

TUESDAY, MAY 2, 2023

12:06 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Dr. Ellis-Gibbs will offer a prayer.

REVEREND DR. ELLIS-GIBBS: We come at this time acknowledging You who is called by many names, justice, compassion, truth and love, that amid discord and political posturing out of Your forgiving heart, You would enter into this place and empower with accountability all who are assembled in this space. We ask for the outpouring of Your wisdom that those who have been elected to serve craft an agenda that guarantees people are prioritized over profits. May those who have been entrusted to represent the needs of the people choose equity and peace over divisiveness. May Your sons and daughters, the ones whom You have fashioned and

created, reflect the image of light in darkness, promise amid pain and hope for those whose hope is running out. Use them to dismantle systems that limit opportunities, disconnect communities from resources and perpetuate a cycle of trauma, an agenda that serves the best interests of Your creation. Bless them as they make difficult decisions. Bless them as they rise up against a dominant narrative, rewriting a narrative that emphasizes justice and liberation. While doing so, do not forget to bless them, their families, their homes, healing them where they are hurting, comforting them in their grieving, connecting them to joy in their midnight moments, and courage in their valued experiences. Bless those who are not always acknowledged, appreciated or applauded. Those staff persons who have made a commitment to show up and sacrifice and serve as sources of support doing the work behind the scenes. May they all work together forging a new community that is centered in compassion. May they work to give birth to a New York State that is affordable, safe, empowers and benefits all who have chosen to make this State their home. May they seek to remember the forgotten, see the neglected, recognize the invisible, and honor the value and worth of all people. And may all be done with an understanding that what they do for the widow and the orphan, the homeless and the hungry, the well-to-do and not doing so well, the immigrant and the native born, and all others as to be a reflection of love. We ask all these things to be done in Your name. Let all say Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

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

A quorum being present, the Clerk will read the Journal of Monday, May 1st.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, May the 1st and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Colleagues, members and guests that are in the Chambers, I want to offer a quote today as we begin the second stages of our budget, hopefully in the final stages. These words are from Margaret Thatcher. You all probably do recall her from history. She was the Prime Minister of the United Kingdom from 1979 until 1990, and she was the Leader of the Conservative Party from 1975 until 1990. Her words for us today: "You may have to fight a battle more than once to win it." Again, these words from the late Margaret Thatcher.

Colleagues have on their desks a main Calendar. After housekeeping and introductions, sir, we're going to be calling for committee meetings. The committees to meet, Ways and Means and

Rules in the Speaker's Conference Room. These committees are going to produce an A-Calendar which we will take up today. The -- Mr. Speaker, we will begin our floor work by taking up resolutions on page 3.

That's the general outline of where we are, sir. If you have any housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: We -- no housekeeping, Mrs. Peoples-Stokes, but we do have an introduction by Mr. Vanel.

MR. VANEL: Mr. Speaker, thank you for recognizing me. Today I'd like to introduce to some and to introduce -- and to talk about to all, Reverend Dr. Brian C. Gibbs -- Ellis-Gibbs. Reverend Dr. Brian C. Ellis-Gibbs is currently in his 18th year as Pastor of the Queens Baptist Church in Queens Village. He has been proclaiming the gospel for 30 years. His transformative ministerial experience includes preaching, leadership development, teaching, pastor care -- pastoral care, and designing biblical-based, purpose-driven curriculum, programs and projects that help persons identify their God-given passions and gifts for service within the church and larger community. Dr. Ellis-Gibbs received his Bachelor of Arts in History from Morehouse College; his Masters of Divinity Degree from Pittsburgh Theological Seminary; and will receive his Doctor of Ministry Degree from New York Theological Seminary this month. He is an ordained minister with -- with the -- within the American Baptist Churches of the United States of America. Along with the

many opportunities that God has given him, Reverend Ellis-Gibbs treasures the blessings of being the proud father of four beautiful children: Briana, Hannah, Spencer and Marshall.

Mr. Speaker, would you please give the cordialities of this House to the Reverend Dr. Brian C. Ellis-Gibbs?

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Vanel, the Speaker and all the members, Reverend, thank you so much for coming and sharing this day with us. We extend to you the privileges of the floor and appreciate the words that you've brought us together today with. Thank you so much, and know that you're always welcome here. Congratulations, thank you.

(Applause)

Mr. Ramos for the purposes of a introduction.

MR. RAMOS: Mr. Speaker, I rise for the purpose of an introduction. I rise today to introduce two guests, Levan Janashia and Nikoloz Glonti. My colleagues, I submit to you that we are in the presence of two absolute heroes who I have as my guests today. I ask that you bear with me while I recount the events that happened a year ago that actually changed my life. I haven't been the same since, and that has to do with the war in Ukraine.

On March of 2022, two months after the Ukraine war start -- broke out, my wife and I were watching a documentary about the atrocities that were taking place there. And I remember that -- that -- it -- it moved us, the things, the suffering, the human suffering that we were seeing, and it was at that time that I decided to collect

medicine, flashlights, gloves, hats and other necessary provisions from my constituents who -- who found it in their heart to generously give to help the people from the Ukraine, and we collected that. And in the following days, I flew to Poland and -- accompanied by Edwin Diaz, who volunteered to join me, and we went on this humanitarian mission to bring help to them. Once in Poland, we decided to cross the border into the war-torn Ukraine and bring medicines and other supplies to those who needed it the most. Many of you might have seen on my social media the videos of us driving in and bombs going off on each side. It was a -- a terrifying experience. And we drove on to Lviv. When we went to the hospital in Lviv, we found that the hospital didn't even have so much as an aspirin. But we were doing what we could to help, and the hospital was doing what they could but they were overwhelmed. And they were trying to help the victims of the war. They were down -- they had no medicine, and all they had was IV -- intravenous bags that -- of saline solution that they were warming up to administer intravenously to people to protect them to save them from hypothermia. There were women and children in below-zero temperatures standing on line for days at the border of Ukraine and Poland attempting to cross the border. There were women that were dead in cars with their children frozen at that time.

We did border runs every day. We had to go in and try and help in different towns of -- of the Ukraine, but we had to be out of the Ukraine by nightfall because after nightfall it was -- it was martial law. Anybody would be considered to be an enemy who was

out on the street. And one night we got lost and we were going in circles and the sun was going down and we were trying figure out where we were going. Our GPS was not working. And we saw a solitary van at the side of the road, and we decided to stop and ask for directions to this village in Poland where we -- we were staying. As I approached the van on foot, several tall men exited the van and were looking at me. And I was about 30 feet away from them and I could hear them talking to each other in Russian. At that time, I went into full cop mode. I still had those reflexes, and I -- although I didn't show it, my heart skipped a beat. And I remember saying to myself, *God, you're at the wheel, drive me out of this one, please.* And I stood there stone-faced and I -- I stopped about 20 feet in front of them and I asked if anyone spoke English, and I advised them that I was on a humanitarian mission and one of them answered yes. I told him that we were lost and I asked for directions. Much to my relief, they told me that they were from Russia, who was -- had been under domination -- I'm sorry, they were from Georgia, a country that had been under the domination of Russians, and they were helping the Ukraine people as well. They introduced themselves as Levan Janis -- Janashia and Nikoloz Glonti. After discussing our respective humanitarian missions, they gave us directions to where we were going. The next morning, in a small motel in a small village in Poland, we were leaving again to cross the border of Ukraine and I heard somebody called out Philip, and I turned around and it was the same Russian-speaking man that I had seen the day before, and we

exchanged phone numbers. Upon returning to New York, I was in frequent contact with them -- with Levan about helping my constituents with their families who lived Ukraine get to the border and get out of -- get out of Ukraine. This went on, there was a lot of communication, and these guys helped my constituent. It turns out that Nik -- Nikoloz and -- and Levan both were born in Georgia and they never imagined that their food production company would one day become the backbone of humanitarian effort that would save thousands of lives. But that's exactly what happened. After the war broke out in Ukraine, they both were living at -- in Ukraine at the time. They had to flee with their families and they were forced to flee from Kyiv. But their love for Ukraine and its people did not allow them to turn their backs, and they -- of their adopted country and they knew they had to do something. So they started doing what they knew best, feeding people. After getting their families to safety, they returned to Ukraine and began their mission to feed those affected by the war. At the beginning of the conflict there was no food in Kyiv, and Levan and Nikoloz managed to get flour, meat and other supplies to their friends in Europe. They drove trucks themselves, at times through crossfire, through mines and through bombs going off to bring food to people in need. As time went on, more volunteers were inspired by their effort and joined and they grew. And they started production of food actually in Ukraine and began feeding people who were hiding underground in shelters and nursing homes and other places. They even helped relocate refugees from the border to safe

haven, as they did with constituents' families of -- of mine. Their improvised operation was now working non-stop, feeding people for free, inspired by the heroic initiative of the volunteers joined.

I'll shut it down now, I know it's a long story. But it's just something that I believe met me to a level of heroism that I had not seen before. Their heroic humanitarian work will forever be remembered as an example of what can be achieved when people come together. I came back from Ukraine with a newfound respect for those who dedicated their time and resources to alleviate the plight of those in need. The world needs more people like Levan and Nikoloz. I am proud to have met them.

Mr. Speaker, I ask that you welcome these two heroic men to our Chamber and please extend to them all the privileges of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ramos, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Congratulate you on the great work that you've done in assisting human beings wherever you find them. Feeding people is an extraordinary effort in any event, but under the circumstances that you did, it's even more extraordinary. Know that you are always welcome here, always have friends here. Thank you so very much.

(Applause)

Mr. Angelino for the purposes of a introduction.

MR. ANGELINO: Thank you, Mr. Speaker. I rise to

introduce to my Assembly colleagues Firefighter/Paramedic Daniel Kerila. Dan is the President of International Association of Firefighters Local 1404 of the City of Norwich, New York, and he happens to be in Albany today on union business and I have commandeered him. Over the past five years, Firefighter Kerila has worked for the City of Norwich Fire Department, and prior to that he worked at various agencies and departments throughout Broome County as a paramedic and EMT. And I've got to tell you, this man saves lives every day that he works. He saves lives more frequently than we pass bills in the Assembly, and that's not just hyperbole, because I will testify to the fact that I have seen him do it many occasions. I've seen him in the middle of the night jerk from bed, sound asleep, and go to a structure fire in below-zero weather. I've been at the station when he was leisurely playing darts, enjoying some downtime, and seconds later he's at the scene of a grinding car crash using heavy equipment tools to pry people out of their -- mangled bodies out of a car. I've seen him at the station trying to enjoy a meal, and seconds later he's weaving an ambulance through traffic to get to somebody's house with a panicked family at his side yelling to save their loved one.

This proud Irish firefighter and his brothers and sisters at Station 23 in Norwich do this 24/7/365. I am amazed at what these men and women do at a small firehouse in the City of Norwich. Dan also is a paramedic instructor, he teaches EMT classes so that others can help save lives. But I have to tell you, I would trust

my life with this man, but I hope I never have to any time soon. But I wanted to let you know that Dan Kerila is the epitome of selfless service to the City of Norwich. Dan is married to Jacqueline, an ER nurse -- I know, that's a shocker, a paramedic on an ambulance married to an ER nurse -- and they live in Norwich.

Mr. Speaker, please, please, I beg of you to offer the cordialities of the floor to my friend, Firefighter/Paramedic Dan Kerila.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Angelino, the Speaker and all the members, we welcome you here, Dan, to the New York State Assembly. We extend to you the privileges of the floor. Thank you for the work that you've been doing, knowing and taking care of your community. Very important for all of us to know that you do that work. Please continue on and know that you go with our blessings and our prayers and our friendship. Thank you.

(Applause)

Mr. Pirozzolo for the purposes of a introduction.

MR. PIROZZOLO: Good afternoon, Mr. Speaker. I -- I would hope you would help me extend the courtesy of saying hello to some of my friends, not only my friends, but to some of my constituents. With me here is Rosanne La Fata, and in the back we have some other friends from Staten Island who, again, are my friends but not only are they my friends, they are my constituents. As experts in real estate, they do help people not only in my community, but all

throughout Staten Island and New York City.

So if you could please express the cordialities of the House to, as I said, not only my constituents, but my friends, I would be grateful. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Pirozzolo, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Thank you so very much for joining us today and keeping Mr. Pirozzolo company on a very long day, if we can ever get started. Thank you so very much, we are happy to have you. Please enjoy your day.

(Applause)

Ms. McMahon for the purposes of a introduction.

MS. MCMAHON: Thank you, Mr. Speaker. I rise for the purposes of an introduction. Today is the annual day of advocacy for domestic violence victims around the State. Advocates are meeting with legislators to discuss issues of importance to domestic violence survivors and their families. We're joined today by some of these advocates on the House floor. From the New York State Coalition Against Domestic Violence we have Connie Neal, the Coalition's Executive Director; and Kelly Coyne, Chair of the Coalition's Board of Directors. I was proud to work with the Coalition on the resolution I've introduced today proclaiming today as Domestic Violence Awareness and Prevention Day in New York State. And from the University of Buffalo School of Law, Family Violence and

Women's Rights Clinic, we have Clinic Director Judith Olin, a friend of mine from law school; and student attorneys Jake Giovati, Mykala Pierce, Lindsey Pastusynszki, Shelby Majda, Jordynn Harter, Shamira Nawz, Lexi Horton and Teresa Capiello. The Clinic serves the unmet needs of local survivors of domestic violence in Western New York. Every semester, law students enrolled in the clinic draft emergency requests for immediate Orders of Protection in family court. They have also spearheaded numerous community projects including teen dating violence prevention programs, and training for community domestic violence advocates.

As Chair of the Assembly's Task Force on Women's Issues, it is my honor to welcome these outstanding advocates for domestic violence victims and their families. Mr. Speaker, I ask that you join me in welcoming them and that you extend to them all the cordialities of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. McMahon, the Speaker and all the members, we welcome these distinguished ladies and gentlemen here to the New York State Assembly. We extend to you the privileges of the floor, and our congratulations and thanks for the work that you're doing to help protect those who need that protection. Thank you so very much.

(Applause)

Mr. Chang for the purposes of a introduction.

MR. CHANG: Thank you, Mr. Speaker. Behind me -- please rise -- behind me are -- are my fellow National Guardsmen in

the Naval Militia. Some of them -- I served with them during my COVID mission for two years. All of them right now are our constituents on this floor here. They represent Upstate and Downstate and they are all on mission right now, with the -- the COVID mission is still continuing right now. They are -- some of them are still serving all the immigrants right now down -- down in New York, and some of them are maybe perhaps our Empire shields. All on orders right now, selflessly serving our people, serving for the Governor.

Mr. Speaker, please invite them for the cordialities of this -- this great House, People House [sic].

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Chang, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Hope that you appreciate the Session today, and hope you enjoy and have a beneficial day here in Albany. Thank you so very much, keep up the good work. Thank you.

(Applause)

Mrs. Peoples-Stokes for an announcement.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could 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.

We will go to resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 386, Ms. McMahon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2023 as Esophageal Cancer Awareness Month 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. 387, Ms. Hyndman.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2, 2023 as Queens Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Hyndman on the resolution.

MS. HYNDMAN: Thank you, Mr. Speaker. And I know I've been annoying everyone in the Chamber, but it's Queens Day in Albany.

(Applause)

All right. And so there's a lot going on and I just want to respect my colleagues, but if you don't know this, Queens is the largest borough, mass-wise, in our State. It is the most diverse borough, we speak over 300 languages, representing over 190 countries in our -- in our borough. We're home to the New York amazing Mets, we're home to the U.S. Tennis Association where

people come from all over the world to watch the greatest play tennis. There is no place like Queens where you can get tacos, arepas, mimosas, vegan barbecue wings, roti, chicken and dumplings all on one strip. We are home to the most largest and diverse, as I said, and today although we'll be busy here all of you can't go, but it's Queens Night and I think it's the best night that this Chamber has ever seen. We are the second-largest delegation in this Assembly and --

(Applause)

Yes, we are, thank you. And lastly, I will say this that we celebrate Queens Day every -- every year, but I want to tell you, as an immigrant, as a formerly undocumented woman of color, my parents picked the most diverse place to move to. And it's every day I'm grateful that we have the diversity in our borough with homeowners, with renters, with all walks of life. And everyone usually come -- you've been to Queens -- if you've been to LaGuardia Airport or JFK Airport, you're in Queens, folks. So we are the gateway to the world, and I'm so glad that you all are as joyous as I am in declaring May 2nd, 2023 Queens Day in Albany.

Thank you.

(Applause)

ACTING SPEAKER EICHENSTEIN: Thank you, Ms. Hyndman.

Mr. Anderson on the resolution.

MR. ANDERSON: Thank you, Mr. Speaker. I want to thank the sponsor of this resolution for acknowledging the greatness

of the great Borough of Queens. Queens is home to, as she mentioned, the amazing Mets, but also, great Civil Rights leader and activist Malcolm X had a home there. But there's so much to the Borough of Queens. We know that Queens unfortunately was the epicenter of the foreclosure crisis that impacted many residents in Springfield Gardens, the neighborhood that I represent. We also know that the 31st Assembly District, which is located in the heart of Queens -- we have JFK Airport -- is home to 16,000 Guyanese Americans who call the district home. We're excited for the immigrants who come and -- and share this -- and traverse this borough and this beautiful Queens County. We are also happy for the folks who have contributed with their arts and their talents musically who have traversed this borough as well, and we are also thankful for the famed music -- music artists and individuals like Louis Armstrong and individuals like Louis Latimer. I want to make sure that people know that today, as we celebrate Queens Day, everyone is welcome to join us in The Egg tonight at 5. I know folks in this Chamber may not be able to because we'll be voting, but it's so important that we celebrate Queens. And lastly -- I've got to throw this in here -- aside from us getting the money, because Queens gets the money, we are -- I'm going to be careful with my words here -- we are the impetus and the enhancement to hip-hop, where -- where we have helped advance the careers of the likes of Nas, LL Cool J, Roxanne Shante, Salt-N-Pepa, and Nicki Minaj, just to name a few, have come from the amazing Borough of Queens.

So please, as we celebrate Queens Day, let's remember that we're Queens strong, we're Queens get the money and we're the world's borough. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER EICHENSTEIN: Mr. Bendett on the resolution.

MR. BENDETT: I just wanted to add to my esteemed colleague's comments that for hip-hop, let's not forget Run DMC.

(Applause/Laughter)

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

THE CLERK: Assembly Resolution No. 388, Ms. McMahan.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2, 2023 as Domestic Violence Awareness and Prevention Day in the State of New York.

ACTING SPEAKER EICHENSTEIN: Ms. McMahan on the resolution.

MS. MCMAHON: Thank you, Mr. Speaker, for allowing me to speak on this important resolution. Today, we call on Governor Hochul to proclaim May 2nd, 2023 as Domestic Violence Awareness and Prevention Day in the State of New York. Domestic violence is a serious, often hidden, and growing problem. Nearly 20

people are physically abused by an intimate partner in the United States every minute. That's over ten million people each year. One-in-three women and one-in-four men have experienced some form of domestic violence in their life, and one-in-ten women have been raped by a domestic partner.

Domestic violence knows no racial or gender bounds. Forty-five percent of Black women and 40 percent of Black men experience domestic violence. And the LGBTQ+ community experiences higher rates of domestic violence compared to cisgender and heterosexual couples. The economic burden of domestic violence is often overlooked. Domestic violence in the United States is estimated to cost over \$8.3 billion each year because many of the victims end up losing their jobs for reasons stemming from abuse. Today's recognition is aimed at spreading awareness of this problem, but also increasing the visibility of the advocacy groups, resources and other outlets available to victims in New York State, groups like the New York State Coalition Against Domestic Violence, who brought us the idea for this resolution, and the University of Buffalo School of Law's Family Violence and Women's Rights Clinic are doing extraordinary work in our communities.

While the numbers and facts behind the domestic violence crisis are overwhelming, groups and professionals are making a difference and standing ready to help anyone in need of their guidance and assistance. Thank you, Mr. Speaker.

ACTING SPEAKER EICHENSTEIN: Mr. Anderson

on the resolution.

MR. ANDERSON: Thank you, Mr. Speaker. I want to speak briefly on this resolution as we commemorate Domestic Violence Awareness Day [sic] here -- Prevention Day in the State of New York. One of the first pieces of legislation that I introduced was the Destini Smothers' Law. Destini Smothers was a victim of domestic violence, and she would be here with us today if the relevant agencies stepped in and took her case seriously. We know across this State and nation that women of color, and Black women specifically, are often overlooked when they go missing. And so we have a real opportunity to right those wrongs. Of course, as we commemorate this important day, it's important that we make the investments that are necessary to bring our girls home.

Thank you, Mr. Speaker.

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

THE CLERK: Assembly --

(Applause)

THE CLERK: Assembly Resolution No. 389, Ms. Wallace.

Legislative Resolution commemorating the Polish-American community's celebration of Polonia Day, May 2, 2023.

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

resolution is adopted.

THE CLERK: Assembly Resolution No. 390, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 31, 2023 as Save Your Hearing Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 391, Ms. Lupardo.

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

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

THE CLERK: Assembly Resolution No. 392, Ms. Joyner.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2023 as Global Employee Health and Fitness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 393, Ms. Bichotte Hermelyn.

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

ACTING SPEAKER EICHENSTEIN: Ms. Bichotte Hermelyn on the resolution.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to speak on this vital resolution that establishes the month of May as Haitian Heritage Month in New York State. The designation of Haitian Heritage Month commemorates the heart and soul of the people of Haiti in New York and our home country, the Island of Haiti. This month we celebrate the Haitian history and culture as a beacon of historical freedom, recognizing heroes and warriors like Toussaint Louverture and Jean-Jacques Dessalines for defeating Napoleon at -- and the French colonists at the Battle of Vertières at the end of 1803 to become the first independent Black Republic in the world.

This month also spreads vital awareness and understanding about Haitian culture, history and traditions and celebrates Haitian achievements that have indelibly shaped our world, our nation, our communities. We celebrate our food like griyo -- which is fried pork -- and black rice, diri djondjon, plantains, grenadia juice and rum, and of course, soup joumou, which is squash soup, which we drink on Independence Day. Haitian Americans have come

to the United States bring their own influence and cultural traditions to various significant spheres, including the arts, business, sports, literature, science and law. Just some notable figures include Jean-Michel Basquiat, one of the defining artists in the 20th Century; Jackson George, a Haitian-American painter who worked with wood, marble, metal and leather to create works featured at the World Trade Art Gallery, United Nations and Mehu Gallery; Jean-Claude Brizard, a Haitian-American teacher and superintendent who served as the Chief Executive Officer of the Chicago Public Schools from 2011 to 2012; Dean B. [sic] Baquet, a Haitian-American journalist who has served as the Executive Editor of the *New York Times* since 2014; and Nicole Baron Rosefort, who served as New York City and State public education leader; and Jacques Jiha, who was Commissioner and is -- was Commissioner of the New York City Department of Finance and Budget Director of New York City; and Naomi Osaka, who then ranked number 1 in Singles of the Women's Tennis Association; Claudine Gay, Harvard's President and the first person of color and the second woman to hold that role; and Karine Jean-Pierre, who serves as the White House Press Secretary and is the first Black person and LGBTQ to hold that role.

Haitian Creole is one of the top ten languages spoken in New York City, and New York City has the largest concentration of Haitians in the United States, as well as the oldest established Haitian communities of the country. The conservative estimate of the documented Haitian population in the New York City metropolitan

area is approximately 200,000. We celebrate the continued contributions of our people immigrating to New York, shaping the fabric of our City and State, including the largest segment from the Black diaspora, serving as health care workers, doctors and nurses, a great number of whom were on the front line during the worst days of the pandemic as doctors and nurses and home health care aides. We also celebrate the broad number of Haitian-American legislators, public officials and electeds across the State of New York who reflect and uplift this population with the New York State Assembly housing the largest legislative Haitian caucus in the country with five members, starting with Michaelle Solages, who was the first Haitian-American to be elected in the New York State Legislature. Then came Kimberly Jean-Pierre and myself, Rodneyse Bichotte Hermelyn, and then came Clyde Vanel and then came Phara Souffrant Forrest. New York is a symbol of freedom to people worldwide, and Haiti was the first free Black nation in the Western Hemisphere. The independence of Haiti echoes the importance of women and women of color in nation building, through revolutionaries like Marie-Jeanne Lamartinière, who fought as a soldier in the indigenous army, and Catherine Flon, who like Betsy Ross, is credited with crafting the independent Black Republic of Haiti flag in 1803 and served as a nurse, as well.

We are a people that have been fighting for our freedom for generations after generations, including for America when we fought alongside the Union in the Battle of Savannah. We

seized a beacon of liberty that America promised, and we helped create it without the revolt in Haiti. Presidents Jefferson and Monroe would never have been able to bargain that they did -- to get the bargain -- the bargain that they did on the Louisiana Purchase. Not to mention that the first settler and the founder of Chicago was a Haitian man, Jean Baptiste du Sable.

We are thankful we are finally recognizing May once again as Haiti Heritage Month, the month that we also celebrate Haitian Flag Day, which is on May 18th globally, and Haitian Una -- Unity Day in New York right here in the State. Although this has not been an easy time for Haitians, we are resilient. We are facing increased political turmoil and violence wielding from back-to-back unfortunate incidents, hurricanes and earthquakes. And as the first Haitian-American from New York City to serve in Albany, I am so proud and a resident of Little Haiti, Brooklyn, where we have Little Haiti Newkirk Train Station and streets that are named around Black revolutionaries.

I thank you all for supporting this recognition of our culture. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER EICHENSTEIN: Thank you.

Ms. Forrest on the resolution.

MS. FORREST: Okay. Today with this resolution to commemorate [sic] Haitian Heritage -- Heritage Month, we celebrate the rich culture, music, dance, faith and unique -- of Haiti

which is a unique portion of the African Diaspora. I commend the sponsor for this resolution, because this resolution takes me back to mornings with my mom. After waking up and thanking God for his grace and mercy and praying for our families left behind on the island, we would also breakfast over (inaudible) in the mornings. The sounds of (inaudible) samba, zouk and the occasional and frequently, actually, speeches and cries out for fair democracy filled up my house. I am so proud to be Haitian from the strands on my head to the littlest toes.

I want to thank my ancestors for their fight for freedom. I want to thank my families for their installation of (inaudible). I want to thank the community for keeping the spirit of Bookman, (inaudible), Toussaint, when we call out the unfair treatment of our most precious pearl of the Antilles.

(Inaudible). I loved you yesterday, I love you today and I'll love you forevermore. Thank you, sponsor.

(Applause)

ACTING SPEAKER EICHENSTEIN: Thank you.

Mr. Vanel on the resolution.

MR. VANEL: Mr. Speaker, thank you for recognizing me to give brief remarks on this resolution that was introduced by the -- the sponsor. I'd like to thank the sponsor for introducing the resolution. I am so excited and happy that the month of May is recognized as Haitian History Heritage Month [sic]. As a Haitian-American and has someone who has Haitian-American blood in his -- running through his veins, we're very excited that New York

State is the state with the biggest Haitian-American contingent in the Legislative Houses, five of us. We're very excited about that. We're excited that today is a day that we have a little part of getting this budget through. So as a big shoutout to that, big shoutout to that, too, the Haitian Heritage Month.

Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER EICHENSTEIN: 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 call the Rules Committee to the Speaker's Conference Room?

ACTING SPEAKER EICHENSTEIN: Certainly.
Rules Committee in the Speaker's Conference Room.

THE CLERK: Assembly Resolution No. 394, Mr. Slater.

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

ACTING SPEAKER EICHENSTEIN: 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 our House at ease?

ACTING SPEAKER EICHENSTEIN: Certainly.

The House stands at ease.

(Whereupon, at 12:49 p.m., the House stood at ease.)

* * * * *

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Members have on their desks an A-Calendar. Mr. Speaker, I would now move to advance that A-Calendar.

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

MRS. PEOPLES-STOKES: Thank you, sir. We are going to take these bills up immediately. We're going to begin with Rules Report No. 131, followed by Rules Report No. 130, and then Rules Report No. 132. In that order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

Page 4, Rules Report No. 131, the Clerk will read.

THE CLERK: Assembly No. A03006-C, Rules Report No. 131, Budget Bill. An act to amend the Education Law, in relation to Contracts for Excellence; to amend the Education Law, in relation to Foundation Aid; to amend the Education Law, in relation to providing a State subsidy for the Federal Community Eligibility

Provision program; to amend the Education Law, in relation to the number of charters issued; to amend the Education Law, in relation to actual valuation; to amend the Education Law, in relation to average daily attendance; to amend the Education Law, in relation to supplemental public excess cost aid; to amend the Education Law, in relation to building aid for metal detectors, and safety devices for electrically-operated partitions, room dividers and doors; to amend the Education Law, in relation to Academic Enhancement Aid; to amend the Education Law, in relation to High Tax Aid; to amend the Education Law, in relation to prospective pre-kindergarten enrollment reporting; to amend the Education Law, in relation to guidance on utilizing building aid to support-district operated universal prekindergarten programs; to amend the Education Law, in relation to universal prekindergarten expansions; to amend the Education Law, in relation to transitional guidelines and rules; to amend the Education Law, in relation to extending provisions of the Statewide Universal Full-Day Pre-kindergarten program; to amend the Education Law, in relation to certain moneys apportioned; to amend the Education Law, in relation to increasing aid for certain transportation costs; to amend the Education Law and the Public Authorities Law, in relation to zero-emission bus progress reporting; to amend Chapter 756 of the Laws of 1992 relating to funding a program for workforce education conducted by the Consortium for Worker Education in New York City, in relation to reimbursement for the 2023-2024 school year, withholding a portion of Employment Preparation Education Aid and

in relation to the effectiveness thereof; to amend the Education Law, in relation to extending aid for employment preparation education for certain persons age 21 and older; to amend Chapter 147 of the Laws of 2001 amending the Education Law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend Part C of Chapter 56 of the Laws of 2020 directing the Commissioner of Education to appoint a monitor for the Rochester City School District, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district, in relation to the effectiveness thereof; to amend Part C of Chapter 57 of the Laws of 2004 relating to the support of education, in relation to the effectiveness thereof; directing the Education Department to conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age and preschool programs receiving funding; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend Chapter 121 of the Laws of 1996 relating to authorizing the Roosevelt Union Free School District to finance deficits by the issuance of serial bonds, in relation to extending the school years to which apportionment for salary expenses apply; provides for an accelerated schedule for certain apportionments payable to Mount Vernon City School District; providing for set-asides from the State funds which certain districts are receiving from the total Foundation Aid; providing for support of public

libraries; to amend Chapter 498 of the Laws of 2011 amending the Education Law relating to the Public Library Construction Grant program, in relation to the effectiveness thereof; to amend Chapter 94 of the Laws of 2002 relating to the financial stability of the Rochester City School District, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the Education Law, in relation to tuition authorization at the State University of New York and the City University of New York (Part B); intentionally omitted (Part C); to amend the Education Law, in relation to removing the maximum award caps for the Liberty Partnerships program (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to utilize reserves in the Mortgage Insurance Fund for various housing purposes (Part Q); intentionally omitted (Part R); to amend the Labor Law, in relation to increasing minimum wage requirements and indexing the minimum wage to inflation for certain periods (Part S); intentionally omitted (Part T); to amend the Social Services Law, in relation to eligibility for child care assistance; to amend Part Z of Chapter 56 of the Laws of 2021 amending the Social Services Law relating to making child care more affordable for low-income

families, in relation to the effectiveness thereof; and to repeal certain provisions of the Social Services Law relating thereto (Part U); to amend Part N of Chapter 56 of the Laws of 2020, amending the Social Services Law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part V); to amend subpart A of Chapter 57 of the Laws of 2012 amending the Social Services Law and the Family Court Act relating to establishing a juvenile justice services close to home initiative, and to amend subpart B of part G of Chapter 57 of the Laws of 2012 amending the Social Services Law, the Family Court Act and the Executive Law relating to juvenile delinquents, in relation to the effectiveness thereof (Part W); to amend the Social Services Law, in relation to eliminating the requirement for combined education and other work/activity assignments, directing approval of certain education and vocational training activities up to two-year post-secondary degree programs and providing for a disregard of earned income received by a recipient of public assistance derived from participating in a qualified work activity or training program, and further providing for a one-time disregard of earned income following job entry for up to six consecutive months under certain circumstances (Part X); to amend the Social Services Law, in relation to the replacement of stolen public assistance (Part Y); to amend the Social Services Law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part Z); in relation to requiring the State University of New York trustees and the City

University of New York trustees to develop a long-term plan to address the impact fluctuations in student enrollment have on the academic and financial sustainability of State-operated institutions and community colleges (Part AA); to amend the Social Services Law, in relation to increasing from \$300 a month to \$725 a month the rent subsidy payable to a foster child living independently (Part BB); to amend Chapter 277 of the Laws of 2021 amending the Labor Law relating to the calculation of weekly employment insurance benefits for workers who are partially unemployed, in relation to the effectiveness thereof (Part CC); to amend the Social Services Law, in relation to establishing a Statewide presumptive eligibility standard for the receipt of child care assistance (Part DD); to amend the Education Law, in relation to eligible recipients of part-time Tuition Assistance Program awards (Part EE); in relation to conducting a study of public and private museums in New York State (Part FF); to amend the County Law and the Judiciary Law, in relation to entitled compensation for client representation (Part GG); to amend the Tax Law, in relation to eligibility for the Empire State Child Credit (Part HH); to amend the Education Law, in relation to maritime scholarships at the State University of New York (Part II); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the membership of the board of directors of the Western Regional Off-Track Betting Corporation; and providing for the repeal of such provisions upon the expiration thereof (Part JJ); to provide State matching contributions to the endowments of the four university

centers of the State University of New York; and providing for the repeal of certain provisions upon expiration thereof (Part KK); to amend the Public Health Law, in relation to authorizing body scanner utilization in the Department of Corrections and Community Supervision (Part LL); to amend the Vehicle and Traffic Law, in relation to owner liability for failure of operator to comply with bus operation-related local law or regulation traffic restrictions and to the adjudication of certain parking infractions; to amend the Public Officers Law, in relation to access to records prepared pursuant to bus operation-related local law or regulation traffic restrictions; to amend Part II of Chapter 59 of the Laws of 2010, amending the Vehicle and Traffic Law and the Public Officers Law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part MM); in relation to directing the Metropolitan Transportation Authority to establish and implement a fare-free bus pilot program within the City of New York (Part NN); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the utilization of funds in the Capital Region Off-Track Betting Corporations' capital acquisition funds (Part OO); to provide for the administration of certain funds and accounts related to the 2023-2024 budget, authorizing certain payments and transfers; to amend the State Finance Law, in relation to the administration of certain funds and accounts; to amend Part FFF of Chapter 56 of the Laws of 2022

providing for the administration of certain funds and accounts related to the 2022-2023 budget, in relation to the effectiveness of certain provisions thereof; to amend the Military Law, in relation to the deposit of funds for the use of armories; to amend the State Finance Law, in relation to the Rainy Day Reserve Fund; to amend Part D of Chapter 389 of the Laws of 1997 relating to the financing of the Correctional Facilities Improvement Fund and the Youth Facility Improvement Fund, in relation to the issuance of certain bonds or notes; to amend Chapter 81 of the Laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds & notes; to amend Part Y of Chapter 61 of the Laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in relation to the issuance of certain bonds or notes; to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the issuance of certain bonds or notes; to amend the New York State Urban Development Corporation Act, in relation to the issuance of certain bonds or notes; to amend Chapter 329 of the Laws of 1991, amending the State Finance Law and other laws relating to the establishment of the Dedicated Highway and Bridge Trust Fund, in relation to the issuance of certain bonds or notes; to amend the Public Authorities Law, in relation to the issuance of certain bonds or notes; to amend the Private Housing Finance Law, in relation to housing

program bonds and notes; to amend Part D of Chapter 63 of the Laws of 2005, relating to the composition and responsibilities of the New York State Higher Education Capital Matching Grant Board, in relation to increasing the amount of authorized matching capital grants; to amend the New York State Urban Development Corporation Act, in relation to the Nonprofit Infrastructure Capital Investment program; to amend the New York State Urban Development Corporation Act, in relation to personal income tax notes for 2024, in relation to authorizing the Dormitory Authority of the State of New York and the Urban Development Corporation to enter into line-of-credit facilities for 2024, and in relation to State-supported debt issued during the 2024 fiscal year; to amend the State Finance Law, in relation to payments of bonds; to amend the State Finance Law, in relation to the Mental Health Services Fund; to amend the State Finance Law, in relation to the issuance of revenue bonds; to amend the New York State Urban Development Corporation Act, in relation to permitting the Dormitory Authority, the New York State Urban Development Corporation, and the Thruway Authority to issue bonds for the purpose of refunding obligations of the power authority of the State of New York to fund energy efficiency projects at State agencies; to amend the Public Authorities Law, in relation to financing of Metropolitan Transportation Authority (MTA) transportation facilities; and providing for the repeal of certain provisions upon expiration thereof (Part PP); to amend the Public Authorities Law and the Public Service Law, in relation to advancing

renewable energy development; establishing the Renewable Energy Access and Community Help program; and providing funding to help prepare workers for employment in the renewable energy field (Part QQ); to amend the Energy Law and the Executive Law, in relation to prohibiting the installation of fossil-fuel equipment and building systems in new construction; and to amend the Public Authorities Law and the Public Buildings Law, in relation to establishing decarbonization action plans for State-owned facilities (Part RR); to amend Part LL of Chapter 58 of the Laws of 2019 amending the Public Authorities Law relating to the provision of renewable power and energy by the Power Authority of the State of New York, in relation to the effectiveness thereof (Part SS); to amend the Public Authorities Law and the State Finance Law, in relation to Climate Action Fund revenues and accounts; and to amend the Labor Law and the Public Service Law, in relation to certain climate risk-related and energy transition projects (Part TT); to amend the Tax Law, the Cannabis Law, the Real Property Actions and Proceedings Law and the Criminal Procedure Law, in relation to making technical corrections to tax on adult-use cannabis products and enforcement provisions; and providing for the repeal of certain provisions upon the expiration thereof (Part UU); and to amend the Criminal Procedure Law, in relation to setting bail (Subpart A); to amend the Criminal Procedure Law, in relation to excluding certain arrests made without a warrant from certain pretrial proceedings (Subpart B); and to amend the Judiciary Law, in relation to requiring the Chief Administrator of

the Courts to collect data and report on pretrial commitments to local correctional facilities (Subpart C) (Part VV).

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: So I assume there will be quite a few questions, so why don't I just briefly say that this bill will enact the -- into law major components of legislation that are necessary to implement the State Fiscal Year '23-'24 Budget as it pertains to the Education, Labor, and Family Assistance Budget, and there are also some provisions here from bills that we had omitted parts of -- that we passed earlier today -- yesterday.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: The Chairwoman yields.

MR. RA: Thank you very much. So, before we get into this, and as you said, this contains some provisions that were pulled out of other bills, you know, people in the public are referring to it as a Big Ugly, as -- as that term goes. But I just want to start just

back to the global picture here. We had hoped we were getting there on our financial plan. I hear you're getting there, but we're not quite there yet, is that correct, in terms of a full financial plan being available?

MS. WEINSTEIN: It is on the internet as we speak.

MR. RA: Okay, very good.

MS. WEINSTEIN: And it is on the Assembly website. I believe it was e-mailed to all members earlier today.

MR. RA: Okay. I know that has, I believe, some of the basic spending and all that stuff, but do we have any information in terms of debt, out-year, budget gaps and that type of stuff?

MS. WEINSTEIN: So, I -- I would say we have a surplus of 3.2 billion in Fiscal -- for Fiscal Year 2024, then a gap of 2.6 billion in Fiscal Year '25, a gap of 6.5 billion in Fiscal Year '27, and a gap of 4.9 billion in Fiscal -- 6.5 billion in Fiscal Year '26, and 4.9 billion, Fiscal Year '27. Do you want the -- the -- what's in the cap -- debt cap and what's excluded from the debt cap?

MR. RA: Yes, please.

MS. WEINSTEIN: Okay. So we included in the debt cap for the budget we're adopting is 39.264 billion. Excluded from the debt cap is 19.24 billion. For next year, Fiscal Year 20 -- yeah, I'm -- I'm sorry, that information I gave you was the -- the fiscal year closing, that -- and for the fiscal year for the budget we're adopting now is 48.094 billion that is included in the cap, and 18.598 billion is excluded. Next year's Fiscal Year '25 is 55.188 billion

included in the cap, 17.716 would be excluded from the cap. Going forward to Fiscal Year '26, 61.702 included in the cap, 16.900 billion excluded, and debt outstanding going from the -- the cap that would remain. So for our current fiscal year we would have 14.609 billion outstanding cap going down to '25 to 10 billion, a little over 10 billion outstanding in the cap, and going down to Fiscal Year '28 we would predict 290 million debt out -- outstanding cap remaining.

MR. RA: Okay. So that's when we reach our lowest capacity left under the --

MS. WEINSTEIN: Yes, in 2028.

MR. RA: 2028, okay. In terms of the overall financial plan then, how does the enacted budget account for and pay for the additional \$2 billion in spending over the Executive proposal?

MS. WEINSTEIN: So there's an additional just over 800 million that was from the consensus revenue forecast of that -- that meeting -- as a result of that meeting we held in late February, and the remaining is from un -- undesignated funds that were in -- in the reserves in the Governor's proposed budget. So that remaining, we take 1. -- you know, a little over 1.2- from the undesignated reserves.

MR. RA: Does that -- does that include economic uncertainties funding?

MS. WEINSTEIN: No, no. This -- this -- there was -- the Governor had approximately 2 billion in undesignated reserves, and we also, if you recall when we closed down the '23 Budget, there was an additional just over \$2 billion, maybe closer to \$2.5 billion that

we were over the -- our plan for last year.

MR. RA: Okay. So how does, in the financial plan, the Tax Stabilization Fund amount as compared to the Governor? And then I'll -- I'll ask the same about the other reserve funds in a moment.

(Pause)

MS. WEINSTEIN: So, the Tax Stabilization total compared to the Governor is actually the same as the Governor's, the 1.6 billion. So we -- we did -- this enacted budget does accept the Governor's proposal to accelerate the planned deposits into reserve two years ahead of schedule so that -- bringing the Rainy Day Reserve Fund balance to 6.5 billion by the end of this past fiscal year.

MR. RA: Okay. And then the Economic Uncertainties amount?

MS. WEINSTEIN: The -- similarly, we accept the Governor's number of 13.70 billion, so that is the enacted budget we'll have 13.70 billion in the reserve for Economic Uncertainties.

MR. RA: Okay. And then we talked about this yesterday a little bit. What are the implications in the financial plan of the eFMAP funding?

MS. WEINSTEIN: So the eFMAP funding over the next four years would be \$2.3 billion that the -- the State will save, will -- will accrue to the State that would otherwise have accrued to the counties while, at the same time, the State continues to pay the Medicaid increases as a result of the Medicaid takeover in 2015-2016.

So, you know, just as an example, just to put that in some perspective, the takeover, the -- for example, in Chautauqua County since 2015 the State has provided \$271+ million for the what would otherwise have been the locality's State share.

MR. RA: Yeah, I mean, you know, certainly I think we appreciate the -- the State having taken over, you know, that share and that is, to be honest, one of the really only major pieces of mandate relief that we've done over the years and something that was very much championed by our -- our Conference. But as you're aware, there's certainly still a concern with regard to this funding from our county levels. Are you -- I know you just gave a total number over the four years. Do you have that by year of each of the next few years?

MS. WEINSTEIN: In -- in this budget is 405- and then -- that we bring back and I just need to -- let me just go over that other number.

MR. RA: So the State would be keeping, if my math is correct, about 220- or so, 219-?

MS. WEINSTEIN: Yes, it's just over 600-. So and then in the -- the next fiscal year we restore 270 million and then we fully phase out the ACA FMAP pass-through in '25, 16-.

MR. RA: Okay. And can you just clarify again, I know we talked about this yesterday, but as a percentage you said that it's about 75 percent (inaudible) lower than that --

MS. WEINSTEIN: About 75 percent and then it

goes down to 50 percent and then it zeroes out.

MR. RA: Zeroes out.

MS. WEINSTEIN: And I would say that some of the rationale for that is despite what I mentioned about the -- the numbers for the State takeover of -- of increase in Medicaid savings since 2015, the -- we have seen in -- around the -- the State a dramatic increase in local sales tax distribution. So, for example, from -- if you look at this past year and compare it to 2019, there has been a 19.4 percent increase in local sales tax collections, and we just picked an area to -- to give an idea. So the -- the North Country has seen 72 -- a \$72 million increase, which represents 26.5 percent. So the counties certainly have a lot of money, and this is actually largely due to our included inclusion of the internet sales tax that counties (inaudible) --

MR. RA: Thank you. You know, I think that is, you know, something that can be talked about. Just in the interest of time --

MS. WEINSTEIN: Sure.

MR. RA: -- I'm going to just move on to some of the substance of -- of this bill itself, but thank you for that information. I -- I will say we -- we checked on the web -- Assembly website, we did not see the financial plan on there, so hopefully it's going to be posted shortly, but I appreciate your answers to the questions.

MS. WEINSTEIN: Okay, hopefully. I misspoke. It should be posted shortly.

MR. RA: So, just -- I'm going start with, actually,

some of the stuff that's in this bill that actually, you know, is within the title. So, you know, ELFA, we've had years that are -- that ELFA has been missing, perhaps, the E, but the education pieces that are in this bill this year in addition to some of the other things. So starting with BOCES aidable salary increases. I -- I know many of my colleagues have heard about this issue from their local BOCES. On Long Island we hear constantly about students that, you know, should be going to these programs, want to go to these programs, and -- and it becomes, unfortunately a, you know, money counting exercise and they don't always get access to it. So with regard to BOCES aidable salary increases, this has been an issue for many years, it's had a lot of bipartisan support. I know it's had plenty of support on your side of the aisle. Can you tell us anything about why something like that was not included in this final budget?

MS. WEINSTEIN: I -- I could, yes. The -- as -- as you indicate, there was support of something that was in our one-House. Unfortunately, the Executive did not agree to including it in this final budget.

MR. RA: Okay. I -- I hope it's something that we will continue to look at because it really will make the difference in many, many students being able to attend those programs.

The free school meals provisions.

MS. WEINSTEIN: Yes.

MR. RA: This provision in this budget expands free school meals, essentially provides enhanced State subsidies to school

districts that have certified a high percentage of low-income students under the Federal Community Eligibility Provision program. Do we know how many schools are currently part of that Community Eligibility Provision program?

(Pause)

MS. WEINSTEIN: We -- we don't have the number of schools. We do know that 90 percent of the schools that are eligible are participating. And in terms of eligibility right now, the Federal government is in the process of considering -- it has actually on the registry looking for comments about lowering the threshold for the CEP enrollment from 40 percent to 25 percent, which would drastically increase the number of schools eligible for the program, so the State dollars will go even further.

MR. RA: Okay. Do -- do we know how many new school districts would be able to provide free school meals under this bill?

MS. WEINSTEIN: We -- we -- we're not 100 percent sure, but assuming that that Federal threshold range goes down to the 25 percent, we assume that up to 300,000 more new students will receive free school meals.

MR. RA: Okay. And is there any plan within this or any language to require the State Education Department to provide technical assistance to school districts to help them more accurately reflect the true number of eligible students under the Federal program so that they can take advantage of this?

MS. WEINSTEIN: There's nothing specific here. We do believe that the SED -- that SED does assist and provide that information to school districts, but I couldn't be more exact about that.

MR. RA: Okay. In terms of school safety. You know, last fall a group of our Conference traveled across the State to advocate for enhanced policy and funding to improve school safety. Obviously, we all know about the devastating tragedies we've seen, and one of the themes that came up a lot was to make the hiring of school resource officers, known as SROs, aidable through either traditional school aid or some type of dedicated grant program. Is there any language to make the hiring of SROs aidable through existing or new funding streams in this budget?

MS. WEINSTEIN: What we do is in terms of Building Aid we make permanent the increase, the bump up in -- in Building Aid for enhanced security measures.

MR. RA: Those are -- those are the provisions from back in the SAFE Act, correct?

MS. WEINSTEIN: Yes, yes. So those are made permanent now as part of the formula.

MR. RA: Okay. Are there any other school safety measures in this other than that?

MS. WEINSTEIN: Not in this budget specifically, but, you know, certainly, over the -- over the years -- someone's looking for Aileen -- over the years -- (phone ringing) can someone -- we have certainly done a lot to support enhanced school -- school

safety, both public schools as well as non -- non-public schools we've provided funds for security enhancements.

MR. RA: Sure. And I -- I do think, though, that is a -- one of the things, again, that comes up is trying to find ways to provide that funding for SROs.

But moving on, Special Education. Special Education stakeholders have requested interim plus rates be included in this enacted budget which would essentially allow providers with a prospective tuition rate to capture any trend factor increases included in the budget which they otherwise would not be entitled to under the current regulations. So does this budget provide for any trend factor increases for Special Education programs that rely on tuition rates set by the State Education Department?

MS. WEINSTEIN: The budget itself does not, but we've been assured that the Executive will be making administrative changes that -- that they can do without legislative authorization or legislation.

MR. RA: And does -- I would ask the same, does this budget include any language to allow for interim plus rates so that those schools can, you know, capture a larger amount of funding, you know, in this budget?

MS. WEINSTEIN: Again, we believe that the Executive is going to do that administratively.

MR. RA: Okay. And am I correct, I know it's in -- in another bill and perhaps we'll discuss it at that point, but that funding

is going to be provided for the work on modernizing a Special Education rate-setting methodology?

MS. WEINSTEIN: Yes.

MR. RA: Okay. Lastly with regard to our schools, as you know, last year's enacted budget mandated that all new bus purchases or leases made on or after July 1st, 2027 be zero emission, and all buses operated by a school district or pupil transportation company be zero emission by 2035. At this year's Elementary and Secondary Education Budget Hearing the Commissioner acknowledged that many rural and Upstate school districts are experiencing challenges in trying to comply with these aggressive timelines. Does this budget include any provisions to delay or amend the electric school bus mandate to acknowledge this concern?

MS. WEINSTEIN: Not to delay -- not in that regard, but what we do is, first of all, NYSERDA will be coming out with a, pardon the pun, a road map to help provide guidance to school districts with the conversion, and the budget, this budget, also has school districts reporting to the State on their progress, as well as barriers to the conversion. And in addition, we are -- we're accelerating the timeline for NYSERDA to be reporting on the availability of buses to 2025. Once we start to receive that information, then we'll be in a position to determine and to review the -- what the needs and what needs to be done to help school districts with this requirement.

MR. RA: Okay. And is there any language that

would make electrification studies for school bus depots to hook up to the electricity grid aidable through transportation aid so that districts can basically, you know, get that information and know what it's going to cost them before they move forward with those plans?

MS. WEINSTEIN: We did have that in our one-House, but unfortunately it was not accepted in the final negotiation.

MR. RA: Thank you.

Moving to Higher Education. The -- the State match for endowment contributions to SUNY university centers, certainly welcome, will support student needs at those institutions. So how will the endowment funds at SUNY be apportioned throughout each institution to support employment of faculty, financial aid, research and development grants or other programs? Is there any type of formula?

MS. WEINSTEIN: It -- there is no formula, it's up to the SUNY Board how to -- how that funding shall be allocated and matched.

MR. RA: So how -- how will it be given out, then?

(Pause)

MS. WEINSTEIN: As -- you know, since it's a matching program, as the private funds come in \$2 private funds will generate \$1 of State funds. So once that funding comes in, then we will be able to provide the State aid.

MR. RA: Okay. And that's only -- am I correct,

there's only five institutions that would be eligible for that?

MS. WEINSTEIN: Well, the -- the Big Four.

MR. RA: Four. Thank you. There's also a -- a proposal, something I think many of us have long advocated for for part-time TAP for CUNY and SUNY students enrolled in non-degree programs to support the workforce needs of those students. But as we've seen in general, TAP awards are not nearly enough to cover the cost of higher education for students as they're not directly linked to the cost of tuition. So are we sure that this part-time TAP is going to be enough to encourage these non-degree program students, you know, knowing that they're -- they're still going to have perhaps a large out-of-pocket cost?

MS. WEINSTEIN: We are -- we are going to be working with -- with SUNY to develop the appropriate programs for dealing with -- with part-time TAP and it's certainly something we'll continue as we move into the next fiscal year or two to monitor.

MR. RA: Okay. And do we expect that this might increase enrollment rates at -- at CUNY and SUNY institutions? I -- I know in particular, you know, many of our community colleges are struggling with decreased enrollment and -- and other institutions are as well.

MS. WEINSTEIN: We do believe that the part-time TAP will, in fact, help with enrollment at the colleges.

MR. RA: Okay.

I want to move over to the Human Services sector.

So as you know, and -- and as the Majority I think acknowledged in a proposal in -- in your one-House budget, New York State owes over \$8 billion on an over \$10 billion loan it took from the Federal government to make Unemployment Insurance benefits through the Unemployment Insurance Trust Fund at the beginning of the pandemic. And because the State has not paid back the Federal government, New York businesses are now being assessed a higher Federal unemployment taxes, and an interest assessment surcharge is a way for the Federal government to collect the debt on that loan. Am I correct that no proposal made in the final budget to help with the repayment of that loan?

MS. WEINSTEIN: Correct.

MR. RA: So do we have any -- any plans in the future to find a way to help these businesses, or is the plan to just let those taxes increase year after year on these small businesses?

MS. WEINSTEIN: Well, we did have a plan in the one-House that the Governor didn't accept. On a larger scale, our plan -- what would be helpful would be for the Congress to forgive the -- the loan, which has happened with other -- in other instances where they have forgiven the unemployment insurance loans and, you know, perhaps some people on your side of the aisle can assist with that.

MR. RA: Well, we -- I guess we have several former colleagues we can get in touch with. But as -- as you're aware, the State did have the opportunity last year to use CARES or other funds to help repay it, and I believe at least 31 other states did so and -- and

we did not.

MS. WEINSTEIN: I would -- I would just comment on why we could not or did not. Many of those other states had a very -- a much lower utilization of unemployment funds, loans. They weren't hit the way we were from COVID. So California and New York really suffered tremendous amounts and we just didn't have the -- the ability to use the rescue moneys for that because we used it for other needs for our citizens.

MR. RA: Sure. Do we know how long the State expects it to take to repay this loan in full?

MS. WEINSTEIN: We -- we think about four years, to 2027.

MR. RA: Okay, thank you.

One other issue, as I'm getting low on time here. The minimum wage. So this budget will index minimum wage to the Consumer Price Index for urban -- urban wage earners and clerical workers for the Northeast region starting on January 1, 2027. Now, in the interim there is a minimum raise -- minimum wage increases going forward as well, correct?

MS. WEINSTEIN: Correct.

MR. RA: So I guess my question is, why not just start with indexing from where we are to the CPI?

MS. WEINSTEIN: We -- we want to be able to give some certainty going forward and, you know, also we're just coming off of a year of very high inflation, so we wouldn't want that to skew

the -- the average index. This way people can have that certainty with the increase and then -- then the average of the CPI for the Northeast will kick in.

MR. RA: Okay. And I know there are basically some provisions that allow for an increase not to go through if, you know, it would -- essentially, the raise would be paused if the CPI is negative, but that's only applicable for two years; is that correct?

MS. WEINSTEIN: Correct.

MR. RA: So what -- what if it's negative for consecutive years longer than that?

MS. WEINSTEIN: The -- the wage wouldn't go down, it would just remain steady.

MR. RA: Okay.

And then lastly, indigent legal services.

MS. WEINSTEIN: Yes.

MR. RA: Currently, the 18B rate is one rate Downstate and a different rate Upstate. This makes it one single rate, the same rate Statewide, correct?

MS. WEINSTEIN: Correct.

MR. RA: And that will be set at \$158 per hour?

MS. WEINSTEIN: Correct.

MR. RA: Any sense of why we came to the conclusion to have one single rate for the State as opposed to two separate ones as we've had in the past?

MS. WEINSTEIN: We -- you know, we want to

ensure that there is quality representation throughout -- throughout the State. We would have -- actually in 2005 when I was part of the -- the three commission -- member commissions that adopted that first increase in so many years, we had wanted to -- to have a -- a single rate but we were not able to get that at that time but --

MR. RA: And just one other question --

MS. WEINSTEIN: Sure.

MR. RA: -- regarding this. I know this is in Aid to Localities but there's funding being provided.

MS. WEINSTEIN: Correct.

MR. RA: Does that funding fully off set the cost to the counties or do you have any sense of how far that will go in terms of --

MS. WEINSTEIN: Sure. Well, we -- we do for the attorneys for the child for OCA, we provide the \$44 million that offset it for the counties. We will be providing up to \$92 million for grants to -- to counties so it is -- and 10 million for parental representation. We anticipate that's about half of those expenses.

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

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. SMULLEN: Thank you, Chair. I -- I wanted to follow back up on the expanded meal program in --

MS. WEINSTEIN: Sure.

MR. SMULLEN: -- schools with some a -- with fairly specific questions on it.

MS. WEINSTEIN: Okay.

MR. SMULLEN: Just -- just looking at it, you know, we -- we know in the world of economics that there's no such thing as a free lunch. So in this case where is the money going to come from to -- to pay for this program?

MS. WEINSTEIN: It -- as I said, the State's -- well, the -- the attorney for the child funding, that's set in the Judiciary budget so that's not a -- an obligation of the counties. The obligation to provide legal services for indigent individuals is in truth a county responsibility. Up to this point the State has subsidized that the full amount going forward the State will be subsidizing 50 percent of that -- up to 50 percent.

MR. SMULLEN: So for this school meal program it's -- you wouldn't describe this as a mandate, you would describe it more as a State subsidy that's going to be administered by local school districts?

MS. WEINSTEIN: Right. It is the -- the -- it is a subsidy in that but, you know, there are other -- for example with Mr.

Ra, we had the conversation about the \$130 million for the school meals that we will be providing as opposed to a -- a -- a county expense.

MR. SMULLEN: So for 130 million coming in this year coming forward, how much was it last year? How much did New York State pay for the program for schools that were already participating in the CEP, approximately?

MS. WEINSTEIN: Thirty-four million dollars, 34.4 actually.

MR. SMULLEN: So we're looking (inaudible) somewhere like 95 million more for this year. What is the anticipated demand for the program? What I've -- what I've heard is that we're not going to require families to submit individual paperwork but schools will be able to use a variety of data tools to be able to determine eligibility in whether or not their school would be eligible. What do we think the demand is across New York State? We know what the number of K through 12 students is. How many do we think will be eligible for the program?

(Pause)

MS. WEINSTEIN: There are over a million students that are already having free lunches and we think that this funding -- the State funding will add 100 -- it will add 300,000 new students to this to be eligible for a free lunch. And that anticipates -- that number anticipates, because we haven't seen any objection to the Federal government's going down to 40 -- from 40 percent eligibility for -- at

school down to 25 percent. So we think that will really cover a tremendous number of students throughout the State.

MR. SMULLEN: So we think it's a million now based on the pandemic numbers. It will add -- this will add 300,000 this year and what's the -- the full-on student population for K through 12 at this point?

MS. WEINSTEIN: About 2.8 million students.

MR. SMULLEN: So we think it's 1.3 million that would be eligible and then perhaps grow. Any idea of the growth targets that you're anticipating?

MS. WEINSTEIN: You know, I -- I would tell you that the 300,000 is -- we believe is a -- a very conservative number. We think that it will be higher than the 300,000 new -- new students that are able to participate. We're just being a little conservative in our estimation.

MR. SMULLEN: Well, you know me I like conservatives so thank you for that. What -- what I'm looking at in -- in looking at the overall growth is is I see also in the budget further down that we're looking for universal pre-K expansion aid. Will those students be eligible for free lunches? So we're looking at three-year-olds and four-year-olds essentially?

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

MR. SMULLEN: So the numbers would actually grow because it would be another two grades, if you will, that would be added to the -- to the potential total?

MS. WEINSTEIN: Well, to the extent that those -- to the extent that those pre-K programs already exist and particularly in schools those students are currently eligible for the free lunch if that school has free lunch --

MR. SMULLEN: But we're also going to grow pre-K is what I'm saying and --

MS. WEINSTEIN: Yes. So there -- there will be additional students.

MR. SMULLEN: The intent of this budget is to -- is to grow --

MS. WEINSTEIN: Right. The pre-K students are already in -- in many schools receiving free lunch -- free meals.

MR. SMULLEN: Actually in the Aid to Localities part of the budget there's a program that's called the locally sourced reimbursement program to encourage school districts to buy locally-sourced products from New York farms. Could you say -- could you tell me how that's linked to this -- this program that you're proposing? Is our supply system, if you will, is it going to be able to supply the demand for these -- these free school meals?

MS. WEINSTEIN: You know, I -- I think that by having this funding and this increased need for food at -- at the schools it'll complement that program. It'll help -- help our farmers particularly those located close to -- to schools that will now be participating.

MR. SMULLEN: So what's the approximate

percentage of schools in New York City that get food stuff from the locally-sourced program that New York has, approximately?

MS. WEINSTEIN: My understanding is that -- I'm told that the -- New York City is actually close to the 30 percent rate.

MR. SMULLEN: Of -- locally-sourced products.

MS. WEINSTEIN: Of locally-sourced, yes.

MR. SMULLEN: Very good. So thank you, Madam Chair.

Mr. Speaker, on the bill.

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

MR. SMULLEN: So, you know, what we have here is a -- is a program that's clearly going to grow and the intent behind it is to grow and it's going to cost -- it's going to cost the New York State taxpayers to do so. And one of the things that if we are going to do something like this that it ought to be tied to locally sourced and New York specific grown products. We have almost all of the ingredients for good, healthy school meals within New York State within our farming community. You know, and I think that the 30 percent goal ought to be raised so if we the State of New York are going to feed our children in schools, that we ought do it from our own farms to their school tables, and that will be something that I definitely will be -- will be watching and working on going forward, because we have literally all of the various things. We have the -- the milk, we have the fruits, we have the meats, we have all of the things that we can take

care of our own children. And if we are -- if we are to do something like this, then we ought to do it wisely. And of course that's one of the reasons why I think this process where you don't see the language until it's to the very last minute and very little input is allowed, doesn't make for good legislating. And specifically, you know, here we are on a Message of Necessity passing something that we're going to say two meals a school year is 180 days long for most of our children. Two meals a day, that's 360 meals per year, that's one-third of the meals that our children are going to eat for somewhere between pre-K, three, four years old to 18 for maybe 15 years, and we're just passing it in this manner where we don't have a full public hearing on this. This is something that needs to be discussed thoroughly in public, it needs to be discussed at length so we can get it just right, because if we are going to spend this sort of money then it's the right thing to do. Thank you, Mr. Speaker.

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

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

MS. WEINSTEIN: Yes, Mr. Reilly.

ACTING SPEAKER AUBRY: The Chair yields.

MR. REILLY: Thank you, Madam Chair. So the
first thing I want to talk about is the cannabis.

MS. WEINSTEIN: Okay.

MR. REILLY: In this legislation, what would the

criminal penalty be for smoke shops selling weed illegally?

MS. WEINSTEIN: Hold on one --

(Pause)

The -- the changes to the Office of Cannabis -- changes to cannabis mostly relate to -- relate to fines. There are some misdemeanor to make it a Class A misdemeanor for a person who owns and/or is principally responsible for an unlicensed cannabis business. It would then be -- as I mentioned, if you go back to the structure of fines, not payment of -- nonpayment of the fines could add some additional failure. We'll talk about that later but failure to collect or admit cannabis tax for sale.

MR. REILLY: I apologize. So the criminal penalty is only a misdemeanor?

MS. WEINSTEIN: For the present -- right. But then if you fail to pay, there's penalties that are dependent on the amount of unpaid tax, and we increase dramatically the tax rate. So for unpaid taxes we do have criminal penalties and underpayment is a Class A misdemeanor, more than 3,000 is a Class E felony and more than \$10,000 failure to pay taxes is a D felony, more than 50,000 is a C felony and more than one million would be a --a B felony. So you have to really go back to then looking at the tax structure we put in place for violations of the Cannabis Law to then trigger these -- these penalties, those criminal penalties.

MR. REILLY: So the -- so the mere selling it without -- so the State -- the State calculating how much taxes were

not paid when they're guesstimating would determine whether there's a felony charge?

MS. WEINSTEIN: Basically, yes. But it's not a guesstimate, there are going to be inspections --

MR. REILLY: I apologize for the interruption.

MS. WEINSTEIN: Sure.

MR. REILLY: I just want to -- so the -- what I mean by the guesstimating is that you're going to have no real indicator of how much that street sale basically in a storefront now which used to be, you know, pitching on a corner selling weed, they're now doing it in a storefront. The -- you're not going to know how many bags of weed they actually sold. So how are we going to designate that they raise to that threshold of possibly getting charged with a D felony?

MS. WEINSTEIN: It's going to be based on the -- the tax penalty is going to -- tax avoidance penalty is going to be based on weight. So it's not what was sold, but what is observed in the (inaudible) --

MR. REILLY: So would that mean that we have to do undercover operations to actually see how much -- how much the wait comes to in sales? And will it be -- and will each incident be cumulative, meaning that you send an undercover in to purchase weed and if they do it over a course of a year and they do 5,000 buys --

MS. WEINSTEIN: It's not based on the sales so you're not looking at how many sales they've had. It's based on the inspection and how much is labeled when they go in.

MR. REILLY: So this is only for those that are licensed then because --

MS. WEINSTEIN: No. It's both licensed and unlicensed.

MR. REILLY: So how are we expecting a non-licensed weed shop to label that they're selling it? I mean think about how are we going to identify them and know that they're avoiding tax sales?

MS. WEINSTEIN: They're physically going to see -- going to see what is there, they are going to basically estimate based on labeling the weight of what is there for sale, what is in possession. And based on that establish a fine. For example, in relating to illicit cannabis for sale, five to 12 pounds would be \$25,000 for a first offense and up to \$50,000 for a second subsequent offense within three years and over 12 pounds would be \$75,000 for a first offense and up to \$100,000 for a second subsequent offense within three years.

MR. REILLY: So seeing that we have those measures, so I look -- I look at it this way that when you compare that to untaxed cigarette sales in a store, if they are in possession and sell over 10,000 if they're charged with an E felony or a D felony depending on where it arises, so this would -- this would maintain that type of allocation of -- of accountability?

MS. WEINSTEIN: It's that concept, yes --

MR. REILLY: Okay.

MS. WEINSTEIN: -- being applied to illicit possession of cannabis but not looking at the sale but looking at what's physically there.

MR. REILLY: Okay. So I know in this legislation they incorporate the enforcement arm of the tax department where we're going to designate -- this legislation would designate then peace officers. Is there anything in legislation that would allow them to use the odor of marijuana to identify a vehicle stop?

MS. WEINSTEIN: No, they're -- no.

MR. REILLY: So there's no way of combating the illegal weed coming to those shops before it hits the point of sale.

MS. WEINSTEIN: Well, there would be -- these inspections could -- could be duly accompli -- can be accomplished duly with both tax and finance, Attorney General, personnel, if -- if needed, and local law enforcement.

MR. REILLY: So there's nothing -- there's nothing in that legislation providing resources to a possible task force like that where we could have targeted enforcement for the -- to interdict the delivery of the product to the store.

MS. WEINSTEIN: No. No, we do not deal with that. This is a mechanism to go after this proliferation of illegal -- of -- of storefronts that have opened up illegally selling cannabis.

MR. REILLY: See, that -- that's the point I was trying to make. So if we're trying to stop them from opening up, wouldn't it be pretty prudent to empower law enforcement to get them

before they sell that illegal weed?

MS. WEINSTEIN: I believe that this is an activity that law enforcement around our -- our State in fact do is -- is to go to try and interdict cannabis entering our -- our State.

MR. REILLY: So having said that --

MS. WEINSTEIN: There's nothing in this bill that enhances that -- that capacity.

MR. REILLY: Okay. Okay. So is there a requirement for the packaging of -- of weed to be sold at -- at the point of sale for it to have a tax stamp like cigarettes?

MS. WEINSTEIN: Not for the illicit sales on the -- for the cannabis -- authorized cannabis dispensaries from OCM there are requirements. But --

MR. REILLY: Okay.

MS. WEINSTEIN: Clearly people breaking the -- violating the law aren't going to be worried about tax stamps.

MR. REILLY: Which -- which is an interesting point because you had to violate the law to be eligible to get the license.

MS. WEINSTEIN: We are talking about unlicensed -- mostly talking about unlicensed --

MR. REILLY: That's actually piggybacks on my next question. So if you are caught and you're -- you're held accountable for taxes for running an illegal smoke shop, you can't get a license for three years, is that correct, in this legislation?

MS. WEINSTEIN: Yes. And I would add that to the

extent that there would be -- if it was a store that wasn't just had -- it wasn't just a smoke shop but had a lottery -- had lottery sale license or an SLA license that would -- or cigarette license that would be suspended as well.

MR. REILLY: So if they did violate this law and then three years from now - well, when this takes effect, maybe four years from now they are actually -- the three years is up since their violation, would they be able to apply for a license then?

MS. WEINSTEIN: They certainly could apply but my understanding is there are quite a few applicants already at OCM that they're looking at and there's nothing that would require OCM to actually grant a license to someone who previously violated the law.

MR. REILLY: And one last question on this.

MS. WEINSTEIN: Sure.

MR. REILLY: Is there any funding in -- in this bill for -- for drug recognition experts?

MS. WEINSTEIN: No.

MR. REILLY: No? Okay. Thank you, Madam Chair.

On the bill, Mr. Speaker.

ACTING SPEAKER EPSTEIN: On the bill.

MR. REILLY: So here we have -- we laid out here that in this legislation there's going to be some combat of illegal weed spots. So currently in New York City alone there's approximately 1,500. So instead of giving them a corner to pitch their weed they

now have storefronts. Now just to put this into perspective, as of April 8th, New York City had 599 violent smoke shop robberies compared to 251 in 2021. That was 599 in 2022. New York City had at least four shootings related to those illegal smoke shops. How do we stop that? By empowering law enforcement to stop the weed from coming into those shops. How do you do that? By allowing officers to make car stops, maybe of trucks that are bringing in the five pounds of marijuana that sneak into those shops. We're handcuffing them and we're jeopardizing the public. You know I spoke about this in the past. I was a rookie sergeant in the year 2000 in the 67 Precinct. One of the first homicides I responded to was a 16 year old boy, Avenue D and East 54th Street. I show up, he's laying on the sidewalk bleeding from a gunshot wound to the chest. I'm speaking to him, I'm holding him, I'm telling him he's going to be all right. He bled out in front of me. I see his face every day. Detectives responded, they investigated, he was killed over a weed spot between rival drugs. Rival drug dealers. We have now moved that from the street to storefronts with pretty little signs, pretty little lights, inviting our youth in. We got to do something to curtail this violence. Two homicides in Manhattan over the last three months right in front of a weed spot. The last shooting happened in my sector, in Midtown North, I just saw it in the news the other day. We're chasing our tail, and if we don't make those changes and we don't do the right thing, you could kiss your tax money goodbye because it doesn't matter. The cash business is going to promote the violence. It's time to wake up New York. Thank you,

Mr. Speaker.

ACTING SPEAKER EPSTEIN: Thank you.

(Applause)

Mr. -- Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the Madam Chair yield for some energy questions, please?

ACTING SPEAKER EPSTEIN: Will the sponsor yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER EPSTEIN: Sponsor yields.

MR. PALMESANO: Thank you, Ms. Weinstein, I appreciate it. First thing, I know we talked about in committee and I understand. This is only is for new electrification for new buildings, not existing, correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: Okay. And then when we did talk about the Climate Action Council and their plan put forth by 2030 you would not be able to replace existing fossil fuel and natural gas boilers for instance, a stove in existing but that's their plan, that's -- that's correct, right?

(Pause)

MS. WEINSTEIN: This is not inconsistent with the plan.

MR. PALMESANO: No, no, I know, I know. I just want -- that's what the plan says so --

MS. WEINSTEIN: Correct -- (inaudible)

MR. PALMESANO: Now if we were to take action on that plan, if we were to move forward with that if that's the goal, would those have to come back here to the Legislature because we're banning the use of fossil fuel?

MS. WEINSTEIN: Yes.

MR. PALMESANO: The Legislature would have to vote in this Chamber to say we're going to ban no new natural gas hook-ups for existing buildings (inaudible) to replace them. The Legislature would have to come and vote on that, correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Good. Okay, that's good to know. I did want to talk to you about obviously with this dramatic upgrade that we're going to see to the grid, was there -- there's nothing in here that I saw -- I know in your one-House you talked about it I thought, about looking to study the grid. Can the grid handle this increased demand because not only do we have this, we have the electric vehicle issue as well. So we need a dramatic increase to the grid as far as infrastructure. Can the grid handle this, do we have -- does the study -- is there a study on that?

MS. WEINSTEIN: As I said previously there's not an overall study on the -- on the grid but there -- the proposal does include an exemption for new building construction that requires an application for new work span to service where the electric service cannot reasonably be provided by the grid. And the way practice the

way that would work is that the utility would, along with the PSC, determine whether there is --

MR. PALMESANO: Okay.

MS. WEINSTEIN: -- ability to -- for it to be added to the grid.

MR. PALMESANO: Okay, I did read that because I know in your one section for the State-owned buildings it talks about doing an analysis of the availability, feasibility where this would just be more of a carveout. On that issue I would also like to talk about -- when we talk about full electrification we're talking about either using an air source heat pump, a geothermal heat pump as we talked about in committee, but there's also a need for backup supply. Doreen Harris, Cochair of the Climate Action Council said that air source heat pumps would need backup supplies. So does this speak to what can be used? I mean because we're banning natural gas and we cannot use natural gas as a back up, we cannot use propane as a back up. How would that work?

MS. WEINSTEIN: So we are silent on the back up -- what that back up can be.

MR. PALMESANO: Okay.

MS. WEINSTEIN: So I think that exists can be -- currently exists can be used.

MR. PALMESANO: Okay. What about our high intensity users? I didn't read about the, you know, commercial exemptions. What about for, you know, our manufactures for -- for

our restaurants they want to use -- you know restaurants use gas stoves. I mean is there exemptions in there for that for high intensity users?

MS. WEINSTEIN: Yes. Yes, they are exempted.

MR. PALMESANO: Okay. I did want to pivot a little bit to -- well, first I guess I'll pivot to the Climate Action Fund. And another question because I know right now it's not -- there's nothing laid out in how this -- who's going to pay for it, how it's going to be determined what you pay, when you pay. There's nothing in here for that. It just sets up the creation of the fund, correct?

MS. WEINSTEIN: Correct. That was the alternative to the Governor's cap-and-invest program which was rejected by the Legislature.

MR. PALMESANO: Right. And then it's my understanding they would have to come back, the NYSERDA and DEC would have to conduct a study and then come back and provide recommendations to the Legislature; is that correct?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Now, my question is kind of goes back to the 2030 question. With these recommendations, because we're basically talking about -- there's going to be some kind of fee structure, tax structure, whatever they recommend, would that have to come back to the Legislature to vote on those specific provisions, if there's going to be a carving tax, if there's going to be fees on our -- our -- our natural gas providers or our oil providers?

MS. WEINSTEIN: No, not necessarily. How that any money generated by this fund would have to go through the budget process. And we particularly designate that 33 percent will go directly to consumers and small businesses as a rebate.

MR. PALMESANO: I understand that, Madam Chair. So you're saying on the floor of the Assembly that we're going to create this fund and you're saying that it's going to include taxes and fees, because even Commissioner Seggos last month said that when they're talking about what -- what they're looking at for cost, he was saying -- we were talking about increasing taxes on a gallon of gas by 62 cents a gallon, increasing home heating costs by up to 25 percent. So this fee is all going to have to go into pay so it's not going to come back to the Legislature to have to be accountable to the voters on yes, we're going to increase this and yes, this is going to result in an increase in your gas taxes, this is going to increase so your -- we won't have to vote on that? How --

MS. WEINSTEIN: Taxes we would have to vote on.

MR. PALMESANO: Any fees, assessments?

MS. WEINSTEIN: Fees -- fees we -- or assessments we would not necessarily have to vote on, but we would ultimately have to vote on the appropriation in -- from the -- the Climate Action Fund.

MR. PALMESANO: But wouldn't it -- I guess my question on that front, wouldn't it be a more transparent model whatever we're going to do to fund this, whatever we're going to put

on the businesses, which will get passed on to consumers at the gas pump on their home heating costs, wouldn't it be more transparent and honest if this is the way you want to go, this is such a good policy, why don't we take a vote on this floor and say this is what we're going to do. We're just -- I'm standing behind this climate plan, we're going to vote on it, why would we -- and who -- if we don't, then who would -- who would be responsible for doing it, the agencies?

MS. WEINSTEIN: Well, obvious -- and yes. And, you know, but it would have to be pursuant to the regular course of how our regulation is adopted by this -- by an agency. It would have to --

MR. PALMESANO: Okay.

MS. WEINSTEIN: -- be published and be subject to comments.

MR. PALMESANO: All right. The NYPA bill renewable aspect of this, the procurement. So now, the way I understand, they're not only authorized but they're directed to build public renewableness -- or build renewables, correct? So now would they be competing? They would now have the ability to compete with the private sector on these bids for these renewable projects, right?

MS. WEINSTEIN: I -- I think I'm going to defer to Assemblyman Zebrowski on that question.

MR. PALMESANO: Okay.

MR. ZEBROWSKI: The question is will they be applying to the projects in the same way?

MR. PALMESANO: Would they be -- would -- would NYPA be able to bid on projects and compete with private industry on these projects in bidding for these renewable projects? They would be, right, because they're being authorized and directed. They could if they want to, correct?

MR. ZEBROWSKI: Yes. So there's parameters of the program --

MR. PALMESANO: I understand that but they could. And then also NYPA, right now when they do projects they're tax exempt, correct?

MR. ZEBROWSKI: Well, in the plan there is provisions that directs NYPA to consider pilot agreements and other --

MR. PALMESANO: Okay.

MR. ZEBROWSKI: -- assistance to local communities.

MR. PALMESANO: So they will have to do these or they will have to consider them?

MR. ZEBROWSKI: Consider them.

MR. PALMESANO: Okay. So they -- if they choose not to, they don't have to do them. And just like the bill we passed yesterday on the solar and wind model, now they're looking to reuse -- they don't have to, they have to consider them --

MR. ZEBROWSKI: Big program here so --

MR. PALMESANO: I understand.

MR. ZEBROWSKI: There's a provision of -- of

private partnerships and in that case the private partnership percentage would be subject to that.

MR. PALMESANO: Okay, fair enough. Now right now, is there a shortage of private developers that are bidding on these utilities -- bidding on these renewables? I understand there's a whole line of developers that want to bid. It's just the inner connectivity of the grid is the problem. So on that front -- and then when there's over -- cost overruns those private developments absorb those costs. But now with NYPA being involved (inaudible) cost overruns. Won't that be borne by the ratepayers because of this? And there are cost overruns and they all -- that's not necessarily a great track record.

MR. ZEBROWSKI: So it depends who you ask. If the projects are sufficient in this legislation and the budget bill there will be three reasons to support the State CLCPA goals, maintain a reliable electric and energy supply and support the reach program. So for those three things NYPA would be able to bill under this legislation.

MR. PALMESANO: Okay. Madam Chair, Mr. Zebrowski, thanks for your time. I touched on these a little bit. I'm going to spend some time talking about the bill.

ACTING SPEAKER EPSTEIN: On the bill.

MR. PALMESANO: Yes, Mr. Speaker and my colleagues. Calling this bill as the Big Ugly is fitting because this is an ugly bill, especially when it comes to our energy policy. We're cramming major energy transformational policies and we're putting it

into a bill to discuss for a few minutes, these should all be taken up on their own merits. We're talking about major transformations, full electrification. This is a pathway to electrification of this State. This is really more government control taking away total energy choice for the consumer putting all eggs in one basket for electrification and it's really socialized energy policy and it's going to jeopardize the affordability and reliability of our State's energy supply while we remove consumer choice. Just last month the Commissioner of the DEC said when talking about prices, he said what the plan they have in place -- because they never did a full cost-benefit analysis in the first place, so now everyone's concerned about cost and the plan they want to put in place if we go with no changes will increase taxes on a gallon of gas for our customers, our constituents 62 cents a gallon, increase home heating costs by over 25 percent. This is the first full step to full -- full electrification. It's not smart policy. And for my colleagues that say well, yes, we're going -- we're (inaudible) climate change. Quite frankly, we're not going to make an impact on climate change because New York only contributes 0.4 percent of total global emissions, .4. China contributes 29 percent, has 1,000 coal plants and building more, in fact they're expanding their coal capacity by 70 gigawatts over the next year. Our total capacity and our generating capacity is 41 gigawatts. It's made up of natural gas, nuclear, hydro, wind and solar. And they should be part of our portfolio but we should have a diversified portfolio just like you don't put all your stocks, your 401k in stocks, cash, bonds. You diversify it to make it

resilient. The cost and affordability of this is not in the discussion on your side of the aisle or with this Governor. When we are moving forward to the pathway to full electrification and (inaudible) come 2030, the way this is going to work as you move forward if you want to replace your natural gas boiler or furnace you're not going to be able to do it come 2030. At that time you're going to have to fully electrify your home and a Consumer Energy Alliance study says it's going to cost families more than \$35,000. The Climate Action Council said it was going to be 20- to \$50,000. Who can afford this? No one. We're going to totally jeopardize the reliability to the grid. The NYISO which is tasked with making sure the grid is reliable, the power stays on, the lights come on, the heat comes on, says by 2040 we need 27 to 45 gigawatts of new dispatchable emission-free resources. One gigawatt is equivalent to heating 750,000 homes. We need 27 to 45. Our current capacity is 41. Now dispatchable emission-free resources means 24/7 on-demand generation. Wind and solar is not 24/7, they don't count. And the shocker is they don't know what the technology is. It doesn't exist. But yet the DEC, this Body, the Governor, we're not renewing air permits for natural gas power plants, we're not permitting natural gas power plants, a reliable base load of generations for economic development for our manufacturers so the reliability is in question. This is a major, massive build-out of our grid. Not only do we need 27 to 45 gigawatts of generating capacity of dispatchable emission-free resources, we need to expand or triple our grid capacity from 41 to 120 gigawatts. That's

unprecedented. But yet we're not doing any studies about can the grid handle it. Nothing in this bill -- just saying if we have an issue we can -- we can put an exemption in place. We need to study the grid, not just because of the electrification of the buildings, because of the electrification of the cars that you're advocating, too. The grid can't handle this. I mean you're going to totally change the peak demand from summertime to wintertime because of this change. So now people who are heating their home with solar and wind in Buffalo or the Adirondack in cold weather climates, we're going to be relying on wind and solar, people will die. This is not going to be -- you people in Buffalo -- officials in Buffalo said if we had to have electric vehicles it wouldn't have worked. Where it's totally seen our land use being taken over in Upstate, New York. More solar, more wind. Why? To bring generation Downstate because 90 percent of our generation Upstate is already emission-free. Downstate, you're 87 percent fossil fuel, but yet we have to put wind and solar on our properties and it's a massive build-out we're talking about. The Climate Action Council Plan calls for 60 gigawatts of additional capacity. That's going to require 480,000 acres of new generation of acres of land because it takes -- for each acre, each megawatt of solar it requires eight acres of land. Property taxes are going to go up because right now the generators pay \$1.7 billion in generation and the gas that goes through the pipes, if the gas doesn't go through the pipes they're not going to be paying property taxes. It's going to depreciate that asset. We have talked about obviously the child labor

and environmental impacts of mining for cobalt and lithium that has -- whether it's the Democratic Republic of Congo or whatever it is, there's major child impact. You don't you want to talk about that, you want to lead on saying we're going to be first and we're going to lead and people are going to follow us but when it comes to the environmental and the child labor issues where kids are dying and being maimed, you don't want to talk about that. And lastly, we're going to turn our whole energy security policy over to China. Eighty percent of the solar is made and manufactured in China so we're turning that portion over to China and 87 percent of the rare earth materials like cobalt and lithium and cadmium. Where is it processed? It's processed in China. And you know how they use -- what do they use to process it? Coal energy. It's like the end justifies the means. This is a dangerous pathway we're heading down that's going to lead to an unaffordable, unreliable energy policy. And businesses they know if you don't -- if they can't get --

ACTING SPEAKER EPSTEIN: Thank you. Mr. Palmesano, thank you.

MR. PALMESANO: -- (inaudible) they're going to go to another state that can. So on that reason and many other reasons I'm going to be voting no on this terrible, terrible public policy.

ACTING SPEAKER EPSTEIN: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would Ms. Weinstein please yield for a couple questions?

ACTING SPEAKER EPSTEIN: Will the sponsor

yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER EPSTEIN: Sponsor yields.

MR. DURSO: Thank you, Ms. Weinstein. I know it's been a long day already but I'm sure we'll -- we'll get through this --

MS. WEINSTEIN: What's the expression? You ain't seen nothing yet.

MR. DURSO: That's true. So just continuing with some -- some questions about the natural gas hookups and for new construction. It's for anything under seven stories, correct?

MS. WEINSTEIN: Correct.

MR. DURSO: It's including residential?

MS. WEINSTEIN: Yes.

MR. DURSO: Okay. So my question with that in regards to residential portion of it, it's only new construction, correct?

MS. WEINSTEIN: Yes, yes. New -- new construction.

MR. DURSO: Okay. So --

MS. WEINSTEIN: And -- and that is beginning after 2025.

MR. DURSO: 2025, okay. So my question with that is, obviously you know every municipality, every village, town, county has different zoning laws and -- and -- and laws in place to what constitutes new construction. I know in certain areas if you

leave, you know, you could knock the whole house down and you got one wall standing, it's not considered new construction. Is there any portion of this, any language that speaks to that of what constitutes new construction?

MS. WEINSTEIN: I think new construction, regardless of what a zoning provision might say, new construction is that the ordinary meaning of "new" it does not include alterations even if it's a dramatic rebuilding of an existing house.

MR. DURSO: So -- so according to this legislation if there's a house already on a plot of land, foundation built and I decide to buy the plot of land and knock the house down, I have a gas hookup, I could still use that gas in that house, correct? Are you saying it's considered that's not a new construction?

MS. WEINSTEIN: If it's an existing property with an existing gas line it can continue to be -- and it's not considered a new building. That is my understanding.

MR. DURSO: Okay.

MS. WEINSTEIN: You know, it's -- it's a renovation regardless of what a zoning, you know --

MR. DURSO: Right. Well --

MS. WEINSTEIN: -- (inaudible) require might say.

MR. DURSO: Right. You can understand my concern on is again if I have a one-family home and my mother-in-law wants to move in and we're going to put an extension on and make it a two-family home and we redo the whole thing, is that considered new

construction. You're saying according to the legislation it is not.

MS. WEINSTEIN: That is not, and we'll let your mother-in-law know.

(Laughter)

MR. DURSO: I will -- my mother should be -- again, I was just using an example, please understand.

MS. WEINSTEIN: Okay. Well, I don't know if you want to publicize that but okay.

(Laughter)

MR. DURSO: Hopefully she's not watching. So in regards to that when it comes to businesses, it's the same thing, correct? If you were to build a new strip mall, a -- a -- a new commercial construction, it's the same thing, correct? If it's any new commercial construction built, let's say you add a strip mall and you want to put a restaurant in, if it's not built already you could not put up natural gas lines, correct?

MS. WEINSTEIN: Well, when you specifically ask about a restaurant, the restaurants are excluded. There is a specific exemption for restaurants. So even if it would be new construction of this mall, there could be a gas line for the restaurant.

MR. DURSO: So all -- all restaurants are excluded from --

MS. WEINSTEIN: Exempted, yes.

MR. DURSO: Excuse me. Exempted from this?

MS. WEINSTEIN: As are large industrial buildings,

manufacturing.

MR. DURSO: So in regards to that then, if I am a builder or someone coming in and I'm -- I'm deciding I'm going to buy this piece of property, put in a strip mall, I don't know who is going to be my future renter, who is going to lease a piece of the property from me. Are they -- and we're not hooking up the gas lines and running the gas lines for future. How are we supposed to do this as a builder, as a construction company? Again, you're now limiting what someone could do with that piece of property and saying well, it's a new piece of property, we haven't leased it yet, we don't know who's going to go in or can they say we plan on renting this to restaurants and then they could run the gas line?

MS. WEINSTEIN: You know, in my experience, at least locally, has been when we've had a mall built the developer anticipated having a restaurant there so, you know, I think that generally they're going to be plans put together and that the notion of whether there would be restaurants at that facility would be -- or the goal of a having a restaurant at that facility would be known in advance.

MR. DURSO: Sure, but if now -- and again, and again, it's just a concern, because if someone does build a strip mall -- I mean my family owns a pizzeria restaurant. They can move into a smaller space, 1,200 square feet, they can move into a bigger space, 2,500 square feet. They're obviously looking for areas that they could do it, areas of need and areas that want something of that nature. Gas

pizza ovens are obviously very important. If they weren't -- if they didn't have one set there prior, they're not going to have the gas lines run to that building. So my concern is that then we're now limiting --

MS. WEINSTEIN: So now you're talking about pizza ovens. And being in Brooklyn I -- you know, wood-burning pizza ovens are much better, but --

MR. DURSO: That's opinion, that's opinion, that's opinion.

MS. WEINSTEIN: But to your -- but to your example, I -- I don't know, there's something about the hour, I guess. To -- to your example, if a new facility -- if there's the anticipation there would be a restaurant or the possibility of a restaurant, there's nothing that -- we believe you could have a gas line installed, but if it's not a restaurant they will not be able to use that gas line.

MR. DURSO: Okay. So -- and -- and that was really my question, I thank you for that. So if they're building a new construction with anticipation of a possibility of a restaurant or some kind of small business -- restaurant business going in, they could run gas lines to it but they won't be able to install it unless a restaurant --

MS. WEINSTEIN: And that would be in their architectural drawings, yes.

MR. DURSO: Okay.

MS. WEINSTEIN: And the permits, they'd be applying (inaudible).

MR. DURSO: My concern is obviously just -- just

worrying about the fact that now we're going to have builders coming in not running those gas lines and again limiting where businesses can and can't open up. I'll move on from that if you don't mind.

My next question obviously Mr. Ra I know had brought it up, the BOCES education -- the reimbursement. I know you had spoken about it for teacher reimbursement. I know right now I think it's at 30,000. I believe in the one-House budget there was a proposal for it to go up to I believe 65,000 over three years. Obviously it's not in any of the bills. Can you explain or -- or -- or -- obviously I think it's something that we're all in favor of. I know it's got a lot of bipartisan support and BOCES again is something that's near and dear to my heart and I know a lot of people in here. Do you have any indication of why it was left out of the budget this year?

MS. WEINSTEIN: The Executive did not accept.

MR. DURSO: So the -- the -- so the Governor did not want it in the bill.

MS. WEINSTEIN: Correct.

MR. DURSO: Okay. We'll -- we'll ask her about that in the future. I'll move on to the -- the school meals if you don't mind.

MS. WEINSTEIN: Certainly.

MR. DURSO: In regards to this, I know the Governor had stated I believe when she gave her Executive Budget, I think it was \$200 million for some or so for the amount of -- to have free school lunches throughout New York State added on to the original amount of money. Was it something of that nature?

MS. WEINSTEIN: There -- there was nothing in the -- the Governor's budget about school meals. We -- that was something that we had in our one-House that the Governor accepted.

MR. DURSO: Okay. So --

MS. WEINSTEIN: So we -- we did have -- I think you're -- you're probably referring to our one-House --

MR. DURSO: Yeah (inaudible).

MS. WEINSTEIN: -- which did have a higher number but this was the number we agreed upon and we -- we do think that there will be a -- a --

MR. DURSO: Do you know the --

MS. WEINSTEIN: -- tremendous number of individuals. So it's 130 in -- 130 million in -- in the budget that we're adopting and we think it's upwards of 300,000 children that -- additional children that will receive free -- free meals and that's also taking into account the very strong likelihood that the Federal government reduces the reimbursement -- the level of poverty down to 25 percent from 40 percent.

MR. DURSO: So -- but we have no guarantee obviously that the Federal government will step in.

MS. WEINSTEIN: Well, the -- the regs are -- the registered -- those proposed regs are already in -- published in the registry --

MR. DURSO: Okay.

MS. WEINSTEIN: -- the Federal register.

MR. DURSO: So do you have the -- the difference in money, the amount of money that we would have needed that we currently have set in the budget for this? And what it would have taken to make this for everybody to have free school lunches throughout New York State.

(Pause)

MS. WEINSTEIN: So we had in our one-House, I believe, we -- we had estimated 150 million more for every single child. The DOB thought it was more -- it -- it would be an additional 200 million so we settled -- we were able to -- to get the -- the 130 million with the goal of going forward and seeing how many students we really can accommodate.

MR. DURSO: And so -- so you're saying roughly \$70 million difference?

MS. WEINSTEIN: No, an additional.

MR. DURSO: Oh, an additional. I'm sorry.

MS. WEINSTEIN: Right.

MR. DURSO: Okay.

MS. WEINSTEIN: Right. An additional above the 130.

MR. DURSO: Okay. So as of right now that the way that the -- the expanded school lunches is set, right, it goes by area and school district, correct, and if they're in a -- I don't want to get the wording wrong now --

MS. WEINSTEIN: It's -- it's either one, it's either by

school district --

MR. DURSO: Right.

MS. WEINSTEIN: And then all the schools within that district. If the district qualifies collectively, all the schools are qualified for -- for the free meals or individual schools if the school district doesn't qualify.

MR. DURSO: So if the school district qualifies, everybody within that school qualifies for a -- a free school lunch, correct?

MS. WEINSTEIN: Under -- right, under the Federal guidelines.

MR. DURSO: But not having to fill out any type of paperwork, apply for it or anything, right, it's automatic?

MS. WEINSTEIN: It would be automatic. We still do encourage the filling out of paperwork because it's useful in other areas but in terms of school meals it would be automatic.

MR. DURSO: So -- but if they fall into one of those two, correct and -- -

MS. WEINSTEIN: Correct

MR. DURSO: -- as -- as we stated. So now if you are in a school that doesn't fall into one of those two, but you are -- you know, you're a family that's obviously struggling, if you live in my area -- we gave the example before and you're -- have four children and make \$60,000 you're just barely above the poverty line. Would those children that are going to the school let's say in my district or a

district next to me that their family does not qualify or would have to fill out the paperwork, correct, but they couldn't afford those school meals themselves?

(Pause)

MS. WEINSTEIN: Yes. The individual students can qualify if they're in a school that doesn't have it and part of what we're trying to do also is to -- we -- we know that that doesn't always happen and we're trying to eliminate any stigma of going the -- along with a -- a student receiving free lunch while the rest of their classmates do not --

MR. DURSO: I -- I --

MS. WEINSTEIN: -- (inaudible) and because of that not taking advantage of what they're entitled to.

MR. DURSO: Well, I -- I agree with you 100 percent and I -- I have been a huge supporter of free -- of the expanded school meals for everyone for that specific reason, because again, you may be in a district or a town that doesn't qualify for it, but again, you may have a struggling family come on hard times and as we had said prior, there's nothing worse than going to school wondering if today you're going to be able to eat or if you worry about your friends making fun of you or some nasty kid saying oh, what's the matter, you can't, you know, and you have to fill out paperwork or you just decide to not eat that day because you don't want to deal with the stigma. I think it's unfortunate that we're now basing upon certain districts and who qualify. I happen to agree. I think everybody should qualify. I think

it's unfortunate that we got to that point. I have one last question for you, Madam --

MS. WEINSTEIN: Sure.

MR. DURSO: -- with the time I have left. So, in regards to the cannabis laws --

MS. WEINSTEIN: Sure.

MR. DURSO: It says allows for investigators appointed by the Cannabis Control Board to become peace officers, correct? They are now -- they'll be investigators for the Cannabis Control Board?

MS. WEINSTEIN: I'm -- I'm sorry. The -- the -- the last portion of your --

MR. DURSO: They're -- they're investigators, correct, for the --

MS. WEINSTEIN: Yes.

MR. DURSO: -- Cannabis Control Board.

MS. WEINSTEIN: Yes.

MR. DURSO: Okay. And they're -- they're looking at peace officer status.

MS. WEINSTEIN: Correct, but not -- we don't authorize the carrying of firearms, I -- I don't believe. Oh, they do? Oh, okay. I'm corrected. Yes. They'd be designated -- they can be designated as peace officers.

MR. DURSO: So they will be carrying firearms.

MS. WEINSTEIN: They could be.

MR. DURSO: Okay. And who does the hiring for these investigators?

MS. WEINSTEIN: Well, the Office of Cannabis management in this budget we also add 34 -- they already have investigators we add 34 full-time investigators. They can be individuals coming from other agencies, similarly during COVID when there were inspections and investigations they were SLA inspectors, they were park enforcement officers that came in, so they can have officers from other juris -- other agencies.

MR. DURSO: So is there specific money allocated towards the training, not only for them to become peace officers and carry firearms, but specific training. I mean they're obviously not working for the SLA or -- or investigating restaurants to see if they're being compliant with COVID laws. They're obviously investigating making sure that no one's selling illegal marijuana in cannabis shops, anything like that. Is there money allocated for them and what is the training like? Where are they going through to get this training because obviously they're not taking a civil service test, they're being appointed, and I'm sure there's plenty of people, maybe some in this Chamber, that would like this job.

(Pause)

MS. WEINSTEIN: There -- there is 16 million for regulation to -- to OCM for regulation enforcement which I believe could also be used for training.

MR. DURSO: Okay. With the last five seconds left,

I thank you, ma'am, for your answering the questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Mr. Chairman. Will Chair Weinstein yield for some questions, please?

ACTING SPEAKER AUBRY: The Chair will yield.

MR. SLATER: Thank you very much.

MS. WEINSTEIN: And I -- I know Mr. Slater, you would welcome your father-in-law.

(Laughter)

MR. SLATER: I appreciate that, and I appreciate you taking some questions. And as a former staffer I also want to thank the Ways and Means staff and both the Majority and Minority for their hard work as well. I know these nights are -- are long and difficult but we appreciate their efforts. Just a few questions starting with the minimum wage.

MS. WEINSTEIN: Sure.

MR. SLATER: In 2017, if my recollection's correct, there was a -- a separation between Westchester and Long Island from New York City; is that accurate?

MS. WEINSTEIN: Yes.

MR. SLATER: And was that type of separation considered when considering this current minimum wage increase?

MS. WEINSTEIN: Well, it still is a separate entity

but they are at the same level.

MR. SLATER: Right. So while in the past, in 2017 there was a dollar difference between Westchester and Long Island. That's not the case this time around.

MS. WEINSTEIN: Correct.

MR. SLATER: And was there any consideration given when looking at the minimum wage increase to bordering states. For example, my district which includes part of Westchester also borders the State of Connecticut. And so from a competitive -- a competitive standard, was that ever included in the deliberation on minimum wage?

MS. WEINSTEIN: No, we did not. We -- we focused on New York State.

MR. SLATER: Understood. But again, from a competitive standard I wasn't sure if that was something that was considered while you were discussing this. And a question regarding some of the examination of the impact, has there been a study to determine the minimum wage impact specifically when it comes to inflation in New York State?

MS. WEINSTEIN: I -- I guess, you know, I would tell you that we've looked at studies of the impact of cost of living and that is part of the genesis for the increase in the minimum wage. It's a different proposal than the Governor put forward but they're certainly is an agreement that the cost of -- of living brought about by inflation did require an increase in the minimum wage.

MR. SLATER: Understood, and I appreciate that. Is there any type of study that's built into the legislation in 2026 before we go to an index to look at again, the impact that the minimum wage increase is having on our State's economy?

MS. WEINSTEIN: There is -- is not other than the looking at the -- the CPI, the Northeast CPI inflation rate to help judge what increases or -- or whether the rate should be increased or remain steady.

MR. SLATER: And is there any consideration to indexing other aspects of things that we've discussed here in this Chamber? You know, things like library aid or Medicaid reimbursement rates. I mean because I think it's a -- it's a new bold step that you're taking to index the minimum wage increase. So is there any consideration of doing the same in other aspects?

MS. WEINSTEIN: There -- there isn't but those are issues that each year we -- we look at and try and respond to needs. And as we've had discussion yesterday about the increase, the percentage increases for the Medicaid reimbursement rate, that's something that we're dealing with but it's -- it's not indexed in the same way.

MR. SLATER: Thank you very much, I appreciate that. If we can just go over to the natural gas situation --

MS. WEINSTEIN: Sure.

MR. SLATER: -- like Mr. Durso was talking about before.

One of my concerns, one of my questions has to do similar to what Mr. Durso was bringing up. You know, before here I was a supervisor in local government and so you have applications that are going through the approval process. And so I -- I still am not clear at what point do -- at what point do the approvals trigger the fact that they cannot utilize natural gas in -- in their construction?

MS. WEINSTEIN: Generally the -- the timeline is going to start at the time of the application. We don't make any changes. So if the applications have been submitted to the locality and it's prior to the effective date of the all-electric then it is not --

MR. SLATER: Great.

MS. WEINSTEIN: -- guided by the all-electric requirement.

MR. SLATER: That's -- that's fantastic and reassuring because we do have applications, at least in my community, that are already being deliberated on. And my other question, though, was -- and we've seen this as well. So if -- if -- if an application - and I think you've answered the question but I just want to make sure I'm crystal-clear - so if an application is approved and then it has to go to another entity like DEP and that takes another three years to get through their approval process, which we've seen time again, even though -- because again, as you stated earlier, we're still okay that it wouldn't be required to be an all-electric building?

MS. WEINSTEIN: Yes. It -- it would still be under the current law.

MR. SLATER: Fantastic.

MS. WEINSTEIN: It would not be considered a new building.

MR. SLATER: Fantastic. I -- I appreciate that, thank you. And then just to touch upon the -- the free school meals program, something that I've been very supportive of. Can you explain to me why or what the thought process was linking it to the Federal CEP program?

MS. WEINSTEIN: Well, because those are the Federal dollars that are coming -- coming in based on those -- those numbers so that the lower the percentage of the Federal eligibility, the further our State dollars can go.

MR. SLATER: Understood, I think.

MS. WEINSTEIN: And -- and, you know, that also eliminates the need for us to fund meals in schools or school districts that qualify for Federal funding.

MR. SLATER: Right. But moving forward if we're able to increase the funding, how would the status of a school district within the Federal CEP program matter if we're able to finally actually deliver free meals for everyone? And I'll give you a -- you know I've heard already from three or four of my school superintendents in my district, we are not part of the Federal CEP program so then we would not qualify for these dollars. But moving ahead, if we were able to fully fund this program, do you lose that requirement?

MS. WEINSTEIN: The -- the new money isn't

dependent on whether a school district is eligible for CEP funding or not. This would -- moneys would go to either supplements a school where maybe they were -- well, we would want SED to encourage the -- the -- the applications and the -- the use of Federal dollars first and prioritize that, but then this funding would be available on a --

(Pause)

-- yes. I'm sorry, Mr. Slater. They would have to have some CEP participation -- eligibility participation. You know, and again with the lower -- unfortunately we are -- that we are -- can only get agreement for this number, the 130 million. If our estimate and what was in our one-House budget had been accepted, then it would have provided free lunch for everybody.

MR. SLATER: Right. And you wouldn't have needed the Federal CEP program qualification.

MS. WEINSTEIN: Correct.

MR. SLATER: So, in theory then, next year if we're able to again reach that milestone, then you wouldn't need the Federal CEP qualification --

MS. WEINSTEIN: Correct.

MR. SLATER: -- for school districts like mine which are not in that -- in that boat would then qualify for these dollars; is that accurate?

MS. WEINSTEIN: Yes. And -- and, you know, as I said before, it would -- the CEP recommendation of the lower grade to 25 percent gets adopted, which we think will be in the next few

months, then in fact there may be some school districts that I know for a fact, not maybe, they'll be school districts and/or individual schools that will then qualify under the CEP regulate -- percentages and be able to accept some of this State money.

MR. SLATER: And just to make sure that I'm clear, this doesn't impact any students who currently qualify for the reduced -- for the free reduced lunch program?

MS. WEINSTEIN: Correct.

MR. SLATER: Great. Madam Chair, thank you very much for your time. Mr. Chairman, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Pirozzolo.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes.

MR. PIROZZOLO: Thank you. I want to start off with Foundation Aid --

MS. WEINSTEIN: Okay.

MR. PIROZZOLO: -- if we can. So I think the Governor is very proud in saying that this is the first time that schools, public schools have been fully funded according to the Legislature and what's required for Foundation Aid?

MS. WEINSTEIN: Yes.

MR. PIROZZOLO: Okay. So then I'm very curious

because we've had advocates up here talking about charter schools and how charter schools were taking away funding from public schools. So if that were the case that public schools aren't fully funded, then everything that we have heard is not true. Charter schools are not taking away funding from public schools. Would that be correct?

MS. WEINSTEIN: Charter schools would take away some of that funding from the school district because, you know, since the funding relates to the students, if the students were to leave the public school system and go into a charter School, it would take money away from the public school system. Mayor Adams was here in his budget testimony before us at the hearing said it was upwards of \$600 million that would come out of the public school budget to fund the charter schools if we adopted the Governor's proposal.

MR. PIROZZOLO: I -- I don't see how that makes sense because if the New York City public -- take New York City public schools, if they're getting funded completely, then they're getting funded completely. If a student leaves and goes to a charter school, the amount of per-student funding increases per student because we have to supply them the money to fund their schools.

MS. WEINSTEIN: If you have a classroom and you have a teacher and five of those students leave for a charter school, you still have the teacher. You don't lose -- you know if it's a -- if 20 percent of the class leaves, you don't -- you don't cut that teacher down to 80 percent. The teacher still has that -- that funding level that they had, you still have the building and the maintenance and all of

that. You just have a school with fewer students and less dollars.

MR. PIROZZOLO: So once that funding is set for the school year, right, the City is receiving all of that money. If students leave after that funding is set, there is zero impact on -- on the schools.

MS. WEINSTEIN: That isn't true. First of all, it's more than -- in New York City it's more than just once that -- that calculation takes place. But, you know, again, the money has to go for the students. So you can't -- as I said, you can't cut the teacher in half. You can't knock off a piece of the building and say you are not going to put heat in these classes -- classrooms because now we have fewer students so that money has to come from somewhere. So it's going to cost extra money for education budget in order to fund those additional --

MR. PIROZZOLO: I think we're going to have to agree to disagree because once the funding is set, the money is already there in the public school system. If the child leaves, then they still have that money.

MS. WEINSTEIN: Right. But then you have to come up with additional funds for then -- for the charter school students so that -- so then the --

MR. PIROZZOLO: So the State is giving them money but there's no --

MS. WEINSTEIN: No, it'll come from the locality, not from the State.

MR. PIROZZOLO: Well, is the State funding any rent for charter schools?

MS. WEINSTEIN: Yes.

MR. PIROZZOLO: Okay. So then the State is funding. So it's not necessarily coming out of the City. So my argument kind of stands.

MS. WEINSTEIN: It is both, it is both.

MR. PIROZZOLO: I just want to move on --

MS. WEINSTEIN: Go ahead.

MR. PIROZZOLO: -- recognizing that zombie charter schools have been put back into the system and New York City is getting 14 of these charters and that kind of brings me to that point that I kind of jumped to with saying that is the State funding rent for charter schools, the answer was yes. So, once again, charter schools are not this onerous burden that we were told that how they're just stealing funding. And if we are paying for rent, can it not be argued that if we allow charter schools to co-locate, we would be saving money?

MS. WEINSTEIN: There are times that charter schools can co-locate, but -- but we really just don't want a bunch of students in a charter School without a teacher. So that has to come from somewhere. Just like the cost of the rent is being paid, there are other expenses obviously for the charter school.

MR. PIROZZOLO: Well, I certainly don't understand the teacher comment, but I know that there are public

schools co-located with public schools, there are some public school buildings that have as many as three public schools in them.

MS. WEINSTEIN: Charters -- charters you mean.

MR. PIROZZOLO: No, no, no.

MS. WEINSTEIN: Oh, public schools.

MR. PIROZZOLO: I mean public school, public school, public school within one building.

MS. WEINSTEIN: Yes.

MR. PIROZZOLO: Okay. So it's like co-location, it's not like they don't exist, they do exist. And if we now have to pay a charter school for rent outside of a public school building, it would kind of make sense to put them inside a public school building where it fits, okay, where there is the room, where there is the space and apparently we have a lot of space.

MS. WEINSTEIN: I'd be happy to argue that with you if you wanted. The problem of co-locating a school within -- a charter school within a public school, there's an attempt to -- actually been approval in my district to put a K through 5 charter school in a high school that has had tremendous security and safety issues right across from two NYCHA developments that also have had some issues and that the community is very opposed to. And part of the problem is also that there are additional -- that the charter students will have some resources that the public school students may not. And we want to make sure that the greater larger number of public school students have the resources needed to have a -- a quality

education.

MR. PIROZZOLO: I'd like to move along to cannabis --

MS. WEINSTEIN: Sure.

MR. PIROZZOLO: -- but I find it strange that all of a sudden we're -- we're concerned about the security of public school students in school buildings located next to areas that are not safe only because the charter school is coming in but that's --

MS. WEINSTEIN: No. I -- I --

MR. PIROZZOLO: Let's move to cannabis if we could.

MS. WEINSTEIN: I -- I -- I just have to -- to correct you that we have been very concerned about the safety there. In fact, we've arranged for an early dismissal time for the junior high school across the street to make sure that the students, the younger students do not interact with the older students.

MR. PIROZZOLO: All right.

MS. WEINSTEIN: But yes, cannabis.

MR. PIROZZOLO: Yes. So are there any laws written at the moment for posting requirements in cannabis dispensaries? For example, smoking is bad for your health, you should not drive while high.

MS. WEINSTEIN: I don't know in the dispensaries but I certainly, you know, have seen those signs.

MR. PIROZZOLO: That's not what I asked. I asked

if there are any laws that are written into that will require these dispensaries to have signs. Just like on a package of cigarettes it says smoking can be hazardous to your health.

MS. WEINSTEIN: I -- I don't believe we have any New York State -- State laws. It's possible that the --

MR. PIROZZOLO: Are there any requirements that would be posted like similar to a bar where it says you shouldn't drink and drive? Are there any campaigns that don't smoke and drive?

MS. WEINSTEIN: There -- there is, you know, through OCM the requirement, the general requirement to do public education campaigns. And I know, you know, if you drive on the Thruway you see the sign that says don't drive while high. There certainly have been -- I -- I've seen commercials also to that effect.

MR. PIROZZOLO: These sites that are going to be licensed. Right now they're opening as dispensaries. Will there be future changes that will allow them to have consumption rooms where people can go and smoke like a cigarette lounge or a cigar lounge?

MS. WEINSTEIN: It's nothing that we're contemplating at this time.

MR. PIROZZOLO: So right now these licenses that are being given out are solely to be used for dispensaries.

MS. WEINSTEIN: Correct. For purchase.

MR. PIROZZOLO: Nothing but a dispensary.

MS. WEINSTEIN: Correct.

MR. PIROZZOLO: All right. So if I walk into one

of these dispensaries and I say, you know, I have a hard time sleeping, my back hurts, what can you recommend? Because that would be an option, right? There are gummies, there are vapes, there are oils, there's marijuana in its raw state so there are lots of different things. The person behind the counter, is there any State certification or training required for the person behind the counter to make a recommendation of a controlled substance to an individual who walks in with a medical condition?

(Pause)

MS. WEINSTEIN: I believe on the medical marijuana side, which has been legal for many years in our State they are trained.

MR. PIROZZOLO: But this is not medical marijuana. As a matter of fact, medical marijuana may disappear because of the fact that you can just walk in and get this. So again, the question was, is there going to be any regulation that the person working behind the counter in a dispensary that when someone comes in and says you know I have a back problem, I have a slipped disk, I have headaches, I can't sleep at night, can you make a recommendation over which of these controlled substances I should take and how.

MS. WEINSTEIN: They -- they are not making -- first of all, they're not controlled substances anymore.

MR. PIROZZOLO: If licensed. You have to have a license --

MS. WEINSTEIN: Right.

MR. PIROZZOLO: -- to have it, all the cannabis that walks in is regulated, everything is controlled.

MS. WEINSTEIN: Right.

MR. PIROZZOLO: So it is a controlled substance, right? We're not just letting people do it.

MS. WEINSTEIN: There is not a requirement in the law for training. Obviously it's up to the dispensaries how -- what training requirements they have in place.

MR. PIROZZOLO: All right. Now I see my time is short so I just wanted to mention opioid funding if you don't mind, please.

MS. WEINSTEIN: Sure.

MR. PIROZZOLO: So in the briefing that we got, I see there's an increase in opioid funding money that's coming in from the opioid settlements. Is there going to be another distribution in a municipal fund that's going to go to New York City or to other areas or is the State going to absorb all that money?

MS. WEINSTEIN: If there are -- if we do receive more funding through the settlements, they will be increased distributions through them.

MR. PIROZZOLO: So may I please ask, as a recipient in New York City \$286 million, which is the direct municipal share going to New York City, right now they're supposed to be in the process of distributing \$150 million throughout the City. I

did have a meeting with the mayor and maybe this is resolved, but I think if we announce it or word it properly, because Staten Island does not have a health and hospital site we have been completely cut out of our direct share of opioid funding. They are saying that they're doing it through the Department of Health but that's not a robust service on Staten Island. They are saying that they're doing it through the medical examiners but that's an unfortunate service on Staten Island. So can we please include the next time we send money to any municipality that it requires that that money be shared equally, proportionally, however the formula is and it be a transparent acknowledgement of how that money is given out to all of the counties or all of the boroughs within that locality, because you can technically say that there's a treatment center in the Bronx, a Staten Islander has access to that. Okay? So that could be said, but we want to have our own treatment centers on Staten Island, we want to help the people on Staten Island, we don't want to be the forgotten borough once again simply because we don't have a city hospital.

MS. WEINSTEIN: I appreciate your concerns and though I do think we do not -- you know, certainly want the funding to go where the need is and at the same time we don't want to micromanage the -- the fund and tell counties what they should be -- should be doing with it, but certainly I -- I appreciate your concerns. And if the opportunity arises I'd be happy to share --

MR. PIROZZOLO: If I still have the time I just want to talk about the minimum wage cap.

MS. WEINSTEIN: Sure.

MR. PIROZZOLO: The minimum wage, actually. So there's going to be an increase based on the CPI. Now I have rented locations and I see many retail leases where retail leases also increase because of the CPI. Now in times of an economic downturn or inflation whether it was the '90s when the stockmarket crashed or the 2000s, CPIs can go up seven, eight percent in a year. So we're saying that CPIs can go up seven, eight percent. Is there an idea, has there been a study done, is there a cap on how much or how many years a CPI can go up as far as the wage is concerned?

MS. WEINSTEIN: There is no cap but that is why we talk about the three-year average so that you don't have the aberration of one year spike. The three years would even out, you would have a more stable number to look at.

MR. PIROZZOLO: Okay. And then my last topic since I still have time would be on bail reform if you don't mind.

MS. WEINSTEIN: And to bail reform we're going to defer to Mr. Dinowitz.

MR. PIROZZOLO: How are you, sir?

MR. DINOWITZ: Well, how are you?

MR. PIROZZOLO: All righty.

MR. DINOWITZ: What a shame your time is about to run out.

MR. PIROZZOLO: I don't know. Listen. The question being that the polls all over New York City and New York

State show that people want to be safe. And we're -- we're possibly removing this restriction, but has anything been done with Raise the Age?

MR. DINOWITZ: Well, first I've never seen a poll that shows that people don't want to be safe.

MR. PIROZZOLO: That's my point.

MR. DINOWITZ: I just want to clarify that remark. The -- the legislation before us does not address Raise the Age.

MR. PIROZZOLO: Does not. So nothing -- so I can then say that maybe we have not addressed the concerns of many New York residents by not keeping them as safe as we possibly could have by addressing Raise the Age.

MR. DINOWITZ: You can say whatever you want. I don't think it's correct to say that, though.

MR. PIROZZOLO: Why would it not be correct?

MR. DINOWITZ: Because I have not heard people come to me and say you got to, you know, lower the age or anything like that. In fact, I could tell you but I don't want to bring politics into this, but I did a poll last year in my district and the support and opposition for bail reform was pretty much even.

MR. PIROZZOLO: Well -- well, I may not -- I might be able to say whatever I want. Just because you didn't hear something doesn't mean it's not necessarily true either.

MR. DINOWITZ: That's true.

MR. PIROZZOLO: Okay. So that was really the

only question I have on that.

If I can speak on the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, 24 seconds.

MR. PIROZZOLO: So I appreciate the work that everyone has done as far as the budget is concerned but this budget, this particular budget, that's me telling me I have to go but I'm sorry. This particular budget is loaded with poison pills all over the place. I don't think it addresses the concerns of many New Yorkers when it comes to bail reform. I just think I have problems with it all over and I will not be supporting this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker.

Would the sponsor yield as to bail reform?

ACTING SPEAKER AUBRY: Ms. -- on bail reform.

MR. DINOWITZ: I will be happy to answer your questions.

MR. TANNOUSIS: Thank you, Mr. Dinowitz. I have a full 15 minutes.

(Laughter)

MR. DINOWITZ: We just wasted 15 seconds.

MR. TANNOUSIS: I just want to go through some of the changes that have been made now as opposed to certain changes that occurred last year.

MR. DINOWITZ: Mm-hmm.

MR. TANNOUSIS: So last year this Body, Mr. Dinowitz, imposed a standard of least restrictive conditions by a judge to set in ensuring a defendant is coming back to court, is that correct?

MR. DINOWITZ: I don't think we imposed that last year but it was in effect last year.

MR. TANNOUSIS: But it was in effect. It's currently the law in New York State.

MR. DINOWITZ: That's correct.

MR. TANNOUSIS: Okay. And the difference here - and from what I see reading it - is that now a court is to consider whatever restriction they deem to be reasonable for a defendant to come back to court, correct?

MR. DINOWITZ: Yes. The court must consider the kind and degree of control or restriction necessary to reasonably assure return to court.

MR. TANNOUSIS: And does this budget add any charges to qualifying offenses?

MR. DINOWITZ: No.

MR. TANNOUSIS: Okay. Is dangerousness something that a judge could consider in pretrial detention?

MR. DINOWITZ: I don't recall seeing dangerous in the statute.

MR. TANNOUSIS: Okay. So and it is not with this budget, correct, sir?

MR. DINOWITZ: Correct.

MR. TANNOUSIS: Okay. We're -- in the budget it appears that now they are changing -- the law is being changed where if an individual is arrested on a domestic violence case he is no longer to be issued a desk appearance ticket but taken to court; is that correct?

MR. DINOWITZ: That is one of the clarifications in subpart B, and what the bill does is it amends the CP -- amends the criminal procedure as relating to custodial arrest and desk appearance tickets to clarify that the mandatory (inaudible) of certain domestic violence situations still applies. And changes in 2019 inadvertently created confusion between two sections of the law. So we're merely getting rid of any of that confusion.

MR. TANNOUSIS: So basically what it is, is instead of a police department issuing a desk appearance ticket, now they are to take that individual to court on a live arrest, correct?

MR. DINOWITZ: Yep.

MR. TANNOUSIS: While at the same time not adding any type of charge to qualifying offenses, correct?

MR. DINOWITZ: Just what I said a minute ago.

MR. TANNOUSIS: Correct. So basically all that does is instead of releasing an individual from the police precinct, now they're just released from the courtroom, correct?

MR. DINOWITZ: Well, they have to go to court, yeah.

MR. TANNOUSIS: Correct. But under our laws no bail is to be set to begin with. So they are just released from the courtroom instead of the precinct.

MR. DINOWITZ: If -- if it's a qualifying offense bail can be imposed. If not it won't be.

MR. TANNOUSIS: Thank you. And Mr. Dinowitz, I've seen my district, I've seen a lot of incidents around New York City, perhaps other parts of the State, of people reported to be going into stores, drugstores, different other stores stealing various items and walking out. Is there anything in this budget that would address any type -- those type of quality of life crimes, for example a charge of petit larceny or a felony charge of grand larceny? Is there anything in this budget bill to address that or even talk about that?

MR. DINOWITZ: Well, that's a bill -- that's an issue kind of separate and apart from bail. However, I happen to have a bill which addresses that issue which I'm sure you'll be happy to support. And it relates to people who within a specific period of time, maybe two years, commit that offense a second time, because it is true that there have been many cases where stores, drugstores, bodegas and so on have been victimized and that's certainly not something acceptable but to me that's not -- that's not related to this, it's not related to bail as such.

MR. TANNOUSIS: Right, but I'm not asking about bail. I'm saying is there anything in this budget to address that?

MR. DINOWITZ: I'm not aware that there is.

MR. TANNOUSIS: Okay. Final question, final few questions for you, Mr. Dinowitz. The District Attorneys Association along with all five District Attorneys including my hometown of Staten Island, the Bronx, Brooklyn, Queens all implore the Legislature and the Governor to make changes to the Discovery Laws as they do not have the proper resources that are required to -- to be able to deal with the Discovery Laws as current -- as currently they are. Is there any type of change in this budget in regards to the Discovery Laws, whether in this bill or any other bill coming before us?

MR. DINOWITZ: Well, I -- I can tell you that my DA is terrific, number one and number two, the last I heard there was some changes to discovery being discussed and it was -- and it was the DAs who said don't do it. Hold on.

(Pause)

So it was actually the DAs who said don't do the potential proposed changes to discovery, but what we do in the budget, as I'm sure you know, is we provide for \$40 million to help the DAs comply with the rules of discovery.

MR. TANNOUSIS: I -- I appreciate your interpretation of that. I have spoken to District Attorneys including the Richmond County District Attorney who actually said that their criticism of whatever proposals that were being made was that the Discovery Laws, the changes, potential changes to be made to Discovery Laws, they didn't go far enough. So Mr. Dinowitz, based on that statement you just made, was that based on any type of

conversation you had with either a District Attorney or anyone from the District Attorneys Association?

MR. DINOWITZ: Well, the -- the issue of discovery I don't believe is before us, but I did read in the *New York Post* that it was the DAS that wanted to put the brakes on that, and somebody had said to me if it's the *New York Post* it must be true.

(Laughter)

MR. TANNOUSIS: So we are -- we're proposing bills based on the *New York Post*.

MR. DINOWITZ: I'm not going to say that but somebody said it to me.

MR. TANNOUSIS: Okay.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MR. TANNOUSIS: Thank you, Mr. Dinowitz. Mr. Speaker, these changes or alleged changes to the Bail Reform Laws simply do not go far enough. They -- every single day there are people that walk the halls of either the Bronx Hall of Justice, Richmond County Supreme Court, Brooklyn Supreme Court, they're individuals there that have four, five, six open cases. And every day the various officers of the District Attorneys in all five counties are either dismissing cases because they are not able to perform with the 30.30 requirement set forth, or plea out cases to concurrent time to get a disposition on these cases. Mr. Speaker, these are not the changes that we need in order to better our quality of life. The State of New

Jersey I believe two years before our State passed the Bail Reform Laws, but the difference there is that they included dangerousness for a judge to consider when making decisions. We need to increase judicial discretion and we need to be able to support our District Attorneys offices in complying with the Discovery Laws that they have and enable to use whatever tools they can to better our quality of life and to keep our streets safe. This is just a drop in the bucket in terms of support and in terms of increasing our public safety. I cannot support this budget. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Keith Brown.

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

ACTING SPEAKER AUBRY: Ms. Weinstein?

MS. WEINSTEIN: Yes, Mr. Brown.

MR. K. BROWN: Thank you, Madam Chair. I'm going to basically focus on three areas; energy, cannabis and bail reform so your staff can get ready. So with regard to the increased role of NYPA, NYPA up until today, they don't do any energy siting or development for projects, correct? This is basically a new role for the New York Power Authority; is that correct?

MR. ZEBROWSKI: Not really because they do have -- not really because they do have hydroelectric facilities and they have peaker plants currently.

MR. K. BROWN: But they mostly maintain those,

right, Mr. Zebrowski?

MR. ZEBROWSKI: No, they operate them.

MR. K. BROWN: Right. But in terms of what's in the budget now is NYPA is going to have a new role that they're going to be developing new energy production facilities, correct?

MR. ZEBROWSKI: It's certainly an expansion of their role, yeah.

MR. K. BROWN: Right.

MR. ZEBROWSKI: But when they develop these facilities it'll be somewhat similar to the current facilities they run.

MR. K. BROWN: But do they have any staff, any experience doing this type of work prior to today?

MR. ZEBROWSKI: Sure.

MR. K. BROWN: All right. Now I noticed that in the budget proposal it talks about the fact that the proposed plan will phase out of the smaller peaker plants by December 2030 unless the plants support emergency services reliability. Is that the first time that we've seen an exception in the CLCPA for -- to keep gas-powered plants for reliability of the grid?

MR. ZEBROWSKI: It's just a mandated closure of peaker plants, the ones in New York City. I'm not sure I would say it's an exception.

MR. K. BROWN: Well --

MR. ZEBROWSKI: Did I hear you correctly? Is that how you characterize it?

MR. K. BROWN: Yes, I did. And it's important to me and I'll tell you why, because I have the Northport Power Station within my district. As you may know or may not know --

MR. ZEBROWSKI: You represent Long Island, right?

MR. K. BROWN: Correct. It's a --

MR. ZEBROWSKI: So this wouldn't apply to yours.

MR. K. BROWN: Okay. So then that's important because I asked NYPA in the budget hearings --

MR. ZEBROWSKI: Hold on.

MR. K. BROWN: Yup.

MR. ZEBROWSKI: Those in New York City and yours.

MR. K. BROWN: Okay. So I asked NYPA during the budget hearings if my power station, the Northport Power Station 1600 megawatt power plant that provides power to Long Island on the hottest days of the year and the coldest days of the year, we have three out of four burners going, if there was going to an exception for that plant to continue to operate beyond its proposed service closure under the CLCPA. So are you saying that under this budget provision there is an exception for that plant to continue operating if it's necessary to provide reliability to the grid?

MR. ZEBROWSKI: Yes.

MR. K. BROWN: Okay. Now, who decides whether or not that plant or the other peaker plants remain open beyond the

closure date under the CLCPA?

MR. ZEBROWSKI: The New York Independent System Operator and the local utility.

MR. K. BROWN: Okay. And is there a list anywhere that I can could see whether or not the Northport Power Station is included in those peaker plants?

MR. ZEBROWSKI: It's defined in the bill language.

MR. K. BROWN: Yes. It's in there?

MR. ZEBROWSKI: Yes.

MR. K. BROWN: Which -- which plants? Do we know or does your staff know if the local power station is one of those peaker plants?

MR. ZEBROWSKI: It is.

MR. K. BROWN: Because I asked my staff and they said it was not so I'd just like some on that clarity if we could.

MR. ZEBROWSKI: We're going to grab the bill language for you.

MR. K. BROWN: Okay.

MR. ZEBROWSKI: If you want to continue or --

MR. K. BROWN: I'll continue because --

MR. ZEBROWSKI: Our staff will find the language for you but you can continue.

MR. K. BROWN: Okay. So the reason why it's so important is because as a host community the taxes that are generated by that plant subsidize not only our school district but our township.

So it's rather important to find out if that plant is -- only has a foreseeable shelf life until 2040 or if it's going to go beyond that.

MR. ZEBROWSKI: So I hear your concerns. As I said earlier there's an exception for reliability. We're getting the language for you but this is, you know, an attempt to -- to replace those fossil fuel burning and, you know, therefore polluting facilities by 2030. If reliability is an issue, there is a -- a valve if you will to allow it to run further.

MR. K. BROWN: Okay. So, just so you know, the plant actually burns natural gas, they don't never really burn oil for a variety of reasons. So there also is an exception in the CLCPA for gas to be that -- that stepping stone to the -- the electric grid of the future so-to-speak, correct? I believe it's called a -- an (inaudible) plan the gas transition? It's like on page 21.

MR. ZEBROWSKI: I'm not sure we would characterize it that way, that it has a transitional fuel.

MR. K. BROWN: Okay. So I see there's a provision here to look into power procurement for large let's call it energy users to plan, finance, construct and acquire operator-approved renewable energy and transmission projects. So I was recently out in Binghamton University and like most of our universities they have huge power plants, right? And is there anything -- also, you know, hospitals, too, have huge power plants. Is there anything in this bill to address the future of those power plants as it relates to services like our universities and our hospitals?

MR. ZEBROWSKI: So this doesn't phase any of those out. As long as they're in compliance with the law they can continue to operate.

MR. K. BROWN: I'll take -- I'll take that as a no. So with the New York Power Authority, are they subject to taxation?

MR. ZEBROWSKI: They are not but there are provisions in here that say that they should consider pilot agreements or other assistance to the local government.

MR. K. BROWN: How about the siting rules? Are they subject to the siting rules --

MR. ZEBROWSKI: Yes --

MR. K. BROWN: -- in State law?

MR. ZEBROWSKI: Yes.

MR. K. BROWN: They're not an exception and they're indemnified?

MR. ZEBROWSKI: No.

MR. K. BROWN: All right. And finally are they subject to the State Environmental Quality Review Act laws?

MR. ZEBROWSKI: Yes, to the same extent that all power plants are.

MR. K. BROWN: Okay. Even as a public authority there's subject to those.

MR. ZEBROWSKI: Yes. And I do have a -- just one answer to your question earlier about the local assistance. There is a cessation mitigation fund that allows for money to communities in the

bill. And just as a side, I have this situation even from a peaker plant in my community that once paid \$42 million and now pays \$2 million. So, independent of anything in the CLCPA, these natural gas, fossil burning facilities can challenge their taxes, become inefficient and you can have the same tax results that could happen under this bill or any other bill.

MR. K. BROWN: Okay. Thank you for answering my questions. I'm going to switch over to the Office of Cannabis Management.

MS. WEINSTEIN: Yes.

MR. K. BROWN: So a huge problem on Long Island is the proliferation of vape stores, and vape stores that in fact illegally sell marijuana, Madam Chair. So is -- are vape stores regulated by the State? Do they require a State licensure?

MS. WEINSTEIN: If they are collecting (inaudible) they would have a -- a license to -- a sales tax license so they -- tax and finance could currently deal with that.

MR. K. BROWN: But currently there's no license for to sell vape equipment or vape liquid.

MS. WEINSTEIN: Not a -- there isn't a business license but there's a tax license for the -- so tax that they're subject to.

MR. K. BROWN: Okay. So when we're talking about the penalties for a vape store who will illegally sells --

MS. WEINSTEIN: Yes.

MR. K. BROWN: -- what is the penalty to a vape

store and I'll give you an example. About a month ago Suffolk County Police Department busted eight vape stores who were illegally selling marijuana. What's the penalty for a vape store? No other licensure by the State to make sure that that vape store will stop selling illegally.

MS. WEINSTEIN: Well, there's -- there's many things. What we do in this proposal is that they can receive very high penalties from tax. We authorize tax and finance investigators to go out, they can join with the law enforcement and based on the amount of cannabis -- illegal cannabis they have available for sale, they can, as I said earlier, if it's five to 12 pounds they can have a fine of up to \$25,000, \$50,000 for a second offense which could lead to criminal charges if they don't pay those. And there's also the ability of OCM with the authority to -- we are giving them the authority to seek a permanent injunction against the building or unlicensed activities is occurring. Now you're talking about vape shops. We do allow under this legislation for a temporary closing order to padlock the building if the only unlicensed activity -- if the unlicensed activity is the only activity you're talking about a store that it sounds like might have other -- might have some legal activity going on so padlocking would not be an option.

MR. K. BROWN: And how many enforcement officers are there? I presume they're under the Office of Cannabis Management. How many are there currently in the State of New York?

MS. WEINSTEIN: My understanding is there's quite a few there now. I -- I can get you the exact number but I do know in this budget we're adding 34 full-time investigators. They can also draw investigators from other agencies. They can request the Attorney General's Office and police agencies to assist the inspections.

MR. K. BROWN: Does this budget proposal, does it have any regulations or any provisions of -- for potency and the sale of highly-potent marihuana?

MS. WEINSTEIN: This -- this -- we don't change the existing law regarding the potency tax. This looks towards the -- the volume, the poundage to set fines.

MR. K. BROWN: Any provision to deal with what's called "dabbing" which is a smoking of high-potency weed by individuals that's known to cause behavioral health issues?

MS. WEINSTEIN: No. This -- this bill deals with the -- the structure of establishing civil and then criminal penalties giving tax and finance the -- this administrative inspection authority along with OCM.

MR. K. BROWN: Okay. Is there anything in this budget proposal with regard to adult use cannabis that deals with driving while drugged?

MS. WEINSTEIN: No.

MR. K. BROWN: Okay. Is there any diversion programs for children under 21 that are caught possessing or smoking weed?

MS. WEINSTEIN: Not under this bill but there are under current law.

MR. K. BROWN: Okay. Very good, thank you. And I just want to turn to the last subject which is bail reform.

MS. WEINSTEIN: So then I'll turn it over to Mr. Dinowitz.

MR. K. BROWN: Great. Hello, Mr. Dinowitz.

MR. DINOWITZ: Hello.

MR. K. BROWN: How are you today?

MR. DINOWITZ: I'm great. How you doing?

MR. K. BROWN: Good. So, one of the things that I -- I've spoken about before on the floor is relative to the idea that before this bail reform of two years ago let's say, an individual who came before a judge could select treatment in lieu of incarceration. Does this new provision restore that ability for a person who has a substance abuse problem to go to treatment in lieu of incarceration?

MR. DINOWITZ: The changes in this bill do not -- no change with respect to the --

MR. K. BROWN: Okay. And secondly, during the budget hearings you and I even actually talked about this that there's -- there's currently no data being collected for desk appearance tickets to hounding those that have converted into appearances before judges. Does this bill change that?

MR. DINOWITZ: No.

MR. K. BROWN: Okay. And finally with respect to

individuals -- well, the fact that the data collection currently as we know it's -- it's a mess. There's three different types of collection of data that goes on that it's not uniform, there's one system that's over 100 years old. Are we doing anything to fix the data collection problem that DCGS has that this budget provision deals with bail reform?

MR. DINOWITZ: Well, there is a provision in the bill in Part C dealing with the issue of data. It requires OCA to collect data and report monthly on pre-trial commitments to local correctional facilities, and it would collect data based on age, gender, racial and ethnic backgrounds of the individual dates of commitment, the type of commitment ordered, the top charge and arrest and arraignment and whether the individual has been previously released.

MR. K. BROWN: So there's nothing though that talks specifically about whether or not we're going to be able to track individuals to make sure that they're coming back to their court appearances. Thank you for answering my questions, Mr. Dinowitz, Mr. Zebrowski and Chair Weinstein. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Byrnes.

MS. BYRNES: Thank you, Mr. Speaker. Will the Chair yield?

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

MS. BYRNES: I just have a question that's along a little bit of a different vein than other people. On the electrification

and the sections about the construction having to become electric by the time frames that are set. My question is this: In our Upstate communities we have a growing population, very growing population of Amish. Amish, one of the basic tenets of their faith is that they don't use public electricity. They're basically off the public grid. My question would be, are there any religious accommodations that are being made for the purposes of the Amish who have very set, very publicly-known beliefs on the lack of using electricity from the public grid?

MS. WEINSTEIN: I am -- there is nothing in this proposal but we certainly will look at the issue you raised if there is a need for some -- something in that regard.

MS. BYRNES: So the type of religious accommodation. I mean people don't need to go to Ohio and Pennsylvania to visit Amish communities or to buy Amish-made furniture. Upstate, New York is -- or we've got over 20,000 Amish that live in our area. And again, right now they get by. They use natural gas, they use generators, they even use a lot of solar and wind in order to create electricity off the grid in order to do what they need to do in life in this modern world. But again, if we require homes to be this way. Now even if, and this is what I want to throw out to you, ma'am, is in the future, hopefully in the near future you think about this. Even if our -- our local or State building codes require that a home to get a C of O has to -- or any construction -- has to have electricity in it. That doesn't mean they're going to use it. They're

going to have to have other forms of accommodation. And I would respectfully request that you and the Majority look at this issue. It's going to come up the more we talk about electrification.

MS. WEINSTEIN: Well, I -- I would just comment and certainly we'll look into the issues you raise but there, you know, certainly is no requirement that you must have -- that you must have electricity. I mean there are requirements for health and safety issues such as, you know, for example locality can have requirements regarding smoke detectors in a -- in a building or if a building is being used for rental purposes.

MS. BYRNES: Right. And then I've heard different things though in different communities. But the reality is notwithstanding if they cannot use electricity off the public grid they must be able to generate heat and the basic way to live in another fashion, and I'd certainly don't mind continuing this conversation. Many of us have a growing Amish population. We got to watch out for those buggies as we drive around.

MS. WEINSTEIN: Certainly. We will certainly look into the issue you've -- you've raised.

MS. BYRNES: I appreciate your courtesy.

ACTING SPEAKER AUBRY: Ms. Simon.

MS. SIMON: Thank you. Yes. Will the sponsor yield for questions?

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MS. SIMON: Thank you. I have some questions I'd

like to ask you to just clarify what it is that certain provisions are in the -- in this budget bill. And so I'd like to ask that the, you know, language and compliance with court conditions is found only in the section on Criminal Procedure Law governing the use of non-monetary conditions. So the inclusion of this term in the amendments to Section 530.60 of the Criminal Procedural Code intended to reference those non-monetary conditions by including compliance with court conditions, is that correct?

MR. DINOWITZ: Yes, that's my understanding.

MS. SIMON: And does this reference to court conditions change the authority of judges to set bail?

MR. DINOWITZ: No. It -- it -- it clarifies that when you're dealing with the revocation of a securing order, more stringent non-monetary conditions may be required to ensure compliance with the newly-issued securing order.

MS. SIMON: Thank you. And where does the -- the terminology, the kind and degree of control it -- language in the CPL 510.10 come from?

MR. DINOWITZ: It actually comes from the pre-2020 version of the bail statute and it's simply a return to the language judges are most familiar with.

MS. SIMON: So that should clarify the -- the confusion that we've heard about.

MR. DINOWITZ: I would think so, yes.

MS. SIMON: And what does the kind and degree of

control standard? How does it differ from the least restrictive means standard?

MR. DINOWITZ: It -- it doesn't really differ from the principle that a restriction on a person's pretrial and preconviction freedom is imposed for the purpose of ensuring a return to court.

MS. SIMON: Okay, thank you. So to sum up, do these changes to the bail laws affect the purpose of bail in New York to ensure a person's return to court?

MR. DINOWITZ: No. The changes don't change the longstanding purpose of bail in New York State in any way as far as I could read it. Bail is now and has always been a method of ensuring a person's return to court.

MS. SIMON: Thank you.

ACTING SPEAKER AUBRY: Mr. Flood.

MR. FLOOD: Thank you, Speaker. Would Mr. Dinowitz yield for just a couple of questions regarding bail?

ACTING SPEAKER AUBRY: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. DINOWITZ: Just for a couple of questions.

MR. FLOOD: I will be brief. I'm looking at Subpart C under this when -- you know, they're looking to compile a report under Subpart C determining pre -- pre-trial commitments. Would you just be able to expand a little bit upon what this information is

going to be used for?

MR. DINOWITZ: Right. I -- I -- I read the stuff a little earlier, but it's information that OCA would be required to collect so we have that information available.

MR. FLOOD: Well, I -- I understand the -- you want to collect it, but if you're asking the court and OCA to collect all this data that -- there must be a purpose to have this data.

MR. DINOWITZ: It's to analyze what's going on, basically. I mean, if -- if -- included in the data, as I mentioned earlier, there would be information on age, gender, race, ethnicity, and if -- if we see trends that don't -- aren't consistent, you know, it may provide us with information that would suggest that maybe we need to do certain things.

MR. FLOOD: Okay. I -- I definitely understand that aspect of it. And I -- I do see that this says, you know, *would include but not limited to information...* But don't you think it would be appropriate to have the judge's determination of why he was -- why he or her determined someone a flight risk or why they issued some type of commitment order? Wouldn't that be pertinent to the information you're gathering?

MR. DINOWITZ: Well -- well, I think that's already on the record.

MR. FLOOD: In terms of the data, obviously it's on the record but (inaudible) --

MR. DINOWITZ: Not on -- not on this record.

MR. FLOOD: But all this information, if you go through a -- you know, if you go through any type of criminal proceeding -- and I -- you know this just as I do -- you get all this information out of this and you get your ROI sheet, you get your scorecard if you go into, you know, an arraignment part. All this information is there as well. So if you're collecting the data on one aspect, wouldn't you want to include the rest of it on there?

(Pause)

MR. DINOWITZ: I mean, it says right in the bill, the -- we're collecting this information, it includes these things enumerated here on page 173 from line 32 to the bottom and a little beyond that.

MR. FLOOD: Yeah, unless I overlooked it, which is possible, but it -- it doesn't say anything of, you know, a judge's determination of why there was a pretrial commitment, and I think that would just be pertinent towards making it a more complete set of facts. Especially if it's going to be published and for the public to look at, I believe something like that would be -- give the public a better understanding of why someone was committed or this -- and like you say, if you're looking for trends, you can see those more trends.

MR. DINOWITZ: Well, perhaps, but -- but this data, these are numbers of -- of the specific things that I mentioned earlier, and it's easily ascertainable once -- once it's going to be out there.

MR. FLOOD: All right. Thank you. That's all.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Giglio.

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

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

MS. WEINSTEIN: Yes.

MS. GIGLIO: So, I'd like to ask some questions in my capacity as the Ranker on People with Developmental Disabilities Committee and as a tireless defender of one of our most vulnerable populations, our precious New Yorkers with unique abilities and their beautiful families. So, what was the reasoning behind settling on a 4 percent instead of an 8.5 percent cost-of-living adjustment for service professionals such as disability services professionals?

MS. WEINSTEIN: Well, I would tell you as I think we've talked about it in the past that we had a higher percentage in our one-House; 8.5 percent. Unfortunately, as part of the negotiations we were not able to maintain that rate, so we -- we do have -- we did 5 -- last year -- last year we -- we did 5.4 percent, and on top of that 5.4 percent we are adding an additional 4 percent this year.

MS. GIGLIO: Okay, so that's 9.4 percent over 12 years of a cost-of-living adjustment.

MS. WEINSTEIN: Well, it's over two years that we're doing it. It's unfortunate that there weren't increases previously.

MS. GIGLIO: Am I correct in saying that there were no increases for ten years?

MS. WEINSTEIN: There -- there was -- we actually did have a -- a 1 percent increase previously, and at the same time the minimum wage was -- was going up so that there were increases due to the minimum wage increase.

MS. GIGLIO: So with this very large budget that's being proposed, were financial constraints the main reason for cutting the COLA from 8.5 percent to 4 percent?

(Pause).

MS. WEINSTEIN: It -- it's a result of the negotiations. So we are talking about with health care workers an 8 -- an \$8 billion base. So every percent is a very -- or every percent would go up. It does cost a lot of -- of funding from the State.

MS. GIGLIO: Okay. Does this budget bill prioritize new New Yorkers such as the Office of New Americans and Migrant Services Reimbursement, et cetera?

MS. WEINSTEIN: There -- there is an extra \$50 million in that office.

MS. GIGLIO: It's my understanding that this budget bill includes \$1 billion -- with a B -- more funding in the Migrant Services Reimbursement for New York City which will provide funding for migrants who have arrived in New York City.

MS. WEINSTEIN: Uh, yes. Yes, there is --

MS. GIGLIO: So, \$1 billion.

MS. WEINSTEIN: The \$1 billion that the Governor put in that we accepted to fund the -- help defer the costs for New

York City of the multi-billion-dollar costs of housing and providing shelter services to the migrant -- the new migrant communities.

MS. GIGLIO: So, why was a greater priority placed on securing 1 billion additional dollars in funding for undocumented immigrants than using these resources to support New Yorkers who have been serving our most vulnerable population and have been struggling to make ends meet?

MS. WEINSTEIN: The -- the two are not exclusive to each other. There are individuals that have been coming to New York City, I think in most cases are very unfairly being sent to New York with -- without the -- without real knowledge of what they were coming to. We have an obligation to provide basic human needs to people who are living in our State, regardless of how long they're here, and the \$1 million is a very small part of our \$229 million -- billion dollar budget that we are adopting today that helps so many New Yorkers.

MS. GIGLIO: Could this budget bill have made service professionals such as disabilities direct service professionals more of a priority, especially given the significant sum of resources allocated to programs such as the Migrant Services Reimbursement for New York City?

MS. WEINSTEIN: The budget reflects the choices of the Legislature and the Governor, and I think that the -- it's an appropriate balance that we have here.

MS. GIGLIO: Okay. So, I -- I think it's

disproportionate for New Yorkers that have lived here for a very long time with -- and we can agree that there's an aging population of parents that have been taking care of their children and their family members with unique abilities at home that are aging out and are looking for placement and it's going to become harder and harder to find as we lose direct service professionals.

But with respect to the funding for the State University of New York, specifically the Schenectady Community College Inclusive Entrepreneurship and Employment pilot program. What will this additional funding help support?

(Pause)

MS. WEINSTEIN: It is an existing program that helps students with disabilities so that they can get a degree and gain employment.

MS. GIGLIO: Will this additional funding allow more students to be able to participate in this important program, providing necessary support, training and education, education preparing for entrepreneurial and employment pursuits?

MS. WEINSTEIN: I -- I'm -- I'm continuing this conversation, there will be -- this -- these -- just so you know that these dollars will be in the Aid to Localities Budget. As long as we're discussing it, let me just respond that it is an existing program so, yes, it will be continuing to have additional students participate in this program.

MS. GIGLIO: So it will be additional students?

MS. WEINSTEIN: Yes.

MS. GIGLIO: Okay. And then is there funding for not-for-profits that are currently doing entrepreneurial and employment training?

MS. WEINSTEIN: I -- I think in numerous -- numerous areas there is funding for not-for-profits doing employment training around the State.

MS. GIGLIO: Well, a lot of that funding is getting absorbed back in order to pay the wages to keep people employed in this field. So where the money should be going to these programs, in my opinion, is not. But thank you very much for your answers.

MS. WEINSTEIN: Okay, yes. Thank you, Assemblywoman.

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

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

MS. GIGLIO: While I'm comforted by the fact that this budget bill allocates funding for much-needed community service programs for people with unique disability programs as day program services and residential services, and additional funding for an entrepreneurship and employment pilot program for people with unique abilities, I am deeply troubled by the woeful cost-of-living adjustment salary increases for our dedicated service professionals. Budgets reflect priorities. This budget bill and bills advanced yesterday relegate our service professionals such as DSPs, New

Yorkers that have been here, serving our most vulnerable populations day in and day out. Now they're being relegated to second-class status. If there was 1 billion available for undocumented immigrants that are arriving in New York City from the Southern border, there most certainly are resources available for our heroic service professionals. The resources are there, it just appears that this budget bill's priorities are misplaced.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. McGowan.

MR. MCGOWAN: Thank you, Mr. Speaker. Will the sponsor yield on the issue of bail reform?

ACTING SPEAKER AUBRY: Bail reform, Mr. Dinowitz.

MR. DINOWITZ: Yes.

MR. MCGOWAN: Good afternoon, Mr. Dinowitz. The least restrictive means standard that we've heard about, that's been discussed, has been reported on, I wanted to ask you about that, and I want to go back to your conversation with Ms. Simon. You discussed with her I guess the equivalency of the least restrictive means standard with the kind and degree of control; is that correct?

MS. WEINSTEIN: Yes.

MR. MCGOWAN: So the two standards are, by your statement before, essentially the same thing.

MR. DINOWITZ: That's what it looks like to me.

MR. MCGOWAN: Okay. So my question to you, sir, is why are we making this change?

MR. DINOWITZ: I guess enough legislators and Governors wanted it.

MR. MCGOWAN: Okay. So, but in your opinion as you stated before, there's really no difference between what we currently have in law as to what's proposed in this legislation and this budget bill concerning the discretion for judges; is that correct?

MR. DINOWITZ: I would say it this way: I think what we're doing clarifies what the judges can do so there's no question about it, because apparently there were questions prior to this. So if -- if -- that clarification I think would be helpful.

MR. MCGOWAN: Can you explain to me how it clarifies?

MR. DINOWITZ: I think we changed the wording of the law and it makes it clear what they can do and what they cannot do. And this standard is something that judges who've been around for more than a year or two should be familiar with because we've had this standard.

MR. MCGOWAN: Under this proposed change in this budget bill, do judges have more or less discretion than the current law today?

MR. DINOWITZ: Prior to the -- prior to 2020, judges did not have absolute discretion in determinations regarding bail. They were bound by the facts and by the law, and that's still

going to be the case. So what we tried to do is to address the difficulty to challenge where a judge abused their discretion, and I don't know that that happens very often in the first place. While we know that this wasn't an issue with all judges or even most judges, we know that the law did not necessarily sufficiently ensure fairness so that, for example, low-income people, mostly non-white people, frankly, were disproportionately impacted by the law

MR. MCGOWAN: Okay. So I'm not sure of my answer if judges have more or less discretion. But I'm going to move on.

My -- my next question is, and just to clarify, there are no new eligible offenses added under this proposed legislation; correct?

MR. DINOWITZ: That is correct.

MR. MCGOWAN: Is dangerousness -- and I believe this was already asked, I just wanted to clarify. I'm not sure I heard it. Is dangerousness a standard or a factor in which a judge, in making a bail determination, can consider?

MR. DINOWITZ: Well as I said earlier, dangerousness is not mentioned here. Dangerousness is not the issue. The judge can take various things into account, but I'm -- I'm not even sure how a judge would decide, *Well, this person is more dangerous than that person* except by looking at them maybe.

MR. MCGOWAN: Well, you would agree we have classifications of crimes, correct, in New York State?

MR. DINOWITZ: That's right.

MR. MCGOWAN: We have felony -- violent felony offenses as opposed to non-violent, correct?

MR. DINOWITZ: Correct.

MR. MCGOWAN: We have crimes where we have physical injury alleged against the victim -- or to a victim, correct?

MR. DINOWITZ: Correct.

MR. MCGOWAN: And would you agree with me that those could be considered into the dangerousness of a defendant who's brought before a judge with making a bail determination?

MR. DINOWITZ: Well, first, keep in mind that the person coming before the judge is a person who is accused of a particular violation. But secondly, the judge, for many, many crimes, does -- or alleged crimes, does have the authority to impose bail or even in many cases remand.

MR. MCGOWAN: Does this budget bill address considerations by a judge for victim safety in making a bail determination?

MR. DINOWITZ: The -- as has been said numerous times, the purpose of bail is to ensure that the accused show up for court.

MR. MCGOWAN: What about an Order of Protection, we'll call it a Stay Away Order of Protection where the defendant is commanded by the court, ordered by the court to stay away from the victim or the complainant? Is that something that is

considered when making a bail determination under this proposed budget bill?

MR. DINOWITZ: Are you talking about if a person violates an Order of Protection or the mere fact that there is an Order of Protection?

MR. MCGOWAN: If there is a request for an Order of Protection in -- in a new case, not whether it was violated or had been previously issued. But in a new case, if in addition to a bail application, if there's an application for an Order of Protection, is that fact something that a judge can consider when making a bail determination under this law?

MR. DINOWITZ: I don't believe so.

MR. MCGOWAN: Shifting topics briefly to discovery. It was your response to my colleague Mr. Tannousis earlier that -- I believe you said that the District Attorneys Association or -- or DAs maybe in the City did not want these proposed changes to discovery; is that correct?

MR. DINOWITZ: Well -- well, first of all let me just make it clear, we're not here today debating discovery because that's not part of this bill. But the -- there were proposals being bandied about with respect to discovery, and ultimately, from what I understand, the DAs said, you know, forget about it.

MR. MCGOWAN: So it's your understanding the DAs were -- the DAs were okay with where the discovery laws are at this point, and that's why that is not a part of any of these budgetary

bills that we're discussing.

MR. DINOWITZ: Uh, I didn't say that. I -- I think of my DA I know and I'm sure others have raised concerns about the discovery law, but we don't pass laws solely based on what the DAs want. They, like every other party, person of interest, stakeholder, should be considered, whether it's advocates, whether it's the Defense Bar, whether it's DAs. Everything should be considered, but we don't simply pass laws because the DAs -- all of whom don't necessarily agree with each other all the time -- we don't pass laws based solely on what the DAs want.

MR. MCGOWAN: Would you agree with me that public defender associations, particularly in New York City, were also asking for changes to the discovery law as to funding and different things to improve the discovery laws from where it currently is?

MR. DINOWITZ: I believe that what the people on the defense side were asking for is funding, mainly.

MR. MCGOWAN: Thank you, sir.

Mr. Speaker, on the bill, if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCGOWAN: You know, I'm looking at this proposed change to our -- our bail laws from the -- the view of a former prosecutor, as a Special Victims Prosecutor in the Bronx as well as my home county of Rockland County where I represent. I'm also looking at this as a practicing criminal defense attorney, and I'm trying to understand this change. I'm trying to really see what we're

doing here, and -- and I had one idea coming into the Chamber today and now I have a different idea, and that is that really, we're doing nothing. We've waited -- we've been waiting to get to this point to finally pass this budget and it is over 30 days late. And one of the main reasons that was reported repeatedly over the last 30 days was bail reform. And the removal of the least restrictive means to -- to secure the defendant's appearance. We heard about lines being drawn in the sand and all these things, and finally we get this budget bill and we're hearing today that there is virtually no change between the least restrictive means and what is in the bill now. So we've waited. But here's what's not in this bail reform amendment: We have no change to the qualifying offenses that enable the judge to even set bail. We really have no clarity, in my opinion, on when bail is to be set. No further clarity than what we currently have in the law now. Once again, there is no dangerousness consideration, and there are certainly many ways that a judge could consider that in making a bail determination. It's more words and more confusing, the language that is being presented today. But I guess my question, ultimately, that we have to answer as legislators, is this better for New York and I don't think it is. I think this is headline grabbing. I think there is little substantive change, and we continue to legislate away the power of our judges. The power of our Judiciary branch. We ask our judges to make, in many ways, life and death considerations. In many ways, things that affect New Yorkers and those who come before the court every day; custody determinations in family court, settlement

determinations in civil cases, guilt or not guilty in criminal trials. All sorts of things we ask and we task our judges to make those determinations, yet we're not comfortable on allowing judges to make this determination on bail. And once again, I state this as a former prosecutor who practiced in Bronx County, and let me tell you, this -- way before these laws were enacted it was not easy to get bail set, despite the other rhetoric that's being spread. It's not easy to get bail set on a defendant. And I prosecuted special victims cases with children who were sexually abused. It was not always easy to get bail when the facts were there, the character and the history of the defendant were there and bail was absolutely appropriate.

So I think what is proposed here is actually the least restrictive way to amend our current law. It is not enough. It is not real change. It is form over substance, New York will not be safer and I think about those victims who I used to advocate on behalf of in these cases. New Yorkers are dying, New Yorkers are less safe, and yet we sit here and we play around with words that do nothing. We heard it today. It will do nothing. Crime is up, New York is less safe.

And Mr. Speaker, I'll be voting in the negative.

Thank you, sir.

(Applause)

ACTING SPEAKER AUBRY: Ms. Walker.

MS. WALKER: As my dear friend and colleague in Washington, D C. stated, the circus has definitely come to town. Fairness, justice and equity teaches us, teaches judges that yes, you

can ask the question, *Can you set bail?* But I think the more important question to be asked is, *Should you set bail?* We've heard before that the 13th Amendment which abolished slavery, allegedly, was followed by vagrancy laws which made it illegal to be homeless. Some of the changes that we've seen here allowed a man whose second arrest for stealing toothpaste, and his reply was, *Your Honor, I needed the toothpaste*, to allow that person to be granted bail in that situation. We've relegated attorneys to figure out harm to a doorknob. And we've met -- and made theft of services, for example, jumping the turnstile, bail eligible. New York State -- our New York State budget should reflect the values and the priorities of the people that we serve, with an emphasis on those who are most vulnerable among us. It should prioritize those who need a safe place to lay their head at night and those who work hard and deserve a livable wage. And policy decisions within the budget ought to be based on facts and not fear, based on evidence and not racism. Based on sound reasoning instead of tabloid headlines. New Yorkers deserve a budget that does not attempt to incarcerate itself out of a political problem. The \$229 billion spending plan in front of us demonstrates a commitment to many of our core values, with -- including \$391 million for the Emergency Rental Assistance Program, for example, that would provide relief to those who are on the brink of being evicted from public housing and government-subsidized housing. More than 70,000 NYCHA residents need our support. The State Budget should help hard-working New Yorkers with the minimum wage tied to a

cost-of-living increase. That would not only make New York more livable and safe for our communities, but it would contribute to the very same public safety that people are calling for. Consider this: The last time the State raised the minimum wage, burglaries fell by 38 percent. Motor vehicle thefts fell by 26 percent and murders fell by 6 percent. I think the proposed budget is at least a starting point.

Where the proposed budget falls woefully short, however, is in the area of community safety. We are facing the potential overhaul of the State's bail laws which has successfully helped tens of thousands of people keep their jobs, homes and custody of their children while their cases are pending. Studies have consistently shown that rearrests have gone down for people released under the bail reform laws. The idea that bail reform caused or was linked to an increase in violence is repeatedly disproven as a bold-faced lie. The Governor has said so herself. Bail reform significantly reduced the number of people detained pretrial across the State, punctuated by the closure of more than a dozen correctional facilities across the State with zero impact on public safety. And people are returning to court, which is the actual and legal purpose of bail. The law is working. With that said, I'm tired and I'm fed up and I'm tired of standing here year after year to make the same case for humanity. It's like a bad version of Groundhogs [sic] Day. I'm impassioned and distressed that my people are being sacrificed yet again for political expediency, just as has been the case for century after century. And I'm fed up with this loss of a process that dangles some shiny objects

in our face with one hand while the other hand behind their back squeezing the life out of us. And so I'm here to say no. There are too many lives on the line. I've been collegial and agreeable and amenable, but not at the expense of the people -- people that I represent and whose stories that I embody. But what you say about public safety? Don't talk to me about public safety. Where's the safety on Rikers Island where 36 people have died over the last two years, 19 of them over the last one year, seven of them by suicide. What's safe about that? That's not safety. In Erie County, for example, prior to bail reform many people died in jail under pre-trial incarceration. And that jail was under a Federal consent decree. But since bail reform, the consent decree has been released, there are no more deaths and the county has saved millions of dollars. We know for a fact what creates safety; it housing, it's livable income, it's access to equality and physical, behavioral and health care. We know for a fact that pretrial incarceration by destabilizing people and their families does not make us safer -- safer. The budget would look a lot different if we really cared about safety. Don't talk to me at all if all you have for me and my people are arrest, prosecution and jail. Then keep it. Keep your platitudes, keep your good jobs and your pats on the back. I'm not here to give the police a blank check to terrorize my community any longer or to help prosecutors withhold evidence to wrongly convict the constituents who I represent. Or to give judges a carte blanche opportunity to lock us up. I'm here for real community safety. Why let the facts get in the way when you're trying to

dismantle our civil rights? Here's the question. Will you visit with people in jail because of these changes and explain your vote to them? What would you say to the next mother or father or sister or brother of someone who's lost on Rikers? We know the Constitution prohibits bail that is excessive, yet, look at our jails in the State and across the country where people are being held on \$100 that they cannot afford to pay. Excessive for whom? I represent people for whom 100 or \$200 would make a world of a difference and cannot be spared without great sacrifice, if at all. And we're telling these people, *Oh well, we had to change the law because of the tabloids or what the tabloids said about us*. Now instead of making jail (inaudible) the last resort to ensure a person's return to court we are prompting judges to expand the use of money bail and pretrial incarceration. All of this is because the idea that judges do not understand the least restrictive measured standard? If that is the case then why not educate judges? Why not? Because that is not the real reason why we're here. During a hearing of the Legislature the Acting Chief Judge was asked whether or not judges don't understand the least restrictive measures as a -- as a legal term, and the answer was no. And the face -- the standard has been exist -- has been in existence since the Bail Reform Act of 1966, again the Bail Reform Act of 1984, and the opinion of Justice Rehnquist in the case of the *United States v. Salerno*. The concept of the least restrictive measures is included in the New York State Health Law, Education and Family Laws, to name a few. This was not a concept that was created by our bail laws. It's well-settled law and

that was just attacked without reason or a rational basis by this Executive Chamber and this Chamber.

In the end, the facts didn't matter. The Governor's efforts to disseminate -- to -- to decimate bail wasn't driven by facts, it was driven by fear mongering, headlines, political expediency, and it was reacting to a far-right strategy to weaponize racism and anti-Black narrators about who constitutes the public and who that public needs to be kept safe from. What we've heard and what we've learned over the last few weeks is that the budget that we are being asked to vote on in large part will lock more people -- more Black and Brown people up and more poor people pretrial as a solution to a political problem, and that's something that I simply cannot support. In the absence of the least restrictive means standard with respect to bail, judges will lose critical guidelines when deciding who can go home and who gets sent to jail pre-trial. We will be left with more unchecked judicial bias that kept Kalief Browder locked up for three years without a conviction. If our ultimate goal is to increase public safety, then we need a more thoughtful and effective approach that dismantling bail reform and reigniting mass incarceration in New York State cannot handle.

I have put my body on the line for this fight for injustice. I've been on a hunger strike for more than three weeks. I want to thank all of those who have been praying for me, who have stood by my side, including colleagues, family and even strangers who have written a kind word. I also want to say to all of those folk on

Twitter who have been trolls that I have a new relationship with ketones and have not been on a Keto diet. And of course I'd like to thank the hard-working advocates who've been here fighting to protect bail reform, as well as our staff. Our fight is just one. You held rallies, you wrote -- you wrote letters, you dedicated yourselves to combatting lies and truth. There are too many advocates to name them all, but they include Strategist Researchers and hell raisers from NYCLU, Releasing Aged People in Prison Campaign, the HALT Solitary Campaign, the Center for Community Alternatives, FWD.us, the Brennan Center for Justice at NYU, Legal Aid, Brooklyn Defender Services, Bronx Defenders and so many others. And of course I would be remiss if I did not mention Marvin Mayfield, Jr., who was the Director of Organizing for the Center for Community Alternatives --

(Applause)

-- who passed away on March 30th. He knew that public safety is fortified by investing in communities and not by locking people in cages. The fight for justice continues.

I cannot in good conscience vote to pass a budget that fails to deliver real solutions on public safety, and for that reason, I respectfully request a departure. While we should be prioritizing investments in violence interruption, alternatives to incarceration, pretrial services, public defense, substance abuse and mental health treatment, affordable housing and supportive services, education, job creation, we are in here instead being voting -- asked to vote on a

budget that sends more Black and Brown people to jail. I will not be amongst those who are subjecting our people to that level of trauma. I will not be amongst those who send people to death's door. I will not be amongst those who are content on sending criminal justice system -- our criminal justice system backwards. Last year I stood here and spoke about the cruelty of the system, a system that places incarceration above all else and hands out jail sentences to Black and Brown people based on third-grade reading and math scores for fear that the criminal industrial complex is going out of business. I can't believe that in 2023 we are doubling -- no, tripling down on this level of cruelty. Yes, I'm upset, because it's clear to me that these halls and Chambers have become halls of injustice. These changes call into question well-settled constitutional provisions and protections including, amongst others, the 8th Amendment right against excessive bail. The Equal Protection Clause of the 14th Amendment, and Federal provisions regarding the least restrictive means on restraints. When I came to Albany, I said that I came here for four reasons: To advocate, agitate, legislate and litigate. The three have not yielded justice. So I am left with no other choice. I will see you in court.

(Applause)

ACTING SPEAKER AUBRY: Ms. -- Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would the Chairwoman yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein

yields.

MS. WALSH: Thank you very much. I just have a couple of questions about the electrification issue.

MS. WEINSTEIN: Sure.

MS. WALSH: So, this plan as laid out in the budget, it does impact anything under seven stories; is that correct?

MS. WEINSTEIN: Yes, it's everything under seven stories.

MS. WALSH: So a one-story or two-story home is encompassed by this -- this particular legislation, correct?

MS. WEINSTEIN: Correct.

MS. WALSH: Okay. So the question I have really relates to the area that I represent Upstate. If, for example, an individual had a plot or piece of land up north where, you know, there aren't any natural gas lines, there aren't any -- there -- there's actually very little. There's very little, and there are parts of my district like that. It -- and you wanted to build a log cabin. It's going to be your residence, it's been your dream, you want to go up and build a log cabin. Would you have to do some kind of geothermal type of setup under this rule, and when would that take place?

MS. WEINSTEIN: You're not required to provide electricity, you're just prohibited from fossil fuels.

MS. WALSH: Okay --

MS. WEINSTEIN: And as -- as you say, there -- there are many communities, I know in Sullivan County there are

many parts where houses that were built 40 years ago are all electric for the same -- very same reason, that there aren't natural gas lines and electricity is something that is available more freely.

MS. WALSH: So I -- I'm just trying to understand. So what would -- what would that home -- new homeowner's option be, then, for -- for heating their home in an area like that?

MS. WEINSTEIN: Just not fossil fuels. So you could do solar if you're in an area --

MS. WALSH: What if you're in heavy woods you can't do solar.

MS. WEINSTEIN: You -- you could do wind.

MS. WALSH: Put up a turbine on your -- on your piece of property --

MS. WEINSTEIN: Any other source or electricity.

MS. WALSH: Or you could just have, like, baseboard heat --

MS. WEINSTEIN: Yeah.

MS. WALSH: -- baseboard heat that's electric.

MS. WEINSTEIN: Right.

MS. WALSH: Okay.

MS. WEINSTEIN: My -- my family's home -- my -- the home -- my parents bought a home in the -- in the '70s that's all electric and never really -- never really --

MS. WALSH: Okay.

MS. WEINSTEIN: -- thought about it that way. But

it's electric heating, electric boiler and electric stove.

MS. WALSH: And what did your family do when the electricity went out? Sit around and look at each other over a candle? I mean, what did -- what did they do?

MS. WEINSTEIN: Luckily, it was a summer residence.

MS. WALSH: (Inaudible)

MS. WEINSTEIN: And we weren't there -- we were there sometimes in the winter and there were no incidents then, but, you know, there were neighbors who were there year -- were there year-round, residents would have a -- a generator.

MS. WALSH: And how would that generator be powered?

MS. WEINSTEIN: There -- we have no restriction -- I think we had this discussion a little earlier -- there are no restrict -- there are no restrictions on backup -- on any kind of backup energy so that you could have a -- a fossil-fueled generator, you could have a battery. There -- there are long-term store -- battery storages.

MS. WALSH: Yeah.

MS. WEINSTEIN: So, you -- you could have any kind of backup that would make sense.

MS. WALSH: Very good. And I apologize for -- I guess -- I -- I needed to clarify that. I must have missed that earlier when that was being discussed. So, backup power sources, okay for it to be fossil fuel. That's what I have at my house, I've got an all -- you

know, an on-demand generator for when we lose power. What about -- I -- I have a -- a secondary heating source in my basement that's a propane heater. Is that still allowed because that's a secondary power -- heating source or not?

MS. WEINSTEIN: Obviously, in your house it already exists so there's no --

MS. WALSH: Well, all right (inaudible) --
(Crosstalk)

MS. WEINSTEIN: (Inaudible) in so many words, start to build after this took effect in '25, someone were to build a new house they would not be able to have the propane as the primary source. If it was the backup source, that would be allowed.

MS. WALSH: Okay. So if it was a backup source, which -- okay. Very, very good. Thank you so much.

MS. WEINSTEIN: Sure.

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

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

MS. WALSH: All right. You know, there's been an awful lot of debate today and I know, you know, tensions can run kind of high and we're tired and it's been a long process. I'll try to keep my comments brief. I think that my colleagues in their questions and debates, some of the statements that they made I really do ascribe to. A couple of points that I'd like to make, kind of where my thoughts are on this kind of big bill. I guess because I'm a positive individual, let's focus on a couple of positive things. One is, look, it's still

daylight and we're taking up the Big Ugly. Isn't that lovely, that it's -- that it's actually daytime and not 2 or 3 o'clock in the morning, as it sometimes is. That's a positive. I appreciate that.

I -- I think -- let's talk first -- I -- I'd like to give you my thoughts on cannabis. I think it's -- I think it's pretty backwards that we're dealing with enforcement now. I mean, I just generally think that the entire rollout of this has just been abysmal. I think it's been awful. And I think that the fact that we're looking at enforcement now, it -- it's just -- I don't know, I guess it's good that it's being done, but it really should have been done at the outset and not a year after. I think it was absolutely magical thinking on the part of -- of the government, after looking at states like California that had already been down this road, had already gone through this, to think that by legalization of cannabis we were going to eliminate the black market. I -- I just think -- I don't know. Here we are, though. I guess it's good that there are some enforcement measures going in. I will say on the issue of marihuana that one of my colleagues stated earlier that he -- he thought maybe the medical marihuana program was going to go away, and I've got some wonderful advocates in my district who have medical marihuana cards who would beg to differ. They're very concerned that with the legalization of cannabis that they are -- there's been no new medical marihuana facilities that had been made available throughout the State since the legalization of -- of cannabis. And there's a real concern that they might not be able to get what they need and that they're being sort of directed to retail cannabis

shops in order to get their very specific formula that works for them. And medical marihuana for -- for -- as we know, for people properly administered and prepared has worked miracles in terms of getting people off of opioids. And I would hate to think that with the legalization of cannabis that we are walking back the medical marihuana program. I think we do need to continue to keep that in focus, and I hope that this Body will continue to do that going forward.

As far as the CLCPA, I just -- I just believe that nothing in this bill or anywhere in the budget that I could see, it just very, very minimally walks back some very aggressive goals and I think that a lot of that's really going to come to roost. I think there's been extensive debate on it. I'm con -- I'm considering -- I'm very concerned about a lot of the -- the rules that are coming up when it comes to the CLCPA that are really going to break the backs of school budgets, I think are going to break the backs of a lot of people that are really clearly, I think that the public, the people that I represent are starting to really wake up to what the CLCPA is really going to mean to them. They really didn't get it, they're starting to understand it now. So be ready.

I think that as far as the bail reforms, I really commend one of the previous speakers who really broke it down on debate and talked about what it did and what it didn't do. I -- I don't find it amusing that we're a month late passing this budget, and we waited all that time because we were going to get the right budget,

right? We'd rather have a late budget and get the right budget. And we got a late budget and then we got something that really doesn't even do anything on bail reform, I don't think. I -- I mean, I don't think it's nearly enough, and I think a real missed opportunity here was on Raise the Age. And I know it's not in this bill, and that's really the problem. I think a lot of my issues with this bill is really what it doesn't have in it. We're really -- in another bill that we'll be taking up later today in Aid to Localities, they're just basically reappropriating the same amount of money for Raise the Age that didn't get spent previously. You know, when we -- when we put Raise the Age into place, there was an awful lot of discussion at that point about the need to really intervene in the lives of young people and send them down a better path and divert them to proper services and divert them into programs and a better community environment so that we're addressing the underlying cause of what led them down the path where they committed an offense. And we haven't invested. We haven't invested. And it got blamed on COVID. They said, *Oh, we have, you know, a lot programs ready to roll* and then we -- and then the pandemic hit. All right. Okay, now we're in 2023. There is an appropriation in here -- let -- can we please put some programs into place and spend it and spend it appropriately and do what we said we were going to do years ago to try to address our youth that -- that are coming into the criminal justice system over and over again?

I think as far as crime, I do think it's -- I -- I personally support the idea of a dangerousness standard. I understand

that that is a real whistle in the room. I think that that's a -- that's a big problem for a lot of people. But I do think that when -- you know, we -- when we've taken up other legislation before and we've said, *You know, 49 other states do X and we're the only one that doesn't.* You know, *There's something wrong with us, we need to get on board.* We're not getting on board. We're the last one. We're the only state that doesn't do this, I believe. So I think -- I think that we have to think about reasonableness. Sometimes in this Chamber we forget about that. I think sometimes we get so dug in in our own positions we don't think about what's moving the ball forward to some extent, which is a little bit more of a moderate view that sometimes we don't hear about enough. I think that, I don't know, I think that I would have liked to have seen some movement here in this legislation to address things like repeat offenses that are committed once an individual, a defendant, is charged and then released and then recommits while they're out and then gets brought in, gets ticketed again, gets released, commits again and that -- that just repeat, repeat, repeat and that revolving door. I think that that really isn't addressed by anything that I've seen. We do make some in rows as far as the domestic violence issue, which I think is -- is a positive. But I'm concerned about that. I think that repeated petty crimes are still something that really erodes people's sense of security and safety in their community, and that shouldn't be taken lightly. I went to a store the other day up here, up here, and everything was behind lock and key. Everything. And -- and it was -- and I asked, I asked the people

there, *Why -- why do I have to get you to get a key to take something out so I could get a bottle of perfume?* And they said it's because people come in and they just take it all out off the -- they clear the shelves and they just walk out. And that's here in Albany. That's not New York City, that's up here and they just have to lock everything up. I mean, and then you can't fault people for feeling not secure and safe in their environment, or feeling like it's not a great place to live when that's what you're walking into when you're just trying to do a basic purchase or transaction.

I think that -- I think -- I think it's a sad thing -- I wrote this down, too -- when we celebrate a little bit when the Big Ugly isn't quite as bad as it could have been, but that's how I feel, in a way, when I'm looking at this legislation. I'm so grateful that the housing proposal that the Governor put forward that really would have really stripped local control and -- and local decisionmaking was taken out. I'm glad it was omitted. I'm glad that there were, you know, other things that were omitted.

I think that there are things that are missing from this bill that should have been in, but I think that even with the things that are in there, they don't go far enough. So, I feel a little bit like Goldilocks, right? It's not quite enough, it's too much. I -- I can't support it the way it is, I won't be voting for it, and I'll let others speak. Thank you, Madam Speaker.

ACTING SPEAKER SHIMSKY: Ms. Forrest.

MS. FORREST: Mr. [sic] Speaker, on the bill.

ACTING SPEAKER SHIMSKY: On the bill.

MS. FORREST: When we started this budget process, we had a clear goal. We had to do something about housing, we had to do something about public safety. We had to do something to bring relief to New York's working families. But rather addressing the real needs of our constituents, rather than adding real measures, developing real policies that will ensure real public safety and that will move the dial in a real meaningful way, instead, we have spent weeks and weeks of precious legislative time playing political games around a handful of words. And that's because the Governor wanted to do that. I congratulate our Speaker Carl Heastie for being our champion and standing strong against the Governor when the skills -- the scales were tipped too far. When the Governor controlled this process from end to end. When she prioritized scoring political points instead of serving New Yorkers -- New York's working people because she thinks that's what voters want. But let me tell you something. Voters are on to her, and voters are smarter than that. They don't want a government being held hostage for a month to toy around some words and to appease some tabloid headlines.

This budget bill does have some important policies, especially around climate and our transportation. And I know some people in this Chamber don't think that the Governor did enough to lock up particularly Black and Brown bodies behind bars. But at the end of the day, this bill also attempts to a rollback on bail reform. We know that pretrial detention and jails do not make us safe. If public

safety is the issue, then let's talk about public safety. The way that we make our streets safe is by investing in our communities. By making them healthier. By investing in treatment, investing in schools. Real public schools, not charter schools. By investing in libraries and public goods that everyone can share and feel proud of. If housing is the issue, let's talk about housing. Because there are two sides of a same coin: Housing and public safety. Because when we think about the fact that 50 percent of New Yorkers across this State is rent-burdened, we are in the midst of a housing crisis and we all know it. But this budget does not do anything for our tenants. They do not keep New Yorkers in their home. And I ask our Chamber, how can that be?

Someone told me politics is not for the faint of heart. And I'm telling you right now, my heart is beating. It's beating fast, but it's not faint. It's not faint because I'm fighting for something that is not for me, it is for everyone. And most importantly, it's for my little boy, David. That little chocolate face that runs up in here sometimes is going to become a man one day, and he's going to ask me, *Mama, what did you with your time here?* I want to be able to look David in the eye, a man's eye, and tell him, *Baby, I did something to bring a light across the State of New York. I did something so that everyone, no matter how much money you make, you could stand proud and said I did it and I did it for mines and I'm proud of what I did.* But this budget does not do that. We have wasted time and exhausted -- exhausted the patience of the people who have elected us,

who have put their trust in us, who have sent us here to fight for them. We only have five weeks left. I pray that we use them well for all our sakes.

Mr. Speaker, I cannot sign myself to the lies. Mr. Speaker, I cannot consent to the enslavement of my people by an over rampant incarceration system on steroids and the miseducation of my people by charters. I will not consent.

ACTING SPEAKER SHIMSKY: Ms. Mitaynes, on the bill.

MS. MITAYNES: Vital public education is what creates our vital New York. It is a resource of community safety, empowerment, equality, freedom and so much more. I am talking about a complex system that affects parents, students and the tireless teachers that forge our future every day in the classroom. Public education is a resource we share, that has been long fought for and flourished as a fundamental right in our country. We face hardship around public education, and maintaining the rights of workers, the equality among students, and appropriate resources to keep them safe. But I see a clear solution to all these problems. We must fund our public schools adequately, treating them as crucial resources that they are. I know that my constituents, my community, parents, teachers and students across the State can agree with that. Any money we take from public schools to put into charters is an attack on our public schools.

The Governor has decided to go against the truth

when it comes to bail reform. People are presumed to be innocent unless and until proven guilty beyond a reasonable doubt. Bail reform has reduced levels of recidivism and broken the cycle of imprisonment. These laws changed the lives of thousands of people and their families, simply by making the system marginally less discriminatory against working-class Black and Brown New Yorkers. But this budget is threatening that process -- that progress. If we say we care about public safety, New York State should be investing in affordable housing, public health care, transportation and public education from pre-school through a bachelor's degree. This includes expanding economic benefits and opportunities to those who have long been excluded from the work that they have produced for our State, but have benefitted so little in return. But the budget ignores the needs of our communities. Instead, the Governor is only looking to cater to the wealthy people, giving them more comfortable lives while leaving my neighborhood unprotected from hardships ahead. This is not a budget for people like me. That is not the future of my New York or the future of my community.

I want to thank the Speaker for his leadership during this budget process.

ACTING SPEAKER AUBRY: Ms. Gallagher.

MS. GALLAGHER: Thank you, Mr. Speaker.

On the bill.

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

MS. GALLAGHER: I want to thank the Speaker,

committee chairs, my colleagues and central staff for their hard and tireless work on this very difficult budget. There is much to be proud of here. We are saving our mass transit system from fiscal catastrophe while meaningfully improving service, reducing the planned fare hike and piloting free buses in every borough of the City. We are building the foundation of a Green New Deal, empowering our public power authorities started by Franklin Roosevelt to generate clean, renewable energy owned by the people of New York with ironclad protections for union workers. And we are implementing our nation-leading Climate and Community Protection Act by prohibiting dirty, unhealthy and expensive fossil fuel gas in new building construction, the leading source of emissions in our State and the cause of widespread childhood asthma. I have been working with so many amazing colleagues for 18 months to see this first-in-the-nation policy become law, and I am grateful for their tenacious, scientifically-informed advocacy to this entire Conference and to our Speaker. I wish that I could vote on those policies alone, but our budget process is broken. And we have a Governor with broken priorities.

In September 21st -- in September 2021, along with 12 of my colleagues in government, I visited Rikers Island jail complex. Nothing prepared me for the level of abuse and neglect I witnessed there. I met men who had been stuck for days in the intake center, held in overcrowded cells and temporary pens without access to toilets, cut off from contact with their family and from their eternity -- from their attorney. In some cases, families tried posting bail but no

one was bringing the detainees to their court appearances where they could be released. Most whom I met were there for tiny infractions such as missing curfew on parole or getting into a fight at a barbecue. I met men with broken bones who were denied medical treatment, and others who missed court dates because jail administrators literally were keeping track of them on index cards which went missing. On the floor of Rikers Island, there was garbage, cockroaches, human feces and urine. People were fed one meal a day and had limited access to water. Most toilets were broken, so men were given plastic bags to defecate in. Since my visit, 25 more New Yorkers have died in custody there.

When the Governor announced this budget deal last Thursday night, she cited the front page of tabloid newspapers in her comments on bail. Not the data that shows rearrests are down and court appearances are up. Not the stories of countless New Yorkers who were able to protect their jobs, their health and their families because they had the least restrictive measure awaiting their trial, and they weren't awaiting it in hell, Rikers Island. Instead, she pointed to the front pages of ideologically-driven media who had been lying and fear mongering about bail reform for years. If she thinks she's going to win those people over by stripping New Yorkers of their civil rights, I'm afraid she is sorely mistaken.

I am proud of so much in this budget bill, and I know how hard our Speaker worked to reduce harm in this budget. I begrudge no one for their votes. We have been put in an impossible

position, needing to move our State forward while our Governor pushes us back. The wording of the bail provision is likely in practice to result in more people having to be -- who have not been convicted of any offense, who might never be convicted of any offense, being held in deadly jails like Rikers Island, and I cannot consent to that.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. GOODELL: Thank you, Ms. Weinstein. Looking at the energy provisions, first of all, as I understand it this would bar any new fossil fuel heating on any new residential construction under seven floors (inaudible), correct?

MS. WEINSTEIN: Correct, after 2025.

MR. GOODELL: And -- and there is an exception if the electric service cannot reasonably provide for electric heat.

MS. WEINSTEIN: Correct.

MR. GOODELL: Is there any exception if the

electricity itself is generated by a smoke belching coal plant, for example.

MS. WEINSTEIN: No.

MR. GOODELL: And is there any exception if the electricity is produced by any other fossil fuel burning electric generating plant?

MS. WEINSTEIN: No.

MR. GOODELL: And does this prohibit the construction operation maintenance or (inaudible) or continuation of a fossil fuel plant --

MS. WEINSTEIN: No.

MR. GOODELL: -- electric plant?

MS. WEINSTEIN: No. No, we don't. No, we do not

--

MR. GOODELL: So instead of heating the home directly with natural gas as an example, you would have to heat it with electricity that might be generated by electric -- by natural gas, correct?

MS. WEINSTEIN: That is -- is possible. Though, we are -- that's, you know, as you heard from earlier conversation, that's why were moving also to non-fossil fuel electric generation.

MR. GOODELL: And of course you're aware, I mean I think it's pretty well-documented that heating with natural gas produces fewer greenhouse gas emissions than heating with naturally gassed -- natural gas-produced electricity. Aren't we actually stepping

backwards then if we force people to use either coal-powered or natural gas-powered electricity to heat their homes?

MS. WEINSTEIN: I don't -- you know, I don't believe so, you know, and I'm sure that you've read some of the recent studies showing the negative health effects of -- of gas use which -- within a home.

MR. GOODELL: Now I -- I see we accept manufacturing. Am I correct that manufacturing is intended to be very broadly interpreted? So, for example, asphalt plant. You have to heat the asphalt to over 300 degrees, you're not really manufacturing anything but if you don't you're going to end up with an unusable product. That would be included within the concept of manufacturing?

MS. WEINSTEIN: I would agree that manufacturing has a -- a rather broad -- rather broad interpretation.

MR. GOODELL: Now if implemented, this would of course prohibit the use of natural gas stoves, correct, in residential buildings after the effective date.

MS. WEINSTEIN: The installation, correct --

MR. GOODELL: And --

MS. WEINSTEIN: -- in new, right. New construction.

MR. GOODELL: New construction. How -- how does this comport with the Federal preemption case that was recently decided in California *CRA v. Berkeley* where they held that

California's attempt to ban natural gas appliances was preempted by the Federal government?

MS. WEINSTEIN: We do not believe -- do not feel that it applies.

MR. GOODELL: Because it's the case is wrong or it's a different circuit?

MS. WEINSTEIN: Based on the California -- it's based on the -- on the California law, and the court is the jurisdiction that would inter -- that would just effect the states within that district. So it would be the West Coast states. You -- you are aware also that there are other cities that have already adopted these proposals. New York City, in particular, starting this coming year.

MR. GOODELL: But this is the only one that's been challenged, right?

MS. WEINSTEIN: Yes. Is the district -- the West Coast district.

MR. GOODELL: Now I see there's a substantial increase in child care subsidies. In order to be eligible, do you have to be working or can you apply for these child care subsidies even though you are unemployed or not working?

(Pause)

MS. WEINSTEIN: Yes. You do have to be working.

MR. GOODELL: I see we also provide that if somebody's electronic benefit card is stolen or misused for their welfare benefits - and I believe we put food stamps, cash assistance

and other benefits on that - that they can promptly get that replaced.

MS. WEINSTEIN: Correct.

MR. GOODELL: Is there -- now, you know, if that happens to you or I, if we lose our credit card or it's abused, right, we pick up the phone, we call the bank, the bank does an investigation, if they conclude that we're not involved, typically we get our losses covered. But there's an obligation by every bank that we report it as fast as possible. Is there statutory obligation for a timely reporting? And the reason I ask is because it talks about going back as many as two months. So is there a statutory obligation for recovery that it be timely reported?

MS. WEINSTEIN: No, there -- there is not. And let me just explain why it can go back two months is -- is that at times the full benefit may not be used in the month that it's issued so that you may be accumulating benefits over a -- a period of months and then when it is stolen at that point, you're not only talking -- you're not only having to get reimbursed for the benefit for that month, the month that the card was stolen -- that it was stolen, but back to the whatever month you hadn't used all of your benefit.

MR. GOODELL: But presumably it would only go back in terms of coverage to the balance that you had at the time the card was stolen, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: Is there any statutory obligation that the person who claims their card was stolen or used, abused,

cooperate fully with law enforcement and with Social Services Department?

MS. WEINSTEIN: There is not a -- a police report required.

MR. GOODELL: Is there any statutory obligation for them to cooperate?

(Pause)

MS. WEINSTEIN: There isn't specific requirement but, you know, the agency would be doing investigation to determine that in fact those benefits weren't used. So there would be some level of cooperation that would have to occur.

MR. GOODELL: Thank you. I apologize that -- that I missed this in my earlier notes. A lot of talk earlier about NYPA getting involved in -- and being directed to get involved in producing energy -- green energy. A lot of talk about this building sustainability. Are there appropriations in the budget that specifically relate to those provisions?

MS. WEINSTEIN: No. No, there are not.

MR. GOODELL: Then why are they in the budget?

(Pause)

MS. WEINSTEIN: This is one of the non-policy issues that are included in the budget even though we don't have an appropriation specifically for that.

MR. GOODELL: You mean a non-budgetary issue that's included in the budget without an appropriation.

MS. WEINSTEIN: You got it.

MR. GOODELL: Okay. The reason I ask is as you know Article VI, Section 6 states, *No provision shall be embraced in any appropriation bill submitted by the Governor or supplemental appropriation bill unless it relates specifically to some particular appropriation in the bill and such provisions shall be limited in its operation to such appropriation.* Assuming that constitutional language means what it says and that language that has no accompanying appropriation is limited in its meaning to that appropriation, is it correct to assume then that none of these provisions make any difference and that they're meaningless?

MS. WEINSTEIN: As you know it has been upheld in the -- in the courts and we believe that the *Silver v. Pataki* case does allow for this.

MR. GOODELL: And it's also been struck, right? We've also had numerous budget provisions that had no appropriation, were actually struck by the court, right?

MS. WEINSTEIN: Yeah, I -- I would grant you that.

MR. GOODELL: Well, maybe -- maybe others will join Ms. Walker and challenge it, I'm not sure, but I was just curious about --

MS. WEINSTEIN: It would be in the bail --

MR. GOODELL: The bail reform doesn't have any appropriation affiliated with it either, does it?

MS. WEINSTEIN: No. So --

MR. GOODELL: I hate to give her more grounds but

--

MS. WEINSTEIN: The Walker Goodell litigation we'll be one --

MR. GOODELL: The bail --

MS. WEINSTEIN: -- that we'll be watching for.

(Laughter)

MR. GOODELL: That would be an interesting combination for sure. Thank you so much for your comments.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: On the bill I -- I find this budget in the words of *Alice in Wonderland*, "curiouser and curiouser." And at the risk of going down the rabbit hole, I just wanted to touch base on a couple things that I found particularly curious. So, for example, this budget authorizes unused charter licenses to be reassigned in New York City with one exception. It says you cannot authorize a new charter in any school district for more than 55 percent of the students are already in a charter. Well, there's only one school district, it's in Harlem. And what's amazing about that is that school district, it's a private -- a private charter, has 59 percent of the kids in that school district in Harlem are going to that charter school. And how's it doing? Well, it scores ten percent higher than the Statewide average on math, nine percent higher on reading. Well, what were the -- what was the data before it started? Answer: When it started, that school

district was 28 percent below the Statewide average in math and 22 percent below in reading. It serves 90 percent Black and minority members. And 80 percent of its students are economically-disadvantaged. So we have a charter school that goes into a horrible place in Harlem, it serves 90 percent Black and minorities, it's doing a phenomenal job and so we in the Legislature make it illegal for any new charters to come in that school district, that is curiouser and curiouser. We should celebrate that and hope that that can be repeated over and over across our State. And energy. Now make no mistake about it, we require all new home construction to be all-electric, we eliminate any ability for them to have a gas stove no matter how much they might like it, but we recognize that over 90 percent of the power in the New York City area comes from fossil fuel generators. What kind of a -- a card show is this? I mean we pat ourselves on the back in saying *hey, this is great. We're hiding all the pollution in a fossil fuel plant that's down the street*, that's not environmentally-sensitive. And as my colleague noted, there's no exception if the -- if the power comes from a coal plant. We're still going to force you to buy more electricity. And in the process we eliminate any ability for anyone Upstate to use a wood stove or a pellet stove or any of that local, renewable power. And in my county, because we have a lot of natural gas, those residents get free natural gas, think about that. You get free natural gas on your property and you can't put in a gas furnace, it's ridiculous, isn't it? We then look at, you know, the minimum wage. Right now my county borders Pennsylvania and Ohio is about an hour

drive and their minimum wage is half of New York's, but their economy is booming over a wage. Aggregate wages up, much higher than New York. Manufacturing up, higher than New York. The amount of wealth in their communities growing faster than New York. In fact, we're at the bottom of the scale in terms of economic growth. We need to recognize there's a connection between helping people who pay others to work and economic wealth. And raising the cost of labor, not helping them meet cost is not building our economy, it's hurting our economy. For those and other reasons I won't support this bill, even though it is "curiouser and curiouser." Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

We are approaching the four hour limit for consideration of the bill. When we -- after that time period people will only be able to explain their vote for two minutes.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. What budget bill are we on? Would the sponsor yield for a couple questions?

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

MS. WEINSTEIN: Yes.

MR. TAGUE: It may be something that Mr. Zebrowski may want to answer but I'll -- I'll shoot it at you. I just have a couple concerns with regards to asphalt production and cement

and concrete production. After this gas ban goes in effect, how are we going to continue to produce asphalt, cement and concrete products in the State of New York?

MS. WEINSTEIN: There is no pro -- first of all, any existing facility can continue using fossil fuels and there is no restriction on manufacturing to go all electric so...

MR. TAGUE: Well -- so you're telling me there's no prohibition to site a new asphalt plant anywhere in New York State through the CLCPA and use natural gas or propane.

MS. WEINSTEIN: Not under the provisions of this bill.

MR. TAGUE: What's that?

MS. WEINSTEIN: Not under the provisions of this bill.

MR. TAGUE: Okay, that's great news. I appreciate it.

On the bill, Mr. Speaker.

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

MR. TAGUE: I just want to say this bill is a great budget if you intend to commit a crime or if you live in another state or by all means if you're coming here from another country. You know when I came here in 2018, the budget was \$168 billion. Now an increase of \$60 billion-plus dollars with over 1.5 million and maybe more that have left the State of New York. When is it going to

stop? When are we going to stop spending more than what we have? If any of you folks were in business and proposed a budget or a spending plan or a business plan like this you'd be bankrupted. It's a really, really big shame that this is what it comes to every year and on top of all this we're 30 some days late. So I will be voting no, Mr. Speaker, and I appreciate the opportunity to speak. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. -- Mr. Epstein on the bill.

MR. EPSTEIN: Thank you. So I just want to thank the Speaker and the staff for all their work they put into getting -- getting us here. We invested in our public schools, we invested in our SUNYs and CUNYs. We talked about major throwbacks on charter cap but we prevented that from happening. We're helping our childrens [sic] and families in New York State. We know that pretrial detention negatively impacts people in our communities and that crime prevention is a clear strategy and that's what we're talking about today; investing in communities, investing in support of housing, access to treatment, substance abuse. Time and time again what we've done is raised money for public defenders. We took huge steps, national steps in environmental protection, building public renewables, all-electric, free buses. We've extended resources for childrens [sic] and families, a child tax credit. We supported our children in foster care by increasing rent subsidies, fought higher for a minimum wage and we're creating a system and structure in place to ensure that we can control illegal and illicit cannabis markets. This is

no ideal budget and there never is. And honestly it is hard to see what we did in some of the things that negatively impact our communities. No one wants more people to die in Rikers. And people in my community are at risk, but I understand where we are today. I understand that pretrial detention is not an effective measure to fight crime. How do I know that? We saw that changes in bail that we did in 2019 were effective. We roll back those changes we're going to be less effective. Pretrial detention does not do what people are saying out there does. We've seen a decrease in crime in New York State over the last year because pretrial detention and bail reform worked and that's what we're standing for today. We're standing for a better New York and we're standing for a New York that invests in our children and invests in our future and invests in our families. And that's exactly what we're doing today and that's what I'm standing up in supporting, thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: The Republican Conference will generally be opposed to this legislation. 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 generally going to be in favor of this piece of legislation. There may be some exceptions but we're going to be in favor. Thank you, sir.

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

The Clerk will record the vote.

(The Clerk recorded the vote.)

To explain their vote, Mr. Novakhov.

MR. NOVAKHOV: Thank you, Mr. Speaker. I have heard a couple of very passionate speeches here today. You know I came from the country where I was arrested for nothing several times where police tortured people, where they put cocaine in your pocket to arrest you, hold you as a hostage and then demand money from your family. I came from the country where people hate police and are afraid of police and where the court is always on the side of the prosecutor. I'm saying this so you understand I'm against police brutality, but since I came to America I haven't had a single issue except -- except for a few traffic tickets, unfair traffic tickets, violations. And I saw respect and willingness to serve. However, if you are trying to commit a crime and run or to harm an officer, don't expect it'll bring you coffee and donuts. I agree with you, with many of you, the bail system was far from perfect and needed change. I feel sorry, I really feel sorry for people who spent months in jail

committing a minor crime just because they didn't have a few hundred dollars, but you didn't change it, it wasn't a reform. You killed it. You killed the whole system without giving any alternative, without consulting with the people, the judges, persecutors [sic], with the enforcement executives, you give the City of New York to blood and disaster. Talk to a family whose elderly family member was killed the same day the killer was out on the street because judge didn't have the authority to keep him behind the bars. Talk to these people. My constituents are begging this Assembly to fix what you have destroyed. I'm in opposition to this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakahov in the negative.

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. I rise today to talk about one specific provision in this budget. And that provision is the most consequential piece of climate legislation that will be passed in the United States this year and that is the bill Public Renewables Act. What we have done in this budget is take a more (inaudible) State agency and turned it into a dynamic builder of public renewables. It will revitalize our State's economy and help us meet the goals of the CLCPA. And that is why I am voting for this budget today because it is that important. And I must thank two people who came into my office four years ago, Erin Eisenberg and Amber Ruth who came up with this idea, helped lead the fight to make it happen and all the advocates around New York State and all my colleagues in

the Assembly and Senate who made sure this day will happen. I promise you everyone here today will realize in the future how consequential it was that we unleashed the power of the New York Power Authority to build public renewables. I withdraw my request to abstain and vote in the affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Ms. Kelles to explain her vote.

MS. KELLES: So I had a whole long speech that I wanted to give but we ran out of time, we ran out of our four hours. I did want to acknowledge we have some very positive actions taken in this budget with respect to the environment, we do have the bill Public Renewables, we have the all-electric with unfortunate amendments that I think weaken it but it's still important, and we also have a cap and invest. I do hope that we come back and discuss some guardrails for that piece of legislation. Every single one of us has to represent our district. I have a district in Upstate New York that has given me a mandate for my vote today. And part of that vote is because we have a situation where we are rolling back bail that will not create public safety. We are rolling back bail for political reasons. We are rolling back bail reforms that worked. We are using bail reform rollbacks for political reasons in a way that will harm families, that want to make it harder for people to transform their lives to make the community safer. My community has given me the mandate to say that we do need to talk about housing, that we do need to talk about workforce

development, that we do need to talk about homelessness, that we do need to talk about domestic violence prevention, and the distraction that we have created by a bail reform rollback has prevented us from creating the public safety that our people demand. We all have to make our decisions and we are sent here to represent our people and I am going to do that today, but I do want to say I am hugely thankful to our Speaker and I'm hugely thankful to our staff for fighting like no others in this country to create the best budget they possibly could and I am so thankful. I will be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Kelles in the affirmative --

MS. KELLES: In the negative --

ACTING SPEAKER AUBRY: In the negative, I'm sorry.

Mr. Colton.

MR. COLTON: To explain my vote. This budget contains many difficult policy issues requiring discussion and a lot of compromise -- requiring discussion and a lot of compromise, but I do not believe that the budget did not serve public interest. I believe that the changes were needed in the bail law and these changes were very precise and will make a difference in terms of public safety. I believe removing the wording of least restrictive means will avoid confusion that some judges were having and I believe that on second arrests considering compliance with previous orders will also make some difference in terms of public safety. But let me be clear. These

needed changes are not going to solve public concerns about public safety. There are many sources for these public concerns, and I believe this budget does things that will make effective changes in public concerns for public safety because this budget adds \$3 billion for education to make sure that we can move and have the ability to have quality education for children and for children from pre-K to 12 and also parity in terms of Special Education. I believe this budget also adds a \$1 billion for mental health services including creating 1,300 psych beds and more mental health services and substance abuse services for all ages including in our schools. I believe this budget provides more money to CUNY and SUNY to reject tuition increases and make a higher education more accessible and the opportunities for it more accessible. The budget provides \$7.6 billion over four years for child care to allow women, especially single family women to be able to reach their true potentials in terms of jobs. I believe this budget provides for an increase in minimum wages. I believe this budget --

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

MR. COLTON: -- will do the things needed and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Colton in the affirmative.

Mr. Ardila to explain his vote.

Two minutes, folks.

MR. ARDILA: Thank you, Mr. Speaker. We're moments away from enacting a very historic budget in New York State especially when it comes to the climate crisis and addressing global warming. And I'm very excited for this budget especially because it pertains to all-electric building and built public renewable. When I was out campaigning and speaking to my constituents every single Saturday in my district on 43rd Street and Skillman Avenue we discussed climate initiatives and all-electric building and built public renewables was a topic that was very prominent in my district. We discussed that I have a five-point plan billboard there and it was truly an honor to speak to my constituents regarding this issue so, you know, I'm very excited on this in terms, you know, what else this has to offer, more inner-connectivity for New York City. You know I'm excited to see ERAP funding as well. I do also want to acknowledge my disappointment when it comes to some of the lack of housing protections, especially when it comes to tenants such as "good cause" because we didn't get to pass it this budget. Housing vouchers as well so I'll be fighting to ensure that we are able to pass those initiatives for -- for the New Yorkers so with that said, I'll be voting in the affirmative and very excited to support the climate initiatives for New Yorkers as well. Thank you.

ACTING SPEAKER AUBRY: Thank you. Mr. Ardila in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I want to

thank the Speaker and my colleagues and compliment everybody who has been working so hard on making sure that we had the funding that we have in this budget and that we have all of the really incredibly groundbreaking commitments to climate that we are doing here today in this bill. I also would like to just clarify a couple of things that have been a concern to me in some of the debates that we've been having over the last couple of months. And a lot of that conversation has revolved around judicial discretion, as well as confusion regarding the term *least restrictive*. And I think it's very important that we make clear that prior to 2020, judges didn't have zero restrictions, they were bound by the facts and the law. The issue we faced was to work to address the difficulty where a challenge may be -- a judge may have abused that discretion. And we know that was not an issue with all judges, but we also know that the law didn't sufficiently protect low income people of color who were disproportionately impacted. And we know that dangerousness isn't the issue because in states where they have dangerousness, when COVID hit their crime rates went up. We also know that our crime rates are -- are down across the board in New York State during this period of bail reform. Because the reality is that cash bail is just another condition of release and awarding -- a judge awarding bail doesn't mean that the person won't go out and re-offend. In fact we read about that in the *New York Post* all the time.

So I just want to clarify what we are doing here today, we are making changes to clarify this which is what the judges

sought and because of that I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Benedetto.

MR. BENEDETTO: Thank you, Mr. Speaker, to explain my vote. This is my 19th budget in this Chamber. It is the best education budget in the history of the State of New York. For four hours I listened to debate on this floor, God, you would never know it. The children of the State of New York, the parents in the State of New York should be jumping with joy for what we have done. We alone this year gave \$3 billion more in education, a 9 percent increase. For years we have heard the advocates for education fund -- fully fund Foundation Aid. We have done it with this budget. Why isn't everybody jumping up and yelling congratulations? Wow! It is a great achievement, a great achievement for our kids in this State. I thank our Speaker Carl Heastie for his commitment to education. I want to thank the Education staff, the Ways and Means staff for making this happen. Ladies and gentlemen, we have fully found -- funded Foundation Aid something we've been looking for for so many years. Go home, sleep, be happy for what you have done today.

(Applause)

ACTING SPEAKER AUBRY: Mr. Benedetto in the affirmative.

Ms. Shimsky.

Don't go home yet by the way.

(Laughter)

MS. SHIMSKY: Thank you, Mr. Speaker. This tiny slice of the budget contains so many issues of great consequence and we've made great progress on a lot of things, not as much as we may want, but whether good or bad the issues we're dealing with are long-term issues and this is only one step. This is -- this is the beginning of the next year and the next five years. Education, that historic Foundation Aid is going to mean so much to our school districts. But again next year we're going to have to talk about the Foundation Aid formula and how fair it may or may not be. I think the bail reform is unbalanced unfortunate, but again this is going to be an issue we're probably going to be dealing with on an annual basis simply because you're trying to legislate so many different fact-specific situations. Hopefully we can do better next year. In terms of climate change. We've got the public renewables, we've got the all-electric. It's going to take years to make sure that they go every place, and it's going to take years to make sure we have a grid that can support full electrification. But this is the first year of the rest of our lives on that. And just one little point I wanted to make. Gas is not more reliable than electric for the vast majority of people because most people's gas whether it's the heat, the hot water, or whatever is controlled electronically these days, which means gas is no advantage over electricity in terms of reliability, but it is an advantage in saving

us our children, our grandchildren from the ravages of climate change.

Mr. Speaker, I thank the staff, our leadership, all the individual Assembly people did a wonderful job and came up with something unbalanced that is --

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

MS. SHIMSKY: In the affirmative.

ACTING SPEAKER AUBRY: Ms. Shimsky in the affirmative.

Ms. Rajkumar.

Two minutes, folks.

MS. RAJKUMAR: Thank you, Mr. Speaker. I rise today to celebrate the history we are making today in New York State. We are the only State in the nation to have a child tax credit that excludes children under four. That changes today. Today this budget bill expands the child tax credit to New York's youngest children. This is personal to me because poverty in this State has a woman's face. Can you believe that 74 percent of single women with children cannot afford the cost of living in our State? Can you believe that? A third of Black children live in poverty in our State. The numbers are unbelievable but that is where we are. Today we change that situation. Today we expand the child tax credit to about a million more children. Children who would otherwise be left out. We will lift one million children out of poverty upon the passage of this budget bill. And the beauty of this tax credit is that we know it works. Last

time we expanded the child tax credit it cut child poverty in New York City by more than 30 percent in 2021. It kept about 120,000 children out of poverty. It's proven to work. So what are we talking about? This tax credit provides extra income that gives financial stability to working families. It will allow families to invest in their children, whether that means buying their children healthier foods, scheduling after school tutoring or simply enrolling their daughter in a ballet class. Investing in our children is one of the best investments that we can make. So let's take a moment to appreciate this budgetary accomplishment. This illustrates the promise of government. This is what it means for government to work. This is beyond ideology or any great debate. It's about --

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

MS. RAJKUMAR: It's about common sense initiatives. So Mr. Speaker, I proudly vote in the affirmative. We did it.

ACTING SPEAKER AUBRY: Ms. Rajkumar in the affirmative.

Ms. Glick.

Two minutes, I have to tell everybody.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. I thank the Speaker, I thank the staff, I thank the Chair of Ways and Means who has done an incredible job defending and responding to questions, many of which were difficult to discern but nonetheless

this budget -- no budget is ever universally loved and embraced. But we've done something on climate here that is going to be dramatically -- set us on a course to dramatically change the future and ensure that success of generations are not facing the kind of devastating storms if we do nothing. People act as if there is no cost to not doing anything. But the cost of recovery from excessive storms, the cost of increased insurance premiums, there is a cost to New Yorkers so I thank the Speaker, I thank the staffs, I believe that this is a good budget. I'm glad we did not increase cost of tuition at our public universities and instead gave them the resources they need to continue to educate New Yorkers. I withdraw my request within the two minutes and vote in the affirmative.

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

Ms. Shrestha to explain her vote.

MS. SHRESTHA: Thank you, Mr. Speaker. It is not easy for me to vote no on this bill. The bill Public Renewables Act which we are passing today, is a historic win for those who believe that energy should be a public good. It is a historic win for fossil fuel workers that are caught in the climate fight and deserve a just transition. And a historic win for low and moderate income households who will be automatically enrolled to get credits on their utility bills and for the first time ever at this scale, this relief will not be paid for by ratepayers. We celebrate this win today as we march forward on our path to public power. However, it is even more

difficult for me to vote yes on this bill. This budget was supposed to address the affordability crisis and create true public safety. It was supposed to address the housing crisis that is rapidly displacing our constituents who cannot keep up with the ever-increasing rents and property taxes. People who grew up in my district in the mid-Hudson Valley can no longer afford to stay and be close to their family. The situation is urgent. Instead of focusing on these crises, the Governor spent most of her time negotiating an erosion of our civil rights, a rollback on bail reform will destabilize even more families, will send more people to jail and not jobs and will ruin the very lives that we are here to protect, it will not make us any safer. I also want to register a no against the 2022 zombie charter schools the Governor wants to resurrect. At a time when we should be celebrating fully-funded Foundation Aid, any funds going to charters is a misuse. I know that this budget was on a path to being considerably worse, it isn't without wins. And I want to thank everyone both inside and outside the halls of Albany who worked hard to make it as least harmful as possible. I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Shrestha in the negative, thank you.

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker, and I'd like to thank the Speaker, and staff -- Ways and Means staff, Central staff, everybody and members for the details that go into making these things come out the way they did. In terms of Foundation Aid, what a

huge win, something we've been working on for years. Child care, the last few years were building on additional gains in terms of expanding access to affordable child care so important. But I really want to focus on the environmental gains in this budget that in terms of climate change issues, the details do make a difference and the details were attended to in terms of the negotiation of this budget. So on all-electric, on public renewables, on some of the other climate change pieces that are in this budget. We're doing things that we're going to have to pay attention to going forward. We're going to have rebates to deal with some of the affordable issues -- affordability issues. But make no mistake, we're not going to protect our climate by passing bills. We're going to protect our climate by improving our grid, by improving renewables, making them accessible, making a transition where people live, making a transition where businesses operate so that we can move to the kind of energy production and use that works that makes us able to survive a planet that's in big trouble. A few weeks ago I said we're in April, 91 degrees in Albany in April, that's a red flag that we have more work to do. So I'm -- I'm voting for this budget. There's many good things in this budget. We've all worked hard but our work is not done, paying attention to details is not done, going back to staff and going back to members who pay attention to details, that's how we get things right. Thank you to everybody.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Mamdani to explain his vote.

MR. MAMDANI: I rise today in gratitude to my colleagues who have fought for the budget that New York deserves. With sincere thanks to our Speaker Carl Heastie who led us to the notable victories of this legislation. I will highlight two, first public transit. We averted the MTA's fiscal cliff, reduced the fair hike, secured a historic \$35 million for added subway service for nights and weekends and won a historic free bus pilot. I cannot wait to join our constituents on that first free bus in each of the five boroughs watching as New Yorkers board without a swipe or tap, simply feeling the freedom to move around their city on a safer and faster ride. My sincere gratitude to our colleagues who championed this cause and more than 4,000 riders who took action to make Fix the MTA real. Second, PBRA. Today we recon with the fact that it is capital that brought us the climate crisis and it will not be capital that delivers us from it. By equipping the New York Power Authority with the right and responsibility to develop renewable energy, we are on our way to a system of public power in New York. One that will be built with strong labor standards and a true commitment to a just transition. This was only possible because of the tireless work of eco-socialists up and down this State. These are significant victories, ones that I will forever be thankful for. But I cannot vote for this bill. I cannot because I represent the 36th District. A district that elected me to abolish cash bail and dismantle the elements of our carceral system one by one. A district that shares that number 36 with the total number of New Yorkers who have died in New York City jails since I

assumed office. Thirty-six New Yorkers who lost their lives locked in a metal cage waiting for a conviction that never came. My district has elected socialists to every level of government and as we all know, an injury to one is an injury to all. Our Governor's decision to dismantle Civil Rights protections and put more Brown and Black --

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

MR. MAMDAMI: -- is an injury to us all. I vote no.

ACTING SPEAKER AUBRY: Mr. Mamdani in the negative.

Ms. Walker.

ACTING SPEAKER AUBRY: Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. Please allow me to abstain for the purposes of explaining my vote. This is -- I've heard time and time again that this was probably one of the hardest votes that many of us have had to take, for reasons going in both directions, quite frankly. It was in this Chamber, under the leadership of Speaker Heastie and Leader Andrea Stewart-Cousins that we passed revolutionary and groundbreaking criminal justice reforms, quite frankly, some of the most groundbreaking in over 50 years. And that, to wit, I am proud. And so I could only imagine what it was like for them to have to be the two women and one man in a room, having a conversation about what this budget was going to look like. And so I want to thank them, because of course we all understand it could have been a whole lot worse, where we saw that

there was a standard of return to court which was threatened to be removed, which would have changed bail as we knew it. I know we talk a lot about going back to the pre-2019, but it -- they took us back to 1967. And I can only imagine what was happening in 1967 when the New York State bail statute was voted in. But I did want to provide some kudos and definitely for thinking about all of those 70,000 NYCHA residents who owe -- owed more than \$466 million in back rent, and that figure is steadily growing. And also for the \$134 million which had been earmarked for the school meals program that will benefit children in districts that have the greatest need. Because we know, just as today was the first day of the state math test exam, that students have shown that when they perform so much better when they're properly nourished.

Mr. Speaker, I withdraw my request and, unfortunately, will be voting in the negative on this bill.

ACTING SPEAKER AUBRY: Ms. Walker in the negative.

Mr. Sayegh. Two minutes.

MR. SAYEGH: Two minutes, it is. Thank you, Mr. Speaker, to explain my vote. Any time we get into negotiations, whenever you see, whether both sides of the aisle, individuals being concerned or upset or voting in the negative, it's a reflection of the negotiations going right. So tonight, as we approach evening, I stand to support this budget. Although I may have issues and concerns with certain components of it, it's a \$229 billion budget that truly puts a

major emphasis on education. And education, to me, is one of the most crucial areas that impacts quality of life and the development and the impact on many issues impacting us. The benefits for support services, the benefits for the disability community, climate change, tuition for SUNY and CUNY, to me, are all major, major positive impacts. I took a strong stand to support changes that protect us from violent criminals on our street, and allow us to keep and protect victims' rights. I also took a very stand when there was a potential interference when single-zone neighborhoods to put a stop to that. So at this night and this day, as we look at our budget, I look at it as a positive budget negotiated with the support of our Speaker, Majority Leader and the Governor.

So, today I vote in the positive.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Mr. Zaccaro.

MR. ZACCARO: Thank you, Mr. Speaker. We're here today to pass our State Budget. A budget is more than just numbers on a piece of paper or line items for various expenditures. A budget is meant to reflect the State's values and navigate a path forward. From education to affordable housing, to the expansion of economic opportunities, New York State has always been a beacon of progressive light, helping to advance the goals of those striving to change. While this budget may not have done all that we had hoped for, it's a significant step in the right direction. Nearly two decades

ago, a court case sought to determine whether the current school funding algorithms were ensuring that all students were receiving a sound basic education. And today, as we all have said, we can proudly say that a \$34.5 billion Foundation Aid has been fully funded in this budget. And as we work towards a future that mandates that every child, regardless of their zip code, is afforded a quality education, we must also acknowledge that a one-size-fits-all approach to education simply does not work, and that children and their parents need options to ensure that every child is given the tools they need to succeed. It's no mistake here that I'm a proud charter parent, and like many parents -- parents in this room today and across our State, I want what's best for my children and the options from which I could make those choices. And as a legislative Body, we were ready to act on a forward-looking plan to equalize housing in our great State and, unfortunately, presented in this budget doesn't fully reflect those plans and it means that there's much work that needs to be done. This Conference has made it a priority and doing all that we can to ensure that the housing crisis taking place in districts like mine and so many others has created an existential threat to our communities. And with a record number of New York State families unable to afford a decent place to call home --

ACTING SPEAKER AUBRY: Mr. Zaccaro --

MR. ZACCARO: -- we must do everything we can to address this crisis, and I know that this Body can do it.

ACTING SPEAKER AUBRY: Mr. --

MR. ZACCARO: Mr. Speaker, thank you for your time. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Zaccaro in the affirmative. Two minutes.

Mr. Lavine.

MR. LAVINE: So, New York is a complex place. We are larger than many countries, with a greater economy and a greater population and a greater geographical span than many countries. So it's no surprise that our budgetary negotiations become contentious. They're supposed to be contentious. But I do believe that anyone who watched this debate today shares my belief that the comments from both sides of the aisle, by and large, indicated that everyone in this room, almost everyone in this room, fights for justice. And that's what we've done in this budget. I want to just comment on the fact that it's been years since the assigned counsel rates for lawyers who appear for those who can't afford lawyers in our family courts and our criminal courts have finally been raised. They are now going to be \$158 an hour, which is important because over the course of the pandemic we lost a lot of attorneys who did that kind of work. This is about justice. All of us are here to struggle for justice, and I think this budget advances the struggle for justice.

I want to thank the Speaker, our extraordinary staff. I want to thank the Senate, and I want to thank Governor Hochul, as well, because we have done this together. And before anybody gets the sense that this is too much of a kumbaya moment, join us in the

next couple of days while we're arguing over the bills that we face on a regular daily basis and you will see how contentious this can be. That's what democracy is all about.

I'm very proud and pleased to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative and under two minutes. Thank you, sir.

Ms. Rosenthal who will follow the same example.

MS. ROSENTHAL: To explain my vote. New York State is in the throes of an affordability and homelessness crisis, from Buffalo to Albany, to Kingston to SoHo, to New York City, tenants and homeowners alike are struggling to survive in our State. In 2022 alone, almost 11 percent of renters living in Rensselaer County were facing eviction. Almost 10 percent residing in the Bronx were being hauled into housing court. And currently, over 92,000 people, many of whom are children, sleep in the streets or in shelter. Study after study has raised red flags. Black New Yorkers are fleeing the State because of how deeply unaffordable it has become, and more than 50 percent of working-age New Yorkers cannot afford to cover their basic needs in the Big Apple. Thanks to Speaker Heastie, the Assembly and the Assembly staff and the many advocates who spent their waking days and nights in Albany, we did fight and win funding for important programs; Homeowners Protection program, Neighborhood and Rural Preservation Coalitions received an incredible 40 percent increase over the previous year, and we also heeded the call and funded our Statewide public housing authorities

and Section 8 developments to pay for their arrears when they were placed at the bottom of the list.

Sadly, we did not accomplish any more for our tenants and for homeowners and for building new housing. We could have put in \$250 million for the Housing Access Voucher Program, the Assembly put that in our one-House. Unfortunately it did not make there -- make it there. However, we will not abandon the fight to convey protections for people on the edge of eviction, people who -- who need protections, as well as building more housing in New York State. We will keep fighting every step of the way to make our State more affordable, and I thank everyone involved on our staff and the Speaker for making those components possible.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Ms. Fahy following the same pattern, please.

MS. FAHY: Thank you, Mr. Speaker. And I rise to today to say this is my 11th budget, my 11th year, and by far the longest and the most difficult. And, yes, this is about a series of tradeoffs, and you've heard many of the tradeoffs today. I, too, share the disappointment on the fact that we are not growing our housing stock and the fact that we are not helping more tenants, as well as a whole host of other tradeoffs in this budget. But I would be remiss as the new Higher Education Chair if I didn't say thanks to so many, including the Speaker, for -- for not adopting tuition, but yet, in --

increasing funds as we so desperately needed, particularly at SUNY, CUNY and more, as well as helping with some out-of-State tuition increases that are needed. In most of my 11 years, we have also addressed the need for Foundation Aid. I'm so pleased, as we heard earlier tonight, years and years in the making and we are finally paying for the Foundation Aid that has been so needed.

Other wins, multiple wins. Some of the tradeoffs here, though, we've talked a lot about criminal justice today. I do believe we needed some of those limited but significant changes in criminal justice. When the vast majority of voters are telling us they have concerns, we cannot ignore those, particularly when it comes to organized theft, domestic violence and -- and gun possession. So I think more of that -- again, small -- limited but significant changes.

Climate change, could not be more pleased. Since we've adopted the climate goals in 2019, this is -- tonight we are adopting some of the most significant climate change provisions to -- to really go further in addressing those goals, including the all-electric buildings, Cap and Invest. We didn't get to my bill on heat, the -- for gas transitions, but still willing to work with all. The child care tax credit is terrific, as is child care provisions. Didn't get to EITC, but with that I vote in the affirmative and again thank the Speaker.

ACTING SPEAKER AUBRY: By the nick of your nose, Ms. Fahy. Ms. Fahy in the affirmative.

Mr. Simone.

MR. SIMONE: Thank you, Mr. Speaker, and to the

staff, for all the work -- hard, long hours you put into this budget. Look, a budget is always a compromise, but it does reflect our values, and there's a lot of good things in this budget. I am proud, this is my first budget. But it isn't about me, it's about my constituents and New Yorkers who are craving, thriving, but need a better life and are faced with so many challenges, as we can see. It's a big deal, the public renewables bill and the electric buildings bill. It's a big deal fighting the climate crisis. And I'm so proud of all my colleagues who fought for this before way I got here. I live in a waterfront district, a district that may not be there in 20, 30 years if we don't tackle the climate crisis. And all things in life that are hard, are difficult, cost money, and I'm so glad that we've made that effort.

I also think there's so many other good things to vote for in this bill, including the child care tax credit. So many of my constituents have told me they were leaving the City based on the lack of child care, affordable child care, education funding, Foundation Aid. That's a big deal. Fixing the MTA, averting a crisis, that's another big deal. I'm very proud of this budget. Funding public housing and ERAP will help constituents in my district and throughout the State.

There are so many good things I want to vote for in this bill. While I'm disappointed we're forced into a compromise on bail, I feel we avoided a worse situation, thanks to the many of my colleagues who stood up repeatedly for what they believed in. And I wish I could vote for that -- against that part of this bill but I cannot,

because I support most of the things in the bill. So I have thought about this long and hard, and I hope that we don't succumb to fear in the coming years because we should look at facts and data. And I hope that we put a similar effort for us defending the wrongly accused and a similar effort to the many good things we advocated in this bill, from free school meals and others, to creating affordable housing. I know we don't have that many weeks left --

ACTING SPEAKER AUBRY: Mr. --

MR. SIMONE: -- but I hope that we will --

ACTING SPEAKER AUBRY: Mr. --

MR. SIMONE: -- take it on seriously and not fear change.

ACTING SPEAKER AUBRY: Mr. Simone.

MR. SIMONE: And with that, I want to say I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you, Mr. Simone.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. And I want to thank you and our Ways and Means team and Program and Counsel team for their leadership in putting forth a budget that I am going to support because it meets the concerns and needs of the people I represent. Let's face it, it fully funds education; never thought I'd hear that in this Chamber in my lifetime. We make sure that no child goes hungry in school. We invoked the Children's Tax

Credit for the newborns to four years old will make a difference, big difference in our young families. No new taxes. Something I hear quite frequently from our constituents. Energy rebates for families who need it the most. And yes, an energy policy going forward that focuses on two main issues; number one, building a larger capacity of renewable energy, which is going to be critical for the success of all-electric communities, of all-electric buildings. And we have a policy where there are proper safeguards in place to make sure that we have a sustainable, reliable and affordable process going forward. We are now introducing Upgrade NY, a program I'm very pleased to have supported with many of my colleagues, where we are focusing on 15 public universities and buildings throughout the State of New York where New York State government is leading by example, working with our environmental groups, working with organized labor, to make sure that we are investing our money and decarbonizing our public buildings.

Yes, there are changes in public safety. I know in some parts of our communities this is a challenge. But the reality is this: The public is concerned and we need to respond accordingly. I think probably the most critical element coming out of this is the monthly reporting system on exactly what is going on. Far too often we make decisions with our heart, not what our data --

(Buzzer sounds)

-- and I'm supporting this budget. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the

affirmative.

Mr. Chang to express his vote.

MR. CHANG: Thank you, Mr. Speaker. I wanted to explain my vote. There are many parts of this bill that I like, but there are many more parts that I do not like. As I sat here in this great Body, I've listened to both sides passionately and arguing -- and hearing the arguments of both sides. But my one main concerns, especially for my constituents, is public safety, and the bill doesn't address bail reform laws far enough. Perception is everything. When store owners or everyday New Yorkers are being victimized or witness a petit larceny, they feel their safety are at risk. My community generally -- normally do not report their crimes because of either the language barrier or because of immigration status. If my community actually reported their crime, trust me, the crime rate statistic will soar probably astronomical value. I strongly feel because of public safety, I vote in the negative on this bill.

Thank you very much, Mr. Speaker. And one more thing is, I thank the people of Ways and Means that are putting this together. It's a tough job. I'm sure they must have drank a lot of gallons of coffee about this, and I appreciate this -- their work. And it's not -- this bill is addressed for some and it doesn't address for all. But thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Chang.

Mr. Palmesano to explain his vote.

MR. PALMESANO: To explain my vote, Mr. Speaker. You know, over the past two-and-a-half years, I've been critical of DEC Commissioner Seggos and NYSERDA President Doreen Harris, the co-chairs of the Climate Action Council and also the architects of the scoping plan that was advanced in December of 2022. Not just myself, our -- our Conference has been critical. And the main reason we've been critical is because we've been asking for over two years, we asked them to do a true cost-benefit analysis of the draft scoping plan of the CLCPA to find out before any implementation takes place, the true cost benefits, how it affects individuals, how it affects businesses, and how it affects our overall economy. They refused. What they passed was not a true cost-benefit analysis. In fact, during a hearing last year, Doreen Harris was asked about the impact to ratepayers. She said, *We can't figure that out until we figure out what our plan is going to be.* So what's happened since then? About a month ago, both co-chairs were talking about the plan that we all supported, the -- the energy policy that's moving forward is going to increase the costs at the pump for New Yorkers by 62 cents a gallon. It's going to increase natural gas prices by 80 percent, and keeping in mind that 60 percent of New Yorkers heat your homes with natural gas. The plan we passed here today does nothing to reduce these costs. It certainly does nothing to do -- nothing to make our energy more affordable or reliable, and it's going to make it more costly and more -- less reliable. It's going to impact our economy as a whole in a negative way while we totally upend our energy delivery

system and it's going to lead to more of an exodus of New Yorkers, farmers, families leaving the State. And oh, by the way, for those of you who keep saying that we're going -- and I applaud your dedication and commitment that we're going to improve our environment -- it's not going to happen. Not when New York only contributes 0.4 percent of total global emissions and China contributes 29 percent, has 1,000 coal plants and building more, it's not going to make an impact. If you add India and Russia to that, that's 40 percent. And one thing it definitely does not do is not -- it does nothing to combat the use of child labor --

(Buzzer sounds)

ACTING SPEAKER AUBRY: How do you vote, Mr. Palmesano?

MR. PALMESANO: I vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Mr. Speaker. Perhaps the very strong sentiments of our colleagues have prompted me to explain my vote. I wish to first thank the perseverance, tenacity and tireless efforts of the Speaker and our incredible staff. Obviously, a very hard budget and one that was contentious and with exhausting negotiations among leadership. I want to spend a word about the Housing Compact. I was one of those suburban legislators who

opposed the Housing Compact, and now I accept the Governor's invitation that it's up to the suburban legislators and those of our colleagues here to propose a plan. We need housing, and in particular, affordable housing. Let's develop the plan and let's see one with tenant protections. Let's not wait until January to resume the real conversation on it. And I do concur with the statements of my colleagues on record spending for public education, an enormous commitment to the environment, child care access, and so much more that's good in this budget.

I want to say that I have the highest respect and regard for our colleagues and how they voted their conscience. I'm voting my conscience and I vote yes. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Burdick in the affirmative.

Mr. Eachus to explain his vote.

MR. EACHUS: Thank you, Mr. Speaker. I like this budget, I'm voting in the affirmative.

(Laughter)

ACTING SPEAKER AUBRY: And I like you, Mr. Eachus, believe that. Yay.

Mr. Eachus in the affirmative in the appropriate amount of time.

Mrs. Peoples-Stokes.

No, I'm sorry, Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, for

allowing me to explain my vote. There are certainly many positive aspects of this budget, as mentioned by my colleagues, the increase in education aid, support for SUNY, increased child care. All those are positive. The problem is, though, that we also dramatically increase costs and reduce opportunities, especially for the working middle-class, with little to show for it. I mean, banning gas stoves will not solve global warming. Banning high-efficiency gas furnaces will likewise not solve global warming. But they will dramatically increase the costs of a working family heating their home. The cost of heating your home with electricity in my county is substantially higher, and that's what this bill does, without solving global warming.

Raising the minimum wage does not improve the competitiveness of our -- of our businesses or increase the number of jobs. It does the opposite. Keeping the business tax higher by continuing the 27 percent, quote, "temporary increase" further hurts our businesses and reduces opportunity for our -- our residents. Not helping our businesses at all with a huge unemployment charge results in fewer opportunities. I think we need to focus on more opportunities rather than less, and I don't think this budget does it and, therefore, I can't support it.

Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mrs. Peoples-Stokes to explain her vote and to close.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I like that word "close." I've listened to all the discussion today, as you know I've spent most of the time in the Chambers. And I think it's good, it's healthy. It -- it's what we need to do in a democracy. We need to be able to exchange ideas, whether we agree with them or not. But I think once you get your idea in a piece of legislation that you like, you should be supporting it. I'm going to be clear about that.

The second thing I will say, Mr. Speaker, is that I'm -- I'm really excited about the fact that this Foundation Aid is at the limit where it should be. People have been clamoring for it for years. But I want to challenge school districts across the State of New York, as well as the State Education Department. Now that you have the resources you need, please don't make any more excuses for not being able to give us a good return on our investment. We still have K through fourth-graders who go through K through 4 and cannot read, write and articulate at that age, at that grade level. If that happens, they're not going to be successful in middle school, they're not going to be successful in high school. It's unlikely that they'll go to college, and even if they do, will end up paying for remedial classes in college. All of these things have to be shut down. When you fully fund an education system, they need to be held accountable, they need to do a better delivery of our -- on our investment. So let me just encourage them to do that.

And I want to certainly thank the Speaker for his Herculean efforts to get us to this point right here where we have

something before us that we can actually vote and support for. Again, I'm pleased to vote for this piece of legislation.

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.

Mrs. Peoples-Stokes.

Mr. Goodell first.

MR. GOODELL: Thank you, Mr. Speaker. Would you recognize Mr. Norris for an announcement?

ACTING SPEAKER AUBRY: Mr. Norris for the purposes of a announcement.

MR. NORRIS: Thank you, Mr. Speaker. I guess this would be an appropriate time, maybe, for a break after this debate, so we would like to have a Republican conference immediately in the parlor in person. In person, in the parlor immediately.

ACTING SPEAKER AUBRY: Mr. Norris says it's in person, it's in the parlor, and it's immediate. Thank you so very much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please put our House at ease?

(Whereupon, at 5:58 p.m. the House stood at ease)

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Colleagues have on their desk a B-Calender. I move to advance that B-Calender.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Now if we could continue our work and go right to Rules Report No. 130.

ACTING SPEAKER AUBRY: Absolutely. Page 3, Calendar No. 130 on Calendar A, the Clerk will read.

THE CLERK: Assembly No. A03003-D, Rules Report No. 130, Budget Bill. An act making appropriations for the support of government Aid to Localities 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: Mr. Speaker, this bill would enact the Aid to Localities Bill for the State Fiscal Year '23-'24 and it includes an All-Funds appropriation of \$306.9 billion. The bill

authorizes disbursements of up to 74.3 billion from the General Fund and up to \$17.2 billion on an All-Funds basis.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

MR. RA: So --

ACTING SPEAKER AUBRY: Sponsor yields.

MR. RA: Thank you, Mr. Speaker. Can you just give me those appropriation amounts again?

MS. WEINSTEIN: So the All-Funds is 306.9 billion and the disbursements are up to 74.3 billion from the General Fund and up to 17.2 billion on an All-Funds basis.

MR. RA: Great. Thank you very much. I just want to start with just in terms of some of the general language. Am I correct that this bill does include the contingency language that the Governor had with regard to the ability of the -- to make any refunds, reimbursements, credits, repayments or disallowances received by the State Comptroller to be credited back to the original appropriation?

(Pause)

MS. WEINSTEIN: So in -- in the preamble we did the change from the Governor's Executive Budget was that we took out the -- the interchange language.

MR. RA: You took out the -- I'm sorry. Say that again.

MS. WEINSTEIN: The -- the net refunds is still in the preamble but we took out the interchange language.

MR. RA: You took out the language, okay. And then what about the language regarding the State reducing local assistance payments to New York City equal to what the State spends on rent administration?

MS. WEINSTEIN: That -- that language is still included.

MR. RA: Okay, thank you. So just going through some of the different areas --

MS. WEINSTEIN: Sure --

MR. RA: -- so I'm going to start with agriculture. So the budget appropriates \$1 million for grants for disadvantaged farmers and also a \$1 million for Cornell University to study the ecological impacts of agrivoltaics. I know that my colleague that sits next to me has mentioned a lot of these issues and I think this is, you know, important work as we're going through the CC -- the CLCPA but are we devoting any resources to studying about how we're going to deal with disposal of batteries, the wind turbine, blades, decayed solar panels that, you know, are the inevitable by-products of -- of the efforts that we're undertaking for all these new green technologies?

MS. WEINSTEIN: Not in agriculture. There are EPF funds to deal with some of the renewables issues, recycling issues.

MR. RA: Okay. And with regard to the

disadvantaged farmers funding, are they focused rurally or do they have an urban focus? How is that funding going to work?

MS. WEINSTEIN: There is -- there will be a Statewide RFP.

MR. RA: Statewide RFP, thank you. With regard to our parks. There's an appropriation of \$8.1 million which is an increase to 2 million from last year regarding snowmobile trail maintenance. I know that, you know, many of my colleagues Upstate, in particular, have experienced there's been some very high-profile snowmobile accidents resulting in serious injuries and at time deaths. Does this funding address snowmobile safety in any way?

MS. WEINSTEIN: So I would say with -- in terms of snowmobiles we have increased the registration fees so that there can be some additional maintenance on those -- on those trails.

MR. RA: Okay. And I apologize, I'm going to jump back for one second. The disadvantaged farmers. What -- who's considered to be a disadvantaged farmer for purposes of that funding? Is there a definition or...

(Pause)

MS. WEINSTEIN: It is in the appropriation language. And I would say that it's a -- you know, globally I would say it's a farmer rancher who has been subjected to racial or ethnic prejudice because of their identity as a member or group without regard to their individual qualities. Socially disadvantaged.

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

We have \$80.6 million for the Arts Grants Program which is a \$40 million increase from last year. This program provides State financial assistance to non-profit cultural organizations which include orchestras, dance companies, museums, zoos. So I mean this is essentially doubling this funding. How are we dealing with putting this funding out? Obviously a lot of these types of entities and organizations were very hard hit by the pandemic. Is it focused in one region of the State or are we making sure this gets to these type of organizations all over New York?

MS. WEINSTEIN: We don't change how the funds are distributed. It's by application.

MR. RA: Okay. Is there any --

MS. WEINSTEIN: And -- and -- and this is -- does look -- I know from the testimony of the director, they do look to try and ensure that the funds support institutions throughout the State.

MR. RA: Okay. And is there any specific amount for each grant or does it vary?

MS. WEINSTEIN: The grants do vary.

MR. RA: Any cap in the amount of the grant?

MS. WEINSTEIN: At the moment I -- I don't recall. I don't want to give you misinformation.

MR. RA: Okay, thank you. I want to move to Economic Development, and in particular, you know, I know START-UP NY. And first off, so the Governor has proposed replacing START-UP NY and kind of re-branding it as the extended

prosperity and innovation campus program [sic]. So does this budget basically just rename on the existing START-UP NY program or are there other changes being made?

MS. WEINSTEIN: No. We -- we did not include the Governor's language and Governor's program --

MR. RA: Okay. So that has been rejected.

MS. WEINSTEIN: Yes.

MR. RA: Okay. Is there any changes then to the START-UP NY program with regard to, you know, some of the accountability measures or metrics that it's -- that evaluate that -- that program?

MS. WEINSTEIN: We did not make changes to START-UP NY.

MR. RA: Okay, thank you. With regard to elections. So we have \$25 million to support the payment of public campaign matching funds; is that correct?

MS. WEINSTEIN: Yes.

MR. RA: Okay. So -- so number one, I know there had been some talk of a delay. That is not included, correct? There's no delay in the program?

MS. WEINSTEIN: Correct. There is no delay.

MR. RA: So it would move forward for next year's elections for the Senate and the Assembly.

MS. WEINSTEIN: Correct.

MR. RA: Now the Board of Elections, I believe, had

requested \$100 million. So why the 25 as opposed to what the Board of Elections feels is going to be needed for the program?

MS. WEINSTEIN: Well, since the -- next year's the beginning of matching funds, we feel that there's sufficient money now and then the -- we will be hopefully enacting another budget before that election cycle would need to be funded.

MR. RA: Okay. So we think perhaps next year we include additional funding to make sure that the program has sufficient funding to pay out any qualifying candidates?

MS. WEINSTEIN: I -- I would think so, and I think by then there would be a better sense of participation within the program which would help refine the -- the need for dollars.

MR. RA: Okay, thank you. In terms of education, so one of the things we've heard from schools across the State with regards to the Child Victims Act, and concerns about, you know, potential financial crisis facing their district if they were named as a defendant. Does this budget provide any contingency funding for schools that are named in a Child Victims Act lawsuit if they're unable to secure insurance to cover any settlements or jury awards that might be required after a lawsuit?

MS. WEINSTEIN: No, it does not.

MR. RA: Okay. And I mean, have you heard this concern with regard to their ability to get insurance as a result of the potential for these lawsuits?

MS. WEINSTEIN: Quite frankly, I don't believe

we've heard much about that at all.

MR. RA: Thank you. I would note I've heard it particularly from, you know, different not necessarily public school districts but other entities have had that concern.

Free school meals. So we have -- we talked a little about in one of the prior bills about this program. We're appropriating \$169 million to expand the free school meals program in schools across the State. Obviously that is significantly below the \$280 million investment that your caucus had proposed in the one-House budget. So I'm just wondering, I -- I know we talked about the potential for the changes at the Federal level that might help more districts qualify, but, you know, this was a program that obviously had significant bipartisan support, a \$229 billion budget which -- so this would've been about .1 percent. So any particular reason why we didn't get there to that full funding of this program?

MS. WEINSTEIN: The Executive did not agree to additional funds beyond where we are in this budget.

MR. RA: And if the identified student population within a district is below 62 percent, will that district still be required to cover a portion of each school meal that is not reimbursed by the Federal government or will the State cover the paid share of each meal through this program?

MS. WEINSTEIN: So the -- I think in some of our prior discussion on the prior bill. The -- this free lunch is -- the free school lunch is tied to the rate -- the economic rate of meeting the

Federal criteria. So when that happens, then we -- when the Federal criteria is met and there's Federal dollars the State dollars will be able to then supplement any -- supplement the Federal dollars for everyone in the school.

MR. RA: Okay. And with regard to libraries. So this is -- contains a restoration with regard to library funding and an increase over the last year; is that correct? Or is it flat?

MS. WEINSTEIN: It's just the restoration (inaudible)
--

MR. RA: Just the restoration.

MS. WEINSTEIN: Yes.

MR. RA: Okay. And I -- I would note, you know, for my colleagues, particularly the new side, you know, we still are below the funding levels that are required by law and we have been for many years. And thankfully the Legislature, I believe, does stand up for our libraries each year, but unfortunately this Governor and prior Governors have often proposed cuts that we've had to restore, which I think prevents us from getting to increases that will actually move us towards that amount that is actually required by law.

MS. WEINSTEIN: I -- I would just say in that regard that this is a \$3.5 million increase over the budget that the Executive presented (inaudible) for library funding.

MR. RA: Yes, correct. Thank you. Prior year aid claims. So last year's enacted budget expunged all penalties that had been assessed on school districts for (inaudible) late transportation

contracts and final building and cost reports. And it also availed those schools to repayment for their assessed penalties provided funding when included in the budget for such purposes. Now I know last year's budget didn't include, nor did the Executive. Does this provide any funding for that?

MS. WEINSTEIN: No, but the Executive has committed to that funding next year.

MR. RA: Committed to that funding --

MS. WEINSTEIN: Next year's budget.

MR. RA: Okay. Is that actually -- I mean is it an oral commitment or a commitment somewhere in law --

MS. WEINSTEIN: No, no. It actually is accounted for in the financial plan.

MR. RA: It's accounted in the financial plan, okay, that's great. And then with regard to Special Education Program Funding. So Special Education Schools including our 4201s, 853s, 4410 preschools and Special Ed schools, I think many of my colleagues know face significant workforce challenges because they pay well relative to teachers at public schools and they're excluded from the teacher retirement system. So does this budget include any funding for direct salary increases for teachers at 4201 schools?

MS. WEINSTEIN: While it doesn't include direct funding for the teacher salaries, it does include a rate increase. So the rate increase should then translate into an increased salaries for the staff, teachers and other staff.

MR. RA: Yes. So -- and in terms of the 4201s, as you know, and I -- you know, I thank you as well as Chair Benedetto with regard to the 4201s. And the cut that really just still boggles my mind to this day that the Executive proposed while we were proposing such an increase in school aid. So that has been restored and there's additional money for the 4201 schools in this budget, correct?

MS. WEINSTEIN: Correct, yes.

MR. RA: Okay. Do you know, as a percentage increase, how that compares to the general increase to our public schools? I mean is it on par with the overall --

MS. WEINSTEIN: It -- it -- it is not on par. It's a bit smaller but it is an increase.

MR. RA: Okay, thank you. Are we including any language then in that regard that would help ensure that these schools, which for my colleagues who aren't familiar with them, service students with low incident disabilities and, you know, there's been talk to trying to getting them some parity. So is there anything to try to move them towards getting parity that when we do a huge school aid increase that they would see that as well?

(Pause)

MS. WEINSTEIN: We -- we do have for the Special Ed schools including the 4201 schools, the rate setting studies so hopefully that will give us guidance and be able to -- to bring up the -- over time bring up the -- the rates.

MR. RA: Okay. And with regard to that study, and I

believe in particular with the 853s, is it basically as proposed by the Governor? I know there was a -- or I know there was talk of, you know, the Governor's proposal kind of was saying it had to be cost neutral.

MS. WEINSTEIN: We -- we removed the cost neutral language from the Governor's proposal.

MR. RA: Great, thank you. Okay. I am going to move over to Higher Education. So, as you know, enrollment at our community colleges is a serious concern right now. There has been work done over the last few budgets to kind of basically look at a floor for our -- for our Higher Education institution, in particular our community colleges with regard to their funding. Is there anything in this enacted budget to protect and address the declining enrollment at our community colleges?

MS. WEINSTEIN: We -- we -- we -- despite potential enrollment decreases as we saw last year, we have kept the community colleges at the level they were last year. And additionally we've been asking SUNY -- we asked SUNY and CUNY to look at ways to help increase and support the community colleges.

MR. RA: Okay, thank you. And then with regard also to Higher Education, the TAP program. You know TAP obviously is a great program that New Yorkers take advantage of, but we've talked over the years about the need to, you know, increase TAP, change some of the income thresholds to match things like Excelsior. Does this budget adjust TAP awards for our students in --

in any way?

MS. WEINSTEIN: Ultimately, no. We were -- as you know our one-House did increase the income threshold but ultimately the TAP program remains in -- intact.

MR. RA: And lastly on Higher Education. You know you'll hear many of my Upstate colleagues in particular talk about the importance of farming, protecting our farms and the farming community. So number one, this does provide a \$50,000 increase for the Young Farmers Loan Forgiveness program?

MS. WEINSTEIN: Yes. Yes, it does. And I would just say as we were talking about TAP, it's important to note that we did not enact the tuition increase that the Governor present -- presented to us. Instead providing funding to both SUNY and CUNY to avoid the tuition increase. So despite TAP not being increased, the costs aren't increased for individuals.

MR. RA: Thank you. But -- so with regard to the Young Farmers Loan Forgiveness program. Do we have any data just in terms of how many students are, you know, taking advantage of this? Are additional people applying or are we increasing the funding because we have more applicants than we're -- we're currently serving?

MS. WEINSTEIN: At this time we believe that the program is fully enrolled so we'll continue to observe and certainly would be a subject for next year's budget.

MR. RA: Okay. And with regard to the funding for

migrants, asylum seekers and refugees. So am I correct this budget provides \$1 billion in funding to reimburse New York City for housing and aiding migrants and asylum seekers?

MS. WEINSTEIN: Yes, it does.

MR. RA: Okay. Now, that entire 1 billion is all just New York City, correct? If there are other, you know, municipalities say, you know, on Long Island, Hudson Valley, Upstate that are dealing with this issue, is there any funding for -- for them?

MS. WEINSTEIN: Beyond the New York City, which has had over 53,000 people come through the -- the system, there is \$25 million for emergency appropriation authority to assist with the immediate needs for those resettling outside of New York City including (inaudible), housing clothing and other immediate needs.

MR. RA: So is that for people -- for people that have come to places outside of New York City or is it being -- will it be used to relocate the migrants or asylum seekers out -- somewhere outside of New York City?

MS. WEINSTEIN: It is people coming through New York City but then leaving New York City for other localities.

MR. RA: All right. And any other kind of, you know, baseline figures of -- or any of the bigger chunks of how the \$1 billion will be spent?

MS. WEINSTEIN: It's -- it is a reimbursement program and it covers the shelter costs which is probably less than

one-third of the New York City -- New York City is spending for the -- the 53,000 migrants.

MR. RA: Okay. Is there a plan, do you know, I guess it would be at the City level then for any of this to be used for things like workforce training for migrants?

MS. WEINSTEIN: Not -- not in this billion. This is just shelter, shelter funding.

MR. RA: I know that, I guess the plan or ideally was that the State was going to kick in \$1 billion and that the Federal government would do the same. Do we have any confirmation or any status with regard to the Federal government providing a -- a similar amount of money?

MS. WEINSTEIN: Unfortunately there is not positive news. The City is still -- the City Mayor Adams is -- is still trying to get additional funds from the Federal government to help cover the cost.

MR. RA: Okay, thank you. And -- and then just with -- with regard to other aid to local government, local government assistant [sic]. So I think we're all familiar with the AIM program. It has been flat for many, many years. Thankfully, you know, we undid what -- what had been done by the prior Governor in terms of pushing a lot of that onto our counties a couple years ago, but both the New York State Association of Counties and the New York State Conference of Mayors have called on the State to increase funding for the AIM Program. Both groups have argued that funding stream has

remained stagnant since 2008 and that the State has failed to provide any increase which would take into account inflation since the last increase back in 2008. Obviously the State has had very strong tax receipts. I know we have talked about the same for some of our municipalities but a lot of, in particular, villages, towns don't necessarily see the benefit of -- of that. So -- well, (inaudible). There's no increase in AIM, correct? It remains the same level.

MS. WEINSTEIN: You're correct in that there isn't an increase in AIM funding.

MR. RA: Okay. Was there any talk of perhaps an increase in AIM funding in this budget negotiation?

MS. WEINSTEIN: I couldn't tell you whether or not it came up in -- in discussions but we did not have an AIM increase in this year's one-House budget.

MR. RA: Okay. And then just lastly with regard to the MTA. So this budget bill provides several hundred million dollars in aid to the MTA. As we know their operating deficit is several billion dollars. And I know we will talk about in the TED bill where we ended up with regard to some new revenue streams. But is there anything else that we're doing to help the MTA and do we think this is going to make them whole when, you know, the full package of things whether we're able to reduce their proposed fare increase?

MS. WEINSTEIN: We do -- we do make them whole in terms of the amount that the Governor had wanted and had presented in the Executive Budget. We also help reduce by \$350

million some of the costs that New York City was supposed to bear the MTA. We do not -- we bring down the Governor's proposal of 5.5 percent fare increase to 4 percent which has been traditionally what the fare increases over time have -- have been.

MR. RA: Thank you, Madam Chair.

Mr. Speaker, on the bill.

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

MR. RA: You know I have about a minute here but I'd be remiss if I didn't just say this. With regard to - and I talked about with the education side, Special Education schools - in particular our 4201 schools. Number one, I thank all of my colleagues on both sides for standing up to those schools because, you know, I've seen a lot in 13 years here but it's hard to fathom that in a budget that had such a focus on increasing school aid that an Executive budget proposal came out that proposed to cut \$2 million to schools that serve disabled students. It's disgraceful. Now thankfully those institutions, they've dealt with this uncertainty for several months and really an extra month because of this late budget, but I do hope they had some confidence that this Legislature would stand up for them and thankfully we did. But I do want to mention again, when we're doing double digit increases for our public schools, those students, those kids deserve no less. So at some point we need to put that into law and make sure they get an increase commensurate for what we give to the rest of the education system. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the Chair lady please yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. TAGUE: Thank you. I just -- couple quick questions with regards to agriculture. My colleague had asked the definition of a distressed or disadvantaged farmer. Your answer was a little like *well, I guess*. So I mean, is there a criteria for what's considered a disadvantaged farmer?

MS. WEINSTEIN: Yes. It's similar to what I -- what I said. It's socially disadvantaged. I mean individuals -- this is from the statute -- shall mean individuals who have been subject to discrimination by virtue of their membership of a particular group.

MR. TAGUE: Well, doesn't that kind of constitute every farmer in the State of New York?

MS. WEINSTEIN: Generally, we -- we look at socially disadvantaged and economically disadvantaged so people who have been -- whose ability to enter the farm enterprise has been impaired due to diminished capital, credit opportunities, access to -- to land or amongst -- amongst other things as compared to other similarly situated individuals who are not socially disadvantaged.

MR. TAGUE: Well -- well, again, I -- I ask you, doesn't that represent almost every farm, the 38,000 farms that we

have in the State of New York, either they've been regulated almost out of -- out of business or we're in the process of regulating them out of business. Because one thing we have to remember about our farmers in the State of New York is they don't just work on a New York State economy. Sometimes it's on a national and global economy. And when we put these regulations on them, okay, that puts them on a different playing field than other agricultural businesses across the country. So I -- I have a little bit of a problem with the defi -- you know, with what you folks are using for a definition. I would like to see it a little clearer, because we have many different things that we have to look at here, you know. And I'll bring up another area is the farm land protection.

MS. WEINSTEIN: Do you want me to comment on -- on that --

MR. TAGUE: Sure, sure, yup.

MS. WEINSTEIN: So it's a competitive process and I only read a section of the -- a section of the language, but it's fully there and we can -- I'll have the staff refer to the page so you can read it fully. And I -- as you're talking I recalled last year's debate where I -- where I mentioned my grandfather's chicken farm in -- in Toms River --

MR. TAGUE: Yeah.

MS. WEINSTEIN: -- and I do understand what you're saying. There were Federal -- and I appreciate what farmers are going through. At the time my grandfather had the chicken farm, all of a

sudden there were egg -- the egg supports, the Federal government came in and he had to close up the -- the farm. So, you know, I -- I can appreciate what -- what you're saying. The fund is there, it's competitive and we'll share the language with you.

MR. TAGUE: Well, one of the reasons why I brought it up was because when we -- when we brought the marihuana bill in this House, there was a lot of discussion on your side of the aisle in trying to sell that bill that this was going to help disadvantaged farmers. And I'm looking as we've moved forward, and I have yet to see one disadvantaged farmer that has benefitted from that program. So I would ask that in the future - and I'll be honest with you - a lot of this budget and spending having to do -- you know, this budget and spending with having to do with agriculture I -- I actually think is -- is pretty good. There's some areas I think we could do better, but the definition of disadvantaged farmer or distressed farmer, however we use, I think has to be clearer and we need to educate and let our farmers know if this is a program that's available to them so we can be more competitive with New York products. You know we are unique compared to any other state in the country with agriculture because we have four seasons. And the quality control that we have in the State is so much greater than many others. So we have a real opportunity to turn agriculture around in New York but we need to do it in the right way and we need to give our farmers and our young farmers and those who want to be farmers opportunity.

MS. WEINSTEIN: Well, I -- I agree with you and I

-- I would say, Mr. Tague, that when you mentioned cannabis, the cannabis that is and will be for sale in New York State has to be grown in New York State and it's grown on farms in -- in New York State.

MR. TAGUE: Well, but -- but I would argue with you that when the program first came out, it was an opportunity for farmers that were already in business to move into other businesses. So maybe dairy farmers that had land that they could grow the marihuana on this would help them with their business because they were struggling producing milk, also growing the marihuana would help that business. And the same with our livestock farmers, same with our vegetable farmers, but that doesn't seem to be what's happening. And that's the way I looked at, I envisioned that program was going to work, but moving on to the -- the next area. The farmland production or protection. I also have some serious concerns with regards to that. How are we going to assess the farmland that goes into solar to be used -- assessed for the -- the protection program? How are we going to assess that?

(Pause)

MS. WEINSTEIN: We may have an opportunity to talk a little bit about more in the next bill regarding the farmland protection because that is in the -- what was in capital, we missed our opportunity. That was in the -- on -- in the capital bill under the Environmental Protection Fund but I will --

MR. TAGUE: Well, my question -- my question on

it is is that the more land that is used -- that is taken away and used for energy, whether it be solar or anything else, the value of that land as we move forward and we have less agricultural lands available to us, is enough money being assessed into that program to make up for the land that we're going to lose?

(Pause)

MS. WEINSTEIN: We'll have to refer back to yesterday's capital bill and looking at EPF. There definitely is funding in there for that and we don't do anything to prevent -- prevent the -- the use for -- reimbursement for the use of other purposes, the protection.

MR. TAGUE: Well, Madam Chair, I appreciate your time as usual. I just would again throw caution in the wind and that we look at that definition for disadvantaged farmer and make sure that it covers the basis. Our farmers are counting on us to make the right decisions to help them flourish so they can continue to feed New Yorkers. Our agriculture is very, very important to us. Again, thank you for your time. Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Slater.

MR. SLATER: Thank you, Mr. Chairman. Will the Chair yield for some questions?

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

MS. WEINSTEIN: Yes. Yes, Mr. Slater.

MR. SLATER: Thank you. And by the way, my father-in-law sends his best and says you should go easy on me on this one so appreciate -- I appreciate that.

MS. WEINSTEIN: The -- the sad thing is there's like maybe three people in the Chamber know who we're talking about.

(Laughter)

MR. SLATER: Yeah, I know exactly. That's okay, though. I just wanted to have a quick conversation about the eFMAP dollars, and I wanted to bring up now the Aid to Localities because it obviously does have a direct impact on our counties. My first question really that I wanted to ask is, do we know what the total amount that we are due to receive from the Federal government in this -- in this funding is?

MS. WEINSTEIN: 624 -- 624 million.

MR. SLATER: 624 million. And we have received a briefing on the financial plan and see -- and we see a multi-year phaseout which will shift money away from the counties. I'm wondering if this type of sweep requires any type of legislative approval?

MS. WEINSTEIN: No, it does not.

MR. SLATER: And why would that be?

MS. WEINSTEIN: It's part of the budget. So once it passed the budget there's -- there's no approval beyond this.

MR. SLATER: And so there's no bill that we're going to be deliberating on either previously or for the rest of the night

and into tomorrow that deals with directly the fact that we're going to be shifting these dollars away from counties.

MS. WEINSTEIN: No. It's going to be purely administrative action.

MR. SLATER: And do we know what the impact of that administrative action is projected to be over the course of the plan phaseout?

(Pause)

MS. WEINSTEIN: 439 million next year and 777 million the following.

MR. SLATER: I'm sorry. I didn't hear that last part.

MS. WEINSTEIN: 700 and -- next year is 439 and then that increases the following year to over 700 -- \$700 million.

MR. SLATER: Thank you for that. And so since --

MS. WEINSTEIN: And -- and I -- just -- I don't know if you were here when I was having the discussion on the first bill with Mr. Ra that the -- the amount of State's supported Medicaid funding to the counties since the State froze Medicaid -- the counties' Medicaid rates in -- in 2015 is over -- is over 36 -- almost \$37 billion since the State takeover that would have otherwise been county expenses.

MR. SLATER: I appreciate that, thank you. I'm just -- a few more questions if -- if we could. So we're dealing with the financial plan. There's not an actual printed bill that authorizes the sweep of these dollars into this phaseout initiative. And I'm just

curious because when elected, the Governor claimed to be ushering in, and I keep hearing it, a new era of transparency. And so do you believe that having the administrative action solely contained in the financial plan that is not available at the time of voting on the appropriation is being transparent during the budget process?

MS. WEINSTEIN: It's within the authority of the Commissioner of Health to make that -- that determination and I -- I also mentioned not only has the State taken over the county share since -- the increase in county share since 2015, the counties have been receiving the FMAP, ACA FMAP payments of the money that the State is putting in, not -- not solely the money that the counties are -- are putting in. So the counties have not had an increase in Medicaid since the 2015 budget. And I earlier mentioned how much the local sales tax distributions have been -- been received by the counties, and it's incredibly a 19 percent increase with actually the largest increases, even though that number includes New York City --

MR. SLATER: Right.

MS. WEINSTEIN: -- without New York City the counties -- the rest of the State, excluding New York City, has seen a -- just from 2019 until 2022, not a cumulative but just year to year, has seen a 23 percent increase in sales tax revenue so --

MR. SLATER: Thank you for that. I -- I appreciate that information. Now that the Federal government has declared the end to the COVID-19 emergency declaration, states now need to make Medicaid eligibility determinations to see who is still eligible to

receive the public benefit. Do we -- do we have an estimate of the number of people who will no longer be eligible for Medicaid when these determinations are done?

MS. WEINSTEIN: We believe that will be one million --

MR. SLATER: One million --

MS. WEINSTEIN: Approximately one million residents of New York, yes.

MR. SLATER: And is there an estimated savings in the Medicaid program resulting from these eligibility determinations?

MS. WEINSTEIN: No. We have delayed the implementation so we have appropriated \$1.6 billion in this year's budget to address those that are -- will no longer be Medicaid eligible.

MR. SLATER: Thank you. Thank you very much for your time, I appreciate it, Madam Chair. And Mr. Chairman, on the bill if I may.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SLATER: Thank you so much. I really thought it was important that we bring this topic to light because as you just heard, you did not know that this may have been even on the table because there was no budget bill it was printed in and we do not have the authority, according to the Governor, really, to make this decision ourselves as a legislative Body. This is going to reverse 20 years of precedent, and it's going to really put significant pressure on counties all across the State of New York. I'll give you some quick numbers.

According to NYSAC Suffolk County, it's going to cost \$31.9 million, Nassau County 29.9 million, Westchester 27.7 and the list goes on. It's going to really have an impact when we talk about our affordability crisis, something that I think we've heard a lot about during this budget process. It's an unnecessary sweep, it undermines congressional intent and again, this is a really just a sneaky way of implementing what's going to be a property tax hike for all of our counties, because again if you go back to NYSAC, the New York Association of Counties, bipartisan organization who just calls it as it is, and they're estimating this sweep right here is going to result in a property tax increase for our counties of anywhere from 5 to 10 percent. And what I think is most egregious about it is we don't even have the ability to make a decision on it. It's being decided for us. This is exactly one of the issues that we've been talking about since the Executive put forward her budget proposal, and I just also want to add, Governor Hochul never talked about property tax relief because she knew there was no property tax relief in her actual budget proposal because she knew the result of this exact sweep, which would be a property tax hike for all of our counties. Mr. Chairman, thank you so much for the time, I appreciate it. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the Chair yield for a few questions?

ACTING SPEAKER AUBRY: Ms. Weinstein, will

you yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. PALMESANO: Thank you, Ms. Weinstein. I just really want to focus on one area, the Energy Affordability Program because I know we talk a lot about energy affordability. I'm not really familiar with the program. I just was -- hopefully we can talk and have a discussion and just answer some questions. So this is a -- a new program with \$200 million in new funding; is that correct?

(Pause)

MS. WEINSTEIN: The -- the money that you men -- 200 million is correct, but the program did start in 2016.

MR. PALMESANO: The program started in 2016?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay, because I was looking at -- it's my understanding that this program would be for individuals who do not currently qualify for the Department of Public Service current energy affordability policy program. So it's the same program or is it a different program? It's just one -- it's just one program, the PSE --

MS. WEINSTEIN: It -- it will support and expand the existing program for bill credits.

MR. PALMESANO: Okay. And how -- how does this exactly work with the \$200 million. Where does the \$200 million

come from?

MS. WEINSTEIN: The 200 million is coming from the -- the General Fund.

MR. PALMESANO: So it's going to be a State taxpayer dollar -- State tax dollars are supported. Not -- it doesn't come off utility bills or anything like that, right?

MS. WEINSTEIN: That's correct.

MR. PALMESANO: Okay. And what's the income threshold, because I know it talked about the -- for those people the State median income. Is there an income level threshold for this?

MS. WEINSTEIN: Income that is below the State median income.

MR. PALMESANO: Do you, by chance, know what that is off the top of your head or... I'm -- I'm just not sure.

MS. WEINSTEIN: It's about 75,000.

MR. PALMESANO: So individuals who have an income of -- is it individuals or families or --

MS. WEINSTEIN: Household.

MR. PALMESANO: Households.

MS. WEINSTEIN: Households.

MR. PALMESANO: So households -- so a household income of \$75,000 would be eligible for this program?

MS. WEINSTEIN: Below that, yes.

MR. PALMESANO: Below \$75,000. And then they would get this credit. How would that credit work exactly? How do

they decide how much they get, how much -- is it just the 6 percent? I know 6 percent's decided.

MS. WEINSTEIN: Yes. So the -- the goal is that no family would have to pay no more than 6 percent of the household income for their energy bills. So it would be first the determination of eligibility below the State median and then figuring out the -- looking at the energy bill and where 6 percent of the household income would -- would put them.

MR. PALMESANO: So when we look at the true cost of this program, so how are we going to figure when we balance it out, is it 6 percent? Will -- you know, is it ultimately going to be forever subsidized you want to say by State tax dollars or is it -- it would never -- it would never move to utility rates, correct? It would just be they would evaluate the program and see how many people are eligible and below that \$75,000 threshold? And based on that, then they would allocate them that credit to make it 6 percent?

MS. WEINSTEIN: Well, for the moment, this extra 200 million is -- is State dollars. That is a one year -- one year program.

MR. PALMESANO: Okay. So --

MS. WEINSTEIN: So -- the -- this is on top of the Energy Affordability Program which was established in 2016 which is rate-based -- rate -- ratepayer funded. This is -- this is General Fund dollars.

MR. PALMESANO: So this is just a one year \$200

million --

MS. WEINSTEIN: Correct.

MR. PALMESANO: -- appropriation from the General Fund to subsidize or --

MS. WEINSTEIN: To expand the program for households that are below the State median income but are paying more than 6 percent of their household income for utilities.

MR. PALMESANO: And then the other program that just is supporting. Is that the same formula, 6 percent of their income as well? Or --

MS. WEINSTEIN: Yes, yes.

(Pause)

Right. So -- right. So this is in addition to the -- the HEAP program, because most of these people would generally not qualify for HEAP.

MR. PALMESANO: HEAP? I'm very familiar with -- so what you're talking about is the HEAP program. Is the other program you're talking about the HEAP program?

MS. WEINSTEIN: No, no.

MR. PALMESANO: No.

MS. WEINSTEIN: There's HEAP and then there's the Energy Affordability Program which is ratepayer utility financed and then there is this expanded \$200 million program.

MR. PALMESANO: Okay. So the other program -- I'm sorry about that. Just for clarification for my own understanding

because it's an important issue. So the other program that's existing since 2016, that is financed through ratepayer assessments?

MS. WEINSTEIN: Yes.

MR. PALMESANO: And how much -- how much goes out on that every -- do you we have an idea, a dollar amount that goes out on that?

(Pause)

MS. WEINSTEIN: Somewhere below \$300 million but I -- we have to get you that -- that number at a different time, the exact number.

MR. PALMESANO: Okay. So that -- that \$300 million for those individuals or families, is it a \$75,000 threshold for that program, too, or is it a different threshold?

MS. WEINSTEIN: That's a -- that's a lower income program. The existing program is a lower income program.

MR. PALMESANO: Okay. So this is a (inaudible) -- if I understand it then maybe is to raise the income threshold so that's where the other \$200 million comes from?

MS. WEINSTEIN: Yes. This is to help address the cost of utility of energy costs for families below the State median income but too high to qualify for existing program.

MR. PALMESANO: Okay. So this will be just a one-time program to get those people above the State program just to help them out just for this year. Is that the intention or that --

MS. WEINSTEIN: Well, the -- the intention is to do

it this year, see how it works. If it's successful I think we would all agree that it would be something we'd want to continue.

MR. PALMESANO: So then -- and you said you're not 100 percent sure what the income threshold is for the existing program for families, because I know this is for \$75,000 but what -- for the expanded portion, what's the existing just -- and it costs about \$300 million you said?

MS. WEINSTEIN: So it is based -- it would be HEAP eligibility --

MR. PALMESANO: HEAP eligibility, okay.

MS. WEINSTEIN: -- though not receiving HEAP.

MR. PALMESANO: So individually they would qualify for HEAP, but then they'd also be eligible for this program, too?

MS. WEINSTEIN: Yes.

MR. PALMESANO: Okay. And then -- and that's done -- how much is the assessment that's on utility bills and how much -- is that -- not everyone else pays for that, correct, to subsidize that benefit with the -- through the -- through an increase assessment on the utility bills at some level?

MS. WEINSTEIN: I couldn't -- I don't want to give you misinformation --

MR. PALMESANO: That's all right.

MS. WEINSTEIN: -- and so I -- I really don't know that number.

MR. PALMESANO: No, that's okay.

MS. WEINSTEIN: (Inaudible) trust to people next to me.

MR. PALMESANO: I know you mentioned possibly \$300 million but you're not sure. But it's basically done -- whatever it is, whatever dollar amount it is is done through an assessment on everyone else's utility bill that is not eligible so it would be above that income level, correct?

MS. WEINSTEIN: Correct.

MR. PALMESANO: And now -- so the people that are now being brought in up to the -- let's say the \$75,000, are they also paying the assessment on their utility bill for the existing program because they're above that level because they don't qualify? Would they be paying that assessment, too, or -- or maybe this will help offset that assessment that they have to pay.

MS. WEINSTEIN: Currently I believe they -- they would be (inaudible).

MR. PALMESANO: I mean it sounds like they -- I guess if I'm just thinking out loud, the individuals who are now covered with this new program, because they're below the eligibility for the other program, so they would probably still be paying the assessment on their utility bill because they don't -- they don't -- aren't qualified for it. So maybe this is another way to help them and raise that threshold to help them for this year?

MS. WEINSTEIN: But that -- that assessment would

be part of their -- their utility bill --

MR. PALMESANO: Right.

MS. WEINSTEIN: -- which would help look -- help us when we looked to the -- when -- when the -- we're looking to the number of the 6 percent of their household income.

MR. PALMESANO: Right.

MS. WEINSTEIN: So to the extent they're at that point with just above the HEAP eligibility, this would be a way to provide some dollars.

MR. PALMESANO: So we don't know how much is being paid for that other program, but we do know that it's done through an assessment on the utility bill; is that accurate?

MS. WEINSTEIN: Yes.

MR. PALMESANO: But do we -- if we don't know the dollar amount, do we know what the maybe possible assessment amount is? Is it a -- is it a percentage of the bill, is it a 1 percent, 2 percent? Do we have -- if we don't know the dollar amount that's raised, do we know what the percentage assessment is on every individual or business utility bill?

(Pause)

MS. WEINSTEIN: I -- I can't really tell you that information. I would say what we do know is that 2 percent of -- there's a cap of 2 percent on the utilities of their revenues that could -- that go to the fund.

MR. PALMESANO: Also, we take whatever --

whatever revenue comes in through the utility bill, 2 percent of that is used to go back in to fund that program. Is that what I understand?

MS. WEINSTEIN: That would be the maximum amount.

MR. PALMESANO: And what we just -- what we don't know is how much is going into it, at least right now. We've talked about this. I just -- I just would like to understand the program better because I understand --

MS. WEINSTEIN: (Inaudible/Crosstalk)

MR. PALMESANO: This is an important issue, it's energy affordability.

MS. WEINSTEIN: Sure.

MR. PALMESANO: I think I would just like to understand more of the structure of it and get a better idea of who's benefitting, how it's being paid for, how it works. So I guess maybe in the future we can look at and address that issue. That'd be a -- that'd be a good thing from my perspective, okay?

MS. WEINSTEIN: We'll certainly share that information with you.

MR. PALMESANO: Okay.

MS. WEINSTEIN: If we complete this (inaudible).

MR. PALMESANO: Thank -- thank you, Madam Chair. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. First, to

note a momentous occasion. Mr. Palmesano only used ten minutes.

(Laughter)

ACTING SPEAKER AUBRY: He's warming his way back into my heart.

MR. GOODELL: He's -- I've been advised he's conserving energy. And but I was so shocked by that short statement I wanted to ask if I could follow up with Ms. Weinstein.

MS. WEINSTEIN: Surely.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. GOODELL: Thank you. I wasn't even prepared on such sort notice. But Ms. Weinstein --

MS. WEINSTEIN: Yes.

MR. GOODELL: -- Mr. Palmesano was asking you about the Energy Affordability Program. You said that a person's energy cost would be capped at 6 percent of their income under this program?

MS. WEINSTEIN: Assuming their income --

MR. GOODELL: Assuming they're eligible.

MS. WEINSTEIN: Right. It's below the State median income.

MR. GOODELL: And then after that they get free electric?

MS. WEINSTEIN: They -- they receive funding to help support the amount that is over the 6 percent.

MR. GOODELL: So once they -- once they hit 6 percent, then the rest -- the rest of their electricity as far as they're concerned is free; is that correct?

MS. WEINSTEIN: Well, the amount that's subsidized is -- is capped. It doesn't then allow them to just continue to use electricity, you know, they're not -- they're not going to carry -- they can't just turn on their air conditioner in the summer and leave for the day and -- and come back.

MR. GOODELL: Okay. And what incentive do they have then under this program to conserve? Am I correct there's no incentive between the 6 percent and the cap?

MS. WEINSTEIN: The -- the -- the amount of power -- the -- once they qualified for the program the amount of power's then limited afterwards.

MR. GOODELL: Oh, so the lights go out?

MS. WEINSTEIN: No. The -- the subsidy may then get reduced if they -- if the amount of -- of funding that would be -- the amount of energy that would be subsidized would go down if their usage goes up.

MR. GOODELL: Okay, thanks. You know in a household where our temperature during the day is 65 and at night it drops quite a bit lower. I'm always concerned about well-meaning programs that eliminate any incentive to conserve and provide free electricity after you cover a certain length. I note there's a number of Economic Development programs, I think they're great. Am I correct

that that total amount is roughly 285 million?

MS. WEINSTEIN: Are -- are you talking about the CREST program?

MR. GOODELL: No, but I'd be glad to talk about that.

MS. WEINSTEIN: Well, no, that's okay. We've -- we've already talked about that in a prior bill.

MR. GOODELL: I was really talking about the funding for the Buffalo Bills, the Centers for Advanced Technology, Centers for Excellence, Economic Development funds, the Economic Development Initiative, the Entrepreneurial Systems Program, the High Technology Managing Grant Innovative Hot Spots, Legislative (inaudible), Market New York and Workforce Development. Am I correct that those are real --

MS. WEINSTEIN: Those are the -- yes.

MR. GOODELL: Those are Economic Development appropriations and they come up to about 285 million, correct?

MS. WEINSTEIN: Yes, yes.

MR. GOODELL: And those programs are Statewide? I mean obviously Buffalo Bills --

MS. WEINSTEIN: Right.

MR. GOODELL: -- are in Buffalo.

MS. WEINSTEIN: They're programs that are Statewide to the extent that they are not for a particular project, yes.

MR. GOODELL: I see, okay. Now a number of

years ago we were asked to approve an Essential Plan, it was the health exchange as I recall. And we were told at the time that it was going to be entirely funded by the Federal government as part of Obamacare and it wouldn't cost anything. Am I correct that that plan currently costs about 386 million to operate?

MS. WEINSTEIN: Are you talking about the health essential -- you're talking about the health Essential Plan?

MR. GOODELL: Yes, mm-hmm.

MS. WEINSTEIN: That's what I thought.

(Pause)

My understanding is that in fact it is Federal dollars, not State dollars.

MR. GOODELL: Okay. That's good to know. I see the MTA operating aid in this budget is 4.1 billion. How much of that is State-funded and how much of that is special taxes? For example, the -- the employer tax, the mobility tax or other taxes.

MS. WEINSTEIN: The -- the -- the payroll mobility tax is not a -- a budget item. It goes directly to the MTA.

MR. GOODELL: So the 4.1 billion is State taxpayer funding?

MS. WEINSTEIN: No. There's -- there's a -- a small amount of taxpayer funding that's a one-time -- based on a one-time shot and for the MTA in this budget of 300 million.

MR. GOODELL: And where does the rest of the other 4.1 billion come from?

MS. WEINSTEIN: It's the dedicated taxes for the MTA. A big chunk of it is the increase in the PMT for New York City businesses, New York City employers, and then there's other dedicated revenue sources for the MTA, but not -- from the MTA -- then for the MTA region. The PMT increase is only New York City. The other revenue -- revenue sources, dedicated revenue sources are -- are for the whole metropol -- MTA region.

MR. GOODELL: I see I see in this budget there's \$25 million for abortion related grants. How much is in this budget to support birthing centers or pro-life organizations? Is there a matching 25 million for pro-life as well as 25 million for pro-abortion?

(Pause)

MS. WEINSTEIN: There -- there isn't funding because the organization that we used to give funding to that supported those -- a number of those centers went out of business.

MR. GOODELL: And so there's no funding in this budget.

MS. WEINSTEIN: There -- there isn't -- no additional funding this year since the organization doesn't exist.

MR. GOODELL: Of course some might argue that had we provided funding they wouldn't have gone out of business but I suppose that's a different issue. Again, thank you very much for your clarification.

Sir, on the budget.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I am -- I'm struck by a contrast in our budget allocations in this -- in this bill. As my colleague noted, we have about 285 million for Statewide Economic Development, 285 million. We have 1 billion in tax credits for the film industry and theater in New York City. That implies that as a State legislature we consider supporting Hollywood highly profitable companies and multi-millionaires to the tune of 700 million and the theater district by a tune of 300 million and the entire rest of the State gets to split 285 million. I'd just suggest that maybe it would make sense to focus on supporting those businesses that provide permanent jobs that don't need an annual \$1 billion subsidy in order to stay in New York. I see that we have, you know, less than 600 million for CHIPS Statewide who are providing 4.1 billion for the MTA. And we're told that that's just on separate taxing districts. Well, that means that we're raising the taxes on all the employers in the MTA area, roughly 50 percent. 1.3 something to .6. Again, half a million -- half a billion -- half a billion for all the State on CHIPS, 4.2 billion for MTA alone. Now the MTA hasn't raised its one way rate since 2017. I looked up what the price of gas was Statewide average in 2017 and it was like \$2.70. Now, what are we doing to help all the Upstate commuters? Well, for the MTA we're making five free bus lines, right? What are we doing for Upstate? We eliminated the break that we gave them on sales tax on gas. So for Upstate we raise the price of gas by 18 cents and we raise taxes on Downstate employers by nearly 50 percent on the payroll tax, so that those who ride the MTA pay the same as they did

in 2017. We've heard a lot on a lot of different subjects about how we ought to be fair and equitable and just, all great concepts but maybe we should treat all the Upstate residents on the same fair, equitable, just basis that we treat those who happen to ride the subway. Now we're about to vote on this budget and we have 1 billion in this budget for migrant services in New York City. That's by the way about a little over \$18,000 per immigrant whose in New York City. How much do we have for Upstate? Zero. My county by the way, we have several families that are seeking asylum that came in from Columbia. My community is struggling to make sure that we can treat them with compassion and fairness and we get zero support from the State of New York while New York City gets over \$18,000 per person. Zero Upstate. Now this bill has a lot of positive things in it, which I'll mention for my colleagues who are feeling positive today. This bill actually appropriates all the funds for school aid. A lot of us asked for funding for library aid, that's in there. College support, financial support is up. Lead poisoning which was a great debate yesterday, well, that stays the same, but at least there's some in there. The ERAP program, I -- I thought it was interesting, we were told that we can cut the funding to the counties by a couple hundred million because their sales tax have gone up and that's true. But has anyone forgotten that the sales tax is split like 50/50 between the State and the county? I mean if you got a county with an 8 percent sales tax, guess what? Half of that, 4 percent goes to the State and half goes to the county. So when the county's sales tax revenue goes up 23 percent, guess how

much the State sales tax revenue went up? Oh, yeah, that's right, 23 percent. So don't tell me that because the counties enjoyed a sales tax increase we can now cut their funding by a couple hundred million when our sales tax went up, also. And of course when we cut funding we just slice funding to the counties by a couple hundred million. It is a couple hundred million dollar property tax increase. We don't need to freeze aid to local government, which we've done by the way for as long as I've been here. No increase in AIM. And cut funding to the counties on the grounds that they received the same kind of increase in sales tax that we received. Let's treat all of our counties fairly and equitably as well. A lot of folks are glad to hear that we're expanding the free lunch program. I grew up at a time when there was a phrase "there is no such thing as free lunch," and of course the budget that was mentioned was 169 million, I guess, you know for some 169 million is free. For my taxpayers they'd rather have the wealthy people that can afford to pay for school lunches pay for it and those who can't were compassionately like to support them. This program though expands it to everybody regardless of your income.

So we mentioned a little bit about START-UP NY. Now this was, as you know, one of Governor Cuomo's signature pieces. Remember? He said you come to New York, you start up and we'll give you no taxes for ten years. Do you remember that? But the irony is the more he advertised it, the fewer people signed up for it. Because this is what he advertised - and I'll wrap up with this, thank you, sir, as I used up Mr. Palmesano's break. The more the Governor

-- the more the Governor talked about how much you saved in the first ten years the more everyone realized how much they'd be paying after that. So a lot of good things in this budget and a lot of concerns. Thank you very much, Mr. Speaker, and again, thank you to my colleague Mr. Palmesano.

ACTING SPEAKER AUBRY: Thank you.

Ms. González-Rojas.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Speaker.

On the bill.

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

MS. GONZÁLEZ-ROJAS: I rise today because I've seen what hunger looks like in my communities, and this budget bill takes a bold step towards addressing childhood hunger. In 2020 when I was merely a candidate for this very office, I witnessed how food insecurity hit my communities of Corona, East Elmhurst, Jackson Heights, Woodside and Astoria. Community members came together and established food pantries to feed our neighbors. Food insecurity existed far before COVID, but it hit record levels during the height of the pandemic. As I volunteered, I watched my neighbors and their children waiting in lines that wrapped around the block in order to put food on their tables. This budget bill includes a massive expansion of the free breakfast and lunch for New York's children. I want to express my sincere and deepest gratitude to our Speaker, to my Assembly colleagues, including the 17 Republicans, that have

championed this bill. Thank you so much. My partner in the -- in the State Senate and the central staff who worked so hard to get us this incredible investment of \$135 million to expand school meals in New York State. I can't think of a bipartisan cause more critical for government than feeding hungry children. I thank all the over 250 organizations who were part of this coalition, particularly Hunger Solutions New York, Community Food Advocates, NYSUT and our friends in labor who worked every day to make this a reality. And while New York City already received universal school meals, this project is bigger than one region or another. This is an example of what we can accomplish when we support each other as Upstate and Downstate colleagues, when we cross the partisan divide, when we come together as leaders around the principle of equity. We may not agree on everything, but on this issue, on this cause, I am proud of our Speaker and I'm proud of us. In a state as abundant as ours, no child should go to bed hungry. We worked towards this goal in this budget. I believe that universal school meals will bring equity to the cafeteria and remove shame and stigma from the children whose families are struggling to make ends meet. It will help improve academic performance and our children's mental well-being. You cannot teach a hungry child. This venture is bigger than just one issue, because I believe when our most basic needs are universally met, we can see each other as the neighbors that we are. This budget has provided us with a serious investment in this cause, and we are not done yet. The benefits of universal school meals are well-studied, and we cannot just

stop here. This is just the beginning. We owe it to our kids, and I proudly vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Flood.

MR. FLOOD: Would the Chairwoman -- will the Chairwoman yield for just a couple of questions?

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

MS. WEINSTEIN: Yes.

MR. FLOOD: Chairwoman, can I just draw your attention to the discovery implementation section?

MS. WEINSTEIN: Yes. You're -- you're referring to the funding.

MR. FLOOD: Correct. Yes. So in here it has \$160 million being appropriated. Could you briefly describe or give us an idea of where this money is actually going towards?

(Pause)

MS. WEINSTEIN: I -- I think you're a little high on the number. It's 40 million for Upstate, discovery and -- for prosecution, 40 million for defense throughout the State, and 40 million for our New York City prosecutors.

MR. FLOOD: So you have 40 million towards defense. You know, approximately five months ago I -- I was in the unique position where I -- I've sat on both sides of the aisle. I was a

prosecutor for the Town of Brookhaven, while I was also a criminal defense attorney in my private practice. I could tell you that, you know, probably 99 percent of the costs that are incurred with this discovery is on the prosecution. So I'm wondering, why is it that we have appropriated \$40 million on the discovery implementation on the defense side?

MS. WEINSTEIN: We -- we believe that there is some needed for defense which, you know, again, is -- Statewide, so there's 80 million in the State for prosecutors and then 40 million for defense.

MR. FLOOD: I -- I understand what we're saying, but as a criminal defense attorney, I mean, you walk into court on arraignment day, you get a package or you get an e-mail with all of it. There's really no --

MS. WEINSTEIN: So the -- I -- I don't mean to interrupt, but let me just explain. The money is -- has to be applied for. So while the \$40 million is there, if -- you are correct that there's not as large a need as we believe, then that money will not be -- that additional -- all of that money will not end up being applied for by the defense (inaudible).

MR. FLOOD: Okay. Thank you for that. And you mentioned that there's 40 million for New York City, and you said there's another 40 million for Upstate?

MS. WEINSTEIN: Yep.

MR. FLOOD: How would you describe as Upstate?

MS. WEINSTEIN: Any -- anything but New York City. I mean, I'm calling it Upstate, but it's really non- -- it's the rest of the State, not New York City.

MR. FLOOD: So -- and so how much is allocated towards, I guess, Long Island, if anything.

MS. WEINSTEIN: We don't divide out the money again. It's the local -- it's -- the local DAs will be applying for funding depending on their needs.

MR. FLOOD: Thank you for clarifying that. The language just wasn't necessarily clear on that. Thank you.

MS. WEINSTEIN: Okay.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this budget bill, although there may be some that like provisions of it and will be supporting it here 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 budget bill, and we shall be supporting it.

Thank you, sir.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Lee to explain her vote.

MS. LEE: Thank you, Mr. Speaker. This year's budget recognizes the needs of two vulnerable communities that I am proud to represent. With funding to wipe rent arrears for public subsidized housing residents Statewide and historic funding for AAPI communities. During the pandemic, residents of public housing were some of the hardest hit in New York City. NYCHA residents died at a disproportionately higher rate than other New Yorkers, and nearly half of NYCHA households experienced temporary or permanent loss of income. These residents were excluded from the Emergency Rental Assistance Program, even though they needed it the most. By fully funding ERAP this year, we will help thousands of families get back on their feet, including over 1,000 residents in my district. When we talk about NYCHA, we too often forget about the individual people. These are people who I know, whose home -- whose homes I have visited, and who have told me directly what this funding will do for them. This isn't everything we need to do for New Yorkers living in public housing, but it is one step closer.

In this budget we have also committed \$30 million to specifically serve AAPI communities. New York's Asian community is still reeling from the 361 percent increase in anti-Asian hate crimes

it suffered in just one year. We have all heard Michelle Go's tragedy. But let me remind you of others, victims like GuiYing Ma, a grandma who died after being attacked with a rock as she was sweeping her sidewalk. Or the 67-year-old woman punched 125 times, stomped and spit on by an assailant while yelling racial slurs. The data shows that New York has the highest rate of anti-Asian hate crimes across the country. These are not statistics that we should be proud of, but they provide clear proof that we have work to do to keep Asian New Yorkers safe. With this funding, we are empowering Asian New Yorkers to build support systems that work best for their neighborhoods. It is our job to make those who are invisible, visible, and ensure that the most vulnerable are protected and supported.

I'm grateful to my colleagues for standing with me to make this funding a reality, and for telling these communities that you are seen, your pain is felt and we stand with you.

I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Thank you, Ms. Lee.
Mr. Santabarbara for two minutes.

MR. SANTABARBARA: Thank you, Mr. Speaker.
I'm pleased to see that this bill includes funding to provide needed support for students attending college who may have a physical or intellectual disability. The State's Education Department's Advisory Council on Post -- Post-Secondary Education for Students with Disabilities recommended this funding, it was supported by the Board of Regents. This funding is -- was to provide disabled college

students with much-needed enhanced support services and resources. This year we were able to increase the funding from previous years, actually doubling the amount. And while we have a long way to go, I'm very pleased to see the substantial increase in this year's State Budget. It will help ensure that these students can also participate and thrive like other students, and it's important that we continue to work to ensure that people with disabilities have the resources that they need in pursuing an education or finding employment, and that they have the opportunity to live healthy and independent lives.

I know a number of my colleagues were advocating for this funding and I want to thank them all for their efforts, and with that, Mr. Speaker, I'm very pleased to cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker. I'd also just like to thank the Ways and Means staff and everyone who is working so hard tonight. I really appreciate your work here.

I would just like to commend the sponsor on some of the restoration of funding that we've seen here today, including the 4201 funding, especially for the Mill Neck Manor School for the Blind and the Deaf. Protecting those who are most vulnerable in our communities is one of the most important parts of our job here as representatives, and I would like to say that I will be in the affirmative on this bill and I thank you very much.

ACTING SPEAKER AUBRY: Mr. Blumencranz in the affirmative. Thank you, sir.

Ms. Rajkumar to explain her vote.

MS. RAJKUMAR: Thank you, Mr. Speaker. I rise today in support of this Aid to Localities bill. I rise because with this bill the funds will pour into my district. I ran for office and came here to Albany for this purpose; to bring the resources to the people of District 38, and to the extraordinary South Queens neighborhoods that I represent: Woodhaven, Ozone Park, Glendale, Ridgewood and Richmond Hill. My district was once an overlooked and underfunded corner of New York City. No longer. Today I stand on the floor and I think of the people I love, my constituents. I rise today for them. I rise for my constituents who work 25 hours a day, and I rise in support of their hopes and aspirations. It is the mission of my office to make the hopes of my constituents a reality. This Aid to Localities bill will fund organizations for South Queens, including Cityline Ozone Park Civilian Patrol, One Stop Richmond Hill Community Center, the Ridgewood Volunteer Ambulance Corps and the Greater Ridgewood Youth Council. These are outstanding organizations that bring life to South Queens and empower our youth and keep our communities safe.

Today we also vote to approve an historic \$30 million funding allotment to Asian American and Pacific Islander groups, and I was proud to work with my colleagues to secure this funding and to say to Asian Americans, *We see you*. Today I stand on the floor and proudly say that the funds are coming to the people of

South Queens.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Rajkumar in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. As with all of our budget bills, there are some things that we love and some things we hate. And I took an opportunity to explain how frustrated I am that the funding for New York City is so disproportionate in this budget compared to Upstate. But having said that, this budget bill also includes full funding for our schools, libraries, the 211 program, college aid. Not enough funding, but funding for the Lead Abatement program and about a half-a-billion dollars for the Emergency Rental Assistance Program.

And so while no doubt there are portions of this budget which I hope I articulated that I found very frustrating, I still support the rest of those provisions and will be supporting this particular bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I am super impressed by the fact that as the State we are realizing that we are diverse and we should be pouring into each culture and each community that decides

to join our State. And so I am very proud to stand in support of that.

And I also want to say that, you know, 41 -- 4201 schools are just, like, critically important. I happen to have one in my district that is not just a school for Buffalo, but it's a school for all of Western New York. The children actually travel there and it's a dormitory-style over the week. They not only engage in academics, but in theater and music and athletics. And they have -- it's just a phenomenal opportunity for them, and for us to be pouring into their lives not only in terms of operating, but into the capital dollars that they so desperately need as well. I think it's so important and way past what we think we need to be doing. This, we need to be doing and I'm grateful to have the opportunity to be supportive of it.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Pause)

Page 9, Rules Report No. 132, the Clerk will read.

THE CLERK: Assembly No. A03008-C, Rules Report No. 132, Budget Bill. An act intentionally omitted (Part A); intentionally omitted (Part B); to amend part PP of Chapter 54 of the Laws of 2016, amending the Public Authorities Law relating to the New York Transit Authority and the Metropolitan Transportation Authority, in relation to extending provisions of law relating to certain

tax increment financing provisions; to amend the Public Authorities Law, in relation to contracts entered into by the Metropolitan Commuter Transportation District; to amend the Public Authorities Law, in relation to contracts for procurement for the New York City Transit Authority and to amend Part OO of Chapter 54 of the Laws of 2016, amending the Public Authorities Law relating to procurements by the New York City Transit Authority and the Metropolitan Transportation Authority, in relation to extending certain Metropolitan Transportation Authority procurement provisions (Part C); to amend Part UUU of Chapter 58 of the Laws of 2020 amending the State Finance Law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 Capital Program and paratransit operating expenses, in relation to funding for net paratransit operating expenses and in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend Chapter 929 of the Laws of 1986 amending the Tax Law and other laws relating to the Metropolitan Transportation Authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend Part FF of Chapter 55 of the Laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the Vehicle and Traffic Law, in relation to county clerk retention of fees (Part M); intentionally omitted (Part N); intentionally

omitted (Part O); intentionally omitted (Part P); to amend the Tax Law, in relation to the Metropolitan Commuter Transportation Mobility Tax rate; and providing for the repeal of certain provisions upon the expiration thereof (Part Q); to amend the Racing, Pari-mutuel Wagering and Breeding Law, the State Finance Law and the Public Authorities Law, in relation to the disposition of money from certain gaming activity (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend Chapter 495 of the Laws of 2004, amending the Insurance Law and the Public Health Law relating to the New York State Health Insurance Continuation Assistance Demonstration Project, in relation to the effectiveness thereof (Part U); intentionally omitted (Part V); intentionally omitted (Part W); to amend the Public Officers Law, in relation to providing virtual meeting flexibility for public bodies serving individuals with disabilities (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); to amend the Public Authorities Law, in relation to requiring the Dormitory Authority to submit an annual report on the pilot program for the procurement of goods or services from, or for the construction, reconstruction, rehabilitation or improvement of facilities by small businesses and minority-owned and women-owned business enterprises; and to amend Chapter 97 of the Laws of 2019 amending the Public Authorities Law relating to the award of contracts to small businesses, minority-owned business enterprises and women-owned business enterprises, in relation to extending the effectiveness thereof (Part

BB); intentionally omitted (Part CC); to amend the New York State Urban Development Corporation Act, in relation to establishing a matching grant program for certain small businesses receiving funding under the Federal Small Business Innovation Research Program or the Small Business Technology Transfer Program (Part DD); to amend the Public Authorities Law, in relation to the Battery Park City Authority (Part EE); to amend the State Finance Law, in relation to the Excelsior Linked Deposit Program (Part FF); to amend Chapter 393 of the Laws of 1994, amending the New York State Urban Development Corporation Act relating to the powers of the New York State Urban Development Corporation to make loans, in relation to extending loan powers (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the New York State Urban Development Corporation Act, in relation to extending the authority of the New York State Urban Development Corporation to administer the Empire State Economic Development Fund (Part JJ); intentionally omitted (Part KK); to amend Part BB of Chapter 58 of the Laws of 2012, amending the Public Authorities Law, relating to authorizing the Dormitory Authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part LL); to amend the Vehicle and Traffic Law and the Parks, Recreation and Historic Preservation Law, in relation to fees for the registration of snowmobiles and fees collected for the Snowmobile Trail and Maintenance Fund (Part MM); intentionally omitted (Part NN); to amend the General Municipal Law, in relation to purchase

contracts for New York State grown, harvested, or produced food and food products (Part OO); intentionally omitted (Part PP); intentionally omitted (Part QQ); to amend the Environmental Conservation Law and Chapter 55 of the Laws of 2021 amending the Environmental Conservation Law relating to establishing a deer hunting pilot program, in relation to extending provisions of the Youth Deer Hunting Program (Part RR); to amend the Environmental Conservation Law, in relation to pesticide registration timetables and fees and to amend Chapter 67 of the Laws of 1992, amending the Environmental Conservation Law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Part SS); to amend the County Law, in relation to enacting the "Suffolk County Water Quality Restoration Act", authorizing the County of Suffolk to establish a water quality restoration fund, and authorizing the County of Suffolk to form a county-wide sewer and wastewater management district and extend the existing one-quarter of one percent sales tax utilized to finance the county drinking water protection program until 2060; to amend the Local Finance Law, in relation to the period of probable usefulness of septic systems funded by programs established by the County of Suffolk; and to amend the Tax Law, in relation to the Suffolk County Water Quality Restoration Fund (Part TT); to amend the Local Finance Law, in relation to providing a period of probable usefulness for lead service line replacement programs as a capital asset (Part UU); to authorize utility and cable television assessments that provide funds to the Department

of Health from cable television assessment revenues and to the Department of Agriculture and Markets, Department of Environmental Conservation, Department of State, and the Office of Parks, Recreation and Historic Preservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part VV); intentionally omitted (Part WW); intentionally omitted (Part XX); intentionally omitted (Part YY); in relation to authorizing the New York State Energy Research and Development Authority to finance a portion of its Research, Development and Demonstration, Policy and Planning, and Fuel NY Program, as well as climate change-related expenses of the Department of Environmental Conservation from an assessment on gas and electric corporations (Part ZZ); intentionally omitted (Part AAA); to amend the Vehicle and Traffic Law, in relation to certain vehicle dealer registration certificates (Part BBB); to amend the Public Authorities Law, in relation to requirements of the Transportation Authority regarding its capital program dashboard website, and to requirements of the Metropolitan Transportation Authority regarding publishing certain financial reports on its website (Part CCC); to amend the Labor Law and the Economic Development Law, in relation to establishing the New York Youth Jobs Connector Program; and requiring reporting from the Office of Strategic Workforce Development (Part DDD); to amend the Waterfront Commission Act, in relation to the Waterfront Commission of New York Harbor; and providing for the repeal of such provisions upon expiration thereof

(Part EEE); to amend the Executive Law, in relation to the recommission of a Statewide disparity study (Part FFF); to amend the Economic Development Law and the New York State Urban Development Corporation Act, in relation to establishing a small business and entrepreneurs grant program; and providing for the repeal of such provisions upon expiration thereof (Part GGG); expanding eligibility to the Brownfield Redevelopment Tax Credit to certain taxpayers (Part HHH); and to amend the General Municipal Law and the Executive Law, in relation to directing the State Inspector General to appoint an independent monitor for the Orange County Industrial Development Agency; and providing for the repeal of such provisions upon the expiration thereof (Part III).

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

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

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Weinstein, please. One minute. Please settle down.

MS. WEINSTEIN: Yes, Mr. Speaker. This budget bill, fondly know as TED, would enact into law major components of legislation that are necessary to implement our State Fiscal Year 2023-'24 budget as it pertains to the Transportation, Environment and Economic Development Budget.

ACTING SPEAKER RIVERA: Mr. Ra.

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

MS. WEINSTEIN: Yes.

MR. RA: Thank you. So, just to go through a couple of sections of this TED bill, so I want to start with the Economic Development provisions. The Small Business Grant Program. So, this creates a new two-year pilot Small Business and Entrepreneurial Grant Program under Empire State Development. Do you know what types of businesses would qualify for this program?

(Pause)

MS. WEINSTEIN: So, these would be for new or smaller businesses that have completed the entrepreneurial training program.

MR. RA: Okay. And by "smaller," is there criteria what qualifies as a smaller business?

MS. WEINSTEIN: I -- I -- the -- in New York State, sort of our generic classification of a small business is under 100 employees.

MR. RA: Okay. And do you know what type of uses the grants would be able to be used for by those businesses that are awarded them?

(Pause)

MS. WEINSTEIN: For start-up costs and for expansion, primarily.

MR. RA: Okay. So, would that -- that include, I

mean, capital start-up costs, could it include, you know, equipment, that type of stuff?

MS. WEINSTEIN: It doesn't really specify to that detail.

MR. RA: Okay. And am I correct, the program contains a two-year clawback provision if the business were to leave the State --

MS. WEINSTEIN: Correct.

MR. RA: -- before two years?

MS. WEINSTEIN: Yes. And -- and it does then sunset after two years, the program.

MR. RA: Great. And just do -- do you know, we have that type of provision in any of the other programs that are run by Empire State Development Corp?

MS. WEINSTEIN: Yes, yes, we do.

MR. RA: Good. The --

MS. WEINSTEIN: The -- the -- the clawback provision, not the sunset provision, yes.

MR. RA: Yes. Yeah, I mean -- I mean, I think it's -- I think that's a good thing to make sure that we're facilitating these businesses starting or expanding and we're making sure we're keeping those activities here in New York.

The Statewide disparity study. This budget would extend the date in which a Statewide minority- and women-owned business enterprise disparity study must be delivered to the Governor

and the Legislature from August 15th of this year to August 15th of 2024. So, number one, can you tell me why we're delaying the study for a year?

MS. WEINSTEIN: I think the simple answer is they haven't finished the study and they need additional time. I think the pandemic interfered with and skewed some of the numbers, so we're extending it for a year.

MR. RA: Okay. And once the study is complete, what are the requirements in terms of public disclosure? Is it being just delivered to, you know, the Executive, legislative leaders or is it going to be made available to the general public?

MS. WEINSTEIN: We did not change anything. We -- we just did the -- the one-year extender. So I would say I believe that it is public, but we just focused on the extension of the program.

MR. RA: So everything else is as it was --

MS. WEINSTEIN: Correct.

MR. RA: -- (inaudible) requirement.

MS. WEINSTEIN: Yes.

MR. RA: We just changed the date. Okay.

I want to get into a topic that we've discussed a little bit in past bills, but obviously this is really where the action is with regard to the revenue actions relative to the MTA. So, as you know, the Governor had a proposal that would have increased the percentage for the MTA Payroll Mobility Tax up to .5 percent for the entire MTA region. This does that -- well, number one, it changes the rate,

correct, from what the Governor had proposed?

MS. WEINSTEIN: It changes the rate. It increases the rate because it decreases the regions that participate.

MR. RA: Okay, so it -- it now would apply just to businesses within New York City, correct?

MS. WEINSTEIN: Yes, but at least 437,500 in quarterly payroll expenses. 1.75- annually.

MR. RA: Okay. And am I correct, the -- what -- what is the difference in the revenue projection of the Governor's proposal versus this final proposal?

MS. WEINSTEIN: This -- this proposal will generate 300 million more than the Governor had anticipated. This -- we're calculating the -- this Payroll -- New York City only, increasing the Payroll Mobility Tax we project to be \$1.15 billion.

(Audio coming in from somewhere regarding the weather.)

Good to know. Good to know the weather.

MR. RA: It is good to know the weather. Although we haven't gotten to enjoy much of it for the last couple of days.

MS. WEINSTEIN: Tomorrow.

MR. RA: The -- the MTA Payroll Mobility Tax, do you know -- one of the things that came up during the budget hearing, obviously, as my colleagues know, many local governments do pay this including the City of New York. Do -- do you know what the impact will be on the City of New York from this increase in the

Payroll Tax in terms of dollars?

MS. WEINSTEIN: Under the Executive proposal it was \$40 million, so we know because of this change it'll be above 40 million, but I don't have that exact number handy.

MR. RA: Okay. And then do you know in terms of State employees, am I correct that the State pays this tax for State employees currently that are employed within the MTA region, correct?

MS. WEINSTEIN: Yes.

MR. RA: So do you have any sense of how much the increase would cost or how many employees, I guess, would be impacted by it that work for -- work for the State and are employed in New York City?

MS. WEINSTEIN: Unfortunately, I don't have that information.

MR. RA: Okay. From -- from -- from what we were able to find, last year's appropriation for the State's obligation was approximately \$300,000 less than this year's appropriation. So would it be safe to assume that that would be the difference or might it be more than that?

(Pause)

MS. WEINSTEIN: I -- I don't have the -- the number for the State contribution. It -- it -- the State contribution is not for State employees, but to cover exempted entities such as school districts.

MR. RA: Okay. But we -- we would need to -- we -- we -- as I said earlier, we do pay it for State employees employed within the region, correct?

MS. WEINSTEIN: Yeah.

MR. RA: So there would have to be, you know, at some point if we're increasing it, and I believe that goes into effect this -- you know, in June. So we would have to have some type of additional appropriation (inaudible) the additional costs.

MS. WEINSTEIN: I -- we believe that there is sufficient appropriation authority to -- to cover -- to cover any increased costs due to the Payroll Mobility Tax increase.

MR. RA: Okay, thank you.

With regard to other revenue actions related to the MTA, the casino revenue, correct? Now, how does that differ from the Governor's proposal, what's in the enacted budget?

MS. WEINSTEIN: Well, what -- in the enacted budget 100 percent of the casino licensing fees for the -- licensing fee for the -- the new Downstate casinos goes to the MTA, and then a portion of the tax revenues from the three casinos potentially beginning in 2026. So in the -- the New York City -- if there is a New York City casino, there would be a 50-50 split between the MTA and education for -- for New York City. And the -- outside of New York City the split would be 20 percent local, 40 percent MTA and 40 percent education outside of New York City.

MR. RA: Okay. And I know one of the issues that

has come up was, you know, our State constitutional provisions that went out to the voters a number of years back, you know, represented that this funding would go for education, and I believe for -- for Economic Development. So do we feel that we're on solid constitutional ground to give part of the revenues to the MTA?

MS. WEINSTEIN: You're stealing Mr. Goodell's question, but I -- and it is my belief that the Constitution did not talk to education dollars, so I think we're confident that this split in funding between the MTA, education and the locals is not in violation of the statute that adopted the -- that allowed for the casinos.

MR. RA: All right. Thank you. I've sat in the very close proximity to Mr. Goodell for a long time, so, you know, some of those constitutional concerns have -- have become a part of me as well.

So on the Public Protection side, the Waterfront Commission. There was a recent Supreme Court ruling that ruled New Jersey can withdraw from the Waterfront Commission of New York Harbor, which was originally established back in 1953 to combat corruption in the Port of New York-New Jersey. Do we know how much of the operations will need to be taken over by New York now that New Jersey's withdrawing?

MS. WEINSTEIN: We have \$2 million allocated in the budget to take over the New York portion of those employees.

MR. RA: Okay. And in terms of the employees, will they -- will all the existing employees be able to remain? Is there any

impact on the workforce there?

MS. WEINSTEIN: The intention is that we maintain those employees for new -- for the -- doing the Waterfront Commission activities limited, though, now to the New York area.

MR. RA: And they'll -- they'll be able to retain their benefits, it will be the same for them?

MS. WEINSTEIN: Yes, our intent -- yes, that is our intent.

MR. RA: Okay. And do we anticipate New York needing to hire additional personnel to manage the workload that won't be handled by New Jersey?

(Pause)

MS. WEINSTEIN: The New Jersey employees are going to become New York State employees.

MR. RA: They will become New York State employees. Okay. Now, you mentioned the \$2 million in funding, which was in Aid to Localities. This language in this proposal, though, allows the Commission to request to receive funding from other State entities. Are we anticipating that they're going to need that additional funding or -- or be requesting that additional funding?

MS. WEINSTEIN: The -- that language is there for some flexibility because it's not yet determined whether they'll be, for example, part of the State Police where that unit will -- will go.

MR. RA: Okay. And then just in terms of funding of the Commission. So, with New Jersey no longer part of it, my

understanding is that previously, the Commission was not funded with tax dollars. So will -- are we anticipating having to put additional tax dollars in from New York to fund it, or will the Commission have to increase the assessment rate that they have on waterfront employers?

MS. WEINSTEIN: We anticipate continuing to fund it the way it had been up until its dissolution, which is an assessment on the imports coming in through the harbor.

MR. RA: And then lastly about that, with New Jersey not participating and, you know, there being an assessment, is there a concern that businesses on the New York side might move to the New Jersey side to avoid the assessment?

(Pause)

MS. WEINSTEIN: We -- we believe that New Jersey is going to be doing something comparable to -- to this.

MR. RA: Okay. Thank you.

I think the last piece I wanted to ask about was the environmental conservation pieces. So, this enacted budget omits the proposed Waste Reduction and Recycling Infrastructure Act, correct?

MS. WEINSTEIN: Yes, yes. Yes, we do omit it.

MR. RA: Okay. And do -- do you know just generally what factors led to the decision to withdraw this proposal from budget negotiations?

MS. WEINSTEIN: We do believe that this is something that could be done outside the budget if we desire to move forward.

MR. RA: Okay. Thank you. Thank you very much for that. I -- I think that's it for now, so thank you, Madam Chair.

Mr. Speaker, on the bill.

ACTING SPEAKER RIVERA: On the bill.

MR. RA: So, just quickly, you know, I'm -- I'm happy that the end result here with regard to the M -- MTA Payroll Tax provisions is that it's not being increased on the suburbs within the MTA region. I think we all understand the importance of -- of the MTA as an entity, the way it allows New Yorkers Downstate to move around through the component systems. But there's also a lot of frustration out there. I -- I understand, obviously, the impact that the COVID pandemic had on the MTA, but -- but I will say even though this is still going through different factors we do have this conversation once a decade or so regarding trying to come up with new revenue sources for the MTA. And -- and this payroll tax was put in back years ago after the Great Recession of 2008 to help plug a hole. But one of the things people continue to see is an agency that often overspends. Often we see all types of different scandals that come about. So I hope that as we're adopting new revenue sources, we will really get down to making sure that that entity is as efficient as it can possibly be. That we're not reading every few months about some type of issue, whether it's waste, whether it's fraud, because our constituents, when they hear about proposals to provide new funding, I think that's the first thing they think of; *Well, why don't they get their house in order?* Now, I'd be remiss if I didn't mention one other piece

of that. So many of my constituents have been frustrated lately because as we've rolled out East Side Access, they actually feel that, you know, this original proposal was sold as, *Hey, you're getting a lot down on Long Island. You should be happy to have your businesses pay more.* Well, a lot of my constituents are getting less from -- from the MTA, and particularly from the Long Island Railroad right now, because with East Side Access they used to have direct access to Brooklyn. They don't anymore. And it's added because they don't know when there's going to be a train. It's not waiting for them like it used to be. Some people have had, you know, 40 minutes to an hour added to their commute as a result of that. So, again, while I understand the importance of the MTA, the payroll tax has a, I think, very difficult history. It was obviously a major political issue way back in 2010, and -- and I would argue and I think many would agree, led to the flipping of the State Senate down -- down the hall. Because at the end of the day it is a tax on jobs, and we have to keep that in mind and we have to also keep in mind the impact that it continues to have on our governmental entities, because even though we phased it out for smaller payrolls, most of our municipalities Downstate are -- are large enough that they qualify for that.

So with that, I thank the Chair for answering my questions and I'm going to be voting in the negative. Thank you.

ACTING SPEAKER RIVERA: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the Chairwoman yield to one question, please?

ACTING SPEAKER RIVERA: Do you yield? The Chairwoman yields.

MR. MANKTELOW: Thank you, Chairwoman. This is to do with agriculture. In the enacted budget it eliminates the restrictions placed upon local governments and school districts in regards to purchasing farm food -- farm food products?

(Pause)

MS. WEINSTEIN: We expanded that --

MR. MANKTELOW: Yes.

MS. WEINSTEIN: Yeah, okay.

MR. MANKTELOW: So, in those products that includes eggs, livestock, fish, dairy products, juice, grains, different fruits and vegetables. I was wondering why they were excluding milk.

MS. WEINSTEIN: We don't change current -- current law. The milk is excluded just because it's such a large purchase that that's something that it can get better prices on outside of this -- this requirement.

MR. MANKTELOW: I -- I guess --

MS. WEINSTEIN: But it doesn't prevent -- you know, they can also certainly purchase milk from New York, it's just not part of that program.

MR. MANKTELOW: Because you said we could buy it cheaper outside of New York State; is that correct?

MS. WEINSTEIN: I think because of the volume, like -- it's because of the volume, but there's nothing that prevents

them from purchasing milk, New York milk.

MR. MANKTELOW: But they would have to get permission from the school district's board; is that correct?

MS. WEINSTEIN: The permission would be from the State Ed for a purchase of over \$150,000.

MR. MANKTELOW: And just one -- one question back to the volume, because it's such a large volume. What do you mean by a large volume? I don't -- I don't understand that.

MS. WEINSTEIN: So I'm informed that the cost of milk being a perishable product, as we all know, that there's very frequent purchases of milk and cannot all be accomplished only by restricting it to New York dairy farmers.

MR. MANKTELOW: But -- but are the schools already not buying milk?

MS. WEINSTEIN: Yes, they're -- they're buying milk, and there's nothing that prevents them from buying New York milk. We're just -- so all that we are basically doing in this proposal is raising from \$100,000 to \$150,000 that you can go without -- without approval from SED.

MR. MANKTELOW: Okay. If they want to go above that then they would have to get approval from --

MS. WEINSTEIN: Above 150-. That is the current law, the 100- is the -- the current law and we're raising it to 150-.

MR. MANKTELOW: And if they chose to do that, could they buy chocolate milk?

MS. WEINSTEIN: I would believe so, but I couldn't tell you.

MR. MANKTELOW: Okay. So you think --

MS. WEINSTEIN: (Inaudible).

MR. MANKTELOW: So you think they could buy chocolate milk, then?

MS. WEINSTEIN: The -- the language is not specific to chocolate milk. And I'm not sure New York cows are generating chocolate milk, I'm sorry.

MR. MANKTELOW: What's that? I'm sorry.

MS. WEINSTEIN: Nothing, it was a -- not appropriate. (Laughing)

MR. MANKTELOW: I think I -- I think I heard what you said, so...

MS. WEINSTEIN: No, I -- I was just saying that I didn't know that we had unique cows in New York that could generate chocolate milk.

(Laughter)

MR. MANKTELOW: It's a good thing it's only a quarter to ten and not quarter to one in the morning.

MS. WEINSTEIN: Right. In a couple of hours we'll -- we'll see what we come up with.

MR. MANKTELOW: So as far as you know, a school could buy chocolate milk, then?

MS. WEINSTEIN: As -- as far as -- yes, as far as I

know.

MR. MANKTELOW: And what about whole milk, 2 percent milk versus 1 percent?

MS. WEINSTEIN: This is not -- we're not specific here in -- in terms of the type of milk, the percentage of fat in the milk.

MR. MANKTELOW: So they could -- they could get what they want, then, pretty much?

MS. WEINSTEIN: I -- I believe so.

MR. MANKTELOW: Okay.

MS. WEINSTEIN: We're not making any changes in that regard.

MR. MANKTELOW: All right, thank you. Thank you, Madam Chair. Thank you, Mr. Speaker.

ACTING SPEAKER RIVERA: Mr. Maher.

MR. MAHER: Thank you, Mr. Speaker. Will the sponsor yield for a few questions related to the Orange County IDA monitor?

ACTING SPEAKER RIVERA: Does the sponsor yield?

The sponsor yields.

MR. MAHER: Thank you. So, the Orange County IDA was created by a Home Rule request in 1972 by Orange County. My specific question, my first question is, is it your understanding that the -- the act in relation to the property affairs of government has been

inhibited by this action?

MS. WEINSTEIN: I'm sorry, can -- can you just repeat the question?

MR. MAHER: Sure. I'm citing Section -- Article IX, Section 2 (b)(2) of the New York State Constitution, and I'm asking you if you believe that this monitor being put in place impacts the local property and maintenance of government.

MS. WEINSTEIN: The monitor here for -- for the IDA is -- is no different than -- in concept than the monitors we have in other areas, particularly in a number of school districts have -- we have monitors.

MR. MAHER: Interesting. Okay, so then why --

MS. WEINSTEIN: And -- and (inaudible) --

MR. MAHER: I'm just --

MS. WEINSTEIN: Yes (inaudible).

MR. MAHER: In saying that, why would this be necessary?

MS. WEINSTEIN: It was brought to the attention of the Legislature some potential irregularities with the -- the IDA, and in the public interest to have a monitor put in place to just assure us that the -- that the IDA is acting appropriately and granting benefits to businesses within -- within its jurisdiction.

MR. MAHER: I understand. Can you name one of those specific instances?

(Pause)

I'm happy to speak directly to Member Jacobson, as he represents a portion of Orange County.

MS. WEINSTEIN: That's okay. Just hold on one moment.

MR. MAHER: Okay. No problem.

(Pause)

MS. WEINSTEIN: So, apparently there were -- there were tax breaks granted to companies that had previously asserted they did not need that assistance in order to continue. The -- the one company that comes to -- that I'm inform -- informed about is Medline was found to have not needed -- it had -- had publicly stated they didn't need the tax break and then they were given it anyway.

MR. MAHER: So would it surprise the sponsor to know that the Orange County IDA did not grant those incentives to that company and they did not, in fact, take a PILOT?

(Pause)

MS. WEINSTEIN: The local representatives from that district have pointed out that -- both in the Assembly and Senate have pointed out some irregularities and (inaudible) for the monitor.

MR. MAHER: I understand. But with respect, I was actually the Supervisor of the Town of Montgomery during that time period where Medline currently is, and I'm telling you with certainty, they took a 485-b and not a PILOT from the Orange County IDA. And in fact, they were speaking directly with the Town of Montgomery IDA, a completely different entity. I just wanted to

clarify that for the record.

MS. WEINSTEIN: Okay. So we will -- I take note of what you said. There were colleagues both in the Senate and here who had raised some concerns.

MR. MAHER: Okay. So would it be fair to say those concerns are not merited? And then I would return to my initial question, why are we doing this, why is it necessary? And can someone, anyone in this Chamber explain to me an instance where the Orange County IDA did something inappropriate where a monitor needs to come in to the Inspector General's office? Because that is a -- a really huge slap in the face to that entity and they're being maligned publicly during this process and I'm here to defend them.

MS. WEINSTEIN: So without talking about Montgomery, which is very nice.

MR. MAHER: Thank you.

MS. WEINSTEIN: I've been there often, 211.

MR. MAHER: It's beautiful.

MS. WEINSTEIN: The -- Comptroller DiNapoli and the District Attorney Hoovler in 2021 released a report examining corruption and negligence at the IDA, and they ordered the -- Orange County IDA officials were ordered to repay over \$1 million.

MR. MAHER: Yes, correct, in 2021. After that, every single member of the Orange County IDA Board was taken off the board. A complete new board was appointed and a new CEO was put into place, and a ton of new things over the last two years have

taken place to turn things around. So again, going forward I would ask why, in 2023, is this monitor necessary?

MS. WEINSTEIN: So while I appreciate your -- the information about the change in the board, but we still feel so the -- the monitor will be there. And if what you're saying is correct and there are no problems, the monitor will not have much to do.

MR. MAHER: That sounds like a very innocent interpretation of what's going on, but the reality in terms of Economic Development in New York State is that companies that are coming in as we're competing with other states, they're looking for some sort of certainty. And so when an IDA comes and an executive director of an IDA comes and he says, *These are our incentives, this is our UTEP, our Uniform Tax Exemption Policy, here you go*, in good faith they're negotiating. If that company now knows that they're going to have an independent monitor that is going to be able to question and override that authority, how are they going to compete? This could be potentially damaging, competing with other communities and other states. It could be completely detrimental to the local economy. And I, again, just want to ask why this is happening if no one can cite any instance after 2021 where there's been wrongdoing.

MS. WEINSTEIN: Well, I would just repeat that if they are doing nothing wrong, there'll be very little for the monitor to contradict any -- the monitor will not contradict anything that is happening and they will -- I don't think there will be a reason for concern of anyone coming into Orange County.

MR. MAHER: I would respectfully disagree, but I have a couple of more questions if the sponsor would yield?

MS. WEINSTEIN: Sure.

MR. MAHER: Okay. So, was there an actual Home Rule request from Orange County?

MS. WEINSTEIN: This is not -- this issue is not subject to a Home Rule.

MR. MAHER: Okay. So it's your interpretation, the sponsor's interpretation that this is not subject to Home Rule. Okay. I will move on from that point.

MS. WEINSTEIN: Because it being in a budget bill that there aren't Home Rule requirements for provisions of the budget bill.

MR. MAHER: I completely agree. I was very surprised to see it in a budget bill. Okay.

So there is lang -- was -- was there any language as part of this budget bill related to prevailing wage and tying prevailing wage or some sort of local labor with the 485-b program? Because that was something that was discussed when this issue was brought up, so I just want to state for the record that there is no ties to local labor or prevailing wage in the 485-b program. This specifically just puts a monitor on the Orange County IDA.

MS. WEINSTEIN: Yes, correct.

MR. MAHER: Okay. Will the inspector have any sort of economic background? Is there anything suggesting that he

should -- he or she should have some sort of economic background since they will almost -- in fact, there'll be a new CEO of the Orange County IDA?

MS. WEINSTEIN: There will be an RF -- this will be -- the -- the monitor will -- will be appointed by the Inspector General subject to an RFP. So we would assume that the -- while there's not criteria -- there will be criteria listed in the RFP, though it's not listed here in the budget.

MR. MAHER: Can I make a request that if this goes through, that there is some sort of economic background that is mandated as part of this RFP since this individual will have such an impact on the local economy? Just for the record. And does other any other county IDA or local IDA, city, town, currently have any sort of monitor like this or is this the first time this has -- this has happened?

MS. WEINSTEIN: As far as I know it's the first time.

MR. MAHER: Okay. Another important question: There's some language here that says, "The reasonable and necessary expenses incurred by the monitor while performing his or her official duties shall be paid by the Industrial Development Agency." What does that mean? And are some of these expenses, is it salary, travel reimbursement, hotel, food, copies, office space? Is there any sort of -- something to -- to not have this go out of control?

MS. WEINSTEIN: The -- this language is similar to other monitors -- language for other monitors for school districts, for

control boards over -- for a county control board, the city control board.

MR. MAHER: Okay. Thank you.

On the bill.

ACTING SPEAKER RIVERA: On the bill.

MR. MAHER: Okay. I just need to have it said for the record, this is a really, really injustice to the Orange County IDA and Orange County government in general, who has since 2021 when there were some real serious issues, some criminal issues that they rooted out. They've really tried to turn the new leaf. This really seems more politically-motivated. It is really easy to sit here and not defend tax breaks. Who wants to stand up here and defend tax breaks? Nobody. And I can tell you, the only people that really want to do that are folks that are going to benefit politically from it. This doesn't help me. At the end of the day, the Orange County IDA does not want to give tax incentives to local companies. Nobody wants to do that. They need to do that to compete with other communities and other states who have a little better of a financial environment than New York State currently does right now. That's the economic reality. We are not giving tax breaks to these local IDAs because we want to give millionaires and billionaires tax breaks. Nobody wants to do that. That's not why we're doing this. And I want to make sure that the folks in this room know that the volunteers that serve on the Orange County IDA are working to better our community, to bring in companies to provide good jobs, higher-paying jobs, tech jobs. And

when you have a local IDA that may from time to time give out a benefit because a market has been created, the way you stop that is to edit your Uniform Tax Exemption Policy, which they are currently trying to do. So if you have a group of hotels or a group of warehouses and you realize a lot of them are coming in and it benefits them to be in a specific location, then you look at your UTEP, you say, *Okay, instead of a 15-year or a 10-year, we're going to offer a five-year or we're going to offer nothing*, and you edit it every couple of years. That's the solution. I cannot underscore enough how much this monitor will potentially be a detriment to Economic Development in Orange County.

And then another point I just want hit on so that folks know this and understand how important this is. If all of the IDAs did not exist and we all stood up here and said IDAs shouldn't give out tax breaks, this should not be something we do, we would still have tax breaks for them through the 485-b program. That is a New York State program. Do you want to know the difference between a PILOT of a local IDA and the 485-b? The Orange County IDA, their PILOTs have a local labor clause. So what's going to happen? These companies are not going to want to deal with the uncertainty of a monitor in a local IDA, so they're going to just apply for a 10-year 485-b tax abatement. They're going to get millions in tax breaks, but 85 percent isn't going to be local labor. It's going to be shipped up from North Carolina, South Carolina. They're not going to stay at our hotels. We've seen this. We've seen it happen. This is a recipe for

disaster. And I'm not lecturing this Chamber because I happen to know this was not in our one-House budget. It was in the Senate one-House budget, it was not in the Executive Budget. For me, I'm just on here, on the record, so that the folks in the Orange County IDA that are working hard to clean up business know that there are people that appreciate that work and their time and their effort and their character. Because right now they're getting maligned for doing things inappropriate when they have actually been above board.

So I wanted to state that for the record, I wanted my colleagues to know where I stand. And I'm really disappointed that this is something that our -- our Assembly Chamber is supporting and I will certainly be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER RIVERA: Mr. Gandolfo.

MR. GANDOLFO: Mr. Speaker, will the Chairwoman yield please for a quick question?

ACTING SPEAKER RIVERA: Does the Chairwoman yield?

MS. WEINSTEIN: Yes.

ACTING SPEAKER RIVERA: Chairwoman yields.

MR. GANDOLFO: Sure. I have a question about the Suffolk County -- Suffolk County water equality provision to create a wastewater management district. Just really quick. I read through the language, I didn't see any timetable for the mandatory referendum to take place. I just wanted to confirm that there was -- there is no

timetable for this referendum to take place set forth in the legislation.

MS. WEINSTEIN: That -- that is correct. First they have to pass the resolution and then have the referendum.

MR. GANDOLFO: Okay, but there's no time --

MS. WEINSTEIN: There's no time frame.

MR. GANDOLFO: Okay. That was it. Thank you.

MS. WEINSTEIN: Thank you.

MR. GANDOLFO: Thank you, Mr. Speaker.

ACTING SPEAKER RIVERA: Mr. Curran.

MR. CURRAN: Thank you, Mr. Speaker. Will the Chairwoman yield just for a couple questions?

ACTING SPEAKER RIVERA: Does the Chairwoman yield?

MR. CURRAN: Thank you. Back to the waterfront commission. So currently there are 26 detectives assigned to the waterfront commission, seven of them are within the New York State pension system. Has there been any conversation about going forward what's going to happen with those detectives?

MS. WEINSTEIN: The ones that are currently within the system?

MR. CURRAN: Yeah, please.

(Pause)

MS. WEINSTEIN: Yeah. My understanding is they would continue within the pension system. We just haven't -- there hasn't yet been a determination as to what agency they'll be part of.

As I mentioned earlier perhaps the State Police. They would be a division within the State Police.

MR. CURRAN: Do you have any estimation when that decision might come?

(Pause)

MS. WEINSTEIN: So the -- it goes -- the bill goes for one year. So by the end of the year they'll decide what agency will house them.

MR. CURRAN: Thank you very much, Ms. Chairwoman.

Thank you, Mr. Speaker.

ACTING SPEAKER RIVERA: Mr. Jacobson. Mr. Jacobson?

MR. JACOBSON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER RIVERA: On the bill.

MR. JACOBSON: The IDA in Orange County has a sordid history. As was mentioned, in 2021 there was convictions of former county executive that was on the IDA board who was on the payroll of a company that was applying for benefits. The executive director quit the IDA and shortly after set up his own company to deal with the IDA, along with other former employees. The reason we need the monitor is because the fiduciary relationship between the IDA and the taxpayers of Orange County does not exist or has not been lived up to what it should be. For example, there was one

company that said in the form when asked if you do not get the tax break, would you do the project, and the answer was yes. The IDA went ahead and gave them the tax break. There was -- excuse me --

ACTING SPEAKER RIVERA: Mr. Maher, why do you rise?

MR. MAHER: Would Member Jacobson yield to some questions based on some of his statements?

MR. JACOBSON: No, not yet, not yet.

ACTING SPEAKER RIVERA: He does not wish to yield.

MR. JACOBSON: There was another company, they did such a great job in determining whether or not they deserved the tax breaks that the jobs created cost over half a million dollars each. One company was going to move no matter what from Western Orange towards Eastern Orange because they needed more space. What this monitor will do, it will make sure that the IDA follows its own policy, the Uniform Tax Exemption Policy that's on its website. This monitor is going to be appointed by the Inspector General. If they do things correctly, there will be no consequences. If they don't do things correctly, there will be. This will not hurt Economic Development in Orange County. There's a difference between worrying whether or not a company can move 30 miles and go into New Jersey or Pennsylvania as opposed to a company that's moving within the county. And what this monitor will do will make sure that the IDA lives up to its mission, not only to try to entice business, but

to the taxpayers that it's done correctly.

MR. MAHER: Will Mr. Jacobson yield for some questions?

ACTING SPEAKER RIVERA: Mr. Jacobson, will you yield?

MR. JACOBSON: Yeah, I'll yield.

MR. MAHER: Great. So I think one of the companies -- one of the companies that you were referring to is Royal Wines [sic]. So what they did is in their application they checked the box, and what the box stated was *would you go forward if you received incentives*. But you left out an important piece of that where they suggested yes, we would go forward with that incentives [sic] but there will be less job creation. So it was very misleading to suggest that they would have actually gone forward if they didn't get incentives without there being a loss to the community and to those jobs that would have been there.

MR. JACOBSON: No. The company involved was Milmar Foods, who one who admitted they didn't need incentives. Royal Wine was the one that got -- that the subsidies per job created was \$580,000 each.

MR. MAHER: You made a statement as well that it didn't settle with the UTEP, that there was something inconsistent with the Uniform Tax Exemption Policy. Can you specifically state what was not in uniform with their UTEP, because that is just not true. I just would like for you to be specific. What part of their UTEP did

they not abide by? Because that is a very serious charge.

MR. JACOBSON: On these -- on these projects, they're supposed to when making a determination whether to give away taxpayers' money the extent that the project will create or retain permanent jobs?

MR. MAHER: Yes.

MR. JACOBSON: Right? The estimated value of the tax exemption. Another one is whether or not the -- the impact on proposed businesses, and also the demonstrated public support for the project.

MR. MAHER: They demonstrated all of those things. Everything you had --

MR. JACOBSON: Well --

MR. MAHER: -- said was demonstrated.

MR. JACOBSON: -- not on -- not on every project. And if they do, then everyone can sleep very easy at night.

MR. MAHER: We can already without a monitor.

MR. JACOBSON: The bottom line is this is a monitor. It's there because of what has gone on in the past and if they -- if they live up to what they're supposed to do, the monitor will have nothing to do.

MR. MAHER: I disagree. It's politically motivated. With respect, I disagree. And it will hurt Economic Development in Orange County.

MR. JACOBSON: Thank you.

ACTING SPEAKER RIVERA: Mr. Eachus.

MR. EACHUS: Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER RIVERA: On the bill.

MR. EACHUS: Thank you. I certainly am one who is most closely associated with this Orange County IDA monitor. For those of you who may not have been told or don't know, I was 12 years on the Orange County legislature with oversight on this IDA. Now I might mention that there are five other IDAs in Orange County, which we are not monitoring because they have done the right things all along. Why would we need this monitor is the question. And of course what we heard from one of my colleagues is this is politically motivated. Well, the answer is yes, this is absolutely politically motivated because for the 12 years that I was on the Orange County Legislature I was told by three different county executives I could not go on that IDA board because I was from the wrong political party. Okay? Since then, the county has gone even more lopsided politically, has appointed a new board, okay? But in no way is it coming back on the fact that they are selecting folks through political persuasions. And that is certainly one of the things that we need to have monitored by this State monitor on this IDA. It -- it was bad. I'm glad to say while I was in oversight, it was up to 2018, there was no illegal activity, but as we just heard in 2021 illegal activity did take place. And so that's the reason, Mr. Speaker, behind why we needed this monitor. Thank you.

ACTING SPEAKER AUBRY: Thank you. Mr. --
Mr. Goodell.

MR. GOODELL: Would the Chair of Finance yield?

ACTING SPEAKER AUBRY: We call it Ways and
Means.

MR. GOODELL: Is that what we call it?

MS. WEINSTEIN: Whatever -- whatever you call it.
I'm still ready to yield.

MR. GOODELL: Thanks. What the heck is going
on with the MTA? I mean it sounds like this huge vacuum cleaner
sucking up money. Am I right that the -- like they're moving forward
on congestion pricing? An 88 percent increase in the mobility tax, an
increase in funding from even people who never ride it who are
self-employed. What is going on and what's their budget look like and
will it ever balance?

MS. WEINSTEIN: I -- I would tell you that during
the pandemic there was a dramatic decrease in ridership. There are
debts coming back now but there were -- there was a lot of revenue
that was -- was lost that continues to be revenue lost for -- based on to
some extent people who are not riding -- or not fare-paying riders of
the MTA. There are increased capital costs and it -- it is something
that has -- that increases on a -- you mentioned congestion pricing.
I'm not a big fan, but it's -- it's the law and it has not generated
revenues in the time frame that was anticipated.

MR. GOODELL: So we've imposed congestion

pricing on everyone who drives a vehicle and doesn't use the MTA. We've increased the tax on employers by 88 percent regardless of whether or not any employees that use the MTA. We're imposing a tax on self-employed individuals whether or not they use the MTA. We've taken half the casino revenues and allocated it to the MTA, and at the same time, according to the February annual budget of the MTA, they're still projecting massive losses; is that correct?

MS. WEINSTEIN: It's an expensive transit system to run and New York City is an incredible generator of revenues for New York State, and it's important that we are able to maintain the -- the transportation system in -- in New York City.

MR. GOODELL: Now the MTA is run by a board, right?

MS. WEINSTEIN: Correct.

MR. GOODELL: And who appoints that board?

MS. WEINSTEIN: The -- the -- depending on the populations of -- of -- of the surrounding counties, they have appointments to the board, the Governor has appointments, and the Mayor of the City of New York has appointments.

MR. GOODELL: And as a condition of providing a multi-billion dollar annual subsidy, is the State legislature requiring them to provide us with a financial plan on how they're going to balance in the future, or are we just writing the check?

(Pause)

MS. WEINSTEIN: Several times a year, I believe

three times a year we do get reporting from the MTA in terms of their operating budget. And in terms of the capital budget there is a board and we have membership on that board.

MR. GOODELL: And of course, as you know, the -- even the *New York Times* in the most recent article about the MTA accused it of massive mismanagement, corruption, waste, abuse and all those other great terms. Is there any consideration about appointing a monitor for the MTA as we might do for -- for example an IDA?

MS. WEINSTEIN: There -- we -- we get to see the operating budget, we get to interact with the MTA board so there has not been the idea of some independent monitor for the MTA.

MR. GOODELL: Now as you know back in the 70s --

MS. WEINSTEIN: And there also was an Inspector General for the MTA.

MR. GOODELL: And -- and I'm glad to hear that, I hope he's adequately funded. Of course, you know, we -- we appointed a financial control board for New York City back in the 70s when it had difficulty managing its accounts. I think we did it for Yonkers, we've done it for Erie County, I think they're coming out of that now. Any discussion about a financial control board for the MTA?

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

MR. GOODELL: Now at one point, I understand, we hired or the -- Governor Cuomo hired one of the world's renowned

experts. He left in frustration, went back and straightened out London and I think --

MS. WEINSTEIN: (Inaudible).

MR. GOODELL: -- straightened out Toronto. Is he coming back to us or has he given up on us?

MS. WEINSTEIN: I think he's given up on the MTA but he is going to Amtrak.

MR. GOODELL: Amtrak, okay. Well, then at least we'll be able to get to and from the MTA in a reasonably efficient manner. Again, thank you so much for your comments.

MS. WEINSTEIN: Sure.

MR. GOODELL: 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, Mr. Speaker. The Republican Conference is generally opposed to this, but there may be those who wish to vote in favor of it here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is in favor of this piece of legislation. We will generally all be supporting it.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Maher to explain his vote.

MR. MAHER: Thank you, Mr. Speaker. Just left out a couple things, I know only two minutes. There's a couple organizations that just want to be heard as well that are completely opposed to this monitor. There is a resolution by the Orange County Legislature and they talked about how the IDA Board of Directors, as appointed individuals, whose values and ethics align with the principles that the Legislature intends for the OCIDA, including transparency, integrity and honesty. They believe that this is solely the undermine of the work of the IDA seeking to undue and create veto power over decisions. The Hudson Valley Building Trade and Construction Council, which represents a number of local labor, the Construction Contractors Association signed by Alan Seidman, said *without an IDA in power to offer financial incentives to developers, beneficial projects will simply go elsewhere and opportunities will slip through our fingers and be lost to us forever.* The construction industry council wrote a letter as well. *Employers and developers seeking to avoid the costs or even the political attacks associated with applying to the IDA for incentives, can instead pursue other forms of property tax relief including the 485-B which will not trigger local labor.* Orange County Partnership has a letter in, Orange County Chamber of Commerce has a letter in. And I just want to

acknowledge that while we respectfully disagree with a couple of my colleagues, I know that again this didn't stem from this House. I just wanted to make sure I was on the record defending some very hard-working individuals who really do the right thing and do not deserve to be politically maligned. That's it. I will vote in the negative.

ACTING SPEAKER AUBRY: Mr. Maher in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could continue our work on completing this budget. We will go to Rules Report No. 133, it's in the B-Calendar, and follow that up with Rules Report No. 129 which is on the A.

ACTING SPEAKER AUBRY: On the B-Calendar, page 3, Rules Report No. 133, the Clerk will read.

THE CLERK: Assembly No. A03000-D, Rules Report No. 133, Budget Bill. An act to making appropriations for the support of government, State Operations 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: As the title says, this is the State Operations Budget for the State Fiscal Year '23-'24. It includes an All-Funds appropriation of \$63.8 billion. And the bill authorizes disbursements of up to 23.3 billion in State Operations from the General Fund and up to 35.5 billion in State Operations on an All-Funds basis.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields, sir.

MR. RA: Thank you. You already answered my first two questions in your explanation. So we're getting more efficient as we get towards the end here so thank you for that. So just a few questions. Just number one, the Special Emergency Appropriations. So in this final enacted budget, those will be subject to comptroller oversight review?

MS. WEINSTEIN: Yes.

MR. RA: Okay. And can you just explain the difference and reasoning of the change in funding for the Special Emergency Appropriation, the Special Federal Emergency Appropriation and the Special Public Health Emergency Appropriations?

MS. WEINSTEIN: So the enacted budget modifies the Special Emergency Appropriation which is the 1 billion and the Special Public Health Emergency Appropriation which is the 3 billion to restore competitive bidding procedures and the authority of the comptroller to review contracts.

MR. RA: Thank you. Okay. So on the health side. The Essential Plan. The bill includes an additional 18 million for the administration of the Essential Plan. Is this additional funding due to the proposed changes from the 1332 State Innovation Waiver?

(Pause)

MS. WEINSTEIN: No. This is the State share of the administrative cost.

MR. RA: The administrative cost. Okay. And then the -- the actual program itself is I know in -- in another bill, correct? But what is the actual money that is spent on the program itself?

MS. WEINSTEIN: So there's 9 billion for the 1331 program and then just over 2 billion for the waiver program.

MR. RA: Thank you. Also, in health, the lead testing registry. The bill includes \$18.5 million in new funding for the State to operate a lead testing registry for rental properties which requires owners to submit certifications to the local health department. Is there any additional funding provided in the budget for increased capacity for local health departments to manage the task related to this new lead registry?

MS. WEINSTEIN: No. No, there is not.

MR. RA: Okay. Public Protection. So, as you know, over the years the State closed numerous prisons and reduced the overall prison population by almost half. We've continued to increase the budget for supervision of incarcerated individuals, there's another 25 million this year. Do we know overall, you know, over the last decade or so what are the cost savings that have been associated with the reduction of the incarcerated population and the closure of these prisons? Is the cost savings that the Executive, or I should say really the previous Executive, you know, touted, have they been realized?

(Pause)

MS. WEINSTEIN: Well, there are savings from the closures, though there are increased costs in terms of other existing facilities.

MR. RA: Okay.

MS. WEINSTEIN: And I believe I mentioned in a prior debate that the Governor last year created a -- a prison redevelopment program -- commission to look at how we can reuse these -- the closed facilities.

MR. RA: Yes, yes, I'm aware. Thank you. I do, you know, think that, you know, you look at the increases in spending and it -- it just, you know, it doesn't add up to what had been touted as these were being closed over the years. Homeland Security and Emergency Services. The bill provides 3.5 million for expenses related to the Volunteer Firefighter Training Program, certainly happy to see this funding included because our volunteer firefighting

departments are struggling across the street -- across the State particularly with recruitment and retention. Is this funding provided to volunteer fire departments or is it just funding to administer this program?

(Pause)

MS. WEINSTEIN: It -- it's for the individual departments for the training, right? That -- that what we (inaudible) --

MR. RA: It'll go out to actual departments, okay. And what -- what criteria is that? Are they -- they're grants to the --

MS. WEINSTEIN: They would have to be -- they would apply for this fund.

MR. RA: They would apply for the grants. Okay, thank you. State Police Operations. So the State Police Operations' budget is now over \$1 billion, increased by 146 million from last year's enacted budget. So how does this funding support the Governor's initiative to retool the Division of State Police?

MS. WEINSTEIN: It's in a -- generally for expansion of the departments of the State -- State Police community units. They're expanding where they are going to be.

MR. RA: Okay. And do you know related to --

MS. WEINSTEIN: It -- it'll be going from 7 -- I'm sorry, going from the current 17 counties to 20 counties.

MR. RA: Okay. And I know the Governor in her State of the State address announced there will be four new trooper classes this fiscal year. So is that supported within this budget?

MS. WEINSTEIN: Yes.

MR. RA: And do we know how many troopers will be hired from each of those classes?

MS. WEINSTEIN: That -- that I -- I couldn't tell you.

MR. RA: Do -- do you know if --

MS. WEINSTEIN: I would if I could but I can't. I don't know the answer.

MR. RA: Do we know if all four classes are going to be held this year or -- or it'll be just over the fiscal year?

MS. WEINSTEIN: I assume the State Police Department -- the State Police will decide when to run those classes.

MR. RA: Okay. And the Governor also announced additional funding for the New York State Police Community Stabilization Units. Which funding program within the Division supports these new units?

MS. WEINSTEIN: It's -- it's not particularly -- it's not separately lined out but it's within the -- that State Police budget.

MR. RA: Okay. So but I guess would a portion of that increase from last year be used to support that?

MS. WEINSTEIN: Yes, I -- I -- I would assume so.

MR. RA: Okay, thank you. So somewhat related. One of the issues I think we've all heard a lot about, we heard about during budget hearings is our parks and our park police. The State Operations Budget appropriates 353.7 million, which is the same as

the Governor. The increase reflects general salary increases, increased personal service costs due to the hiring of 287 FTEs to support park operations, including 89 positions supported by Environmental Bond Act efforts and 50 positions reflecting respective number of personnel from -- to incoming park police class. Do we believe that that'll be sufficient to increase the personnel levels in the ranks of the park police to make it sufficient to cover their needs? We've heard time and time again that they don't feel they have adequate staffing.

(Pause)

MS. WEINSTEIN: They -- they have been having annual police academies for the park police so that is what we believe they need.

MR. RA: Okay. And is there -- I know it's not in this bill, but one of the other issues obviously they have talked about is trying to have some type of -- some type of level of pension parity with other departments because they tend to have a very difficult time retaining officers. Is there anything in this budget, as a whole, that would address that?

MS. WEINSTEIN: Un -- unfortunately no. It was something that we have supported in our House. The Governor vetoed it last year and we were not able -- we were not able to have it included and get agreement to have it included in this budget.

MR. RA: Okay, thank you. Lastly on Education. So one of the proposals that I believe was included in the one-House

budget was funding for the State Education Department to conduct a comprehensive review of the Foundation Aid Formula. This is not been provided for in this budget, correct?

MS. WEINSTEIN: It is not in this budget.

MR. RA: Do we anticipate State Ed being able to undertake such a thing? Obviously with the full funding now with Foundation Aid, everybody's trying to figure out what happens next.

MS. WEINSTEIN: You know, obviously SED can on their own without us requiring them to do a study for -- of what's next. We did have that proposal, as -- as you say, in our one-House trying to give a little guidance and direction where we'd like them to look at and we certainly will continue to speak with SED about encouraging them to look at recommendations for us in the future for changes to Foundation Aid now that it is fully funded going -- enhancements to Foundation Aid as it's going -- as it's going -- the fact that it's fully funded.

MR. RA: Okay, thank you. And likewise we talked about this a little bit on the Aid to Localities bill, the Special Education tuition rates. This includes the \$2.5 million to the State Education Department to conduct a comprehensive study of alternative tuition rate setting methodologies for approved Special Education providers?

MS. WEINSTEIN: Correct.

MR. RA: Okay. And as -- as you said, it has removed the language that required it to be, I guess, you know, fis --

fiscally, you know, even, correct?

MS. WEINSTEIN: Right, as -- as related to the public education, yes.

MR. RA: Now am I correct, though, it does have language that says that the alternative meth -- methodology must be fiscally sustainable for the State's school districts and counties?

MS. WEINSTEIN: Yes. That's -- that's correct because otherwise it won't be able to work.

MR. RA: Okay. Can -- can you elaborate on that? Do we -- would we expect that there might be cost shifts to, you know, districts or -- or counties related to the new methodology?

MS. WEINSTEIN: I -- I -- I don't think that we anticipate -- we certainly don't anticipate that there would be court -- cost shifts but more just how these services can be provided in a way that perhaps different than they -- they are currently.

MR. RA: Okay. And then one last terms of a study we had talked about. Universal pre-K. There had been talk of perhaps a study of the various universal pre-K formulas; am I correct? There's nothing in this budget related to that?

MS. WEINSTEIN: There is no funding in -- in here for that, for a study of the pre-K funding mechanism but it is certainly something that we will continue to look at going forward.

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

(Pause)

ACTING SPEAKER AUBRY: Mr. Reilly.

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

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

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

MR. REILLY: Thank you, Ms. Weinstein. Just one question on the -- going down to the DMV section with the Governor's traffic safety committee? So the -- the 28.5 million, 2.8 million more than the Governor, 3.2 million more than last year. Will this allocate funding for drug recognition experts?

(Pause)

MS. WEINSTEIN: I'm -- I'm really not sure if it's specifically -- I -- I don't believe it's specifically delineated for that purpose.

MR. REILLY: Okay, because they're the ones that pay for the training so that's why I figured I'd ask that.

MS. WEINSTEIN: It -- it may be for additional training. I mean we know it's for additional training. I'm not sure if it's for the training for the purpose that you're asking.

MR. REILLY: Okay, thank you.

ACTING SPEAKER AUBRY: 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 very much, sir. The Republican Conference is generally opposed to this budget bill, but those who support it are certainly welcomed to vote yes on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation. We anticipate yeses from everyone. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much. A few years ago we legalized recreational marihuana and we put the program in place and we were told that this would be a huge revenue generator for the State of New York. Last year we put in 40 million for the Office of Cannabis Management. This budget adds another 62 million. So we have over 100 million that we've invested so far in the Office of Can -- Cannabis Management. It's my understanding they've approved so far nine licenses. I understand there's another 190 or so

in the pipeline. And in the meantime, just in New York City alone, there's a report of over 1,500 illegal cannabis selling places. And we have this very strange situation where if you are a convicted felon, you have the opportunity to get this license, but if you're law-abiding you can't. And so apparently we're running short of convicted felons who want to get into this program. And in the meantime, those who aren't convicted felons, who are just simply businessmen and entrepreneurs are taking advantage of it. So we've seen an explosion in the black market by lawful residents who don't want to pay the exorbitant taxes and a -- and a shocking lack of convicted felons who want to take on this responsibility. In the meantime, we have funding for 245 employees for nine licensed shop. That's enough to keep all those shops in business, I assume, not just those employees alone. So we're running roughly, you know, 24, 25 employees per location. So I'm hopeful, that as time goes on, we'll do better in this program and when that happens I'll be more comfortable supporting this program. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you for the opportunity to explain my vote, Mr. Speaker, and just for a point of clarification, the Office of Cannabis Management does a lot more than provide licenses to nine licensed dispensaries. There are multiple farmers who are growing the products that they sell and other

dispensaries will soon sell. There are laboratories that are open, there are processors as well and they're licensed all over the place where people -- there's no way you have nine dispensaries if you don't have everything to support that comes with it. And so to assume, as Mr. Goodell has said incorrectly, that this entire staff is for nine licensed people is unfortunate that he would think that. The other piece of this I think people should be clear about, Mr. Speaker, is that had there not been a lawsuit challenging the fact that New York wants to do something iconic with this legislation, unlike any other State in this nation, it had not been for that lawsuit there could be a lot more than nine dispensaries, and because that lawsuit has been solved by our court systems in the State of New York, in conjunction with our Attorney General's Office, those numbers will go up very rapidly. And so I guess the next problem that people will have is the fact that the original legislation cleared the records of many of these people who are now in a position to be entrepreneurs. What's wrong with that? Complain if they need you to give them food stamps, you complain if they need you to help them pay their rent, now they're willing to go out and work and figure out how to get an owner and take care of themselves and their family and we still complain. So I'm -- I'm really happy to be in support of this legislation and I look forward to the next budget 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 3, Calendar No. A, Rules Report No. 129, the Clerk will read.

THE CLERK: Assembly No. A03001-A, Rules Report No. 129, Budget Bill. An act making appropriations for the support of government (Legislature and Judiciary Budget).

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

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

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: Thank you, Mr. Speaker. We began this journey when the Governor presented her budget on February 1st and then with Mr. Ra and many members of the respective committees of this House, we held numerous hearings and finally we're at the completion of the budget. And this would not have been possible clearly without the support and tenacity of our Speaker

Carl Heastie who missed many a weekend at home staying here and negotiating on behalf of our conference. But I also would be remiss if I didn't thank the dedicated Ways and Means staff members who have spent weeks --

(Applause/Cheering)

-- and while I -- I can't name them all let me just -- really just call out a -- a handful; Blake Washington, Phil Fields who sits next to me --

(Applause/Cheering)

-- Blake, our secretary -- is our Ways and Means secretary. He's too tired to stand. Phil Fields who makes me sound like I know what I'm doing.

(Applause)

Victor Franco who joined the top team as the Director of Revenue finally --

(Applause)

-- and I -- I also want to -- to -- to particularly recognize the -- the team leaders, the -- the deputies; Luke -- Luke Ritter, Marie Lovato, Matt Golden, Matt Steigman, William Williams, Colin Evers who we wouldn't have a budget without them and all of their teams.

(Applause)

So I'm sure we could go on but I think they need a rest. So with that I -- I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Weinstein in the

affirmative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Let me just thank our -- our wonderful Chair for her cordiality, collegiality and all of her work on this budget and her stamina the last two days in answering our questions. And certainly to her staff, Rich to Blake to the entire Majority Ways and Means staff, thank you for your work on this budget, but I want to in particular thank our staff from Lauren O'Hare, our director all the way down to the people seated behind me.

(Applause)

They've -- they've just done incredible work, like the Majority staff on very little sleep the last few days. And I couldn't be more honored than to have the opportunity to work with this incredible group of people each and every day and to represent our conference and -- and Leader Barclay who entrusted me with this four budgets ago now, which is hard to believe, but this one actually feels the most normal that I've had because I don't even think most of our Ways and Means staff, half of them are -- are new and probably have never even actually had a full budget debate cycle being here in the Chamber. So I -- I thank them for all of their hard work and all of my colleagues for what I think have been really productive and meaningful debates on these budget bills raising points on behalf of our constituents, which is what at the end of the day this is all about. Thank you, Mr. Speaker and I hope everybody gets the opportunity to get some rest.

ACTING SPEAKER AUBRY: Mr. Alvarez.

MR. ALVAREZ: Thank you, Mr. Speaker, for the opportunity to explain my vote. This is my first budget and I'm so happy that we delivered for the people of New York. And this budget would not have been accomplished without the greatest Speaker. I would like to thank Assembly Speaker Carl Heastie for his steadfast leadership and support. I vote in the affirmative. Thank you very much. Let's go New York.

ACTING SPEAKER AUBRY: Mr. Alvarez in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I -- I rise to first of all thank the Speaker who I think has just did an amazing job as our Chairwoman said, stayed away from his home, his family for the last couple of weeks working with an amazing staff to put together a budget that was not easy. I've been through a lot of budgets, this one was not easy. But when people want to work together, like-minded people want to work together and figure things out, we can always figure out how to do that. So it gives me a lot of honor to work with a Body like this to get what we've done here tonight, but I particularly want to honor Helene Weinstein for her work --

(Applause)

-- in what she's done not only on the floor, Mr. Speaker, but during the course of all of those hearings -- all those

hearings that she sat through for multiple days listening to people from across the State asking for everything knowing that we don't have everything in the State of New York, but she listened and she brought back with her team, not just Ways and Means but the Program and Counsel staff have done just a great job. Where is Becca? Is she in the room? Okay. Becca, Jen Best, you all know who you are, Sarah, you -- you helped us get through this process in a way that was super challenging.

(Applause)

So thank you. And I -- I know -- I know that the Speaker would like for us to get off the floor and do something timely for the Comptroller, as would I, but, you know, I just really want to thank him one more time because not a lot of people can do what he's done over the last couple of weeks. By the way, I probably wouldn't have been able to do it, I'll just be honest. And so I think we have to all commend him for the tenacity that he has in making sure that we get through a process that none of us really liked in the beginning but we all like it in the end. So thank you again, Speaker Heastie.

(Applause)

Oh, and I forgot to say thank you to this young man right here, John Knight and Deb Miller, nothing better, nothing better.

(Applause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. And as you might guess there's always two sides to every story. And there's

two aisles in this Chamber. And on the Republican side we are so thankful that at every hearing that was shared by Ms. Weinstein accompanying her hours on end was our ranker on Ways and Means, Ed Ra.

(Applause/Cheering)

-- and while the Majority was responsible for drafting all these bills --

ACTING SPEAKER AUBRY: Mr. -- Mr. Goodell, and I certainly understand all the need to express things, but I'm being instructed that we have to close it down for good reason and so we will move to are there any other votes?

MR. GOODELL: Oh, you want to close this.

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

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Goodell.

MR. GOODELL: And Mr. Speaker, with my remaining 54 seconds to explain my vote --

(Laughter)

-- while we on the Republican side get a phenomenal briefing on every one of these bills, and when one of these budget bills that as you can see is two inches thick is published and full, within hours we have a detailed summary. It is absolutely phenomenal.

Once in a while as a special privilege I will share parts of that summary with my Democratic colleagues so they know why we're asking questions. And leading up our team, of course, our finance group, Lauren, thank you so much for all you've done.

(Applause)

Now last, and I will -- I am absolutely sure that every single person in this Chamber will concur, I want to express my appreciation to Will Barclay who called me --

(Applause)

-- and why everyone here is going to be so happy is Will Barclay called me on this phone and said *make sure we wrap this up by 11:00 p.m.*

(Laughter)

Thank you, Will.

(Applause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have neither housekeeping nor resolutions nor anything but ice cream.

MRS. PEOPLES-STOKES: Awesome. Well, I now move that the Assembly stand adjourned until Wednesday, May the 3rd, tomorrow being a legislative day.

(Applause/Cheering)

And that we -- and that we reconvene on Monday,

May the 8th at 2:00 p.m., that being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 10:58 p.m., the House stood adjourned until Wednesday, May 3rd, that being a legislative day, and to reconvene on Monday, May 8th at 2:00 p.m., that being a Session day.)