the Tax Law, in relation to an increase in the rate of tax on cigarettes (Part S); to amend the Tax Law, in relation to the revocation of certain certificates and civil penalties for refusal of a cigarette and tobacco inspection (Part T); to amend the Tax Law and the Administrative Code of the City of New York, in relation to extending the tax rate reduction under the New York State Real Estate Transfer Tax and the New York City Real Property Transfer Tax for conveyances of real property to existing real estate investment funds (Part U); to amend the Tax Law, in relation to permitting the Commissioner of Taxation and Finance to seek judicial review of decisions of the tax appeals tribunal (Part V); to amend the State Finance Law, in relation to clarifying the deposit timeframe for moneys deposited by the Commissioner of Taxation and Finance (Part W); to amend the Racing, Pari-mutuel Wagering and Breeding Law and the Tax Law, in relation to requiring the New York Racing Association, Inc. to enter into a repayment agreement with the State of New York for the repayment of funds provided by the State for the renovation of Belmont Park Racetrack; and in relation to the

membership of the Franchise Oversight Board (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend Chapter 281 of the Laws of 1994 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting; to amend Chapter 346 of the Laws of 1990 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting and the imposition of certain taxes, in relation to extending certain provisions thereof; and to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to extending certain provisions thereof (Part BB); intentionally omitted (Part CC); to amend the State Finance Law, in relation to the liability of a person who presents false claims for money or property to the state or a local government (Part DD); to repeal Subparagraph 9 of Paragraph (e) of Subdivision 1 of Section 210-B of the Tax Law relating to the transferability of the Investment Tax Credit (Part EE); to amend the Tax Law, in relation to the amount of credit for cider, wine, and liquor under the Alcoholic Beverage Production Credit (Part FF); and to amend the Tax Law, in relation to establishing a permanent rate for the Metropolitan Transportation Business Tax Surcharge (Part GG).

ACTING SPEAKER AUBRY: Governor's message

is at the desk, the Clerk will read.

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

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

MS. WEINSTEIN: Thank you, Mr. Speaker. So this is a -- a revenue bill. A bill would enact major pieces of legislation that are required to implement the revenue proposals that are necessary to ensure a valid State budget. The bill would -- this bill would reduce State revenues in fiscal year '23-'24 by 34 million in the out-years. Revenue would increase by 714 million in fiscal year '24-'25, 905 million in fiscal year '25-'26, 455 million in fiscal year '26-'27 and then in '27-'28 when the revenues would be reduced by \$445 million. And I'm happy later to answer some questions. Let me just briefly say that this bill includes language to extend and enhance the film tax credit by providing additional incentives for Upstate production --

ACTING SPEAKER AUBRY: Shh.

MS. WEINSTEIN: Extend current corporate franchise tax rates, increase the State excise tax on cigarettes, provides a fully refundable investment tax credit for eligible farmers, extends and expands the current New York City musical and theatrical productions credit to off-Broadway productions and the last major provision extends the current rehabilitation of historic properties tax credit.

ACTING SPEAKER AUBRY: Mr. Ra.

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

ACTING SPEAKER AUBRY: And members, Ms. Weinstein and Mr. Ra have been standing and talking all afternoon, and if you have no reason to be in the Chamber because all you want to do is talk, I'd ask you to go outside or sit down and be quiet or sit down, sir and be quiet. Please. You can take that outside. He won't go anywhere.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. And on that note, thank you to the Chair for your -- your stamina already today and answering questions on now our fourth budget bill. So I just want to go through -- and I thank you. That summary you gave at the outset in terms of the fiscal -- overall fiscal impact of this bill. So just starting there quickly. So that includes all of the pieces within this bill itself, correct? Are there other revenue actions outside of this bill?

MS. WEINSTEIN: Yes, you are correct.

MR. RA: Okay. So that would be, like for instance, the MTA revenue actions are outside of this particular bill?

MS. WEINSTEIN: Correct. We'd be dealing with that tomorrow.

MR. RA: And that's coming in the TED bill?

MS. WEINSTEIN: Yes.

MR. RA: Okay, thank you. So just to go through

some of the provisions and I'll -- I'll get back to -- actually, let me start there since it very much relates here. So, the temporary business tax increase. So you went through the out-year revenue numbers and obviously we go from a reduction to an increase that gets as high as 905 million and then, you know, four, five years down the road we're at a decrease. Now that would be as a result of this temporary business tax that we are extending in this bill ultimately sunseting down the road?

MS. WEINSTEIN: Yes. This is the -- the temporary extension runs through tax year 2026. So that's why at that point it would sunset and that's why there would then be a reduction in revenue.

MR. RA: I would just note, as you are aware, this was intended to be temporary but tax -- tax increases in New York State don't seem to ever truly be temporary. They're extended with regularity. So I guess we'll see as we get down the road where we are in terms of our fiscal picture. So I would hope maybe it would lapse and go back to the previous percentage, but I'm not so sure that will ultimately happen but...

MS. WEINSTEIN: This was, as you're aware, the Executive's proposal --

MR. RA: Yes.

MS. WEINSTEIN: -- that we accepted.

MR. RA: Well -- well noted. This was the Executive's proposal to extend this, but we do regularly, you know,

extend temporary tax increases. You know, now I noted I think last week on some of our extenders that, you know, the high cost of doing business in our State is -- is an issue. We're seeing outmigration, we're seeing businesses leave, so, you know, overall with regards to these revenue provisions, is there anything in this particular bill that does provide relief to our middle-class taxpayers in New York?

MS. WEINSTEIN: One of the things I'm very particularly happy about is that, not in this bill but it will be in the ELFA bill tomorrow, is the proposal to expand the child tax credit in the future to families with children under the age of four, which is approximately just under \$180 million beginning in fiscal year 2025.

MR. RA: Well, thank you. We'll look forward to looking at that in particular. So you gave the kind of net figures in revenue, but do you, you know, having been here some time, we've seen kind of a pattern, right? So a few years back no election coming, none of us were standing for election in the Statewide, officials were standing for election, the enacted budget tends to contain tax increases and we go into election year. We do some maybe one-shot reductions. So two years ago the enacted budget included \$8.1 billion in tax increases. Two years before that it was \$5.8 billion in tax increases. So you gave me the net really revenue picture, but do you have a number in terms of what the two-year tax increase in this budget is?

MS. WEINSTEIN: The only change is the -- as we just were discussing the extension of the corporate -- of the Article 9A tax rate.

MR. RA: Okay, thank you. And I mean, as we discussed prior, you know, the Comptroller recently reported that our tax receipts exceeded expectations for the fiscal year 2023 by almost \$3 billion. So really I guess my question is, what is the need to be continuing these tax increases on -- on New York businesses when we know that we have a economic climate that is not hospitable to businesses?

MS. WEINSTEIN: Well, I would say first of all that the Comptroller's number's a little deceptive because of the two-year -- you have to really look at a two-year window when you're -- because of the -- the PTET credit that taxpayers were receiving that now is where the revenues go down one year, then we have to give the credit the following year. So we'll be giving credit this year so that number will -- will be reduced.

MR. RA: Okay. In terms of some of the other tax provisions within this bill. So, it came up earlier, I'm sure others have something to say about it, but the Empire State Film Tax Credit. So can you, number one, just explain the changes that are being made to that program that we -- I think most of us are familiar with, it's been around a number of years, but both in terms of the increase in the allocation and other changes in terms of eligibility for productions.

MS. WEINSTEIN: So we are increasing the annual aggregate cap from 420 million to 700 million beginning in 2024. We increased the annual post-production credit from 25 million to 45 million beginning in 20 -- 2024. We increased the credit from 25

percent to 30 percent of qualified expenses which is where it was prior to 2019. And we include above the line salaries of writers, directors and other such professionals in the calculation of the credit. Then there are -- that's the -- the (inaudible) program there are improvements to the Upstate program.

MR. RA: Okay. Now so --

MS. WEINSTEIN: Let me just say -- for example, I just want to say that right now Upstate and the current program there's a \$5 million annual aggregate cap and we removed that cap totally.

MR. RA: Okay, thank you. So in -- in addition to that, with these new provisions, how far out are we extending this program? What year would the program expire under this budget?

MS. WEINSTEIN: 2034, a five-year extension.

MR. RA: Okay. So is there a particular reason why we're extending out that far? I mean I -- I don't know of really anything else that we have in State law that has sunsets that goes out quite that far to, you know, what is still over a decade away from now.

MS. WEINSTEIN: Well, it's a five-year extension to where we are today so it's -- it's to allow the production companies to have some certainty as they make their plans where to film.

MR. RA: Okay. In -- in the process of making these determinations in terms of extending the money and -- and -- and the percentages and all of these things, do you know of any fiscal analysis that has been made of this program in terms of what the cost per job created has been?

MS. WEINSTEIN: Well, I would say that in 2022 the Empire State Development Report showed that in 180 entertainment industry production projects that participated in four tax credit programs they were issued a combined 490.7 million tax credit and that resulted in approximately 2.2 billion in industry spend-back in the New York economy.

MR. RA: Now do we know how any of those numbers relate to any of our neighboring states? I mean how does this credit -- this expanded credit compare to our neighboring states that we are competing with for these productions in theory? And how is those analysis and cost-benefit numbers compare with the neighboring states?

MS. WEINSTEIN: Well, we are trying to keep pace with our neighboring states. Connecticut doesn't have a cap at all and New Jersey includes a lot more above-the-line payments so we -- that is part of the rationale, really the majority of the rationale for the -- increasing the cap is to keep New York competitive.

MR. RA: Okay. And is -- is there any type of lifetime cap on this in terms of dollars or years for a particular production? You know, we -- I think in theory we -- we all want to talk about, you know, those smaller productions or things we're bringing here and jobs and all of that, but then we have, you know, *The Tonight Show* that's obviously been here for decades, we have *Saturday Night Live* which has opened every show with *Live from New York* for over 50 years at this point and they're getting hundreds

of millions of dollars from this program. So is there any type of cap for those type of productions that we know are not going anywhere?

MS. WEINSTEIN: There is -- there is no lifetime cap. I will tell you from having visited facilities in the studios in Brooklyn that has dramatically increased the number of jobs and the local impact of people working in the film industry.

MR. RA: Well, I don't think generally, you know, any of us or many of us object to, you know, those productions that we were bringing here and we're putting local people to work on the productions and we're allowing local caterers to feed the crew and all that type of stuff but it's those type of ones that I think when we talk about some of the issues that were left out in the previous bill and that we will find not there in other bills that -- that causes the frustration of -- of people within this Legislature as well as our constituents, but I will -- I'll move on to a couple of the other provisions. The cigarette tax increase.

MS. WEINSTEIN: Yes.

MR. RA: State excise tax on cigarettes will be increased by a dollar, which brings it up to a total rate of \$5.35 cents for each pack of cigarettes. This makes New York State one of -- one of the states with the highest tax on cigarettes. The main reason for the high tax on cigarettes is to reduce smoking. And I mean certainly I agree with getting people not to smoke but it really creates two issues. Number one, cigarette taxes tend to be regressive. And number two, we have a tremendous black market with regard to

cigarettes. So do you know anything with regard to this proposal or any analysis that's been done or conversations that have been had with the Department of Tax and Finance on what methods they're going to take to reduce the volume of illegal cigarette sales and cigarettes that are smuggled into this State?

MS. WEINSTEIN: Well, there are provisions in -- in this bill to improve enforcement of the taxation provisions for -- in terms of imposing civil penalties for unlicensed retailers that refuse inspection and also for licensed retailers that refuse an inspection.

MR. RA: Okay, thank you. I think it's important that, you know, we -- we recognize that that is a tremendous problem within our State and we take appropriate action with that regard, especially with a increase that's only going to exacerbate that problem.

ACTING SPEAKER AUBRY: Second time, Mr. Ra.

MR. RA: Thank you, Mr. Speaker. So moving on. There's a provision regarding the solar and wind evaluation model in this and in particular how that would interact with our State Administrative Act. So in the 2021 enacted budget, tax and finance was tasked with developing a standard methodology for assessing solar and wind projects above one megawatt. The model is to be annually updated and be used by assessors across the State. As you may be aware last year several towns brought a lawsuit against the department for violating the provisions of the State Administrative Act that required notice of proposal making public comment. This enacted budget would exempt the requirements of providing notice of

public comment, correct?

MS. WEINSTEIN: Yes. This proposal would clarify that the adoption of the solar wind energy system appraisal model is not subject to the State Administrative Procedure Act.

MR. RA: Okay. Do you know what the current status of that -- of that lawsuit is that was brought by the towns regarding this? I believe the department was previously enjoined from enforcing or moving forward with their model because of a failure to follow the State Administrative Act.

MS. WEINSTEIN: My understanding is that lawsuit is still pending.

MR. RA: Okay. Is it your belief that this language would then essentially negate that lawsuit for those municipalities?

MS. WEINSTEIN: Yes, yes. That -- that is the intent of this language.

MR. RA: Okay. And do you know of any conversations either the Majorities have had or the Executive has had with local government on how this standard methodology of assessing could negatively impact, you know, their municipalities and their -- and their pilot payments?

MS. WEINSTEIN: So my understanding is is that in developing the model there was consultation with the local assessors. The tax department consulted with the various groups during the public comment period.

MR. RA: Thank you. One last thing I wanted to ask

about. The gaming provisions, in particular the closure of Catskill Off-Track Betting. The Governor's proposal authorized the closure of Catskill OTB Corporation upon the satisfaction of all outstanding debts and obligations. The State Gaming Commission Executive Director expressed serious concerns about a lack of a viable business of that Catskill OTB. So first off, does this budget provide for that closure of Catskill OTB?

MS. WEINSTEIN: No, it does not.

MR. RA: And does this budget make any changes concerning Catskill OTB Corporation?

MS. WEINSTEIN: The -- we modified the Governor's proposal to extend similar authorization for both Capital and Catskill Off-Track Betting Corp. and to include additional oversight provisions to ensure that surcharge monies are being disbursed properly.

MR. RA: And are there any actions in this budget with relation to any other OTB corporations in the State?

MS. WEINSTEIN: Yes. The -- would you like me to...

MR. RA: If you could.

MS. WEINSTEIN: The Western -- Western New York OTB.

MR. RA: And what are those changes?

MS. WEINSTEIN: I think we're going to have to wait until tomorrow because it's not in this bill, but those provisions

on -- regarding the Western New York OTB will be in the ELFA bill that we can discuss tomorrow.

MR. RA: Okay. We will anxiously await that and maybe I'll take some opportunities to discuss with my Western New York colleagues. Thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: So, you know, I'd be remiss if I didn't mention with regard to this particular bill because this is the revenue bill. There have been years that, you know, this has been, you know, a Big Ugly so-to-speak. So the good thing is there are revenue actions within this and not other things in it, but I just want to again mention that we've talked a lot about, on our side of the aisle, the cost of living in this State, the cost of doing business in this State, the impact it's having on our population, the impact it's having on our businesses. At the end of the day when this budget is complete, \$229 billion and yet you're going to make a lot of people happy with \$229 billion. There's a lot of great things going on. But there's also the concern about where we go from here and whether or not our recurring revenues are matching our recurring spending, whether or not we are going to be able to keep this up for years and years to come, which is why I very much look forward to having a financial plan to look at and seeing what we're projecting in the out-years. We don't yet have this as we vote on the fourth of our budget bills today. But there's also a very eloquent, maybe political dance that has gone on for the last several

years really since this State has become a single-party controlled State. As I mentioned earlier, several years ago, non-election year, \$5.8 billion in tax increases. Two years ago, \$8.1 billion in tax increases. This year we're looking at another in excess of half-a-billion dollars in tax increases. On the flip side, in an election year, whether it's the Governor that has to go out and face the voters or the legislators who have to go out and face the voters, we tend to do short-term tax cuts. Last year we utilized some Federal money and some one shots and we gave out some tax cuts and we go back and say *hey, we cut your taxes*. I think the jig is up a little bit with the public. They're seeing this budget grow by billions and billions of dollars each and every year and getting to unsustainable levels. We have the second largest budget in the country, second only to California which has almost double our population. So, I'll finish where I started, \$229 billion. A lot of really good stuff you can do with \$229 billion and you can make a lot of people happy. But the question is, are we going to be here next year, two years from now, three years from now facing drastic cuts of so many of those programs because we're spending more than we have the recurring revenues to meet. So for that reason and many others, I'm going to be voting in the negative on this particular budget bill and I urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would

the sponsor yield for a few questions?

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. SMULLEN: Thank you, Chair. I'm just going through, I see quite a few changes to the tax credits which are issued out there. Can you just tell me if there are any tax cuts in this budget. I didn't see any. Any actually taxes that are reduced.

MS. WEINSTEIN: I did mention the expansion of the child tax credit --

MR. SMULLEN: I said the credits, I saw those. But any actual taxes that are cut?

MS. WEINSTEIN: I mean we still are continuing the middle-class tax cut.

MR. SMULLEN: Thank you. I appreciate you clarifying that. So one of the things that localities are interested in are the local sales tax, the authorizations being made permanent. I saw that it was omitted in this section. Is that coming back in the later section of the budget bills?

MS. WEINSTEIN: No. We will not be seeing that proposal come back.

MR. SMULLEN: Thank you very much, I appreciate that.

Mr. Speaker, on the bill.

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

MR. SMULLEN: So, a couple things stand out specifically with there being no tax cuts in this budget that I've heard that the top line is about \$229 billion for this year, which would be the largest budget ever in New York State's history. And just -- just since I've been in the Assembly since when I was first elected in 2018 the budget then was 168 billion, that's a \$61 billion increase, 36 percent in just four or so years, which to me is absolutely mind-boggling because New York has always ranked near the bottom of all the states in the United States. In fact now, it's either 49 or 50 depending on what tax index you look at for tax burdens. And the reason that is it -- it bothers us when it comes to economic outlook. Some of the things that New York has actually looked at; top marginal personal income tax rate, top marginal corporate income tax rate, personal income tax progressivity, property tax burden, sales tax burden, debt services of share of tax revenue and average Workers' Compensation costs amongst other factors. So, New York is on a roll but it's on a roll in the wrong direction and it's been that way for quite some time. And just since I've been in this Body we've -- we've doubled down on that. And actually, Madam Chair, if I could just ask -- I've got another question to ask about unemployment insurance taxes. Are they projected to go up this year in New York's estimation? What I've heard is that we've -- we actually missed our window to pay our

Federal loan back with Federal COVID funds but instead we're pushing them on to business tax owners or business owners.

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

(Pause)

We're -- we're not expecting unemployment -- the unemployment insurance to go up.

MR. SMULLEN: We do or do not? I'm sorry.

MS. WEINSTEIN: Do not.

MR. SMULLEN: So where's the \$6 billion that's being relieved to -- to business owners for either small or large to pay for the -- repay the Federal loan coming from that?

MS. WEINSTEIN: That's over -- that's a continuation of -- of payments over -- over time. We think that these payments will take six years before the unemployment insurance fund can become solvent.

MR. SMULLEN: So we -- we don't think unemployment insurance taxes are going up then.

MS. WEINSTEIN: Correct.

MR. SMULLEN: Thank you. Thank you again.

Mr. Speaker, back on the bill. I appreciate that. So the picture for New York in taxes is what it is, but comparatively speaking, Texas just passed a \$300 billion budget for two years. Florida just passed a \$114 billion budget for a year, California as stated before by my colleague, \$296 billion, having twice as many

people. So when I think about taxes and I think about the revenue that has to be generated over time, it's fiscally unsustainable in my estimation. And the reason I say that is because the Federal tax burden is actually increasing as well. The Federal debt clock is at about \$32 trillion and going up at this point. A lot of the spending from the COVID-19 pandemic has pushed our debt-to-GDP ratio to levels that haven't been seen since World War II. I don't think that the COVID-19 pandemic as bad as it was, was as bad as World War II and required that level of national commitment to defeat it. So what I'm saying is, is that we need to look hard in states like ours that spend so much to make sure that our taxpayers are getting their money's worth. That we don't spend money that we do not have on things that we do not need. And for that reason I'll be voting no on this revenue bill and I urge all my colleagues to do so as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Forrest.

MS. SOUFFRANT FORREST: Good evening.

On the bill, Mr. Speaker.

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

MS. SOUFFRANT FORREST: I am voting no on this bill. And the reason why I am voting no is that this bill contains billions and billions and billions of dollars; taxpayers dollars, constituent dollars, working people's hard-earned dollars and it's not

going back to working people, but it is going to corporations and the wealthiest among us. Our Governor Kathy Hochul tells us that these subsidies will result in economic development. Well, I'm here to tell you the truth. These sub -- these subsidies have been studied. And the studies show that they do not create jobs, these corporate giveaways do not create extra revenue, and they do not trickle down to working people. As a registered nurse, I can tell you that I'm all about evidence, evidence-based policies and practices. So here are some other facts. New York is the richest state with an economy that tops countries; yet 14 percent of New Yorkers live in poverty, higher than the national average. In one single year we went from 36 percent to 50 percent of families in New York City unable to afford their basic needs. One in ten New Yorkers is facing food insecurities. They're hungry, they can't afford to feed themselves and their families. How many in this Chamber have felt that? Going to bed hungry and waking up hungry. I wonder who here has had Corn Flakes with no -- no milk for dinner and lunch. And the fact is that this revenue bill is giving away their money. The same hungry, tired, working people to corporations, to Hollywood Studios, to tech billionaires. The Governor could have made a difference here. We could have raised taxes on multi-millionaires who are doing just fine. Who did better during the pandemic when everyone else did worse. Who are in fact doing better than they ever had. But instead of taxing corporations or capital gains or billionaires, instead of raising the minimum wage to what that could actually help, instead of passing a New York Health

Act, instead of protecting tenants from evictions, instead of offering real childcare, instead of lowering tuition and providing reliable transportation, instead of offering all children free meals, what have we done? We're giving more money to the rich. As Dr. King would know and as had said in this very Chambers at the beginning of this Session, the revenue bill as presented today is due to nothing but short-sidedness and a lack of social vision. To fight against inequity is not only moral and intelligent but necessary. This revenue bill is not moral. This revenue bill is not intelligent. This revenue bill is not necessary. Mr. Speaker, I am in the negative.

ACTING SPEAKER AUBRY: Thank you.

Mr. Palmesano.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields

MR. PALMESANO: Thank you, Ms. Weinstein. I kind of want to go through a couple areas. Mr. Ra touched on some and I'll just elaborate a little more on a couple of things if I could. First on the cigarette tax, I see that it's reducing the revenue by \$13 million. I know we talked about this in the one-House. Is that from your belief that it's just going to be less cigarette sales or we're going to have a decrease in revenue? Is that --

MS. WEINSTEIN: Yes. We think there will be less sales.

MR. PALMESANO: Is it also plausible, though, that the decrease in revenue is a fact that when you increase the taxes as high as you do, yet we create what we know is a tremendous underground black market. But we also know if you go to -- like I'm along the Pennsylvania border, so is Mr. Goodell, he is also on the Ohio border, we go to Pennsylvania it's \$2.60 cents a pack, Ohio is \$1.60 a pack, also, we have Native American lands where people are buying cigarettes. Isn't that part of the reason for the decrease in revenue as well? Wouldn't you have to agree with that?

MS. WEINSTEIN: Well, we decreased the demand for cigarettes sales in New York State.

MR. PALMESANO: All right. So I see that we're doing a lot to go after the cigarette taxes and trying to create more revenue from there. What are we doing about the illegal sticker stores that are popping up all over across the State? Are we doing anything to get revenue from them? And they actually shouldn't be open because they're illegal. They're not businesses, they're illegal operations.

MS. WEINSTEIN: We'll be able to discuss that tomorrow. They'll be some --

MR. PALMESANO: Great. I look forward to that.

MS. WEINSTEIN: -- issues in the ELFA bill.

MR. PALMESANO: Thank you. I'd like to move on

to the film tax credit if I could. I know we're increasing it from 420 million to \$700 million. One aspect of it is the above-the-line salaries. So basically (inaudible) credits up to \$500,000 for above-the-line salaries; would that be correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay. Now, *Saturday Night Live* has been in existence since 1975. Do you have any idea how much money they've received in tax credits from the taxpayers?

MS. WEINSTEIN: No.

MR. PALMESANO: Eight-two million dollars -- \$82.6 million since 2015. How about the *Jimmy Fallon Tonight Show*? Any idea how much they receive?

MS. WEINSTEIN: I'm sorry. I just don't know the numbers but I think you have some --

MR. PALMESANO: I do.

MS. WEINSTEIN: -- so you could share with us.

MR. PALMESANO: Fifty-six million dollars. So based on this new change in the law above the line, Mr. Fallon, you know, it's a great show making multi-million dollars a year, now under this new proposal, now State taxpayers are going -- are going to be able to subsidize some of his salary; is that correct? Technically with the language of this bill that's what's going to happen, right?

MS. WEINSTEIN: It's possible that some of that -- I mean there is a cap on the above-the-line that's reimbursable --

MR. PALMESANO: Okay.

MS. WEINSTEIN: -- as part of the calculation of the credit but it is possible.

MR. PALMESANO: Okay. With the *Saturday Night Live*, is there just some fear or worry that they're going to up and leave New York State since they've been here for 50 years? I mean -- I mean how -- how do they start off their show every week?

MS. WEINSTEIN: I do not have --

MR. PALMESANO: Say it with me.

MS. WEINSTEIN: -- any independent knowledge of the *Saturday Night Live* show.

MR. PALMESANO: They say *Live from New York it's Saturday Night Live* [sic]. They don't say *Live from Saskatchewan*. They say *Live from New York*. So why are we subsidizing *Saturday Night Live* to the tune of \$82 million and continue to do more? What's the purpose of that? What are we accomplishing from that?

MS. WEINSTEIN: The law is -- the credit is not directed towards *SNL* but it is for the larger film production and post-production that happens in New York State and we can't exclude any individual production company because of a belief that they will leave -- they won't leave no matter what we do.

MR. PALMESANO: All right. I did want to ask also, too, about my -- my colleague mentioned unemployment surcharge. Is there anything in this bill or a future bill that's going to provide any relief to our small businesses who are paid an unemployment surcharge because they had to pay back the loan to the

Federal government for the Covid, which we know there was \$11 billion in fraud according to the Comptroller. Is there anything we're going to see, not in this bill but in a future bill, that might provide them some relief?

MS. WEINSTEIN: No.

MR. PALMESANO: No, okay. I did want to talk about the wind and solar appraisal, too, because these are generally effecting Upstate New York. In my district I have a tremendous amount of wind and solar being (inaudible) coming about. I know my colleague talked about this. We have -- and we know there's a lawsuit that came about. So your -- your intention with this legislation is basically to correct that language so those lawsuits would be moot and now they'll be able to move forward without having to go through the SAPA process?

MS. WEINSTEIN: Correct.

MR. PALMESANO: And is there any concern about, you know, because what I'm hearing, I'll give you an example. I had some small municipalities, you know. They took the assessment, initially like a \$2.5 million assessment through this process, they reduced it to \$530,000. I had another one that went from 2.9 to 1.1 and now you're seeing obviously less revenue for fire departments and ambulance workers. This is in Upstate New York. Isn't there any concern about, you know, on our local municipalities that have this reduced revenue because of this formula that was developed by the State?

(Pause)

MS. WEINSTEIN: The -- the idea is to provide some uniformed Statewide criteria and not have that back and forth between a local developer.

MR. PALMESANO: And a lot -- lot of times when they do this it's set up through a pilot plan. Like in my area a lot of those areas the IDAs work with the (inaudible) pilot payment agreements. But I'm hearing examples where several solar companies threatened not to take the pilot and go on the tax rolls because they know it's going to be a more beneficial formula for them. So is that really what we want? I mean, you know, now we're going to -- these -- these local communities are in Upstate New York because that's where the solar and wind is going in Upstate New York. Taking farmland, taking prime forest land, whatever it may be. So we're penalizing Upstate taxpayers because they have to have the solar there. Isn't that a problem?

MS. WEINSTEIN: You know, I -- I don't -- that -- that is an option, I guess that's, you know, available to them to -- to pay the taxes versus the -- the pilot.

MR. PALMESANO: Because I think part of the problem, too, Madam Chair, is we know -- I mean in this budget there's a lot of publicity about the housing plan and people are concerned about not having local control -- having local control taken away from them. What this Legislature did is they took total local control away from local governments when it came to siting solar and

wind and renewal projects because we want to develop all these solar and renewable projects and forget what the local government wants to do. And now -- now we're going to come and say they can't get the revenue that they're readily entitled to. Isn't that going to be a problem? I mean it's a problem for my area. It's a problem for other areas. What are we saying to them?

MS. WEINSTEIN: You know, I think I had said earlier that this model was already subject to a public comment period. There were -- the tax department did consult with various groups, local assessors and -- and others in developing this proposal.

MR. PALMESANO: Yeah. I think -- I think myself and a number of my Upstate colleagues for the solar and wind has grave concerns about how this is working. It seems like it's going in advantage of the favor of the -- the developers and the -- the heck with the local municipalities and property taxpayers. Madam Chair, thank you for your time.

MS. WEINSTEIN: Sure.

MR. PALMESANO: You've been very gracious as always.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Mr. Speaker, and my colleagues, I know this is a revenue bill. Let's be clear. We don't have a revenue problem in New York State, we have a spending problem in New York State. When you look at where we were just several years

ago compared to where we are spending now talking about a \$229 billion budget, we already know we have the highest taxes in the nation, the worst business climate, we're heading down a dangerous pathway to put in place an unaffordable and unreliable energy plan that's really going to decimate our economy and impact the quality of life of many New Yorkers. And it's going to continue to lead to the mass exodus of more and more New Yorkers leaving our State.

We've seen 500,000 New Yorkers leave the past two years and we're going to see more of them with the policies that keep being implemented here. Our farmers, our families, our small businesses, our manufacturers, and how do we do this? We got a budget plan that's increasing business taxes by \$800 million this year, it'll be over \$1 billion on the very people we want to create jobs, why not give them tax credits so they can create jobs so they can invest? But yet we're giving \$700 million to Hollywood millionaires so they can have the Hollywood Film Tax Credit. Where are the priorities? There's no unemployment health for our small businesses. Our small businesses who were crushed during the COVID lockdowns and closures, mandated shutdowns and lockdowns. And what happens now because we have unemployment, you know, claims we have to pay back to the Federal government. And instead of doing what many other states using COVID funds, emergency funds to pay down that debt for our small businesses, what does this Chamber do? What does this Governor do? Oh, small businesses, here's another unemployment surcharge bill for you. You take care. We got your back. No. They

don't got their back. They're stabbing them in the back, they're hurting the very people that we want to invest and create jobs here, it's not the right policy. And we talk about again *Saturday Night Live* \$82 million since 2015. Saturday Night -- *The Tonight Show*. I mean my goodness where are our priorities? Again, I don't know the risk of *Saturday Night Live* ever leaving. And again, they start off the show by *Live from New York*, they're not going anywhere. Why do we need to subsidize that? It's about priorities. And I'm really concerned about this wind and solar assessment. I know many in this Chamber, they want to put wind and solar because we got to meet our goals but it's going all over Upstate New York. And when we talk about this, I know we're going to talk about some energy policy later, I'm sure we will be doing that. But right now, 90 percent of the generation in Upstate New York is emission-free, 90 percent of it. When we go down to New York City and Downstate, 87 percent of it is fossil fuel. You closed down Indian Point which provided 25 percent of the power to New York City, a reliable base load of energy. I mean where are we going with this? I mean this doesn't make any sense. How about if you're 87 percent dependent on fossil fuel and Upstate's 90 percent emission-free, how about you guys do something first? How about you do it down there instead of putting it on the backs of Upstate New York because the wind and solar is coming from here, you got a power line coming from Canada that's going to cost \$4.5 billion that ratepayers in Upstate New York are paying for it and only New York City benefits from it. And don't be -- don't be -- don't --

don't kid yourself, if Canada needs that power in a storm it goes to Canada, not to New York City. So it's just policy after policy that I continue to get frustrated. A number of my colleagues -- when we talked even about the cigarette taxes, I mean these are going to hurt small convenience stores, businesses along the southern tier where I represent, I mean they can just go over to Pennsylvania. You can go to Pennsylvania and on any business you pay lower taxes, property taxes, Workers' Comp costs, utility costs, everything. We're at a competitive disadvantage and we just continue to make it more and more of a competitive disadvantage. It's not fair for our farmers, it's not good for our manufacturers, it's not good for New York State. So I just wish this Body would take into consideration a little bit more some of these policies when we put it in place and the impacts it's having on particularly on some of our Upstate areas and look at our priorities. I mean this film tax credit has grown way too big, \$700 million? My goodness. You know, we talked about our most vulnerable citizens, individuals with intellectual developmental disabilities, we talked about our infrastructure and how our Upstate roads and bridges are really not getting the resources they need. We don't shortchange the MTA Downstate, we shortchange the Upstate roads and bridges. I mean I wish our colleagues on the other side of the aisle would advocate more for that. But it's one policy after another making it more difficult to do businesses here. Making it more difficult to have people stay here and want to raise a family here and we're just going to continue to see that mass exodus of people

leaving the State with the policies that we keep seeing coming forward from this that increases taxes and increases spending and even debt. The Comptroller said -- his report back in February said we're going to increase the debt by 42 percent over the next five years or \$2.5 billion. How is that healthy to grow our economy? How is that healthy to encourage private sector investment in our economy? It's not and that's why we continue to see the exodus we do. So Mr. Speaker, for these reasons and others I'm going to be voting no on this bill. Thank you.

ACTING SPEAKER MAGNARELLI: Mr. Steck.

MR. STECK: Thank you very much, Mr. Speaker. Revenue drives everything in the budget. The other side of the aisle has made many calls for spending a lot of money on a lot of things, but without the willingness to raise the revenue to do it. Revenue drives how much we pay people who provide direct care to the elderly or the disabled. It drives whether we can hire more State workers to provide mental health services to people who have cooccurring mental health and substance abuse disorders. It drives whether we can provide transitional living to people who are hospitalized for reasons of mental health who are not yet ready for purely outpatient care. It drives whether we can avoid unemployment surcharges on businesses for a workforce crisis that was caused by an unexpected virus. Lastly, it drives whether we can build the infrastructure to support a fossil fuel free economy and whether we can protect our constituents from the cost of converting to a fossil fuel free economy. I run on the line

of a party that gave us the Tennessee Valley Authority and rural electrification. FDR previewed a lot of his New Deal policies when he was Governor of New York State. We should similarly be building electric infrastructure now. Instead, we give away billions of dollars to large corporations like those from Hollywood or Amazon. If we spent that money on infrastructure for a fossil fuel free economy, not only would we make greater progress on addressing the climate emergency, but we would also create more jobs. While the Assembly did an outstanding job negotiating the many details of this budget with the Governor, as a member I think I have a duty to express my disagreement with the philosophy underlying the revenue bill. I have a duty to advocate for change. With the current philosophy, so many needs will remain unmet. Thank you.

ACTING SPEAKER MAGNARELLI: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MAGNARELLI: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this revenue bill. Those who favor it can certainly vote yes here on the floor. Thank you, sir.

ACTING SPEAKER MAGNARELLI: Mrs.

Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Chair.

The Majority Conference is generally going to be in favor of this piece of legislation, this revenue budget bill. However, there may be some of our colleagues who would desire to be an exception. They should feel free to buy pushing their button. Thank you, sir.

ACTING SPEAKER MAGNARELLI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: Thanks, Mr. Speaker. So I just want to address a few points that have been raised during this discussion. To begin with, California's budget is not \$306 billion a year. California's budget, according to the National Organization of State Budget Officers, is about twice New York's. It is over \$400 billion a year. Now, some people advanced the theory that New York isn't as good as Texas or as Florida, but I -- I don't want to live in Texas, I don't want to live in a place that has -- is the capital of mass shootings and I don't want to live in a place where you don't even need a permit to carry a concealed weapon. I don't want to live in Florida because I don't want to live in a state that wants to harass Mickey Mouse, Mickey Mouse after all is 94 years old. That's just not fair. And I guess you could say as I vote for this bill that I'm just in a New York State of Mind. Thank you.

ACTING SPEAKER MAGNARELLI: Thank you.

Ms. Gallagher.

MS. GALLAGHER: I'd like to thank the Speaker, Committee Chairs and staff for their hard work on this budget. As we finally begin this vote on May 1st, International Workers Day, I cannot help but think of the workers I hear from everyday in my district. Workers who are squeezed by price gouging and unjustifiable housing crisis, rampant wage theft, unaffordable health care and more. The conditions that lead -- that led our ancestors to take to the streets and protest, are very similar to the problems that we are seeing today. And just as in the Gilded Age of the past, we have left billionaire profits intact and have hung working people out to dry. In New York, the state's 125 billionaires have grown their wealth by 49 percent since 2020. A third of all home purchases in our State are now made in all cash and our housing is hoovered up by private equity and institutional investors. New York City has become the most rent burdened city in the United States with a household needing to make \$177,000 in order to afford an average apartment. A recent report on the cost of living in New York City found that half of all households cannot meet their basic financial needs. Working-class people in my district can no longer make ends meet. Our government thrives best when working people are empowered to lay down roots through widely-available affordable housing, when they have wages that sustain their family and allow them to save for the future, and when their medical concerns don't throw them into overwhelming debt. We could provide that future for New Yorkers simply by raising

sustainable revenue by raising taxes on the wealthiest households and most profitable corporations. Instead, we are leaving money on the table that could otherwise fund free childcare, invest in Higher Education, protect tenants and build more affordable housing and close the MTA's operating deficit. Existing proposals would have raised at least \$40 billion. I cannot in good conscience vote yes on a revenue plan that is complicit in such rampant inequality and the ongoing assault on all working-class New Yorkers. I vote no.

ACTING SPEAKER MAGNARELLI: Ms. Gallagher in the negative.

MS. CLARK: Thank you, Mr. Speaker. I rise not to talk about Mickey Mouse but to talk about liquor. So I am really proud and excited to see that for the first time ever in this bill we are creating the parity in the alcohol production tax credit to help our small distillers, our craft distillers and our farm distillers. These are places that our employers and often small communities, they're a tourist destination, they buy local supplies from other manufacturers in the area and they support our farms and agriculture. In 26 -- this was originally passed in 2012 for our breweries and was found such success they exploded all over the State and have been a real boon to both our farmers and as employers and small businesses. In 2016 this was expanded to our distillers, but unfortunately the language wasn't quite the way it was supposed to to work for liquor as opposed to beer and we have spent the last few years trying to fight for the parity that our distillers so deserve so that they can grow as small businesses.

There's over 200 in the State of New York, we are the second-largest craft distillers in the country. And this is an economic engine that supports so much beyond just the business that stands there when you go visit. I thank Chairwoman Weinstein and everyone for their support of this bill and really excited to see it passed today. It will make a difference in many places across the State of New York.

Thank you.

ACTING SPEAKER MAGNARELLI: Ms. Clark in the affirmative?

MS. CLARK: Yes.

ACTING SPEAKER MAGNARELLI: Ms. Mitaynes.

MS. MITAYNES: Thank you. New Yorkers are living amidst the crisis of inequality. From housing, to health care, to transportation, working New Yorkers are facing new and rising costs that are forcing them to make difficult decisions between which bills they can pay, from paycheck to paycheck all the while the ultra-rich have come out on the other side of a pandemic with more wealth than before. While small businesses suffer under the weight of inflation, more unregulated delivery trucks pump pollution into my neighborhood. Throughout this budget cycle, New York has examined two possible futures. One, where we continue a vicious cycle of inequality favoring the most privileged among us or one, where we invest in strong public services like worker and housing protections to build a New York for everyone. But our budget system

is undemocratic, rigged against working New Yorkers and set up to benefit the wealthy donors of the Governor. The Governor has failed in creating a budget to support working New Yorkers. Instead she has opted to perpetuate historical trends and inequality catering to the interest of the wealthiest people in our State and creating no new taxes for multi-millionaires and no new taxes on capital gains. All the while my constituents' lives hang in the balance struggling to keep the roof over their heads. Instead of funding programs through fair taxes for the most privileged, we are instead awarding people for hoarding their wealth. New York is choosing to extend tax breaks for real estate investment trust, to serve corporate real estate interests and provide tax break loopholes for speculators. How are those more important priorities than saving lives across our State through housing, health care, education, transportation, labor or climate protections? To me they are not. New Yorkers demand an unabashedly pro-working class solution to our State's budget revenue dilemma. Not reforms that continue to see power to corporations and the well-off. And so I must vote no on this budget proposal and protect the working people of New York and the 51st Assembly District. I vote in the negative.

ACTING SPEAKER AUBRY: Ms. Mitaynes in the negative.

Mr. -- Ms. Shrestha.

MS. SHRESTHA: Thank you, Mr. Speaker. We have a vision for New York that includes social housing, universal

childcare, flourishing public schools, free SUNY and CUNY, dependable public transit and more. A New York where all of us, not just a few, can afford to rest, dream and take care of their families. This revenue bill all but abandons that vision. It doesn't address the fact that our State is the richest in the country and yet it is also the most unequal. It ranks second in homelessness, second in cost of living, 29th for economic well-being of children and 49th in State and local education funding equity. It is a State where the rich make profits in their sleep while the workers whose labor creates our wealth struggle with the most basic needs. This year the Assembly proposed a modest increase in taxes for multi-millionaires that would have raised \$717 million in its first year. We also proposed a modest increase in taxes on large corporate profits that would have raised \$865 million in its first year and \$1.96 billion in the next. Five revenue bills were introduced in both houses that together would have raised tens of billions of dollars. We could have increased the Medicaid budget, given minimum wage workers and home care workers the raise they desperately need. We could have funded a universal school meal program. We could have invested in those who matter, whose hard work and resilience make New York what it is. Instead the Governor chose to protect millionaires and corporations. The rich aren't leaving. Everyday New Yorkers are and it's them that we must protect. I'll be voting on the negative, thank you.

ACTING SPEAKER AUBRY: Ms. Shrestha in the negative.

Mr. Mamdani.

MR. MAMDANI: New Yorkers are struggling. Millions cannot afford to pay for their rent, access adequate health care or get a college degree. One in ten students in the New York City public school system experienced homelessness last year. This is the most unequal State in the nation. If ever there was a time to tax the rich, it is now. The budget process is our opportunity to address New Yorkers' needs. Providing economic relief and investing in public goods and services was possible. All that was required was a decision to tax the wealthiest among us to make sure that they pay their fair share. Our Governor said a key goal of her budget was to make New York more affordable. Yet she refused to do this even as the Assembly, the People's House, proposed raising taxes on New Yorkers who make more than \$5 million a year and corporations with profits above that same amount. We could have used this money to fund vouchers for homeless constituents, reject tuition increases for undocumented New Yorkers or adequately pay home care workers. A budget tells you everything that you need to know about a government's priorities. This year Governor Kathy Hochul made hers clear. At a time when the cost of living has increased and New Yorkers are being crushed, she has failed our constituents across the State. I envision a New York in which public education is excellent and free in which every family has access to childcare. And in which the minimum wage is a living wage. That New York is within reach if we tax the rich. I will be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Mamdani in the negative.

Mr. Novakahov.

MR. NOVAKHOV: Thank you, Mr. Speaker. It's not only the poor who leave the State, it's not only the rich who leave our State, it's also the smokers who leave our State because buying a pack of cigarettes is something. And I just want -- I have some data on cigarettes. So from 2006 to 2020 New York State tax rose 190 percent. The number of illegal cigarettes that are sold in New York State is 53.5 percent, this is data from 2020 compared to legal. So people are buying more illegal cigarettes that were smuggled from other states than legal cigarettes. And raising another dollar on a pack is not -- unfortunately is not going to help quit smoking. I used to -- I was a smoker. I quit smoking not because the cigarettes were expensive but because of, you know, the health issues. And just for your information, the State is losing over \$1.3 billion in taxes because of the smuggled cigarettes from other states. The cigarette tax is not going to help us earn more money. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Novakhov. As one smoker that quit to another smoker that quit, thank you very much. Mr. Novakahov in the negative.

Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Mr. Speaker. You know I sit here and I kind of chuckle a little bit of, you know, we don't tax this one, we should tax the rich, we should tax this, we shouldn't

do this. What we really should do is stop taxing everyone. Taxes are unaffordable in New York State. Business taxes are crazy, real estate taxes are crazy, property tax, you name it, we have too many taxes. If you want people to stay here, live, earn and raise their families, give them an opportunity to make money and spend that money in this community. All we are doing as an Assembly is inviting in large corporations who can afford to pay these taxes and take that money and they leave New York State because of us. So if you want to have a conversation on taxes, let's have a conversation on stop taxing New York residents. Thank you, Mr. Speaker. That is why I'm voting no. It's a tax issue.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will you please call the Ways and Means Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Ways and Means, Speaker's Conference Room immediately.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please put the House at ease.

ACTING SPEAKER AUBRY: And the House will

stand at ease.

MRS. PEOPLES-STOKES: Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome,
ma'am.

(Whereupon, at 7:54 p.m. the House stood at ease)

Page 3, Rules Report No. 128, the Clerk will read.

THE CLERK: Assembly No. A06685, Rules Report No. 128, Weinstein. An act making appropriations for the support of government; and to amend Chapter 121 of the Laws of 2023, relating to making appropriations for the support of government, in relation 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: Mr. Ra.

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

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

MS. WEINSTEIN: Yes.

MR. RA: Thank you. I figured rather than ask for an

explanation, some of those questions I just had, so if we can go through those quick, basic details as we have on previous extenders so just in terms of time frame. This again will cover from the period of the start of the fiscal year through when?

MS. WEINSTEIN: May -- through May 4th.

MR. RA: Okay. And what is the appropriation within the bill and then how does it compare to previous -- our previous extender bill?

MS. WEINSTEIN: So the -- this bill is 1.353 billion. That represents 284 million in new appropriation and then the net change is 3.27 billion.

MR. RA: Okay. So I notice -- I mean there's basically one payment in this for payroll. So would this extender be unnecessary if we were to pass the State Operations bill before the Comptroller's Tuesday noon deadline?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And considering that is the only bill I believe not indexed or not amended at this point, do you know when we might see that State Operations bill?

MS. WEINSTEIN: We haven't -- that bill has not been released by the Executive yet.

MR. RA: But it is complete?

MS. WEINSTEIN: Yes.

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

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.

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.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would you call on Mr. Norris for an announcement?

ACTING SPEAKER AUBRY: Mr. Norris for the purposes of an announcement.

MR. NORRIS: Thank you, Mr. Speaker. There will be a Republican Conference at 8:40 sharp via Zoom. 8:40 sharp, via Zoom. Republican Conference.

ACTING SPEAKER AUBRY: Republican Conference, 8:40 sharp via Zoom.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have a number of fine resolutions, we'll take them up with one vote.

On the resolutions, all those in favor signify by saying

aye -- ooh, that was good -- opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 378-385 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and we reconvene tomorrow, Tuesday, May the 2nd at 11:00 a.m.

ACTING SPEAKER AUBRY: The Assembly is reconvening at 11:00 a.m. and we are now adjourned.

(Whereupon, at 8:24 p.m., the Assembly stood adjourned until Tuesday, May 2nd at 11:00 a.m., Tuesday being a Session day.)