

WEDNESDAY, MAY 7, 2025

11:12 A.M.

ACTING SPEAKER HUNTER: The House will
come to order.

Good morning, colleagues. Today is the day.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the
Journal of Tuesday, May 6th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, I move to dispense with the further reading of the Journal of Tuesday, May the 6th and that the same stand approved.

ACTING SPEAKER HUNTER: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you.

I'd like to share a quote for today. This one comes from Henry Ford. Most of us have heard that name before. He's an American industrialist and businessman, and the founder of the Ford Motor Company. He is credited as a pioneer in making automobiles affordable for the middle-class Americans. His words for us today: "Coming together is a beginning. Keeping together is progress. Working together is success." So let us begin our work today.

Madam Speaker, colleagues have on their desk a main Calendar. Before any housekeeping or introductions, we're gonna be calling for the following committees to meet: Ways and Means, followed by Rules. These committees are gonna produce an A-Calendar of which we will take up today. We'll be taking up Calendar resolutions at the end of the day. I will announce any further floor activity as we proceed.

We expect a very busy and productive day ahead of us. I want to thank my colleagues in advance for their continued patience and cooperation as we move forward to adopt our State Budget.

With that as a general outline, Madam Speaker, let us

begin by calling the Ways and Means Committee to the Speaker's Conference Room.

ACTING SPEAKER HUNTER: Ways and Means Committee to the Speaker's Conference Room. Ways and Means Committee members, please meet Chair Pretlow in the Speaker's Conference Room.

We have no housekeeping, no introductions.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if we could stand at ease.

ACTING SPEAKER HUNTER: On Mrs. Peoples-Stokes' motion, the House stands at ease.

(Whereupon, at 11:15 a.m., the House stood at ease.)

(Whereupon, the House came back to order at 11:30 a.m.)

ACTING SPEAKER HUNTER: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, we do have a few people, a few of our colleagues that would like to make some introductions, and immediately following that we will advance the A-Calendar.

ACTING SPEAKER HUNTER: Thank you.

Ms. Buttenschon for the purposes of an introduction.

MS. BUTTENSCHON: Thank you, Madam Speaker.

On behalf of Assemblymember [sic] Vanel, Zinerman, our Majority Leader Crystal Peoples-Stokes, Assemblymember Miller and I, I have the honor and the great pleasure to introduce the Lupus agencies that are here with today for a Lupus Awareness event. The Lupus and Allied Disease [sic] Association have run this event for the last 17 years by the amazing Kathleen Arntsen that is the leader with her husband David. The Lupus and Allied Disease [sic] Association is an all-volunteer organization that runs out of Kathleen's home and has donated over \$2.9 million to various research institutes across the State. They're also here with many other individuals, with the Masonic Medical Research Institute from Utica, New York, as well as across the State of New York with many that face this challenge as well as support those with this challenge.

I want to thank you all for coming to Albany today, and your continuous dedication and support for those that face this challenge of Lupus and the conducted research that is being done daily.

Thank you.

ACTING SPEAKER HUNTER: On behalf of Ms. Buttenschon, Members Vanel, Miller, Zinerman and Majority Leader Crystal Peoples-Stokes and the Speaker, we welcome you to the Chamber, extend the privileges of the floor to you. Thank you so very

much for the work that you do advocating for Lupus awareness and thank you for joining us.

(Applause)

Mr. Blankenbush for the purposes of an introduction.

MR. BLANKENBUSH: Thank you, Madam Speaker, for an introduction.

Today, if you've noticed in The Well and around the LOB, that you saw members of the Fort Drum 10th Mountain Division, and they're here today in our Assembly. The General just spoke at the Senate. They have several meetings today scheduled with leadership. And just for -- for -- to -- for everybody to know, that Fort Drum is in partnership today with Assemblyman Gray, Senator Walczyk and myself. Most of Fort Drum is in the 117th District, which is my district. But obviously, we share parts of Fort Drum with each other.

And just to give you a little bit of history, Fort Drum, just the economic impact of the North Country is \$2.55 billion for the last fiscal year. The other thing about Fort Drum, too, is they use a lot of the civilian -- our civilian facilities. For example, Fort Drum doesn't have a hospital on its base. So Fort Drum soldiers and their families use -- use our hospitals. There's no school in Fort Drum. So there's a couple high schools that share the families with -- with Fort Drum.

Fort Drum is a very community-oriented fort. The members share in different things like Memorial Day and all the

things. The Fort Drum Band participates in -- in a lot of our parades in the North Country. But it is a very community-oriented -- we have really great relationships with Fort Drum. And today I have -- along with all the rest of them I want to introduce - since I don't have time to introduce everybody - we have Brigadier General - if I don't mess this up - Brigadier General Joseph Escacon -- Escandon. We have Colonel Matthew Mayer. We have Chaplain Colonel James Lester. And we have Sergeant Major John Folger.

If you'd please, would you welcome them to the Assembly Chamber? As an ex-Army enlisted person, I know you appreciate the Army and I would like to have you introduce -- or welcome them to the Chamber.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Mr. Blankenbush, Assemblymember Gray, the Speaker and all members, welcome, General, Colonel and all of the rest of our visitors from the Army base, the Fort Drum 10th Mountain Division. We appreciate you being here today, extend the privileges of the floor to you. Always happy to see our Army members here in the Assembly Chamber. Thank you so very much for joining us today.

(Applause)

Mrs. Peoples-Stokes for the purposes of an introduction.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. If you would allow me the opportunity to -- I should give

you the opportunity, rather, to welcome our former colleague, once a colleague, always a colleague, Phil Goldfeder to our Chambers today.

ACTING SPEAKER HUNTER: On behalf of the Majority Leader, the Speaker and all members, welcome, Phil. Welcome back. We see you very often, but it's always glad to see you in the Chamber as an exceptional, exceptional member. I extend to you the privileges of the floor, we look forward to seeing you in our halls always. Thank you so very much for joining us again today.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, members have on their desk a main -- A-Calendar, and I would like to advance that A-Calendar.

ACTING SPEAKER HUNTER: On a motion by Mrs. Peoples-Stokes, the A-Calendar is advanced.

Members, we're getting ready to be on debate. If everyone could take their seats or leave if you're leaving, that would be awesome.

Page 3, Rules Report 179, the Clerk will read.

THE CLERK: Assembly No. A03005-C, Rules Report No. 179, Budget Bill. An act to amend Chapter 887 of the Laws of 1983, amending the Correction Law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend Chapter 428 of the Laws of 1999, amending the Executive Law and the Criminal Procedure Law relating to expanding

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

Chapter; to amend the Vehicle and Traffic Law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend Chapter 713 of the Laws of 1988, amending the Vehicle and Traffic Law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend Chapter 435 of the Laws of 1997, amending the Military Law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the Correction Law and the Penal Law of such Chapter; to amend Chapter 412 of the Laws of 1999, amending the Civil Practice Law and Rules and the Court of Claims Act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the Civil Practice Law and Rules and general filing fee provision and inmate property claims exhaustion requirement of the Court of Claims Act of such Chapter; to amend Chapter 222 of the Laws of 1994 constituting the Family Protection and Domestic Violence Intervention Act of 1994, in relation to extending the expiration of certain provisions of the Criminal Procedure Law requiring the arrest of certain persons engaged in family violence; to amend Chapter 505 of the Laws of 1985, amending the Criminal Procedure Law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend Chapter 3 of the Laws of 1995, enacting the Sentencing Reform Act of 1995, in relation to extending the expiration of certain provisions of such Chapter; to amend Chapter

689 of the Laws of 1993 amending the Criminal Procedure Law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend Chapter 688 of the Laws of 2003, amending the Executive Law relating to enacting the Interstate Compact for Adult Offender Supervision, in relation to the effectiveness thereof; to amend Chapter 56 of the Laws of 2009, amending the Correction Law relating to limiting the closing of certain correctional facilities, providing for the custody by the Department of Correctional Services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such Chapter; to amend Chapter 152 of the Laws of 2001 amending the Military Law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend Chapter 554 of the Laws of 1986, amending the Correction Law and the Penal Law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend Chapter 55 of the Laws of 2018, amending the Criminal Procedure Law relating to the pre-criminal proceeding settlements in the City of New York, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); to amend the Public Officers Law, in relation to residency requirements for certain positions as a correction officer; to amend the Retirement and Social Security Law, in relation to mandatory retirement for certain members or officers of the State

Police; to amend the Executive Law, in relation to eligibility for appointment as a sworn member of the State Police; and to amend the Civil Service Law, in relation to the requirements for appointment of police officers (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend the Executive Law, in relation to expanding support services for victims of financial abuse and homicide (Part G); to amend the Executive Law and the Public Health Law, in relation to expanding protections and services to survivors of sexual assault (Part H); to amend the Social Services Law, in relation to public assistance for survivors of gender-based violence; and to repeal subdivision 4 of Section 349-a of the Social Services Law relating thereto (Part I); to amend the State Finance Law and the Executive Law, in relation to a model gender-based violence and the workplace policy (Part J); intentionally omitted (Part K); to amend the Penal Law, in relation to artificial intelligence-generated child sexual abuse material (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend Chapter 396 of the Laws of 2010 amending the Alcoholic Beverage Control Law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part Q); to amend the Public Authorities Law, in relation to the bonding limit of the New York City Transitional Finance Authority (Part R); to amend the Real Property Tax Law and the Administrative Code of the City of New York, in relation to the Industrial and Commercial Abatement

program (Part S); intentionally omitted (Part T); intentionally omitted (Part U); to amend the Civil Service Law, in relation to extending the waiver of certain State Civil Service examination fees; and to amend part EE of Chapter 55 of the Laws of 2023, amending the Civil Service Law relating to waiving State Civil Service examination fees between July 1, 2023 and December 31, 2025, in relation to the effectiveness thereof (Part V); to amend the State Finance Law, in relation to providing for an alternate payment election for certain employees; and providing for the repeal of certain provisions of such law relating thereto (Part W); intentionally omitted (Part X); to amend Chapter 60 of the Laws of 2015, constituting the Infrastructure Investment Act, in relation to construction manager as constructor contracts (Part Y); intentionally omitted (Part Z); to amend the Workers' Compensation Law, in relation to medical providers entitled to render emergency care and treatment in cases of a Workers' Compensation injury (Part AA); intentionally omitted (Part BB); to amend the Workers' Compensation Law, in relation to temporary payment of compensation for medical treatment and care (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the Correction Law, in relation to addressing accountability within the Department of Corrections and Community Supervision (Part GG); to amend the Correction Law, in relation to the functions, powers and duties of the State Commission of Correction (Part HH); intentionally omitted (Part II); to amend Chapter 729 of the Laws of 2023, constituting the New

York State Community Commission on Reparations Remedies, in relation to extending the time the New York State Community Commission on Reparations Remedies has to submit a written report of its findings and recommendations to the Legislature and the Governor (Part JJ); enacting the "Oak Orchard Wastewater Project Design-Build Act"; and providing for the repeal of such provisions upon expiration thereof (Part KK); to amend the Judiciary Law, in relation to increasing the amount of allowance that trial and grand jurors are entitled to in each court of the Unified Court System (Part LL); to amend the Executive Law, in relation to establishing the New York State Office of Gun Violence Prevention; and to repeal certain provisions of the Public Health Law relating thereto (Part MM); to amend the New York City Civil Court Act, in relation to additional judges in the Civil Court of the City of New York; and to amend the Court of Claims Act, in relation to increasing the number of judges of the Court of Claims (Part NN); to amend the Election Law and the State Finance Law, in relation to public campaign financing; and to repeal Section 11 of Part ZZZ of Chapter 58 of the Laws of 2020 amending the Election Law relating to public financing for State office; amending the State Finance Law relating to establishing the New York State Campaign Finance Fund; and amending the Tax Law relating to establishing the NYS Campaign Finance Fund check-off, relating to the severability of the provisions thereof (Part OO); to amend the Legislative Law, in relation to delaying implementing certain restrictions on outside earned income by members of the

Legislature until January 1, 2027 (Part PP); to amend the Election Law, in relation to requiring that candidates for the offices of governor and lieutenant governor are designated and voted on jointly (Part QQ); to amend the Executive Law, in relation to civil enforcement actions initiated by the attorney general (Part RR); to amend the Retirement and Social Security Law, in relation to the restoration of 20 -year service retirement for New York City police officers (Part SS); to amend the Retirement and Social Security Law, in relation to establishing a 25-year retirement plan for firefighters employed by the Division of Military and Naval Affairs (Part TT); to amend the Retirement and Social Security Law, in relation to removing eligibility or receipt of primary Social Security disability benefits as a condition for ordinary disability retirement for certain members (Part UU); to amend Part HH of Chapter 56 of the Laws of 2022 amending the Retirement and Social Security Law relating to waiving approval and income limitations on retirees employed in school districts and board of cooperative educational services, in relation to the effectiveness thereof (Part VV); to amend the Criminal Procedure Law, the Executive Law and the Mental Hygiene Law, in relation to virtual appearances in certain criminal proceedings; to repeal certain provisions of the Criminal Procedure Law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part WW); to amend the Administrative Code of the City of New York, in relation to promotions of police detectives, sergeants, and lieutenants for retirement purposes (Part XX); to amend the

Retirement and Social Security Law, in relation to establishing alternative 20- and 25-year plans for certain officers of State law enforcement (Part YY); to amend the Correction Law, in relation to lowering the minimum hiring age for correction officers (Part ZZ); to amend Chapter 141 of the Laws of 1994, amending the Legislative Law and the State Finance Law relating to the operation and administration of the Legislature, in relation to extending such provisions (Part AAA); and in relation to authorizing the Department of Corrections and Community Supervision to close up to three correctional facilities in the 2025-2026 State fiscal year; and providing for the repeal of such provisions upon expiration thereof (Part BBB).

ACTING SPEAKER HUNTER: 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 HUNTER: An explanation has been requested.

Mr. Pretlow.

MR. PRETLOW: Yes, Madam Speaker. After many weeks of hard work and nearly as many extenders, today we begin the process of adopting the budget for State Fiscal Year '25-'26. The input of our members has guided the discussions that have led to this legislation. I would like to extend my gratitude to the many individuals who have helped us get to this point. On behalf of the Speaker and myself, I thank you for your consideration and

contributions throughout the process.

While numbers are still being finalized, the enacted budget is expected to authorize around \$254 billion in spending, \$2 billion over the Executive's proposal. The budget agreement that is taking shape includes a package of revenue proposals that will save New York State taxpayers a total of \$2.7 billion in fiscal year '25-'26, and \$1.7 billion in fiscal year '26-'27. It is important -- it is an important step forward to providing the people that we all represent some relief in an otherwise turbulent economic climate.

Some of the major tax relief provisions contained in the overall budget framework include providing a one-time inflation refund, reducing tax rates for working and middle-class families, and enhancing the Empire State Child Credit. Through these proposals, the Legislature demonstrates our continued commitment to addressing cost-of-living concerns that have negatively impacted many in our communities.

This budget provides \$37.1 billion in general support for public schools, which is an increase of \$1.7 billion over the prior fiscal year. It includes changes to improve the Foundation Aid formula, updating metrics, as well as guaranteeing a minimum 2 percent annual increase for our school districts. The budget also includes support for universal school meals for all students. The budget provides for free tuition at SUNY and CUNY schools for individuals pursuing associate's degrees in high-demand fields. Additional operating and capital investments are also included for

public colleges and universities.

In healthcare, the budget expands support for hospitals and nursing homes by providing increased rates and increased -- increases the funds for Federally-qualified health clinics. The budget provides \$1.3 billion in multi-year support for the Safety Net Hospital Transportation Program, and an additional \$800 million for distressed and safety net hospitals.

For years, businesses and workers alike have continued to feel the lasting imprint -- impact of the pandemic through the stagnant unemployment insurance benefits and rising unemployment insurance rates. This budget commits up to \$8 billion to settle the outstanding unemployment insurance debt, providing relief to businessowners and unemployed New Yorkers across the State.

This budget resolves a \$36 billion funding gap to support a new five-year MTA Capital Plan. It also includes an additional \$1.1 billion for a \$34.2 billion Department of Transportation five-year Capital Plan, as well as increases of \$50 million for local roads and \$26 million for Upstate transit.

The budget includes \$1 billion to expand affordable housing in New York City, and after many years of advocating, the Housing Access Voucher Program will be included to provide rental support for those who are homeless or at risk at -- at homelessness Statewide.

This budget also includes \$1 billion in funding for

climate mitigation capital projects, including investments to the (indiscernible), residential buildings, municipalities and transitioning to clean energy.

In order to keep up with increasing enrollment in the State's childcare program, this budget includes an additional \$400 million for a total of \$2.2 billion for childcare subsidies.

Finally, we recognize the importance of ensuring wages for human service workers to continue to rise, including \$262 million to provide a 2.6 percent inflationary increase.

With that, Madam Speaker, I will conclude my remarks. I am happy to answer any questions.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ra.

MR. PRETLOW: I'm not finished.

ACTING SPEAKER HUNTER: Oh.

MR. PRETLOW: To this we would enact major components of legislation that are necessary to implement State fiscal year '25-'26 budget as it pertains to public protection and general government.

ACTING SPEAKER HUNTER: Mr. Ra.

MR. RA: Thank you, Madam Speaker. Will Chair Pretlow yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MR. RA: Thank you, Mr. Chair. I'm glad we've now

arrived at this point of -- of taking up the actual substance of the State Budget. The procedural part of the process, as -- as the Governor might say.

So I just want to start with you -- you gave an overview of the overall budget and mentioned a lot of numbers and a lot of provisions. So, broadly speaking, do we know when we're going to see a detailed financial plan that -- that details all of those spending numbers?

MR. PRETLOW: That is currently being finalized. As you can see, since we're starting to do budget bills, that there -- we're very close to coming to that final figure.

MR. RA: Okay. And we're anticipating this is gonna come in at around \$254 billion, correct?

MR. PRETLOW: That is correct.

MR. RA: Okay. And I -- I believe you mentioned this yesterday, but part of that will be that money is coming out of the reserves to deal with the unemployment insurance issue?

MR. PRETLOW: I believe all of it is, but yes.

MR. RA: Okay. And do you have any further detail as to -- that, I believe, would be about \$2 billion above what the Governor proposed in her Executive -- how that \$2 billion is being divvied up in different areas of this budget?

MR. PRETLOW: Well, are you referring to the -- the payment of the unemployment insurance?

MR. RA: No, I'm -- I'm talking about just the

increase in spending from the Executive proposal.

MR. PRETLOW: That's -- that's really too -- I could list it for you, but it will take all of your time. It's divided up in all areas of the budget. There's no one specific place.

MR. RA: Okay. So there's no large --

MR. PRETLOW: No.

MR. RA: -- increase in one particular area. Okay.

So we will -- I -- I -- I would say, then, as we get into the appropriation bills see that in various areas of the budget.

MR. PRETLOW: Yes.

MR. RA: So we'll talk about that as we get there.

I know we don't have the detailed financial plan yet. Do we have sense of out-year gaps? The Executive budget proposal had \$27 billion in out-year gaps. Do we have any sense of where those numbers are going to be once this budget is enacted?

MR. PRETLOW: That's part of what's being finalized right now.

MR. RA: Okay. And then there has been some talk with regard to this budget and what we may be looking at in the months to come once the Federal Government finishes their budget process.

MR. PRETLOW: Yes.

MR. RA: One of the things that has been out there is that there is the potential for the Governor to be granted authority to make adjustments up to a certain amount. Is that provision going to

be part of the budget?

MR. PRETLOW: Well, that's still being finalized, but not in this bill.

MR. RA: Okay. So we will likely see that in a -- in a later bill.

MR. PRETLOW: Yes.

MR. RA: Thank you.

Okay, so I'm gonna move on to this bill in particular. So I actually want to start with regard to, there are a number of provisions dealing with law enforcement, corrections, in terms of hiring and -- and retirement and -- and that type of stuff. So, one of which is allowing 18-year-olds to become corrections officers after they complete a Civil Service test while DOCCS is below 90 percent staffing capacity.

MR. PRETLOW: That's -- that's correct.

MR. RA: Do we know what our current staffing capacity is?

MR. PRETLOW: Right now we're at approximately 4,000 COs short, and this is an attempt to increase those numbers. The Governor has requested that the Legislature approve, and we are by passing these bills, the authority to hire 18-year-olds to work actually back office and only supervised if they're dealing with any of the incarcerated.

MR. RA: Okay. And my understanding is that the 18-year-old officers would, when interacting with -- with incarcerated

individuals, would have to be supervised by --

MR. PRETLOW: Yes.

MR. RA: -- a CO over 21?

MR. PRETLOW: Yes, absolutely.

MR. RA: Okay. So is there going to be, then, any type of enhanced or extra training for -- for the 18-year-olds? Obviously, there -- there seems to be some concern with regard to, you know, putting these individuals in -- in these settings.

MR. PRETLOW: Yes. I think they're doing the additional classes in the Academy.

MR. RA: Okay. One -- there's also, my understanding, a provision with regard to allowing out-of-state individuals to become corrections officers, correct?

MR. PRETLOW: That's also being considered because, you know, many of our facilities are located near borders of other states and the population is such that it was difficult to fill the positions that are needed.

MR. RA: Okay. Do we -- do you know -- the language that we've seen seems to indicate that for -- it would be for correction officers that you don't need to meet the residency requirements. What happens if that individual becomes a correction officer, down the line takes the test to become a sergeant to get promoted? The language seems unclear whether that person would be eligible for that. Would that person have to move into New York State to be able to become a sergeant or -- or a higher officer within a

correctional facility?

MR. PRETLOW: This only applies to correction officers. So the question is, if they (inaudible/cross-talk) --

MR. RA: If they were to -- if they were to apply -- take the test to become a sergeant, would -- would they not be eligible if they're out-of-state?

(Conferencing)

MR. PRETLOW: They would not have to be living in the State.

MR. RA: I'm sorry?

MR. PRETLOW: If they're in a correctional facility they would not have to be State residents.

MR. RA: Okay. Thank you.

Some of the other provisions with regard to corrections, obviously we have a number of things that we've talked about in terms of trying to aid in recruitment and retention of corrections officers. As you mentioned, we have, you know, 4,000 members that we're -- that we're down.

One -- one of the things that's come up in the past, and I believe it actually passed unanimously last year, was -- was the Death Gamble. I know we -- we have this age, out-of-state. Can you explain -- well, number one, nothing in that regard was included, correct? Because the Governor previously vetoed it and said it was something that should be done during the context of the budget.

MR. PRETLOW: That is not included in the budget.

MR. RA: Do you know if that was any conversation, given that the Governor's reason for vetoing was that she felt it should be a -- a budget?

MR. PRETLOW: If there was, I was not part of that conversation. I can't answer that.

MR. RA: Okay.

And then with regard to something we're doing, we have a 20-year retirement plan for New York City police officers in -- in -- in this budget. There was a tremendous concern expressed that this would be -- well, while it's, you know, something I think many of us support, that not including corrections officers or doing something similar for correction officers would be another, basically, incentive for people that are correction officers now and, particularly, you know, as you get further Downstate, to go to a more attractive position with the NYPD. So we're -- we're not doing any type of 20-year retirement for the corrections officers in our State prisons, correct?

MR. PRETLOW: Yes.

MR. RA: Now, are New York City corrections officers included in this language?

MR. PRETLOW: No. I think they have their own pension system.

MR. RA: Okay. So it's just -- it's just for NYPD, then?

MR. PRETLOW: Yes. New York City has several separate pensions systems; they have one for lieutenants and

sergeants, they have one for patrolmen. They have -- they have several. All of them, by the way, in bad shape.

MR. RA: Okay.

And then the DOCCS Body-Worn Camera Program. All the correction officers, security supervisors and civilian staff as required by the Corrections Commissioner will be provided body-worn cameras. How do you envision DOCCS will ensure compliance with this policy?

MR. PRETLOW: Body-worn cameras are -- obviously, you have them on, and there is a light that shows that they are actually operating. And if an officer is seen without the camera that affixes to one's chest, it would be obvious that they're not in compliance with the regulation, and whomever is the supervisor of that individual should take appropriate action.

MR. RA: And I guess a lot of this is going to be done within, you know, the particular facilities. But do we know exactly how we are treating civilian staff differently from COs with regard to the Body-Worn Camera Program?

MR. PRETLOW: Well, for the most part, civilian staff aren't allowed within the confinement area. They're in the -- in the offices. But I don't believe that they were addressed in this proposal.

MR. RA: Okay. Thank you.

MR. PRETLOW: They could -- the Commissioner would have the responsibility to designate any individuals that he or

she deems it appropriate to wear a body-worn camera.

MR. RA: Okay.

A -- a couple of other items that are within the public protection realm. Obviously, one of the things that has been a overarching conversation in this budget process, and -- and I believe is one of the reasons that it's -- you know, we're basically a week into May and -- and finally getting to the -- the work of passing this budget -- was -- was discovery reform. I know that this is omitted in this bill. The Governor has been out talking about the victory she achieved with regard for discovery reform. Do we know which bill and when we'll see these provisions?

MR. PRETLOW: Mr. Ra, you'll discover that that bill is not in this bill and that it will probably be in a later bill.

MR. RA: We look forward to discovering the discovery changes in a -- in a later bill.

There is a provision that would add to the Executive Law to ensure that the Department of Law is not required to provide documents from other State agencies as part of the discovery process in civil enforcement issue -- actions. So given that we don't have the discovery reform in this bill, why are we allowing the Department of Law to narrow its own discovery obligations when our State prosecutors aren't being given that privilege?

(Conferencing)

MR. PRETLOW: Are you referring to the -- with the Attorney General's Office?

MR. RA: Yes.

MR. PRETLOW: Okay. Yeah, this -- this clarifies the authority of the --of the -- Attorney General in these situations.

MR. RA: I believe it does provide some discretion there --

MR. PRETLOW: Yeah.

MR. RA: -- within the Attorney General's Office.

MR. PRETLOW: Yes.

MR. RA: So I guess we will have to see when we see the discovery language whether we are, you know, (indiscernible) or -- or giving some similar discretion to our -- our local prosecutors.

I think the last thing with regard to public protection, the Office of Gun Violence Prevention was established in DCJS and we're moving funding from the Department of Health to DCJS. What's the reason behind establishing this funding now within DCJS?

MR. PRETLOW: Well, we just thought it would be more appropriate to be there.

MR. RA: Okay. Do we -- do we envision the Department of Health continuing to play a role with regard to this, given -- you know, I -- I think we're all very aware that mental health is a major contributing factor to gun violence. Do we -- do we anticipate the Department of Health remaining to have a role in conjunction with DCJS?

MR. PRETLOW: I -- I'm pretty sure the Department of Health will maintain some involvement in -- in this, especially in

the mental health areas.

MR. RA: Okay. Thank you.

I am going to move to the environment. So the enacted budget establishes the Oak Orchard Wastewater Design-Build [sic] Act, which authorizes Onondaga County to utilize a Design-Build contract delivery method for making repairs, renovations and reconstruction and other types of work with regard to the Oak Orchard Wastewater Treatment Plant. Is the work envisioned here a consequence of the broader infrastructure needs of Micron? And is that -- is that company continuing to invest in operations in the area and under obligations to remain in the area?

MR. PRETLOW: Well, Micron is definitely continuing to invest there, but I'm not sure if that's in this bill.

MR. RA: Are we aware of --

(Conferencing)

MR. PRETLOW: I'm told it is in the bill.

MR. RA: So further, do we know, are there energy needs that that facility will need to be addressed given our looming grid uncertainty and the high energy requirements of that type of operation?

MR. PRETLOW: I'm pretty sure the infrastructure is -- will have to be upgraded because that facility will require more resources than are currently available.

MR. RA: Okay.

I want to switch gears again with regard to a couple

of the changes with regard to Civil Court, Court of Claims. We have an additional ten New York City Civil Court judges and five additional Court of Claims judges that --

MR. PRETLOW: Yes.

MR. RA: -- are included within this?

MR. PRETLOW: Yes.

MR. RA: Do we know if the Court of Claims, will those judgeships be spread across the State or are they earmarked for specific districts?

MR. PRETLOW: They'll -- since they're appointed by the Governor, they'd be Statewide.

MR. RA: Are -- are -- but oftentimes these individuals will then serve within a particular judicial district.

MR. PRETLOW: Yes.

MR. RA: Do we -- do we know if we're anticipating them being assigned to particular areas of the State?

MR. PRETLOW: I'm really not sure. That's up to the -- the Office of Court Services [sic]. That's not what we would do, we're just authorizing the number to be increased.

MR. RA: Okay. And within, I -- I would assume, perhaps the Legislature and Judiciary Budget, is there going to be additional funding included to deal with the financial impact, not just the salary of the additional judges, but obviously when you have a judge, you may have capital needs in terms of courtrooms. You -- you need clerks, you need court officers, all -- all of those things for

additional judgeships. Is there going to be additional funding in the Legislature and Judiciary Budget for that?

MR. PRETLOW: Well, that bill has not been introduced yet, and when it is introduced I'm pretty sure -- I -- I know that those items will be addressed.

MR. RA: Okay. Thank you.

The other thing that we appear to be making major changes to in this bill is the public campaign matching program.

MR. PRETLOW: Yes.

MR. RA: So let me start with really one of the basic pieces of this program. How does this bill change the definition of a matchable contribution?

MR. PRETLOW: Well, currently a matchable contribution is up to \$250. If someone receives \$250 or less they'd get matched, I think it's 8 to 1 by the State. If they then receive currently \$10 more than that, the first \$200 becomes ineligible and the money has to be returned. What this bill does is it increases that additional amount that's contributed to the individual to I think it's \$1,050. So the first \$250 still remains matchable.

MR. RA: Okay. So there would be -- if the person gave -- you know, it has to -- obviously the eligibility, I would say, right, remains the same. It's gotta be a resident of the district.

MR. PRETLOW: Yes. That doesn't change.

MR. RA: So the individual then can give up to \$1,050 without rendering the original \$250 matchless.

MR. PRETLOW: Yeah.

MR. RA: But there is no additional money from, you know, that, I guess, extra \$800.

MR. PRETLOW: No.

(Indiscernible/cross-talk)

That's definitely not matched.

MR. RA: Okay. Do you have any sense of where that where that number 1050 comes from? Because it seems like it's -- it's not the maximum donation, it's a -- it's --

MR. PRETLOW: That -- that number was negotiated.

MR. RA: Okay. I mean, I would just say this is more of a rhetorical question, but, you know, I know we did a bill a couple years ago with regard to this, and while I do not agree with the public finance program at all and giving public money to political campaigns, if you assume the argument that -- that its purpose is to enhance the value of small donors, this seems counterproductive to -- to that goal.

One of the other pieces of it was with regard to allowing a carryover of funds. So my understanding is currently, right, you go through a campaign cycle, you get whatever money you get. At the end of the day you have to, you know, rectify all the numbers with the -- with the Board of Elections and the division that -- that handles this program. And the intent at least was that everything needed to be zeroed out, closed out, new campaign account

opened for the next election. But now this will allow up to \$50,000 to be carried over?

MR. PRETLOW: Yes, that's -- that is the number.

MR. RA: So if -- if somebody, say, does that from one election to the next and they continue to raise and -- and maybe they're not spending the money, would that count? You know, two years from then, could they now carry over the \$50,000 they had from the previous election and then another \$50,000?

MR. PRETLOW: No. That -- that -- no.

MR. RA: So would -- so they can't use -- they would have to, I guess, keep it at \$50,000 from election to election.

MR. PRETLOW: That is the maximum allowable to carry over.

MR. RA: Okay. And again, this is something that we would see in another bill, but do we anticipate the changes that are being made to the program increasing the cost of the program, and do we -- do we anticipate a -- a larger appropriation for the program in a future bill?

MR. PRETLOW: That wasn't part of the discussion. My personal feeling is that we increase the cost because there are people that receive the 250, they're now -- not having to being required to give it back, so that 8 to 1 match will remain.

MR. RA: Okay. Thank you.

And are there any further changes being made? One of the things that came up in the aftermath of the elections last year

was there had been, really, guidance given to the candidates with regard to giving -- or transferring money to constituted committees, and the guidance was really that you couldn't do that. And then after Election Day there was a policy that was adopted by the Public Campaign Finance Board that changed that. Are we making any statutory changes to reflect that change in policy?

MR. PRETLOW: There are some changes being made, like not having to close out a bank account and transfer all the money back to -- to the State. There are various things that we're trying to make this work, and that's one of them.

MR. RA: Okay. And with regard to the closing of the bank account, what -- so if -- if one of us hasn't closed out our account from -- from last year, would -- is this just going forward or would we not now have to do that?

MR. PRETLOW: This is going forward, I believe. You would not have to do it now. Yeah.

MR. RA: Okay. Makes things a little easier for some of us. I know I haven't closed out mine out yet. So, thank -- thank you.

I -- I want to get into one other topic: The change with regard to the Reparations Commission. My understanding is they were originally required to issue their report one year from their first meeting. This is changing it to 30 months following their first meeting?

MR. PRETLOW: Yes.

MR. RA: And what -- do you know when their first meeting was? Like, when does this end up being the deadline for this report?

MR. PRETLOW: I'm not sure if it's happened. I'm not aware. I don't know.

MR. RA: Okay. Has the Commission, you know, requested that they just need -- they're gonna need more time to do this report? Do we know where this -- what the impetus is for this change?

MR. PRETLOW: I'm pretty sure the Commission since they have been constituted determined that they do need extra time and requested the Governor/the Legislature to extend that.

MR. RA: Okay. Thank you.

Workers' Compensation. So, we have a provision, medical and surgical residents or fellows that would now be allowed to render medical care to those patients treated by Workers' Compensation, correct?

MR. PRETLOW: That is correct.

MR. RA: Okay. Is -- is this being necessitated by a shortage of doctors or physicians in New York that can provide this care, or is that we have doctors but they're not taking on patients that are covered by Workers' Comp?

MR. PRETLOW: Well, we're trying to help speed up the treatments that people require, and there is a shortage of doctors that are available to do this.

MR. RA: Okay. And what oversight will the Workers' Compensation Board exercise to ensure that medical and surgical residents or fellows have met their supervisory requirements in order to render this care?

MR. PRETLOW: I think the same supervisory functions that they have now.

MR. RA: And because Workers' Compensation cases often involve legal and financial implications, are -- will measures be taken by the Board to ensure that decisions and documentation of residents and fellows is given the same legal weight as those of fully-licensed physicians?

MR. PRETLOW: I would imagine so.

MR. RA: Thank you.

I think I on -- I have one other issue that I wanted to ask about with regard to the State workforce.

There was a provision in the Executive Budget that would have allowed for the am -- amor -- amortization of unfunded accrued liabilities for New York City pension funds. I know I -- you know, as somebody who represents a neighboring county in New York City, I have a lot of City workers, retired City workers who are constituents and I've heard from a lot of them with concerns with regard to this. So my understanding is we're omitting that from this bill, correct?

MR. PRETLOW: That is correct.

MR. RA: Is that -- do we believe that is dead, or is it

something we may see in one of the future bills?

MR. PRETLOW: That's something I believe we'll see at a later date.

MR. RA: Okay. Thank you. I think that's it for now. Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. RA: So, you know, this is always an interesting budget bill. Any number of different issue areas are implicated by it. I'd be remiss if I didn't say that. Number one, I'm happy we're finally taking up budget bills. It's taken a long time to get here. There are some good things in this bill with regard to trying to help on the law enforcement time, retention and recruitment. I do want to reiterate the concern with regard to our corrections officers. They've identified the solutions for us. And this is treating the symptoms and not the disease. They have tremendous concerns for their safety in our prisons. HALT has been an issue that they've brought to us repeatedly, we're not doing anything about that. And their own retirement system, they are concerned that while they already have a staffing crisis, now it may be exacerbated because we're giving an enhanced ability to retire down to the NYPD, which I'm supportive of, but we're not doing the same thing for those officers. So it's just another thing that makes other jobs in law enforcement more attractive to -- to these individuals than staying in our -- in our prisons. So that is a tremendous concern for that workforce as we not only do that, but then also have the ability for the Governor to potentially

close another three prisons. It seems like our solution to the issues that they have repeatedly brought to us is, let's let more people out, let's close prisons, instead of addressing their safety. Instead of addressing their benefits. Instead of making it a -- a safer and more attractive job for people to take. So that -- that is a tremendous concern.

Now, real quick I would like to just go back to my original questions about the budget as a whole. One of the problems when we do start to take up these bills, and hopefully we're gonna see all of the remaining bills within the next 24 hours or so. But that we're starting to adopt budgets bills without a financial plan continues to be a concern to me. What does that tell us? Yeah, it's a little bit of a wonky thing if you ever look at it, but it tells us how much money we're spending. It tells us what our out-year numbers look like. We had an Executive Budget proposal, I'll repeat, \$27 billion in out-year budget deficits. What does that number look like with this enacted budget? And that puts the whole puzzle together. Our revenue actions, our spending actions. What are we committing to in terms of recurring spending, and how far away is it from our recurring revenues? That is something that's really important for us to know as we're trying make an educated and informed decision as to how to vote on these bills on behalf of the people we represent. I hope that as we get future bills we have that information, so especially as we're getting into appropriations bills that are appropriating a quarter of a trillion - I'll repeat that, a quarter of a trillion of New York State

taxpayers' dollars. And in particularly out-year numbers should not only be concerning for the residents of the State, but as we talk about -- I hear a lot of talk about what's gonna happen at the Federal level and what adjustments we may have to make. Well, if we're putting ourselves in a worse position in the out-years, those decisions are going to be that much more difficult.

So, thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you, Mr. Ra. Mr. Durso.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Chair Pretlow. I appreciate it.

So I wanna focus back on the corrections officer and the age limit change. So the question is, what we have an understanding of is that they will allow correction officers or people of 18 years to 21 to be able to take that test if DOCCS decides that there is a staffing capacity shortage of 90 percent or less, correct?

MR. PRETLOW: Yes.

MR. DURSO: Okay. So, once they make that decision and determination that they're not at their staffing percentage,

they will then open up the Civil Service exam for those people 18 and above?

MR. PRETLOW: They have the authority to do that, yes. They don't necessarily have to do it, but they can do it.

MR. DURSO: So now if they do open that up and then they reach that staffing level, then will they not be allowed to open up testing to continually fill those rolls if the staffing is above that 90 percent?

(Conferencing)

MR. PRETLOW: After it reaches 90 percent, the authorization is negated.

MR. DURSO: Okay. So it's -- it's basically just to fill the spots that are needed, correct?

MR. PRETLOW: Correct.

MR. DURSO: Okay. So with that being said, so then we're hiring 18- to 21-year-olds to work in our State prisons, correct?

MR. PRETLOW: Correct.

MR. DURSO: To fill those gaps. But they're not allowed to do certain jobs within the prison, correct?

MR. PRETLOW: Yes.

MR. DURSO: Okay. And some of those are contact roles, correct? So being --

MR. PRETLOW: They should have no inmate contact at all.

MR. DURSO: So what -- what are they doing?

MR. PRETLOW: They're working in the offices --

MR. DURSO: Okay. So --

MR. PRETLOW: -- and they're working in the infirmary. They're working in various other places within the facility.

MR. DURSO: As corrections officers.

MR. PRETLOW: As corrections officers.

Corrections officers are doing it now.

MR. DURSO: Right.

MR. PRETLOW: But this would replace the ones with more experience, ones that can go inside the facility, and have the 18- to 21-year-olds fill in the spaces for them.

MR. DURSO: So those that are doing more clerical work --

MR. PRETLOW: They're always supervised.

They're always under supervision.

MR. DURSO: Until the age of 21, correct?

MR. PRETLOW: Yes.

MR. DURSO: Okay. So, now in case -- and they are not, under any circumstances once they are employed by the State, working in the prisons, to be able to carry a firearm for any types of job that's going on within the prison, correct?

(Indiscernible/cross-talk)

MR. PRETLOW: Well, no correction officer carries a firearm in the prison. That's --

MR. DURSO: Well, they will in an emergency,

correct? So if -- if there's a --

MR. PRETLOW: They -- they won't be part of that unit that would be called in to carry firearms within a facility.

MR. DURSO: What in case of an emergency?

MR. PRETLOW: They -- it doesn't matter. They will not be part of any -- any group that's carrying firearms within the prison.

MR. DURSO: Okay. So under no circumstances, correct?

MR. PRETLOW: Under no circumstances.

MR. DURSO: So, corrections officers during the Academy do go through some type of firearm training, correct?

MR. PRETLOW: Well, they will get firearm training. That's part of their training, but they will not be permitted to carry firearms within a prison facility.

MR. DURSO: Okay. So training doesn't change, right?

MR. PRETLOW: No.

MR. DURSO: They're getting same training that anybody 21 and up would get.

MR. PRETLOW: You're right. Then when they become 21 (indiscernible/cross-talk) --

MR. DURSO: Just their job duties are different.

MR. PRETLOW: Right.

MR. DURSO: Okay. So now going to the part

where we can hire out-of-state workers, right, people that live within, let's just say Vermont, Pennsylvania, New Jersey, to fill those rolls. Now that's gonna be open to those people that do not live within New York State.

MR. PRETLOW: That is correct.

MR. DURSO: Is there any type of residence -- residency requirement saying that they have to move into New York State once they are hired?

MR. PRETLOW: No.

MR. DURSO: Okay. Will they receive the same benefits that any other corrections officer gets, including pay, healthcare, anything like that?

MR. PRETLOW: As employees, of course they will.

MR. DURSO: And the New York State retirement, correct?

MR. PRETLOW: Yes.

MR. DURSO: Okay. Do they -- now, we have certain benefits in New York State that we give to our State employees, including college tuition reimbursement, anything like that. Will they then qualify for those things even though they live out-of-state?

MR. PRETLOW: No.

MR. DURSO: No. Is that provision in the -- in the bill?

MR. PRETLOW: No, that would be up to the

Executive or the Superintendent of Prisons [sic].

MR. DURSO: That -- that would be up to the --

MR. PRETLOW: Yeah, that -- that's not in the bill,
no.

MR. DURSO: Okay. So -- so but we're just saying a
blanket no, they won't qualify for those because they live out-of-state
even though it's afforded to every other New York State employee?

MR. PRETLOW: Okay. There's nothing that says
they wouldn't qualify for anything. So are you referring to college
tuition --

(Indiscernible/cross-talk)

MR. DURSO: Sure, let's just use the one example,
sure.

MR. PRETLOW: So they would not qualify for that.

MR. DURSO: But every other New York State
employee would.

MR. PRETLOW: Yes.

MR. DURSO: Just if you live out of -- so basically
you're saying they have to live within the State to receive --

MR. PRETLOW: Let -- let me check on that to get
an accurate answer for you.

MR. DURSO: Sure.

(Conferencing)

MR. PRETLOW: They're eligible for anything that
any other employee is eligible for --

MR. DURSO: So we are --

MR. PRETLOW: Including college reimbursement.

MR. DURSO: So we're gonna give someone that lives in Vermont, New Jersey, Pennsylvania, the same benefits that any other New Yorker would have.

MR. PRETLOW: We're giving someone that's working for the New York State Department of Corrections the same benefits that other workers are receiving.

MR. DURSO: Shouldn't we just save that for our -- for people who live in New York State?

MR. PRETLOW: If we could fill them with New Yorkers then we wouldn't have to look to the outside to fill. We'd still have the 4,000 individual shortage that we're trying to fill to make the facility safer.

MR. DURSO: Okay. And -- and what is the number of correction officers we do need to hire to fill that staffing requirement?

MR. PRETLOW: Four thousand.

MR. DURSO: Four thousand. So we're looking at possibly 4,000 -- possibly, obviously, not all of them will come out of New York State. But possibly thousands of non-New Yorkers

(Indiscernible/cross-talk)

MR. PRETLOW: (Indiscernible/cross-talk) to bring the system up to full employment, we need an additional 4,000 individuals.

MR. DURSO: As opposed -- so just -- you know, and it's -- it's, again, a rhetorical question, but wouldn't we be better served giving the benefits, paying our correction officers more and making the prisons safe for them to work in instead of hiring people outside of the State and giving them their benefits?

MR. PRETLOW: I'm sorry, I didn't hear the question.

MR. DURSO: I apologize, sir. I said wouldn't we be better off making our prisons safer, paying our -- our correction officers better and giving them better healthcare benefits to attract people within New York State to work there as opposed to attracting people that work outside of the State and giving them all the same benefits that hard-working New Yorkers get except they get to live somewhere else?

MR. PRETLOW: Well, the attempt is to attract New Yorkers, but based on the location of many of the facilities there aren't enough individuals to fill the positions that we need. That's why another one of the proposals is to divest ourselves of certain facilities and move them closer to a larger population. To recruit people from New York City and have them have to commute to Clinton County, it's -- it's really -- it's really rough that -- we have very few facilities Downstate. There are two women's facilities and there -- there are half-way-type house, but the main facilities are far Upstate, far from the population of New York State. You know, a majority of the population of New York State.

MR. DURSO: So with that being said, so again, we can hire someone that lives in Pennsylvania and then someone that lives in Rhode Island, right? They maybe live on the border. Or Maine, even --

(Indiscernible/cross-talk)

MR. PRETLOW: Rhode Island
(indiscernible/cross-talk) --

MR. DURSO: -- (indiscernible/cross-talk) someone on the opposite side of the State.

MR. PRETLOW: Yes.

MR. DURSO: Is there any provisions in this stating that so if we hire someone from New Jersey -- because again, if you go work for State Corrections [sic], you could be put in any correctional facility.

MR. PRETLOW: Correct.

MR. DURSO: Is there any provision stating that they'll be in an area that's close for them to get --

MR. PRETLOW: No, they will be treated just like any other --

MR. DURSO: So how is that attracting people from outside the State to come work here but you could be living in Jersey and have to travel up to Buffalo? That's not really -- it's not gonna work as far as commute. So it's actually counter --

MR. PRETLOW: We're not -- we're not basing this on the convenience of the individual that's being hired, we're basing it

on the need to have person power in the facilities. When they're hired they would more than likely make a request as the facility that they would like to work in, and more than likely they will be hired with that on the -- on the back burner --

(Indiscernible/cross-talk)

MR. DURSO: But there's no guarantee of it.

MR. PRETLOW: But they could, of course, be transferred to another facility. But if they're needed where they're first hired, they're not gonna be transferred.

MR. DURSO: Understood. But you had -- you had stated just earlier that closing some of the prisons, possibly, right, and moving them to bigger city areas where they could attract more people and people could then commute easier, this was the counter-argument. Because again, someone in New Jersey could apply, get hired, but then be sent to Buffalo.

MR. PRETLOW: I'm pretty sure if someone from New Jersey is hired they'd know what facility they would be assigned to, and more than likely not be transferred to someplace far away from their home.

MR. DURSO: Okay. Is -- is there any possibility or any thought on State housing for some of the workers that will be hired, that may be --

(Indiscernible/cross-talk)

MR. PRETLOW: My understanding is that many of them now live in trailers outside the facilities but there's no State

housing being built.

MR. DURSO: We have trail -- I'm sorry, can you say -- we have trailers --

MR. PRETLOW: It's my understanding that many correction officers are living in trailers outside of the facility because there is no State housing --

(Indiscernible/cross-talk)

MR. DURSO: Is that attractive to people to come work for the correctional -- I'm (indiscernible/cross-talk).

MR. PRETLOW: I don't know how attractive it is, but trailer parks are quite popular across the country and I don't know what --

MR. DURSO: Well, I didn't say that. That's not what I said. I just said that trailers outside of a prison doesn't sound all that attractive. That was -- that was pretty good.

So, let me just make sure I have no other questions. So going back to 18-year-olds being able to, again, work in a capacity in a prison with a contact role and/or have to use -- being (indiscernible) if they're carrying a firearm. Does that stop them from being able to apply for a concealed-carry license when they're working off duty? In other words, a lot of those correction officers obviously carry a firearm on them when they're off duty, obviously to protect themselves, their family. And most of them are allowed to do that due to having peace officer status. Now, does that change for them if they are hired at 18 --

(Indiscernible/cross-talk)

MR. PRETLOW: No, that does not change for them. You have to be 21 to apply.

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

MR. PRETLOW: That does not change for them. They cannot make an application as an 18-year-old correction officer to have an off-duty weapon.

MR. DURSO: So we're not giving the correction officers that are 18 and 19 the same ability to protect themselves and their family after working in a correctional facility when they're walking out on the street?

MR. PRETLOW: No, we're not.

MR. DURSO: Okay. Thank you, sir.

And then just touching on the 20 year retirement for the New York City corrections officers. Was that, in your estimation, a financial issue that they didn't allow that to happen?

MR. PRETLOW: No. That's not in this bill.

MR. DURSO: That's not in this bill? I'm sorry, sir. I may have been confused. Just give me one second if you don't mind.

(Conferencing)

So we have it as Part SS, sir.

MR. PRETLOW: We're talking NYPD (indiscernible) corrections officers do not --

MR. DURSO: Right. I'm -- that's what I'm saying. So NYPD has a 20 year.

MR. PRETLOW: Right.

MR. DURSO: Correct? But New York City Corrections does not have a 20 retirement in this, correct?

MR. PRETLOW: That is correct.

MR. DURSO: Is that a financial issue is that they're not allowing to get 20 year and --

(Indiscernible/crosstalk)

MR. PRETLOW: There are numerous retirement bills that go through this Chamber on an annual basis and their pension system was set up in a different way. Right now the corrections officers in New York City do not have a 20 year retirement, but I'm pretty sure there's a bill floating around somewhere to give them that.

MR. DURSO: Will that bill be in one of our budget bills --

(Indiscernible/crosstalk)

MR. PRETLOW: That would be a standalone bill more than likely.

MR. DURSO: That would be a standalone bill. And -- and again, you're understanding that it's more of a financial issue that they're not allowing those correction officers to get a 20 year retirement?

MR. PRETLOW: Well, it is a financial issue, of course.

MR. DURSO: Again, when we're talking about

recruiting and retainment of corrections officers, including in New York City where a lot of them do leave and go over to NYPD, or a lot of them are just literally waiting for that 20 year retirement to get in and get out. And we can't retain them, keep them. Obviously the prisons are dangerous, conditions in New York City pri -- prisons are awful. We have no other retainment tool to hire more officers. I think a 20 year retirement would be some way to bring more people into that that's needed, don't you think?

MR. PRETLOW: More than likely, but I think this is true in many other areas. I mean half the area that I represent, they cannot keep police officers because surrounding communities pay 20 percent more than the community that I represent the police officers. So they go to my city where there's always a vacancy. They get training and then they jump ship and go someplace else. It's a financial issue, but it's felt in many other areas other than correction officers.

MR. DURSO: Thank you, Mr. Pretlow. I appreciate you answering my questions. Thank you, sir.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker. Would the Chair please yield for a couple questions.

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. GANDOLFO: I felt that. I'm sorry.

(Laughter)

So most of my questions are going to focus around the corrections and prison issues as well, and I apologize if some of them seem redundant but I'm just looking for some clarity.

So in lowering the minimum age for correction officers to 18, they would still be peace officers, correct --

MR. PRETLOW: Yes.

MR. GANDOLFO: -- even though they're working in more of these clerical roles? Okay. Thank you.

You stated during your discussion with my colleague here that they wouldn't have really any contact with the inmates there. Is that --

MR. PRETLOW: They shouldn't unless they're supervised. They should not under the normal course of things, but if something comes up and they're supervised they will not -- they could have contact.

MR. GANDOLFO: Okay. And do they have to be supervised in all of their duties?

MR. PRETLOW: No.

MR. GANDOLFO: Okay. So not supervised in all of the duties. Which -- what types of duties would they have to be supervised by --

MR. PRETLOW: If they're typing in the office, if

they're admitting visitors, if they're working in the yard outside, if they're -- but even (indiscernible) -- non-contact jobs, there are numerous jobs in a facility that do not have contact with the inmates.

MR. GANDOLFO: Okay. So if there's no contact with --

MR. PRETLOW: Right.

MR. GANDOLFO: -- okay. Then there would be no supervision.

MR. PRETLOW: Yes.

MR. GANDOLFO: You mentioned they might work in -- in an infirmary. Would that be a situation where they would require,

MR. PRETLOW: If they worked in the infirmary and someone was brought in they would have to be supervised.

MR. GANDOLFO: Okay. And so given the limited scope of with what an under 21 corrections officer can do, how much do we expect that to improve the staffing capacities of these facilities? I know there's some provisions in there to -- for the Commissioner to submit a report. Let me go back, actually. What is the current staffing capacity for most of our State prisons?

MR. PRETLOW: Right now we're -- my understanding is that we're 4,000 correction officers short.

MR. GANDOLFO: Okay.

MR. PRETLOW: And trying to fill that gap. So what we've decided to -- what we've done in negotiations is saying if

we can get up to a 90 percent capacity, then we won't have the need to take out-of-state individuals under -- under 21, but as it stands right now to keep the safety of the -- of the inmates, we need a higher number of correction officers. So what this does is removes an experienced correction officer from non-contact duties they have now and put them into the facility and replace them with people between the ages of 18 and 21.

MR. GANDOLFO: Do you know percentage-wise what the staffing capacity is? I know we have to -- we're looking to get it up to 90. Do you know --

MR. PRETLOW: Not off the top of my head.

(Conferencing)

So we need 2,500 to get to --

MR. GANDOLFO: Twenty-five hundred, okay. So now the DOCCS Commissioner has to submit a staffing capacity report to the Governor and the Legislature until we hit that 90 percent --

MR. PRETLOW: Yes.

MR. GANDOLFO: -- staffing capacity.

MR. PRETLOW: Yes.

MR. GANDOLFO: Why don't they have to continue submitting the reports so we can monitor if it's, you know, staying above 90 percent, if it's closer to 95? Why are we allowing them to just stop submitting that report?

MR. PRETLOW: Well, this is going to happen

regularly until they hit the 90 percent.

MR. GANDOLFO: Right, but if -- if we hit 90 percent, why do they no longer have to submit the staffing capacity report? Don't you think that's something that should be continually monitored to see if it's, you know, starting to dip back down below the 90?

MR. PRETLOW: More than likely, yeah.

MR. GANDOLFO: Okay. So it should -- okay. So is there any provision that if it does dip below 90 percent that they have to start submitting their reports again?

MR. PRETLOW: No.

MR. GANDOLFO: Okay. I really think that should be in there because if, you know, if some of these changes don't work, the example used of out-of-state workers, and maybe there's needs in a prison a little farther away than they had originally expected to work in and they decide they're going to leave the workforce. Do you envision a scenario where the staffing ratio -- staffing capacities could start declining?

MR. PRETLOW: It could.

MR. GANDOLFO: Okay. Okay. And just on a couple of the other issues that have been raised by a lot of corrections officers. I know in the agreement where a lot of the COs return to work, some provisions of HALT was suspended for 90 days. I know there's that committee that is working to recommend changes. Are there any changes to HALT in this budget?

MR. PRETLOW: No.

MR. GANDOLFO: Okay. Is there any reason why there are no changes to HALT?

MR. PRETLOW: Well, that wasn't part of the negotiations when we did that.

MR. GANDOLFO: Okay. So there's --

(Indiscernible/crosstalk)

Okay. You know, I think that's something that really would mean a lot to our corrections officers and for the recruitment ability. I know one issue on my visits to Rikers Island that were raised were the -- the issue of sexual assaults on corrections officers from inmates, specifically female corrections officers. There is legislation introduced in our House that would establish the crime of forceable touching of a corrections officer. Is anything like that included in this budget?

MR. PRETLOW: You're saying there was sexual assaults by female inmates on correction officers and --

MR. GANDOLFO: No, no. By male inmates on --

(Indiscernible/crosstalk)

MR. PRETLOW: Okay. Okay.

MR. GANDOLFO: Sorry if I worded it a little clunky, but regardless, is there -- is there anything that addresses that issue and establishes a crime of forcible touching of a corrections officer?

MR. PRETLOW: Well, no. That's not in this -- this

bill, no.

MR. GANDOLFO: Okay. And now what about the Death Gamble? Is there anything addressing the issue of the Death Gamble where if corrections officers work past their retirement age and then pass away, their beneficiaries lose out on their pension benefits. I know that's a big issue for a lot of corrections officers and most likely does impact the recruitment of corrections officers and the staffing levels. Is there any change to the Death Gamble that the Governor's vetoed?

MR. PRETLOW: No, there isn't.

MR. GANDOLFO: Okay. Okay. Because she had said it should be taken up in the budget, but even though it's vetoed, it's not in the budget. Is there a reason why that -- that didn't make the cut?

MR. PRETLOW: As -- as I stated earlier, we pass a lot of pension bills in this House and that was one of the one times it would more than likely be part of the negotiations again.

MR. GANDOLFO: Okay. All right. Thank you.

Now in terms of just going back, I want to be clear I heard this correctly. So the 18-year-old corrections officers or under 21 corrections officers, they would receive the firearms training as part of the Academy, but they -- under no circumstances would be able to carry a firearm.

MR. PRETLOW: That is correct.

MR. GANDOLFO: And also they could not carry

outside of their work hours.

MR. PRETLOW: That is correct.

MR. GANDOLFO: Okay. All right.

Mr. Pretlow, those are all the questions I have.

Madam Speaker, on the bill briefly.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Thank you, Madam Speaker.

You know, contained in this budget bill is supposed to be the solution to a lot of the staffing problems that our State prisons are facing. Unfortunately a lot of them appear to be half measures that are going to provide the long-term stability for that workforce. They are -- continue to be -- our corrections officers continue to lack some of the benefits and protections that other law enforcement officers have, and then we're wondering why we're having a hard time retaining and attracting people to work in these jobs to avoid the crisis that we saw less than two months ago. It's -- of course it's nice to see something done, but we're really not going far enough to make a meaningful change for these officers who put their health and safety on the line each and every day that they show up to work. I just think we can do better here. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Madam Speaker. Will the Chairman yield for some questions?

ACTING SPEAKER HUNTER: Will the Chair

yield?

MR. PRETLOW: Yes, I will.

MR. SLATER: Thank you very much, Chairman. I appreciate your time.

I just want to touch base on some of the campaign finance changes to begin with. I know that you answered some of my colleagues' questions earlier. I just wanted to dive a little bit deeper into that if we could. Just curious if we know how much money was spent last year on the Public Finance Program here in New York State.

MR. PRETLOW: Can I defer that question to Chairman -- Chairwoman Walker?

MR. SLATER: Sure.

MS. WALKER: Thank you, Mr. Chairman. The answer to that is 35 million, Mr. Slater.

MR. SLATER: Great. Thank you very much. Do we know how many participants we had in that program?

MS. WALKER: Of the 336 Assembly political candidates in the 2024 election cycle, 67 percent were registered for the Public Campaign Finance Program. Of that 67 percent, 59 percent participated in and received matching funds in the 2024 General Election.

MR. SLATER: And that was just the Assembly. It didn't include Senate candidates, correct?

MS. WALKER: No.

MR. SLATER: Do we know what that number is just

so we have a cumulative?

MS. WALKER: We can get that for you.

MR. SLATER: Okay. That's fine. We can move on.

So I just wanted to dive deeper into the match, because we are changing some of those parameters that we heard earlier. So just to make sure I'm clear, what is the calculation if someone receives a thousand -- \$1,050 donation and the \$250 are matched? What would that matchable calculation be?

MS. WALKER: Twenty-three hundred dollars.

MR. SLATER: And that's the same as it was previously, correct?

MS. WALKER: Correct.

MR. SLATER: Okay. Great. I appreciate that.

And I wanted to just touch on the definition of surplus, because there seemed to be a lot of confusion during last cycle on how a surplus is calculated. Does the language provided in this bill specifically line or call out how they define surplus?

MS. WALKER: Yes. If you look in Part OO, Section 1 down to on the third page to line number 19 -- sorry. Line number 3, Section No. 19. Surplus means those funds where the total sum of contributions received and public matchable funds received by a participating candidate and his or her or their authorized committee exceeds the total campaign expenditures of such candidate in authorized committee for all covered elections held in the same calendar year, or for a special election to fill a vacancy. For purposes

of this subdivision, total campaign expenditures shall include transfers, contributions out and all other lawful liabilities incurred. Those -- that was the update, sir.

MR. SLATER: Very good. I -- I appreciate that. So just to make sure I'm clear, someone can transfer funds currently based on the State Board of Election's ruling to either another housekeeping account or some other campaign account; is that true?

MS. WALKER: Correct.

MR. SLATER: And so are we codifying that ability here? Because that was just a ruling by the State Board of Elections. It wasn't in any of the language that we passed, to my knowledge, here as a Legislature.

MS. WALKER: So the definition of transfer means -- which was -- which is included in the law, means any exchange of funds between a party or constituted committee and a candidate or any of his or her authorized committees.

MR. SLATER: And so you could receive public funds and transfer those public funds into one of those committees.

MS. WALKER: Yes.

MR. SLATER: Great. Thank you for the clarification. I appreciate that. And I want to just get into the carryover. I know that my colleague touched upon it earlier.

So right in the -- in the current system, carryover funds was not allowed. In the new system, under these provisions, we're going to allow up to \$50,000. Is that public or non-public funds

or are you co-mingling both?

MS. WALKER: Non-public funds.

MR. SLATER: Non-public funds. So you cannot carry over any money that you receive from the State into a -- a -- the following year election.

MS. WALKER: That's correct.

MR. SLATER: Okay. Fantastic. Are there limitations on how those funds that are carried over can be used?

MS. WALKER: No. Any -- well, there are certain limitations, of course, in terms of what is --

MR. SLATER: Of course.

MS. WALKER: -- ineligible --

MR. SLATER: Yes.

MS. WALKER: -- campaign expense, but no.

MR. SLATER: Okay. So as long as it's basically a traditional campaign account following the traditional expenditure rules of that type of campaign.

MS. WALKER: That's correct.

MR. SLATER: Okay. Okay. Very good. And I just want to make sure I clarify. So it was said earlier that it is a one-time rollover of -- of \$50,000. So if you roll it over from last year to this year hypothetically, you go through the cycle and you go on to another cycle, you can't roll over another 50,000? Is that an accurate understanding of what was said? Or since it's non-public you continue to roll?

MS. WALKER: You can roll over \$50,000 per cycle.

MR. SLATER: Per cycle.

MS. WALKER: Yes.

MR. SLATER: So it's not a one-time.

MS. WALKER: It's not.

MR. SLATER: And since it's non-public dollars, they're not dollars provided by the State, you continue to roll those in perpetuity really.

MS. WALKER: Correct.

MR. SLATER: Okay. Thank you very, very much. I appreciate those clarifying questions.

If I could, I'd like to pivot, Mr. Chairman, over to some of our correction questions. And I do want to thank my college Chair Walker for answering those questions for me on -- on the election side, absolutely.

So Mr. Chairman, on the body-worn cameras --

MR. PRETLOW: Yes.

MR. SLATER: I just want to talk about that a little bit if we could. Was this policy discussed with any collective bargaining units?

MR. PRETLOW: I'm not aware if they were discussed with collective bargaining units, but it's something that should've been done a long time ago, notwithstanding any collective bargaining.

MR. SLATER: Understood. So does DOCCS have

any rules or regulations that speak to body-worn cameras?

MR. PRETLOW: Well, at least some were wearing body cameras already. It's evidenced by the -- the tape [sic] that were made of the murder of Mr. Brooks, but they weren't all required to have them on as the second instance where an individual was murdered in a prison, the cameras happened not to be on.

MR. SLATER: So then there's clearly rules and regs that allow -- do we know if the language in this particular bill complies with what's already in place from a --

(Indiscernible/crosstalk)

MR. PRETLOW: Well, the language still mandates that they wear their cameras and turned on at all times.

MR. SLATER: So there's a new --

MR. PRETLOW: So -- so it's a lot more expansive than what we have right now.

MR. SLATER: More expansive, understood. And so does the new policy conflict with any collective bargaining agreements which may be in place?

MR. PRETLOW: I'm not aware of that.

MR. SLATER: Did we review any collective bargaining agreements that ensure that they weren't in conflict?

MR. PRETLOW: I did not -- what conflicts are you referring to? Why --

(Indiscernible/crosstalk)

MR. SLATER: Well, again, I mean most of the time

these types of matters are collectively bargained. And so we're mandating that it -- into place, and so there are already collective bargaining agreements in place, specifically with our correction officers?

MR. PRETLOW: Yes.

MR. SLATER: So I'm curious if the implementation or the mandate that we're putting in place here, if that conflicts with any of the collective bargaining agreements that are currently in place.

MR. PRETLOW: Not to my knowledge.

MR. SLATER: And so if someone decides not to comply, what's the consequence?

MR. PRETLOW: Well, that's up to the -- the Commissioner, the Superintendent. If I were in charge the person would be terminated immediately, but I'm not the Superintendent.

MR. SLATER: But aren't they protected under their collective bargaining agreement as well? Is there a disciplinary --

MR. PRETLOW: If there are mandates on the, quote-unquote, uniform that they are wearing and they refuse to do that, then the reprimand should be termination.

MR. SLATER: But it's not --

(Indiscernible/crosstalk)

MR. PRETLOW: It's --

MR. SLATER: -- stip -- it's not stipulated in this, correct?

MR. PRETLOW: Okay. So whatever the corrective

actions that are under the current collective bargaining agreement, that's what the, quote-unquote, punishment would be.

MR. SLATER: I appreciate that. Thank you.

Does -- does the -- what is the procurement process going to look like when it comes to purchasing the cameras? Is there a specific vendor that has to be utilized since some already are utilizing these cameras? Will you just be using the same vendor?

MR. PRETLOW: There -- there is money in the -- being allocated --

MR. SLATER: I'm sorry -- I'm sorry, sir. I can't -- I'm having a hard time hearing you.

MR. PRETLOW: Tell Mike to shut up.

(Laughter)

MR. SLATER: He's a little bit taller than me.

MR. PRETLOW: There's -- there's money in the budget that we're voting on right now, but it doesn't delineate that it's for body cameras but that is the intention of it.

MR. SLATER: And so is the thought process that either we're gonna expand the current contract that's in place or are we gonna have to rebid?

MR. PRETLOW: You mean our procurement contract?

MR. SLATER: Correct.

MR. PRETLOW: That's not really addressed. We just have to purchase the body cameras.

MR. SLATER: And to make sure I'm clear, this only applies to State employees, correct?

MR. PRETLOW: You're talking about corrections employees?

MR. SLATER: Corrections, yes. State correction employees, yes.

MR. PRETLOW: But there could be a mandate for some civilians who also wear body cams.

MR. SLATER: And is that stipulated in this language?

MR. PRETLOW: It's -- the Commissioner decides that.

MR. SLATER: So does that permission or that authority, is that provided within this language or does that already exist?

MR. PRETLOW: Yes.

MR. SLATER: It's provided here today?

MR. PRETLOW: It's in the language, yes.

MR. SLATER: Understood. And -- and still, because we do have other unions who have members in our correctional facilities, would they have to be part of those conversations if the Commissioner was going to mandate civilians wear cameras?

MR. PRETLOW: That's really up to the Commissioner to determine who's involved in those conversations.

It's the Commissioner's responsibility to uphold the law, and the law is wearing body cams. Then it's up to the Commissioner if either he or she wants someone else to be involved.

MR. SLATER: And so just to make sure that I understand, then, so we're saying that all State correctional officers must wear them, and it's up to the discretion of the Commissioner to have civilian employees wear them?

MR. PRETLOW: Yeah.

MR. SLATER: I'm sorry, sir?

MR. PRETLOW: Yes.

MR. SLATER: Yes. Okay, great.

And it has no impact on county corrections? I just want to be clear on that.

MR. PRETLOW: No.

MR. SLATER: No? Very, very good.

Let me just see if I have any other questions here.

(Pause)

Is there any type of training that is required for those in order to wear the body cameras?

MR. PRETLOW: I'm not aware if extra training is required to snap something on a fixture on your chest and push a button to turn it on. But if there is extra training regarding that, I'm pretty sure it will take place.

MR. SLATER: I mean, some of the cameras are a bit nuanced, is my understanding. So some have, like, a 30-second delay,

some have like a mute component to it.

MR. PRETLOW: (Indiscernible/crosstalk) definitely be informed how to operate the cameras fully.

MR. SLATER: And then, again, because having seen some of this implemented elsewhere, usually the collective bargaining unit is part of that discussion. So if we're saying they have to do this, are they gonna be part of the discussion on implementation?

(Indiscernible/crosstalk)

MR. PRETLOW: You keep bringing up the collective bargaining unit. I think we're dealing with the health and safety of both inmates and correction officers --

MR. SLATER: No question.

MR. PRETLOW: -- and this shouldn't be bargained away and shouldn't be used as a trading item at a bargaining session to get more remuneration [sic] for their work or whatever. This should not be something that's bargainable.

MR. SLATER: So -- I'm sorry, so you're saying --

MR. PRETLOW: In my opinion,

MR. SLATER: -- that in your opinion, body-worn cameras should not be something that's collectively bargained by union leadership?

MR. PRETLOW: Yes.

MR. SLATER: Okay. I tend to disagree, but that's okay.

I just -- so again, just on the training side. So there's

no mandated training, there's no training that's going to be provided unless it's orchestrated by the Commissioner?

MR. PRETLOW: Say it again, please.

MR. SLATER: On the training side.

MR. PRETLOW: Yeah.

MR. SLATER: So it's not mandated.

MR. PRETLOW: Right.

MR. SLATER: We are unsure if training is going to be provided at this point.

MR. PRETLOW: The use -- the use of body cameras?

MR. SLATER: Yes.

MR. PRETLOW: I'm pretty sure they will be trained on how to use them.

MR. SLATER: Okay.

MR. PRETLOW: That is definitely something they should be trained on.

MR. SLATER: Very good. Well, again, I appreciate the time in answering my questions. Looking forward to having more dialogue throughout this process.

Thank you so much, Mr. Chairman. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Angelino.

MR. ANGELINO: Thank you, Madam Speaker. I

think all of my questions have been asked and answered by my colleagues. So take a break, Chair, and I'll just go on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. ANGELINO: Specifically, we're talking about Section OO, the public finance campaign portion. I was here when that bill was originally passed five years ago, and I knew back then it was a bad bill. I voted no, and I knew it was gonna be ripe for changes and that's exactly what's happening. It's only getting worse.

Originally, we passed this to encourage small donations to help a grassroots candidate challenge an incumbent. And that's what the law went into effect two cycles ago. And I think some of the incumbents saw what happened and they realized, *Holy cow, the -- the playing field really is level because we almost got our buttocks kicked*. Once that reaction happened, the -- the bill dropped I think at the last cycle. Boom, now we're going to let larger -- larger donations come in from other people. Luckily our Governor vetoed that and that was a smart thing to do. And I don't know why she negotiated this in now because it's actually worse than what that change was gonna do.

I don't partake in this program that I call "welfare for politicians." Last cycle I had an opponent who did partake in publicly-financed campaign. And I'm no Ronald Reagan, but here I am right now.

In this whole big catalog of reasons a taxpayer can hate a politician, we've just added another page. I know members

from both sides of the aisle use this and I know there are members from both sides of the aisle who do not, and for them I'm grateful and I appreciate it. The changes that we're proposing now are only gonna help incumbents. It's not going to encourage challengers. It's not like challengers are sprouting like geraniums around us, and this is actually gonna discourage anyone else. Those who do use this from both sides of the aisle, I've talked to them and they complain about how cumbersome the rules are, how the -- everything is scrutinized, how difficult it is, and I fear that in the future those are the next changes. We're just gonna make it easier to spend taxpayer dollars so that we can keep our seats.

And to echo my first comments, I knew this was a bad bill to begin with years ago. But when I read the changes, I got to tell you, I -- I had a little trouble keeping my Frosted Mini Wheats down this morning when I was reading this. But I just can't wait for the audits to begin.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Reilly.

MR. REILLY: Thank you, Madam Speaker. Would the Chairman yield for a few questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. REILLY: Thank you, Mr. Pretlow.

So I'd like to turn to Part NN, civil court and Court of Claims judges.

MR. PRETLOW: Yes.

MR. REILLY: Specifically, I'm questioning how many judges are being included in New York City?

MR. PRETLOW: There are ten.

MR. REILLY: Ten. And what's the breakdown?

MR. PRETLOW: The -- I believe they're civil court judges. You mean the breakdown in the -- county by county?

MR. REILLY: Yes.

MR. PRETLOW: Okay. Two -- two in the Bronx, three in Kings County, one in New York County, two in Queens and one in Staten Island.

MR. REILLY: How many in New York County?

MR. PRETLOW: Two.

MR. REILLY: Two? Okay. So Staten Island, Richmond County gets one?

MR. PRETLOW: One.

MR. REILLY: Okay. Can you tell me how they came about the allocations?

MR. PRETLOW: It's a combination of need and population.

MR. REILLY: Need and population. So --

MR. PRETLOW: Yeah, the actual determination was

made by the Office of Court Administration.

MR. REILLY: Okay. So piggybacking off the same conversation that we had in the last budget season, we had 12 judges appointed to New York City in civil court, right? Those seats were established. And zero went to Staten Island, Richmond County. This budget season we have ten, and one is going to Staten Island. The reason why I bring that up is because some of the -- one thing that you just mentioned is based on need and volume. So the last civil court seat that was established in Richmond County was in 1968. In 1968 Staten Island had approximately 300,000 people. We currently have a population of just under 500,000. And the reason why I bring that up is, out of 100 -- approximately 140 civil court judges in New York City, Staten Island only gets 3 percent of those judges while they represent 6 percent of New York City. So the disparity is only gonna be heightened by adding only one seat since we were left out last year. Is there a way we can remedy that?

MR. PRETLOW: The administration -- you know, the Office of Court Administration is the ultimate ruler on how judges are disbursed and where they should be placed. We don't really do that legislation. Legislatively, we, you know, back up what the OCA has said. They can -- Staten Island's -- Richmond County can make a request and hopefully the Chief Judge makes the decision in the favor of Richmond County.

MR. REILLY: So, we did make that request last -- after last year's budget. We wrote a bipartisan letter to the Governor's

Office, to OCA, and we indicated why that need is necessary. And I'm wondering if that discussion happened during this budget negotiation.

MR. PRETLOW: Well, I think the response to your letter last year was fruitful since you're getting a judge this year.

MR. REILLY: So you mentioned the numbers and the volume of cases. So I just want to give you some of the data for volumes of cases and I'd like to get your input on that.

So in 2024, New York County had 25,247 cases filed in civil court. Kings, 20,902; Queens County, 21,129; Bronx County, 36,362; and Richmond County had 30,417 cases filed, which is on par with the rest of the boroughs, right, with the rest of the counties. In fact, Queens County had 9,000 less. Kings County had 10,000 less, and even New York County had 5,000 cases less than Richmond County civil court cases filed.

So the reason why I bring those numbers up -- and that's just 2024. If we go back to 2023, we have New York County at 64,000, Kings County at 110,000, Queens County at 75,000, and Bronx County at 95,000 and Richmond County at 66,000. Which is on par, Richmond County, exactly with New York County.

So given the volume and the increase in population since 1968, do you believe that another judicial seat would be recommended?

MR. PRETLOW: Well, in my humble opinion and based on the statistics that you just recited, I think that you have a

good case to present before the Office of Court Administration.

MR. REILLY: So, moving a little further into it, I noticed that there's certain municipal court districts that are assigned these seats. For example, Bronx County has one going to the elected First Municipal Court District. The second one going to the Second Municipal Court District in Bronx County. In New York County, the Fourth Municipal Court District and the Sixth Municipal and the Seventh Municipal. So all the counties have a specific municipal district that it's being assigned to. In Richmond County, the one seat is going to the First Municipal Court District. Do you -- can you tell me how that district was selected?

MR. PRETLOW: I think that's based on the number of arrests in the district.

MR. REILLY: The number of what?

MR. PRETLOW: Arrests.

MR. REILLY: Well, this is civil court seats. So we -- did we use a criminal court arrest to determine where these court seats were going?

MR. PRETLOW: That is the basis that's used to determine, yes.

MR. REILLY: So they went by where the number of arrests were?

MR. PRETLOW: That's what I'm told, yes.

MR. REILLY: So can you tell me, if it's by where the number of arrests are, where is the Third Municipal Court District

and the Seventh Municipal Court District in New York County, so we can determine where those arrests were made in comparison to Richmond County?

MR. PRETLOW: I'll have to get that information for you. I don't have it at hand.

MR. REILLY: Okay.

Can you tell me why they were using -- why the -- that data on arrests was used to create civil court cases?

MR. PRETLOW: As I stated earlier -- as I stated earlier, this was all determined by the Office of Court Administration which is led by some fine jurists, and they must have their reasons for making the selections in the manner that they do. We're just approving what they've recommended that we approve.

MR. REILLY: So using arrest records for civil court seats when we see that the court filings for civil court actions don't correlate with how many seats were designated, is there a way that we can move forward and amend this to allow additional civil court seats in Richmond County?

MR. PRETLOW: Well, I imagine you can put in a bill to make that request.

MR. REILLY: So, a bill -- bill was submitted last year for similar reasons and it didn't move, and I figured since we are talking about policy and we're talking about funding seats in this budget, this is the opportunity to do that. I would've -- I would've been able to possibly introduce a bill if I actually saw this legislation

in time, but given how the budget process has evolved this time we really didn't it 'til yesterday or even this morning. So would there be an opportunity to amend this moving forward?

MR. PRETLOW: Not in this current budget.

MR. REILLY: Thank you, Mr. Chair.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. REILLY: Once again, we talk about equity in this Chamber and the Chamber next door, and we don't have equity. The numbers that I stated to you are facts. You can look them up on OCS' website. The need is there. The sad reality is the reason why certain municipal districts were chosen is probably based on registration.

ACTING SPEAKER HUNTER: Mr. Lavine, why do you rise?

MR. LAVINE: Will the speaker yield?

MR. REILLY: Yes, I will, sir.

MR. LAVINE: Mr. Reilly, you do understand, you do appreciate that there is a backlog in terms of handling criminal court cases in the City of New York. Certainly you agree with that, do you not?

MR. REILLY: Sure.

MR. LAVINE: So OCA is requesting civil court judges. Now, do you know what civil court judges have the authority to do?

MR. REILLY: They can sit in, yes, criminal court.

MR. LAVINE: And where can they sit?

MR. REILLY: In criminal court.

MR. LAVINE: And where else can they sit?

(Indiscernible/crosstalk)

MR. REILLY: Civil courts.

MR. LAVINE: How about family court?

MR. REILLY: In family court.

MR. LAVINE: So that's the reason. Thank you.

MR. REILLY: So (indiscernible) -- so, Mr. Lavine was that designate -- will you yield for a question?

MR. LAVINE: I'm not in a position to yield, but if you want to ask me something through the -- through the Speaker that's cool with me, Mike.

ACTING SPEAKER HUNTER: Yes. Through the Speaker you may ask and answer questions.

MR. REILLY: So the -- the question I have is last year's budget they designated that they were going to sit in family court. This budget doesn't seem to say that; am I correct?

MR. LAVINE: But we still need them. Civil court judges can be appointed through the court system to serve anywhere in the City of New York when it comes to civil court, criminal court or family court.

MR. REILLY: So are these --

MR. LAVINE: And that's where we have the

backlog, and that's why OCA wants this.

MR. REILLY: I understand that. So my question is, though, if we talk about equity for all New Yorkers, wouldn't the need to ensure that we have those judges equally disbursed?

MR. LAVINE: Michael, do you not appreciate that a judge elected in the First District in the Bronx, for example, can be sent anywhere in the City of New York, anywhere the courts determine there's a need?

MR. REILLY: Yes. But wouldn't you -- wouldn't you appreciate that members in a county in New York State should have a judge that's elected by them representing them? Wouldn't that -- isn't that the spirit --

MR. LAVINE: There's --

MR. REILLY: Isn't that the spirit of our elections for judges?

MR. LAVINE: Having spent 30-plus years in the courts, many of them in the criminal courts of the City of New York, I could have cared less where those judges came from. What bothered me was not being able to have a case called until 5:00 or 6:00 or 7:00 at night. This is the dire challenge our court system faces today. And while I understand the narrow view that we want to have judges elected in, you know, from your street or from your neighborhood, the challenge we face is infinitely greater today. And I think that we have to meet that challenge, and we meet that challenge by working with the Office of Court Administration and doing what OCA wants. Fair

enough?

MR. REILLY: Fair enough. Thank you, Mr. Lavine.

MR. LAVINE: You're welcome, Michael.

MR. REILLY: On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. REILLY: So, given my last exchange we looked at 12 judges were given last year to four counties in New York City; Richmond County not being one. This year there are ten judges; one to Richmond County. So if you're keeping score, I believe that is about 21 to one. How is that equitable? How? Equity, equity, equity. I'm sorry, but there's nothing more to this than playing politics. And that is the absolute reason why there are specific municipal court districts assigned for these elected positions. Make no mistake, we will continue to fight as Staten Island, as Richmond County as one, because we want our fair share. And yes, we're getting one judge and I guess we should take our bone and just say thank you. But that's not what we do. We continue to fight to make sure that we get the judges that we deserve. Because I can tell you right now, last year's judges, I don't think anybody was assigned to Staten Island. So that argument that anyone from other boroughs can be assigned there are not. That fell on deaf ears.

So moving forward, I want you to think about that. How would you feel if your county suffered the same injustice each and every budget season? Thank you, Madam Speaker.

(Applause)

ACTING SPEAKER HUNTER: Thank you.

Mr. Maher.

MR. MAHER: Thank you, Madam Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MAHER: Thank you, sir.

I wanted to also talk a little bit about our Corrections, and I know that we have a 4,000 correction officers shortage. We talked about a 2,500 number getting us to 90 percent. I'm just making an assumption, that does not include any of the military personnel that we have in that 90 percent threshold?

MR. PRETLOW: No, it does not.

MR. MAHER: Okay. So the goal would be, theoretically, to staff up enough to minimize almost hopefully to zero at some point, the military presence of the National Guard.

MR. PRETLOW: That is our intention, yes.

MR. MAHER: Okay. So why are we, through Corrections and with the National Guard, promoting entering the National Guard for special duty in correction facilities while lowering the age and competing against each other for personnel?

MR. PRETLOW: Repeat that, please?

MR. MAHER: Currently there are advertisements to

join the National Guard specifically to work in special duty in prisons in New York State right now.

MR. PRETLOW: I have not seen those ads, and I don't think that that's a specific duty of the National Guard. The Governor has enlisted the National Guard to help fill the shortage of correction officers, but I don't think that that -- that's definitely not a long-term goal. The long-term goal is to put permanent employees at each of the facilities. And the National Guard is actually pretty expensive. If you -- you voted on a number of extenders this year to pay the National Guard and it was tens of millions of dollars. We really don't want to continue doing that because even though they're prepared to do what they may have to do, that's not what their calling is. National Guards are not full-time soldiers, they're generally people like maybe some members in this House, and they have other jobs and they've been called to active duty to help fill a need for the State right now.

MR. MAHER: We're in agreement. Would you agree that those two things would then be in conflict with the State promoting correction officers --

MR. PRETLOW: If they're running ads, I would say absolutely.

MR. MAHER: Okay. Thank you for that.

When we talk about the 90 percent, does that threshold stem from the BFL? The -- that's pronounced BFL. It is specifically -- one second. The budget fill level. Is that where the 90

percent threshold comes from?

MR. PRETLOW: It's just a threshold that we came up with -- actually, it's an arbitrary number. We're just trying to get to 90 percent and then we can fill normally. But right now the shortage is so big that we have to take drastic actions to get the complement of individuals up to a staffing level that we think is safe.

MR. MAHER: Okay. That's very confusing. So there is an existing process that's referred to as the "budget fill level" in each facility that dictates what a safe working environment is based on staffing. So we're not using that specific BFL to determine the 90 percent; is that accurate?

MR. PRETLOW: This is what the -- the numbers that we're using now were provided to us by the Executive in -- in this budget, and we're just -- we're agreeing with what she's determined the need to be. I'm not sure what the criteria was in calculating what the shortage is. I only know that we need a fuller complement of correction officers to keep all parties concerned in safe conditions.

MR. MAHER: Okay. But understanding that number of 2,500 or 4,000, 90 percent came from the Executive Office, it ought to come from somewhere, especially if we're creating reports that get us to a certain threshold. Don't we have to know what that threshold is, and should -- shouldn't there be a level of scientific data to determine what that threshold is?

MR. PRETLOW: Oh, absolutely. And I'm pretty sure that the Supervisor [sic] of the Department of Corrections used

what criteria he needed to come with the numbers that we're currently voting on.

MR. MAHER: So it's possible this did come from that BFL that facilities currently use.

MR. PRETLOW: It's probable that it came from there.

MR. MAHER: Okay. All right. I want to touch on why that's important. So when it comes to the BFL, one question I would have is currently, although we are in a staffing crisis, a severe staffing crisis, are we at 100 percent recreation in our State prisons or are there still programs that are not being run due to staffing levels?

MR. PRETLOW: I'm not aware of that. I only know that we have a shortage of correction officers. I'm not sure which areas that shortage is in.

MR. MAHER: Okay. That's an important point, especially as part of this discussion because the BFL is adjusted based on recreation and other activities. So if a certain facility is trying to create an environment to protect our incarcerated individuals, those that are trying to reintegrate into society and get a better quality of life, we would need to increase the BFL. So is that going to be considered when we talk about the 90 percent threshold? And if it is, I think it's even more important that what my colleague brought up is after you hit 90 percent we need to continue to have those reports because prior to January of this year, we were losing 54 correction officers every two weeks through attrition. So would you agree that it

would be important to continue reporting even after we hit that 90 percent threshold?

MR. PRETLOW: Well, I would agree it is important, but none of that is contained in this bill.

MR. MAHER: Fair enough. Thank you for that answer. Okay.

So it was brought up that there were no discussions with the bargaining unit, correct?

MR. PRETLOW: Yes.

MR. MAHER: Okay. When it comes to 18-year-olds beginning to work in specific environments, is there any knowledge of if that's going to be in conflict with the approved union contract?

MR. PRETLOW: Not to my knowledge.

MR. MAHER: Okay. And I say that because some of the conversations that I've had seem to -- seem to say that it actually will and potentially could have some pushback because some of those duties that some of these younger officers would be performing, some of them are specific to seniority and there could be some issues with morale. And I was just curious if those conversations came up while this budget was being put together, while this language was being put together in the budget.

(Conferencing)

MR. PRETLOW: What you're saying is correct, but my -- what I think and what I know is that there are enough vacancies

that that won't be the case where jobs that are based on seniority will be replaced by 18- to 21-year-olds.

MR. MAHER: Okay. And I just want to clear something up for the record. So when it comes to 18-year-olds, for the first 18 months they cannot have contact with incarcerated individuals unless they are supervised, correct?

MR. PRETLOW: Yes.

MR. MAHER: So after 18 months, some of whom may still be 18 years old, they will be able to, on their own, be in contact situations with incarcerated individuals?

MR. PRETLOW: You really still can't be 18 years old 18 months after you're (indiscernible/crosstalk) --

MR. MAHER: Sorry, 19, 19. You're right. I meant -- I mean to say 19, I apologize.

MR. PRETLOW: You can be 19 1/2 (indiscernible/crosstalk).

MR. MAHER: There you go. So you'd still be a teenager is my point.

MR. PRETLOW: Yes, you will still be a teenager --

MR. MAHER: Okay.

MR. PRETLOW: -- and they would still have to be in the company of supervisors.

MR. MAHER: They wouldn't after 18 months, though.

MR. PRETLOW: Pardon?

MR. MAHER: After 18 months.

MR. PRETLOW: I misspoke. Not after 18 -- yes, they will not have to.

MR. MAHER: Okay. So I just want to make it clear that after 18 months of being on the job, still potentially being a teenager even though 19 1/2, they would be able to interface with incarcerated individuals in those environments?

MR. PRETLOW: Yes.

MR. MAHER: Okay. Thank you.

When it comes to some of the studies that have been done, it does seem like there are increased assaults in states throughout this country. We've seen it happen in Maryland and other states, Texas. And some of those assaults, it looks like it's -- it's a perception of weakness and then the higher turnover. Were there any concerns about our existing turnover issues and amplifying those turnover issues by having those 18 to 21? I know it's important to get bodies in, but was there some sustainable long-term impacts that were discussed during these negotiations?

MR. PRETLOW: If there were, I was not part of those discussions.

MR. MAHER: Okay.

When we talk about the staffing issues, was it -- and we talked about the cameras and some of the other topics that are policy-related, were the ongoing exposures that were taking place within our prisons and some of the things that we need to protect our

COs, civilian staffing, incarcerated individuals, was any of that brought up from a policy standpoint while negotiating the budget, and was that considered to be put in here in certain remedies?

MR. PRETLOW: No. I -- I'm trying to work through my head what you had -- what you had just said.

MR. MAHER: So there had been over the last week alone in my district there's nearly a dozen exposures from drugs that are being brought into some of these facilities, and there have been correction officers and civilian staff that have been put in the hospital, some have to be Narcan'd. It's an emer -- it's issue that's been constant, it's been horrifying, and the State has not done enough. So from a policy standpoint, if we're making corrections in this budget, was that one area that was discussed during negotiations?

MR. PRETLOW: That's not in the budget. That's not part of the budget negotiations.

MR. MAHER: Okay. Thank you for that answer. Okay.

Body-worn cameras. Again, the bargaining unit was not brought into that, correct?

MR. PRETLOW: I don't believe so.

MR. MAHER: Okay. And we're not sure about the impact that would have on the existing union contracts?

MR. PRETLOW: It shouldn't have any effect on existing contracts.

MR. MAHER: Okay. I was trying to read through

the exact language in the budget bill. Can you confirm that if a correction officer had to use the restroom that they would still have to have the camera on? I know it's a personal question, I'm just asking for the record.

MR. PRETLOW: I don't believe so, no.

MR. MAHER: You don't believe that they would have to keep the camera on?

MR. PRETLOW: If they're in the restroom, I don't think they need the body camera on. They're not in --

MR. MAHER: I would agree with you, I just didn't see it in the budget bill.

MR. PRETLOW: Okay. That specific language may not be there, but it's not required that you wear a body cam while you're using the restroom.

MR. MAHER: Thank you. That's a concern from a lot of my constituents. I have four State prisons in my district and I appreciate you making that admission. I agree with you. Okay. All right.

So we answered pretty much all of my questions, sir. I really appreciate your time, and I'm gonna speak on the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. MAHER: Okay. I wanted to ask those questions. I really appreciate some of the answers, I agree with a lot of what you also had said.

When we talk about the policy initiatives that we have put in this budget, I don't think we really thought about the long-term impact that we're gonna have on the staffing crisis. We look at the amount of prisons, it looks like we're gonna be closing potentially up to three up to March of next year. We've closed a lot of prisons over the last several years and we still have an even worse staffing crisis. Since January we've lost a third of our entire State workforce. We're having advertisers compete with new hires, and we fired 2,000 correction officers when hundreds of them wanted to come back almost immediately. They have been denied the ability to do that.

Now we're gonna be putting teenagers in a position where -- yes, there are so many 18, 19-year-olds that are competent, that can handle themselves. But there are a lot of people, myself included when I was 18, that did not belong in a situation like that, and I do believe it's gonna -- it's gonna cause some major issues not just for those individuals, but those that are incarcerated and also morale in our workforce in general. I think there is a whole lot more we could have looked at. And when I think about what's best for everyone -- again, not just our correction officers but their families, those that are working as civilian staff and those that are incarcerated -- we have not made our prisons any safer with these policy issues and with these items in the budget. I think we've made it far worse. And while I hope that I am wrong because it is every -- everyone's wish to make things better, I do not see a light at the end of the tunnel for both

our correction officers, our -- our incarcerated individuals and anyone who is working in our State prisons. To say nothing of the fact that when we close State prisons we take those that are incarcerated that are in environments that they've worked to put themselves in a certain place in, now we're uprooting them, putting them in another prison environment where they could have a much worse experience that will threaten their ability to reintegrate back into our society properly.

We also then have the human aspect and the community aspect of shutting down a prison, the multiplier effect on how that interferes with the local economy, potentially closing down other small businesses that rely on that main employer to then support the pizza places, the gas stations and all the other locations. We know closing prisons does not solve the problem. We're here still. We're hiring 18-year-olds and we're still thinking of potentially closing more prisons.

When we -- when we talk about staffing issues we really need to get to the bottom of that BFL number. We need to really be honest with ourselves to figure out a way to get our staffing levels where they need to be for everyone's sake. And if we're unwilling to make certain policy changes, we really need to figure out ways to treat our correction officers and civilian staff in a way that allows them to be our number one recruiters for the future. It always was a family business. It always was our COs passing down to the next generation that pride and their ability to have a decent-paying job and to provide a public service. They're not there anymore. So now

it's on incentives like this, now it's on hiring 18-year-olds. These things will not work in a sustainable way.

ACTING SPEAKER HUNTER: Thank you, Mr. Maher.

MR. MAHER: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Sempolinski.

MR. SEMPOLINSKI: Thank you, Madam Speaker.

Would the Chairman yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. SEMPOLINSKI: I appreciate it, Chairman. I appreciate also you answering all our questions and all of the work all of your staff has been doing and all of our staff on our side.

I'm gonna to focus on two sections; the first would be Part BBB, the prison closures, and some of my concerns mirror what Mr. Maher was just saying. Am I correct that Part BBB does not indicate in any way, shape or form which correctional facilities might be closed under this section?

MR. PRETLOW: That is correct. That gives -- that part gives the Governor the authority to close up to three facilities.

MR. SEMPOLINSKI: And that is any time between now and March 31st --

MR. PRETLOW: Next year, correct.

MR. SEMPOLINSKI: -- of next year. Okay. And that would be done with only 90 days' notice.

MR. PRETLOW: Yes.

MR. SEMPOLINSKI: It would be her authority.

MR. PRETLOW: Yes.

MR. SEMPOLINSKI: So my concern there is I don't have any correctional facilities in my district. I do have some that are very close to my district that are adjacent, so we have a lot of folks that are staff in those facility -- in that facility. And it's a very rural area, and having the level of anxiety they have in that area of the district is concerning to have that sort of broad authority. But thank you.

The other question, this is -- I'm just sort of curious about this -- was Section QQ, the joint election of the Governor and Lieutenant Governor. I just want to make sure I understand the change there. Currently -- am I correct, in our current law the Governor and the Lieutenant Governor run as a ticket in the General Election but are not a ticket in the primary and this would change that second (indiscernible).

MR. PRETLOW: Under -- under current law, you are correct.

MR. SEMPOLINSKI: So there's -- what I'm curious about with this is there's certainly been some drama surrounding the position of the Lieutenant Governor for the last couple Lieutenant Governors. However, that drama had nothing to do with the choice in

the primary. It just certainly, boom, this shows up. It -- it had -- there was never a situation where a gubernatorial nominee didn't get the nominee of their choosing in the primary. That hasn't been the concern for the last couple Lieutenant Governors. There's been other things. So why this? Why now? Why in the budget when it has nothing to do with fiscal?

MR. PRETLOW: Well, there are a lot of things in this budget that have nothing to do with the fiscal savings, but -- but I hate to use the analogy, but I will -- is that under the current system we're condoning shotgun marriages, and --

(Laughter)

Because if -- if you were running for Governor and I was running for Lieutenant Governor in a primary with three other people and you had three people and you won, and you and I have diametrical opposite views on everything and I won my primary and you won your primary. Now you're the Governor and I'm your Lieutenant Governor. We're not gonna get along, it's water and oil. And that's what the current system is doing. I think 30-some other states do it running as a ticket as we do with the Presidency of the United States. You run as a ticket because as being someone's backup, you want them to at least have the same political views as you have, the same views on -- on -- on several issues, and to represent you in good faith and not try to make you look bad if they're out representing you.

And, you know, to -- to your point, I've been here for

a number of years and I know when Alfred DelBello was Mario Cuomo's Lieutenant Governor, they didn't even speak and he decided that he didn't want it and he -- he resigned. I think the current Governor (indiscernible) the Lieutenant Governor of the former Governor, and they didn't get along all that well. So this, I think, is good for the political state for both parties in New York.

MR. SEMPOLINSKI: Well, Chairman, I -- I respect your flair for matrimonial metaphors --

(Laughter)

-- and I think we'd find a way to work together if that was our situation.

But my -- my point being, this has not been the particular problem that the current Governor's been having with her Lieutenant Governor, it's been other problems. And my opinion would be that it would sort of pushes it into party bosses picking as opposed to a more democratic process.

That being said, I appreciate you being willing to answer my questions. I'm gonna go on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. SEMPOLINSKI: So to -- to go back to the prison closures, I want to reiterate what my friend Mr. Maher said. The portion of the district that I represent that is near Collins Correctional is a very rural area. I was there a few weeks ago for a fire department dinner and everybody -- that's all they wanted to talk about was, *What's gonna happen with the correctional facility? Is it*

gonna be closed? Have you heard a rumor? Is it on the list? And having that level of anxiety over such a small community for such a long time, up to March 31st of next year and then potentially have a snap closure is certainly not something that I can support. When we make decisions like this, it should be open, it should be transparent. It should be with enough time for communities to adjust. I -- I -- concur, I don't think we should be closing prisons at all. This certainly -- this sort of blanket authority to the Governor is -- is not the way to accomplish something that I don't think we should be accomplishing at all.

And then the other piece -- and -- and I'll be voting against this particular bill mostly on the prison closures, but the other reason would be we've all been waiting to see what's gonna happen with discovery reform. There's not even a whisper of it in this bill. The anticipation is it's gonna come later. I'll -- it'll be interesting to see, is it watered down, is it not watered down, what the details are. But there -- that's a gaping hole in this bill that was just another reason which I will be voting in the negative.

But again, I appreciate the Chairman answering my questions and I appreciate the quality of the debate today. Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Can we have some quiet in the Chamber, please?

Mrs. Bailey.

MRS. BAILEY: Thank you, Madam Speaker.

Would the Chair yield for some questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MRS. BAILEY: Thank you very much.

I have a couple questions in and around correctional facilities, specifically, first and foremost, on the retention and hiring of new corrections officers. So you had indicated that we're down about 4,000 corrections officers --

MR. PRETLOW: That's what I'm told, yes.

MRS. BAILEY: -- this year. Okay. And we're looking to open testing up for 18-year-olds to sit for the test to become a corrections officer?

MR. PRETLOW: That's correct.

MRS. BAILEY: And out-of-state residents?

MR. PRETLOW: Yes.

MRS. BAILEY: And once we hit a 90 percent fill rate, I guess, or staffing rate for our correctional officers that those provisions will then be put on pause or will not be paid into the equation, correct?

MR. PRETLOW: That's the intention.

MRS. BAILEY: So my question would be, if these individuals sat for the test, what happens to their names if they are on the list to become a correctional facility [sic] and the correctional

facility is using a list to advance someone forward?

MR. PRETLOW: Well, they get -- it's 60 days from the announcement that they can accept the position or not. Now, you have to remember, you know, we do have 18-year-olds in the facilities right now in the form of --

MRS. BAILEY: I'm going to get to that as well.

MR. PRETLOW: -- the National Guard, so...

MRS. BAILEY: The National Guard. I've talked to many of them.

MR. PRETLOW: Okay. So your question is if they're on the list --

MRS. BAILEY: So if they're on the --

MR. PRETLOW: -- there's a 60-day window --

MRS. BAILEY: If they are on the valid list to become a corrections officer but we've hit that 90 -- you know, we've hit that 90 percent --

MR. PRETLOW: They can still -- they can still be hired in that case.

MRS. BAILEY: Okay. So they still would be able to be chosen off of that list, they just would not then be able to sit for a new test if we're still at that 90 percent; am I understanding that correctly?

MR. PRETLOW: Yes.

MRS. BAILEY: Okay.

So as you alluded to the National Guard. So, the

provisions in the budget the way in which it's read, there are certain things that our 18- to 21-year-olds are not able to do in the facility?

MR. PRETLOW: Correct.

MRS. BAILEY: Are those the same provisions currently today that our National Guard members who are within the 18- and 21-year-old --

MR. PRETLOW: I don't believe so.

MRS. BAILEY: Okay. So are National Guard members who are 18 to 21 currently are able to do the things that we have outlined we choose not to have 18- to 21-year-olds --

MR. PRETLOW: The National Guard is there under an emergency situation. The answer -- direct answer to your question is yes.

MRS. BAILEY: Okay. Thank you.

So I -- there are, you know, measures in this bill overall that, you know, are -- are great to see; the 20-year-old retirement for the New York City folks; expanding, you know, law enforcement to the age of 43 to sit for an exam. Is there a reason we did not include those provisions into -- for our corrections officers?

MR. PRETLOW: I don't know if there was a reason or what the reason was that they weren't included.

MRS. BAILEY: Okay.

So, we're looking to staff, you said 2,500 is what we're looking to reach, correct?

MR. PRETLOW: Pardon?

MRS. BAILEY: Twenty-five hundred corrections officers will get us to that 90 percent?

MR. PRETLOW: That's what I'm told, yes.

MRS. BAILEY: Okay.

I'm gonna shift my thought process here just for a minute and go to the closures on a prison -- or on the correctional facilities. The budget aligns -- outlines for up to three correctional facilities to be closed at the Governor's choosing.

MR. PRETLOW: With 90-day notice, yes.

MRS. BAILEY: With 90-day notice based on -- as the Governor determines to be necessary for the cost-effective and efficient operation of the correctional facility -- or correctional system.

MR. PRETLOW: Yes.

MRS. BAILEY: For our past correctional facilities that we've closed, how has that contributed to the effective operation or the cost effectiveness of maintaining our correctional facilities?

MR. PRETLOW: Well, I -- I imagine that there -- people that were incarcerated --

(Conferencing)

Okay. We've -- we've closed so far 26 correctional facilities and eliminated more than 15,000 prison beds since 2011, and it's resulted in an annual savings to the State of \$492 million.

MRS. BAILEY: Four hundred and ninety-two million?

MR. PRETLOW: Yes.

MRS. BAILEY: Do you know, in those closures of those 26 facilities how many correctional officers did not take a transfer to another facility?

MR. PRETLOW: I -- I do not know. But I -- my understanding is that 96 percent remained employed or retired.

MRS. BAILEY: Okay. And for those that have had to travel -- kind of going back to what my colleague Mr. Durso was talking about -- those that have had to travel to a different correctional facility for employment, where are they housed? How are they housed?

MR. PRETLOW: They're not housed in State housing. I don't know how their housed. As I stated earlier, I do know some instances where there are trailer camps outside the facility that many of the correction officers stay in. Most of them -- they try to work within the confines of their locale where they actually live, and they commute to work like most people.

MRS. BAILEY: Okay. And one of the concerns that I have is, I do have a correctional facility in my district, Groveland Correctional Facility, and there are individuals who travel quite a distance due to closures; multiple closures in some instances where they've been transferred many -- to many places. And it's my understanding that some of them do stay on the grounds in State housing.

MR. PRETLOW: Okay.

MRS. BAILEY: Okay.

My next questions are going to go on the body-worn camera, and I believe my colleague Mr. Maher mentioned this or asked, and we've rehashed that it -- the policy has not gone through any bargaining units as it's outlined, and you had mentioned on the record that if staff needs to use the restroom that the cameras then could be turned off?

MR. PRETLOW: To my knowledge. I don't -- I can't give you 100 percent guarantee that, but to the best of my knowledge that's the case.

MRS. BAILEY: Okay. I think we need to seek some clarity on that, because those that have body cameras right now, I don't believe that's necessarily the information in which they're being led to believe is accurate. So that would be great if we got some -- some clarity on that.

The next question I have on body-worn cameras is the Commissioner has the ability to have civilian staff wear body-worn cameras; is that correct in this bill?

MR. PRETLOW: Yes.

MRS. BAILEY: How will that be determined? Do we know? Is it by facility? Is it by position? And will the bargaining units that represent those individuals be involved in that decision-making process?

MR. PRETLOW: I think that's determined by the Superintendent of --

MRS. BAILEY: By the Superintendent or the

Commissioner?

MR. PRETLOW: The Commissioner, I should say.

MRS. BAILEY: Okay. So we don't know if that's by position or if it's by a facility-specific --

MR. PRETLOW: That's determined by the Commissioner, DOCCS Commissioner.

MRS. BAILEY: Okay.

MR. PRETLOW: And in -- in answer to your former question about using the camera in the restroom, I think the legislation, the way it's worded, says when it's necessary to have the camera on or when it should be on, and not 24/7.

MRS. BAILEY: So I read the section that it said it's on at all times.

MR. PRETLOW: On and activated are two different things.

MRS. BAILEY: Okay. But if it's on, isn't it still recording (inaudible/cross-talk) --

MR. PRETLOW: It doesn't have to be activated if they're sitting on the commode.

MRS. BAILEY: Okay.

MR. PRETLOW: But it should -- it could be on but it's not activated (inaudible/cross-talk) --

MRS. BAILEY: So you're indicating on means on the body, on the person --

MR. PRETLOW: Yes.

MRS. BAILEY: -- versus being activated?

MR. PRETLOW: Yes.

MRS. BAILEY: Okay. Thank you. On the -- thank very much for answering my questions.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MRS. BAILEY: Very much like my colleague to the left, Mr. Sempolinski, you know, I -- I can't in good faith vote for this bill, and I really think we missed the mark when it comes to an opportunity. There are several measures in here from -- from a policy base that -- you know, in and around our corrections officers, but it speaks loud to me that we did not listen to them a few months back. And we're taking measures to retain and recruit in some areas of law enforcement, but unfortunately, we're -- we're selling ourselves short.

We currently are spending \$100 million a month on the National Guard in our correctional facilities. I have concerns with bringing folks in from out-of-state and what that means for our correctional facilities. Where do we house these individuals? If they are coming in, will that be something that gets layered on later on? And how that -- what does that mean for our State residents if the they're all on the same list? I did not read any provisions in there that New York State residents have a preference over out-of-state residents when it comes to hiring our correctional officers with this new framework. And I have true concerns -- I have true concerns with our National Guardsmen in our correctional facilities right now who are

between the ages of 18 and 21. And I have said this every day since they were -- they were put in place, is that our correctional officers cannot sit for the exam until they were 21 years of age, but here we have our National Guard in there at 18. So we're making some carve-outs for individuals if they choose to go into this profession at that age. However, what does that do and how are those positions going to be transitioned and moved around if they are considered a peace officer? And we're doing hiring. Is there a certain amount of individuals in any one correctional facility under the age of 21? Do we have a number of jobs outlined that these individuals can fill versus those that have to be over 21?

So I really believe we need to take a better look at this and really look at how do we retain and recruit our staff in New York State and stop piecemealing different pieces. I think it was heard loud and clear a few months ago on what some of the measures are that we would be able to get folks into our correctional facilities. The answer is not closing up to three more. It has a huge economic shortfall on those areas in which those closings take place. Our district suffered a closure in 2019 and there are individuals that to this day continue to speak on that. Furthermore, that property sat vacant and still sits vacant. The County just took possession of it last year from New York State. So it would also be what's the exit plan for these empty facilities as we move forward.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you very much, Madam Speaker. Will the Chairman yield for some questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

(Indiscernible)

ACTING SPEAKER HUNTER: The Chair yields.

MS. WALSH: Thank you so much.

One -- one of the things that's great about having smart colleagues is they tended to ask some of the same questions. I'm gonna try very much not to be repetitive. But I did have a few, kind of, I guess, cleanup questions to ask on a variety of topics.

The first I'll take up is the issue with the judges, the Civil Court and Court of Claims judges that are going to be added. That's in Part NN of this bill. The part provides for ten additional New York City Civil Court judges and it lays out the different counties. We heard quite a bit of discussion about that earlier. My question is, is there anything in this bill that adds any Upstate judges?

MR. PRETLOW: No. Unfortunately, I'll say no.

MS. WALSH: Well, I appreciate you saying it's unfortunate; I would agree with you. Is -- is that, to your knowledge, built into any other bill that we might be seeing in the course of passing this budget?

MR. PRETLOW: Not to my knowledge. As I said -- as I said earlier to our colleague, these requests are made by the Office

of Court Administration based on how they see the need Statewide. They see a need for a Supreme Court judge -- judges in, you know, in District 12, they'll put one or they'll make a request for one. We're just approving what the Office of Court Administration has requested to fill the ranks of their judgeships.

MS. WALSH: So Chairman, are you suggesting that I should take my beef up with OCA, then?

MR. PRETLOW: Absolutely.

MS. WALSH: All right. I will do that.

The next thing I'd like to talk about quickly because we have had a lot of questioning about it is the public campaign financing changes.

MR. PRETLOW: Yes.

MS. WALSH: It is confusing. And it has, you know, the -- Mr. Ra spoke earlier about the -- the problems with essentially trying to pass budget bills when we don't yet have a full picture of our spending plan. I think about that a little bit when it comes to the public campaign finance changes. It seems as though we members are kind of being led through and getting, you know, positions and memos and -- and ideas as we're going through the program about what's gonna be allowed and not gonna be allowed. So it's just, like, overall kind of a confusing thing.

My question is really at the end of an election cycle, can you transfer either non- or public money over to a housekeeping or other political account?

MR. PRETLOW: I do not believe you could transfer any public money in. It has to be returned.

MS. WALSH: Okay. But not -- okay, the public money has to be returned, and I -- I get that. Non-public money, what about that? Can that be sent over as it was, I guess, you know, last year at the end of that election cycle? We -- I read about that.

MR. PRETLOW: Yes. I think up to \$50,000 can be transferred.

MS. WALSH: Up to \$50,000, thank you, could be transferred to a housekeeping or other political account. Thank you. Okay.

And I -- I just wanted to ask -- and -- and -- I wanted to ask because I also was here when we first passed this and I didn't support it. I still think that candidates should be able to marshal the resources to be able to run a campaign on their own. However, the -- the purported reason that was given for creating this whole program was to try to amplify the voices of small donors versus large donors, and to help grassroots non-money candidates who want to participate in this process to have a fighting chance.

MR. PRETLOW: That's the theory.

MS. WALSH: How is the -- how does the language in this bill help further either one of those goals?

MR. PRETLOW: I believe the original iteration of this bill caused difficulties to several individuals just for the \$250 maximum. You know, \$250 was matchable, I believe, at eight-to-one

payment to the -- the candidate. But if a week after that \$10 came in and you had \$261, you were then responsible to return the 250 -- the entire matching amount, and you may have spent it. I mean, I use two weeks as an example, but a month-and-a-half after you got your \$250 matched, you received an additional \$10 that threw you over. You may have already sent out a mailer or spent that money, but now you're responsible -- or you were responsible to return the matching money that you received, you know, earlier. Under this new bill you can -- after you max out at \$250, you can get up to \$1,050. And I -- don't ask me where that number came from, it was negotiated.

MS. WALSH: Negotiated.

MR. PRETLOW: You know, \$1,050 and you would not have to return the original matched funds.

MS. WALSH: Yeah, and I can appreciate that. And I -- I think many of us who did participate in the program experienced that kind of incredibly annoying thing. And it was almost insulting to somebody because you're looking at the donor, sometimes the donor and their spouse got aggregated in terms of their contributions. But if they wanted to give you additional money later in the year, for example, you had to turn them down and then you had to go through that whole thing, that whole conversation. I understand that. All right. Let's move away for a moment from public campaign financing, because I do think that there were a lot of questions on that.

I want to just a quick question about the -- the hiring the 18- to 21-years-olds for corrections officers. And you mentioned

earlier, I think, I just want to clarify, you said so the plan is to move more corrections officers that currently were holding desk jobs, I'm gonna say, or not, you know, direct inmate contact sort of jobs --

MR. PRETLOW: Yes.

MS. WALSH: -- and move them since their more experienced to work with -- directly with the inmates and then have the 18- to 20-year-olds -- 21-year-olds more in these desk jobs. Did I understand that correctly?

MR. PRETLOW: Yes, you did.

MS. WALSH: Okay. All right. And -- okay. I would -- this is my editorial, but I would say that you might have some of those more experienced corrections officers who don't want to have direct contact with the -- with the inmates (inaudible/cross-talk) --

MR. PRETLOW: That is -- that is a possibility. Some may have requested to get away from the -- the population to those -- to those positions. But my understanding is, is that -- is that there are enough vacancies right now that -- that can all be handled internally within the facilities.

MS. WALSH: Thank you very much. And thank you very much for your answers.

And, Mr. Speaker, on the bill, please.

ACTING SPEAKER O'PHARROW: On the bill.

MS. WALSH: Thank you so much.

So as with -- you know, this is -- this is our first, I

guess, meatier bill that we're gonna be talking about today and, you know, there are always gonna be things in the bill that we like, there's gonna be things that we don't like. I wanted to, I guess, talk about a couple of things that I was very happy to see in the bill. One is the 25-year retirement plan for firefighters that are employed by the New York State Division of Military and Naval Affairs. I think that's great because in my district I have the 109th Airlift Wing. They're the ones that fly the missions to Antarctica. And they have firefighters that are on base that were very upset about the current situation and are very happy -- I think they're gonna be very happy to see the 25-year retirement plan. And similarly, I was very happy to see the retirement plan for the New York State En Con Police, the New York State Park Police and the New York State University Police to mirror the New York State Police Retirement --

ACTING SPEAKER O'PHARROW: Mr. Meeks, why do you rise?

MR. MEEKS: I rise for a point of order, Chair. Throughout this debate today I've heard a number of my colleagues across the aisle use the term "inmate" in referring to incarcerated individuals. In August of 2021, the Governor signed into law and it relates to replacing all instances of the words or variations of the words "inmate" or "inmates" with the words "incarcerated individual" or "incarcerated individuals" or variations thereof. So I just want to put that on the floor and ask that my colleagues be mindful of the terms they're using today.

Thank you.

MS. WALSH: Thank you so much, Mr. Meeks. If I may continue.

So those are the two things that I mentioned that I was very happy to see in the budget bill. Unfortunately, I do need to mention a few things that I'm not very happy about. The first has to do with the judges, and I -- I can appreciate some of my Downstate colleagues unhappy that maybe their area didn't get what they thought they needed. I've got a real problem because Upstate really got the short end of the stick on this one. I mean, I don't know, maybe -- maybe we'll see it in a later budget bill, but the Chair is indicating that we will likely not. So it's not to say that there wouldn't be some kind of an omnibus bill sometimes passed at the end of Session. But the fact of the matter is that OCA is really largely listening, I think, disproportionately to Downstate voices. And speaking from the county that I primarily represent, Saratoga County, Saratoga County has the fastest-growing population out of 53 Upstate New York counties over the past decade, and all indications are that this growth is expected to continue for the foreseeable future. In the 11 counties comprising the 4th Judicial District, Saratoga County has 26 percent of the entire district's population --

ACTING SPEAKER O'PHARROW: Mr. Lavine, why do you rise?

MR. LAVINE: I respectfully ask if the speaker will yield for just one question.

MS. WALSH: You know what? I -- I don't yield, and I'd very happy to talk to you later.

MR. LAVINE: I will make it very short.

MS. WALSH: Only because my time is so limited, Mr. Lavine. Thank you so much, Chuck.

So in the 11 counties comprising the 4th Judicial District, Saratoga County has 26 percent of the entire district's population, but only one of the 16 county court judges assigned in the 4th JD. I provide that by way of example. I think that if we are going to be doing these types of additions of judges in the budget, I would ask and I would like to put on the record that I would like OCA to listen. And I'm drawing that information that I just read to all of you from a letter that was provided to our District Administrative Judge from the New York State Unified Court System who is in constant contact with OCA. So it's not like we're not raising this issue or that I'm only raising it in the context of the budget.

So I really do hope that we'll see this before the end of Session, whenever that might be. I -- I -- from what I understand we may have a couple of more days even to work with during this -- this year's Session, which I know we're very happy to hear about that.

I think probably I'll leave it there. I mean, I think that the -- the main thing, I guess, I do just want to just touch on briefly in the very limited time that I have remaining has to do with public campaign financing.

As I stated during the questioning, I think that this

whole program was really set up purportedly to help grassroots, first-time, maybe novice, maybe not as well-known, non-incumbents run for office. And it was designed to help people who wanted to give small amounts of money or could only give small amounts of money, and to try to reduce the impact -- sometimes I think very disproportionate impact of money coming in from special interest groups and lobbying groups. And I think that on the face of it, they seemed like good ideas. I don't necessarily like the whole -- I don't support the whole program. But, you know, as was said this morning, as recently from my local paper, these changes turn the reform on its head and subvert its original intent.

A couple of years ago, as was mentioned, in 20 -- two years -- two years ago, lawmakers -- we passed a bill that would have allowed the first 250 of any contribution to be matched by State funding, and the Governor vetoed the bill saying it would, quote, "effectively reduce the impact of small donors on elections", closed quote, and was a, quote, "direct contravention of the purpose of the Public Campaign Finance Program." I did agree with her then. I don't know why now we're seeing this language in here now. And I don't appreciate the fact that it's buried in the budget. So out of 100 pages of budget text it's being kind of stuck in there, I think probably so that the public won't be very aware of it.

So for those reasons I won't be supporting this bill. But hey, we're starting to vote on budget bills. I'm happy to see that. Thank you very much, Mr. Speaker.

ACTING SPEAKER O'PHARROW: Mr. Dilan.

MR. DILAN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER O'PHARROW: On the bill.

MR. DILAN: First I would like to thank my colleague, the new Chair of Ways and Means, on his maiden voyage, so-to-speak, for getting his first budget bill on the floor and to debating it.

But, Mr. Speaker and my colleagues, I would like to remind folks as to why we are here on the corrections portions of this bill today. In my time in this Chamber, I traditionally haven't talked on a Public Protection bill. But the changes that we are implementing today is because Robert Brooks and Messiah Nantwi were tragically murdered by State employees when they were under the care of the State of New York. Now, to my knowledge, unless their use of force guidelines were kicked in, the guards that murdered them did not have the authority to do so. This State did not grant them that authority. So we're here today because this bill codifies language that is in the DOCCS Commissioner's directives. Why are we doing that? In case a future DOCCS Commissioner decides to change them. All right?

We've heard throughout this Session, you know, many of my colleagues have heard the pain that some of us from the Caucus have felt, some of us from outside of the Caucus have felt, and some that even individual members may have felt as a result of these two murders. What we haven't expressed as a Caucus is the pain our

community feels. Right? I hear folks talking about the anxiety, about prison closures and doing that under expedited authority. But no one's talking about the anxiety of the safety of their family who may have committed a crime, probably have committed a crime. Some of them innocent, not at all. But even though they committed that crime, they did not have the right for their life to be taken by an employee of the State of New York. So what are we supposed to do as a Legislature, nothing? We're supposed to only look at one side of the equation, our workforce and not the other people under the care of the State? No.

Today we're taking action. It's a first step of many steps that we need to take to do the next right thing. And I believe that's what, my colleagues, we are doing here today. So codifying language to set permanent guidelines in law for the use of body cameras, to me, is a critical first step. And reforming a department that needs to be reformed.

Now, many of you, my colleagues, we've all seen that video, right? We all saw what was horrendous. But we also saw body language that was equally disturbing. Equally disturbing. Almost looked nonchalant and -- and matter-of-fact. And that pains a lot of us, a lot of our people that -- that we -- we represent. And I can't tell you the amount of calls that I have gotten from people in the State and from out of the State over the concern of the safeties of someone who is incarcerated because not that they have fear from another incarcerated individual, but they have fear potentially of someone who was charged with their safety and their care.

Now listen, I think safety and the care of everyone who is in a correctional facility is paramount, whether you're an incarcerated individual or a guard. But as we stand here today, I can't remember the last time an incarcerated individual was killed -- excuse me, that a -- a correction officer was killed in the line of duty by an incarcerated individual. So we need to take this into account as we go forward. And I -- I have to say, I believe we should be going further. You know, there was language offered up that would give us reporting. And -- and -- and to paraphrase my friend in conference, Mr. Anderson, I do have a bill for that. But basically says how OSI, who is getting additional manpower to conduct these investigations where these instances occur, have to report to us. Because OSI, DOCCS OSI, not the AG's OSI, is not independent of DOCCS. So where are our independent checks on this system? I believe that technology is the first important step that we can take, and setting forth the rules for that technology is what we are doing here today.

Now in the case of Robert Brooks, the cameras were on and we all, unfortunately, had to see what happened. In the case of Messiah Nantwi, those cameras weren't rolling. Probably intentionally. So it's a clear message that we have to do something. We -- we can't just sit here and say that -- that -- that only one side of this equation is affected, right? Now I -- I guarantee both sides of equation are affected. But let's deal with it holistically, and let's start to deal with it from a perspective that in the near future some of the folks that haven't been talked about in this system haven't been

harmful in the last six months. So when we start to deal with that, when we start to unpack that, when we start to deal with the emotions that some of us are feeling and some of the members of our community are feeling, then I think we are on a road to solving this problem. But I think right now if we just look at it as labor force versus incarcerated versus the Legislature versus the Governor, we'll be here. We'll be here and nothing will change. And the sad thing is that the technology -- the technology, the will, is out there to make such change, and I hope that we collectively are all part of doing that change together. The Caucus has been tremendously supportive, members of the Corrections Committee have been tremendously supportive. And not of me. I -- I could care less about me. It's of the agenda. They could care less about me. It's of the agenda that needs to be done for our people that has not been done and has been overlooked for years. This is the first step in correcting that today. And I know a lot of my colleagues are eager to get to that work.

And there's a lot of things in this budget that I do not like. All right? I -- I don't like the idea of 18-year-olds going in. I personally think they're not ready. I'm going to vote for it as part of a negotiated agreement. You don't always get what you want. But that addresses, potentially, a recruiting problem that realistically exists. It does. We can't deny that it exists, it -- it does. But at the same time, we have to acknowledge collectively that on the other side of the equation, things that have been swept under the rug and not dealt with for years need to be addressed by this Legislature. There needs to be a

dramatic reform of the prison system in this State so that folks serve the sentence that they were issued by a court, not by a member of the State workforce. Unless, of course, the use of force guidelines that they have are broken. And in this case neither one of these individuals who I have cited earlier broke those use of force rules, in my opinion or from what I believe.

So, Mr. Speaker, I mean, I -- I could go on. There -- there's so many things that we could do. There's things where we're changing language to the State Commission of -- of Corrections. I think they need to be empowered. They need to be empowered independently. They were empowered in this State in the past. They look at -- they look at deaths in the DOCCS system and in local systems, but they need to be empowered in the worst way. They have almost no say over DOCCS. They do have some say on local jails, and me and my colleague during the budget hearing, Demond Meeks, got to watch another assault that occurred on someone who was incarcerated right here in Albany County, at the local correctional facility. And Albany County Correctional Facility has had some challenges this year. So we really need to look at this holistically. But to look at it and just say, *Oh, well where are my guards gonna work?* And this aspect is unfair when you clearly see, no matter what party you're in, you saw what you saw. So let's deal with it collectively, holistically.

I'm -- I'm -- look, I'm pro-labor. I'm pro-all labor. Right? I consider myself pro-labor. And sure, you know, the reason

why the 18-year-olds are being done, because when I visited some of these correctional facilities I've talked to incarcerated individuals. I've also talked to guards. One of their biggest fears is being -- coming in on a Friday and being stuck and they can't go home and they miss their daughter's birthday and they can't get out. You know, I'm -- I'm sympathetic to that. I'm human. I want to be there for my daughter's birthday, too. But we can't deny the fact that under the collective care two people were murdered, and others abused and swept under the rug for years that we may never know about. So we're taking the first step to change that. And I think the taxpayers of this State, the Legislature of New York -- of the State of New York are entitled to a level of transparency and accountability of all agencies. Not just DOCCS, of every agency. DOCCS is not exclusive. They're not -- they don't get to be opaque as they were used to in the past. That has to change. We can do it fairly. We can do it fairly for incarcerated individuals and we can do it fairly for a worker alike. But to say that the worker was aggrieved ahead of what we just saw, let's be human. Forget about being a Democrat or a Republican. Let's be human. All we ask is to be treated fairly. And I think the second we get to doing that as a State and as the Legislature, we'll be in a much, much, much better place.

So, Mr. Speaker, I -- I could go on, but in -- in the, you know, just the interest of taking the first step and voting on what I believe holistically is the first step in doing the right thing, I'm gonna to vote, or I intend to vote yes on this bill. But I thought at this time it

was very, very, very important to put the full narrative out there and not just half the narrative that exists within the DOCCS system today.

So with that, Mr. Speaker, I thank you. You know, I -- I could say more, but I think it's appropriate to stop here because I think it puts, you know, just a level of civility to it and a level of humanity to it that I think we all need. And it allows some of us who have been dealing with this pain and silence to at least come forward and -- and express that. Because at the end of the day we're -- we're all human. And -- and some of this stuff that happens, as a legislature you try not to bring the stuff home with you, but we're all still human. Some of this stuff hurts.

Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER O'PHARROW: Thank you, Mr. Dilan.

Mrs. [sic] Chandler-Waterman.

MS. CHANDLER-WATERMAN: On the bill.
Thank you, Speaker.

As I know this budget bill covers a collective of important issues, I will focus on one very important concern for New Yorkers. As a New York State Assembly member representing Brooklyn, in Brooklyn, Assembly District 58 covering an under-resource area of East Flatbush, parts of Canarsie, Brownsville and Crown Heights, predominantly Black and Brown communities that have some of the highest level [sic] of gun violence throughout

New York State. Today marks a pivotal moment with the pass [sic] of critical legislation through this budget to address the national crisis of gun violence, and especially the trauma to the communities impacted. I want to extend special thank you to the leadership here with our Speaker, his team, Ways and Means, Mr. Pretlow and my colleagues, but also to the advocacy groups who have and are continuing to support us in doing much of this work across the State, especially national groups like New Yorkers Against Gun Violence, Common Cause, my district 58 public safety task force and the local groups and my colleagues' district [sic] throughout the State that help myself and my Senate prime sponsor create this piece of legislation. Due to this collaborative work of everyone behind the scenes, we are able through this budget to pass the legislation to secure the New York State Office of Gun Violence Prevention to expand and ensure that its office is permanent in State statute regardless of who's in office to guide the development and implementation of impactful wraparound services, especially mental health support, intentional support for our survivors, data collection, grant allocation to community-base [sic] organizations and public education campaigns aimed to reduce gun violence with the coordination of stakeholders and agencies, especially the Department of Health, Office of Mental Health and Office of Victim Services. This move is not just merely consequential. It is vital and the actions we are taking in the regard will set a precedence with states across the country, especially since we are in uncertain times where hundreds of millions of dollars were cut on the Federal level

from the same -- same community groups in the middle of a granted contract that provides resources to support holistic response and preventative gun violence measures.

Also, in January the White House offers [sic] a gun violence prevention was closed with this new administration. The same month, days prior to the office closure, ten young people were shot and injured in a mass -- mass gun violence incident in New York City. And update -- and Upstate like Buffalo mass shooting of ten murdered or even Rochester report a summer violence of five people being shot. Our plight to eradicate gun violence is not just another piece of legislation, it is how to truly reimagine how to address public health crisis. One incident of gun violence is too much and survivors and families need to be supported during the traumatic time. If there's one incident or what we now have as a new term in the State statute mass gun violence incidents whether there's a mass shooting of four or more being murdered or three or more being -- are injured or three or more injured in seven days of multiple shootings, these (indiscernible) individual injured now is a term codified or more support. No one wakes up thinking their loved one will be a victim of gun violence. However, there is some people's reality every day.

I want to thank the vital force of our survivors who turned their pain into purpose, especially with this legislation, the NOW, the Office of Victim Services through this budget will now be more financial support for better assistance with no judgment to the victim. More support will be (indiscernible) for cleanup of the crime

scene whether you're a family or not. Loss (indiscernible) to survivors support, assistance with relocation and even (indiscernible) support to those who are living with disabilities that are victims. While we have a big, illegal gun problem, we need more restrictions to stop the flow of illegal guns into our communities, but we also need to ensure gun owners, legal gun owners are responsible when it comes to safe storage as well. This crisis of community violence is multi-layered. My heart goes out to all the families impacted while I'm appreciative that we have taken steps to secure and expand the Office of Gun Violence Prevention and provide more support for survivors through the Office of Victim Services there are still more financial investments and resources needed to truly address this ongoing crisis in a meaningful way and making sure that these agencies have that financial support. I'll be remiss if I did not mention the wraparound services (indiscernible) for children like child care, after school programs, out of school programs, educational supported programs and resources are also uplifted with more financial investments. This bill's not perfect, not everything we want to -- want to have, but however, I look forward to continue to work collaboratively with these agencies, stakeholders, especially survivors and community-based organizations interrupting the violence to ensure we are intentional with listening to those who have lived experience -- experiences holistically to lend their voices to support the public health crisis.

Thank you. I plan to vote in the affirmative.

ACTING SPEAKER O'PHARROW: Thank you, Mrs. [sic] Chandler-Waterman.

Mr. Tannousis.

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

MR. PRETLOW: Yes.

ACTING SPEAKER O'PHARROW: The sponsor yields.

MR. TANNOUSIS: Thank you. Thank you.

Chairman, I want to go back to the ten Civil Court seats that are from New York City. Once again, how were the determinations made as to how many seats were to go to each borough?

MR. PRETLOW: The Office of Court Administration made the determination as to how many they needed in the system, and my be -- and my belief is that the basis that they did the judges' assignment by county was based on arrests in that county.

MR. TANNOUSIS: Okay. So what you're telling us here in the Assembly is that the Office of Court Administration determined how many seats and which boroughs they were going to; is that what you're telling us?

MR. PRETLOW: Yes.

MR. TANNOUSIS: Okay. And who in the Office of Court Administration did you speak to in regards to this?

MR. PRETLOW: I didn't speak to anyone in the

Office of Court -- Office of Court Administration. They made a request through the Executive for these positions to be included in the budget.

MR. TANNOUSIS: Oh, so you didn't have any type of conversation with anybody at OCA --

MR. PRETLOW: Me personally --

MR. TANNOUSIS: -- in regards to --

MR. PRETLOW: -- absolutely not.

MR. TANNOUSIS: I'm sorry?

MR. PRETLOW: I said me personally, absolutely not.

MR. TANNOUSIS: Okay. So what you're saying basically is that these ten judgeships somehow appeared out of nowhere and we have no idea why certain boroughs, every borough basically has two, Brooklyn has three and Staten Island has one. And you also have no idea why certain municipal districts potentially have a judgeship while others don't. Is that what you're telling us?

MR. PRETLOW: I'm telling you that the Office of Court Administration makes a determination as to the assignment and location of judges.

MR. TANNOUSIS: Okay. Maybe then we should have brought Judge Zayas here and maybe I could've asked him under --

MR. PRETLOW: If he were a member of this Body I would -- I would accept that, but right now we are doing the budget as

requested in -- in this case by the Executive.

MR. TANNOUSIS: Okay. Well, thank you very much.

On the bill --

ACTING SPEAKER HUNTER: On the bill.

MR. TANNOUSIS: -- Madam Speaker.

You know, it's a little bit insulting to our intelligence to sit here and we know that there were ten New York City judges, ten judges proposed in this budget for New York City. Certain boroughs got certain amount of judges. And now we're expected to believe that all of these are made in regards to the demand instead of any other factor. Staten Island has two municipal districts. The one that particularly -- may particularly favor one party over another happens to be the one that they create the judicial seat for. Who here now believes that OCA created these? I find that hard to believe. I vote no!

ACTING SPEAKER HUNTER: Thank you.

Mr. Bologna.

MR. BOLOGNA: Thank you very much, Madam Speaker. Would the sponsor yield for a few quick questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BOLOGNA: I have to tell you, Mr. Pretlow,

from my days of working for our previous colleague Jim Hayes when he used to debate Denny Farrell. You're very reminisce and your style very much still reminds me of the late great Denny Farrell.

MR. PRETLOW: I remember Mr. Hayes.

MR. BOLOGNA: You're giving off Mr. Farrell vibes, so thank you very much.

Okay. So a few -- few quick questions for you. I just want to clarify some things. So would you agree that our goal is to -- to solve a staffing crisis within the Department of Corrections?

MR. PRETLOW: Yes. I would agree to that,

MR. BOLOGNA: Okay. Then to holistically just looking at it from a thousand foot view, is it to fix a staffing crisis or is it to fix the ratio of corrections officers to incarcerated individuals?

MR. PRETLOW: The determination as to the number of -- of -- of officers in the facilities is made by the Commissioner of DOCCS.

MR. BOLOGNA: Mm-hmm.

MR. PRETLOW: So if he or she or currently is a he is using the ratio of DOCCS employees to incarcerated individuals and that's how they do it, he's the expert in this. My assumption is that he's an expert in this by virtue of his position. We are not experts. I don't believe anyone in this room is an expert on corrections. So we're letting them do what their job is. Certain requests were made by the Commissioner to the Governor to put certain things in the budget as it pertains -- as it pertains to staffing, as it pertains to body cameras,

even as it pertains to the permission to consolidate incarcerated individuals by virtue of closing institutions. This is all done through the Department of Corrections.

MR. BOLOGNA: Thank you. It's a -- it's a critical point to -- to harp in on, because again, I mean obviously we've all, you know, been paying attention to what's happening since the beginning of the year really with -- with, you know, our corrections officers. And, you know, one of the things we've heard is -- is, you know, early release, we've seen that a little bit, so I'm just trying to hone in on the intent of some of these reforms to see is it really to bring up our staffing numbers, or is it to kind of climb the nexus point of bringing up staffing and bringing down the -- the number of incarcerated individuals, which actually leaves me to kind of another question.

So, some of the -- in the time that we have seen that kind of crisis within DOCCS and the striking in our county facilities have actually had an influx of State holds, which are paid at a lower -- which is paid at about \$100 I think per -- per night. Our Federal holds I think are at \$148 a night. So I have some sheriffs and corrections in my district that have had to turn away Federal holds because of the influx of State. So my question is, is there any funding in this -- in this budget or in language that would reimburse or make whole the counties that have had to turn away Federal holds?

MR. PRETLOW: I don't believe so.

MR. BOLOGNA: Okay. Then I want to flip over to

-- back to Part HH, which talks about the report. What is the intent of the report?

MR. PRETLOW: The intent of the court?

MR. BOLOGNA: Sorry. Hold on.

(Pause)

It is the -- oh, here we go. The Corrections Commission Report.

Now, it's my understanding that the Citizens' Policy and Complaint Review Council that already exists, but what we're adding is now there is a report that that council has to -- or commission has to produce, correct?

MR. PRETLOW: Yes.

MR. BOLOGNA: Okay. What is the intent of that report?

MR. PRETLOW: SPEAKER: Okay. It's my belief that this done -- being done to create more transparency within the system.

MR. BOLOGNA: This isn't I gotcha thing.

MR. PRETLOW: No, no, no.

MR. BOLOGNA: I'm generally trying to understand.

MR. PRETLOW: No, no.

MR. BOLOGNA: So in one of the parts there it says, the Commission shall maintain a website that allows the submission of written complaints regarding any correctional facility and provides the Commission to address for the receipt of compliance by mail. The

Commission should promulgate rules requiring corrections facilities to provide incarcerated individuals in writing the website's mailing address. Is this also eligible for COs to submit complaints and thoughts as well?

MR. PRETLOW: I would imagine so, yes.

MR. BOLOGNA: Okay. Perfect. Thank you.

And then my last question would be this: So Part SS, which is the -- I think it's the 20 -- 20 years for New York City corrections officers. Oh, sorry. New York City Police Department.

MR. PRETLOW: No. Police (indiscernible) over 20 years is only for police officers.

MR. BOLOGNA: Okay.

MR. PRETLOW: Not correction officers.

MR. BOLOGNA: Okay. Yes, which is -- which is my point. I think this was brought up earlier. Has there been any talk, discussion or concern that now that the pension benefit occurs earlier might be better, there might be New York City corrections officers that leave to go work at the NYPD because that their benefit is better, only further exacerbating the staffing crisis and shortage within New York City COs.

MR. PRETLOW: That is a possibility, but we have that -- we have that discrepancy in many other areas, and there is as I mentioned earlier to one of our -- our colleagues that I have the same experience where -- where it's called a badge train where police officers leave one community to go to another, leaving right next door

and, you know --

MR. BOLOGNA: Yup.

MR. PRETLOW: -- even ten, 15 percent increase. It holds true with pensions, also. We have different pension systems for park police or New York City Police versus New York State Police. There are a lot of different systems that each of those gain through some form of collective bargaining. So yes, there are differences and everyone that's in a position, whichever position they're in knew that before they took the job.

MR. BOLOGNA: Okay. I mean just -- there's really not a question here but to drive home the point, I guess I'll go on the bill, Madam Speaker. Thank you very much, Mr. Pretlow.

In 2019 our New York City corrections officer number was at -- was at 9,600. It is now at 4,800 with our incarcerated individuals being currently at 7,500. Those -- those are kind of scary numbers, and I guess one date that I'll remember in my career was October 13, 2021. And that was actually the day that I was about to tour Wende Correctional Facility with my predecessor and boss at the time Assemblyman Mike Norris. That was a transformative day for me. I had never been in a maximum security prison. That was a -- it was an experience unlike any other. And I tried to see it from everyone's angle, both the incarcerated individuals and the COs as well, but one of the things that -- that truly stuck out to me was -- was in fact the ratios. Walking through the halls and walking through some of the -- the rooms, whether it was the

vocational services, whether it was, you know, the -- the yard, there were infinitely more incarcerated individuals than actual COs. And, you know, again, you never know what happens but I myself didn't exactly feel safe in there. So I couldn't imagine what it felt or feels like for corrections officers in those -- you know, in those precarious situations.

So, again, I think that -- that we've heard a lot of, you know, talk about respecting everyone's point of view and I -- I think that's good here, but I do want to make sure that we are after talking with a number of COs and listening to some of their -- their concerns and, you know, the -- the time away from their families, the hours that they work and the conditions that they work under, I just want to make sure that we are maintaining an open line of communication with them going forward. So thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Lemondes.

MR. LEMONDES: Thank you, Madam Speaker.

Will the Chair yield for some questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. LEMONDES: Thank you. My overall comments are with respect to the closure notification time period and context therein. I'm just wondering if you have ever personally closed

any large facilities in your career?

MR. PRETLOW: Have I personally closed any large facilities?

MR. LEMONDES: Yes.

MR. PRETLOW: Other than my apartment door, no.

MR. LEMONDES: The reason I ask that is I believe that we have a 90 -- we have a -- we have a 90 day notice here. I've closed many facilities in my career. Ninety days is nothing. This extremely disruptive to families, to the careers of the individuals themselves, to our whole entire infrastructure. And so as the representative of the Auburn Prison [sic], which our community depends on that -- on that facility. That facility does -- does exceptional work maintaining our security infrastructure, but living under the threat of constant closure, I think is really detrimental to our workforce. And that leads me to ask the question, do you believe a leader's job is to incite fear or confidence in their people, group, organization, family --

(Indiscernible/cross-talk)

MR. PRETLOW: I would say confidence.

MR. LEMONDES: I would agree with you, but this policy by itself does just the opposite in a perpetual state, which I think is -- is exceptionally dangerous for multiple reasons which we don't have time to go into. So I -- I would ask that we consider changing this time frame right now today, tomorrow from 90 days to one year at a minimum to do justice to the peoples whose lives are

torn apart, thrown upside down, kicked to the curb and forgotten about. And that impacts everything. That impacts safety within the facilities, that impacts the officers, it impacts those that are sentenced, it impacts everybody. So I just want to that leave -- leave that topic with that question about expansion.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. LEMONDES: Thank you.

With respect to this particular bill, I personally will not vote for it for the following reasons: its lack of transparency, its injustice to our CO communities and their families and its destabilizing effects to our overall security infrastructure, its general unsustainability, \$454 [sic] billion in a State with the highest out-migrating population in the nation. And oh, by the way, in case anybody's checked, we have been ranked dead last for the 12th consecutive year in economic outlook. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Madam Speaker.

Today I rise not just as a legislator or a member of the Subcommittee on Internet and New Technology --

ACTING SPEAKER HUNTER: Are you on the bill, sir?

MR. BLUMENCRANZ: Sorry, yes. On the bill.

Not just as a member of the Subcommittee on Internet and New Technology, but also as a representative of my district on Long Island. As someone who cares about the plight of families, of parents, of young people who have -- who expect their government to protect them from the darkest threats that come from modern technologies.

Last Session I introduced a piece a legislation, the New York State AI Child Safety Act to finally bring justice into the 21st Century to close a dangerous loophole in our State's Penal Law that allow predators to exploit innocent victims through deep fake pornography and walk away with a slap on the wrist. Today I'm proud to say that the fight that I wage, the advocacy that I lead alongside dedicated advocates and leaders has made its way into this year's State budget. While I cannot in good conscience support every provision within the omnibus budget bill, I will not shy away from praising when we get it right. This provision, Part L is a win for New Yorkers, for Nassau County and for Long Island. It's a win for the children and families who have suffered in silence. It is a win for law enforcement and prosecutors who for too long have lacked the tools they need to prosecute dangerous criminals. Let me be clear. This is a personal victory for me and for Nassau County. The version I introduced went even further to ensure that criminals like Patrick Carey, a man who used deep fake pornography to terrorize 11 young girls and women from MacArthur High School just a few years ago in Levittown would face serious consequences for their depraved actions. This heinous

individual used artificial intelligence to create vile sexually explicit content using the images and faces of young girls he knew many of them still in middle and high school. He used these images and videos posting them online on pornographic websites including their name, their addresses, their phone numbers, their personal information. He encouraged others to threaten them and he made their lives a living nightmare. And yet, under the outdated laws that exist in our Penal Code he was only able to be sentenced for six months. Six months! Why? Because our law did not consider that digital manipulation and deep fakes would be a real crime as a criminal conduct unless the child pornography could be proven. This was a loophole. This was a failure and this is what had to change in Part L. It is time -- it is time I'd like to thank the tireless work of Nassau County District Attorney Anne Donnelly for her tireless work in this horror story. A case that sickened every parent on Long Island. DA Donnelly not only pursued this case with determination, she also called on this Legislature to act. She proposed real solutions and proud that we answered the call today. To the victims, to the young girls, to those who were brave enough to come forward to face their abuser to testify in court and to demand justice, this change in this law is for you. Your voices were not in vain. You are heard not just in Nassau County but in your Statehouse today. We still have more work to do and I believe this law should go further, that our justice system must treat this conduct not just as a new form of harassment but as a direct assault on children. But I'm grateful today that we took

meaningful steps in the right direction, because when we talk about public safety we're not just talking about the violence on the streets anymore, we're talking about how new technologies like deep fakes can be weaponized, can be used against children, and if we fail to act to ignore these new threats, then we are not doing our job. So while I cannot vote for this entire budget I stand here to say this: I am proud of our advocacy. I am proud of our advocates who fought hard, and I'm happy to deliver justice to these victims. I thank District Attorney Anne Donnelly for her leadership. And I thank the brave victims who refused to be silenced and worked hard to make sure this could get done. And I promised them this: I will not stop fighting until this law reflects the realities in our community.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will generally be in the negative on this piece of legislation, but should members wish to vote yes they can certainly do so at their seats now. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference is generally gonna be in favor of this bill; however, there may be a few that would desire to be an exception, they should feel free do so at their seats.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote,

MR. LAVINE: Thanks much, Madam Speaker.

I just want to clarify something. There's been a bit of confusion with respect to the number of judges that we are going to provide for in this budget. And yes, there are ten judges for New York City where we still face the heaviest of backlogs. However, it's not as if there aren't other judges for other parts of New York State, because we will now be providing for five additional Court of Claims judges who can serve anywhere in the State of New York and they can also serve as Acting Supreme Court justices, judges rather, anywhere in the State of New York to help alleviate overcrowding and backlog burdens throughout the State.

So, with that being said, and I'm sure we all recognize the and realize that, but I'm going to be voting in the affirmative and I appreciate the opportunity to address that particular issue. Thank you.

ACTING SPEAKER HUNTER: Thank you. Mr. Lavine in the affirmative.

Mr. Maher to explain his vote.

MR. MAHER: I rise to explain my vote.

I really was encouraged honestly from my colleagues across the aisle that agreed with some of the items that were brought up in my debate and the questions that I asked, especially when it comes to showing genuine and real emotion about making sure that we're hitting on all sides of the issues specifically when it comes to our prisons. For my two years and three years now heading in here I can say from my perspective that this has been one-sided. When it comes to making a correction and having the pendulum swing in a -- in a different direction, yes, I believe there are plenty of folks that can make an argument and I can make one as well that says we needed to make some changes, but I think that pendulum has swung way too far to point where it has impacted our prison systems and everyone involved; corrections officers, civilian staff and those that are incarcerated in a negative way. So while I vote no on this budget bill I am going to hold on to the hope in those conversations and in the statements that were made that we can tackle this issue together in a bipartisan way that really does serve everyone. I vote in the negative.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Maher in the negative.

Mr. Dilan to explain his vote.

MR. DILAN: Madam Speaker, I didn't intend to do this again, but there are parts that I didn't speak on earlier, and there's another aspect of this bill that I wish were not doing today and that is

the allowing for the people outside of the State of New York to become a correction officer in the first place. I think it's incumbent upon us to do a better job recruiting within the State of New York, but given where we are I'm going to support this, but when I say holistically I also mean in the workforce, too. I would love to see more diversity amongst the ranks of a New York State Correction Officer. I think we need to do a better job recruiting, particularly in the areas Upstate and communities of color. You know, we -- we -- we had and still have an opportunity to do that, and while there's no funds in this budget for that, I wish there were, it's something that I think we -- we -- we -- we need to take a look at. Now when I said earlier holistically, you know, I -- I meant that yes, we do acknowledge that there are workforce problems, but we also have to acknowledge that there are still problems remaining in regards to the humane treatment of incarcerated individuals and it would be great to hear both sides of the aisle talk about that because what we also we know is unfair. So if there's an opportunity to do that in a real human way, I look forward to working anyone and everyone, but I mean if we're going to do the bipartisan politics, then it forces me as a democrat to put my guard up and -- and play for my team, because at the end of the day that -- that -- that's what I am, but I think a fair, unbiased policy will keep the entire system safe and keep everyone in it safe.

Thank you, Madam Speaker. I vote yes.

ACTING SPEAKER HUNTER: Thank you. Mr.

Dilan in the affirmative.

Ms. Walsh to explain the vote.

MS. WALSH: Thank you, Madam Speaker.

So unfortunately I wasn't able to really talk about this when I went on the bill earlier just because of a few things, so I wanted to just mention how really dumb I think the Governor's idea is to allow 18- to 21-year-olds to come and work in these correctional facilities.

You know, my dad was 19 years old when he fought in World War II as a -- as a Navy seaman, and, you know, I think that that greatest generation is one thing, but as a parent of six kids including an 18-year-old and a 20-year-old and a few older, a little bit older than that, and I don't mean to -- I'm not trying at all to throw shade on that whole generation, but in terms of levels of maturity, I -- it's just -- it's -- it's -- it's -- it's not -- it's not there, it's just not there. That's kind of why we're doing the whole cell phone ban, I think, in schools is that we have an understanding that -- that it's not there. The level of maturity is not there and let's face it. Being a corrections officer, particularly today, is an absolutely miserable job. I -- I -- that -- and -- and that's why we don't have anybody going into this field and we don't treat them with the kind of respect and the benefits and understanding that they deserve. And frankly, if you look at our law enforcement, that's why the City of Albany is down I don't know how many police officers. We can't get people to be police officers either anymore. So I just -- I just wanted to go on the record saying that I've

heard much better ideas than this one and it's just one of several reasons why I won't be supporting this bill.

Thank you.

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

Ms. Clark to explain her vote.

MS. CLARK: Thank you, Madam Speaker.

One small part of this budget bill that was not really discussed today but I am very, very proud of has to do with the way we support domestic violence victims. Right now when you are trying to leave a -- a relationship where there may be some abuse happening, there are a lot of barriers, a lot of financial barriers that make it hard to make that decision. As we try to support those survivors and ensure that they get public benefits when they qualify, there is this process by which they have to prove that they are victims in a domestic violence case. This often puts them in more danger because it requires documentation or some sort of notice to what could potentially be their abuser, so what we are changing here, which is a piece of legislation I have championed for a long time is to allow for self-attestation to allow people to have a much easier road to securing the benefits they need to economically take care of themselves and their basic needs while they escape what is often a very horrible situation. So I'm very proud to have that be part of this budget bill and very proud to vote in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you. Ms.

Clark in the affirmative.

Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Madam Speaker.

As I listened today about the corrections officers I want to put this in a different perspective. As much like us as parents, we have children that we raise and bring forward; some are really good and some are really bad, but the one thing we all have in common is we love each and every one of those children. Much like our corrections officers that do this every single day going into a place that's not very nice having gone through several of them, giving them the ability to do their job, showing them that we do care about them from the State side. They've told us what's been going wrong. We have not addressed that as a Legislature. We continue to fight for them and support them. And by doing so, we can keep these corrections officers, and if we are going to bring in 18- to 21-year-old young people into the corrections officers' field, much like my military service, when I came in, the sergeants and the NCOs that had been there so long taught me so much. If we can't retain our vital corrections officers with the experience that they've had, this is a train wreck waiting to happen. I was very disappointed that we're not doing anything to help our corrections officers in this piece of the budget. I hope to see more down the line, but for that reason I cannot support it.

So thank you, Madam Speaker, for allowing me to say something.

ACTING SPEAKER HUNTER: Thank you. Mr.

Manktelow in the negative.

Ms. Pheffer Amato to explain her vote.

MS. PHEFFER AMATO: Thank you, Madam Speaker, for the opportunity to explain my vote.

I'm very proud of this piece of the budget for the 20 year pension for the New York City Police Officers. Public safety is the number one issue amongst our communities and increasing that level to help the recruitment retention of those officers to give them support to know that we have their back I'm very proud of this budget. And on a personal note, I just have to say out loud, I'm not sure what we're all scared of of 18-year-olds. Eighteen-year-olds can get into a civil servant career, pension benefits and be in the right place even if it's in the correctional facilities starting work and have responsibility. We shouldn't fear our 18-year-olds.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you. Ms. Pheffer Amato in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if we could now go to page 12 of our Calendar and take up Rules Report No. 181.

ACTING SPEAKER HUNTER: Thank you. Page

12, Rules Report No. 181, the Clerk will read.

THE CLERK: Assembly A03008-C, Rules Report No. 181, Budget Bill. An act to amend the Executive Law, in relation to the Waterfront Commission Act (Part A); to amend Part I of Chapter 413 of the Laws of 1999 relating to providing for mass transportation payments, in relation to the amount of payments in the Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend the Vehicle and Traffic Law, in relation to extending provisions related to a pilot program regarding an internet-based pre-licensing course; and to amend Chapter 368 of the Laws of 2019 amending the Vehicle and Traffic Law and State Finance Law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof (Part C); to amend the Vehicle and Traffic Law, in relation to abandoned vehicles (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); to amend Part PP of Chapter 54 of the Laws of 2016, amending the Public Authorities Law and the General Municipal Law relating to the New York Transit Authority and the Metropolitan Transportation Authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part I); 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

J); to amend the Public Authorities Law, in relation to acquisitions or transfers of property for certain transit projects; and to amend Part VVV of Chapter 58 of the Laws of 2020 amending the Public Authorities Law relating to acquisitions or transfers of property for transit projects, in relation to the effectiveness thereof (Part K); 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 L); to amend the State Finance Law, in relation to providing funding for the Metropolitan Transportation Authority 2025-2029 Capital Program (Part M); to amend the Vehicle and Traffic Law, the General Municipal Law and Chapter 773 of the Laws of 2021, amending the Vehicle and Traffic Law and the Public Officers Law relating to establishing a demonstration program on interstate Route 278 in Kings County to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems, in relation to establishing a demonstration program on certain covered locations to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; to amend Chapter 773 of the Laws of 2021, amending the Vehicle and Traffic Law and the Public Officers Law relating to establishing a demonstration program on interstate Route 278 in Kings County to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh

in motion systems, in relation to the effectiveness thereof; and to repeal certain provisions of Chapter 773 of the Laws of 2021, amending the Vehicle and Traffic Law and the Public Officers Law relating to establishing a demonstration program on interstate Route 278 in Kings County to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems, relating thereto (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the Vehicle and Traffic Law, in relation to the speed violation photo monitoring systems program in work zones including authorizing a photo monitoring program for the Triborough Bridge and Tunnel Authority and New York State Bridge Authority; and to amend Chapter 421 of the Laws of 2021 amending the Vehicle and Traffic Law and the General Municipal Law relating to certain notices of liability, in relation to extending such provisions (Part Q); intentionally omitted (Part R); 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 S); to amend the Public Authorities Law, in relation to authorizing the Olympic Regional Development Authority to enter into agreements for membership of one or more of its ski venues in reciprocal ski pass programs where such members are required to guarantee contractual indemnity up to a capped amount (Part T); to amend the General Business Law, in relation to artificial intelligence companion models; and to amend the State Finance Law, in relation to establishing a

suicide prevention fund (Part U); to amend the General Business Law, in relation to refund policies (Part V); to amend the General Business Law, in relation to automatic renewals (Part W); to amend the General Business Law, in relation to requiring disclosure of algorithmically set prices (Part X); to amend the Banking Law, in relation to the regulation of buy-now-pay-later lenders (Part Y); to amend the Insurance Law, in relation to reporting requirements for Pharmacy Benefit Managers (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend the Insurance Law, in relation to for hire motor vehicle insurance rates (Part CC); intentionally omitted (Part DD); 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 EE); 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 FF); 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 GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend Chapter 261 of the Laws of 1988, amending the State Finance Law and other laws relating to the New York State Infrastructure

Trust Fund, in relation to the effectiveness thereof; and to amend the Executive Law, in relation to a policy study regarding ways to improve the effectiveness of the Minority and Women-Owned Business Enterprise Program (Part KK); to amend the State Finance Law, in relation to the Excelsior Linked Deposit Program (Part LL); to amend the State Finance Law and the Public Authorities Law, in relation to purchasing thresholds (Part MM); to amend the Insurance Law, the Public Authorities Law and the Tax Law, in relation to authorizing the New York Convention Center Operating Corporation to create a pure captive insurance company (Part NN); intentionally omitted (Part OO); to amend the Environmental Conservation Law, in relation to extending the waste tire management fee for two years and removing the exclusion for mail order sales (Part PP); to amend part ZZ of 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 QQ); to amend the Environmental Conservation Law, the State Finance Law and the Public Authorities Law, in relation to the Inactive Hazardous Waste Disposal Site Program (Part RR); to amend the General Business Law, in relation to the recall of class B firefighting foam and prohibiting the sale or distribution of firefighting personal protective equipment that contains intentionally added PFAS (Part SS); to amend the Tax Law, in relation to exemptions for any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation

purposes (Part TT); intentionally omitted (Part UU); 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 VV); intentionally omitted (Part WW); 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 State, the Office of Parks, Recreation and Historic Preservation, and the Department of Environmental Conservation from utility assessment revenues; requires accountings be submitted of such funds; and providing for the repeal of such provisions upon expiration thereof (Part XX); to amend the General Business Law and the State Finance Law, in relation to increasing and redirecting civil penalties for failing to comply with the Department of Public Service's prescribed rules and regulations established for the protection of underground facilities; and to amend Chapter 522 of the Laws of 2000, amending the State Finance Law and the General Business Law relating to establishing the underground facilities safety training account, in relation to the effectiveness thereof (Part YY); to amend the Tax Law, in relation to authorizing the Department of Taxation and Finance to disclose certain information to the Department of Environmental Conservation or the New York State Energy Research and

Development Authority for the purpose of implementing the New York State Climate Leadership and Community Protection Act (Part ZZ); intentionally omitted (Part AAA); in relation to establishing a commission to ensure the replacement of the statue of Robert R. Livingston in the National Statuary Hall of the United States Capitol with a statue of Harriet Tubman (Part BBB); to amend the Environmental Conservation Law, in relation to extending certain rebates for clean vehicle projects (Part CCC); to amend the Cannabis Law, in relation to appointments to the cannabis control board and agreements of such board with the New York State Indian Nations and Tribes (Part DDD); and to amend the Cannabis Law, in relation to a special license fee; to amend the State Finance Law, in relation to making a conforming technical change; and providing for the repeal of certain provisions upon the expiration thereof (Part EEE).

ACTING SPEAKER HUNTER: On a motion by Mr. Pretlow, 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 HUNTER: An explanation has been requested.

Mr. Pretlow.

MR. PRETLOW: Yes. This bill would enact into -- into law major components of legislation that is necessary for the

implementation of State fiscal year 2025-'26 budget as it pertains to the transportation environment and economic development budgets.

ACTING SPEAKER HUNTER: Mr. Ra.

MR. RA: Thank you, Mr. [sic] Speaker. Will Chair Pretlow yield?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MR. RA: Thank you.

So, this one as we know has -- goes through a -- a number of different areas so if you will bear with me as I try to go through a number of them. And I want to start with -- there are some changes that we are making with regard to the Cannabis Control Board and classifying the chairperson of the Cannabis Control Board as a public -- or I would say declassifying the chair as -- as a public officer. What is the reason for that change?

MR. PRETLOW: The Executive feels that as a member of a board that the Office of Cannabis Management Board chair should not be a salaried individual but based on -- paid by per diem.

MR. RA: Okay. Now I know that that is also part of this but, in terms of their classification does that change, you know, ethical obligations that they might have in terms of ethics laws, disclosures, conflict of interest law that otherwise a public officer

who's subject to Section 73 of the Public Officers Law would be subject to?

MR. PRETLOW: It's compared to the chairs of other oversight boards.

MR. RA: Okay. So one of the things, and I think we're all familiar with -- with this, the Public Officers Law bars gifts exceeding \$15 from lobbyists or entities doing business with the board. Is there somewhere else, those type of prohibitions that would be applicable to -- to this person who's no longer under Section 73?

(Conferencing)

MR. PRETLOW: They're still subject to Section 73.

MR. RA: They're still subject --

MR. PRETLOW: Just not the same way, yeah.

MR. RA: Okay. What -- is there -- I mean what -- what things would they not be subject to anymore as -- as a result of being reclassified as not being a public officer?

MR. PRETLOW: They'll still have to file the financial disclosure.

MR. RA: Okay. Would they -- so there are a number of provisions, one of them prohibits compensated advisory services on pending leg -- legislation affecting the cannabis industry. Is there a section that would prohibit the chair from lobbying lawmakers or --

MR. PRETLOW: Well, they -- they -- they can do what they want but they cannot have any interest at all in the cannabis industry.

MR. RA: Okay. Public Officers Law 73 also subjects the chair to financial disclosure requirements. So that will still be required?

MR. PRETLOW: Yes.

MR. RA: Okay. And violations are -- are punishable by penalties up to \$10,000 and referral for criminal prosecution --

MR. PRETLOW: I believe that's the case.

MR. RA: That would still be the case --

MR. PRETLOW: Yes.

MR. RA: -- for that individual?

MR. PRETLOW: Yes.

MR. RA: Thank you. Okay. Cannabis Law itself outlines the chairperson's hours which includes the direct oversight of licensing, regulations and enforcement. Is this power different than those granted to the unpaid members of the board?

MR. PRETLOW: The -- the powers of the chair remain the same. It's just that their numeration is different.

MR. RA: Okay. So the -- so the two changes are in terms of Public Officers Law and that they will no longer be a salaried individual.

MR. PRETLOW: Correct.

MR. RA: Rather a per diem individual.

MR. PRETLOW: Yes.

MR. RA: Okay. Thank you. There are a number of provisions about I would say... well, technological provisions maybe I

would call them. One -- one is about the idea of dynamic pricing. Can you explain that piece and what type of businesses would be included under this dynamic pricing disclosure requirement?

(Conferencing)

MR. PRETLOW: Okay. It's any business other -- other than insurance business, banking and rideshare.

MR. RA: So it would not include those types of business.

MR. PRETLOW: Yes.

MR. RA: Okay. Does the provisions prohibit any collection of personal data while either physically at a store or while using a store website for (indiscernible) use in crafting targeted dynamic pricing?

MR. PRETLOW: No.

MR. RA: And my understanding is, you know, we're trying to stop bad actors who use data to target people with higher prices. You know, I think it -- it's been described as -- as a pricing discrimination through higher prices, but my understanding is this bill applies to discounts as well. So everyone would be forced to make the disclosure whether they're benefitting from consumers or increasing prices on them; is that correct?

MR. PRETLOW: Repeat that, please.

MR. RA: My understanding is that if you're using -- using some type of model for dynamic pricing you have to disclose it. So even if, say, you're using it in a way that benefits the consumer

through (indiscernible) a lower price, you still have to be disclosing that you're doing that.

MR. PRETLOW: Yes.

MR. RA: Okay. My concern then that if somebody, you know, if what we might think is a bad actor is targeting people with higher prices there's -- really they're treated the same, whether you're trying to benefit the consumer or you're trying to increase a price on the consumer.

MR. PRETLOW: Correct.

MR. RA: And then I wonder, we have a disclosure and we have -- every person used -- or I'm sorry, every business using it is going to have to disclose to the public. So is there any concern that this is going to cause unnecessary confusion to the consumers for being -- utilizing these businesses?

MR. PRETLOW: No, it shouldn't. It's just a one line disclosure.

MR. RA: Okay. Thank you. There are also some provisions related to automatic renewal of -- of -- of subscriptions and things of that -- of that nature. Is that going to be universally applicable to -- to any business, you know, giving those type of services? Is there any restriction with regard to business size or -- or, you know, revenue or anything like that?

(Conferencing)

MR. PRETLOW: No.

MR. RA: Okay. And some of the provisions talk

about, you know, how to give this, you know, notice; larger type, contrasting type, font, color. Who's going to be providing any guidance to these businesses on how they make sure they are following these provisions? Would it be the Attorney General? Would there be a State agency that would be responsible for that?

MR. PRETLOW: This is, I believe, matches Federal requirements, so the guidelines are at the Federal level.

MR. RA: They would be the same as the Federal requirements,

MR. PRETLOW: Yes.

MR. RA: And are there some types of services that are not covered by this or is it any -- any continuous or automatic renewal services?

MR. PRETLOW: I believe that public utility -- there's already exceptions that public utilities is an example of one.

MR. RA: Public utilities, okay.

There's also a very, I guess, interesting provision that we're familiar with from a piece of standalone legislation we looked at earlier this year with regard to the AI companion systems?

MR. PRETLOW: Yes.

MR. RA: So does this match that bill, that standalone bill?

MR. PRETLOW: No, it doesn't.

MR. RA: But largely mirrors it would you say?

MR. PRETLOW: Yes.

MR. RA: Okay. Now, there's a -- it says that the user needs to be notified at the beginning of and every three hours that the AI is not human either verbally or in writing.

So does that mean that the AI company can meet the requirement by just doing it verbally or -- or are they supposed to do both?

MR. PRETLOW: Well, they're supposed to be explicit in making sure that the person that's on the other end knows that they're not speaking with a real individual. That they're speaking with a computer-generated entity.

MR. RA: But if it -- so suppose a user - and I'll be honest, I'm not fully understanding - but as this bill came up I asked people about these type of AI companions, friends, whatever we want to call them. If it's verbal and somebody say is using, you know, their phone and doing some type of text conversation or something and they don't have sound on. They could -- they could miss it would be my concern.

MR. PRETLOW: It'll be one or the other. They have to have some -- some way to notify the individual on the other end --

MR. RA: Okay.

MR. PRETLOW: -- that would be our computer-generated entities.

MR. RA: And is there any requirement that the user acknowledged that they've seen the notification? How's the AI companion system know that the user has -- has seen the notification?

MR. PRETLOW: There's no requirement that the AI entity gets a notification that the other -- the user at the other end is acknowledging the fact that they are speaking with a computer-generated entity.

MR. RA: Okay. And -- and I guess the last piece -- and this is obviously going to be something for these companies to figure out, but do we know how the AI companion operator is able -- is going to be able to detect suicidal ideations or expressions of self-harm by a -- by a user?

MR. PRETLOW: The bill is not specific to that.

MR. RA: Okay. Move to a -- I'm going to move to a couple of different areas. The first couple in the transportation realm.

So the budget extends the DMV pre-licensing course. Do you know why motorists under the age of 21 are prohibited from taking the course online?

MR. PRETLOW: I don't know. Maybe they are under the impression that people aren't really looking at the screen or don't have the capability of generating information as to the activity or the person at the other end.

MR. RA: Okay. And a couple other vehicle-related provisions.

There's a provision here that identifies an abandoned vehicle as any vehicle with no number plates or with the wholesale value -- with the wholesale value of 2,250 or less, and local authorities will not be required to obtain a vehicle title for these abandoned

vehicles.

Do we know how redefining these abandoned vehicles will be impacting our -- our local governments?

MR. PRETLOW: If a vehicle is left on the side of the road and illegally parked past a prescribed number of hours, the Department of Sanitation will have the authority after determining what the -- the resale value of -- the wholesale value of this car. Usually they're in pretty bad shape so they can take them off the street within a day.

MR. RA: And the local government can then sell or junk --

MR. PRETLOW: Well, most of them junk them, whatever they can do but they want to get them off of the streets.

MR. RA: Okay. And do you know, is this mainly, you know, public safety, quality of life concern or is it also -- or is the impetus to this environmental?

MR. PRETLOW: I think it's both. More -- more so environmental than public safety but public safety does play into this.

MR. RA: Okay. One of the I would say often talked about provisions within -- that was within this bill but -- but is omitted, is the drug driving changes. I noticed they're not in this bill. Do we expect that we're going to see that somewhere else?

MR. PRETLOW: I'm pretty sure that we will, but at a later date.

MR. RA: Okay, great.

MR. PRETLOW: But maybe not.

MR. RA: Okay. Stay tuned.

The ultra heavy class three e-bikes. The Governor's proposal to reclassify these e-bikes weighing over 100 pounds is limited use. Motorcycles was omitted from this budget bill; is that correct?

MR. PRETLOW: Oh, that's not coming back.

MR. RA: That one is out.

MR. PRETLOW: Yes, that's out.

MR. RA: Okay. And then the provisions with regard to overweight vehicle enforcement. Part N of this budget authorizes transportation agencies and authorities to implement demonstration programs using weigh-in motion technology [sic] and very -- in very specific locations.

Do we think this is going to, or how -- how is this going to impact our EV mandate? We're -- we're mandating electronic vehicles, in particular trucks, school buses that are very heavy because of the size of the battery. And so we're -- - we're wondering, is this going to ultimately identify the wear and tear that those vehicles may have on our roads?

MR. PRETLOW: Well, Mr. Ra, I know you're fully aware that the weight of a vehicle directly affects the condition of the roads -- how the roads are left, and there are several vehicles now that are overweight that are using our roads. This technology that's going to be used I think makes mostly all in New York City will be

in-ground, and as trucks roll over it they will determine the weight of the truck and if the truck is overweight they'll be issued a summons.

MR. RA: Okay. So really as we're, I guess, generally familiar with, right, we've seen in the traditional way that there's, you know, a weigh station that they're required to stop at and this is to maybe modernize a --

(Indiscernible/crosstalk)

MR. PRETLOW: I -- I -- I don't know if these stations are really utilized. I mean I -- I drive on 87 at least twice a week and go pass a weigh station at the Woodbury exit, I'm pretty sure you pass it, also.

MR. RA: I do.

MR. PRETLOW: And I've never seen ever a truck in that weigh station. That is a nice fancy --

(Indiscernible/crosstalk)

MR. RA: I'm not sure I have either. I -- I -- I do know that I'm sure many of us can recall this before we had Waze and all those type of things that would -- would tell you whether it was police officers. We often knew that there might be one around the weigh stations to catch any trucks that didn't stop.

MTA. There are \$6 billion committed to the MTA 2025-'29 Capital Plan.

MR. PRETLOW: Yes.

MR. RA: Three billion is supposed to be coming from the State. The other 3 billion from -- from New York City. Do

we know how the remaining gaps in the Capital Plan are going to be filled? You know, there's obviously a lot more money that's going to be required above this \$6 billion.

MR. PRETLOW: That'll be delineated in another bill. You're referring to the money from the City and the State --

MR. RA: Yes.

MR. PRETLOW: -- that goes to the MTA, yes.

MR. RA: Okay. So we will be likely dealing with some MTA funding proposals.

MR. PRETLOW: Yes, absolutely.

MR. RA: Fair to say probably in the revenue bill?

MR. PRETLOW: Yes.

MR. RA: Thank you. With regard to -- to taxes. There is a provision that allows Tax and Finance to share data from the tax returns of fossil fuel and petroleum businesses with DEC and NYSERDA to assist with the implementation of the CLCPA.

MR. PRETLOW: Yes.

MR. RA: What specifically types of data are going to be shared with DEC and NYSERDA?

(Conferencing)

MR. PRETLOW: They're going -- they're going to use it to (indiscernible) coordinate the financial data between the different entities.

MR. RA: Okay. And what safeguards are included to ensure that this tax return data is used appropriately by these

entities?

MR. PRETLOW: I'd imagine the ordinary audit procedures that are currently being used.

MR. RA: Will those entities be given notice that Tax and Finance are sharing their data with DEC and NYSERDA?

MR. PRETLOW: I do not believe so, No.

MR. RA: Okay. And if identifying information for the businesses is withheld from DEC and NYSERDA, how exactly is this data going to help implement the CLCPA standards?

(Conferencing)

MR. PRETLOW: This -- this is going to allow them to compare reporting standards and make decisions based on what they determine.

MR. RA: Okay. And is this just general compliance with regard to the CLCPA or does it -- does it relate to the Climate Superfund bill and --

MR. PRETLOW: It does not relate to the Superfund.

MR. RA: Okay. Okay. Thank you. The buy-now-pay-later proposal.

MR. PRETLOW: You mean Pay Go (phonetic)?

MR. RA: I'm sorry?

MR. PRETLOW: Pay Go? Pay now...

MR. RA: Yes. Buy now and pay -- pay later act.

So I think we've seen a number of proposals both in the budget and standalone bills over the last couple of years that

would regulate these type of loans. Can you just give some details as to what the final version of this bill includes to these types of lenders?

(Conferencing)

MR. PRETLOW: Okay. It allows DFS to oversee and regulate the buy-now-pay-later entities.

MR. RA: Okay. If a entity say had different types of categories of loans, this talks about different categories of buy-now-pay-later loans. Would a company have to obtain a separate license for each category or is there just one license that would cover all of it?

MR. PRETLOW: It's just one license.

MR. RA: Okay. And do we have any sense of how many of these types of lenders are currently operating in New York?

MR. PRETLOW: I do not access to that number.

MR. RA: Okay. And do we know how long DFS has or will have to review and approve or deny an application to operate one of these services in New York?

MR. PRETLOW: There's no time limit.

MR. RA: There's no time limit, okay.

And if somebody is -- an entity is already providing these types of services in New York State, once this is effective, will they have to suspend operations until they're able to get a loan?

MR. PRETLOW: No.

MR. RA: Okay. Thank you. Okay.

So, one of the questions or -- or I would say concerns

that has been expressed is that we've had established Federal and State legal precedent around interstate banking. And by including an (indiscernible) for out-of-state State-chartered banks from our laws, is there a concern that there might be retaliatory responses from other states and that that could threaten the competitiveness of our chartered banks in New York?

MR. PRETLOW: It won't.

MR. RA: I'm sorry?

MR. PRETLOW: We don't believe it will, no.

MR. RA: Thank you. Okay. That's all I have on that.

One -- one other issue I want to get into in another totally separate area of energy. So NYSERDA's annual finance authorization is included in this bill, but am I correct, it does not include authorization for the Governor's proposed \$7 million assessment increase which would have help paid for the cost associated with NYSERDA's nuclear power development plan?

MR. PRETLOW: It does not include it, no.

MR. RA: Does this budget in any way support NYSERDA's -- NYSERDA's plan to support Constellation Energy's new effort to install a small modular reactor at one of its sites in Oswego?

MR. PRETLOW: I don't believe so.

MR. RA: And am I correct this bill includes an extension on rebate programs for municipalities who are wishing to

purchase electronic [sic] vehicles and infrastructure?

MR. PRETLOW: Yes, it does.

MR. RA: Are there any requirements with this rebate program regarding fire suppression systems or anything of that nature regarding EV infrastructure?

MR. PRETLOW: I don't believe so.

MR. RA: Okay. I think that is going to be it on this particular bill.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. RA: Thank you to Chair Pretlow. There was a lot of different areas within -- within this bill, so I appreciate you and your staff shuffling around to try to get through a number of them.

I -- one -- one -- one issue I just really want to mention with regard to this. I hope when we see those provisions regarding drug driving that they reflect, you know, what the proposal and they're not watered down, because we -- we have a problem in this -- in this State and these provisions, I know there's been expressions of -- of concern on how they would be utilized, but the bottom line is we have had some horrific tragedies happen in the State and prosecutors because they can't say specifically what substance was being used are unable to prosecute them. You know, we've had very strong support from our -- our DAs down on Long Island for this issue for years. And I -- I look forward to seeing that provision in a future bill and getting that done because it is going to be something that is

going to make the roads of New York State safer.

You know, with regard to the MTA, as we've called for on our side of the aisle, we all understand how vital the MTA is, how vital MTA capital is, but -- and -- and we'll talk about this when we get to it, my constituents constantly read about scandals, waste, things of that nature within the MTA. And the last thing they want to see is another tax coming on top of them to -- to fund the MTA.

So I look forward to further discussions regarding that issue when we -- when we see those provisions in a future bill. As I said on the last bill, we're moving forward. This is the second bill. We have another one ready to go and hopefully the rest will follow, and we can finally after well over a month put this budget to bed.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

Would the Chair yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: A couple makes it two, correct?

ACTING SPEAKER HUNTER: The Chair yields.

MR. GANDOLFO: Maybe, maybe a couple more, too.

MR. PRETLOW: A few couples?

MR. GANDOLFO: A few couples, yeah. We're, we're having fun.

So I just have -- I actually don't have that many for you. So I have some questions on Part RR, the Superfund amendments under the environmental section here. So in Part RR it amends the Superfund while here to prioritize (indiscernible) programs at sites placed in disadvantaged communities.

First, I wanted to get your definition, what constitutes a disadvantaged community?

MR. PRETLOW: A disadvantaged community is -- there's a definition in current law. I can't tell you off the top of my head what it is, but there is a definition of a disadvantaged community in current law.

MR. GANDOLFO: Okay. And what -- what exactly would it mean to prioritize those remedial sites? Is that in terms of timing, in terms of funding?

(Conferencing)

MR. PRETLOW: Oh, sorry. Say that again.

MR. GANDOLFO: Sure. So what exactly does it mean to prioritize these remedial sites? Is that prioritized in terms of funding, in terms of time frame to start --

MR. PRETLOW: It's a combination of a few things. A combination of need, expediency, the cost, how hazardous is the site, and you know, we're using Federal money for this so the availability of case that the State has. Many -- many items.

MR. GANDOLFO: Because I'm look -- the language adds, it will prioritize remedial programs at sites placed in Class 1 or 2 as described in the subparagraph year that are located in disadvantaged communities. So I did -- I did a quick search and on Long Island there are a number of Class 2, which are pretty serious, at least in Suffolk County I was looking, and I know there's one in my dis -- there's I think two in my district, one just outside my district where I grew up that are Class 2. But I don't believe those would fall into the definition of a disadvantaged community. So how would that work? If there's a Class 1 remedial site in a community that's not disadvantaged, would a Class 2 site in a disadvantaged community take precedence over that?

MR. PRETLOW: I don't believe there are any Class 1 sites. And a lot of this has to do with the term that was brought to light many years ago "institutional racism" where hazardous sites were put in communities that fall under the definition of hazardous. And the purpose of the law is to expedite, to the best of our ability, the cleanup of those sites.

MR. GANDOLFO: Okay. Can any current site that's lets say a Class 2, could any of those be deprioritized if a new Class 2 remedial site pops up in what is described as a disadvantaged community?

MR. PRETLOW: Okay. Well, I think I just described it. The criteria that I just described; how important it is, the cost, where it is and we can ex -- expedite.

MR. GANDOLFO: Right, but by definition a Class 2 Superfund site is important. It's -- it's described as presenting a serious danger to the environment or (indiscernible), not as serious as Class 1. So my question is knowing that we have sites, let's say, where I grew up in West Islip, the Dzus Fastener Company is a Class 2 site. There are very high rates of cancer in that community, specifically among women, there are high rates of breast cancer and believed to be caused by that site. Could the remediation of that site be deprioritized because it's not considered to be in a disadvantaged community?

MR. PRETLOW: It's all comparative. It depends on the Commissioner as to which site. If one site has already been started, I doubt they're going to stop that site and go someplace else. So it just depends on the criteria they set out earlier.

MR. GANDOLFO: Okay. I mean the criteria is not exactly clear, though. Is it up to the discretion of the Commissioner?

MR. PRETLOW: Disadvantage is relative to other sites. The sort of disadvantaged site wouldn't have more of a priority.

MR. GANDOLFO: Okay. Over... just -- because one of those let's say are like West --

MR. PRETLOW: Well, they all have to be cleaned up.

MR. GANDOLFO: Right.

MR. PRETLOW: It's just the order to put them in.

MR. GANDOLFO: But my question is can one that

is currently underway, let's say there's an issue of funding --

MR. PRETLOW: No.

MR. GANDOLFO: -- could that be --

MR. PRETLOW: It's not going to be -- it's currently

--

(Indiscernible/crosstalk).

MR. GANDOLFO: They're not going to stop.

MR. PRETLOW: Mid-remediation and go
someplace else because they discovered a hazardous site, a Superfund
site in a community, in a disadvantaged community, they're not going
to --

(Indiscernible/crosstalk)

MR. GANDOLFO: Okay. So they're not going to or
are they prevented from?

MR. PRETLOW: They're not going to -- they're not
going to stop --

MR. GANDOLFO: Okay.

MR. PRETLOW: -- remediation of a place that they
-- the area that you first described.

MR. GANDOLFO: Okay. Are they prohibited from
stopping it or --

MR. PRETLOW: They're not prohibited from doing
anything if they want to --

(Indiscernible/crosstalk).

MR. GANDOLFO: Okay. I guess we're putting

some trust in the Commissioner then. That's great.

Now, does -- in terms of the disadvantaged community, does that go by zip code?

MR. PRETLOW: I believe so.

MR. GANDOLFO: Okay.

MR. PRETLOW: I think it's more Census tract than zip code.

MR. GANDOLFO: More Census, okay. Okay, great. I appreciate you answering those questions.

Just one more question. Something that was intentionally omitted here was distinctive license plates for Gold Star families. Is there any reason why that didn't make this budget?

MR. PRETLOW: I don't know why that was intentionally omitted, but I think that that's going to be done or will be done in a separate piece of legislation.

MR. GANDOLFO: Okay.

MR. PRETLOW: And not -- and not as a budget bill.

MR. GANDOLFO: Is there a -- a reason for -- that seems like it might have a fiscal impact and the Governor always tells us we shouldn't do things --

MR. PRETLOW: That's really not a -- (indiscernible). If it is it's de minimus.

MR. GANDOLFO: Okay, de minimus. All right. Appreciate it. Thank you, Chair. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Morinello.

MR. MORINELLO: I just have a question on one section. On Part DDD --

ACTING SPEAKER HUNTER: Mr....

MR. MORINELLO: Oh, I'm sorry, thank you. My apologies.

ACTING SPEAKER HUNTER: That's okay.

MR. MORINELLO: It comes off my time? I only have one question. Part DDD -- oh, I'm sorry.

ACTING SPEAKER HUNTER: Sponsor, will you yield?

MR. MORINELLO: Will he yield?

ACTING SPEAKER HUNTER: Mr. Pretlow, will you yield?

MR. MORINELLO: Will you yield? I'm sorry.

MR. PRETLOW: For the Judge, absolutely.

MR. MORINELLO: I appreciate it.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. PRETLOW: The Part DDD dealing with the agreement authorized such Indian nations or tribes to acquire, possess, manufacture, sell, deliver, transport, distribute or dispense adult-use cannabis and medical cannabis.

What is the intention of that paragraph or that inclusion in the bill?

(Conferencing)

MR. PRETLOW: It's to give the State more ability to do testing on the Native American facilities.

MR. MORINELLO: All right. So they will be able to purchase products produced in New York State or grown by New York State growers?

MR. PRETLOW: Yes.

MR. MORINELLO: Okay. Now, the nation being tax free, will they be taxed on these purchases?

MR. PRETLOW: No, I don't believe so. No.

MR. MORINELLO: No. So it will legalize their ability for their dispensaries --

MR. PRETLOW: Yes.

MR. MORINELLO: -- to come off the rez and make purchases.

MR. PRETLOW: They could probably do it as -- as a matter of right now, but -- but yes.

MR. MORINELLO: I'm sorry. I didn't hear you, Mr. Pretlow.

MR. PRETLOW: I said they can probably do it as of right now, but (indiscernible) --

MR. MORINELLO: Thank you for being so candid. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will

Chair Pretlow please yield for questions?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MS. WALSH: Thank you very much. My questions have to do with Part KK, the part about the MWBE program.

MR. PRETLOW: KKK?

MS. WALSH: Just two K's.

MR. PRETLOW: Oh, two K's.

MS. WALSH: Don't get me into trouble, Mr. Pretlow. Just two.

So it looks as though in this section, it extends the Minority of Women-Owned Business Enterprise Program for three years until December 31st, 2028. Just point of -- just curiosity, and I don't know. Is it always done in three year increments, or is this shorter than usual?

MR. PRETLOW: This was negotiated, I believe it was done around three year periods.

MS. WALSH: Okay. I don't know why I thought five but that's -- that's fine, three years. So -- and this part also directs the division of MWBE, the Commission of Policy Study analyzing potential ways to improve the effectiveness of the State MWBE program. So, my question is what specifically is the study going to examine?

MR. PRETLOW: I'm really not sure what the study is going to -- to bring about. This was something that was requested

of the Executive, or the Executive wanted in this year's budget and that's how it's there.

MS. WALSH: Okay. Because it all it says in the bill language itself is just potential ways to improve the effectiveness of the program. I didn't know if there was any further guidance about...

MR. PRETLOW: Yeah, you know, I think they really just want to figure out if there's a way to improve the program. There have been some -- some issues within the MWBE program over time and what this would do is try to look into what's happening there and see if there's areas where improvement can be done.

MS. WALSH: That's great. And -- and I would agree that there definitely are some issues with the program and there are several bills that I'll discuss later to address some of those problems.

MR. PRETLOW: Yes.

MS. WALSH: But the report itself won't be due until May 1st, 2027 it looks like according to the bill text. And it's going to be handled by an outside -- an outside entity is going to do the study?

MR. PRETLOW: Well, based on those dates it looks like it's going to be a really deliberative committee, but yes. It's going to be an outside entity.

MS. WALSH: Yeah, cause it -- it just seems to me that -- well, I guess, you know, the disparity study, we just got that kind of towards the end of last year. We were waiting for quite a while for that, but this is clearly a different kind of study than the

disparity study; is that -- is that correct? It's not going to be looking --

MR. PRETLOW: Yes.

MS. WALSH: It's not going to be looking again at any statistics or data or conclusions raised by the disparity study, the --

MR. PRETLOW: No, I don't believe so. This is just to look at what data we do have now and see if the program can be improved.

MS. WALSH: Okay. Very good. Will the Minority Leader of the Assembly get a copy of that report when it's -- when it's completed?

MR. PRETLOW: I'm pretty sure it will be on the -- on the website.

MS. WALSH: Okay.

MR. PRETLOW: Everybody will get it, including you and I.

MS. WALSH: Well, that's great. So it -- it did say at line 30 that it would be -- it would go to the Governor and the Legislature. I just -- when it just says "Legislature" I never know whether it means just the Majority or if it's all of us, so I'm happy to hear we'll have some light reading to do in 2027. That's great, wonderful.

All right. Well, thank you very much, Chair.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So I -- I generally don't have a big

problem with conducting studies. I mean we -- we authorize them all the time here in the Assembly. Unfortunately the Governor has a pretty strong history of vetoing an awful lot of the studies that -- that we passed many times unanimously in our Body, so I find it interesting that this study is really being conducted at her request, according to the -- the answers given by the Chair, which I appreciate.

I think we -- I definitely believe that there are some real problems with the MWBE program. Our local paper, the *Times Union* did a series of articles. And then a colleague of mine and I definitely picked up the issue when we went through all the budget hearings earlier this year talking about a number of issues, and a real backlog of cases and possibly a -- a bias, really, especially towards certain women who are white, who are in traditionally maybe would be considered to be male industries, like construction and who are -- were being and are being put through a lot of additional hoops and are being turned down, so that remains a real concern of mine. I would like to just state for the record that I -- I -- although it's a little bit vague in the -- in the budget language about improving the effectiveness of the -- of the MWBE program is what it says, but improving the effectiveness I hope also looks at taking a look at some of the inequities that are in a system that is supposed to be addressing inequity, ironically. So I would just like to mention that there are a number of really good bills that are already -- that have already been introduced that our Assembly could take -- could take up at any time, which I think would do a lot towards improving the effectiveness of

MWBE.

One would provide a rebuttable presumption relating to recertification as an MWBE if there'd been no change in ownership of the enterprise and no material change in the nature or management of the enterprise for the time that the approval of the previous MWBE was given and was certified.

So, in other words, if you've already been certified as an MWBE and nothing has changed, why should you have to basically reinvent the wheel for MWBE? Why shouldn't there be a rebuttable presumption that you get approved again? I mean that just makes sense, and that would move things along for a lot of businesses who had been previously certified and then only to find out that there was -- that their recertification was being mired down in a lot of bureaucracy. I think that there are other bills that we could do right now. So I hate the fact that we were waiting and waiting and waiting for this disparity study to be concluded before we could take any action. Now we're going to have a further study that's not going to be due until 2027 and I would hate to think that that might in some ways stymie or create a roadblock to this Body taking really appropriate action, really just commonsense action. So I hope that -- you know, I'm all for improving efficiency. I'm all for studying things and bringing in somebody from the outside maybe with a fresh pair of eyes would be a good idea, but I think that in the meantime we've got some things that we can do right now that I think will definitely move things ahead in a positive direction for this program.

So I will be -- I will be supporting this bill overall, but I did want to speak on that particular issue.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Will the sponsor yield for a handful of questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: That translates to five, correct? Yes, I will yield.

ACTING SPEAKER HUNTER: The Chair yields.

MR. JENSEN: Thank you very much, Chairman Pretlow.

I want to focus on Part Z of this bill, predominantly the Pharmacy Benefit Manager rebate transparency language, and I'll give time for your dedicated staff to make their way down.

I guess what was the genesis and the reasoning for this being included in the budget language?

(Conferencing)

MR. PRETLOW: It's an attempt to provide greater transparency.

MR. JENSEN: So understanding that from -- from reading the language, but how would disclosing the details of the terms of the contract between the PBMs and manufacturers have any

benefit to New Yorkers, especially if this data is not going to be automatically published on a DOH website?

MR. PRETLOW: Right. So your question is why are we doing this?

MR. JENSEN: Yeah. How does this have any -- you know, certainly you talked about we have to increase transparency --

MR. PRETLOW: Right.

MR. JENSEN: -- but how would New Yorkers knowing proprietary contract language between PBMs and manufacturers make any difference on the way New Yorkers live their lives or go about their day?

MR. PRETLOW: Well, the thing is the more opportunities to make an informed choice and to see if the entity that they're dealing with is overcharging them.

MR. JENSEN: But how would New Yorkers know just from looking at -- they wouldn't have access to this data because doesn't the language also say that it's up to the discretion of the health commissioner whether or not to publish this data? So if it's not going to be automatically published, why are we requiring the manufacturers and the PBMs to have to turn over this data when New Yorkers may not even know that it exists or out there, and if they did, even how to appropriately read it to understand the nuance negotiations in drug pricing?

MR. PRETLOW: Well, I think the Executive feels it's in the best interest of the State that we at least make the attempt to

make this information available and being more transparent. You know, we make a lot of things available that the consumers generally don't avail themselves to or don't know exist. One example that comes to my mind is when we have retail prices on prescription drugs. Most people have no idea what the retail price of prescription drugs are if they have insurance. If they don't have insurance they don't know if they're being ripped off or not by their -- by their pharmacist or the druggist, but we do make provisions that that be made available and every pharmacy you go into now they say if you want the retail price it's available. They don't (indiscernible) because there's so many different drugs, and there's generics and their name brand and, you know, the whole -- the whole works --

MR. JENSEN: But --

MR. PRETLOW: -- but we do want to make as much available to the public as possible.

I think I understand your point in saying that they may not know what they're looking at, and that is a possibility, but there usually is someone that would be available that would be able to figure out what they're looking at, what it means.

MR. JENSEN: And I can understand all that and I can respect that. However, in our State 96 percent of all New Yorkers have health insurance. And from my own experience when I go to my primary care provider or a specialist and I'm prescribed a medication, I'm not walking into my pharmacist and saying, well, let me see, you know, the (indiscernible) -- let me see all the pricing information. No.

I'm going to pick up the prescription that my provider has deemed is the best to treat whatever ailment, illness what may you, what may have brought me in there. So my concern is that we're putting an onus and -- and extra regulatory barriers both on the PBMs and on manufacturers, which 60 percent of all biotechnology innovation is happening in the State provides, you know, an onerous regulatory requirement without any clear public benefit, no pun intended.

MR. PRETLOW: Well, DFS is actually the entity that does understand all of this and they're the ones that will be the ultimate recipient of the information, and they'll make decisions based on what their findings are.

MR. JENSEN: Well, and I appreciate you for bringing up DFS, but already DFS can request the terms of the contracts between the manufacturers and the PBMs. So there already is a mechanism for the State agency that regulates this industry to get this information if they do believe there is funny business going on. So, once again, it only reenforces why I think this is onerous regulation that is not needed.

MR. PRETLOW: The information is needed and you're right. They could do that now, but this actually codifies it and makes it more pertinent.

MR. JENSEN: Okay. Shifting gears on Part II on the DASNY public employ -- or public library's authorization, understanding that this portion was intentionally omitted to allow DASNY to assist public libraries and providing financing construction

assistance for libraries that are chartered by the Board of Regents. Why was this intentionally omitted, especially when we've passed legislation previously in this Body - I myself carried two of them last year - to allow for DASNY to help with some of the financing and institutional guidance on construction and renovation products -- or projects?

MR. PRETLOW: This is usually approved on a case-by-case basis. We give DASNY the permission to negotiate with the libraries individually. So, just like I said, it's done on a case-by-case basis.

MR. JENSEN: So we'd rather continue to see the members bring their -- bring their one-off bills and move through the Chamber through the Home Rule process.

MR. PRETLOW: Yes.

MR. JENSEN: Okay. Thank you very much, Mr. Chairman. I appreciate your answers. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Bologna.

MR. BOLOGNA: Thank you very much, Madam Speaker. Would the sponsor yield for a couple of questions, please?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. BOLOGNA: Thank you very much. My

questions are going to be directed towards the buy-now-pay-later, the Part Y. I'll give your staff a couple minutes to get over.

(Pause)

So in the buy-now-pay-later lending, I guess my question is who's -- what groups are asking for this? Who -- who is this intended for, what is the intent of this legislation?

MR. PRETLOW: Well, this is something done in the -- in the consumer protection. Some people fall into traps, and we feel that this protects them.

MR. BOLOGNA: So are you saying that there -- who has been victimized by buy-now-pay-later? Is there --

MR. PRETLOW: Well, many people are affected. You know, you go on a -- an Amazon site and you want to purchase a pair of sunglasses and they're -- and they're \$12 and they give you make three equal payments or -- or whatever. That's buying now, paying later.

MR. BOLOGNA: Okay. So they're -- actually I'm going to kind of switch up my questions a little bit here because you actually bring up a good point with the Amazon.

Would -- would Amazon be the entity that is giving the buy-now-pay-later because I thought that someone from Amazon would be exempt, because they're the entity doing the financing, correct? Cause the --

MR. PRETLOW: There -- there are third-parties and sometimes it's Jeff themselves.

MR. BOLOGNA: Okay. So there are a number of exempt organizations in the legislation primarily foreign national, foreign outside as well, but like Federally-chartered organizations. Those are generally what the exemptions are. So it is my understanding that these were -- these were requirements would really only apply to New York State-chartered institutions, correct?

MR. PRETLOW: Yes.

MR. BOLOGNA: Okay. Is there any concern that placing additional burdens on New York-chartered institutions, you know, they're dwindling as is, that this is only going to kind of exacerbate that problem?

MR. PRETLOW: Well, they're dwindling because we have strong consumer protections and we don't allow banks to use user's interest so they go out to the Midwest like Wyoming and Minnesota where the laws are a lot laxer and banking institutions and financial institutions have more leeway into... I use the term "hurting" because it's hurting consumers for sake of profit.

MR. BOLOGNA: I understand. Thank you. So for -- also for clarification, it's looking like there are several categories here for the buy-now-pay-later loans. Am I correct in assuming that -- that a buy-now-pay-later can service more than one category with only one application? Or one licensure I guess is what I'm saying? In other words, here there's three categories. There is buy-now-pay-later zero interest. Buy-now-pay-later installment, and then any subset of buy-now-pay-later. So if someone applies for a license or -- license

for one of those, do they have to apply for all of them or is that one license --

MR. PRETLOW: They use one -- one license.

MR. BOLOGNA: One license? Okay.

I do want to go back to the definition of the quote, "buy-now-pay-later loan." In the text it says that it means a closed-ended credit provided to a consumer in connection with such consumer's particular purchase of goods other than a motor vehicle. Why just motor vehicles? Why is -- just like a mortgage is technically a closed-ended credit.

MR. PRETLOW: Well, because the automobile industry is already regulated.

MR. BOLOGNA: Okay.

MR. PRETLOW: Where others -- where others aren't.

MR. BOLOGNA: Okay. So I guess the way I'm reading this, though, is that if you -- a mortgage lender now has to get a license.

MR. PRETLOW: Say that again, please. I didn't understand.

MR. BOLOGNA: Okay. What I'm saying, it says right here, buy-now-pay-later loan means closed-ended credit provided to consumer. A mortgage could technically be a closed-ended credit because there's a definitive end -- definitive start date, definitive end date. It's not like it's a credit card.

MR. PRETLOW: Right.

MR. BOLOGNA: So technically, according to this, is a mortgage buy-now-pay-later?

MR. PRETLOW: Well, this is what we're trying to oversee is buying now, paying later. Whether it is interest or not interest, or whether it's a closed-end loan, whether it's an open-end loan. We're just looking -- looking at it as an entity that's selling something over time unlicensed.

Like, I'll just give you an example and I hope we -- do you remember, like, a few years -- several years ago when you buy a cell phone they would try to sell you insurance for your phone --

MR. BOLOGNA: Yes.

MR. PRETLOW: -- and then it was deemed that those individuals that worked behind the counter really should have been insurance agents or brokers and they weren't --

MR. BOLOGNA: Mm-hmm.

MR. PRETLOW: -- and they were actually breaking the laws so now they changed it from insurance policies -- it's the same thing -- they'll fix your phone if you drop it but not really because no one ever collects on those policies, but -- but they call it, you know, something else, they just changed the name of it. What we're trying to do is just keep our consumers as informed and as safe as possible.

MR. BOLOGNA: Okay. That's an -- that's an admirable -- admirable task. I just -- I guess the open-ended definition

of it is a little concerning because, you know, it -- it -- it -- there's questions with regards to who actually needs to apply for a license and who -- who doesn't.

So assuming these requirements apply to banking organizations that provide buy-now-pay-later services to individuals residing in other states, the question then becomes, is there a concern that this could violate the Commerce Clause? Seems to me that this -- this proposal could inadvertently regulate interstate commerce. Has that been discussed at all?.

MR. PRETLOW: Well, there's -- that's a no.

MR. BOLOGNA: Okay.

MR. PRETLOW: But the DFS would be the one that would determine and make the regulations as to who has to -- who qualifies and who doesn't, who should get this particular license or who doesn't really need it.

MR. BOLOGNA: Okay. And then as far as DFS is concerned and the guidance we're giving DFS within -- within the tax tier, I'm curious as to why the payable and for -- or fewer installments which was in the Senate one-House, is there a reason that that was removed from the final budget here?

MR. PRETLOW: The number of (indiscernible) is really an arbitrary number, so there was some disagreement between the three parties during negotiations so it was taken out. It wasn't included.

MR. BOLOGNA: Well, I'm not sure how arbitrary it

was and the reason I bring that up is because the consumer -- the Federal Consumer Finance Protection Bureau defines buy now, pay -- buy-now-pay-later loans as closed and installment loans that are payable in four installments. So wouldn't it make sense then to use at least similar language to what the Feds regulate it as?

MR. PRETLOW: We're looking at some have many as 12 installments, you know, over -- over the course of a year, you pay over a year, so it's arbitrary what you're referring to.

MR. BOLOGNA: Okay. Is there any concern that there might be a conflict with -- with Federal regs such as the Consumer Finance Protection Bureau's regulation like under the -- like the Truth in Lending Act. Is there any conflicts that could arise here?

(Conferencing)

MR. PRETLOW: Our language is stronger than the language under Federal level and that's why we're pushing this.

MR. BOLOGNA: Okay.

MR. PRETLOW: We're -- we're already subject to what the Federal Government said. We're strengthening their language.

MR. BOLOGNA: Got it. Okay. So couple more questions here.

I see that lenders in here will be required to disclose their reasonable risk base underwriting. Are you aware of any other loans in New York State that would require a lender to disclose what

could potentially be proprietary underwriting practices? Is there -- I fear that we're setting a precedent here.

MR. PRETLOW: No, I'm not, but that's because -- I think that's because of the small amounts that we're dealing with and the larger interest payments that are required.

MR. BOLOGNA: Okay. The legislation -- we're talking -- we're putting a lot on DFS. I mean if you go through this is a pretty dense piece of legislation. So we're actually asking a lot of DFS and this is pretty dense and pretty complicated.

So I guess another question I would have is, are we providing DFS with any additional resources that they may need to come up with regs on this? I didn't see any in the -- in the bill text. I don't know if that's another portion of the budget.

MR. PRETLOW: Well, no, but we're -- we're under -- under the impression that this can be fulfilled by the existing resources.

MR. BOLOGNA: You have greater faith than I do.

Under current law, license -- licensees -- sorry, under current law credit licensures are capped at 25 percent. According to the text here, buy-now-pay-later are going to be capped at 16 percent interest rate. Why the disparity?

MR. PRETLOW: Because the amounts that we're dealing with are so small.

MR. BOLOGNA: Okay, but I mean that's fine, but if we're talking about like, you know, I think you used the example a

\$12 pair of sunglasses at Amazon. I mean, why are we doing a, you know, an annualized loan rate for something that's \$12?

MR. PRETLOW: Because that's how finance works. I mean when you -- when you write a check -- we don't write checks anymore, but you know how they play the float?

MR. BOLOGNA: Yes.

MR. PRETLOW: The banks make billions of dollars just on your check from your bank getting to my bank over night. So even though we're dealing with small numbers, the aggregate of those numbers is enormous in many cases.

MR. BOLOGNA: Okay. The final question I have is it's my understanding that -- that you will be the first State to regulate, fully regulate I should say buy-now-pay-later. So there's -- talking to -- to financial institutions, there is a lot of confusion on what we're giving to DFS to come up with regulations for this. So I guess, why now? Why in this budget? I mean it feels a little rushed. Is there a reason that we kind of pushed this through into this point? Like, what's -- what's the impetus of this?

MR. PRETLOW: It was probably an idea whose time has come.

MR. BOLOGNA: I'll take that. Well, that you very much, Mr. Pretlow.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BOLOGNA: So I definitely think we can all

agree that protecting consumers is essential for the health of our financial systems. Predatory practices should absolutely be admonished and these practices are often the catalyst for regulations that negatively impact responsible financial institutions. And eventually impacts consumers, the very people we're trying to protect. The vast majority of financial institutions provide consumers with products and services that meet their needs, offer credit, loans and options that allow them to invest, purchase necessary products and yes, even build credit and build wealth. So with that said, when financial products become cumbersome obstacles or unfeasible for institutions to provide, it's ultimately that is the consumer that is denied access to safe, low credit -- sorry, low cost credit options. So I fear what's beginning to happen here in New York State is New York State-chartered institutions are sort of being in the crosshairs with death by a thousand cuts. Incrementally, we are unleveling the playing field with the constant exemption of non-State chartered organizations. I fear what the impli -- implications are there. These exemptions are, you know, setting concerning precedent and are chipping away at State-chartered organizations and are forcing them to either close their doors or switch to a Federal charter.

In addition I do have concerns that the traditional pay and for language has been removed from the budget. If we're in fact going to regulate this product it would stand to reason that we include one of the most common methods of usage in the regulation. And finally I want to make this point. Many of us are actually

representing whether it's urban, like myself, very rural communities. They are very underbanked. You know, in my communities, you know, people have to travel 20, 30 minutes to get to a financial institution. Oftentimes we rely on State-chartered credit unions and State-chartered, you know, savings banks and banks to meet those financial needs. I have a grave concern. I've only been here five months, but I can already see where -- where this is headed. And I just have grave concerns that we're doing a disservice and hurting our State-chartered institutions because we constantly isolate them and we are constantly giving exemptions to larger Federal banks.

So with that, Chair, thank you very much for answering my questions. Madam Speaker, thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Ms. Giglio.

MS. GIGLIO: Thank you, Madam Speaker. I will spare Chair Pretlow and go on the bill.

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

MS. GIGLIO: Yeah. So I want to talk a little bit of what my colleague spoke about about Section KK with the Minority-Women Business Enterprise. And you know, it's -- it's really disheartening to think that we're going to have the director of the department put out an RFP to an entity that may not have any familiarity with the construction industry as do -- as many of the people that actually work in that office. They don't have a familiarity with the business. And women can be in the middle of a contract and

find out that their recertification has been denied leaving the contractor liable to make up that MWBE participation that they started the contract with and that they started the construction project with. And these women that are being denied their recertification are having to spend up to \$10,000 in legal fees to challenge the denial. And it's just not fair. It happened to five women in my district, and I'm hearing from people all over the State. As a WBE and having my own construction company since 1997, now doing consulting, people are calling me. I'm on the Executive Board for my union, Local 138 Operating Engineers and I talk to a lot of people in the construction trades and they're having to file waivers because they can't find participation from minority or women business in the industry and that's really disheartening. I think that we really need to instead of hiring an entity, we need to accumulate a group of people. You could even go to the women that were decertified or the minorities that were decertified and say, what was the problem in the process and it would be a very simple fix and it wouldn't cost the State any money. But go to the people that it affects the most, those are the people in the construction industry and the MWBEs that rely on the program to get hired by bigger contractors and actually get to work, and that needs to be a quicker fix, because two years is too long to wait and we need to do something about it sooner than later, especially with all these great projects that we are going to be seeing the State of New York putting forward with the weight limits on the roads and -- and the infrastructure that's going to be needed, the sewage connections in

Suffolk County and a lot of great things that this legislative Body has done, but we need to make these jobs available for Minority Women Business Enterprise, have one policy, one consistent checklist that they use for everybody regardless of their, you know, race or color, but just have everybody scrutinized the same, make sure that they're familiar with the construction industry, get them their MWBEs. Automatic renewal of the certifications with random audits I think is a great idea that my colleague mentioned earlier, but I don't think we need to wait two years. I don't think we need to spend money on an entity to examine this. It's -- it's really very clear and just go back to the budget hearings when we spoke about the MWBEs and it was all said there. And they're really very simple fixes.

So I -- I appreciate that we're doing something about it, but I think that it's going to take too long to get it done and in the interim we're going to lose a lot of people that may be interested in trying to get certified or trying to get recertified.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Madam Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BLUMENCRANZ: With the provision X related to the dynamic pricing. What --- what entities are currently regulated in this iteration of this legislation inside the budget?

MR. PRETLOW: All businesses in New York with the exception of banks, insurance companies, insurance and ride-share, Uber, Lyft.

MR. BLUMENCRANZ: So they can't use locations -- if they're using location services to price dynamically, then they're exempt, correct?

MR. PRETLOW: Yes.

MR. BLUMENCRANZ: And if they're in the banking industry or regulated under Insurance Law, correct?

MR. PRETLOW: Yep.

MR. BLUMENCRANZ: So what about banking affiliates, affiliated companies to financial institutions or companies that have former relationships that make them banking affiliates or affiliates of financial institutions?

MR. PRETLOW: Well, they're -- they're all included in --

MR. BLUMENCRANZ: In the exemption.

MR. PRETLOW: Yes, in the exemption.

MR. BLUMENCRANZ: Okay. So affiliate companies of say American Express, like Ticketmaster. Would they be considered or arguably be considered an affiliate of a financial institution that's --

MR. PRETLOW: There wouldn't be -- they would not be considered an affiliate.

MR. BLUMENCRANZ: What about affiliates -- or what about any subsidiary of a financial institution?

MR. PRETLOW: Yes.

MR. BLUMENCRANZ: So say Resy or other reservation services owned by banking or credit card companies would not be --

MR. PRETLOW: They -- they would -- they would be -- no, they would be included.

MR. BLUMENCRANZ: Why would they be included if they're owned by a financial institution?

MR. PRETLOW: No. We're talking two different things. They're included in the exemption.

MR. BLUMENCRANZ: In the exemption, okay.

Where besides banking and ride-share do you see that this is the most egregious that there's a need for a disclosure?

MR. PRETLOW: I don't know a hundred percent how factual what I'm going to say is, but it is my belief that online purchases prices have changed based on who was making the order. It has not happened to me personally but I have heard that individuals have gone to the same website, seen the same item and the price was different for each of the individuals that was looking at it. Now I'm pretty sure that that was based on some algorithm as how the people do their purchasing and the price was then shown to them to be what it

is.

If you look at -- there's a website call Temu. Their prices are -- you look at it one day and it's a penny, the next day it's \$12. You know, I don't know what that's all about but my former example is what's been happening.

MR. BLUMENCRANZ: So valid anecdote. If I am Amazon and I have business, which Amazon has a lot of business that would categorize me in some capacity or one of my subsidiaries as a financial institution and I'm being regulated as such, would they not be subject to this piece of legislation or provision of the budget?

(Conferencing)

MR. PRETLOW: I'm going to read you the definition because... any financial institution or affiliate of a financial institution all has defined in U.S. -- in 15 United States Code 6809 to the extent that the financial institution or affiliate is subject to Title V of the Gramm-Leach-Bliley Act 15 -- United States Code §6801 and amended for the rules and implementation and regulations promulgated thereunder.

MR. BLUMENCRANZ: So it does include affiliates of financial institutions.

MR. PRETLOW: Yeah. So if the entity is subject to those references then they're subject to this dynamic pricing rule.

MR. BLUMENCRANZ: When you say "subject to" -- the lack of clarity here is because a lot of large-scale businesses that may operate may have some portion of their business that is subject

to, or may have an affiliate that is not that is providing and having the type of pricing that you're enumerating needs to be disclosed. It just seems a little vague and catchall and yet also does not encompass many of the businesses that actually do this practice.

MR. PRETLOW: So what I just read is what qualifies for the exemption. If you don't fit that criteria then you're not exempt. That's the easiest way to explain it.

MR. BLUMENCRANZ: Now let's say a company isn't exempt. Is it the belief that that very disclosure that states quote, "this price was set by an algorithm using your personal data will change purchasing behavior." Is there any (indiscernible) to show that?

MR. PRETLOW: Will that help the consumer make a decision?

MR. BLUMENCRANZ: Is there other options in many of these cases, places like Ticketmaster. There isn't another place to go get a ticket.

MR. PRETLOW: Well, there's Vivid, there's Ticketmaster. There's -- there's a lot of different places.

MR. BLUMENCRANZ: It depends on if they have exclusive --

(Indiscernible/crosstalk)

MR. PRETLOW: There are crooks, but they have a lot of different places to go.

MR. BLUMENCRANZ: If it is such a big problem

then why not simply ban the practice entirely? Why even -- like I said, Ticketmaster give an exclusive that (indiscernible) can sell a ticket legally. Now it discloses it. How can that change behavior when there's still not alleged practices in certain events?

MR. PRETLOW: Mr. Blumencranz, I know you're not proposing more regulations, are you?

MR. BLUMENCRANZ: Just wondering if we're trying to claim something is doing something. Is it actually doing the thing it's claiming to do. Just trying to be disingenuous to the people of New York, right?

MR. PRETLOW: Yes. We're -- we're -- we're just trying to make things fair for everyone.

MR. BLUMENCRANZ: Now you say fairness. The legislation itself it has a mechanism for -- and recourse if they find that someone is violating this law, correct?

MR. PRETLOW: Yes.

MR. BLUMENCRANZ: Now what does that entail in your reading of the bill?

(Conferencing)

MR. PRETLOW: Okay. There's subject to an investigation by the Attorney General, and after that they're subject to civil penalties.

MR. BLUMENCRANZ: Civil penalties. So there's -- is there a private right to action involved with individuals who feel that this is happening under --

MR. PRETLOW: No. I don't believe so, no.

MR. BLUMENCRANZ: No private right to action?

So what -- so who -- how would civil -- I know that there's no harm needed for civil penalties, or no harm to be proven, so how would those civil penalties work in the AG's Office?

MR. PRETLOW: Well, that's usually determined by -- by actions through the Attorney General's Office.

MR. BLUMENCRANZ: Sorry. Can you repeat that?

MR. PRETLOW: I said those penalties are usually determined through some interaction with the Attorney General's Office which would be the entity doing the investigation.

MR. BLUMENCRANZ: And do you think that will be per occurrence, or is that supposed to be just if it's happening at all?

MR. PRETLOW: It would probably be per occurrence. We know it's happening, so we have to -- it'll be by occurrence, I believe.

MR. BLUMENCRANZ: So the bill does not provide a clear threshold for when pricing systems qualify as algorithmic. Does this mean that businesses that use automated software to adjust prices must comply? Many people, especially small businesses, use and utilize software as a service system that they use to set or take recommendations on pricing. How -- how would they be effected? Are they the ones -- the onerous on the businessowner, even if they use a software and are unaware of the algorithms included?

MR. PRETLOW: So you want the definition of algorithms?

MR. BLUMENCRANZ: Sure. That's a good start.

MR. PRETLOW: Okay. It's a computer national automated process that uses a set of rules to determine a sequence of operations.

MR. BLUMENCRANZ: Okay.

MR. PRETLOW: That's --

MR. BLUMENCRANZ: So I'm a small business. I contract or purchase a monthly software that helps me set and adjust prices to make sure I'm meeting the market rate maximizing what I can get from my community as a small businessowner. Is the onerous on me to make sure that disclosure is provided when they purchase something from me, or is it on the software service that is providing me their service?

MR. PRETLOW: Well, it's whoever setting the price.

MR. BLUMENCRANZ: So price recommendations are allowed, so I can use the software to accept the recommendation, but because I didn't personally use the software, I can set the price without disclosure because it was recommended to me but I'm not the one that used an algorithm?

MR. PRETLOW: The purpose of the law, the spirit of the law is to not have individual -- or give them the ability to use an algorithm to determine the price. If you use an algorithm to determine

the price whether the person you bought your software from or rented your software from or leased your soft -- software from or yourself, whomever of the four entities I just mentioned, is responsible and is liable through any penalties that may or may not be adjudicated through the Attorney General's Office.

MR. BLUMENCRANZ: I think you and I both know that if there will be suits and there will be many suits if us -- let's say a software that I'm provided is provided -- using an algorithm. They are not required to disclose to me they'll be using it, and then they can provide me a service and I become willfully unaware that I'm breaking the law because the software I'm providing is breaking the law. There's a lot of spirit in this bill. I'm just trying to understand how in practice many of these regs that are placed in here are possible.

MR. PRETLOW: You mentioned a lot of lawsuits. That's why we have so many lawyers.

MR. BLUMENCRANZ: And they'll be an awful lot that'll be happy about this bill so...

Many insurance companies use algorithms to set premiums based on consumer data. Shouldn't these customers be aware, again, where are we see actual empirical evidence of the negative effects of this seem to be completely left out of the equation in the practice of this bill. I'm just trying to understand, you know, there was a genesis that this would help the community understand where this pricing is being utilized, and yet we leave out pretty much every industry that utilizes it.

MR. PRETLOW: Well, this is just -- just for disclosure.

MR. BLUMENCRANZ: Okay. So is it good that we disclose when it's happening or it doesn't matter or maybe --

MR. PRETLOW: Well, it's always good to disclose it. We always like full disclosure.

MR. BLUMENCRANZ: Except (indiscernible) doesn't have to disclose, right? Okay. Thank you.

On the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. BLUMENCRANZ: I think that dynamic pricing is one of the components of the budget this year, which is a different problem, is something that needs to be tackled. I think that there are instances where it can systemically harm consumers and violate many practices we hold dear in a capitalist society while still trying to achieve fairness. I think that we really need to get a hold of and tackle where prices and price collusion is happening and hurting everybody in the State of New York. This bill says it does something and simultaneously does nothing at all. The spirit of the bill is about all that the bill maintains besides making sure a lot of lawyers will find ways to work their way around it.

So I appreciate the spirit of the bill, but I do think we need to work together and a little bit harder to protect the people of New York. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker.

The Minority Conference will be in the negative on this piece of legislation. If members want to vote yes, they can do so at their seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker.

The Majority Conference will be in the affirmative on this piece of legislation or budget bill. For those that would like to vote in a different direction, they can do so in the Chamber at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Rozic to explain her vote.

MS. ROZIC: Thank you, Madam Speaker.

Really quickly since I know we have a long way to go. I just want to comment very quickly on the consumer protections that we are delivering in this budget bill, which is huge for all New Yorkers in today's digital marketplace. This is a major step forward in

protecting consumers. It provides not only fairness, accountability but it also puts consumers first, and the Assembly Majority, we fought to include many measures including requiring AI companions to alert users that they're not communicating with a human, and to allow the protocol if users express suicidal ideation or self-harm. It mandates clear return and refund policies. It requires subscription services to provide simple, clear cancellation methods. And it also demands businesses to disclose when prices are generated using personal data through algorithmic pricing models. We also provide new funding for consumers when they have utility-related matters.

New Yorkers are now better equipped, informed, empowered and protected thanks to this budget. And I would be remiss if I didn't also thank the amazing committee staff that worked on a lot of these measures including Matt, Emily, Skye and Ally.

So with that, I just withdraw my request and vote in the affirmative.

ACTING SPEAKER HUNTER: Thank you.

Ms. Rozic in the affirmative.

Ms. Torres to explain her vote.

MS. TORRES: Thank you, Madam Speaker.

I rise today in strong support of this budget bill, particularly Part X as it relates to the disclosure of algorithmic pricing. Consumers today are often subject to pricing on line that changes not because of simple supply and demand, but because of who they are, their personal data. Algorithms that set prices based on our personal

data from old searches, your zip code, gender, race and beyond, influences the price that we are offered for a product. And unfortunately this is common practice with New Yorkers being charged different prices for the same exact product. It affects everyone. New Yorkers deserve to know when they're being charged a different price for the same product because of who they are, and so this bill sets an important standard. If a company uses your personal data to set a price for you, they must tell you. It ensures clear disclosure and accountability. And New York will be the first in the nation to implement the standard and inform consumers about dynamic pricing.

I am proud to have worked on this critical provision with many colleagues and I will be voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Torres in the affirmative.

Mr. Blumencranz to explain his vote.

MR. BLUMENCRANZ: Thank you, Madam Speaker.

I rise today a bit sad at the lack of emphasis we've placed on making sure that as we create and develop the Capital Plan, as we write checks for billions of dollars to fund an MTA that continues to hemorrhage money and lack a cohesive leadership that provides us with a future in which the MTA will not be the least efficient transit system when it comes to dollar for dollar spending

where they continue to not have the oversight they need.

For the past several months I have been continuing and echoing the call that many of my colleagues have. It is time we have an independent forensic audit of the MTA. Not one where they get to cherry-pick what we get to see. Not one where they get to decide what they show us or not, but one that shows us all of the numbers, shows us where the waste, where the inefficiency, where the lack of management is most glaring. It shouldn't be that it costs more to build a (indiscernible) track in New York than anywhere else in the world. Cities shouldn't be able to build train lines in the time it takes us to create a plan. It is one of the biggest issues saddling New Yorkers and we continue to pay for it every step of the way. We have all seen the taxes incurred on New Yorkers, Long Islanders especially face this issue when it comes to the burden of congestion pricing as well. So I emphasize my colleagues vote in the negative until we decide to really handle the MTA the way we should.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Blumencranz in the negative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Madam Speaker, can the House now

stand at ease until 7:30 p.m. this evening.

ACTING SPEAKER HUNTER: Thank you.

On Mr. Fall's motion the House stands at ease until
7:30 p.m.

(Whereupon, the House was called back to order at
7:55 p.m.)

ACTING SPEAKER HUNTER: The House will
come to order.

MRS. PEOPLES-STOKES: Thank you. We're going
to go right to page 7 and to Rules Report No. 180.

ACTING SPEAKER HUNTER: Page 7, Rules
Report No. 180, the Clerk will read.

THE CLERK: Assembly No. A03007-C, Rules
Report No. 180, Budget Bill. An Act to amend Part H of Chapter 59
of the Laws of 2011, amending the Public Health Law and other laws
relating to general hospital reimbursement for annual rates, in relation

to known and projected Department of Health State Fund Medicaid expenditures (Part A); to amend Part B of Chapter 57 of the Laws of 2015, amending the Social Services Law and other laws relating to supplemental rebates, in relation to extending the expiration thereof; to amend Chapter 942 of the Laws of 1983 and Chapter 541 of the Laws of 1984 relating to foster family care demonstration programs, in relation to extending the expirations thereof; to amend Chapter 256 of the Laws of 1985, amending the Social Services Law and other laws relating to foster family care demonstration programs, in relation to extending the expiration thereof; to amend Part C of Chapter 58 of the Laws of 2009, amending the Public Health Law relating to payment by governmental agencies for general hospital inpatient services, in relation to the effectiveness thereof; to amend Chapter 474 of the Laws of 1996, amending the Education Law and other laws relating to rates for residential healthcare facilities, in relation to the effectiveness thereof; to amend the Public Health Law, in relation to mobile integrated and community paramedicine; to amend Section 2 of Chapter 137 of the Laws of 2023, amending the Public Health Law relating to establishing a community-based paramedicine demonstration program, in relation to extending the effectiveness thereof; to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to extending the effectiveness of certain provisions thereof; to amend Part FFF of Chapter 59 of the Laws of 2018, amending the Public Health Law relating to authorizing

the Commissioner of Health to redeploy excess reserves of certain not-for-profit managed-care organizations, in relation to the effectiveness thereof; to amend Chapter 451 of the Laws of 2007, amending the Public Health Law, the Social Services Law and the Insurance Law relating to providing enhanced consumer and provider protections, in relation to the effectiveness of certain provisions relating to contracts between plans, insurers, or corporations and hospitals; to amend the Public Health Law, in relation to reimbursement rate promulgation for residential health care facilities, and in relation to certified home health agency services payments; to amend Part C of Chapter 60 of the Laws of 2014, amending the Social Services Law relating to fair hearings within the Fully Integrated Duals Advantage program, in relation to the effectiveness thereof; to amend Chapter 884 of the Laws of 1990, amending the Public Health Law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to extending the provisions thereof; to amend Chapter 81 of the Laws of 1995, amending the Public Health Law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness of certain provisions thereof; to amend Part A of Chapter 56 of the Laws of 2013, amending Chapter 59 of the Laws of 2011 amending the Public Health Law and other laws relating to general hospital reimbursement for annual rates, in relation to extending government rates for behavioral services; to amend the Public Health Law, in relation to gross receipts for general hospital assessments; to

amend Part MM of Chapter 57 of the Laws of 2021 amending the Public Health Law relating to aiding in the transition to adulthood for children with medical fragility living in pediatric nursing homes and other settings, in relation to the effectiveness thereof; to amend Chapter 633 of the Laws of 2006, amending the Public Health Law relating to the home based primary care for the elderly demonstration project, in relation to the effectiveness thereof; to amend Chapter 19 of the Laws of 1998, amending the Social Services Law relating to limiting the method of payment for prescription drugs under the medical assistance program, in relation to the effectiveness thereof; to amend Part BBB of Chapter 56 of the Laws of 2022, amending the Public Health Law and other laws relating to permitting the Commission of Health to submit a waiver that expands eligibility for New York's basic health program and increases the Federal poverty limit cap for basic health program eligibility from two hundred to two hundred fifty percent, in relation to extending certain provisions related to providing long-term services and supports under the Essential Plan; to amend the Social Services Law, in relation to which contracts stay in force after September 30, 2025; to amend Part MM of Chapter 56 of the Laws of 2020 directing the Department of Health to establish or procure the services of an independent panel of clinical professionals and to develop and implement a uniform task-based assessment tool, in relation to which contracts stay in force after September 30, 2025; and to amend Chapter 769 of the Laws of 2023 amending the Public Health Law relating to the adult cystic fibrosis

assistance program, in relation to the effectiveness thereof (Part B); intentionally omitted (Part C); to amend the Public Health Law, in relation to supplemental hospital payments (Part D); to amend the Social Services Law, in relation to shifting long-term nursing home stays from managed care to fee for service, and authorizing penalties for managed care plans that do not meet contractual obligations (Part E); to amend the Public Health Law, in relation to establishing a tax on managed care providers; to amend the State Finance Law, in relation to the healthcare stability fund; and to amend Part I of Chapter 57 of the Laws of 2022 providing a one percent across the board payment increase to all qualifying fee-for-service Medicaid rates, in relation to certain Medicaid payments made for certain medical services (Part F); to amend Chapter 266 of the Laws of 1986 amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to insurance coverage paid for by funds from the hospital excess liability pool and extending the effectiveness of certain provisions thereof; to amend Part J of Chapter 63 of the Laws of 2001 amending Chapter 266 of the Laws of 1986 amending the Civil Practice Law and Rules and other laws relating to malpractice and professional medical conduct, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend Part H of Chapter 57 of the Laws of 2017 amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part G);

intentionally omitted (Part H); to amend the Public Health Law, in relation to eliminating the fees paid by funeral directors for permits for burials and removals which are used to support the electronic death registration system; and to repeal certain provisions of such law relating thereto (Part I); to amend the Public Health Law, in relation to the due date for awards applied for under the statewide health care facility transformation III program (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the Public Health Law, in relation to requiring general hospitals to report community benefit spending (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to amend the Public Health Law, in relation to requiring hospitals to provide stabilizing care to pregnant individuals; and to repeal section 2803-o-1 of the Public Health Law, relating to required protocols for fetal demise (Part P); to amend the Social Services Law, in relation to establishing increased coverage of care as well as availability of care for infertility treatments; and to amend section 4 of part K of Chapter 82 of the Laws of 2002 amending the Insurance Law and the Public Health Law relating to coverage for the diagnosis and treatment of infertility, relating to a program to provide grants to health care providers for improving access to infertility (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the Public Health Law, in relation to requiring hospitals to maintain sexual assault forensic examiners at their facilities; and to amend the executive law, in relation to making technical corrections thereto (Part T); intentionally omitted (Part U); intentionally omitted

(Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend Chapter 565 of the Laws of 2022 amending the State Finance Law relating to preferred source status for entities that provide employment to certain persons; and to amend Chapter 91 of the Laws of 2023 amending the State Finance Law relating to establishing a threshold for the amount of work needed to be performed by a preferred source which is an approved charitable non-profit-making agency for the blind, in relation to the effectiveness thereof (Part Z); to amend part NN of Chapter 58 of the Laws of 2015, amending the Mental Hygiene Law relating to clarifying the authority of the commissioners in the Department of Mental Hygiene to design and implement time-limited demonstration programs, in relation to the effectiveness thereof (Part AA); to amend Part L of Chapter 59 of the laws of 2016, amending the Mental Hygiene Law relating to the appointment of temporary operators for the continued operation of programs and the provision of services for persons with serious mental illness and/or developmental disabilities and/or chemical dependence, in relation to the effectiveness thereof (Part BB); to amend Part A of Chapter 56 of the Laws of 2013, amending the Social Services Law and other laws relating to enacting the major components of legislation necessary to implement the health and mental hygiene budget for the 2013-2014 state fiscal year, in relation to the effectiveness of certain provisions thereof (Part CC); to amend the Mental Hygiene Law and the Public Health Law, in relation to adding homeless youth to the definition of minors for the

purpose of consent for certain treatment (Part DD); to amend the Mental Hygiene Law, in relation to involuntary admission and assisted outpatient treatment and establishing the behavioral health crisis technical assistance center; and to amend the Executive Law, the General Municipal Law, and the County Law, in relation to required training and maintaining of records relating to persons dealing with mental health and substance use crises (Part EE); in relation to establishing a targeted inflationary increase for designated programs (Part FF); to amend the Mental Hygiene Law, in relation to mental health incident review panels (Part GG); to amend the Social Services Law, in relation to extending provisions of law relating to school-based health centers (Part HHS); to amend the Mental Hygiene Law, in relation to requiring any New York subdivision that directly received funds pursuant to a statewide opioid settlement agreement to post and submit to the office of addiction services and supports certain information relating to such funds (Part II); to amend the Public Health Law, in relation to reporting pregnancy losses and clarifying which agencies are responsible for such reports; and providing for the repeal of certain provisions upon expiration thereof (Part JJ); to amend Chapter 55 of the Laws of 2022, amending the General Municipal Law and the town law relating to authorizing fees and charges for emergency medical services, in relation to the effectiveness thereof (Part KK); to amend the Public Authorities Law, in relation to the Nassau Health Care Corporation (Part CLL); and to amend Chapter 517 of the Laws of 2016, amending the Public Health

Law relating to payments from the New York State Medical Indemnity Fund, in relation to the effectiveness thereof (Part MM)

An act to amend the Executive Law, in relation to the Waterfront Commission Act (Part A); to amend Part I of Chapter 413 of the Laws of 1999 relating to providing for mass transportation payments in relation to the amount of payments in the Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend Chapter 368 of the Laws of 2019 amending the Vehicle and Traffic Law and State Finance Law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof (Part C); to amend the Vehicle and Traffic Law, in relation to abandoned vehicles (Part D); to amend the Vehicle and Traffic Law, in relation to expanding the definition of what constitutes drugged impaired driving, penalizing refusals to submit to preliminary screening tests, authorizing prompt license suspensions for drugged driving arrests and expanding situations in which chemical tests can be compelled (Part E); to amend the Vehicle and Traffic Law, in relation to improving safety at elementary school intersections (Part F); to amend the Vehicle and Traffic Law, in relation to bicycles with electric assist (Part G); to amend the Vehicle and Traffic Law, in relation to maximum speed limits for bicycles, bicycles with electric assist, electronic scooters and other devices authorized or required to use bicycle lanes (Part H); to amend Part PP of Chapter 54 of the Laws of 2016, amending the Public Authorities Law and the General Municipal Law relating to the New York Transit

Authority and the Metropolitan Transportation Authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part I); 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 J); to amend the Public Authorities Law, in relation to acquisitions or transfers of property for certain transit projects; and to amend Part VVV of Chapter 58 of the Laws of 2020 amending the Public Authorities Law relating to acquisitions or transfers of property for transit projects, in relation to the effectiveness thereof (Part K); 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 L); to amend the State Finance Law, in relation to providing funding for the Metropolitan Transportation Authority 2025-2029 Capital Program (Part M); to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to authorizing covered agencies and authorities to use weigh-in-motion technology to automatically enforce vehicle weight limits on their facilities (Part N); to amend the Vehicle and Traffic Law, in relation to bus operation-related traffic regulations (Part O); to amend the Vehicle and Traffic Law and the Administrative Code of the City of New York, in relation to the

authorization of a surcharge for the issuance of permits relating to the obstruction or closure of a street or pedestrian plaza for construction purposes in a city having a population of one million or more and to the imposition of such surcharge (Part P); to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to the speed violation photo monitoring systems program in work zones including authorizing a photo monitoring program for the Triborough Bridge and Tunnel Authority and New York State Bridge Authority; to amend the State Finance Law, in relation to establishing a work zone speed camera administration fund; and to amend Chapter 421 of the Laws of 2021 amending the Vehicle and Traffic Law and the General Municipal Law relating to certain notices of liability, in relation to extending such provisions (Part Q); intentionally omitted (Part R); 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 S); to amend the Public Authorities Law, in relation to authorizing the Olympic Regional Development Authority to enter into agreements for membership of one or more of its ski venues in reciprocal ski pass programs where such members are required to guarantee contractual indemnity up to a capped amount (Part T); to amend the General Business Law, in relation to artificial intelligence companion models (Part U); to amend the General Business Law, in relation to refund policies (Part V); to amend the General Business Law, in relation to automatic renewals (Part W); to

amend the General Business Law, in relation to requiring disclosure of algorithmically set prices (Part X); to amend the Banking Law, in relation to the regulation of buy-now-pay-later lenders (Part Y); to amend the Insurance Law, in relation to disclosure of pharmacy benefit manager rebate contracts (Part Z); to amend the General Business Law, the Banking Law, and the Social Services Law, in relation to protecting eligible adults from financial exploitation (Part AA); to amend the Insurance Law, in relation to for hire group insurance (Part BB); to amend the Insurance Law, in relation to for hire motor vehicle insurance rates (Part CC); intentionally omitted (Part DD); 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 EE); 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 FF); 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 GG); intentionally omitted (Part HH); intentionally omitted (Part II): intentionally omitted (Part JJ); to amend Chapter 261 of the Laws of 1988, amending the State Finance Law and other laws relating to the New York State Infrastructure Trust Fund, in

relation to the effectiveness thereof (Part KK); to amend the State Finance Law, in relation to the Excelsior Linked Deposit Program (Part LL); to amend the State Finance Law and the Public Authorities Law, in relation to purchasing thresholds (Part MM); to amend the Insurance Law, the Public Authorities Law and the Tax Law, in relation to authorizing certain New York State and local authorities to create a pure or group captive insurance company (Part NN); to amend the Agriculture and Markets Law, in relation to farmland protection (Part OO); to amend the Environmental Conservation Law, in relation to extending the waste tire management fee for five years and removing the exclusion for mail order sales (Part PP); to amend 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 QQ); to amend the Environmental Conservation Law, the State Finance Law and the Public Authorities Law, in relation to the Inactive Hazardous Waste Disposal Site Program (Part RR); to amend the General Business Law, in relation to prohibiting the sale and manufacturing of firefighting personal protective equipment containing intentionally added PFAS (Part SS); to amend the Environmental Conservation Law, in relation to authorizing the Commissioner of Environmental Conservation to acquire conservation easements without Attorney General approval (Subpart A); and to amend the Tax Law, in relation to exemptions for any not-for-profit tax exempt corporation operated for conservation,

environmental, parks or historic preservation purposes (Subpart B) (Part TT); to amend the Environmental Conservation Law, in relation to the management of crabs (Part UU); 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 VV); to amend Abandoned Property Law, in relation to ensuring ESCOs are subject to the same consumer protection regulations regarding unclaimed deposits and refunds currently facing utility companies (Part WW); to authorize utility and cable television assessment revenues and to the Department of Agriculture and Markets, Department of State, the Office of Parks, Recreation and Historic Preservation, and the Department of Environmental Conservation from utility assessment revenues; requires accountings be submitted of such funds; and providing for the repeal of such provisions upon expiration thereof (Part XX); to amend the General Business Law and the State Finance Law, in relation to increasing and redirecting civil penalties for failing to comply with the department of public service's prescribed rules and regulations established for the protection of underground facilities; and to amend Chapter 522 of the Laws of 2000, amending the State Finance Law and the General Business Law relating to establishing the underground facilities safety training account, in relation to the

effectiveness thereof (Part YY); and to amend the Tax Law, in relation to authorizing the Department of Taxation and Finance to disclose certain information to the Department of Environmental Conservation or the New York State Energy Research and Development Authority for the purpose of implementing the New York State Climate Leadership and Community Protection Act (Part ZZ); intentionally omitted (Part AAA); in relation to establishing a commission to ensure the replacement of the statue of Robert R. Livingston in the National Statuary Hall of the United States Capitol with a statue of Harriet Tubman (Part BBB); to amend the Environmental Conservation Law, in relation to extending certain rebates for clean vehicle projects (Part CCC); to amend the Cannabis Law, in relation to appointments to the Cannabis Control Board and agreements of such board with the New York State Indian nations and tribes (Part DDD); and to amend the Cannabis Law, in relation to a special license fee; to amend the State Finance Law, in relation to making a conforming technical change; and providing for the repeal of certain provisions upon the expiration thereof (Part EEE).

ACTING SPEAKER HUNTER: 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 HUNTER: An explanation has been requested.

Mr. Pretlow.

MR. PRETLOW: This bill would enact into law major components of legislation that is necessary to implement the State fiscal year 2025 through 2026 budgets as it pertains to the Health and Mental Hygiene budget.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you. Thank you, Madam Speaker.

Will Chairman Pretlow yield for a cornucopia of questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Absolutely.

ACTING SPEAKER HUNTER: The Chair yields.

MR. PRETLOW: One of those SAT words, okay.

MR. JENSEN: Thank -- thank you very much, Mr. Chairman.

This budget bill introduces the first major reforms to Medicaid, which is one of the State's largest budget items, and much of the detailed information regarding this Medicaid funding is not explicitly stated in the bill text.

Prior to taking up this bill, have we seen or finalized the financial plan or Medicaid scorecard that's publicly available?

MR. PRETLOW: As I stated earlier, we're still working on the finalized financial plan, but we have some idea as to

what it would represent.

MR. JENSEN: Okay. The enacted budget will include significant legislative changes to Medicaid, including the Medicaid savings proposals by the Governor and authorizes additional Medicaid expenditures.

Does this budget remain within the Medicaid global cap that is being extended by this budget bill?

MR. PRETLOW: Yes, it does.

MR. JENSEN: Okay. The Executive budget financial plan showed that the State would exceed the global cap next year and every year thereafter and had to use General Fund resources to remain under the cap this fiscal year.

What does this budget do to ensure that we are spending within the cap moving forward?

(Conferencing)

MR. PRETLOW: We're using the MCO tax revenue to ensure that it stays in the cap.

MR. JENSEN: Okay. I'll get to the MCO in a minute, but I appreciate that.

If we continue to propose budgets that -- whether in the Governor's proposal or in the enacted budgets that exceed the global cap, don't you think it might be time that we rethink how we calculated cap on Medicaid spending?

MR. PRETLOW: I believe we just recently changed the metric as -- how we calculate the global cap.

MR. JENSEN: Okay. Well, if we have to continue -- if we have to continue to look at ways to obfuscate and change the definition of cap covered spending, maybe it might be worth having a more in depth -- we've had two Medicaid redesign task force initiatives, but maybe we look at how we prioritize the efficiency and effectiveness of Medicaid spending -- spending moving forward?

MR. PRETLOW: I think we would support that but then you're suggesting we do a third?

MR. JENSEN: I mean the third, something new. I'm sure we can fund -- find a fun name for it.

Moving on. This budget bill authorizes several disbursements under the MCO tax that you just mentioned. However, the waiver authority for the MCO tax is temporary. And the Federal administration that's currently in office was not the one that approved the waiver. And has signaled a desire to not renew these types of funding mechanisms.

Is it true that if the State does not receive a new waiver for this tax when it expires, that we will have to find a new mechanism to get \$3.7 billion to our providers, or potentially look at reducing reimbursement rates and funding available?

MR. PRETLOW: Well, the MCO tax is not temporary. It's -- it's --

MR. JENSEN: Well, it's temporary for three years. It's not -- we have to reapply every three years for --

MR. PRETLOW: No, we're just -- we're -- we're just

entering in our books for three years, but it's not set for three years. We just -- when we do our -- our legislative -- our books, we only book it for three years.

MR. JENSEN: Okay. The MCO part of this bill includes further commitments to help fund our nursing homes and hospitals for 2026.

MR. PRETLOW: Yes.

MR. JENSEN: What guarantee does the State have this funding will be available from the MCO tax, and would the State have to backfill this commitment with other funds if not available?

MR. PRETLOW: Well, we have the faith in our United States Government to continue its promise that it has been doing and continue to fund this.

MR. JENSEN: Okay.

MR. PRETLOW: But we have enough cash to get us through December, anyway.

MR. JENSEN: Okay. So we have enough cash on hand to satisfy the budget promises that are included in this...

MR. PRETLOW: Yes.

MR. JENSEN: Okay. With the money that's being allocated to providers using the MCO tax revenue, is that going to be done on a lump sum method or will that be reimbursement rates up to a total amount?

MR. PRETLOW: There's -- there's different ways that each of these allocations are disbursed, so they're not all the same.

So I can't really answer the question with one answer. Each of the individual component, whether it's hospitals, nursing homes, managed care pools, they're all allocated different -- using a different methodology.

MR. JENSEN: Okay. And is that going to be available in the scorecard or financial plan when that's published?

MR. PRETLOW: How they're being allocated or what the total amount of the allocations are?

MR. JENSEN: Both.

MR. PRETLOW: Well, I have the total amounts in front of me and the allocation will probably be public at some point.

MR. JENSEN: Okay. Medicaid enrollment continues to be a challenge within the State Medicaid budget. And as we see uncertainty from the Federal Government, both at the administration level and the congressional level, that there could be changes to the way Medicaid support is calculated for the states.

Is there any language in this budget bill that provides for provisions that would assist the low income individuals in our State and other members of our State who rely on this critically important social safety net for their healthcare needs, as well as helping individuals that may no longer be eligible transition to commercially-available insurance plans?

MR. PRETLOW: Well, I think in answering your question we know that the budget director has the authority and the ability to make changes and adjustments throughout the year based on

the financial plan when we -- when we finally pass it. As long as he operates within the constraints of that plan we should be okay.

MR. JENSEN: There -- there has been rumors and it's been reported in the press that if there are -- upon passage of a Federal budget there are changes that would impact our budget plan that's being passed this week. Would we look as a co-equal branch of government to have a say in any sort of changes for Medicaid allocations or would this Body be in the -- the Body in the other place be completely content with deferring all authority to the budget director to make those decisions?

MR. PRETLOW: Well -- well, to date there have not been any changes and we're not going to do our budget based on rumor. If what's being discussed or what's being rumored as to the potential changes to the Medicaid disbursements for the states, I'm depending on our good friends in the United States Congress to stop that from happening.

MR. JENSEN: Okay. Pivoting to health plan penalty authority, this budget bill contains provisions that authorizes the Health Commissioner to penalize managed care plans for failure to meet contract obligations and performance standards.

Doesn't the Department of Health already have the authority to level penalties against the plans through the model contract?

MR. PRETLOW: Yes, they do.

MR. JENSEN: Okay. Well, if the DOH already has

this authority, then what is the thought process or the purpose on increasing the penalties via statute?

MR. PRETLOW: People have been violating the model contract and that's why we're trying to enhance it.

MR. JENSEN: So is the belief that the Health Commissioner has not been fulfilling the duties of their office in appropriately recognizing those violations, hence the --

MR. PRETLOW: No. This isn't on the Health Commissioner. It's on the large corporations who are operating within the State that are going against the rules.

MR. JENSEN: Yes, but if the -- if the Health Commissioner already has the authority to do this, then why are we enhancing it if he already has the ability? Is he not doing it? Is that -- is that why we --

MR. PRETLOW: No, no. He is doing --

MR. JENSEN: -- (indiscernible/crosstalk) put into law?

MR. PRETLOW: -- it but people are still violating. They're still continuing to violate it.

MR. JENSEN: Okay. Is there anything in this bill that required the Health Department to prove that there was a contract violation before they levied penalties? Is there a due process?

MR. PRETLOW: Yes.

MR. JENSEN: Yes? What is that?

MR. PRETLOW: Providing notice and -- and

opportunity.

MR. JENSEN: So they would have to provide notice

--

MR. PRETLOW: Opportunity for them to correct it, I should say.

MR. JENSEN: Okay. Moving on to everybody's favorite topic, the Consumer Directed Personal Assistance Program. We've seen consumers and aides that are enrolled or have been previously enrolled in the CDPAP Program have run into a litany of issues with the transition to a Statewide fiscal intermediary varying from enrollment issues to payment issues. And there has been bipartisan calls for a delay in the transition, even though we've already passed that transition date.

Does this budget include any sort of delay to the transition or provisions that hold a fiscal -- the Statewide fiscal intermediary accountable for failures to fulfill the assumptions that we passed in last year's budget?

MR. PRETLOW: This bill does not make any changes to the CDPAP nor transition to a single fiscal intermediary.

MR. JENSEN: So there are no provisions that would put guardrails in place to ensure that services for current and future consumers and aides won't be in jeopardy due to the issues with the transition to a Statewide fiscal intermediary?

MR. PRETLOW: Well, not at this point but all -- they're supposed to be transitioning into the single fiscal intermediary.

MR. JENSEN: Okay. So not -- not -- not in this budget bill and we don't -- do we foresee something happening at some point in this Session?

MR. PRETLOW: Yes.

MR. JENSEN: Okay. Thank you very much.

Moving to the targeted inflationary increase. This budget proposal and budget bill includes a 2.6 percent targeted inflationary increase. However, many stakeholders were requesting a -- a 7.8 percent increase.

Does the 2.6 percent reflect an actual rate of inflation for the cost that these programs incur?

MR. PRETLOW: No, it doesn't, but I'm told that every 1 percent equates to \$100 million and we don't have that amount of cash.

MR. JENSEN: Okay. So I guess, little snarky, why would this be called a targeted inflationary increase if it doesn't keep up with the rate of inflation?

MR. PRETLOW: It wasn't -- it wasn't our choice to name it that. That's --

MR. JENSEN: What was that?

MR. PRETLOW: It wasn't our choice to name it that. That's what we were given.

MR. JENSEN: I think you and I could probably come up with --

MR. PRETLOW: A better name? More than likely.

MR. JENSEN: Well, you know, we could get a task force together. I know the Governor's a big fan of task for -- task force as we could work on that maybe after budget to come up with a better name for it.

MR. PRETLOW: We'll look into that.

MR. JENSEN: Perfect. I appreciate that, Chairman.

If this increase doesn't fully fund the total rate of inflation, could this potentially make these programs lagging behind inflation going into future years making the burden on future budgets even more pronounced?

MR. PRETLOW: Yeah, but that is possible but we probably wouldn't do that.

MR. JENSEN: Okay.

Going on to emergency medical services. The budget bill admits provisions that would have allowed counties to create special districts to raise revenue for EMS services, which was supported by counties. That proposal also included onerous reporting and assessment requirements for the EMS providers. Is authorizing special districts for EMS something that can be done outside the budget, and could this be done without including additional burdensome requirements for our regional EMS infrastructure?

MR. PRETLOW: We couldn't come to an agreement on how to actually handle this. Each of the parties had their own ideas how to do this, so we're going to continue to -- to hash this out probably outside of the budget.

MR. JENSEN: Okay. And then involuntary commitments in Kendra's Law, this budget bill includes an expansion of Mental Hygiene Law in regards to involuntary commitment and Kendra's Law.

Am I correct in believing that the intent of this legislation is to ensure that individuals who are in need of mental healthcare will be better able to connect to services and receive a stronger continuity of care?

MR. PRETLOW: That is absolutely the goal.

MR. JENSEN: Okay. Is there a mechanism to allow for a lookback after a period of time to see whether or not the desired results are occurring based on the viewpoints of stakeholders who are involved in the negotiation on this language?

MR. PRETLOW: Well, there's no sunset in this but I'm sure pretty sure that it will be followed closely by the Executive.

MR. JENSEN: Okay. And then finally this budget bill includes provisions that would require the utilization of mental health incident review panels. What are the intent of these panels?

(Conferencing)

MR. PRETLOW: Their purpose is going to be to review incidences where deadly force has been used and to make sure that best practices are being utilized.

MR. JENSEN: Okay. So in addition to -- to that purpose, would they also review incidences regarding interactions with law enforcement to review gaps in the service continuum that

could lead to an escalation of incidents?

MR. PRETLOW: Yes.

MR. JENSEN: Okay. With sexual assault forensic examiners, is there a timeline for DOH to develop the regs and an effective date for the rollout of these?

MR. PRETLOW: Two years.

MR. JENSEN: Two years? Okay.

And then in the budget bill there's an extension of the healthcare facility transformation rounds, three and four. Am I correct in not seeing any new rounds of the healthcare facility transformation programs?

MR. PRETLOW: They're aren't any new rounds in this budget proposal.

MR. JENSEN: Will we see any new capital dollars for rounds three or four in future budget bills or a new influx of capital dollars for healthcare providers for capital --

MR. PRETLOW: I -- I really can't make any assumption as to what a future budget proposal would be.

MR. JENSEN: Yeah, I mean, Mr. Chairman, it could just be between us. I won't tell anybody else if you just want to wink -- wink at me, don't say anything if we can expect it.

(Laughter)

Thank you very much, Madam Speaker. Thank you, Mr. Chairman.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ra.

MR. RA: Thank you, Madam Speaker. Will Chair Pretlow yield?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MR. RA: I'm trying a little misdirection on you there.

MR. PRETLOW: I've noticed that.

MR. RA: Mr. Jensen leadoff.

MR. PRETLOW: Mr. Jensen leading off. Does he take your second 15 or do you take it?

MR. RA: No, he is not. I will be reserving it for myself.

So I want to focus on Part LL, of the hostile takeover by New York State of Nassau University Medical Center and the Nassau Health Care Corporation.

So there are a number of concerns with regard to this and changes that are being made to the Board effectively giving New York State, really, the Governor control of -- of -- of the Board. So let's -- let's start there. My understanding is we're taking a what is now a 15 member board and reducing it to 11 members?

MR. PRETLOW: Yes.

MR. RA: And then the Governor would appoint six

out of the 11 members, correct?

MR. PRETLOW: I thought it was nine but is it six?

Yeah, six.

MR. RA: Six, and one -- well, two of those appointments would be at the recommendation of the legislative leaders here in Albany, the -- the Majority Leader in the Senate and the Speaker in the Assembly.

MR. PRETLOW: Correct.

MR. RA: And are there any appointments at the recommendation of the Minority Leader of the Assembly or the Minority Leader of the Senate?

MR. PRETLOW: Not to my knowledge.

MR. RA: Okay. And then the rest of the board seats are made up of appointments by the County Executive and then the legislative majorities and minorities in the county legislature.

MR. PRETLOW: Correct.

MR. RA: Now why are we giving appointments to the Minority party in the county legislature but not the Minority party here in Albany where we have seven Republican Assemblymembers who serve this county and four Republican State senators that serve this county who will have no appointments, yet the two majorities will.

MR. PRETLOW: Well, because they're in the counties.

MR. RA: Well, we --

MR. PRETLOW: And they live in the counties and they're representing as the county as they're living in the county.

MR. RA: I live in the county as well, and -- and I think we should have local control of -- of this hospital board.

One of the other things with regard to these board seats is that there seems to be a difference in the - and it says in the bill - the initial terms of these members where we have - and correct me if I'm wrong, but the County Executive's appointments are going to serve initial terms of two years?

MR. PRETLOW: I believe so.

MR. RA: But the Governor's appointments serve initial terms of four?

MR. PRETLOW: Correct.

MR. RA: Is there a reason why there's a different length in the terms of these individuals depending on who they're appointed by?

MR. PRETLOW: I think it has to do with their terms. The Governor has a four-year term and the county legislators have a two-year term.

MR. RA: Well, the county executive has a four-year term as well. I'm talking about the county legislators.

MR. PRETLOW: Okay.

MR. RA: The county executive, they both have four-year terms.

MR. PRETLOW: I'll have to check with the

Executive on that then.

MR. RA: Yeah. I -- I -- I -- I have -- I have some hunches as to what the intention is of the Governor over the course of those four years and I have a hunch that's why it's being -- being done that way.

Now each of the current 15 board members are essentially -- their terms are deemed legally expired as of -- is it June 1st?

MR. PRETLOW: June 1st, I believe.

MR. RA: Okay. So no matter what time they had left on their terms that board is effectively dissolves as of June 1st and we will now have the new 11 member board.

MR. PRETLOW: Yes.

MR. RA: Okay.

MR. PRETLOW: But the director will be staying on or can stay on.

MR. RA: Until they pick a -- a new one.

MR. PRETLOW: Right.

MR. RA: Now with regard to the board organizing and having a board Chair and then ultimately a CO who is responsible for -- for the hospital. Who's going to pick the Chair of the board?

MR. PRETLOW: I believe the board as a -- as a group will take a vote as to who the Chairman of the board is.

(Conferencing)

My bad. The Governor picks the Chair.

MR. RA: The Governor appoints the Chair. And then in terms of the CO, the person running the day-to-day operations is appointed by the board --

MR. PRETLOW: Yes.

MR. RA: -- still, but the Nassau Interim Finance Authority, NIFA, has to approve salary and benefits for that individual.

MR. PRETLOW: Yes.

MR. RA: Okay. You know, and I would note for my colleagues who aren't familiar with -- with Nassau County or NIFA, NIFA is another entity that has seven directors, all of whom are appointed by the Governor, some in consultation with the Majority Leader and -- and the Speaker here in Albany. So you may not characterize this as a takeover, but effectively what we're doing here is making sure that the Governor has control of this entity every which way. And I would note that NIFA has over the course of its history always seemed to treat Republican administrations differently than Democratic ones. And as the hospital was trying to vindicate their rights to some funding that they feel the State has withheld, NIFA tried to block them from doing so. So that is tremendously concerning to me.

Now, New York State effectively having control of this hospital, there are a number of assets and -- and -- and other things that are -- are potentially impacted. So one of the things is there are bond obligations that the hospital has.

What is New York State's role should the Nassau Health Care Corporation default on its bond obligations in the future?

MR. PRETLOW: Well, the purpose of this new board is to redirect the activities of management of the hospital and assist them in paying off these overdue bonds, or these debts that have been incurred over the past several years.

MR. RA: But if -- if -- if they were to default on these bonds, is New York State taking responsibility or the taxpayers of Nassau County responsible for those?

MR. PRETLOW: It doesn't change from what it is right now. The legislation doesn't change that at all.

MR. RA: Okay. If -- if the new board were to take on new debt, is -- is the State responsible for that or the taxpayers of Nassau County on -- on the hook for that?

MR. PRETLOW: Still the same.

MR. RA: One of the things the Nas -- the Nassau Health Care Corporation does is provide other services for the county, in particular they manage the correctional center health services and health service for the Department of Social Services. Can we guarantee -- can New York State with this reconstituted board guarantee that Nassau County and our community aren't going to lose any of those services?

MR. PRETLOW: Well, the intent of this legislation is to ensure that the Nassau County municipal health agency can continue to manage those. But given the indications as to what was

experienced in the past we don't know if under the current board that can be done.

MR. RA: And within the agreement that Nassau Health Care Corporation has with the county, the State pledged not to limit or impair their agreement with the county until the bonds were fully satisfied.

Does this change limit or impair Nassau Health Care Community -- Nassau Health Care Corporation's agreement with the county that they had with regard to the State not limiting or repairing their agreement?

MR. PRETLOW: No, it doesn't.

MR. RA: There was -- there was also a provision -- this is line, I believe it's the top of page 69, that says, all contracts or obligations entered into by the corporation for over \$1 million will be subject to the approval of the Nassau County Interim Finance Authority. My understanding is currently if the current board would need approval just over --

ACTING SPEAKER HUNTER: Mr. Lavine, why do you rise?

MR. LAVINE: To question whether the Speaker will yield?

ACTING SPEAKER HUNTER: Will the speaker yield?

MR. RA: I'd be happy to, Mr. Lavine.

MR. LAVINE: Thank you. So do you know how

many people in the Nassau University Medical Center treats a year?

MR. RA: About 300,000.

MR. LAVINE: And that's about 300 a day? Yes.

And do you know that it's located in an area where there are few if any urgent cares?

MR. RA: I'm sorry?

MR. LAVINE: It's located in an area of Nassau County where there are few if any urgent care facilities.

MR. RA: Sure.

MR. LAVINE: And do you know how much it lost in 2023?

MR. RA: I'm familiar with their finances, but are you familiar with the change that they have made in terms of their financial situation?

MR. LAVINE: I'm familiar with the fact that they lost 180 million in 2023 and 158 million in 2024; is that correct?

MR. RA: I think it is, yes.

MR. LAVINE: Yes. So is that a matter of concern?

MR. RA: I think that's a matter of concern, but what's also a matter of concern is the idea of New York State coming in that has -- we've seen in previous budgets funding get allocated to any number of other hospitals, but the State has not been willing to help what is a safety net hospital that serves, as I'm sure you're aware, a largely Medicaid and uninsured population, and we have any number of hospitals around this State. We've seen our own, right,

SUNY-run hospitals experience similar issues that serve these populations because the reimbursement rates are low, because they are treating uninsured patients and nobody is going to be able to have a profitable institution under those situations.

MR. LAVINE: So I am familiar with the Nassau University Medical Center and have been for many years, and as a matter of fact have spent with several of my friends their last moments on Earth there. And I think that every one of good conscience wants to make sure that this hospital succeeds and I'm sure you would agree with that.

MR. RA: I -- I would agree and I hope that that's the intention, but are you, Mr. Lavine, and I know you asked me to yield, but can I ask you a question?

MR. LAVINE: That's what I'm here for.

MR. RA: Okay. Are you familiar, I'm sure you are, with the report that was done during the prior administration with regard to the future of the hospital?

MR. LAVINE: Yes.

MR. RA: Which recommended it become a limited psych facility with just a few hundred employees as opposed to I'm sure you're aware there about 3,600 employees working there now as a full hospital with an emergency room, with a burn center, a Level One Trauma Center. A lot of the language I see here looks very similar to what is in that report.

So I am questioning what the long-term intention is

for this hospital. So I hope you are correct that the intention is to put the hospital on -- on sound fiscal footing so that it can continue to serve the community, because as I'm sure you're aware you lose a hospital like this, the impact that it'll have on our constituents would be immense. Would you agree?

MR. LAVINE: Seventy percent of the folks who are treated at NUMC come from minority communities and underserved communities and that's why there are so very few urgent care facilities in those neighborhoods, and there are 3,500 employees there.

Now, you do know that outside auditors for at least the last five years have said that that hospital cannot continue functioning the way it functions. It's going to fail.

MR. RA: Yes, and I'm curious as to why we are doing this now if we've been talking about this for five years. Why didn't we do this five years ago?

MR. LAVINE: Well, as someone very wise once told me, if not for the last minute nothing would ever get done, but we also are aware that *Newsday* has referred to the hospital as a sinking ship, correct?

MR. RA: Yes, but I don't always take everything that I read in *Newsday* as gospel, so I think that characterization may mean more to you from *Newsday* than it does to me.

MR. LAVINE: Well, I think it ought to mean a lot to everyone who's concerned about the future of the hospital. And you are aware that the executive officer or the Chairman of the Board,

Matthew Bruderman made a complaint to the police that his home on Center Island --

MR. RA: (Indiscernible) --

MR. LAVINE: -- on Center Island.

MR. RA: The former chairman, he was dismissed by the County Executive.

MR. LAVINE: And I think I'm going to get to that point but I'm glad that you emphasized that because two weeks ago the County Executive forced him to resign. Oh, actually fired him, fired him when he wouldn't offer a resignation. Now, that guy, Mr. Bruderman claimed -- and this is the guy who's running the hospital -- that guy claimed that burglars --

MR. RA: Well, he's the Chair of the board, the CEO is running the hospital.

MR. LAVINE: And -- and -- and we know who he answers to, right, to the County Executive. Any question about that? I don't think so.

So he claimed - and I know this may not be very comfortable for some people to know about - but he claimed that burglars actually broke into his mansion on Center Island and stole material documents that the FBI wanted.

MR. RA: Yes.

MR. LAVINE: Now does that give us confidence in the way this hospital is being managed?

MR. RA: Well, again, he was fired by -- by the

County Executive.

MR. LAVINE: Does that give you confidence? Did you have confidence in the hospital when it endorsed the political candidate for district attorney, because I didn't hear anyone on your side of the aisle saying --

ACTING SPEAKER HUNTER: Gentlemen, gentlemen. We need to be speaking on the bill.

Do you continue to yield, Mr. Ra?

MR. RA: My time's up.

ACTING SPEAKER HUNTER: You're not doing your second 15?

MR. RA: Not right now.

Thank you, Mr. Lavine.

MR. LAVINE: You're welcome, Mr. Ra, and thank you.

ACTING SPEAKER HUNTER: Mr. Durso.

MR. DURSO: Thank you, Madam Speaker. Would the Chair yield for some questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. DURSO: Thank you, Mr. Pretlow.

So to continue with what my colleague was speaking of, are -- are we considering this a State takeover of NUMC?

MR. PRETLOW: I believe you can term it that but it's not really a State takeover. It's still being run by the county.

MR. DURSO: So it's still being run by the county and -- okay. So with that being said and just to -- I know we're going to go over a lot of the similar questions here, but they're changing the board from 15 to 11, correct?

MR. PRETLOW: Yes.

MR. DURSO: If it's not a State takeover, why is it that there's going to be six appointees appointed by elected officials that live outside the county? Shouldn't we have a county hospital run by those who understand what goes on in the county?

MR. PRETLOW: I believe the executive's opinion is to ensure that the board is well run.

MR. DURSO: That -- so the elected officials that live outside the county that are going to appoint those that sit on this board that's going from 11 to 15 are going to know what the needs of Nassau County are better than those who live in Nassau County?

MR. PRETLOW: Well, I believe that only two will live outside the county.

MR. DURSO: Well, it's only two total you're saying that could live outside the county?

MR. PRETLOW: Yes.

MR. DURSO: But they're going to be appointed by those that live outside the county is what I was saying, correct?

MR. PRETLOW: It depends on where the Governor

is from.

MR. DURSO: Well, the current Governor is from Buffalo, correct?

MR. PRETLOW: The current Governor is from -- lives in Buffalo.

MR. DURSO: Correct. So she doesn't know much about Nassau County.

MR. PRETLOW: Everybody knows about Nassau County.

MR. DURSO: What do you know about Nassau County, sir?

MR. PRETLOW: I know it's to the east of Queens County and to the west of Suffolk County. It has beaches. It has islands that are on fire. It has --

MR. DURSO: Well, not anymore, not anymore. Wrong county actually, yes. That was Suffolk County.

MR. PRETLOW: Isn't Fire Island in Nassau County?

MR. DURSO: No.

MR. PRETLOW: Oh, that's Suffolk? I've never been there.

MR. DURSO: That's okay.

MR. PRETLOW: I know nothing about --

MR. DURSO: Neither or probably some of the people that will be appointed to this board, but that's okay.

(Laughter)

So now there's going to be - and I'm just going to read this again - six appointed by the Governor including the following, one shall be appointed upon the recommendation of the Speaker of the Assembly, one shall be appointed upon recommendation of the temporary president of the Senate, correct?

MR. PRETLOW: Yes.

MR. DURSO: Then there will be two appointed by the County Executive for only those two years. What was your reasoning for the two years only, sir?

MR. PRETLOW: That is what the Executive had suggested that we do and part of the negotiation that was finalized to be contained in this budget.

MR. DURSO: So again, the two appointed by the County Executive who essentially is in charge of our county only gets two years, but then the two appointed -- one appointed by the Minority Leader of the county legislature gets a three-year term. Why would it only be -- why would it be three years for a county legislator only has a two-year term, but two years for a County Executive has a four year?

MR. PRETLOW: That's how the negotiations worked out.

MR. DURSO: Okay. So it didn't work out in our favor is what you're saying.

MR. PRETLOW: Sometimes that happens.

MR. DURSO: Sure. I'm just going to continue with

my notes here. Must be residents, okay. So directors appointed by the County Executive and the county legislature must be residents of Nassau County, four of the directors appointed by the Governor must be residents of Nassau County, provisions required appointees of the Governor to be appointed on the recommendation of the County Executive and the county legislature are removed. Why are they removing those provisions?

MR. PRETLOW: I'm not -- what section are you referring to?

MR. DURSO: I don't have the same section you do, sir. I just have our memo breakdown.

So actually let me just get to a different question. It says the board no longer requires the approval of the County Executive, correct, when selecting the CEO.

MR. PRETLOW: I do not believe that's correct.

MR. DURSO: So the board no longer requires the approval of the County Executive when selecting a CEO. And the salary and benefits of that CEO will be subject to NIFA approval, correct?

MR. PRETLOW: Yes.

MR. DURSO: Okay. Who appoints those that are part of NIFA?

MR. PRETLOW: I believe that would be the Governor.

MR. DURSO: So essentially it's a State takeover of

the county hospital, correct, because NIFA and the Governor are essentially controlling the board and who gets appointed to the board, correct?

MR. PRETLOW: I wouldn't term it as a State takeover. It may have that appearance.

MR. DURSO: It certainly does. Okay. So just another food for thought here.

Last year we gave \$100 million to SUNY Downstate. Was there a similar mechanism put in place for a similar takeover of that board in comparison to the board of Nassau County Hospital?

MR. PRETLOW: No.

MR. DURSO: Why not?

MR. PRETLOW: It's already a State hospital, I believe.

MR. DURSO: It's already a State hospital? But why -- okay. So --

MR. PRETLOW: SUNY Downstate is a State hospital.

MR. DURSO: All right. So it's already a State hospital so now we're making Nassau County Medical Center a State hospital, correct?

MR. PRETLOW: Not really. It's still going to be Nassau County's hospital.

MR. DURSO: Understood. So what was the reason for the \$100 million to SUNY Downstate?

MR. PRETLOW: They had to shore up some of the expenses that were necessary.

MR. DURSO: So why are they not giving Nassau County Medical Center who needs some shoring up \$100 million?

MR. PRETLOW: We -- we are giving the Medical Center \$50 million.

MR. DURSO: It's not hundred.

MR. PRETLOW: They're getting what, 50 million in capital.

MR. DURSO: I'm sorry, sir?

MR. PRETLOW: We gave them \$50 million.

MR. DURSO: Okay. But we gave SUNY Downstate 100. Why the \$50 million discrepancy on two hospitals that needed money, needed funding to operate? Why are we giving SUNY Downstate that chance and not taking over their board, changing how their board is structured but we're changing Nassau County Medical Center --

MR. PRETLOW: Well, first of all, SUNY Downstate had more needs than -- than Nassau has right now. So that's why they got the \$100 million.

MR. DURSO: What different needs did they have, if you remember.

MR. PRETLOW: Well, they didn't have the same capital needs, first of all.

MR. DURSO: Okay. But --

MR. PRETLOW: So they -- so you receive or you receive -- it's not only you, it's the Medical Center is receiving I believe \$50 million in capital to shore up some of its facilities.

MR. DURSO: Understood. But as my colleague had said before, the financial distress as he called it that Nassau County Medical Center has been in, it is still a very vital and important piece of Nassau County being one of our main hospitals having certain centers just like the burn unit and all these other things that are really specific and important to those that live in Nassau County. Why wouldn't we just fund it as opposed to just taking over the board? It's not going to change the financial stress that it's in right now.

MR. PRETLOW: Well, the State did attempt to work with Nassau County and they refused to take the help.

MR. DURSO: How is that? Can you explain that?

MR. PRETLOW: They wouldn't share information, they wouldn't work with the State. They tried -- the State tried to give them distressed hospital payments and they didn't accept them.

MR. DURSO: Do you know by any chance, sir, if the Department of Health has ever met with the hospital?

MR. PRETLOW: I believe multiple times.

MR. DURSO: Okay. From what we understand that is not happening, that the DOH has refused to meet with Nassau County Medical Center and their board to discuss some of the needs of the hospital. My concern again, sir, obviously is being a Nassau County resident --

ACTING SPEAKER HUNTER: Mr. Lavine, why do you rise?

MR. LAVINE: Will the speaker yield?

MR. DURSO: Absolutely, sir.

ACTING SPEAKER HUNTER: The speaker yields.

MR. LAVINE: The State offered \$84 million and all the State wanted in return was for the hospital to be run like a hospital including filing actual financial statements, including a professional search for the chief executive, including real information on the highest paid employees at this particular facility and paid to the outside lobbyists and the financial consultants, and the county simply said not interested.

MR. DURSO: And why do you think that is, sir?

MR. LAVINE: Now I could give you a diplomatic answer.

MR. DURSO: I would prefer your answer.

MR. LAVINE: I'm going to give you the truth as I see it.

MR. DURSO: Yes, sir.

MR. LAVINE: I don't think the county wants to run this facility. And I think the county has wanted to get rid of this facility and the A. Holly Patterson Nursing Facility for many, many years. And I would ask you, why would the County Executive put someone in charge of the board who had absolutely no experience whatsoever in terms of healthcare or running a hospital? And that's

the guy whose home as you will recall was burglarized and all that was taken, none of the expensive artwork, none of the expensive automobiles.

MR. DURSO: I understand, sir.

MR. LAVINE: I know you don't want to hear this, but --

MR. DURSO: No, no. It's not that I don't want to hear it. It's just I'm limited on time and we're talking about someone's private issues that I have nothing to do with. If you want to talk about why they will put someone in charge like that, can you guarantee me that the Governor and NIFA's going to put someone in charge that's qualified?

MR. LAVINE: Well, the County Executive said he needed some -- he needed --

MR. DURSO: Can you guarantee me that --

ACTING SPEAKER HUNTER: We're asking and answering questions, gentlemen, please.

MR. LAVINE: So the answer to your question is when Matthew Bruderman was appointed, the County Executive said he needed someone of his stature to be involved at the hospital. I am --

MR. DURSO: Mr. Lavine, are you going to answer my question?

MR. LAVINE: You know, I -- Mr. Durso, you're a good guy.

ACTING SPEAKER HUNTER: Mr. Tague, why do you rise?

MR. TAGUE: I'm wondering, Madam Speaker, what the germaneness of this discussion is on this budget bill that we are discussing right now? I think it's time that we move on, talk about the bill and never mind this political discussion.

ACTING SPEAKER HUNTER: Thank you, Mr. Tague.

MR. DURSO: Mr. Lavine, I understand your concern with who was priorly appointed. My concern is going forward. Obviously this bill has been brought to the floor, correct? The budget bill itself is going to pass, which is now going to allow for essentially a State takeover. If you want to stand up and say to me that you can guarantee that the person that's going to be the CEO of this hospital is going to be qualified in healthcare, I would love to hear that from you.

MR. LAVINE: History matters.

MR. DURSO: Just answer the question, please, sir.

MR. LAVINE: I would be happy to answer the question. And if you'll allow me to --

MR. DURSO: Yes.

MR. LAVINE: -- I'll be very pleased to. History doesn't matter? Are we supposed to accept that there's going to be a whole new turn of life's events at this hospital that runs contrary to what we have seen over the course of the last years? I'm not that

gullable and I don't think any of us should be that gullable.

MR. DURSO: I agree.

MR. LAVINE: And if this hospital doesn't change, it is going to fail and that is going to be very bad for everyone in Nassau County and everyone in our region of the -- of the State and we do not want to see that happen.

Now you have a different view, but your view has held for years.

MR. DURSO: Mr. Lavine, Mr. Lavine, unfortunately I'm going to run out of time and if you would like to stand and ask me questions, I'd appreciate you answer the questions that I ask you. You're refusing to do that, sir, so I apologize but I no longer yield to Mr. Lavine.

MR. LAVINE: Oh, my goodness gracious. I am so offended.

ACTING SPEAKER HUNTER: Thank you, Mr. Lavine.

Mr. Durso.

MR. DURSO: On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. DURSO: Okay. So unfortunately as we all know this is obviously a very political and politically-driven piece of legislation. We understand that and -- and maybe not everybody does understand, but Nassau County Medical Center is a very important and vital piece of Nassau County, which as Mr. Lavine said serves

over 300,000 people and we thank them for being there, but it also employs 3,600 people, and nobody yet here has guaranteed the fact that those 3,600 people will stay employed, that they'll be able to service 300,000 people that live within the county that I love and live in. It's, again, this is putting politics before people, which is unfortunate. And as we had said before, there was plans in place for the past number of years prior to the administration that's in now to shut down this hospital and change it. And again, no one can guarantee that that's not going to happen, which again is unfortunate. This is strictly about politics -- excuse me, Madam Speaker, strictly about putting people last and not guaranteeing the fact that, again, and I will say it again because it's what I'm all about, that the 300,000 residents that get serviced by this hospital will continue to be serviced and the 3,600 union members that work in this hospital are not guaranteed their job. And I know for myself nor my colleagues will stand for that.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Madam Speaker. Will Chairman Pretlow yield for just a few questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: I will yield for three questions, yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. SLATER: Just three. I figured we'll let the two sides here go back to their corners for a little bit and rest for another round.

Sir, I'd like to just talk about the medical indemnity fund, something that I've become a bit familiar with. This budget bill speaks to the medical indemnity fund; is that correct?

MR. PRETLOW: Yes.

MR. SLATER: Can you please tell us what the provisions of the budget do for the medical indemnity fund, the MIF?

MR. PRETLOW: It extends the enhanced -- the enhanced rates and there's also a cash injection.

MR. SLATER: And there's a cash injection you said?

MR. PRETLOW: We just want to make sure that the funds stays fluid.

MR. SLATER: Correct, because last year it was shut down for new enrollees; is that accurate?

MR. PRETLOW: I believe so.

MR. SLATER: Okay. And we -- and the Governor reallocated approximately another \$56 million to reopen it?

MR. PRETLOW: Yes.

MR. SLATER: So the provisions that we're looking at in this bill, how does it prevent something like that from occurring again?

MR. PRETLOW: We have enough money in the -- in

the account. We allocated enough this time.

MR. SLATER: How much did we allocate?

MR. PRETLOW: One hundred and fifty-nine million.

MR. SLATER: One hundred and fifty-nine million specifically for MIF.

MR. PRETLOW: Yes.

MR. SLATER: And is there anything from a procedural standpoint or administrative standpoint that is included in the provisions of this bill?

MR. PRETLOW: We haven't made any policy changes. We just put in a little extra money.

MR. SLATER: Because I know that during the budget hearing when I asked the Commissioner specifically about MIF, he said that he had some suggestions that he would like to explore. And he also said that this could be an opportunity to explore those suggestions. Have we heard from the Commissioner about what changes to the administration of the MIF he would like to see?

MR. PRETLOW: Well, there's always someone that would like to see change but no, we have had conversations so there's been nothing has come to fruition. So those conversations will continue.

MR. SLATER: Okay. That's good to hear because I've asked to meet with the Commissioner about this since that meeting. He has not responded. Families in the MIF have asked to

meet with him. Yet he has not responded to them either, and so it's left us in the dark when it comes to what suggestions or recommendations that he has had. And so I know that there are several proposals that are out there but nothing administratively is included, just to recap, but \$159 million has been added.

MR. PRETLOW: Yes.

MR. SLATER: Okay. Well, thank you very much for answering my questions, Mr. Chairman, on the MIF, I appreciate it.

MR. PRETLOW: Thank you.

MR. SLATER: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Maher.

MR. MAHER: Thank you, Madam Speaker. Will the Chair yield?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. MAHER: Thank you so much.

So the first question I have is on EMS. I know that we discussed that essential service was something that we couldn't really get an agreement on. Is it fair to say that it was important to all parties that essential service is something that we should get to, that we should be able to support our EMS a -- a little bit more, just there

were some differences --

MR. PRETLOW: Absolutely, but we didn't want to put a mandate on the localities. Every county handles it a little bit differently and we didn't want to have one-size-fits-all with regard to EMS, so those -- those conversations are continuing, and if legislation is necessary it would be in a future bill sometime this Session.

MR. MAHER: The State of New York didn't want to put a mandate on localities?

MR. PRETLOW: Yes.

MR. MAHER: I'm sorry. Just --

(Laughter)

-- okay, for EMS, all right. Thank you. Well, I'm happy that it's going to be discussed and we're going to take it on after the budget.

I want to hit on the 2.6 percent Human Services targeted inflationary increase, which is not, as we've discussed previously, a targeted inflationary increase, the increase would be closer to that 7.8 percent if we were being true to those words.

You had mentioned a number, 1 percent would be 100 million for every 1 percent, correct?

MR. PRETLOW: Right.

MR. MAHER: I find it hard to believe that in a budget of 254 billion that there were things that we prioritized over our Office of Mental Health and non-profit organizations that are many countless working in a job serving our most in need residents in

this State, while sometimes being on Social Services themselves for organizations that now after several years are receiving what amounts to a cut due to inflation and what the State is providing. I -- I think a lot of folks would agree with me that we probably could've prioritized different areas in the budget and I would ask, sir, if you agree with that statement.

MR. PRETLOW: I'm sorry. Did you ask a question?

MR. MAHER: I'm asking, sir, respectfully if you would agree that there are probably some other areas in this budget that we could have prioritized some of our Human Services, Direct Service professionals that are doing God's work on the ground. It -- it doesn't feel like this budget supports them enough. In fact, as much as we -- we know the previous Governor set us back by not having the increases over year by year by year, we need that large number, that 7.8 percent or something close to it, not just to keep up but to keep up and catch up, and -- and my question to you is, do you believe there are other areas we could have come through in the budget to make up those couple 100 million that --

MR. PRETLOW: Should we have reduced something else to increase this? That is a possibility.

In our Assembly one-House we did include a larger increase. And during the negotiations, it didn't come to what we had actually wanted. So we have to, as you know how the law is written, we now have a lot of authority over what's in the budget and we have to get what we can during the negotiations.

MR. MAHER: Well, thank you for that response. I do appreciate the candor. That 2.1 to 2.6 just seems like a really slap in the face of some of those employees. While I know we're trying as hard as we are and I understand our one-House was where it was, certainly disappointed in that final number.

I want to ask about Section JJJ, Pregnancy Loss. I know we're redefining that section, registration of fetal deaths to reporting of pregnancy loss. Why are we doing that?

MR. PRETLOW: Can I refer that question to Assemblywoman Paulin?

MR. MAHER: Sure.

MS. PAULIN: We're just updating old terminology.

MR. MAHER: Okay. That's it? Just updating old terminology?

MS. PAULIN: Yep.

MR. MAHER: All right. Thank you for that answer. I appreciate it.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MAHER: All right. So I appreciate the answers to my questions. I think when it comes to this budget bill there's a lot we could get into. Obviously we didn't have a whole lot of time to go over it. Thank you to the staff for the work they've done to help us get to where we are.

The 2.6 percent is criminal, it really is. And I know

this Body and our one-House and I was proud to see that was at the 7.8 percent, and I'm not part of negotiations so I can't imagine what happened and I know a lot of us are frustrated by this number on both sides of the aisle, but I have to stand up here and just say there are some people that are on the ground serving our residents who are going through crisis and they're in need of mental health services there themselves just by doing the jobs that they're doing.

In some of our agencies, retention is a 50 percent loss annually, and what we're doing by putting that final number at 2.6 percent is we're setting them back even further. This isn't just for salary increases. This is also for expenses for these non-profits. And let us not forget that New York State is mandating on localities these services to be provided. They're saving money. What would happen -- what will happen if some of these organizations fall? How many have already? What will the State's responsibility be then and what will the cost be at that point? These are things we ought to consider when thinking about budgets. And again, I know our one-House had it where it needed to be, but this final number at 2.6 percent is unacceptable, disappointing and I wanted to make sure that those that are on the ground are hearing that there are people that are very upset about it and we certainly wish we could do better.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Mikulin.

MR. MIKULIN: Will the sponsor yield for a few

questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MIKULIN: I'm actually going to go back into what we've been talking about with Nassau University Medical Center. And right now I want to focus on the bonds and I think that there was a little bit of -- when we were talking about --

MR. PRETLOW: I cannot hear you.

MR. MIKULIN: When this was being discussed before, I think that there was a little bit of a misunderstanding here. So I want to start out with a little bit of a background, which is when NUMC was created, the county guaranteeing bonds because they were a corporation, they didn't have any funding, they guaranteed bonds on behalf of the hospital in order for the hospital to run. To this day there are still bonds being paid off by Nassau County, interest and otherwise that support NUMC from the original bonding.

So my question is, have we received an opinion from bond counsel that the bond covenance would not be violating -- would not be violated by enacting this language?

MR. PRETLOW: There's no reason for that.

MR. MIKULIN: Well, then how don't we know if this is going to trigger a default on the bonds from the county?

MR. PRETLOW: I'm pretty sure bond counsel has

looked at the proposal and approved of it.

MR. MIKULIN: Are you sure? Do we know --

MR. PRETLOW: And if we don't fix the finances of

--

MR. MIKULIN: Do we know --

MR. PRETLOW: -- the Medical Center, it's going --

MR. MIKULIN: Do we know if the bond --

MR. PRETLOW: -- to close down anyway. I think we heard the stenographer because we're speaking over each other.

MR. MIKULIN: Do we know if the bond counsel has, though?

MR. PRETLOW: I'm assuming they did.

MR. MIKULIN: So that's an assumption. So why would the county take out bonds if they didn't -- if they weren't contractually guaranteeing with respect to the board if they didn't have this control on over the board, why --

MR. PRETLOW: You're asking why did the county --

MR. MIKULIN: Why would the county take the bonds out then if they wouldn't have control on -- on -- on over the board?

MR. PRETLOW: Well, I think at the time the bonds were taken out they had control over it, but they would continue to have control over it, but because of, you know, mismanagement with the -- with the board, the State has made a move to take a

conservatorship over it.

MR. MIKULIN: So this is a State control then, because beforehand you said this wasn't a State control but now you just said it was, so will you clarify --

MR. PRETLOW: I'm saying a conservator. I'm not saying control. Conservatory.

MR. MIKULIN: Conservatory, so this is a State control.

MR. PRETLOW: No.

MR. MIKULIN: Well, we just kind of went back and forth but...

MR. PRETLOW: We just make sure we do the right thing.

MR. MIKULIN: -- but do I believe. Well, so let's go back, though, to the bonds. So under State law when the bondholder, so when a person went out and they purchased a bond for the county, the bond says that the State will not alter, limit or impair the rights vested to Nassau University Medical Center to operate the hospital which was financed by the bond. But aren't we changing how the hospital operates?

MR. PRETLOW: No, we're not.

MR. MIKULIN: Well, how aren't we?

MR. PRETLOW: We're changing the board. We're not changing the --

MR. MIKULIN: No, we are changing --

MR. PRETLOW: -- (indiscernible/crosstalk) of the hospital.

MR. MIKULIN: But we are changing who appoints the board.

MR. PRETLOW: Yes.

MR. MIKULIN: So we are changing how -- how the board operates.

MR. PRETLOW: No. The board still operates as the board with autonomy.

MR. MIKULIN: Oh, we're changing --

MR. PRETLOW: We're just talking about how the new board members are put in place. And why they were put in place, and the reason they were put in place is because the board that's been replaced was totally mismanaging the hospital.

MR. MIKULIN: (Indiscernible) mismanage the hospital.

MR. PRETLOW: No, I'd like to -- I could answer that question with a quick poll of the individuals in this -- in this Chamber. And you don't have to do what I ask you to do, but everyone in this room that has health insurance --

ACTING SPEAKER HUNTER: Mr. Lavine, why do you rise?

MR. PRETLOW: -- raise your hand.

MR. LAVINE: Will the speaker yield?

MR. PRETLOW: Let me finish my --

ACTING SPEAKER HUNTER: Mr. Mikulin, do you yield?

MR. MIKULIN: I yield.

MR. LAVINE: I couldn't hear.

ACTING SPEAKER HUNTER: Mr. Mikulin yields.

MR. LAVINE: So, Mr. Mikulin, a long time ago I was counsel for an industrial development agency and had to review all the bonding documents, and that went on for a couple of years and it was an interesting experience, but I think -- or I think your characterization that there will be a problem with the bonds cause the board is constituted differently. The board will still function as a board, but it's going to be constituted differently as it has been over the course of many years when there have not been full membership on that board. Do you --

MR. MIKULIN: Well, first of all --

MR. LAVINE: Do you accept that?

MR. MIKULIN: I think you're deflecting from the question.

MR. LAVINE: I'm sorry. I can't hear you.

MR. MIKULIN: I think you're --

MR. LAVINE: I don't think we can hear you.

MR. MIKULIN: I think you're deflecting from the original question which was have we consulted bond counsel to verify your point, and the answer that I received was we assume so. So the answer is we don't really know the answer to my question.

MR. LAVINE: But I think we do know that if the hospital continues on the trajectory that it has been on involving losing tons of money and owing, owing half a billion dollars as of December '24 with 400 million owed to NYSHA. I mean I think we can assume, and I hope you would agree with me, that any bonding in the future is going to be put in danger.

MR. MIKULIN: Well, with all due respect what are we doing right now with reflects to Nassau County and their bonds, so they should be continuing to pay out the bond? Why isn't the State then taking on over the bonding and paying back Nassau County within this budget?

MR. LAVINE: Nassau County is obligated to continue honoring those bonds. And any bond counsel --

MR. MIKULIN: How would you control --

MR. LAVINE: -- who would tell you differently --

MR. MIKULIN: How would you --

MR. LAVINE: I'm sorry. I'm sorry. This is like we're married. I don't get to finish a sentence.

ACTING SPEAKER HUNTER: But we get to ask and answer. The stenographer has to keep up with you so I need you to ask, stop, answer.

Thank you.

MR. LAVINE: I've stopped.

ACTING SPEAKER HUNTER: Thank you.

MR. MIKULIN: But that is without the county

having control and, you know, with your other thing, I've been talking on -- on this floor on years -- for years regarding how the State has defunded the hospital and just now there is actually a lawsuit because Federal money hasn't been given -- up to the tune of \$1 billion. So we could also say that the State has also helped cause this issue with Nassau University Medical Center and now you want to take it on over claiming mismanagement which the State has a partial responsibility for this as well.

MR. LAVINE: So to the extent I could hear what you said, I still will maintain, as would any responsible bond counsel, that without a dramatic change in the management of that hospital, any bonds issued in the -- in the future are going to be sold at a very unattractive rate of interest.

MR. MIKULIN: We're not here to debate right now the current management of the hospital. I mean I would disagree with you on some point because I do believe that in the past few years the finances have gotten better at that hospital without current State aid, so I think your characterization is a little bit misleading, but that being said, I do not continue to yield, so thank you so very much.

MR. LAVINE: So, Mr. Mikulin and my colleague, I understand why there is no desire to debate what has happened in the past at that hospital, but I will --

ACTING SPEAKER HUNTER: Mr. Mikulin, do you stop yielding?

MR. MIKULIN: Yes.

ACTING SPEAKER HUNTER: Okay.

Thank you, Mr. Lavine.

Mr. Ra, why do you rise?

MR. RA: I object to -- as a point of order I object to the characterization by Mr. Lavine that we're not interested in debating. We've had three members yield to your questions during the course of this debate. So I think clearly we're willing to debate. It's this side of the aisle and the Governor who is not willing to debate, won't engage with the hospital in any conversations. It's false to say that they have met with them. They have refused to, and this was hatched out behind closed doors, so who's not willing to debate the future of the hospital? I -- I withdraw my request, Madam Speaker.

MR. MIKULIN: Will -- will the sponsor yield for just a few more questions?

ACTING SPEAKER HUNTER: Thank you.

Mr. Mikulin.

MR. MIKULIN: All right. So I'm going to move on from the bonding aspect and I want to ask so, regarding this section, so NIFA may impose a control period over the corporation; is that correct?

MR. PRETLOW: I believe so, yes.

MR. MIKULIN: What would that control time period look like?

MR. PRETLOW: It'll be determined but at a later date.

MR. MIKULIN: Who controls NIFA, to your knowledge?

MR. PRETLOW: The Governor.

MR. MIKULIN: The Governor. So she appointments members, right?

MR. PRETLOW: Yes.

MR. MIKULIN: Seven members. Why are those members qualified to oversee the hospital, how?

MR. PRETLOW: Probably by their education, their background and their experiences in life.

MR. MIKULIN: And how is it that any of them have any qualifications in running a hospital in health care? So it's just...

MR. PRETLOW: Well, NIFA can already oversee the hospital. That's not -- that's not the issue.

MR. MIKULIN: Well, NIFA --

MR. PRETLOW: You're asking for the qualifications --

MR. MIKULIN: Yeah, I guess --

MR. PRETLOW: -- of board members. And what I've have been hearing, I'm not familiar with the -- with the health center in Nassau, but what I've heard with the debate so far is that the board members and the person that was leading the hospital were totally un -- unqualified to do the jobs that they were assigned to do. So what's happening now is under this proposal --

MR. MIKULIN: Well, I would say --

MR. PRETLOW: -- the Governor is --

MR. MIKULIN: -- that's a mischaracterization so...

MR. PRETLOW: What is?

MR. MIKULIN: A lot of that is a mischaracterization, but --

MR. PRETLOW: I don't -- I don't believe so. No. I started asking a question before Mr. Lavine got up and I'm just asking by a show of hands how many individuals in this room have health insurance through NIFA, just raise your hand. You don't have to if you don't want to. But if you do you are paying 4 percent more on your health insurance every pay period because Nassau County is not paying \$400 million that they owe --

MR. MIKULIN: That's not true.

MR. PRETLOW: It is true.

MR. MIKULIN: There is a contractual obligation with NYSHA and the hospital has been paying that --

MR. PRETLOW: No, they haven't.

MR. MIKULIN: -- per month.

MR. PRETLOW: They're selling you a bill of goods, sir. They're not doing a thing.

MR. MIKULIN: With -- with -- with all due respect I disagree with that statement.

MR. PRETLOW: This is a drastic step that we're taking, but they're losing like \$100 million a month.

MR. MIKULIN: But hasn't it also been addressed

except that we have been defunding the hospital for the last few years without providing them with any State aid?

MR. PRETLOW: We haven't been complying with what they should have been complying to to receive those funds.

MR. MIKULIN: Well, there is a \$40 million dish payment right now that hasn't been paid out to the hospital that was given by the Federal Government but has been given for every single other hospital. Why is that? Why haven't they received the \$40 million in -- in Federal aid then?

MR. PRETLOW: Okay. The -- the -- the county puts up the share, not the -- not the State.

MR. MIKULIN: So how would the county put up -- so the county's receiving the money from the Federal Government to give to the hospital then?

MR. PRETLOW: Yes.

MR. MIKULIN: That's -- that's not the way I --

MR. PRETLOW: It's called an intergovernmental transfer. IGT, not the slot machines.

MR. MIKULIN: I believe that the county has maxed out on their payments to the hospital. What is they're required to do, but anyway...

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MIKULIN: It seems to me that once again this Body is playing politics with the hospital. For years I have been

standing here debating and asking for funding for this State hospital. There is no public health benefits corporation that would be able to -- to operate in the green. There are individuals that come to this hospital every single day without insurance and the hospital has to treat them. Therefore, without funding from the State government, this hospital cannot operate. What the State has done here is they have caused an issue and now are coming in for a takeover on one of the issues that they have helped create. I know for a fact the Governor has been invited to NUMC and the Governor has never stepped foot in that hospital, even though on the date where she was invited she was simply right down the road. What has gone on here today is nothing but politics. Politics-driven, it has nothing to do with support. That hospital provides a great burn unit. It provides a number one trauma center. It provides the community with great services and provides the people of the community with jobs, businesses and lifesaving treatment.

What's happening here right now is a distraction, and it is one fueled by simply politics not helping. The county is the party that should be picking the members of the board because they are the ones that put up the finances and that is the government that is closely related to the -- the -- the people. There should be local control, not coming in by the State. Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Madam Speaker.

Would the Chair just yield for a question?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: For a question I heard.

ACTING SPEAKER HUNTER: The Chair yields.

MR. MANKTELOW: I'll do my best, sir.

Can you answer for me, Mr. Pretlow, why Part JJ was put into the budget?

MR. PRETLOW: Reporting on pregnancy loss, I want to yield to Ms. Paulin.

MS. PAULIN: We put lots of policy in the budget and this relates to an update in terms of technology and that was cost and so it was tied together.

MR. MANKTELOW: Who requested this to go -- be put in the budget?

MS. PAULIN: I believe originally the Senate had it in their one-House.

MR. MANKTELOW: And how about from the Assembly side?

MS. PAULIN: We did not have it in our one-House.

MR. MANKTELOW: Okay. And then, can I ask you more than one question?

MS. PAULIN: Sure.

MR. MANKTELOW: All right, thanks. Thank you. I was just wondering as I read through the bill text a

little bit we were talking about miscarriage and stillbirth. They shall be registered within 72 hours of that happening to the State DOH, correct?

MS. PAULIN: Yes.

MR. MANKTELOW: And induced termination of pregnancy, the mother has the opportunity to not do that; is that correct?

MS. PAULIN: That's correct.

MR. MANKTELOW: Well, why is that?

MS. PAULIN: Because it's information that isn't needed for any purpose.

MR. MANKTELOW: So what would be the purpose of a stillbirth or a miscarriage information then?

MS. PAULIN: So that's data that's used for the purposes of vital records for like other reported types of medical procedures.

MR. MANKTELOW: So you don't feel that induced termination is a vital record?

MS. PAULIN: It's gathered -- the information that -- it was gathered differently, so for stillborns, for that -- for the two that you mentioned --

MR. MANKTELOW: Sure.

MS. PAULIN: -- it was done or is done electronically and easy. For -- for -- for terminating a pregnancy, it was done on paper, and the paper was often pieces of it would get lost and you

wouldn't be able often to see, because it was old-fashioned in that it was -- it was -- I can't even think of the word anymore it's so old -- carbon, you know, in order to get to the bottom. So by the time it got to where it was supposed to be you often couldn't even tell what the information was about. So -- and often providers just didn't bother sending it in so it wasn't a real good piece of information anyway and that data is collected already by other groups so that's much more -- the information that they collect is just much more accurate so it would seem -- it seemed duplicative.

MR. MANKTELOW: Okay. I'm not sure what carbon paper is. No, I'm just kidding.

(Laughter)

I do know what it is.

My last question on Part JJ. So if an individual comes into our State for a induced termination of an abortion.

MS. PAULIN: Right.

MR. MANKTELOW: Do they have the same opportunity to register as well?

MS. PAULIN: So the registration would happen if you wanted to bury or cremate the -- the fetus. Otherwise, you wouldn't have to register, that's the point, you know, or part of the point here. So, so yes. They would have that same opportunity to register, I would assume, if they could find a funeral director that's willing to cremate or bury the -- the fetus.

MR. MANKTELOW: Okay. I thank you for your

time in answering my questions.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MANKTELOW: Thank you.

Again, we have policy in the budget, something that I do not agree with. I understand how it gets in there. I really wish it wasn't in there. It's the tenth hour at, you know, 9:00 at night on our first night of budget debates and we just got this within 24 hours, I'd like to have a little more time but the -- the sponsor did answer my questions, which I appreciate. Just -- just to piggyback on some of the other situations -- or topics tonight about the hospital.

We all know since post-COVID that our hospitals have struggled. They have struggled in Buffalo. They have struggled in Rochester, in Syracuse. Our small, local hospitals are struggling, and I hear both sides of the story on what's going on in Nassau County with that hospital. I hope with a quarter of a trillion dollar budget that we can help each and every one of these hospitals to be successful, because we all know everyone doesn't do things exactly right. And I know on this Assembly floor, on my seventh year, how much money we have put to the MTA over these seven years that I've been here and we all know that the MTA could be run much better, servicing the people of the City much better, but we constantly kick dollars to the MTA. I hope as a society we're willing to kick those dollars to people that absolutely need the help; our low income families, our families of Brown and Black communities, people that don't have everything.

When they go to this hospital and they're required to take care of these individuals they are. And as a businessman, if they don't have to pay you're going to lose money. So I hope that we as a Assembly Chamber can support the Nassau County Hospital, as well as all of our hospitals across the State.

So Madam Speaker, thank you for allowing me to say a few words. Much appreciated. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Norber.

MR. NORBER: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MR. NORBER: I promise to keep this sort of sweet and hopefully I'll get this done (indiscernible).

So under this legislation the Governor will designate the Chair for the Board, correct?

MR. PRETLOW: Does this have to do with Nassau County Hospital?

MR. NORBER: Yes.

MR. PRETLOW: I'm yielding all questions, further questions to Mr. Lavine to answer.

MR. NORBER: Seriously? I don't yield, it's really

quick, don't worry.

MR. LAVINE: Well, make it as quick as you want --

MR. NORBER: Oy vey.

MR. LAVINE: -- or as slow as you want.

MR. NORBER: Okay. So is the Governor required to appoint the Chair from Nassau County?

MR. LAVINE: The Chair of the Board would be designated by the Governor, rather than our County Executive.

MR. NORBER: And do you believe that the -- the Chair should be a county -- a Nassau County resident?

MR. LAVINE: Nine of the 11 on that Board, which is a pretty good percentage, will be Nassau County residents.

MR. NORBER: But the Chair himself, do you believe, I'm asking you, that the person should be a resident from Nassau County?

MR. LAVINE: My friend, I could care less where that person resides.

MR. NORBER: Okay.

MR. LAVINE: What I care about is what we should all care about, which is that that person is someone who is competent to handle that position. And because that has not been the case we are now discussing this this evening.

MR. NORBER: Do you believe that the current Health Commissioner, is he competent?

MR. LAVINE: I'm sorry. Can you repeat that?

MR. NORBER: Do you believe -- the current Health Commissioner, do you believe that he's competent?

MR. LAVINE: I'm sorry. The current?

MR. NORBER: Health Commissioner, Nassau County.

MR. LAVINE: The Nassau County Health Commissioner?

MR. NORBER: Yes.

MR. LAVINE: I don't know the Nassau County Health Commissioner. I've known several of the previous Nassau County Health Commissioners, but I don't know this one.

MR. NORBER: Okay, fair enough. All right. In the provisions included in the bill, this removes the County Executive from the Chair and CO selection process.

MR. LAVINE: Yes, to a substantial extent --

MR. NORBER: Right, right.

MR. LAVINE: -- a very substantial extent.

MR. NORBER: So what is the rationale for such a significant limitation on the County Executive's ability?

MR. LAVINE: The --

MR. NORBER: This limitation. What's the rationale behind it?

MR. LAVINE: The County Executive had the opportunity to appoint the previous Chair. That's the guy whose house was burglarized. That's also the guy, Mr. Norber, who was fined a

quarter of a million dollars by the SEC and censured in 2023. So I'm not so sure that that was such a -- a wise choice for appointment.

MR. NORBER: Okay. Dr. Calnan (phonetic) right now is the (indiscernible), is in charge, why is he not --

MR. LAVINE: I -- I'm sorry. We can't hear what you're saying.

MR. NORBER: Mr. -- Dr. Calnan right now, why is not competent right now in your opinion?

MR. LAVINE: I responded to you. I have -- I have no idea. I -- I -- I don't know the doctor.

MR. NORBER: Okay. So why is this necessary?

MR. LAVINE: The Nassau County -- Nassau University Medical Center should have done what every responsible hospital does. Actually, what every responsible even school board does when they need a super -- a new superintendent, you conduct a professional search and you look for someone who has got expertise in management of hospitals, and you look for someone, my friend, who has credibility. Now, that obviously did not occur, did it?

MR. NORBER: Okay. Okay. Just last question. What other public health benefits corporations is there where the State and specifically the Governor appoints the majority of the members of the Board?

MR. LAVINE: I -- I don't know but I like that question but I -- I don't think that question is terribly relevant to the condition of the Nassau University Medical Center.

MR. NORBER: Okay, but specifically
(indiscernible) right now about the -- this situation, correct?

MR. LAVINE: And that's -- that's what we're here
doing.

MR. NORBER: Okay. So do you have any idea why
you think that Nassau County is being treated differently at this time?

MR. LAVINE: Nassau County has had every
opportunity to help itself to make sure that this hospital and the
nursing home are able to function. Nassau County has abdicated that
responsibility leaving us with the question, what do we do? We just
let this place continue to deteriorate? I'm not willing to do that.
Perhaps some are.

MR. NORBER: Okay. Thank you very much.

MR. LAVINE: You're welcome.

ACTING SPEAKER HUNTER: Thank you.

Ms. Chandler-Waterman.

MS. CHANDLER-WATERMAN: Thank you,
Madam Speaker.

We appreciate the leadership of our Speaker, Carl
Heastie --

ACTING SPEAKER HUNTER: Are you on the bill?

MS. CHANDLER-WATERMAN: On the bill, sorry.

ACTING SPEAKER HUNTER: On the bill.

MS. CHANDLER-WATERMAN: On the bill.

Thank you, Madam Speaker.

We appreciate the leadership of our Speaker, Carl Heastie, his team, Ways and Means and our Chair on Mental Health Assemblywoman Simon.

Since taking office I created an (indiscernible) mental task force, and we -- and we appreciate the vital voices of the advocates and peers. Also a proud share of the Mental Health Committee on the Black legislative force and I have family members with -- living with mental health conditions. We have advocated a budget that meets the needs of all New Yorkers, especially when it comes to a public health crisis. This budget is a step towards adjusting some important protections for individuals with mental health conditions, and of course there is more that we need to continue to build on. We need to ensure that we are a person center, have peers at the forefront of the conversation, culturally competent and intentional with discharge planning. Some highlights in this budget includes ensuring improved and more extensive discharge planning requires that the patient being released be given relevant treatment, recommendations, referral to outpatient services and follow through within a week to ensure that the patients have appointments set up for post-discharge treatment. We need to ensure that families and their supportive team is notified when discharge happen [sic] and is included intentionally. We also need a plan for those that are discharged under 72 hours. We also need and we agree the need of additional collaboration stakeholders to provide for strategic strategies to address misfactors dealing with violence if they are present. Those

who have intensive, complex needs must have a comprehensive service plan and discharge summaries and written to the patient and the facilitation of referrals at time of discharge. Communication to those who will be providing post-discharge care in the community including intensive care manager for the individual and their children if they have. Coordination referrals to local community-based cultural relevant and peer-based programs. We know individuals with lived experience are proven to be very helpful in restoring in one's healing. With mandated incident review panels, we are able to understand and learn through assessments of what work well and what didn't go so well when there's a public incident involving a person experiencing emotional crisis and we develop common sense policy that is well-informed.

This will be the first time since the passage of this bill in 2014, so I'm happy about that. The establishment of behavioral health technical assistance centered to be a curator of best practices, assist local agencies and implementation of mental health programs and facilitate public education information and training. This will also expand the use of effective programs such as clubhouses (indiscernible) and act teams. We need more throughout the State. We want to ensure that financial assistant [sic] is given, especially to local groups to ensure this is successful. We know Daniel's Law being fully passed and funded is our ultimate goal. However, in this budget, it will explore pilot programs for the proper response to mental health crisis. We hope that we utilize the recommendation of the report

created by the amazing Daniel's Law task force. Once again, we are ask -- we ask for a non (indiscernible). My colleague here, Mr. O'Pharrow, a retired detective did an op-ed qualifying that this point that law enforcement is not trained or is the appropriate response to individual [sic] in crisis, which lead [sic] me into my next point. Involuntary commitment is not a holistic way to support person's experience in emotional crisis. We need mental health professionals responding and assessing our loved ones in need. Our communities and I are concerned that we are codifying into State law a (indiscernible) that has been used in the City that was unsuccessful because law enforcement should not be the ones responding and do not want to respond. Mental health illness is not a crime. Law enforcement will never be trained clinicians and have -- and having them be first responders and facilitate transporting (indiscernible) to crisis to hospitals can go so wrong as we have many examples like Daniel Prude, or in my district Shaheed Visal (phonetic).

With the lack of beds, especially co -- occurring conditions when it comes to substance abuse along with mental health and lack of housing, supportive housing, where do individuals go when they are discharged? We need true investments in permanent, supportive housing to ensure those who are unhoused can get proper support while having a stable living condition. A person should not be forced into treatment. Treatment should be more accessible and voluntary. This practice of coercion causes more distrust and trauma. The present [sic] of law enforcement does not deescalate, it escalates

the situation. We need to focus on more investment on voluntary wraparound services being readily available and intentional, especially in the Black and Brown communities. We need to create a real intentional effort to address the mental health crisis. As I say there are some steps in the right direction; however, there's more to be done, there's more agencies to be involved. NYPD cannot be overuse [sic] in these situation [sic]. They need to be sup -- supporting those who are -- that are victims and when crimes are committed.

Thank you vote. I will vote in the affirmative and beg we continue to build on this legislation. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Blumencranz.

MR. BLUMENCRANZ: Mr. [sic] Speaker, will the sponsor yield for some questions?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. BLUMENCRANZ: I have some questions about Part LL again.

MR. PRETLOW: I'm yielding all questions on LL to Mr. Lavine.

MR. BLUMENCRANZ: Okay. Mr. Lavine, would you yield for some questions?

MR. LAVINE: Yes.

MR. BLUMENCRANZ: Mr. Lavine, is there any accountability for the \$1 billion Medicaid shortfall that we've seen for

this hospital? Have we seen any -- any recourse that we'll see coming forward with this receivership that they're creating?

MR. LAVINE: I'm sorry. Is there any accountability?

MR. BLUMENCRANZ: Will -- will there be any metrics of accountability to the \$1 billion shortfall that has led this hospital down this direction?

MR. LAVINE: And so -- and let me ask you, Mr. Blumencranz, with all due respect, what is the Medicaid shortfall?

MR. BLUMENCRANZ: What is it?

MR. LAVINE: Yeah.

MR. BLUMENCRANZ: You've been here for 20 years. This hospital's been suffering for every single one of those years. It has been a colossal burden not only on the entire Nassau County healthcare system as a whole, but also specifically on this hospital. So you tell me. You think there's no -- they're just -- they're getting their reimbursements just fine?

MR. LAVINE: Mr. Blumencranz, thank you for crediting me with my political longevity-- longevity in a county which -- in which many of my views are not shared by the folks who -- who rule there, but any shortfall has been the fault of the hospital itself.

MR. BLUMENCRANZ: So in the previous administration I think what was in the other debate you said, you needed an individual who has real experience running a hospital,

right?

MR. LAVINE: Yes.

MR. BLUMENCRANZ: The individual who ran the hospital previously, what -- what was his experience running hospitals --

MR. LAVINE: Mr. -- Mr. Sunez (phonetic) who was a former --

MR. BLUMENCRANZ: Ambassador.

MR. LAVINE: -- ambassador, also ran a major, a major chain of -- of hotels --

MR. BLUMENCRANZ: Oh!

MR. LAVINE: -- so at least had -- Mr. Blumencranz, I don't know. Do you want to stop me from talking?

MR. BLUMENCRANZ: Would you like me to? I tried to speak to the sponsor here, but he yielded his time to you.

MR. LAVINE: Well, Mr. Blumencranz, Nassau University Medical Center is closer to my house than it is to the -- the sponsor's house. And as you know, although I don't believe you were earlier in the debate --

MR. BLUMENCRANZ: I was listening.

MR. LAVINE: -- I have been in that hospital visiting friends many, many times. And with respect to the qualifications of the previous director of the hospital, are you suggesting that those qualifications are not as substantial as Mr. Bruderman's qualifications?

MR. BLUMENCRANZ: I'm asking you where the

outrage comes from today that hasn't been here for 20 years as this hospital's continued to fail. The State has shortchanged this particular facility 50 percent of what it's owed in Medicaid payments over the course of the past few years, but now --

MR. LAVINE: You -- you ask where the outrage comes from?

MR. BLUMENCRANZ: Oh!

MR. LAVINE: Because I have --

MR. BLUMENCRANZ: The outrage today --

MR. LAVINE: I have lived in communities where people --

MR. BLUMENCRANZ: Excuse me.

ACTING SPEAKER HUNTER: We're asking and answering, please, gentlemen.

MR. BLUMENCRANZ: Are we both asking or do I ask questions of the sponsor's answers?

MR. LAVINE: I -- I would suggest you ask your questions through the Speaker.

MR. BLUMENCRANZ: If you don't wish to answer my questions, Mr. Lavine, then I respectfully ask if the sponsor can continue to answer the way it's supposed to be.

MR. LAVINE: Mr. Blumencranz, I like the idea of dialogue. And that's why I'm suggesting that whatever questions you have, and I do believe that that's part of our policy, will you please pose them through the Speaker?

MR. BLUMENCRANZ: Through you, Madam Speaker, is this about patients or is it about politics?

MR. LAVINE: I heard --

MR. BLUMENCRANZ: Would you like the exercise or would you like the dialogue --

MR. LAVINE: Mr. -- Mr. Blumencranz --

MR. BLUMENCRANZ: Mr. Lavine...

MR. LAVINE: Mr. Blumencranz, some of us have lived a life's experience where we weren't always able to get medical care and lived in communities in which medical care --

MR. BLUMENCRANZ: And those people that are at this hospital --

MR. LAVINE: And may I --

MR. BLUMENCRANZ: And the hospital that you said --

ACTING SPEAKER HUNTER: Mr. Blumencranz, Mr. Lavine, it is your time, Mr. Blumencranz, you can continue to yield your time to Mr. Lavine, you could go on the bill, but you will ask a question, he will answer the question.

MR. BLUMENCRANZ: I have not yielded my time to Mr. Lavine.

ACTING SPEAKER HUNTER: Okay.

MR. BLUMENCRANZ: The sponsor has said that Mr. Lavine will be answering questions on his behalf.

ACTING SPEAKER HUNTER: Then you will wait

for him to ask the question, please, sir, and you will answer and you will wait for the response, please. Thank you.

MR. LAVINE: I believe there is a fundamental right to medical care. Not everyone shares my belief.

MR. BLUMENCRANZ: That there has been statements made that service will be cut from the very people you claim deserve health care who can't afford it.

MR. LAVINE: I don't --

MR. BLUMENCRANZ: What -- what health care's on the chopping block, Mr. Lavine? You think we need the change, a change that will involve a removal of healthcare services to residents of Nassau County? That seems like a good idea?

MR. LAVINE: Mr. Blumencranz, I think we may communicate better if we aren't quite so boisterous, but I don't live in bubble and I am fearful of what is going to occur in the months to come as a result of a political -- a political party running the United States which doesn't share my belief in the fundamental right to medical care.

MR. BLUMENCRANZ: Mr. Lavine, when there was over 2,000 subpoenas provided from the Federal Government to the administrator of this hospital under the previous administration. When he was under Federal investigation, this Body and this State did not find it necessary to put it into a receivership, but today it does. Does that not seem like your political outrage today might anger and frustrate the residents of Nassau County who are hearing that there

will be service cuts?

MR. LAVINE: I don't want to see this hospital shut, do you?

MR. BLUMENCRANZ: Of course I do not and like SUNY Downstate I do not want to see it in the same position. But do you think that there will be cuts to health care provided to the very people you seek to be helping? Is that going to be a part of the process in removing this receivership in the future of this hospital?

MR. LAVINE: First of all, I don't know what you mean by receivership, and secondly --

MR. BLUMENCRANZ: What would you classify this takeover as?

MR. LAVINE: Mr. -- Mr. Blumencranz, you may not like what I've got to say, but I do listen to what you say and I would urge you to show me that same modicum of respect. I am in favor of this proposition because I want the hospital to continue and I do not want to see anyone lose their medical services.

MR. BLUMENCRANZ: Is there an expectation in your mind as a member of the Majority who is part of this discussion, is there an idea that we might see some improvements to the reimbursement issues that have systemically been issues for the hospital to have a budget that makes any solvency issues no longer a question?

MR. LAVINE: We have dozens of safety net hospitals in New York State. Wait, Mr. Blumencranz. I'm actually

incorrect. We have nearly a hundred safety net hospitals in our State. Not one of them comes close to the crisis that we face at the Nassau University Medical Center. How, my friend, do you account for that?

MR. BLUMENCRANZ: How many of those are county hospitals, not fully State-run institutions but county hospitals?

MR. LAVINE: Well, there's H&H and it doesn't matter too much in the scheme of things whether they're county hospitals or they're not county hospitals.

Nassau University Medical Center is unique and I think we all know the reason why. I should say most of us know the reason.

MR. BLUMENCRANZ: So why don't you say the quiet part out loud? Go ahead. Why -- why is it from Democrats or Republican administration, why -- why is the systemic issues -- why has this Body turned a cheek and now they care, now that this particular political moment they decide to stand up and do something?

MR. LAVINE: Well, we either do something or we don't do something and I think it's time to do something.

MR. BLUMENCRANZ: Of course you do.

MR. LAVINE: But not everyone agrees with that.

MR. BLUMENCRANZ: Madam Speaker, on the bill, please.

ACTING SPEAKER HUNTER: On the bill, sir

MR. BLUMENCRANZ: Madam Speaker, this is a blatant power grab. It undermines Home Rule and local

representation. This hospital has been shortchanged. It's been handicapped. It's been harmed by State institutions for decades, whether it's a Democrat in the County Executive's office or a Republican. The losers because of the inadequate service the State has provided has been patients, has been Nassau County residents and has been New Yorkers. It's time the State steps up, pays its bills, fixes the inequities that it has provided to this hospital and work as a partner with Nassau County instead of constantly treating it like a hammer in need of a nail. I expect more from this Body and I hope that we work together local and State government, not work against each other. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will Chair Pretlow yield, although I will tell you at the outset, Chair, that I have questions concerning Part JJ, which I believe that you may have been referring to Ms. Paulin if I'm not mistaken. Thank you very much. Then I would ask Ms. Paulin to please yield for some questions.

ACTING SPEAKER HUNTER: Ms. Paulin yields.

MS. WALSH: Thank you very much.

So the questions I have have to do with Part JJ, as I said, having to do with the -- what was previously termed as the registration of fetal deaths that is now going to be called reporting of pregnancy loss.

MS. PAULIN: Yes.

MS. WALSH: So I believe you answered in response to previous questioning that it was just a simple change in terminology to go from registration of fetal deaths to reporting of pregnancy loss; is that correct?

MS. PAULIN: Yes, Because the -- the fetus isn't called a fetus until nine weeks, so pregnancy loss was more accurate because it captured a miscarriage that could happen prior.

MS. WALSH: I didn't know if it would've been the elimination of the word "death" that I was wondering if perhaps because of say an early abortion that's the result of maybe like a -- like a Plan B type medication, if that was felt no longer to be considered a death in the -- in the terms of the legislation.

MS. PAULIN: It really has to do with the nine weeks.

MS. WALSH: I'm sorry?

MS. PAULIN: It had to do with the nine weeks.

MS. WALSH: It had to do with the nine weeks?

MS. PAULIN: Yeah.

MS. WALSH: Okay. Very good.

So, now it -- it looks as though we keep track currently of all different types of -- well, we -- we keep track, obviously, of live births, but we also keep track of different types of pregnancy loss. So can you just re -- review what those different types are?

MS. PAULIN: Well, it's stillbirth, it's miscarriage and it's an abortion, essentially. Those are the three main categories.

MS. WALSH: Okay. So under the changes made to this -- to this part of the law in Part JJ of this bill, we'll still keep track of the spontaneous miscarriages, the data, right? And we'll still keep track of the stillbirth data, but is it true that this bill now will no longer require the recording of the data or numbers regarding the number of abortions?

MS. PAULIN: That's correct.

MS. WALSH: Okay. And why is that? Why are we singling that out and treating it differently in terms of data?

MS. PAULIN: Again, as I explained a little bit ago, the data is collected differently, so for stillbirth and for miscarriage, it goes into an electronic system. It's very easy. It's usually at a hospital, so the data is pretty accurate. The way abortions are -- the way that data is gathered is you get like a triplicate thing, you know, the old fashioned carbon -- you have to write it out.

MS. WALSH: Yeah.

MS. PAULIN: It's mailed to different providers. It's not consistently sent in. You actually have to return it to the clerk's office. Many providers don't do that, so the data is really inaccurate to begin with, so much more accurate data is collected by the Society of Family Planning. So that data is accurate and it's not -- it's not similar in a lot of respects to the data we think should be accurate, which is the triplicate. So it doesn't make sense to keep that data when we get

it a different way.

MS. WALSH: And -- and I apologize. I couldn't quite hear you. Did you say it was the Society for Family Planning?

MS. PAULIN: Yes. And the -- also the Guttmacher Institute also collects the same data from the providers. So it's -- that's just better data.

MS. WALSH: Okay. All right. Okay. And I understand that. I appreciate that answer.

So, is -- was the -- the carbon method -- I'll call it the carbon method --

MS. PAULIN: Yeah, yeah.

MS. WALSH: -- you know, the three pieces of paper and all the carbon stuff. So was there a concern that that would've been a significant underreport, because you would've had maybe some people not returning the paperwork or something like, it would've been an underreport?

MS. PAULIN: If -- if it's -- yes. It would be an underreporting just -- and just -- it could be wrong, you know. It -- it could be that you didn't understand it by the third page because you didn't write hard, you know. So it just wasn't -- it wasn't working and didn't make a lot of sense.

MS. WALSH: Do you know whether those two other -- the Society of Family Planning and then Guttmacher - I might be saying that wrong --

MS. PAULIN: Yeah.

MS. WALSH: -- those two sources, how did they obtain their data? Do you have any idea?

MS. PAULIN: They do provider surveys --

MS. WALSH: Okay.

MS. PAULIN: -- so -- and it's -- you know, so the -- the data was collected and it was very specific to an individual, you know, right? So the data that -- that the other two better collectors gather is not specific to the individual. It's just -- it gives -- and gives us really the numbers we're looking for and the geographic locations perhaps, but not -- you know, it's not going to say a specific name, which is a better way to collect the data for vital records anyway.

MS. WALSH: Right. Okay. So do you know whether those other two organizations, do they collect currently data regarding abortion medication that's being provided outside the boundaries of New York State through telehealth and, you know, mailing it as we've discussed in previous bills we've discussed?

MS. PAULIN: So I'm glad you brought up telehealth because the telehealth providers didn't see themselves as -- they didn't -- they didn't think they were obligated to fill out the triplicate --

MS. WALSH: Okay.

MS. PAULIN: -- often, so we didn't get that information, but when they're surveyed, they do provide the data, so that we really have a much better feel for what's happening in -- in that area.

MS. WALSH: Okay.

(Pause)

I think those are all the questions I have on this particular part. And Madam Speaker, at this point I would ask Chair Pretlow to yield for some questions regarding -- regarding --

ACTING SPEAKER HUNTER: Mr. Pretlow, do you yield?

MS. WALSH: -- regarding -- hold on -- Kendra's Law and those changes. I don't know if you're handling those.

MR. PRETLOW: So involuntary commitment you're referring to.

MS. WALSH: Involuntary commitment, yes.

MR. PRETLOW: Yes.

MS. WALSH: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MS. WALSH: Thank you.

So do we have any idea of how many people we're talking about here who will be affected by the changes that are being made in this Part EE?

MR. PRETLOW: I'm not sure -- I'm not sure of that number. I know that it's in the vicinity of 1,000.

MS. WALSH: One thousand?

MR. PRETLOW: In the vicinity of 1,000. I don't want to give you an exact number but...

MS. WALSH: Per year --

MR. PRETLOW: Yes.

MS. WALSH: -- and within the State.

MR. PRETLOW: Yes.

MS. WALSH: Thank you, sir. So when -- I understand that this -- I believe that this originated as a proposal made by the Governor's Office.

MR. PRETLOW: That is correct.

MS. WALSH: But I'm interested in knowing if during the negotiation if there were concerns that were raised about the civil rights of those 1,000 or so people regarding the possibility of them being involuntarily committed.

MR. PRETLOW: Well, civil rights are always a consideration whenever these negotiations are taking place, but this is being done in the best interest of the general public and the people that are in need of help.

MS. WALSH: So I -- I agree that it is -- it is a balance that we need to try to strike here. Are you aware of any changes that were made in the Governor's proposal, or has the proposal that we're looking at and voting on tonight essentially exactly the same as what the Governor --

MR. PRETLOW: Well, I think the most -- the most substantive change is probably that we've -- will develop an exit plan for people that may be confined. We're also mandating that there are a sufficient number of health professionals available for the treatment of people that have been detained against their -- their wishes.

(Conferencing)

And we also have a crisis response center, yes.

MS. WALSH: And is the crisis response, is that an additional piece that was placed into the -- the policy?

MR. PRETLOW: Yes. That was part of the negotiations. That was one of the things that held the budget up getting that --

MS. WALSH: Okay.

MR. PRETLOW: -- in -- in the budget.

MS. WALSH: Okay. And could you -- could you talk a little bit about how these approximately - and I understand that that's a ballpark figure, but how these folks will be identified and brought into the system for assistance? I mean is that -- is that through referrals?

MR. PRETLOW: Well, I would think generally by activities or actions on the street.

MS. WALSH: Okay.

MR. PRETLOW: When, you know, a individual is come -- come -- comes -- is come upon by a member of the general public or a police officer or whomever and sees that the person is in need of help, then they will be escorted to a -- to a facility. I mean is what we do is expand the criteria to commit a person for involuntary treatment to include a person's inability to provide for their own essential needs, such as food, clothing and necessary medical care. Personal safety or shelter, otherwise known as gravely disabled standard.

MS. WALSH: And how long will -- if an individual is believed to meet that standard and we're going to be looking at those different criteria and there's going to be a determination made that they need to be involuntary committed, for what period of time and what due process, for lack of a better term, will be utilized to determine when that period of time should be ending?

MR. PRETLOW: Well, the first thing they're usually for a 72 hour hold --

MS. WALSH: Yep.

MR. PRETLOW: -- where they can be examined by a healthcare professional, and if something is deemed to be necessary then that would be extended.

MS. WALSH: And is there any period of time beyond which, you know, you'd have to go back for another review or you'd have to have a hearing or -- I confess that I've heard of a 72 hour hold before but I'm not too familiar with how this program would work.

(Conferencing)

MR. PRETLOW: It would either be -- I have to find my notes -- it would either be determined whether they can be released at that point or maybe they should be held for further evaluation.

MS. WALSH: Okay. And is there --

MR. PRETLOW: And that would -- that would require a court order. That's not going to be just as a police officer or

a healthcare professional. Bring somewhere there. You would have to bring in a court order to -- to hold them.

MS. WALSH: Thank you. You anticipated -- you kind of anticipated my next question. What -- what type of judge would be handling these types of applications? Would it be a surrogate court judge? At least Upstate that's I think who would be probably handling a matter like that.

MR. PRETLOW: That would be a civil court judge.

MS. WALSH: Civil court judge, okay. And will we see later, perhaps, in the budget bills any kind of money appropriation to support wraparound services as was mentioned by a previous speaker?

MR. PRETLOW: Yes, absolutely.

MS. WALSH: Very good. Thank you very much for answering those questions.

MR. PRETLOW: Thank you.

MS. WALSH: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ra.

MR. RA: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. RA: So I just want to reiterate and clear up a -- a few things.

Number one, you know, we talked about safety net hospitals. There's only 29 non-profit safety net hospitals in New York

State. And talking about any that are in poor condition, there is nothing that has been in worst condition than SUNY Downstate, and we've invested in that in last year's budget and again in this year's budget. Now we're apparently giving capital to Nassau University Medical Center, which -- which is great, but if our concern is that there is not a path to them being solvent, what they need is operating help. Why are we not doing that? Why have we failed to do that for the last couple of years?

The hospital has responded to everything, all the communications from the Department of Health. It is not correct to say that they haven't. That doesn't mean the Department of Health liked the response, but it's not true that they haven't responded. What hasn't happened is the hospital had requested meetings in writing to the Department of Health, which the Department of Health has refused to do.

Also, I want to point out something that we should all be aware of as we vote on this bill. And that's the fact that what we have right now, this entity authorized -- duly authorized through their board, a lawsuit against New York State claiming over \$1 billion that they feel they are owed that New York State was fooling around with payments to them. And we all know what's going to happen. As soon as this new board comes in they're going to terminate that lawsuit. So the idea that -- I mean think about that. We are having a board get taken over that has authorized a lawsuit against the State. The State's going to take over that board so they can drop the lawsuit. And we're

going to put the Nassau Interim Finance Authority in charge of approving the CEO's compensation and benefits, the same Nassau Interim Finance Authority that's supposed to be looking out for the financial interest of the hospital, which has also tried to defund this lawsuit from NUMC.

Now I also want to talk about when we think about whether this is politics at play. Look at the makeup of the new board. The Governor's appointments, the appointments locally. Now we have a tendency to look at these things in terms of who's currently in power, but imagine something that's not unthinkable if in an election the County Executive's office were to flip to the other party and the County Legislature's Majority flips to the other party. What would you have? You would have a board with 11 members, ten of whom were appointed by one political party. There's politics at play here. And this Body, and in particular the Governor, is playing politics with our safety net hospital, with a hospital that served almost 300,000 people last year that has 3,6 -- 3,500, whatever it is, hardworking employees who go to work every day trying to provide healthcare to the residents of Nassau County. And what we're doing is wrong. It jeopardizes the jobs of those individuals and it jeopardizes the healthcare of the people that this hospital serves. So I hope the intention is to put the hospital on a better path forward, but as I said earlier, there was a report done under the prior administration that recommended seriously scaling down what this hospital was. It would no longer be a hospital. It would no longer be there for the

community other than a very limited purpose, and if you read that report and read this provision you would see a lot of similarities.

Then I think about the terms of office. For some reason the -- the Governor needs her appointees to have longer initial terms of office than the County Executive. They're both elected officials who have four-year terms themselves, but the appointees of the County Executive get a two-year term and the appointees of the Governor get a four-year term? What sense does that make? So there is politics all over this provision of this bill. And we look back in prior administrations, this Body didn't see fit to do anything regarding this. Now here we are, think about the politics at play of even, you know, the County Executive who has maybe an interest in challenging the Governor. So this is a complete political power-play by the Governor because one party controls Albany so this isn't being done to help the residents of Nassau County. This isn't being done to help those who need healthcare. This is being done because the Governor can do it. Because she's in charge. And she wants to take over this -- this hospital board.

It's unfortunate that I have to look at this action through that lens, and I want to remind everybody as we went through this budget process we kept talking about things that should or shouldn't be in the budget. Healthcare for 300,000 people hashed out behind closed doors, no transparency. These provisions just became public within the last 24 hours. Why aren't we addressing this outside the budget if there's such a need? Why aren't we having a hearing?

Why aren't we -- why aren't we giving ourselves the opportunity to speak to individuals about -- about this hospital? Now I want to also remind everybody, we can talk all we want about the previously fired chairman. The current chairman of the board is our Health Commissioner. This is an individual who has been approved by New York State on three separate occasions to be Health Commissioner in different parts of this State. I can't imagine there's anybody more qualified that the Governor could make the Chair of this board. And I also look at who the Governor's appointments -- the Governor has appointments to the current board. Two of them are just failed Democratic political candidates. Do they have some great ability to improve the healthcare of Nassau County residents? I -- I have no reason to -- to think they do, so we shouldn't be taking this type of action in this bill, but -- but what bothers me more is we're not treating Nassau County and Nassau County Medical Center the way we have treated other hospitals throughout the State. We're not. We haven't given them the support and now we're using the excuse that they're failing and we have to come and take them over. Yet, when other hospitals have been in need, we've given them funding, both capital and operating to set them on a better path forward. We've never been willing to do that with -- with our safety net hospital in Nassau County.

So I ask my colleagues to really think about the fact that your safety net hospital may be next. Now I -- I would say if you're in a county that is Democratic controlled you're probably okay.

But this is a political action by the Executive and the -- we should be ashamed of ourselves that we're putting this in the budget and impacting hundreds of thousands of people and thousands of people's jobs on language that if we -- we do everything digitally now, but if we printed this bill out, the ink wouldn't be dry yet. Yet we're going to take this action today.

So I will be voting in the negative on this bill. And I wish I could vote in the negative multiple times on this bill because it is not what's in the best interest of the residents of Nassau County. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ari Brown.

MR. A. BROWN: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. A. BROWN: Thank you, Mr. Chairman.

The question's been asked several times but I think it will take your expertise as the Chairman of Ways and Means because my question is simply a matter of math of finances that only you could possibly answer so I'll try to ask it in a different way because I have yet to hear the answer to this question.

The State systematically withheld the matching

Medicaid funds specifically under the disproportionate share hospital and upper payment limit programs, I think that's very clear. The share -- so basically, in simple terms, the State owes NUMC approximately \$1.06 billion, some will say with some other math almost \$2 billion. Why specifically was this money held all this time? It's just a math question. We don't need anybody else answering the question.

MR. PRETLOW: Well, the State doesn't pay the Federal portion.

MR. A. BROWN: As a matter of fact --

MR. PRETLOW: I'm sorry. The non-Federal portion.

MR. A. BROWN: Under the DSH and the UPL programs, all the other hospitals get their share and they've been denied over the past two decades. Why is this hospital so unique? And again, it's just -- it's just a math question. It has to do with Ways and Means. You guys figure this out all the time.

MR. PRETLOW: I think that what's happening is the hospital has not been complying with what they were supposed to be paying, and they were not accepting the help that the State was offering and this began to grow. I think -- I believe they're developing a deficit now -- over \$40 million a month or --

(Conferencing)

-- \$100 million.

MR. A. BROWN: Thank you, Chair, for that answer. But I ask: We're not talking about \$1 million or a -- or \$100 million.

Do you not think that between 1- and \$2 billion would kind of solve this problem if the State didn't withhold that money? We're not talking about a few dollars, even the moneys that you had mentioned. I think what we all know --

MR. PRETLOW: We're not withholding any money.

MR. A. BROWN: You actually are, between 1 -- 1.06 and \$2 billion over the last two decades. That's a fact. You know that. You're the Chair of Ways and Means. Mr. Chairman, we're of that certain age where we can look each other in our eyes and we know when one of us is being honest about the situation, we know, they know it. Why the one -- the \$2 billion?

MR. PRETLOW: We do not agree with that number. I do not believe it's --

MR. A. BROWN: Let's go on to a different question. Is it not true that in your conference there were discussions among your colleagues that one of the main reasons, because they came to me and told me, that one of the main reasons why they wanted to take over the hospital is because of the thousands of jobs that in a heavily Republican area, now that they can give out these particular jobs?

MR. PRETLOW: I would never --

MR. A. BROWN: -- you can say they know.

MR. PRETLOW: I was not party to any conversation like that.

MR. A. BROWN: Well, your colleagues had mentioned that to me in a great --

MR. PRETLOW: I have no idea who that would be.

MR. A. BROWN: Thank you, Mr. Chairman. I appreciate your forthrightness. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Molitor.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: This is my first Albany after dark Session.

MR. PRETLOW: Be prepared for many more.

MR. MOLITOR: Mr. Pretlow, my questions are about Part P and Part JJ, and I think Ms. Paulin is --

MR. PRETLOW: Yes. I'll refer those -- I yield to Ms. Paulin on both of those.

MR. MOLITOR: Thank you. Let's start with Part P.

MS. PAULIN: Okay.

MR. MOLITOR: I just want to make sure I understand the -- the section. If -- if someone comes to a hospital, general hospital, with a pregnancy and they're having an emergency, this bill would require that hospital to stabilize that person and provide them treatment and would prevent their transfer to any other

hospital without their consent; is that correct?

MS. PAULIN: Yes.

MR. MOLITOR: And so if that person then was stabilized but then requested an abortion, that hospital would have to provide the abortion; is that correct?

MS. PAULIN: They would provide it if it was part of the stabilization. They would be required to do that, but if it was not part of the stabilization, they -- they wouldn't be as obligated, no.

MR. MOLITOR: So if the hospital stabilized that person and then there was no longer an emergency situation, they would just discharge that person, right? They wouldn't have to perform any additional medical services under this bill?

MS. PAULIN: Right. That's correct.

MR. MOLITOR: But if there was an emergency and the patient requested an abortion, the hospital would have to provide the abortion, wouldn't they?

MS. PAULIN: Well, I don't know what you mean exactly because if somebody had an emergency and they were pregnant, you know, high blood pressure or, you know, another -- something else that was going on, and to stabilize that patient they needed to have an abortion, they would -- the hospital would be obligated to do that. If the abortion wasn't part of the stabilization and the health, you know, to maintain the health of the mom, then that's something else, you know, it's not part of this bill.

MR. MOLITOR: Okay. And I just want to make

sure -- you know, I just want to clarify where my question's coming from and correct me if I'm wrong or if I'm right and you agree with me. This bill wouldn't force like a Catholic hospital to perform abortions, would it?

MS. PAULIN: It's -- it doesn't change anything that's -- that's not happening already. If -- you know, because we're codifying Federal law, so those -- all hospitals regardless of whether they're Catholic hospitals or another religious hospital or whether they're a secular hospital, all operate under Federal law, which requires them to stabilize a pregnant person or anybody coming in for any condition.

MR. MOLITOR: Okay. And how much, how much money is allocated in the State budget for Part P?

MS. PAULIN: There's no additional money for Part P.

MR. MOLITOR: Okay. Is there -- are we renewing an amount of money from a previous budget for Part P?

MS. PAULIN: No, because it's not a change in the way the hospitals operate now.

MR. MOLITOR: Okay. And there's nothing in Part P that allocates where like money coming from another part of the budget for this particular provision to be applied?

MS. PAULIN: No.

MR. MOLITOR: Okay. And there's nothing in here that indicates when the State needs to appropriate money for this

particular section?

MS. PAULIN: No.

MR. MOLITOR: Okay. So I guess my next question is, how is this provision in compliance with the New York State Constitution? Doesn't this violate Article VII -- Article VI and Article VII -- or I'm sorry. Article VII, Section VI and VII of the New York Constitution?

MS. PAULIN: I think you have to tell me what those are, but I know it doesn't violate any part of the constitution so I can say that with assurity, but I don't know which your parts you're referring to.

MR. MOLITOR: Well, Article VII has to do with State finances, right? And those particular sections specifically state that appropriation bills have to be about appropriations, about allocating money. But as you've just admitted this Part P is pure policy.

MS. PAULIN: Yes. In fact the Governor put it in her budget as pure policy and this is a revision of what she's put in, but she had put it in her Executive Budget to begin with.

MR. MOLITOR: Well -- but isn't it unconstitutional for us to have policy in appropriation bills?

MS. PAULIN: Well, this isn't an appropriation bill. It's an Article VII bill.

MR. MOLITOR: Okay. I just cited Article VII to you. Okay. Going to Part JJ --

MS. PAULIN: Yup.

MR. MOLITOR: That -- I'll start with the same questions for Part JJ, how much -- how much money is being allocated in the budget for the implementation of this particular section?

MS. PAULIN: No -- no money. It's the same. It's a policy issue.

MR. MOLITOR: And we're not allocating money from any other part of the budget for this particular -- for Part JJ?

MS. PAULIN: No. The Senate had put in this language so there was three-way agreement on the language, but it was pure policy again.

MR. MOLITOR: Okay. Now in Part JJ it changes -- it changes the definition of -- it remove fetus from -- from the -- from the statute, right?

MS. PAULIN: Mm-hmm.

MR. MOLITOR: And it adds -- let me get the exact language here. It -- it changes fetus to products of conception. Can you tell me what is a product of conception?

MS. PAULIN: Can you show me where you're referring so that I can be more --

MR. MOLITOR: Yeah. I'm looking -- this is Part JJ, line -- Section 3, which is line 29 through 38. It's right at line 33.

MS. PAULIN: Line 33. Let's see. (Reading) So if the individual experiencing the pregnancy loss requests a registration

to facilitate disposition of the products of conception -- I'm told by my very able central staff person here that products of conception is already in the law, but, you know, we do -- you know, earlier, you know, we're really talking about, you know, stillbirth, miscarriage and, you know, termination of a pregnancy through an abortion. So, you know, I guess another product of conception would be the actual birth, right? But otherwise I can't think of another outcome.

MR. MOLITOR: Okay. Those are all the questions I had. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker. I would ask the Chair to yield. I have a brief question about NUMC. I don't know if he wants to then yield his time to our other colleague over there. I don't know if you want to skip a step --

MR. PRETLOW: I -- I will yield my time to Mr. Lavine.

MR. GANDOLFO: Okay. So I'm a Suffolk County guy so I'm a little removed from the situation here, but I just have a couple of quick questions regarding the situation with NUMC.

So it is the case that NUMC has filed a \$1 billion lawsuit against New York State over the claim of withheld Medicaid funds?

MR. LAVINE: Yes, and the county legislature authorized a lot of money to be spent at a very elegant -- with a very

elegant law firm to bring that lawsuit.

MR. GANDOLFO: Okay. So that lawsuit is still pending? It has not yet been resolved?

MR. LAVINE: It is -- I'm not even sure it's actually been filed. We received a letter a couple of days ago to the effect that it was going to be filed and, Mr. Gandolfo, even though you are in Suffolk County, the district I represent is right next to Suffolk County and you and I have worked in the past on some issues that were of importance to Suffolk County. And given that NUMC is the safety net hospital, it is critically important to people in Nassau County and critically important to people as well in Suffolk County.

MR. GANDOLFO: Oh, yeah. There's a lot of issues that are of importance to both counties. We are a region.

So it is my understanding that the lawsuit was filed and my question is: Does the Board of Directors of NUMC have the authority currently to withdraw that lawsuit?

MR. LAVINE: I can -- I can only guess the answer to that is yes.

MR. GANDOLFO: Okay. So then presumably the new composition of the new board would also have the authority to withdraw that lawsuit?

MR. LAVINE: Especially if it's a specious piece of litigation.

MR. GANDOLFO: Okay. So they could withdraw. Thank you. Those are my only questions, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Madam Speaker, it just seems a little interesting that after NUMC filed a \$1 billion lawsuit against the State, the State is now taking the step of reworking the Board of Directors to make it under the control of the Governor and the majorities here which are Democrat run, we all know that. And it kind of seems from an outsider looking in that their intention would be to withdraw that lawsuit and potentially save themselves from \$1 billion judgment. We keep hearing that it has been poorly run and that presumably I guess a State run system here would be better, but looking at SUNY Downstate that is run by the State. That has run annual deficits to the tune of \$100 million every single year, which I get it. It's a safety net hospital. They serve a lot of lower income communities that don't always have the ability to pay. But the difference here is Downstate has been treated totally differently. They received 100 million in operating funds last year. This year the Governor announced a commitment of another 200 million in operating funds, and if we think that the State can run it better, one, I think the Governor's approval ratings would be higher, but, two, we just have to take a look down memory lane of what has happened at SUNY Downstate.

In 2024 the SUNY Downstate CEO resigned amid allegations of unethical conduct, and also in 2024 their Chair of Emergency Medicine was indicted for allegedly stealing \$1.5 billion

from the hospital. So the notion that the State is going to take this over and it's going to be sunshine and rainbows and everything will be okay is -- is just laughable. It's clearly a political move against a potential political rival. Many people are saying that County Executive Blakeman will emerge as a top contender to run for governor against Kathy Hochul. That might be true. There's others who are interested, as we all read the reports. But it -- it's just shaping up to look like a political hit job against a rival before a campaign even gets started.

I will be voting no on this budget bill. I -- I -- this is not the first time I've seen this Body and this State government take these political actions against Nassau County in particular. It's kind of curious to me, so I -- I just can't support the bill.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker.

On the bill.

There are just a few things here that bring some concern to me, and I will mention the -- the care of the mentally ill who, in many cases, really need more help than what we're being provided for in this legislation. So it's involuntary, but I think that their health is more important than the health of the people that we're trying to protect. The safety of the people that we're trying to protect.

These are people who have had issues for quite a while that we have not necessarily dealt with as a society, and I just hope that at the end of the day that the service that they get will come from qualified mental health people as well as effective law enforcement. I've seen these things work in the great City of Buffalo where a parent actually called because they knew that their son was out of control and doing some things in a business that he shouldn't be doing. And not only did the police show up but so did the crisis mental health workers, and that averted this young man from hurting somebody that he would have hurt. And so I hope that we're setting up a system that looks like that, and not a system that just picks people up and takes them places where they should not be, where they don't know where they're at, they don't understand what's going on.

And so I -- I really hope that we're gonna do this right. I was not around years ago when society decided that people who were severely mental [sic] ill should be more in the community as opposed to institutionalized. I was not around, so I don't know why that decision was made. But I do know that there are a lot of people who have serious mental health problems that should not be in communities at times when they cannot control their behavior. Not just for their health and safety, but for the health and safety of the people who live in and around them. And so I will watch that very closely.

Secondly, I will say I -- I -- I listened to the debate about the safety net hospital, and I know that most safety net hospitals

are challenged. There is no question. But I don't know that all of them end up on a consistent list of the Center for Medicaid -- Medical Services with one star out of five. And I don't know that all of them end up with a patient base that these are very elderly or very Black and very Brown, who literally rates them one star out of five as well. So I can imagine, because we are in a political environment, that people are gonna find ways to make all of this about politics. But it really could be about the health of the people who go there on a regular basis, and that there needs to be some changes in that. Now, does -- is that gonna cost money? It absolutely is going to cost money. And so if there is not enough in this budget, then we need to start trying to figure out how we get enough in the budget. But what you don't want to do is put additional resources into a place where the people who are in charge of managing it don't have the capacity to manage it properly.

So let's try something different and see for the hundreds of thousands of patients who need to get service from this hospital have that opportunity to get a quality service where people -- and the workers are managed in a way, the finances are managed in a way that they not only get good service, but they start rating the service that they get more than one out of five.

With that, I look forward to voting for this piece of legislation. I'm glad that we've had this conversation. I think it's critically important. But I think when we have the opportunity to see what this could bring as a result for the people who need the service,

we will be pleased for them. We won't necessarily think that everything about this is about politics. And I know we work in a political environment, we all got elected based on this. But at the end of the day, our biggest concern should be about the people who walk into the place to get healthcare and can't -- don't have anywhere else to walk into. Because as was said, there's no urgent cares in the neighborhood that are gonna take care of them. They need -- they have to go to this hospital. And so I think it's incumbent upon us to try to do what is necessary to get it into a better position where it's properly managed.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Burroughs.

MR. BURROUGHS: Thank you. I just wanted to speak on NUMC and --

ACTING SPEAKER HUNTER: Are you on the bill, sir?

MR. BURROUGHS: I'm on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BURROUGHS: And being a member who represents a large base that use that hospital, NUMC has been severely mismanaged for decades. And the fact that, you know, we're here debating whether it's -- it's considered a State takeover or not, I think it does a disservice to the people in my district specifically. And having people that are actually in that hospital that service it and from

the inside out they can see the negative way -- way which of this hospital was operated. And so you speak about the County Executive and you speak about it being a political move. At what point would you say we continue to allow the hospital to be mismanaged this way? And so you may call it a hospital takeover, but I think we just call it figuring out a way to operate that hospital in a way that works functional.

So the Governor's come up with some suggestions. I fully support those suggestions. And I think that when you have a base and they are constantly afraid of how the hospital is managed, when you have individuals that are the CEO, they come up to the State and they ask us for funding, but they don't show us transparency on how they have spent money or where they're gonna continue to spend money, I think I have a problem with that. And also, when you have those same individuals spend money on attack ads, spending money on attacking the State, spend money on attacking the Governor, I think it shows a great understanding of how the hospital is in the constraints it's in. Because you're mismanaging money but you're using money for mailers that cost tens of thousands of dollars. That money should be used for the hospital. That money should be used to guide that -- that -- that institution into a direction of positive movement, not negative.

County Executive Bruce Blakeman -- Bruce -- and -- and Bruderman have been managing that hospital into the ground. And so for that, I -- I will be voting in the positive for these changes.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

On a motion by Mr. Pretlow, 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 HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Madam Speaker, the Minority Conference will be in the negative on this piece of legislation. If anybody wants to vote yes they can do so now at their seats. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, the Majority Conference is going to generally be in favor of this piece of progressive legislation. I am sure that we will do likewise; however, there may be a few that would desire to be an exception. They should feel free to do so at their seats.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Braunstein to explain his vote.

MR. BRAUNSTEIN: Thank you, Madam Speaker,

to explain my vote. I will be voting in favor of this budget bill. In particular, I support the clarifying language around when an individual with mental health issues can be brought in for involuntary treatment. I -- I think many of us, particularly who represent the City of New York, have noticed an increase in people with mental health issues that are untreated, whether it's on our streets or -- or in our subways. And the concern is we send out, you know, support teams to try and get people in for help, but some individuals are just incapable of understanding they need help and they refuse the support that's given. Right now the standard for whether or not an individual could be brought in for involuntary treatment, it's -- it's not clear if someone has to be physically violent, whether or not they're -- right? And it could be read that they have to be threatening to commit suicide or threatening to attack somebody. And this language makes it clear that harm to yourself or others includes a person, because of their mental illness, their inability to perform basic human tasks like feeding themselves, clothing themselves, taking care of their health care.

I've carried legislation to push this change for several years now. It only applies to a small universe of individuals, but these individuals do need that help. I think this is the compassionate thing to do, and I'm hopeful that with this new standard we'll be able to help those needy -- needy New Yorkers who are suffering with mental illness.

So I will be voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Mr. Braunstein in

the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank -- thank you, Madam Speaker. I rise to explain my vote.

So there's a lot in this bill and I think there's a lot that we should be talking about. We all know, as a prior speaker said, there's people struggling with mental health issues, and the way the current system functions is we have a one-size-fit-all [sic] response to the crisis of mental health. And this bill talks about how we'd reframe that. How not everything needs a police response. That EMS and other responders are critical. And to ensure that we have those people in place, we are statutorily requiring this system and structure in place.

We also need to talk about discharge plans because when people are leaving a hospital or our correctional facilities, it's really important that there's a real discharge plan for people who are struggling with mental health. That's really important.

Using EMS is a real critical factor in ensuring that people with mental health aren't being faced with the police as the first responder, and maybe EMS can bring the temperature down and ensure that people have real plans.

No bill is perfect, but there's a lot here that we can build on to ensure that people who are struggling in New York get the support that they need and get the help they need, and to ensure long-term viability. And that's what this is about. In addition, we're ensuring that hospitals get additional resources to move forward to

ensure our safety net hospitals get the support that they need.

And based on all of these things and the resources that we need for reproductive care across the board, I'll be voting in favor of this bill.

(Pause)

MRS. PEOPLES-STOKES: Madam Speaker, would you please withdraw the roll so that we might put out the Senate sub?

ACTING SPEAKER HUNTER: The roll call is withdrawn.

On a motion by Mr. Pretlow, 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 HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Once again, Madam Speaker, the Minority Conference will be in the negative. Any affirmative votes can be cast right now at their desks. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, the Majority Conference is going to be in favor of this piece of legislation.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Sempolinski to explain his vote.

MR. SEMPOLINSKI: Thank you, Madam Speaker.

I'm going to be voting in the negative. There are certainly things in this bill that I like. There are probably more that I don't. But I want to highlight one particular reason that I'm voting in the negative, which is the lack of the 7.8 TII or COLA or whatever euphemism you want to put on it, which doesn't matter because as it was pointed out earlier, it has nothing to do with the actual rate of inflation. It's very frustrating. I viewed during the budget hearings sort of the consensus among the Assembly, the Senate, Republicans, Democrats, sort of a fountain of hope and bipartisanship here in Albany. And -- and a lot of us asked, from both sides of the aisle, why don't we just start every year with inflation for the mental hygiene lines, and instead we have to do this dance every year where the Legislature wants to do more, the Executive wants to do less. And it would be fine except we're dealing with our most vulnerable population for these particular line items; those with developmental disabilities, those who are dealing with mental health challenges, those who are dealing with addictions. People that are receiving benefits not because of any choice they made and for no fault of their own in many cases. Those with developmental disabilities, those with mental health challenges, they're -- they're not choosing to be in the situation that they're in. And the compromise that was reached between 2.1 and 7.8 at 2.6, that's not exactly a pretty fair compromise. That's nowhere near the

middle, and it's certainly nowhere near the 7.8 which would have made up for inflationary pressure. So that is not a compromise that I'm prepared to accept. It's -- it's not a compromise that gives the people that are doing the hard work in these areas what they deserve. Especially given we're about to spend a quarter-trillion dollars. Out of a quarter-trillion dollars we couldn't find enough money to (indiscernible/cross-talk) --

ACTING SPEAKER HUNTER: Thank you, Mr. Sempolinski. How do you vote?

MR. SEMPOLINSKI: (Indiscernible/cross-talk) about priorities and these people should be a priority, not an afterthought.

ACTING SPEAKER HUNTER: How do you vote?

MR. SEMPOLINSKI: I vote in the negative.

ACTING SPEAKER HUNTER: Mr. Sempolinski in the negative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Madam Speaker. As Mental Health Chair I have advocated for a budget that meets the needs of all New Yorkers, and this budget bill puts into effect some important progress for people with mental illness. It ensures improved and more extensive discharge planning, follow-through to ensure that people are referred to community-based and peer-based program and service to plans that will be issued in writing so that everybody knows what's going on and can follow through.

We're also going to be creating for the first time since 2014 what was mandated -- we're mandating this year the use of incident review panels. Too often an incident occurs, we don't know what went wrong, we don't study it. And when it's -- if it's studied behind the scenes, it's never released. This will help us make better policy because we will be more fully informed.

We are also supporting pilot projects for best practices to response in mental health crises, although it is not quite what we had envisioned in Daniel's Law or capsule -- it doesn't capture quite what the task force recommended. And we will be creating a behavioral health technical assistance center to be the repository of best practices and assist localities in responding.

We're also expanding the use of effective programs such as clubhouses, INSET and ACT teams. We need to do more because they are highly effective, they are very cost-effective, and they're better treatment for people.

We have a lot of work to do, however. I'm disappointed that we're codifying into State law a standard that -- for involuntary commitment that has been in use in New York City and has been largely unsuccessful; in large part because first responders are not trained clinicians and they're going to pick up people who don't meet that standard. They will then cycle back out because we don't have places for them to go. And that, of course, is -- brings up one problem (indiscernible/cross-talk) --

ACTING SPEAKER HUNTER: Thank you, Ms.

Simon. How do you vote?

MS. SIMON: -- supported housing.

I will be voting in the affirmative.

ACTING SPEAKER HUNTER: Thank you. Ms. Simon in the affirmative.

Ms. Bichotte Hermelyn to explain her vote.

MS. BICHOTTE HERMELYN: Thank you, Madam Speaker, for allowing me to explain my vote. I want to applaud my colleagues, the Speaker, the Majority Leader, the Governor and all of us for tackling an issue that still goes -- that still plagues many New Yorkers, and that is reproductive health, by including a pregnant person who is in active labor in the definition of emergency medical condition. This will ensure that babies and expectant families are taken care of at the time of admission and not ignored. Expanding access to infertility care by allowing medical assistance program to cover preservation services to ensure families having to making [sic] difficult decisions regarding a loved one's health or even their own health will have one less thing to worry about if their medical condition or treatment of said condition will negatively impact their fertility and decrease their odds of ever having children in the future.

For these reasons and many other reasons such as addressing mental health, increasing funding for Medicare and Medicaid for some of our most vulnerable communities, I will be voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Ms. Bichotte

Hermelyn in the affirmative.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, if you could now go to page 3 so that we might take up our resolutions.

ACTING SPEAKER HUNTER: Resolutions, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 444, Ms. Lunsford.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 7, 2025, as Fentanyl Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 445, Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 7, 2025, as Skilled Trades Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 446, Mr. Bendett.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 7, 2025, as School Nurse Day in the State of New York.

ACTING SPEAKER HUNTER: Mr. Bendett on the resolution.

MR. BENDETT: Thank you, Madam Speaker. Today please join me in acknowledging the role and the value of our school nurses in caring for our youth as we recognize today as School Nurse Day in the State of New York.

School nurses have served a critical role in improving public health and ensuring our students' academic success for more than 100 years. So let's celebrate and acknowledge the accomplishments of school nurses everywhere and their extraordinary efforts to meet the needs of today's students by improving the delivery of healthcare in our schools.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

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

THE CLERK: Assembly Resolution No. 447, Mr.

McDonald.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 5-11, 2025, as Tardive Dyskinesia Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 448, Ms. Woerner.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025, as Beef Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 449, Ms. Levenberg.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025, as Global Employee Health and Fitness Month in the State of New York.

ACTING SPEAKER HUNTER: Ms. Levenberg on the resolution.

MS. LEVENBERG: Thank you, Madam Speaker. I rise to support this resolution proclaiming May 2025 as Global Employee Health and Fitness Month in the State of New York.

This international observance of health and fitness in the workplace has a goal of promoting the benefits of a healthy environment to employers and their employees through worksite health promotion activities and workplaces in hopes that one day all people will have regular opportunities to be physically active so they can live, work, play and thrive. Of course that does include getting a good night's sleep, Madam Speaker.

So I believe that it's fitting to set aside and recognize time to stop and think and encourage a healthy lifestyle for people of all ages, and in doing so enhance the health and welfare of the entire State of New York. So therefore, I hope we can all get some good rest tonight.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

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

THE CLERK: Assembly Resolution No. 450, Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025 as Wildfire Safety Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 451, Ms.

Seawright.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025 as Older New Yorkers Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 452, Ms. Lupardo.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025 as Motorcycle Safety and Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 453, Ms. Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025 as Lupus Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 454, Mr. Rivera.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2025 as World Refugee Awareness Month in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER HUNTER: We have no housekeeping or resolutions.

Ms. Walsh.

MS. WALSH: Madam Speaker, would you please call on Assemblymember Smullen for an announcement?

ACTING SPEAKER HUNTER: Mr. Smullen for the purposes of an announcement.

MR. SMULLEN: Good evening, Madam Speaker. It's my pleasure to announce that there will be Minority conference at 08:30, 8:30 a.m., tomorrow morning on Zoom.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you. Minority conference 8:30 tomorrow morning, Thursday, 8:30 a.m. via Zoom.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the

Assembly stand adjourned that we reconvene at 10:30 a.m., Thursday, May the 8th, tomorrow being a Session day.

ACTING SPEAKER HUNTER: Thank you. On Mrs. Peoples-Stokes' motion, the House stands adjourned.

(Whereupon, at 10:41 p.m., the House stood adjourned until Thursday, May 8th at 10:30 a.m., that being a Session day.)