

WEDNESDAY, MAY 8, 2025

12:34 P.M.

ACTING SPEAKER HUNTER: The House will
come to order.

Good morning, colleagues -- still morning --
afternoon.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the
Journal of Wednesday, May 7th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I move to dispense with the further reading of the Journal of Wednesday, May the 7th, and that the same stand approved.

ACTING SPEAKER HUNTER: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, and colleagues that are in the Chambers, as well as the guests that we have here.

I have a quote today. This one is coming from Kay Lyons. She is an author of multiple books. Her words for us today: *Yesterday is a cancelled check; tomorrow is a promissory note; today is the only cash you have. Spend it wisely.*

Madam Speaker, members have -- may I have members' attention so we can announce what -- how we're gonna go about today. We have on our desk a main Calendar. Before you do any housekeeping or introductions, we're gonna be calling for the follow committees to meet: Ways and Means, and that will be followed by Rules. These committees are going to produce an A-Calendar, which we will take up today.

As we continue to move forward to the adoption of our State Budget, we expect a very busy and productive day ahead. I want to thank my colleagues for their continued patience and cooperation.

And I also would like to acknowledge that the white

smoke has gone up.

(Cheers)

And soon we will know. Soon we will know who our -- the new Pope would be.

Madam Speaker, we're gonna begin our floor work by taking up a Calendar Resolution by Mr. Santabarbara. We're commemorating the Assembly's Legislative Disability [sic] Awareness Day. That's the general outline of where we're going today. You can please begin by calling the Ways and Means Committee to the Speaker's Conference Room.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ways and Means Committee to the Speaker's Conference Room. Please meet Chair Pretlow in the Speaker's Conference Room. Ways and Means Committee meeting.

We have no housekeeping this morning, but a few introductions.

Ms. Romero for the purposes of an introduction.

MS. ROMERO: Thank you.

On behalf of my colleagues Assemblymember Steck, Assemblymember Santabarbara and Assemblymember McDonald, I'm honored to recognize Girls Inc. today on the floor.

Girls Inc. of the Greater Capital Region is a nationally-recognized nonprofit organization dedicated to inspiring all girls to be strong, smart, and bold through direct service and

advocacy.

For over 85 years, Girls Inc. of the Greater Capital Region has empowered girls through programs focused on education, health and leadership. The organization uses mentorship, research-based programming and advocacy to encourage girls in the Capital Region to pursue their dreams, break barriers, and develop independence.

Focused on gender equity, access to STEM education, and providing leadership opportunities for young woman [sic], Girls Inc. is paving the way for the next generation of female trailblazers.

We're joined today by Ava McKnight, Juanjago -- Juangago Wayo, Shilo Sun Casilla and Autumn Marie. And I hope you will join me today to recognize the organization's dedication and impact on young -- young women's lives and afford them all the cordialities of the House. These women are bright and brilliant young woman [sic] and I'm honored to recognize them here today.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Ms. Romero, Mr. Santabarbara, and the Speaker and all members, we welcome you, young women, from Girls Inc., the Greater Capital Region. Continue to stay strong, smart and bold. We welcome you to the Chamber, extend the privileges of the floor to you. Hope you enjoy our proceedings today.

Thank you so very much for joining us.

(Applause)

Mr. Raga for the purposes of an introduction.

MR. RAGA: Thank you, Madam Speaker.

Today I'm -- I'm so honored to help welcome back community members of the Nepali community. Not just from Assembly District 30 in Queens, but across the State here as our -- as we help celebrate our 2nd Annual Nepali Community Day here in the State's Capitol here in -- in -- in Albany.

These community leaders are here to meet with lawmakers, elevate their legislative and policy priorities, and ensure the voices of Nepali Americans across the State are heard and represented.

Their presence reflects a growing movement of engaged constituents who are committed to contributing meaningful -- meaningfully to the policies that shape their very lives.

Today we proudly acknowledge their -- their work in the community, but also when they bring with them their cultural traditions, strong family values, and vibrant entrepreneurial spirit. They're also enriching the neighborhoods from New York City to the Capital Region, so all corners of New York State. Their contribution to the State's economic, cultural, and civic life are significant and worthy of such recognition.

Today we have community members representing dozens of their organizations across the State, not to mention the Magar Association USA; the Nepali Mandazi Community in Albany; Long Island Nepalese Society of New York; Kiera Rye (phonetic),

Society of America; the Gurotomo (phonetic) Society, Inc.; Gomo Samas America; the Federation of In -- Indigenous People of Nepal in America, or FIPNA; Minority Empowerment Network; and the New York City Nepal Community Media Network, as well the Gurotomo Society, Inc. and Tara Kishnan Foundation of America. These are community members that came all the way here in Albany to meet with their legislators and advocate for their community.

Please, Madam Speaker, if you can give them the cordialities of the floor.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Mr. Raga, the Speaker and all members, we welcome our Nepali community members here today. Welcome you to the Chamber, extend the privileges of the floor to you. Hope you enjoy our proceedings today.

Thank you so very much for joining us.

(Applause)

Mr. Burdick for the purposes of an introduction.

MR. BURDICK: Thank you, Madam Speaker.

It is my honor to recognize several distinguished guests joining us today for Legislative Disability Awareness Day, each of whom assists me in my work on the New York State Assembly Standing Committee on People with Disabilities; each a powerful voice for families and individuals with developmental disabilities across New York State.

So I'd like to introduce Katy Faivre, who's a family

advocate and State lead for the New York State Alliance for Developmental Disabilities. Katy plays a key role in coordinating Statewide efforts to elevate family perspectives in disability policy. She also serves on my advisory committee to assist me in my work on the Committee.

Shannon Levine, she's a disability advocate with -- also with the New York's Association of Developmental Disabilities [sic], and a very dedicated family member. Shannon brings inval -- invaluable insight as someone directly impacted by the issues we are working to address.

And lastly, but not least, is Simcha Weinstein, family peer advocate, author, Rabbi, and proud "Dadvocate." Simcha is a strong supporter of inclusive communities and family-centered advocacy. And both Shannon and Simcha have been very helpful in their advice to the work that we're doing on the Committee.

So, Madam Speaker, I would ask that you kindly welcome them to the Chamber and accord them all the courtesies of this Chamber.

Thank you so much.

ACTING SPEAKER HUNTER: Thank you.

On behalf of Mr. Burdick, the Speaker and all members, we welcome you here today to the Assembly Chamber. Thank you for advocating for our Legislative Awareness Disability Day [sic]. "Dadvocate", I like that. That sounds good. I think we're gonna be using that. We extend the privileges of the floor to you, and

hope you enjoy our proceedings today.

Thank you so very much for joining us.

(Applause)

Page 3, Assembly Resolution No. 455, the Clerk will read.

THE CLERK: Assembly Resolution No. 455, Mr. Santabarbara.

Legislative Resolution memorializing Kathy Hochul to proclaim May 8th of 2025, as New York State Assembly Legislative Disabilities Awareness Day.

ACTING SPEAKER HUNTER: Mr. Santabarbara on the resolution.

MR. SANTABARBARA: Thank you, Madam Speaker.

I rise today as Chair of the Assembly's Committee on People with Disabilities to speak in support of this resolution recognizing May 8, 2025 as New York State Assembly Legislative Disabilities Awareness Day.

This day is more than symbolic, it's a reflection of our values as a legislative Body. It's a reminder that inclusion, empowerment, and equal opportunity must be at the heart of our work; not just for some, but for all New Yorkers. People with disabilities and their families are vital members of our community. They are leaders, workers, neighbors students, advocates, and more. They contribute to -- to our communities in countless ways, and to our

State's success, often while navigating barriers that too many of us take for granted.

Today's resolution not only recognizes that contribution, but also affirms our responsibility to listen to their voices, elevate their priorities, and pass meaningful legislation that promotes integration, independence, and equality.

As part of today's recognition, we are advancing a legislative package that reflects the concerns of the disability community; bills that address access, inclusion, workforce support and quality of care. These are not partisan issues, they are matters of dignity and civil rights. Let this day serve as a call to action. Let us commit ourselves to building a New York where every person, regardless of ability, can live with a full promise of opportunity.

Thank you, Madam Speaker, for the opportunity to speak on this resolution and I encourage all of my colleagues to join me in supporting it.

ACTING SPEAKER HUNTER: Thank you.

Mr. Anderson on the resolution.

MR. ANDERSON: Thank you, Madam Speaker, to speak on the resolution. I want to thank the sponsor and the Chair of the People -- Standing Committee on People with Disabilities here at the State Capitol for holding this day and introducing this resolution. As an individual that identifies with a disability, I think it's critical and important to ensure that we highlight the abilities of all New Yorkers and how they contribute to the success of this State.

I do want to just acknowledge some organizations in my district that are doing critical work with our individuals who live with autism. We have Perfect Pieces to the Puzzle [sic] and Trisha Bermudez, understanding in the Arverne community how important it is to recognize how students and young people and people across the spectrum who live with autism are a part of that perfect puzzle.

I also want to acknowledge Kami Agard, who is a part and the leader of Rockaway Beach Families for Autism [sic]. These are individuals that are seeing the importance of us lifting up our communities. And I'm also grateful for York EmpowerED initiative, which connects our students who live with disabilities to educational opportunities in higher education institutions such as York College, and I was proud to support them last year and will continue to support the efforts and the work that they do to support our students with disabilities.

Let's continue to highlight the abilities of folks, and not the disabilities. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Burdick on the resolution.

MR. BURDICK: Thank you, Madam Speaker, to give me the opportunity to speak on this resolution.

I first wish to thank the Speaker for each year holding Legislative Disability [sic] Awareness Day, offering the opportunity to move ahead on legislation to improve the lives of people with disabilities. And I also wish to thank Chair Santabarbara for his

energetic advocacy, zeal, and leadership in moving ahead.

We increasingly do recognize the ongoing work of making New York State a State that truly is accessible, inclusive and responsive to the needs of those with disabilities. But we also recognize that while progress has been made, much more needs to be done.

New Yorkers with disabilities are civic participants, as we saw today, for those who might've been down in the Well to see those who've come here to advocate for those needs. And they're across the entire spectrum; students, workers, voters, parents, professionals and our neighbors. But for too long, they have been forced to fight for rights others take for granted and to navigate institutions built on the assumption that disability is an exception, not a norm.

So, I am very proud to be a part of the effort to improve lives, and to be a member of the Committee on People with Disabilities since its inception in 2021, and I am dedicated to moving ahead with persistence and perseverance to do so.

Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker.

I appreciate the opportunity to honor the sponsor of this resolution. It's critically important, not just to all New Yorkers,

but across the nation. I also want to honor those disabled people who meet the challenges every day that most of us don't have to deal with, and not only do they meet them, they exceed at them.

And I'd also like to honor the West New York Independent Living Center [sic] that operates in my district. It's amazing work that they do with the people there to help train them for working, help them get through how to transport, help them find the right living situations. And it always makes me think that sometimes we look at people with a disability and think that they are unable to do things. That is not true. And just because you're disabled does not mean that you're not able to work and live a good quality of life.

So I want to thank all the advocates across the State that provide that necessary support and resources that our disabled community not only needs, but deserves.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

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, would you please put our House at ease?

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

(Whereupon, at 12:50 p.m., the House stood at ease.)

(Whereupon, at 1:16 p.m., the House was called back to order.)

ACTING SPEAKER HUNTER: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, colleagues have on their desk an A-Calendar. I would like to move to advance that Calendar.

ACTING SPEAKER HUNTER: Yes, ma'am. Thank you.

On a motion by Mrs. Peoples-Stokes, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, for the knowledge of the colleagues that are in the Chamber, it looks very potential that the next Cardinal [sic] will be Cardinal -- the next Pope will be Cardinal Robert Prevost. He's 69 years old, he's from Chicago, and would be the first American Pope if he's elected.

On that, Madam Speaker, we're going to be going right to Rules Report No. 183. Our Ways and Means Chair is ready.

ACTING SPEAKER HUNTER: Thank you.

Colleagues, we're gonna be on debate. If we could have some quiet, please? Thank you.

Page 4, Rules Report No. 183, the Clerk will read.

THE CLERK: Assembly No. A03006-C, Rules Report No. 183, Budget Bill. An act to amend the Education Law, in relation to Contracts for Excellence; to amend the Education Law, in relation to Foundation Aid; to amend the Education Law, in relation to the establishment of a Statewide dual enrollment program policy; to amend the Education Law, in relation to allowable transportation expenses; to amend the Education Law, in relation to universal pre-kindergarten and the Statewide Universal Full-Day Pre-Kindergarten program; to amend the Education Law, in relation to State aid adjustments; to amend the Education Law, in relation to the apportionment of moneys for school aid; to amend Chapter 378 of the Laws of 2010 amending the Education Law relating to paperwork reduction, in relation to extending the provisions thereof; to amend the Education Law and the General Business Law, in relation to requirements for zero-emissions school buses; to amend Chapter 756 of the Laws of 1992 relating to funding a program for work force education conducted by the Consortium for Worker Education in New York City, in relation to reimbursement for the 2025-2026 school year withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the Education Law, in relation to maximum class sizes for special classes for certain students with disabilities; to amend Chapter 82 of the Laws of 1995 amending the Education Law and other laws relating to State aid to school districts and the appropriation of funds for the support of government,

in relation to the effectiveness thereof; to amend Part C of Chapter 56 of the Laws of 2020 directing the Commissioner of Education to appoint a monitor for the Rochester City School District, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district, in relation to the effectiveness thereof; to amend Chapter 19 of the Laws of 2020 authorizing the Commissioner of Education to appoint a monitor to oversee the Hempstead Union Free School District and establishing the powers and duties of such monitor, in relation to the effectiveness thereof; to amend Chapter 18 of the Laws of 2020 authorizing the Commissioner of Education to appoint a monitor to oversee the Wyandanch Union Free School District and establishing the powers and duties of the monitor, in relation to the effectiveness thereof; to amend Chapter 89 of the Laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo Central School District, in relation to the effectiveness thereof; to amend the Education Law, in relation to creating safe harbors and a phase-in period for compliance with certain sections of such law relating to instruction at nonpublic schools; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend Chapter 121 of the Laws of 1996 authorizing the Roosevelt Union Free School District to finance deficits by the issuance of serial bonds, in relation to an apportionment for salary expenses; providing for set-a-sides from the State funds which certain districts are receiving from the

total Foundation Aid; providing for support of public libraries; and to repeal certain provisions of the Education Law relating to calculation of school aid (Part A); to amend the Education Law, in relation to establishing a universal free school meals program; and to repeal section 925 of the Education Law relating to the community eligibility provision State subsidy (Part B); to amend the Education Law, in relation to student use of internet-enabled devices during the school day (Part C); to amend the Education Law in relation to scholarships awarded to part-time students by the New York State Higher Education Services Corporation; to amend the Education Law, in relation to making conforming changes; to repeal Section 666 of the Education Law, relating to tuition awards for part-time undergraduate students; and to repeal Section 667-c-1 of the Education Law relating to the New York State Part-Time Scholarship Award Program (Part D); to amend the Education Law, in relation to Excelsior Scholarship awarded to students by the New York State Higher Education Services Corporation (Part E); to amend the Education Law, in relation to creating a New York opportunity promise scholarship (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the Private Housing Finance Law, in relation to reduction of taxes pursuant to shelter rent (Part L); intentionally omitted (Part M); to utilize reserves in the Mortgage Insurance Fund for various housing purposes (Part N); to amend Part N of Chapter 56 of the Laws of 2020, amending the Social Services

Law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part O); to amend the Social Services Law, in relation to certification of child care support centers to place substitute caregivers in licensed and registered child care programs (Part P); to amend the Social Services Law, in relation to improving infancy health by increasing public assistance allowances to certain persons (Part Q); to amend the Social Services Law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part R); to amend Part W of Chapter 54 of the Laws of 2016 amending the Social Services Law relating to the powers and duties of the Commissioner of Social Services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part S); to amend the Labor Law, in relation to revising the Healthy Terminals Act (Part T); to amend the Labor Law, in relation to limiting liquidated damages in certain frequency of pay violations (Part U); to amend the Labor Law, in relation to civil penalties for violations of certain provisions for the payment of wages (Part V); to amend the Labor Law, in relation to the civil penalties for violations of child labor laws (Part W); to amend the Labor Law and the Education Law, in relation to digitizing the process by which minors apply for employment certificates or working papers; and to repeal certain provisions of the Labor Law and the Education law relating thereto (Part X); to amend the Veterans' Services Law, in relation to annuity to be paid to parents, spouses, and minor children of service members

who died while on active duty; and to authorize the Commissioner of Veterans' Services to conduct an outreach program for the purpose of informing the public and persons who may be eligible to receive an annuity (Part Y); intentionally omitted (Part Z); in relation to requiring the submission of an annual report on the New York State Museum (Part AA); to amend the Labor Law, in relation to decreasing the length of the suspension period applicable to certain striking workers who seek to obtain Unemployment Insurance benefits (Part BB); to amend the Social Services Law, in relation to the maintenance of effort requirements of social services districts in providing child care assistance under the Child Care Block Grant (Part CC); to amend the Penal Law, in relation to evading arrest by concealment of identity (Part DD); to amend the Correction Law, in relation to merit time allowance and limited credit time allowance (Part EE); in relation to authorizing the Commissioner of Education to appoint a monitor to oversee the Mount Vernon City School District and establishing the powers and duties of such monitor; and providing for the repeal of such provisions upon expiration thereof (Part FF); to amend the General Business Law, the Real Property Law and the Administrative Code of the City of New York, in relation to providing expanded homeownership opportunities from the conversion of certain residential rental buildings to condominium status by property owners that commit to the stewardship of permanently affordable units and the preservation of expiring affordable housing inventory in the City of New York; and providing for the repeal of certain provisions upon

expiration thereof (Part GG); to amend the Public Housing Law, in relation to establishing the Housing Access Voucher Pilot Program (Part HH); to amend Section 2 of Chapter 868 of the Laws of 1975 constituting the New York State Financial Emergency Act for the City of New York, in relation to the effectiveness thereof (Part II); to amend the Public Authorities Law, in relation to establishing the City of Buffalo Parking Authority (Part JJ); to amend the Labor Law, in relation to increasing the maximum benefit rate for unemployment insurance (Part KK); to amend the Criminal Procedure Law, in relation to discovery reform (Part LL); and in relation to providing for the administration of certain funds and accounts related to the 2025-2026 budget, authorizing certain payments and transfers; to amend the State Finance Law, in relation to the administration of certain funds and accounts, in relation to the effectiveness thereof, and in relation to interest owed on outstanding balances of debt; to amend Part XX of Chapter 56 of the Laws of 2024, amending the State Finance Law and other laws relating to providing for the administration of certain funds and accounts related to the 2023-2024 budget, in relation to the effectiveness thereof; to amend the State Finance Law, in relation to the School Tax Relief Fund; to amend the State Finance Law, in relation to the Dedicated Infrastructure Investment Fund; authorizing the comptroller to transfer up to \$25,000,000 from various State bond funds to the General Debt Service Fund for the purposes of redeeming or defeasing outstanding State bonds; to amend the Private Housing Finance Law, in relation to

housing program bonds and notes; to amend the Public Authorities Law, in relation to the issuance of bonds and notes by the Dedicated Highway and Bridge Trust Fund; to amend the Public Authorities Law, in relation to the issuance of bonds and notes for City University facilities; to amend the Public Authorities Law, in relation to the issuance of bonds for library construction projects; to amend the Public Authorities Law, in relation to the issuance of bonds for State University educational facilities; to amend the Public Authorities Law, in relation to the issuance of bonds and notes for locally-sponsored community colleges; to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the issuance of mental health services facilities improvement bonds and notes; to amend Part K of Chapter 81 of the Laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds and notes to finance capital costs related to homeland security; to amend the Urban Development Corporation Act, in relation to the issuance of bonds and notes for purposes of funding Office of Information Technology Services project costs; to amend Chapter 329 of the Laws of 1991, amending the State Finance Law and other laws relating to the establishment of the Dedicated Highway and Bridge Trust Fund, in relation to the issuance of funds to the Thruway Authority; to amend the Urban Development Corporation Act, in relation to the issuance of bonds and notes to fund costs for statewide equipment; to amend the Public Authorities Law, in relation to the issuance of bonds for

purposes of financing environmental infrastructure projects; to amend Part D of Chapter 389 of the Laws of 1997, relating to the financing of the Correctional Facilities Improvement Fund and the Youth Facility Improvement Fund, in relation to the issuance of bonds and notes for the Youth Facilities Improvement Fund; to amend the Public Authorities Law, in relation to the issuance of bonds and notes for the purpose of financing peace bridge projects and capital costs of State and local highways; to amend the Urban Development Corporation Act, in relation to the issuance of bonds for economic development initiatives; to amend Part Y of Chapter 61 of the Laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of bonds and notes for the purpose of financing capital projects for the Division of Military and Naval Affairs and initiative of the State Police; to amend the Public Authorities Law, in relation to the issuance of bonds and notes for the purpose of financing the construction of the New York State Agriculture and Markets Food Laboratory; to amend the Public Authorities Law, in relation to authorization for the issuance of bonds for the Capital Restructuring Financing program, the health care facility transformation programs, and the essential health care provider program; to amend the Public Authorities Law, in relation to the issuance of bonds or notes for the purpose of assisting the Metropolitan Transportation Authority in the financing of transportation facilities; to amend Part D of Chapter 389 of the Laws of 1997, relating to the financing of the Correctional

Facilities Improvement Fund and the Youth Facility Improvement Fund, in relation to the issuance of certain bonds and notes; to amend the Public Authorities Law, in relation to funds for the Department of Health and financing through the Dormitory Authority; to amend the Public Health Law, in relation to the Department of Health Income Fund; to amend Chapter 174 of the Laws of 1968 constituting the Urban Development Corporation Act, in relation to personal income tax revenue anticipation notes; to amend the State Finance Law, in relation to certain revenue bonds; to repeal certain provisions of the State Finance Law relating to the accident prevention course internet, and other technology pilot program fund, relating to the required contents of the budget, relating to the deposit of receipts derived from certain indirect cost assessments and relating to the New York State Storm Recovery Capital Fund; to repeal certain provisions of the Urban Development Corporation Act relating to funding project costs for restoring State properties damaged as a result of Storm Sandy; and providing for the repeal of certain provisions upon expiration thereof (Part MM).

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: The bill that we will have before us is to enact major components of legislation that is necessary to implement the State Fiscal Year '25-'26 Budget as it pertains to the Education, Labor and Family Assistance budgets.

ACTING SPEAKER HUNTER: Mr. Ra.

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

ACTING SPEAKER HUNTER: Would the Chair yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The chair yields.

MR. RA: So, given that we now have some of the financial plan information, the financial plan information we've been looking for even though we still have many bills to come in terms of our appropriation bills, I -- I think now would be an appropriate time that we go through some of these general questions with regard to this budget and -- and the financial plan.

So to start, can you give us, on an All-Funds basis, the spending number and how that compares to last year's closeout and the Executive proposal?

MR. PRETLOW: Yes. This is a \$254.3 billion All-Funds budget, which is an increase of \$2.3 billion over the Executive's proposal and \$12.9 billion or 5.3 percent over State fiscal year '24-'25. This is largely attributed to commitments of \$792 million for Public Protection, \$650 million in Medicaid, \$621 million

in Human Services, \$297 million in School Aid, \$149 million for Higher Education, and \$207 million for other various programs.

MR. RA: Okay. Do we know how much this budget spends on a State operating fund base?

MR. PRETLOW: State operating funds is \$163.5 billion, which is an increase of \$2.3 billion over the Executive's proposal of -- and \$15.5 billion or 10.5 percent over State fiscal year '24-'25.

MR. RA: Okay. And then General Fund?

MR. PRETLOW: General Fund is \$126.6 billion, which is an increase of \$10.3 billion over the Executive's proposal, and \$18 billion or 16.5 percent over State fiscal year '24-'25. This money is mostly attributed to an \$8 billion payment in State Unemployment Insurance Trust Fund debt, and commitments to Public Protection, Medicaid, Human Services, School Aid and various other programs.

MR. RA: Okay. And then with regard to our out-year gaps or surpluses, what are -- what are -- well, as is required, this budget is balanced for this fiscal --

MR. PRETLOW: You mean the gap closing plan?

MR. RA: The -- the --

MR. PRETLOW: The enacted '26-'27 budget gap is estimated at \$6.7 billion. The Executive estimates the budget gap is 6.5-, so the enacted is \$192 million over the Executive's predictions. The enacted '27-'28 budget gap is estimated at \$10.5 billion, which is

\$700 million over the Governor's proposals. And the '28-'29 budget gap is estimated at \$11.7 billion, which is estimated at \$671 million over the Executive's proposals.

MR. RA: Okay. So the cumulative out -- out-year deficit at the time the Executive was about \$27 billion. So, in -- in total, do you know what it calculates out to in the enacted?

MR. PRETLOW: About 28.5 billion.

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

Now, I know that one of the -- actually, hold on one second. I'm gonna -- debt. Can you give me the debt outstanding and what the increase is from last year?

MR. PRETLOW: The debt outstanding for State fiscal year '26 is \$63.5 billion. You want '27 also, all the years? Fiscal year '27 is \$73 billion, fiscal year '28 is \$81.9 billion, fiscal year '29 is \$89.9 billion, and fiscal year 2030 is \$97.5 billion.

MR. RA: Okay. And how much do we have left under the debt cap for fiscal year 2026?

MR. PRETLOW: The debt cap for '25-'26 remaining is \$20.7 billion.

MR. RA: Okay. And the number you just gave me for 2030, is that when we get the closest to the cap and what -- how much they --

MR. PRETLOW: Yes, at 2030 we should be around (indiscernible) billion.

MR. RA: Okay. Thank you. And how -- how much

is the debt issuance of this budget?

MR. PRETLOW: Okay. The -- the supported debt issuance for this year is \$8.9 billion, which is an increase of 3.1 billion over fiscal year 2025.

MR. RA: Okay. Great.

In terms of the reserves, I -- I know we mentioned there -- the moving of money with regard to the Unemployment Insurance payment to pay off that debt. So where -- where's this budget leave us with regard to the reserve funds; the Economic Uncertainties Fund, the Rainy Day Reserve Fund and the Tax Stabilization Fund?

MR. PRETLOW: You're speaking after we disburse the \$8 billion?

MR. RA: Yes.

MR. PRETLOW: Okay. We're looking at Contingency Fund Reserve is \$8.138 billion, and the reserve for Economic Insecurity be \$3.347 billion, and the Undesignated Fund balance be \$9.615 billion.

MR. RA: And I know the Governor has -- has touted in recent years having the State maintain 50 percent reserve levels. I would assume that with that movement of the \$8 billion, that that number is dipping down. Is there any plan here to start to move back towards having that number to maintain a 15 percent reserve?

MR. PRETLOW: Well, the Governor's goal is to do the 50 percent reserve and we did have that. But the -- we in the

Legislature felt it more important that we reduce the Unemployment Insurance deficit that we had so we can go through with what we're intending to do, which is to raise the maximum on the Unemployment Insurance and -- and reduce the payments that many of our small businesses in the State of New York are being required to pay because of this \$8 billion deficit that the State had incurred due to the COVID-19 pandemic.

MR. RA: And is -- is the UI debt the only thing we're using reserve funds to pay? Are we using reserve funds for any other spending in this budget?

MR. PRETLOW: As far as I know, we're only using it for the Unemployment Insurance debt.

MR. RA: Okay.

And there was a short-term liquidity proposal in the one-House -- I'm sorry, in the Executive that we've seen in the past that the one-House rejected. Where -- where did we land on that proposal with regard to the enacted budget? That would be the \$3 billion short-term liquidity financing.

MR. PRETLOW: I believe we ended up there, but at \$3 billion for one year.

MR. RA: Okay. And is -- is anything accounted for in the financial plan with -- with the need to use this authority?

MR. PRETLOW: No.

MR. RA: Thank you.

Lastly, I just want to get into -- and I think we'll have

probably more extensive conversations with regard to this in the appropriation bills -- but what are the initiatives being done with regard to dealing with potential Federal cuts in this budget?

MR. PRETLOW: We're really not addressing potential cuts, because like I said yesterday in our debate, that I'm depending on our colleagues in the United States Congress to fight back with those onerous cuts that we hear, I'm calling them rumors right now. And if, in fact, they fail us, then we may be required to do something in the future to adjust the current budget before us.

MR. RA: Okay. But we -- we are going to be seeing in the appropriation bills some authority for the Department of Budget [sic] to make adjustments?

MR. PRETLOW: Yes, just for the things that we know are going to happen.

MR. RA: Okay. Thank you. All right. I think that's it for the general financial plan questions. So, I'm gonna just move on to this particular budget bill. Thank you for -- for answering those -- those questions.

So, I want to start with, you know, one of the things that is -- well actually, generally speaking, it's -- it's always good when education is in ELFA. We've had many times that education has -- pieces have found their ways into -- to other bills without ELFA. So, let's start with regard to education funding, Foundation Aid. We went through an exercise as the result of last year's budget to do -- to have the Rockefeller Institute do a study and come back with -- with some

information to the Legislature. The Governor in her Executive budget proposal took some pieces of that in her proposal, but certainly not anywhere near all of them. Where did we end up in terms of changes to the Foundation Aid formula to this budget?

MR. PRETLOW: Well, the -- the total cost is going to be \$37.6 billion. That's an increase of 304 million over the Executive and 1.7 billion over the prior year.

MR. RA: Okay. Did we --

MR. PRETLOW: (Indiscernible) foundation -- I'm sorry, the Foundation Aid breakdown is \$26.4 billion. That's \$1.4 billion over the '24-'25 school year and \$119 million over the Executive.

MR. RA: Okay. Did -- does the enacted budget accept the Governor's changes to the Foundation Aid formula?

MR. PRETLOW: The Legis -- the Legislature accepts the Governor's formula changes with some small exceptions. Would you like the exceptions?

MR. RA: Sure.

MR. PRETLOW: Okay. The -- we're replacing the census poverty data in small area income quality estimates, and we're accepting -- we're replacing the free and reduced-priced lunch for the economically-disadvantaged students. We're accepting an Executive change increasing the State sharing ratio maximum from .91 to .93 percent, and we're accepting the Executive's change of a 2 percent minimum increase. We're accepting the second-tier State funding

share ratio at .628 as -- of the Executive proposal of 6.15 -- I'm sorry, 6.16. We're increasing the Westchester regional cost index to 1.351, which is actually costing \$19.5 million of increase to the Westchester school districts. And we're increasing the English Language Learners weight ratio from .50 to .53 percent, which amounts to \$51.5 million.

MR. RA: Okay. So, one of the Rockefeller Institute recommendations was replacing the current English Language Learner weighting of 50 cent -- 50 percent with a scaled adjustment based on instructional service hours needed. So, how does -- how does what we've -- we've done with regard to ELLs compare to -- to that recommendation?

MR. PRETLOW: We're taking a look at all of the years and we're taking the highest year and using that as a guide for the distribution to all.

MR. RA: Okay. And during the negotiations, there was also some talk regarding a Rockefeller Institute recommendation to update how adjusted Foundation Aid amount is calculated. We don't have that in this budget, correct?

MR. PRETLOW: No.

MR. RA: And when the Executive Budget was released, my understanding that -- was that there were approximately 24 districts, which included New York City, whose Foundation Aid increase was smaller than it would've otherwise been due to changes made to the poverty count data. Based on the changes in the final budget, do we know how this compares, how many districts will

receive a smaller Foundation Aid increase than they would have if we -- if we kept the current poverty count data?

MR. PRETLOW: I believe that's 18.

MR. RA: Thank you.

The BOCES aidable salary increase. Obviously, something that so many of us have talked about for years. Many thought we'd never see the day, so kudos for -- for that to -- to everybody who's advocated for that. Does this increase the aidable salary cap to all BOCES employees or just CTE instructors?

MR. PRETLOW: I believe it's all.

MR. RA: Okay. And am I correct we are -- we're waiting until the 2026-'27 school year to begin the phase-in?

MR. PRETLOW: Yes.

(Buzzer sounds)

ACTING SPEAKER HUNTER: Are you gonna take your second 15?

MR. RA: Yes, Madam Speaker, thank you.

ACTING SPEAKER HUNTER: Okay.

MR. RA: So, it won't begin in the school year that starts this fall --

MR. PRETLOW: No.

MR. RA: -- it will be the following school year.

MR. PRETLOW: Next -- next school year.

MR. RA: And then it is a three-year phase-in?

MR. PRETLOW: Yes.

MR. RA: Up to 60,000, correct?

MR. PRETLOW: Yes.

MR. RA: Okay. Thank you.

Do we know what the annual fiscal impact of increasing the aidable BOCES salary cap during this phase-in period will be?

(Conferencing)

MR. PRETLOW: Okay. That was not determined right now, we'll look at that when we do -- doing next year's school budgets.

MR. RA: Okay. Thank you.

UPK. There was a -- a report from SED in December on streamlining the UPK program which highlighted that many districts are leaving a portion of their UPK allocations unspent because the State reimbursement rate falls well below the prevailing market rate for comparable childcare slots. Have we made changes to the UPK program and -- and its funding?

MR. PRETLOW: We had talked about it, we have not made any changes in this school fiscal year, and discussions are ongoing.

MR. RA: Okay. So, the -- the aidable amount would -- will remain the same as it has been?

MR. PRETLOW: Yes.

MR. RA: Thank you.

The zero-emission school bus issue. Can you go

through the changes there with regard to the zero-emission school bus mandate?

MR. PRETLOW: Okay. In our current proposed budget before us we're providing up to two extensions of up to 24 months each to school districts that are unable to meet the 2027 mandate to purchase only zero-emission buses, and we're requiring any entity selling zero-emission buses to districts or contractors to provide -- providing transportation services to New York, to provide independent range estimates to such buses prior to their sale.

MR. RA: Okay. Does this budget include any additional funding to help offset the cost for school districts in purchasing these buses?

MR. PRETLOW: There is some funding in the Capital budget.

MR. RA: And can you explain the change that we're making to the transportation aid formula in terms of reducing aid for zero-emission school bus purchases that are subsidized by environmental vouchers?

(Conferencing)

MR. PRETLOW: Okay. We just have a technical change that's conforming with current practices.

MR. RA: Okay. And then there is -- the independent range estimate provision requires zero-emission school bus sellers to retroactively provide range estimates to customers if they -- if they have a range estimate after January 1st, 2026 for any model of bus

sold. Is there a cutout for how far back the sellers (indiscernible/cross-talk) --

MR. PRETLOW: Well, in New York it is not retro -- it is not retroactive, it's -- we'll use the current.

MR. RA: Okay. Thank you.

Substantial equivalency. This has been an often talked-about topic. It's something that we've heard pop up in previous budgets, previous end-of-sessions. Can you explain the changes we're making with regard to the substantial equivalency standard for non-public schools?

MR. PRETLOW: Okay. Well, what this legislation does is codify seven pathways for a school to, you know, come under a substantial equivalency for non-public schools to achieve substantial equivalency. The pathways include a non-public high school that is registered with the Board of Regents or a non-public school with a registered high school, a State-approved private special education school or certain State-operated or State-supported school, accredited or provisional accreditation, participation in the International Baccalaureate Program, a non-public school with instruction that is approved by the U.S. government for instruction on a military base or academy, and there are also two pathways using year-end summarative [sic] or cumulative tests in the same subject areas and grade levels as New York State Testing Program test with the phase-in period ending in 20 -- in 2032 and 2033 school years.

MR. RA: And my understanding is a lot of these are

currently pathways that -- that are utilized. So, it seems really the largest change would be not having the local entity like the BOCES or that would certify the non-public school, correct?

MR. PRETLOW: Well, that -- that option still exists in regs.

MR. RA: Okay. Thank you.

(Indiscernible) cell phone ban. How does this proposal or this provision in the enacted budget differ from the Governor's proposal which many districts felt was, you know, lacked the flexibility to -- to allow them to decide locally how to implement this?

MR. PRETLOW: Well, I believe this is a bill to bill ban on cell phones in public schools or in all schools, and the districts themselves can determine what meth -- methodology they use to achieve that.

MR. RA: Okay. Does -- does it --

MR. PRETLOW: And that will be in consultation with the local people.

MR. RA: Well, that's what I was gonna -- so -- so what local participation and local discussion is required by this bill for when -- when a district is adopting it to engage with teachers, parents, students as they're coming up with what their policy is gonna look like for their particular buildings?

MR. PRETLOW: Well, that will be like an employee organizations, you know, such as unions and parent organizations like

the PTA.

MR. RA: Okay. But the -- the provisions still --

MR. PRETLOW: And the -- and the students will also have some participation, if I failed to -- to mention.

MR. RA: But -- but do the provisions require explicitly a formal stakeholder engagement process?

MR. PRETLOW: No, the process isn't outlined in this proposal.

MR. RA: Okay. I think that's it for -- for lower education.

Higher Education. We have the Opportunity Promise Scholarship for community colleges, which would provide grants for tuition, fees, books and supplies to SUNY and community college students age 25 to 55 pursuing an associate degree in high-demand subjects. So, I know the original proposal talked about specific high-demand subjects. Does this -- is this the same language or does it differ from that?

MR. PRETLOW: No, we're using the Governor's proposal language.

MR. RA: Okay. Does -- does it allow for that list to be expanded in any way other than statutorily?

MR. PRETLOW: Yes, it does.

MR. RA: And who would that be at discretion of, SUNY or...

MR. PRETLOW: The Department of Labor.

MR. RA: Do we have any sense of how many students are expected to benefit from this new scholarship?

MR. PRETLOW: I -- I hope many, but I don't -- that actual be sub -- subject to appropriation.

MR. RA: Okay. Do we -- do we have any sense with regard to this or does the language say anything if the Department of Labor were to change this list is -- is -- once a student is given this scholarship, does the student have it through the end of their program even if there was, say, a change by the Department of Labor that they decided a field was not as in demand as it had been before?

MR. PRETLOW: No, the student will maintain it for the entire two-year period.

MR. RA: Okay. Great. And am I correct, because it provides for all of these different, you know, tuition, fees, books, it's -- it's not the type of scholarship we've seen like the Excelsior that you have to exhaust any other types of aid that you may be eligible for before you can utilize it? And the eligible student, if you're in a program -- if you meet the age requirements and you're in a program in one of these fields, you're eligible?

MR. PRETLOW: Well, you'll still be required to apply for other aid, but this will fill in whatever gap is there if you don't receive that other additional aid.

MR. RA: Okay. And is it anticipated that -- you know, presumably these are subjects that there is going to be good job opportunities for these students after they finish. Is it anticipated that

the Department of Labor would work alongside these -- the community colleges to partner -- to really match with potential employers for job placement after graduation?

MR. PRETLOW: Well, that -- that is the goal and, you know, right now the high demand fields for the '25-'26 academic year are included, but not limited to, advanced manufacturing, technology, cyber security, engineering, artificial intelligence, nursing, and allied health professionals -- professions, I should say -- greens and renewable energy, and pathways to teaching in shortage areas. The list of fields can be updated by the Department of Labor annually thereafter.

MR. RA: Okay.

Totally different topic area. The childcare substitute pool. This was a proposal we saw in the Executive Budget, obviously there are other childcare proposals or funding within this budget. How does this proposal compare to the Governor's proposal? Is this the Governor's proposal or is it different?

(Conferencing)

MR. PRETLOW: Okay. I'm told that the only difference is we have a nonprofit running the pool rather than a private company.

MR. RA: Okay. And how will OCFS decide which resource and referral programs to certify as childcare support centers to facilitate the placement of substitutes?

(Conferencing)

MR. PRETLOW: Okay. These R&Rs already exist and they will work throughout the State.

MR. RA: Do we have a specific appropriation with regard to creating the substitute pool?

MR. PRETLOW: Three million dollars.

MR. RA: Three?

MR. PRETLOW: Yes.

MR. RA: Thank you. And how -- do we know how this will work with regard to the workers? They will -- will they be paid directly by any employer that they're assigned to through the substitute pool?

MR. PRETLOW: Yes.

MR. RA: Okay. And is there any plan with regard to offering guidance for these individuals given that they may be now getting paid by numerous different employers in terms of dealing with tax implications and ultimately doing their -- their taxes at the end of the year?

MR. PRETLOW: Yeah, there is half-a-million-dollar carveout that's gonna be used for technical assistance.

MR. RA: Okay.

I -- I -- the last thing I want to quickly ask about, because I'm running out of time, is the mask ban.

MR. PRETLOW: Sorry, I didn't hear you.

MR. RA: The mask ban. So, do you know how this compares to -- as -- as you recall a few years back, we repealed a

longstanding State statute with regard to masks during the pandemic. How does the level of a Class B misdemeanor compare to that law that had previously been on the books in New York State? Is it the same level of crime, is it less? Is it higher?

MR. PRETLOW: Mr. Ra, I'm gonna defer that question to my colleague Mr. Jeff Dinowitz to answer.

MR. RA: Sure.

(Pause)

MR. DINOWITZ: Okay. Well, the old law is very different than this law. And, by the way, it is not a mask ban, it never was a mask ban that we were talking about. And the people this year who were calling it a mask ban were either wrong because they didn't know what they were talking about or they were just plain out -- plain out lying. So, this is not a mask ban. The old law prohibited masking, and in part it was because of things like white hoods, but not only that. This is a little different. It -- it goes at it from the point of view that if you're committing a crime -- if you're committing a crime while masked, that's an additional penalty, or if you're masked and then are committing a crime, which is kind of the same thing. Or if you're running away from a crime, fleeing a crime, that's where this comes in. So, for example --

ACTING SPEAKER HUNTER: Thank you, Mr. Ra.

MR. RA: I'm out of time. Thank you, Mr. Dinowitz.

ACTING SPEAKER HUNTER: Mr. Tague.

MR. TAGUE: Thank you, Madam Speaker. Would

the Chair please answer a few questions? You won't have to refer to Mr. Dinowitz or Mr. Lavine, I promise. This is gonna be short and sweet.

ACTING SPEAKER HUNTER: Mr. Pretlow, will you yield?

MR. PRETLOW: Yes, I do.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. TAGUE: About four weeks ago, you and I had a discussion at the very beginning of this process.

MR. PRETLOW: Yes, sir, and I made a prediction and lo and behold it came to fruition.

MR. TAGUE: Well, I think it was my prediction that we would have white smoke at the Vatican before Albany. And we have Pope Leo XIV. What a great day to be a Catholic, what a great day to be an American. But I just wanted to say, are we gonna continue the dark, gloomy smoke that's coming out of Albany, or are we going to have some white smoke, Mr. Pretlow?

MR. PRETLOW: White smoke.

MR. TAGUE: Thank God.

(Laughter)

Thank you, as always, Mr. Pretlow. But I wanted to make sure for the record that we knew that I made this prediction about four weeks ago, and thank you so much.

Madam Speaker, thank you, and let's get this budget done, folks.

ACTING SPEAKER HUNTER: Thank you, Mr. Tague.

Mr. Smullen.

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

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SMULLEN: Thank you.

Mr. Pretlow, I'd like to do a little bit deeper dive into something that's very important to the rural areas of Upstate New York and that's the electric school bus mandate. You said previously to my colleague that we'd come to a -- perhaps a two-year pause or up to a four-year pause. How did we get to two or four years? Why not ten years?

MR. PRETLOW: This was the result of the negotiation between the Legislature and the Executive, and this is what we settled on.

MR. SMULLEN: So, was the input of the various school organizations -- I've -- I've read all the memos, and universally across all of the organizations that represent public schools, particularly in regards to this mandate, they were urging that it be paused. And, in fact, was there a discussion that it actually be given as an opt-out ability for schools to be able to say, *Look, we're not*

ready for this. Can we opt out of it? Was that discussed in your negotiations?

MR. PRETLOW: I'm really not sure whether that was discussed as I was not in that room. There are a lot of issues having to do with the mandate on the electric school buses. I'm pretty sure that many stakeholders did submit information to the individuals doing the negotiations and is this what came out of the final -- this is the final result of the negotiations on the -- extending the deadline on enacting (indiscernible).

MR. SMULLEN: Well, I would certainly hope that the listening continues, because this two-year pause, while beneficial in the -- in the short-term because this mandate was supposed to take place in 2027, it's something that's -- that the technology isn't ready for it. What is your -- what is your estimate right now of the costs that the these public schools will have -- across New York State will have to expend for these electric school buses if they fulfill the mandate in two or four years? What's the cost estimates from your --

MR. PRETLOW: Well, each school district would be different, but my estimate is that a school -- electric school bus costs -- costs at least twice as much as a regular diesel one, so I would think that their expenses would at least double.

MR. SMULLEN: Yeah, so thank you for at least saying it would double. It can be sometimes between two or three times the estimates that I've been given. And what we've also learned is that this could cost between \$8- and \$15 billion, particularly

onerous for the rural school district. This is a matter of rural equity.

I did a very unscientific poll of the districts in Upstate New York, and universally they said that if they were allowed to opt out they would actually do so because the technology isn't ready, they don't have the money for it, and they also don't have the infrastructure that goes along for it.

Have there been any estimates on the State? I see that we are finally getting around to requiring the bus companies to give a good faith estimate of what the performances of their buses. But have we gotten any estimates on what it would cost to upgrade the electrical infrastructure of all the school districts in New York State to comply with this mandate?

MR. PRETLOW: That is not part of this proposal. There is money, I know, in the Capital part of the budget to do some of that, but I think the expenses that will be necessitated by full implementation of the electric school buses will be tremendous.

MR. SMULLEN: And -- and that would be some sort of Capital aid in -- in -- in school budgets --

MR. PRETLOW: Yes.

MR. SMULLEN: -- not transportation aid, correct?

MR. PRETLOW: Well, it would probably fall under -- it depends if the school district has their own buses or if they use a service.

MR. SMULLEN: Well, either way the taxpayers are going to pay for it through increased lease costs -- lease costs or

they're gonna buy the buses themselves. So, the -- the taxpayer is going to have to pay for it through the school budget one way or the other. That's a -- that doesn't matter which -- which financial scheme you have. But what -- what the actual cost is for the electrical infrastructure. Because I'm getting estimates, and this is from a lot of rural areas, that the actual charging infrastructure, the grid doesn't have the ability to provide that electricity. So, would the -- the cost of upgrading the grid, would that be included in the electric school bus mandate costs?

MR. PRETLOW: Well, if they upgrade the grid those costs would be on the providers of the electricity. I guess that's why --

MR. SMULLEN: So -- so it would have to go to the Public Service Commission and --

MR. PRETLOW: Yes.

MR. SMULLEN: -- get an increase in what they can charge in order to pay for the upstream costs of those charge -- that charging infrastructure.

MR. PRETLOW: Well, I think it's more than just what they charge for it, it's the actual -- the actual production of the electricity. I don't think that we have the capacity at this point to produce enough electricity to even put into these chargers.

MR. SMULLEN: You're right, we don't have the ability to produce that electricity, and that would be a great reason for extending this moratorium on this mandate up to at least ten years to

be able to say, *Look, until we know that the grid is ready to be upgraded to be able to charge these buses across New York State, two years isn't enough, four years isn't enough.* Let's actually do a cost-benefit estimate of what it would cost to upgrade the grid and then take the cost of the school buses in current year terms and actually cost them out and see what the -- what the taxpayers can bear. Because what is the estimate that the State is gonna pay for transportation aid for these electric school buses for our -- for our schools?

MR. PRETLOW: Well, I'm pretty sure this goes by percentage and a percentage is determined by the need of the districts; how many students are being transported, how far they're being transported. Some districts receive 20 percent reimbursement for costs, some receive 90 percent, depending on what the district is and where -- and where they are. I don't see that percentage changing because we're changing the type of buses that are being used.

MR. SMULLEN: Well, actually this is an additional cost, so transportation aid would have to increase. So what is that amount that the State is going to put into the transportation aid in the out-years to be able to pay for these buses?

MR. PRETLOW: Well, like I said, it'll (indiscernible) -- it will probably be the same percentage that they're getting now reimbursement for transportation aid. Some districts are receiving 20 percent, some districts are receiving up to 80 percent reimbursement for transportation costs. It all depends on the district,

the number of students being transported, the distance of the -- the aggregate distance that the buses have to travel to pick up their students.

MR. SMULLEN: Sure. But this is -- just -- just for the record, this is an \$8- to \$15 billion additional cost. Right now school districts only get about a billion dollars of transportation aid. So, when the State requires this mandate and then doesn't provide State money to actually pay for it, then the local property taxpayers have to pick up the bill. And unfortunately in rural areas -- and -- and this is what the rural equity problem is here, is that they have to choose between educational programs that is actually providing program to schools, or paying for these additional mandated transportation costs. And that's what's particularly frustrating and why, you know, I think we ought to extend this well out into the future until the grid is ready, until the technology is ready for the actual buses.

I did want to talk about the truth in advertising for -- for bus manufacturers. We've actually recently lost one of the bus manufacturers that was making these things. How many buses are made each year to be able to respond at this demand signal from rural -- or from -- from schools to be able to buy these buses? Are there enough buses out there right now to be bought?

MR. PRETLOW: I don't know the size of the market for school buses.

MR. SMULLEN: Yeah. I -- I'm -- I'm very

concerned about that because --

MR. PRETLOW: Well, there is a waiver that if buses aren't available, districts wouldn't be forced to purchase districts [sic] from faraway places.

MR. SMULLEN: And that would be unfortunate because when the supply can't respond to the demand signals -- this is basic economics -- then costs go up. So we might -- and that might not even be two times as much, three times as much, four times as much, we're just gonna get ourselves in to a -- a very double bad predicament for our school districts. Okay. Just -- that's -- that's it for electric school buses.

I just wanted to hit very briefly on the so-called free school lunch program. How much is this program actually gonna cost New Yorkers right now?

MR. PRETLOW: The school lunch total cost? \$340 million.

MR. SMULLEN: Is that in addition to what we're already paying, the 150 million that we're already paying, or is that the total cost?

MR. PRETLOW: No, that's the total.

MR. SMULLEN: Total cost. And where does that money -- how is it broken out in a percentage from -- one of the requirements of the program is that we bill the Feds for their share of their program. How much is that gonna be matched by Federal money?

MR. PRETLOW: There's probably around two -- well, I think the aggregate amount from the federal government is \$2 billion annually.

MR. SMULLEN: So, it is a significant amount, the --

MR. PRETLOW: Yes.

MR. SMULLEN: -- the amount of money that comes from (indiscernible) that, you know, the actual school lunch program. Where is this sourced material for those school lunches required by New York State? Where is it required to come from?

MR. PRETLOW: There is no requirement.

MR. SMULLEN: Is a certain percentage of it required to come from New York State farms?

MR. PRETLOW: It's not required.

MR. SMULLEN: Is there a goal?

MR. PRETLOW: I don't believe that was in the conversation. I know that we do promote New York products. And I'm pretty sure that districts would use local sources for their individual -- for their schools.

MR. SMULLEN: Great. Thank you very much. I really appreciate that sentiment, Mr. Chairman.

Madam Speaker, may I go on the bill?

ACTING SPEAKER HUNTER: On the bill, sir.

MR. SMULLEN: So, everyone knows that there's no such thing as a free lunch. Anybody that studied economics in any economic school in the western world. What we have here is we've

incrementally gone from a program where mostly students are -- would bring their lunches to school to now we're providing lunches to them. And, in fact, there's another provision in this budget for nearly Universal Pre-K. And we're getting ourselves to a system where our students from when they're three to four years old until they're 18 are gonna be eating certainly lunch, and if not that, then breakfast in our public school system. And one of the things that I wanna make sure that we get into the conversation, and I appreciate the Chairman's comments, is that that food be very high quality, very nutritious food which is gonna be the most beneficial to enable learning. If we as a society, as a -- as a people, are gonna pay for our children's lunches and soon their breakfasts from when they're from pre-K to when they're 12 years old, we ought to be having them eat good, nutritious, in my mind, New York foods. So, I would like to propose in this Body and -- and legislation, they should be our farms that provide our food for our schools, and that it be good New York products; dairy products, meats, cheeses, yogurts, beef, pork, chicken, fruits, vegetables. And that we need as a State, through our Department of Ag and Markets, to be able to incentivize New York farmers, small and large, to be able to provide these meals to our students. That would make some -- some sense of what we're trying to do here in this budget, which is to provide universal meals for our students in schools. That would benefit New Yorkers as a whole, and our students in particular.

On the electric school bus mandate, these have been

sold to us as a zero-emission school bus. The truth of the matter is, is that they're electric-powered school buses, and there is no such thing as a zero-emission school bus. The electricity to power them must be made somewhere. It must be transmitted from its point of generation to where the buses are, in this case stored outside because it's unsafe to keep them in a building, and then that electricity would be used by these school buses to move our kids back and forth to school. And the problem with the program that we've set up here in New York is that we've primarily shifted these costs on to all of the local taxpayers. That is primarily the local property taxpayers in each of the districts. And like -- like it's been said, New York is a big, diverse state. There are districts that have high wealth, and there are districts that have low wealth. And the requirement that's set by the State for a technology that is not ready -- in fact we have to now go to truth in advertising to say that these electric school buses are actually going to do -- we have to tell them to advertise correctly what they can and can't do so we can do good cost estimates, shows that this program, this technology, isn't ready for prime time.

A two-year moratorium is good, a four-year moratorium is better, a ten-year moratorium in which school districts could opt out of their own volition at the vote of their board of education would be the best way to go.

We've got a lot of work to do when it comes to implementing this technology in New York State, because we are a big, diverse State, it's not ready for prime time, and we must very

carefully consider how we spend our educational money. Because we as in New York -- as New York, spend more per capita than any other student [sic] in the United States than any other state. And I don't think we should increase that cost through an artificial program like the electric school bus mandate.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Lavine.

MR. LAVINE: Will the sponsor yield? And I do want to note, Chair Pretlow, that the questions that I have deal with discovery. So whether you will respond or Codes Chair Dinowitz will respond, I'm happy to speak with -- with either of you.

ACTING SPEAKER HUNTER: Mr. Pretlow, will you yield?

MR. PRETLOW: I might think that Mr. Dinowitz is well-versed in this subject matter and I will defer to Mr. Dinowitz.

ACTING SPEAKER HUNTER: Thank you. Mr. Dinowitz yields.

MR. DINOWITZ: Thank you. And Mr. Lavine, I'm happy to speak with you, but I'm not gonna be turning my head to look at you, if you don't mind. Except once.

MR. LAVINE: Not -- not to worry.

I'd like to turn to the amendments to the discovery laws made in this year's budget. Will the amendments alter a prosecutor's basic obligation to make reasonable inquiries to learn of

discoverable materials and disclose them to the defense?

MR. DINOWITZ: So, as I'm about to answer that I just wanted to make a few remarks first, if you don't mind, so we can then get into it.

So, as the federal government has its attempts to dismantle due process rights, usurp functions of the Judiciary, I believe New Yorkers have to protect due process and the integrity of our legal system. And that's something we're trying to do here today. Evidence sharing is fundamental to due process, and judges play a key role in ensuring that the laws governing discovery are properly implemented. The changes made to our discovery laws six years ago were made with those important principles in mind, and we've made sure that we have kept the underlying principles of the law we passed in 2019 intact. Robust evidence sharing with automatic discovery which is linked to the right of a speedy trial, and we've also codified the very important Court of Appeals decision in *People v. Bay* to ensure that the courts are empowered to consider the facts of each case and determine whether a prosecutor was diligent.

So in answer to your question, and I'm sure you all remember the question, no, the amendments to the statute will not alter the prosecutor's obligations to exercise due diligence to learn of and obtain and disclose all discoverable material.

MR. LAVINE: When we first made the reforms, and that was Kalief's Law, our intent was to ensure that the prosecutor obtained and disclosed all of the evidence in a case before they could

state ready for trial and stop the speedy trial clock, the Speedy Trial Law. This was meant to ensure that prosecutors cannot stop the speedy trial clock before they have spoken to all of their witnesses and gathered all of their evidence.

Do the amendments to the law, the present amendments to the law, change this fundamental promise?

MR. DINOWITZ: No. They do not change the fundamental promise. Prosecutors cannot stop the speedy trial clock until they've spoken to their witnesses and they've gathered and disclosed all of the evidence, just like before.

MR. LAVINE: None of the additions made to this Article change the rule that in order to state ready for trial, the prosecutor must have complied with all of their obligations under CPL Sections 245.50 sub 1 and 245.20. That's a question.

MR. DINOWITZ: Correct. The prosecutors are still required to comply with all of their discovery obligations before they can be deemed ready for trial.

MR. LAVINE: The amendments to the statute now instruct judges, quote, "In assessing a party's due diligence, the court shall look at the totality of the party's efforts to comply with the provisions of this article rather than assess the party's efforts item by item", unquote. Does this amendment still require the courts to consider the prosecutor's efforts as to each item that is belatedly disclosed or withheld?

MR. DINOWITZ: Yes. The courts must still

evaluate the prosecutor's efforts as to each item of evidence belatedly disclosed or withheld in order to determine whether the prosecutor's failure to obtain material was the result of lack of diligence. But the court's ultimate determination as to whether the prosecutor exercised diligence must be based on all of the prosecutor's efforts with respect to all of these items. So if the courts were to interpret this language otherwise, this could be read to permit substantial compliance, which is not our intent.

MR. LAVINE: According to the Court of Appeals decision in *People v. Bay*, that's B-A-Y, reasonableness and -- and diligence are the central questions for the court to consider when evaluating whether a prosecutor has fulfilled their discovery obligations. These amendments also add additional factors that appear to require an evaluation of the significance of the discovery or the harm caused by the belated disclosure. Is this meant to require a finding of prejudice to the defense?

MR. DINOWITZ: No. We add those factors to the list in order to lessen the possibility of judges dismissing cases for truly inadvertent or technical errors when the prosecution was otherwise diligent. In doing so, we seek to address concerns raised by the Governor while ensuring due diligence remains the central question for the courts.

MR. LAVINE: Let me pose an example. In *Bay*, the prosecutor failed to disclose several police reports and a 9-1-1 call recording before certifying compliance, prior to certifying compliance

with the statute. When a -- when questioned about the missing material, the prosecutor asserted that all material had been disclosed. These materials did, in fact, exist and were disclosed to the defense months later, just days before the start of the trial. The defense in that case could not establish that the belated, that the belated disclosure was prejudicial to the defendant.

Would the addition of the new factors change the outcome of that case?

MR. DINOWITZ: No. The new factors would not have changed the outcome of *Bay*. The court would have required to consider all of the factors we now list in the statute. And applying those factors to *Bay*, a prosecutor would not be deemed to have been diligent.

MR. LAVINE: Thank you, Mr. Dinowitz.

ACTING SPEAKER HUNTER: Thank you.

Ms. Romero.

MS. ROMERO: Thank you. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. ROMERO: Thank you, Mr. Pretlow.

My questions are also pertaining to the discovery modifications, so --

MR. PRETLOW: Then I -- I yield to Mr. Dinowitz.

MS. ROMERO: Thank you.

MR. DINOWITZ: So much.

MS. ROMERO: Thank you, Mr. Dinowitz. You don't -- you also don't have to turn towards me if you --

MR. DINOWITZ: (Indiscernible) sit next to me.

MS. ROMER: Yeah, thank you.

So, prosecutors are still required to make diligent efforts to learn of what evidence exists and then cannot certify compliance with their discovery obligations until they have provided all known material in their possession or the possession of the police, right?

MR. DINOWITZ: Yeah, that's correct. The prosecutors must make reasonable inquiries and diligent efforts to learn all of the material in possession of the police and then must disclose all of those items.

MS. ROMERO: And there were some minor amendments to the section of the statute that describes what a Certificate of Compliance must signify. After the exercise of diligence, prosecutors are now required to affirm that they have provided all known materials that they have obtained as opposed to all known material. Can you just clarify for us that we have not changed the rule that prosecutors are presumed to have obtained anything in the possession of the police?

MR. DINOWITZ: Right. Yes, that's correct. The prosecutors are deemed -- are presume to possess anything in the

possession of the police, and this was meant to clarify that if prosecutors have made reasonable inquiries and diligent efforts to learn of and obtain items outside of their own possession or control but have failed to obtain them, they are permitted to file a Certificate of Compliance.

MS. ROMERO: And just to put a point on it, Mr. Dinowitz, the phrase they have obtain -- they have obtained refers to evidence outside of the prosecutor's possession, custody or control.

MR. DINOWITZ: Right. It -- it -- the phrase only applies to items not in the possession of the prosecutor or the police.

MS. ROMERO: And there's also a new 35-day deadline for defense to challenge the Certificate of Compliance. What if a prosecutor files a Certificate of Compliance despite being aware that many items that are in the possession of the police have not yet been disclosed? Will the 35-day motion clock start before the prosecutor has obtained and disclosed these items?

MR. DINOWITZ: If -- if the prosecutor files their Certificate of Compliance before obtaining and disclosing no material in the possession of the police, then they are filing the certificate in bad faith. So in that situation the court would have good cause to extend the defense's deadline, and the extra time allotted would not be excluded from the speedy trial calculation.

MS. ROMERO: Thank you. That concludes my questions.

ACTING SPEAKER HUNTER: Thank you.

Mr. Durso.

MR. DURSO: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Does the sponsor yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Chair Pretlow. So I'm gonna jump around a little bit, so I apologize now.

One is first I wanted to say I'm also very happy and elated that the BOCES reimbursable aid will be in there this year. Glad to see that, thank you.

I did have a question about the charter school transitional aid. Will this change in any way that -- as of right now we seem to be having a problem with students that decide to go to a charter school or do go to a charter school with the money following them from the school district. But now if they are for some reason asked to leave the school, can't keep up or decide to go back to their original school, that money stays with the charter school for the entire year. So will this in any way change that, where the money will go back to the school district and not stay with the charter school for the entire year?

MR. PRETLOW: The money is not supposed to stay with the charter school.

MR. DURSO: We know it's not supposed to, but

(indiscernible/cross-talk).

MR. PRETLOW: The difference is that there are quart -- quarterly reconciliations, and what's supposed to happen is the charter school should send what the unused portion of the student's tuition that the public school sent to them back to the public schools. My understanding is they don't always do that, and I have been personally working on ways to make sure that that does happen. That's not really addressed in this budget right now.

MR. DURSO: It's -- it's not addressed?

MR. PRETLOW: Because -- because they're -- they're not obeying what current law is, so we're trying to find a way to enforce that.

MR. DURSO: But I'm saying -- it's not addressed in this budget, you're saying, correct?

MR. PRETLOW: No.

MR. DURSO: Okay. Thank you, sir.

So on the zero-emission school bus mandate extension. There's a portion in here that says, to receive a second extension, a school district must have at least engaged with NYSERDA in the initial and development of a fleet certification plan. Could you explain to me a little better what "engaging" would be and who is making that decision if they've properly engaged so they could get that second two-year extension?

(Conferencing)

MR. PRETLOW: Okay, the engagement has to do

with NYSERDA meeting with the school districts on an annual basis at least once a year.

MR. DURSO: So it's really just a meeting --

MR. PRETLOW: And SED approved that.

MR. DURSO: Okay. So it's -- it's not of they've already started to purchase zero-emission school buses. It's not even that they have the infrastructure set. It's that they have those meetings --

MR. PRETLOW: Yes.

MR. DURSO: -- and NYSERDA understands that there is a plan in place but they can't do it yet at that point?

MR. PRETLOW: Well, what the difficulties are in them getting to the -- the goal, which is, you know, 100 percent compliance.

MR. DURSO: Okay. And NYSERDA is strictly in charge of deciding who can get that second two-year extension?

MR. PRETLOW: Um, yes.

MR. DURSO: Yes? Okay.

Again, so just moving on to the universal free school meals. Again, been a big supporter of this and I -- I -- I'm very happy to see it in here. Just for clarification, this is for every student, correct? It doesn't go by socioeconomic background, it doesn't go by zip code or school district or anything. Every student in every school in New York State can receive free breakfast and lunch, correct?

MR. PRETLOW: Absolutely. Every school.

MR. DURSO: Thank you. And do they have to apply for it? Is there paperwork to fill out or it's an automatic?

MR. PRETLOW: Well, if every student in every school gets it, I don't know why it would be necessary to have a paper to be filled out. But if they do, then they would.

MR. DURSO: But we're not sure yet?

MR. PRETLOW: But this is a free lunch program. So when the school bell --

MR. DURSO: No, and I'm very happy --

MR. PRETLOW: When the bell rings and the students break for lunch they should go to the cafeteria and have lunch --

MR. DURSO: I agree.

MR. PRETLOW: -- and not have the requirement to do any other -- anything else.

MR. DURSO: I agree. I just wanted to see if we knew if there was some kind of an application process in place as of now. Because I know prior, you had to apply for those free school meal lunches. I just wanted to see now, do they still have to apply or is it just --

MR. PRETLOW: Well, they have to apply. I -- I think they have to apply because there has to be some notation made as if any students have food restrictions and that would be included in the application. Some have for religious reasons, some have for health reasons, foods that they can't eat. And if everyone went down

and no one knew who these children were and they had lunch, they may have adverse effects from the lunch that they received.

MR. DURSO: Okay. Thanks. Again, my concern with it, again, is that the possibly bullying aspect or people feeling uncomfortable asking for that. I don't want a student to have to fill out that paperwork. I wish and hope that it goes that if that child goes into school that day and unfortunately if their family's come on a hardship, they don't have money, they could get a free school lunch. Okay.

My next question is about the bell-to-bell bill here when it comes to the devices in the school. The plan is allowed to be set, correct, by each individual school?

MR. PRETLOW: Yes.

MR. DURSO: So there's no specifics on how it has to be done, it's just -- basically it's saying bell to bell kids cannot use their phones during class time.

MR. PRETLOW: Well, first, it's not every school setting, it's every school district setting it for the schools in that district.

MR. DURSO: Okay. But the overarching, the State bill that's going into this budget, right, is saying that bell to bell.

MR. PRETLOW: Yes.

MR. DURSO: Okay. Is there any funding included in this for those things so that they can, whether it's the Yondr pouches, lockers, anything like that, is there specific --

MR. PRETLOW: There's \$13.5 million included in

this budget.

MR. DURSO: For that specifically?

MR. PRETLOW: Yes.

MR. DURSO: Thank you, sir.

Next I am going to move onto the expanded recovery tools for stolen wages. Just a quick question. Again, I've been a big proponent of it. But is there any funding in the budget included for more hiring of investigators? The Department of Labor seems to have a problem getting enough investigators into the field to investigate these things and on our construction sites. So is there any funding in this budget at all, whether it's in this bill or another, so that they can hire more investigators and not say, *We don't have enough investigators in the field?*

MR. PRETLOW: Unfortunately, there's no funding in this budget for additional investigators.

MR. DURSO: So, how in your -- and just -- just a thought. How are they going to expand the recovery of these wages if they have -- they don't have more investigators, they don't have the proper people to do it?

MR. PRETLOW: Well, they have the proper people, they just don't have enough -- in my opinion they don't have enough. And I guess various -- or changes in the usage of time will help this. I know there is a lot of employees that are experiencing wage theft and they're afraid to come forward because they're afraid of retaliation from their employer that's stealing their salaries. More and more

individuals are coming forward, and I'm pretty sure that people who are working in the Department of Labor can be reassigned to this -- to a different area for this particular purpose and enforcing wage theft laws.

MR. DURSO: So I -- I noticed in other parts of the budget that there was hiring for specific departments, commissions, but there's no part of this budget saying that the Department of Labor is going to be hiring more investigators. I mean, we've heard the Governor say, *New York's open. We're hiring. If you lost your job with the federal government, you could come here and be hired*, but we're not hiring more investigators, correct? That we know of with the Department of Labor specifically.

MR. PRETLOW: Well, the -- the -- when we get the proposal from the Governor they would request an additional FTE, three FTEs or whatever, the proposal that we received did not include any requests for or any -- you know, any requests for additional inspectors. So we're generally not going to, in our one-House budgets, increase the staff of the Governor's budget. That's not our responsibility, so that wasn't done.

MR. DURSO: Okay. No problem. Thank you, sir.
Just two more questions.

Just to get an understanding of the merit time award for incarcerated individuals. When we're talking about -- it says, "Additionally, this program will enable the Corrections Commissioner to identify individual programs eligible for limited credit time

allowances provided that these programs are completed successfully within 18 months." So I just wanted to get an understanding. Is that for all those in prison that created -- that committed any crime? Is it for anybody that has a certain amount of time left that it'll go on to the back end? I just want to understand the process and what this actually does.

MR. PRETLOW: Okay. We're not changing who's eligible --

MR. DURSO: Okay.

MR. PRETLOW: -- and it definitely excludes violent criminals. We're talking about people basically that are in on drug charges and lesser charges with (indiscernible), but charges with long terms but definitely non-violent.

MR. DURSO: So non-violent criminals, correct?

MR. PRETLOW: Yes.

MR. DURSO: Now, is that for what their initial crime was or what it was pled down to? What they were incarcerated for.

MR. PRETLOW: I don't know that.

MR. DURSO: Okay. Just checking, I think I only have one more question for you, sir. Oh, yes.

When it comes to, we'll call it the mask bill, evading arrest by concealment of identity. My question is it states in here that -- and I'll just read it -- a misdemeanor -- wait, excuse me. I'll start over. This part creates the crime of evading arrest by concealment of

identity which will be levied against an individual in the course of the commission of a Class A misdemeanor or felony or any immediate fight thereof, such person wears a mask or facial covering with no other legitimate purpose other than to prevent their identification, apprehension or arrest at that time.

So my question would be, can you be arrest -- is it a -- I mean, in layman's terms, is it illegal, then, to wear a mask or is it an after charge? So if you're arrested for that misdemeanor, can then they tack on another charge because you were wearing a mask during it?

MR. PRETLOW: Well, Mr. Durso, I'm sure our -- our colleague Mr. Dinowitz heard that question and he will respond.

MR. DURSO: No problem, sir. Thank you.

MR. DINOWITZ: There has to be an underlying crime, so you're not gonna get arrested simply for wearing a mask, contrary to what some misleading people might say. You would have to be committing a felony or a misdemeanor, concealing your identity and then either committing the crime or trying to run away from the crime. Then you can be charged with an additional offense, which would be a Class B misdemeanor which, by the way, in reference to something was said earlier, the old law back before COVID was simply a violation.

MR. DURSO: Okay. So -- and again, not a lawyer. So a violation obviously it was not a misdemeanor it was lower, correct?

MR. DINOWITZ: Correct.

MR. DURSO: But now with this now legislation, a police officer could not stop somebody, correct, for wearing a mask? That itself -- that in itself is not a -- breaking the law, correct? It's only an add-on.

MR. DINOWITZ: Well, I -- yes, you could put it that way. A police officer should not stop somebody simply for wearing a mask. So if they're wearing one of these COVID masks or something else, you could do that. You always were able to and you will continue to be able to. But if you're concealing your identity by wearing a mask while committing a crime, then that could be an additional charge, a Class B misdemeanor.

MR. DURSO: Okay. So, just trying to understand this. It's an add-on, correct? So if you were wearing a mask while committing a crime, the secondary add-on or crime would be that you were wearing the mask while committing the crime, correct?

MR. DINOWITZ: Yeah. I mean, I don't like to think of it as secondary because I think the whole --

MR. DURSO: Well, I'm -- I'm just --

MR. DINOWITZ: -- you know what I'm --

MR. DURSO: -- for -- for lack of a better word, sir.

MR. DINOWITZ: Yes.

MR. DURSO: Okay.

MR. DINOWITZ: And that would -- could mean that you would -- if found guilty of these crimes, you can be -- have an

enhanced penalty. Or additional penalty, actually.

MR. DURSO: Right. So that was gonna be my question is if you were -- it's only if you are found guilty of the initial crime, right, that -- let's say it was armed robbery. I'm just throwing something out there. Again, not a lawyer, not a police officer. But you did it while wearing a mask. The initial charge would be for the armed robbery and the -- wearing a mask doing it would be secondary, correct? So --

MR. DINOWITZ: It would be additional.

MR. DURSO: Additional.

MR. DINOWITZ: I don't like to think of it as secondary. I think wearing a mask while doing bad things is --

MR. DURSO: Is bad.

MR. DINOWITZ: -- deserves to be prosecuted.

MR. DURSO: Sure. So but -- so a police officer could not stop someone if they think they may commit a crime. Or in other words, obviously we've seen a lot of protests that have turned violent, demonstrations that have gone violent, not gotten violent. But people are wearing masks, and I'm assuming that this is where the genesis of this is coming from. So in other words, it's -- the police officer really, right, has to wait for a crime to occur for then this to be -- to take effect because the wearing the mask is not a crime unless there was another crime.

MR. DINOWITZ: Yes. I mean, a police officer's not supposed to stop somebody --

MR. DURSO: No, I understand that.

MR. DINOWITZ: -- unless they have probable cause to believe that they're committing a crime. But let me give you a very specific example.

MR. DURSO: Sure.

MR. DINOWITZ: So yesterday a whole bunch of people totally covered with their faces, maybe had little eye holes, but they were totally covered and they broke into -- or -- or went into a, I guess, a library at Columbia University -- the hotbed of whatever -- and they were doing whatever they were doing. I think some of them caused damage, did things they were not supposed to do. Some of them undoubtedly, in my opinion, committed some crimes and -- and then they tried to leave and the police officers wouldn't let them leave until they showed their IDs and they were all saying, you know, *Let us out, let us out*. Well, you broke in, you shouldn't worry about getting out. But they could have been charged, I believe, with both the underlying crimes and the additional crime of wearing the mask, a Class B misdemeanor.

MR. DURSO: Okay. So those people that were there, right -- so you're saying they broke in? I don't know the whole story.

MR. DINOWITZ: But they went in. I don't know if they broke in, but they went in.

MR. DURSO: Okay. So the ones that actually physically committed a crime, right, while wearing the mask could be

charged with that initial crime and another crime of wearing a mask while committing that crime, correct?

MR. DINOWITZ: Correct.

MR. DURSO: People that were with them that didn't commit a crime, right, or didn't damage anything or anything else, can they be also arrested at that point for wearing that mask while they were with a group that was committing a crime to hide their identity?

MR. DINOWITZ: Well, first of all, not -- I assume not everybody was wearing a mask, so they can't be charged with a mask crime. But there might have been some people who weren't committing a crime, also.

(Buzzer sounds)

ACTING SPEAKER HUNTER: Thank you, Mr. Durso.

MR. DURSO: Thank you.

ACTING SPEAKER HUNTER: Ms. Cruz.

MS. CRUZ: Thank you, Madam Speaker. Will the sponsor yield for a couple of questions?

ACTING SPEAKER HUNTER: Does the sponsor yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. CRUZ: Mr. Pretlow, you can sit back down. These questions relate to discovery.

MR. PRETLOW: I yield your time to Mr. Dinowitz.

MS. CRUZ: Thank you, Mr. Pretlow.

Mr. Dinowitz, I have --

MR. DINOWITZ: Why is everybody behind me all the time?

(Laughter)

MS. CRUZ: My apologies. You don't have -- we already know how we look, so don't worry.

MR. DINOWITZ: Yes, we do.

MS. CRUZ: Mr. -- Mr. Dinowitz, we, as legislators, have a duty to protect people's constitutional rights. I want to focus my questions on how the amendments to this bill prevent New Yorkers from having their constitutional rights diminished. That includes the right to access favorable evidence.

This Conference has expressed a strong desire to ensure that the amendments made to change the prosecution's obligations to disclose records of police officers' misconduct. Do the amendments ensure that these documents remain discoverable?

MR. DINOWITZ: Yes. No change was intended in that section of the law. The Assembly championed the repeal of Civil Rights Law 50-a, and that was back in 2020 if I remember correctly. And in this same spirit we intend the police misconduct records, when there are such records, obviously, to be turned over to the defense as they are under the current statute.

MS. CRUZ: And the language that is currently in the opening paragraph of Section 245.20 subsection 1 was moved to the

first sentence of 245.20 subsection 1(k). Does this change anything?

MR. DINOWITZ: No. The use of this identical language was intended to maintain the discoverability of all items in evidence that are required by the current version of the law. All law enforcement officers called as witnesses who may have a history of misconduct should expect for all of their misconduct records, not just those arising from the instant case, to be disclosed by the prosecution. And this is consistent with the repeal of 50-a out of a desire for transparency and the longstanding position of the Assembly to ensure that the constitutional protections are afforded to a person accused of a crime the right to cross-examine and impeach the credibility of any prosecution witness remains intact.

MS. CRUZ: And to be clear, Mr. Dinowitz, our intent is for these records of misconduct to be discoverable regardless of whether they arise out of the instance -- the instant case?

MR. DINOWITZ: Yes. We don't intend to limit the disclosure of police misconduct records to allegations arising from the instant case. This is an absurd notion when you think about it, to interpret it that way. Our intent was and still is to ensure that the material that tends to impeach a witness, regardless of whether it directly stems from the instance case, be disclosed to the defense. This ensures that police witnesses are treated no differently than any other prosecution witness. In fact, such an interpretation would run afoul of the Constitution. In *Giglio* -- maybe it's *Gillio*, I'm not sure -- *v. the United States* 1972, the Supreme Court established that the

prosecution has a duty to disclose any evidence that could be used to impeach the credibility of a witness. And recently in the Second Department, they properly interpreted our intent in *People v. Coley*, which was decided just this past April 2nd. And as the *Coley* court properly observed, if we had intended to limit the discoverability of police with conduct records to those that arise from the instant case, we would have made that explicit, as we did in other subparagraphs of the subdivision.

MS. CRUZ: Thank you, Mr. Dinowitz.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. CRUZ: I stand as the sponsor of the Clean Slate bill, a bill that is -- that this House passed last Session and that further demonstrates the Assembly's resolute commitment to second chances and to moving our system forward.

I also stand as a supporter of our landmark 2019 reforms including Kalief's Law, which changed discovery requirements by creating a new Criminal Procedure Law Section 245 to outline 21 categories of automatic disclosure and that -- and in which created a process for the prosecution to certify their due diligence in complying with these disclosures. Most importantly, by coupling the automatic disclosure of obligations to the defendant's right to a speedy trial pursuant to Criminal Procedure Law Section 30.30, a defendant became -- now continues to be entitled to all the discovery related to their case before going to trial or taking a plea.

As almost 90 percent of cases are a result through a plea negotiation, the reform meant an end to what both prosecutors and defenders referred to as the "Blindfold Era."

The issues of the Blindfold Era is the story of my friend, the late Marvin Mayfield, who spent 11 months in Rikers. He took a plea in a case where the prosecutors withheld most -- the most critical piece of evidence, the drug lab. In this -- in his memory and for those who -- who are forced to navigate our criminal justice system blindly, I will continue to fight. I also speak as an attorney who knows firsthand the importance of both protecting the defendant's rights to due process and the need for a system that is responsive to victims of crimes. That is why to fully address the needs of our community members, we must -- we must have considered -- we must be considerate and thoughtful in our approach; one that places people that we serve at the center of any effort to solve -- solve a perceived problem.

Luckily, through the work of our Speaker and his team, this bill that I stand in support of today does not undo what we fought so hard for in 2019. This bill reaffirms the obligations of the prosecution under the guidance of the Court of Appeals in the case of *People v. Bay*, which clarified that discovery law does not require a perfect prosecutor and that there is no rule of strict liability when it comes to evidence sharing.

Our intent in clarifying 245 statute was to ensure that defendants still receive the necessary discovery to engage in informed

court proceedings. This bill maintains transparency and due process. It maintains the connection between the speedy trial and discovery from Kalief's Law, and it will prevent wrongful convictions. This bill ensures prosecutors do their jobs. Changes made to the law like this -- to this law that protect fundamental rights should be done in the legislative Body with full transparency and stakeholder input that our forum makes possible. And I'm proud to support that thoughtful approach our House took. And I'm gonna say that again. The thoughtful approach that our House took in amending CPL 245.

Now to free lunches. I have to say that this has to be by far one of the most heartwarming approaches to ensuring we end food insecurity that I've seen our House take in a long time. There is not a more noble cause than ensuring every child that steps into a school does it without having to worry about where their next meal is going to come from. And I want to commend our Speaker for supporting our colleague Jessica González-Rojas, and for her efforts. I am so proud not only to call her my friend, but to be a member of this House when we can finally say we're going to have universal free lunches and our kids will not be hungry when they go to school.

And so with that, I'm gonna be later voting yes and I just want to say thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker.

Would the Chair please yield?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MR. GANDOLFO: Thank you, sir.

So I have some questions on the Housing Access Voucher Program in Part HH. First, I see that this program is being run as a four-year pilot?

(Pause)

MR. PRETLOW: Could you repeat that question, please?

MR. GANDOLFO: Yes, sir. So this -- the Housing Access Voucher Program, it's being run as a four-year pilot rather than a permanent program?

MR. PRETLOW: Yes.

MR. GANDOLFO: Why is that?

MR. PRETLOW: That was part of how the negotiations turned out.

MR. GANDOLFO: Okay. And what is the appropriation associated with this program?

MR. PRETLOW: Fifty million.

MR. GANDOLFO: Is that for -- is that over the lifetime of the pilot, are we expecting, or is that just for the (indiscernible/cross-talk)?

MR. PRETLOW: Well, that's -- that's for the year, I

believe.

MR. GANDOLFO: Okay. So 50 million. Okay.

How similar is this program to the Federal Housing Choice Voucher Program or Section 8?

MR. PRETLOW: They are comparable.

MR. GANDOLFO: Okay. So they are comparable.

How much of the monthly rent payment will the voucher under this program cover?

(Conferencing)

MR. PRETLOW: It's similar to the Section 8 program. They'll have -- they'll be required for a contribution of about 30 percent of their income.

MR. GANDOLFO: So this could cover up to --

MR. PRETLOW: Per tenant, yeah.

MR. GANDOLFO: Up to -- so it could cover, like, 70 percent of the rent payment? Is that...

MR. PRETLOW: Pardon?

MR. GANDOLFO: So are -- are you saying it would cover 70 percent of the rent payment?

MR. PRETLOW: Yes.

MR. GANDOLFO: Okay. Okay.

And the vouchers. How long would they be provided for? Is there a time limit?

MR. PRETLOW: Well, this is a pilot program. My assumption is that they will continue indefinitely, but I can't answer

that.

MR. GANDOLFO: Okay. So it's a pilot -- because I see in the legis -- the language here that the leases would be for a minimum of one year. So there's no upper limit on how long an individual could receive the vouchers?

MR. PRETLOW: Not to my knowledge.

(Conferencing)

They come off the program when their income goes to a point that they're no longer -- their income exceeds the 30 percent of their rent.

MR. GANDOLFO: Okay. And if their income never exceeds the 30 percent of the rent --

MR. PRETLOW: They stay in the program.

MR. GANDOLFO: So it will continue indefinitely, then, if the pilot was extended to a permanent program it would continue to be indefinite?

MR. PRETLOW: Yes.

MR. GANDOLFO: Okay.

Is there any projected cost beyond-- I guess, are you expecting to have to appropriate 50 million every year for this? Could that cost grow or shrink?

MR. PRETLOW: Well, it will probably be -- more than likely be more than 50- but yes.

MR. GANDOLFO: Okay. So it could grow to more than 50-.

In terms of -- I -- I didn't see in the language, so correct me if I'm wrong, is there a New York residency requirement where there's an amount of time that an individual would have had to have lived in New York to qualify for this voucher?

MR. PRETLOW: No, there isn't.

MR. GANDOLFO: Okay. So someone can, let's say, come over from New Jersey and apply for this voucher program through DHCR?

MR. PRETLOW: Well, the person has to be homeless or at risk of being homeless.

MR. GANDOLFO: Right. And what documentation has to be provided to establish that?

MR. PRETLOW: Well, whichever organization is administering the program will determine what identification is needed or what proof is needed that one is homeless or --

MR. GANDOLFO: Okay. Because (indiscernible) also here, I know it would be provided to individuals who are homeless or facing imminent risk of losing their homes.

MR. PRETLOW: The definition is in what -- what you're reading, I believe.

MR. GANDOLFO: Okay. And then at the end of the definition there's the -- the term "other loss of primary nighttime residence." What -- what might that be?

MR. PRETLOW: If your house burns down.

MR. GANDOLFO: Okay. So -- so if the house

burns down you would qualify for this program, but then the lease would have to be a minimum of one year. What if someone's house burns down but they're above that 30 percent of the rent (indiscernible/cross-talk)?

MR. PRETLOW: Then they wouldn't qualify for the program.

MR. GANDOLFO: Okay. So then it would be, I guess, a lower-income individual whose house burns down. Okay.

Also in the language under the eligibility portion it says, individuals and families who meet these standards shall be eligible regardless of immigration status. Does that just mean citizenship? Does that mean someone would qualify if they do not have legal status at all in the United States?

MR. PRETLOW: I -- whatever the language of the bill says. I -- I can't (indiscernible).

MR. GANDOLFO: Okay. Well, it's a little ambiguous because it just says "immigration status." Does that mean -- so immigration status, you could take that to mean someone's not a U.S. citizen but they're legally on a visa, or it could mean that you're not in the country legally at all?

MR. PRETLOW: Well, if someone falls under the other parameters of other requirements, then anyone can be eligible.

MR. GANDOLFO: Okay. So someone who is --

MR. PRETLOW: There -- there are several parameters that have to met to be eligible. If someone falls into those

parameters then they are eligible.

MR. GANDOLFO: Okay. So other than immigration status, if they fell into the other parameters that we --

MR. PRETLOW: Right. Then they don't qualify.

MR. GANDOLFO: Okay. So even if they're not here legally and -- okay. So that would qualify.

So now say -- I know in New York City a lot of migrants who are here illegally are still posted in hotels. If they were to move from a hotel into one of these rentals that would be eligible for a voucher, would the State be picking up that cost?

MR. PRETLOW: Well, it is a State-funded program, so, yes.

MR. GANDOLFO: Well, I was asking because I know there -- we didn't appropriate any additional funds to New York City this year to cover the cost of the migrants there because they had unused funds kind of still sitting out there. Would there be any effort made to claw back some of the funds that we had previously appropriated to the City?

MR. PRETLOW: That's not -- that's not in any part of this bill.

MR. GANDOLFO: Okay. So they -- so -- okay. I appreciate that. Thank you.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. GANDOLFO: Madam Speaker, I don't think

many people have an issue with providing a housing access voucher program to people who truly need it and are facing tough times and might be at risk of losing their homes. I do have a little bit of an issue with the overly-broad language that would extend this to people who are not in the country legally. It just seems like a way to keep people who should not be here here indefinitely who are currently housed in some of the hotels in New York City, just a way to keep them here and keep them housed funded on the New York taxpayer dime. So I would have liked to see that tightened up a little more in that language.

But I thank the Chair once again for humoring my questions, and that's all for me.

ACTING SPEAKER HUNTER: Thank you.

Mr. Reilly.

MR. REILLY: Thank you, Madam Speaker. Will the -- will the spon -- will the Chair yield? But it's gonna be specifically on the mask, so I will give you the option to defer.

MR. PRETLOW: Mr. Reilly, I will gladly yield and ask our --

ACTING SPEAKER HUNTER: The Chair yields to Mr. Dinowitz.

MR. PRETLOW: -- and ask my colleague Mr. Dinowitz to answer your questions on masks.

MR. REILLY: Thank you, Mr. Dinowitz.

So, focusing strictly on the legislation in Part DD

which involves evading arrest by concealment of identity, it says a person is guilty of evading arrest by concealment of identity when in the course of the commission of felony or Class A misdemeanor or in the immediate of flight there -- therefrom, such person wears a mask or a facial covering or otherwise obscures their face completely or partially for no legitimate purpose with the intent to prevent their identification, apprehension or arrest for such crime, evading arrest by concealment of identity is a Class B misdemeanor.

The question I have is, what's the definition "for no legitimate purpose"?

MR. DINOWITZ: Well, I imagine that's something -- that's something a jury might have to decide.

MR. REILLY: Okay. So in the conversation that you had with a colleague earlier, you mentioned that, I think it was -- the conversation was geared towards this was an add-on crime. An add-on charge, I should say, to a crime. So it states in here that of course for -- if they're charged with a Class A misdemeanor or a felony. Do both those -- does the Class A misdemeanor and the felony have to be defined in the Penal Law or are other felonies allowed to carry that additional charge?

MR. DINOWITZ: Any felony or Class A misdemeanor.

MR. REILLY: Okay. So it doesn't have to be defined in the Penal Law. So why I'm asking that is because we felonies that are in the VTL, we felonies that are in New York City

Health Code. Would that -- would those constitute the ability to charge this crime if it's committed during the commission or --

MR. DINOWITZ: If they're committing a crime or they're evading, running away from a crime and they're wearing a mask to conceal their identity, then they'd be covered by this and, therefore, could be charged with an additional crime, a Class B misdemeanor.

MR. REILLY: Okay.

So in the earlier discussion -- so basically I just want to clarify. It's not just crimes that are defined in the Penal Law, correct?

MR. DINOWITZ: I think you asked that and I think my answer was felonies and Class A misdemeanors.

MR. REILLY: Okay. Even outside the Penal Law?

MR. DINOWITZ: Wherever they are.

MR. REILLY: Okay. Fair enough.

So part of the discussion you had earlier was -- and it raises a really plausible situation that can happen, right? Realistic. Talked about in the commission of a crime. So I'm gonna give you a scenario. And you mentioned before that a police officer can only stop someone for probable -- with probable cause. I just want to give you this scenario. So under *Terry v. Ohio*, right, for a reasonable stop, right, for stop, question and possibly frisk, you need a reasonable suspicion, right? So we have the levels of suspicion: You have mere suspicion, reasonable suspicion, and then probable cause to make an

arrest. So the reasonable suspicion is that a police officer believes that a crime is afoot. And I'm gonna give you a scenario and I want to -- I want to ask you a follow-up question behind that. So I'm a police officer. I'm in a high-crime area known for robberies. I'm walking the foot post and I see someone standing on the corner who matches the description of a prior robbery suspect. He's wearing a surgical mask. He's looking inside a bar, he's watching. He's going behind a corner. He goes to his waist, he shifts something. My reasonable suspicion is alerted as a police officer. So now I go over and question him. As I go to question him, he reaches for his waist. I go to reach for the waist, he runs. We now get into a foot pursuit. I tackle him. I recover a loaded firearm. He tried to leave. Now he's arrested. He gets charged with attempted robbery and they add the charge of concealing your identity, right, by wearing a mask. Goes to trial. That charge, the original attempted robbery charge, is dropped. Can the mask charge continue?

(Conferencing)

MR. DINOWITZ: As -- as indicated before, the prosecution would have to show that there was a commission of a crime -- that the masking was during the commission of a crime and that the purpose of the masking was to conceal one's identity.

MR. REILLY: Okay. So in the -- if the rob -- the attempted robbery charge is dropped but the criminal possession of a weapon is there, the criminal possession of a weapon happened after the stop. Would the -- would the mask charge still be able to be

continued?

MR. DINOWITZ: Well, that would be a matter of fact that would have to be determined either by a jury or by a judge.

MR. REILLY: So do you think it would be more beneficial if they outlined specific reasons why a mask would be allowed and this charge wouldn't be authorized, or do you think it's too ambiguous?

MR. DINOWITZ: I think if you get too specific then you lose -- then it's harder to charge a crime sometimes. The way -- the way this soon-to-be law is written, it's -- it's inclusive enough so that it will cover the type of situations that we would want to cover without giving the ability of somebody who may want to challenge it to say well, it's written very specifically so it doesn't cover this situation. This is wide enough to cover what we want to cover without being so big that it's too vague.

MR. REILLY: Okay.

So another question. You have a person on -- they're on the 4 train. They're wearing a mask. They get into a verbal dispute with an individual. They punched that person in the face and they leave the train. They run away, they're wearing a mask. They get apprehended. There's no real physical injury to the victim. No bloody nose, no black eye. Can that individual be charged with evading wearing a mask?

MR. DINOWITZ: Again, that would be something that a prosecution would have to determine was a chargeable offense,

and then it would go to a judge or a jury.

MR. REILLY: So I'll -- I'll answer that question.

MR. DINOWITZ: Well, you asked it so I'm supposed to answer, so...

MR. REILLY: I know. But I'll -- I'll actually give some background (indiscernible/cross-talk) --

MR. DINOWITZ: So then I'll ask you a question.

MR. REILLY: So if there's no physical injury -- if there's no physical injury, it's just harassment, this charge wouldn't be allowed. That's an example.

Thank you, Mr. -- thank you, Mr. Dinowitz.

On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. REILLY: So the reason why I just shared that last example is because this would have no teeth in a situation like that. And if you noticed, that's where people are wearing their mask and disguising themselves. Doing things like that. Let's not forget that the original law on the books that made it a violation required three or more people to gather together wearing masks to make it a violation. And the reason why that was on the books was for, it was stated earlier, people that wanted to march in a parade. They were members of the KKK. And I spoke about it in 2020 when we repealed this law, and I said we were going down a dangerous path. And the example I gave them was that lookout person, looking to case a bar to commit a robbery. And here we are five years later, I'm saying it

again.

Remember, the things that we put on paper here do not transition to the street or to the courtroom the way you intended. It happens over and over again. And in my seven years I keep saying it because I try and get it right. I try and get yas [sic] to understand that there is a way to fix things if we -- if we get the intention and the rationale from the people who are actually dealing with the situation in real time. And it doesn't seem to happen that way.

As a matter of fact, there was a letter that was written May 28, 2020 by our current Attorney General, and on May 11th she wrote it. Attorney General James sent a letter to Governor Cuomo and legislative leaders pointing out this conflict of law and urging that this specific provision of the Penal Code be suspended or repealed. There were two options. We were under the state of emergency. There were Executive Orders. That law that banned masks of three or more people in public could have been suspended by an Executive Order. And we wouldn't have had five years of people now using masks to wreak havoc and cause chaos in our State. So that's why we're here today talking about adding yet another law.

My fear is this doesn't go far enough. There is no reason why -- even if we would have put the original law back into place, that would have had more teeth than this does. And as I read the legislation to you, you'll understand that it's open to interpretation and I guarantee at one point I wouldn't be surprised if it gets overturned in court, that this law is unconstitutional.

So I hope that one day we actually do get it right. We'll see if I'll be talking about it next year. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walker.

MS. WALKER: Habemus Papam.

There's also in Psalm 106 a passage that reads, "Blessed are those who observe justice and who do righteousness at all times."

Will the sponsor yield, Madam Chair [sic], through Mr. Dinowitz for a few questions on discovery reform?

ACTING SPEAKER HUNTER: Does the sponsor yield?

Mr. Dinowitz.

MR. DINOWITZ: Yes.

MS. WALKER: Mr. Dinowitz, Kalief's Law was intended to ensure that the prosecutor obtained and disclosed all of the evidence in a case before they could state ready for trial and stop the speedy trial law clock. This was meant to ensure that prosecutors cannot stop the speedy trial clock before they have spoken to all of their evidence. Do the amendments to the law change this fundamental promise?

MR. DINOWITZ: No, they do not change this fundamental promise. The prosecutors cannot stop the speedy trial clock until they have spoken to their witnesses and gathered and

disclosed all the evidence, just like before.

MS. WALKER: Awesome. None of the additions made to this article change the rule that in order to state ready for trial the prosecutor must have complied with all of their obligations under CPL Sections 245.50 Section 1 and 245.20.

MR. DINOWITZ: That's correct. Prosecutors are still required to comply with their discovery obligations before they can be deemed ready for trial.

MS. WALKER: Thank you.

So speedy trial continues to be the enforcement mechanism for the discovery law.

MR. DINOWITZ: Yes.

MS. WALKER: The connection to the speedy trial statute also prevents prolonged pretrial detention where a prosecutor has not timely shared evidence; is that correct?

MR. DINOWITZ: Yes, you got that right. The speedy trial statute requires release from custody if the prosecutor does not share evidence and state ready for trial within the time frames listed in the speedy trial statute.

MS. WALKER: Thank you, Mr. Dinowitz.

On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MS. WALKER: Speaker Heastie and his team should be commended because this budget is more than a collection of figures that comprise a spending plan to improve the lives of New

Yorkers. It's more than policy. At its core this budget reflects our values and priorities and includes justice and righteousness. Among the greatest of these is the even-handed delivery of due process during adjudications to everyone accused of a crime.

As an attorney, I firmly believe that due process is as essential to American jurisprudence as air, food and water are to life. It is a constitutional guarantee that requires access to all of the evidence that the government has against a defendant. Due process provides that the government must follow fair procedures and ensures fundamental fairness when taking actions that could impact these rights. But if we're honest, we know that our system falls short far too often in the delivery of justice to Black and Brown New Yorkers, culminating in a prison -- prison sentence system that is just us instead of justice.

Next month will mark the somber ten year anniversary of the death of Kalief Browder and an enduring symbol of the pretrial failure of a very broken criminal legal system. Kalief was wrongfully accused of stealing a backpack at the age of 16. He languished on Rikers Island for three years, unable to make bail, without access to the State's evidence against us -- against him. Fighting a losing battle for due process. During that time he endured beatings, suffering broken bones and lacerations. He spent 800 days in solitary confinement which is a form of torture that caused emotional and psychological trauma, taking his own life after he was finally released. In 2019, though we took action to prevent future

tragedies for systematic failures during pretrial detention including bail reform, discovery reform and speedy trial, noting that no one had been convicted of a crime. Changing the law -- changing the law to create these necessary safeguards make sure that defendants get discovery in a timely fashion so that they can make informed decisions about their defense, including the possibility of taking a plea deal.

Also, Brooklyn's own Derrick Hamilton. He served nearly 21 years in prison for a crime he didn't commit. In a recent article he wrote that, *In my case, the real name of the testifying witness, the key forensic evidence that would have proved my innocence, was not turned over until trial. This robbed me of fully investigating the accusations against me, and hiring experts to explain that evidence. Only after my conviction did we learn that the testifying witness was coerced by police to lie. That another eyewitness told the police that I was not the perpetrator.* But despite cases like Derrick's or even after the death of Kalief, we still stand here year after year holding on and fighting for the progress that we made in the names of those who have been denied justice. Those who have been wrongfully convicted and forced to accept coerced plea deals. Or so broken that they even lost their will to live.

Year after year sycophants draw from a tiger and predictable playbook spreading misleading information that aligns with the dangerous rhetoric of police and prosecutors.

Let's look at the facts. In the five years since the

reforms were enacted, there has not been a single wrongful conviction that led to an exoneration in New York State involving exculpatory evidence being withheld. And that's according to the National Registry of Exonerations. A 2020 report issued by the Brooklyn District Attorney's Conviction Review Committee found that 25 exonerees served a total of 426 years consecutively, collectively. Forty-five percent of the wrongful convictions were the result of the nondisclosure of evidence; 96 percent of those exonerees were Black and Brown. Guess what? Justice or just us? These wrongful convictions occurred before the discovery reforms were even enacted.

It is important to note that the present changes that the prosecutors must still turn over complete and robust discovery, not only what's in their actual possession. Secondly, the speedy trial statute, CPL -- CPL 30.30, still acts as the enforcement mechanism to ensure early and complete discovery. Prosecutors cannot announce that they're ready for trial without a valid Certificate of Compliance attesting that they have met their discovery obligations, among other speedy trial requirements. Courts will still use the objective due diligence standard. While they can consider whether any late discovery resulted in prejudice to the defense, it can never be the sole determinative factor even if it can't be demonstrated. Courts must still ensure that prosecutors do not play games with the speedy trial clock by filing empty Certificates of Compliance. While the amendments require prosecutors to state known material that they have been unable to obtain, courts must still evaluate whether their efforts satisfy due

diligence, which refers to all reasonable evidence to provide exculpatory evidence to the defense. And that includes whether they should have known about missing materials or mater -- or -- or mis -- misleading materials. Most importantly, due diligence cannot be satisfied merely by disclosing what prosecutors have obtained or will obtain.

I want to emphasize that these amendments have not changed the basic premise of discovery reform. What is in law enforcement's possession is still deemed to be in the prosecutor's possession. Due diligence cannot be satisfied if police departments do not turn over the evidence to the prosecution. We have not changed the importance of turning over disciplinary records of police officers. When we repeal Civil Rights Law 50-a, we acknowledge that police officers should be treated like everyday witnesses. Evidence about credibility rises to that constitutional level. These discovery laws acknowledge that the defense cannot effectively test an officer's credibility or assertions unless they have access to detailed disciplinary or misconduct records. The misconduct does not have to arise from the instant criminal case.

While prosecutors are granted more leeway to redact materials, they must still state the reasons for doing so. These amendments today still require that prosecutors turn over the court discovery requirements without redactions. We are not allowing prosecutors to go back to being the gatekeepers of evidence. They cannot determine what is relevant or what may be significant.

Prosecutors look at evidence with only one eye. They look for evidence that will lead to a conviction. Evidence that may be helpful to a defense may be deemed by them to be insignificant, thus while one of the many due diligence factors includes the court's ability to determine what is significant. Prosecutors may not and should not make that determination. By changing the qualifying language in some of the individual categories of 245.20, we are not granting prosecutors that gatekeeping function. In fact, related to the subject of the charges is hardly distinguishable from related to the subject matter of the case. This matters in some contexts, perhaps. For example, we acknowledge that if a search warrant was conducted, disclosure is warranted even if it was issued and resulted in the arrest and prosecution in the instant case; for example, the charges.

Without the accompanying safety vow that requires prosecutors to -- to respond to defense inquires, the defense's ability to ask for extensions of time and the requirement that prosecutors still file their Certificate of Compliance in good faith, I cannot in good conscience vote to pass the budget. However, I hope that the concessions made in discovery do indeed preserve the original intent of the 2020 law, which is even-handed delivery of due process to every accused New Yorker no matter what their zip code is.

With that, I will vote in the affirmative at the affirm -- at the appropriate time, and I will encourage my colleagues to do the same. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Madam Speaker.

Will the sponsor yield through Mr. Dinowitz for some questions?

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

MR. DINOWITZ: Yes.

ACTING SPEAKER HUNTER: Thank you.

MR. TANNOUSIS: Thank you very much, Mr. Dinowitz.

A question in regard to the evading arrest by concealment of identity, also known as the mask bill. I don't want to be repetitive; however, just to confirm, the only way an individual is charged with this specific section of the Penal Law, they would already have to face an A misdemeanor or higher; is that correct?

MR. DINOWITZ: Yes.

MR. TANNOUSIS: Okay. You made mention a few minutes ago about some protests that occurred and some sit-ins, actually, that occurred at Columbia University; is that correct?

MR. DINOWITZ: Well, I -- I made reference to those who entered a library and some of the people apparently committed some of the violations that -- that might be a misdemeanor or -- or worse.

MR. TANNOUSIS: Well, in order for this to apply it can't just only be a misdemeanor. It would have to be an A misdemeanor or higher; isn't that correct, Mr. Dinowitz?

MR. DINOWITZ: Yes, I said that already. The --

MR. TANNOUSIS: Correct.

MR. DINOWITZ: It is my opinion that some of the people at that event yesterday did commit either an A misdemeanor, misdemeanor or higher. But that's not for me to determine, of course.

MR. TANNOUSIS: So maybe some of those people committed an A misdemeanor or higher; for example, as in criminal mischief. But the vast majority probably committed the most common charge which is charged in protesting within a structure like a school building, which is Penal Law Section 140.10, which is Criminal Trespass in the Third Degree. Mr. Dinowitz, is that an A misdemeanor or is that a B misdemeanor?

MR. DINOWITZ: Checking.

MR. TANNOUSIS: I could save you time.

(Conferencing)

MR. DINOWITZ: We believe it's a B.

MR. TANNOUSIS: You are correct.

MR. DINOWITZ: However, it's not up to us to bring the charges. And some of the people there, for example, some of the people who committed damage, might be charged with something higher than that.

MR. TANNOUSIS: It -- it's not up to you bringing the charges, but we are sitting here voting on laws that the police department and the district attorney's office will be bound by. So in essence, something that occurred at Columbia in that type of situation

where the vast majority of people that entered that building were there to cause havoc. And maybe perhaps they may not have necessarily broke anything, they were still trespassing. And if they were charged with Trespassing in the Third Degree, which is a level B misdemeanor, this charge would not apply. Would it, Mr. Dinowitz?

MR. DINOWITZ: Well, not everybody who wears a mask is going to be charged under this statute. Although I will say that as I mentioned earlier, the old statute that Mr. Reilly warned us -- although I don't remember -- warned us we should not repeal was simply a violation. So this -- this charge is a more serious charge if it can be brought.

MR. TANNOUSIS: It's a more serious charge, but the issue with this charge as compared to that one is that that one was a standalone charge, albeit a violation. This is not a standalone charge. You would need to be charged with something else, which is significantly higher in order to be charged with this. Isn't that true, Mr. Dinowitz?

MR. DINOWITZ: If you're committing another crime you can be charged with this if you're committing an A misdemeanor or a felony. But this language creates a new crime called -- that we call masked harassment, and this is a step forward because considering what we have right now where the old law was repealed, we have nothing. And while many people are participating in demonstrations, which is their First Amendment right, there are some people -- maybe it's a small number, maybe not -- who are going

beyond what they should be doing, and this is aimed towards them. So if they're committing an A misdemeanor or a felony and they're wearing a mask in order to conceal their identity, they can be charged here and I think that is a very good thing.

MR. TANNOUSIS: So actually, you brought up a great point, Mr. Dinowitz.

MR. DINOWITZ: I usually do.

MR. TANNOUSIS: Well, not always but I'll give you -- I'll ask you a -- a quick -- quick question in regards to your point. So let's say they are charged with this, okay? What is the benefit of having them charged with this extra charge?

MR. DINOWITZ: The benefit to whom?

MR. TANNOUSIS: What is the benefit to the general public?

MR. DINOWITZ: Well, there's no benefit to them, there's a benefit to all of us --

MR. TANNOUSIS: Okay.

MR. DINOWITZ: -- in that if they're doing this and they're doing it while concealing their identity, that's not good and they can be charged with an additional crime and they can be -- a penalty can be levied on them.

MR. TANNOUSIS: Now, what are you -- you said penalty levied on them. Are you suggesting that if somebody is arrested and charged with this crime that they may receive a consecutive sentence on top of the original sentence they would

receive on the misdemeanor case?

MR. DINOWITZ: Well, I can't tell you that. How -- how could I possibly know that?

MR. TANNOUSIS: Well, let me -- let me save you the time. The answer is no.

MR. DINOWITZ: Well, you don't know that because this hasn't been in effect yet --

MR. TANNOUSIS: No, no, no. And I do know that.

MR. DINOWITZ: And although given your past experience maybe that was the case. We might have -- DA's offices may handle things differently than that. There's no rule that says that they can't be -- that there can't be penalties for both.

MR. TANNOUSIS: No, no, no. There are rules, Mr. Dinowitz. See, in the State of New York when you are charged with one transaction and potentially you are charged with an A misdemeanor and a B misdemeanor and then maybe this potential charge, you cannot sentence a defendant consecutively on the same transaction. You see? In order to sentence them consecutively, it would have to be two separate incidents. So in actuality, by law, nobody will receive extra time by (indiscernible/cross-talk) this.

MR. DINOWITZ: I disagree with that, because when the penalty is assessed on somebody, the length of any potential jail time, you know, there's usually a range. And this can make that a longer penalty. There's a max, and it doesn't -- and a judge doesn't always set the maximum penalty. But if there's -- there's this

additional crime, and this would be a crime, then there still could be a higher penalty. You can frame it any way you want; well, it's gonna be, you know, not consecutive, it's gonna run concurrently, whatever. The fact is the judge can still sentence somebody to more time if they're convicted of this and the underlying crime.

MR. TANNOUSIS: A judge could take into consideration certain things. However, there is nothing in this bill pertaining to this mask bill that would require the judge to actually take anything else into consideration beyond the charges that are in front of them, correct?

MR. DINOWITZ: The -- the judge has certain latitude when the determining the penalty.

(Laughter/dog barking)

I sometimes can't tell if it's a dog or if it's people yelling, but...

MR. TANNOUSIS: Yes, I'm sorry.

MR. DINOWITZ: The fact is, I don't think anybody wants to be convicted of any crime, have that crime on their record. So even if what you're saying is true, and I'm not even conceding that, the fact is they would have an additional crime on their record. So people -- and I don't want to just use yesterday's thing at Columbia as the only example because there are plenty of other circumstances where this can come into play. But I'll -- but in terms of that, do you really think that the people who were there would like to have a criminal conviction, even if it's a Class B misdemeanor? No one

wants that. And this is what they will get. And I think this makes a very important statement as well as -- as something that's very practical, that this is not something which we think should be happening in our State. That people should be not only committing crimes, but doing it while they're concealing their identity and deliberately concealing their identity so they can't be identified in terms of having committed that crime.

MR. TANNOUSIS: I'm sorry, Mr. Dinowitz. Are you suggesting that someone that is arrested and charged potentially with multiple crimes, now those crimes they are charged with is gonna be on their permanent record? Is that what you're suggesting? Or are you talking about -- are you talking about charges that they're pleading guilty to?

MR. DINOWITZ: If somebody is guilty of a crime that'll be on their record.

MR. TANNOUSIS: Correct. So you could charge them with this crime all you want. Just because somebody is charged and arrested with a crime that doesn't appear in any permanent record.

MR. DINOWITZ: Well, I'm glad you agree with that, because we've been saying things like that for years.

MR. TANNOUSIS: That's the law. That's something I agree with.

MR. DINOWITZ: That's right. Only if people are convicted should they be penalized.

MR. TANNOUSIS: Correct.

MR. DINOWITZ: Good. I'm glad we agree.

MR. TANNOUSIS: When you -- I don't want to belabor the point, but I just want to get this out there, okay? When an individual is charged on a criminal complaint, okay, and they -- let's say they plead guilty for that criminal transaction. How many charges do they plead guilty to?

MR. DINOWITZ: I don't know, that depends on how many charges they're pleading guilty to. How can I answer that?

MR. TANNOUSIS: One. One charge. So most likely, they won't even plead guilty to this charge because this charge will not be the highest charge (indiscernible/cross-talk) --

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

MR. LAVINE: Will the speaker yield for just a couple of basic CPL, Criminal Procedure Law --

MR. TANNOUSIS: Mr. Lavine, I -- although I appreciate it, I will not. I tend not to interrupt people when I -- when they speak, so I'm not (indiscernible/crosstalk).

MR. LAVINE: I don't want to interrupt you.

ACTING SPEAKER HUNTER: Thank you. The speaker does not yield.

MR. TANNOUSIS: Thank you, though.

Yes, Mr. Lavine?

MR. DINOWITZ: Is -- is -- so --

MR. TANNOUSIS: Mr. Dinowitz, sorry.

MR. DINOWITZ: Let me see if I can translate what you're saying. The translation of what you're saying is you don't think we should pass legislation addressing the issue of masked harassment because you don't think it'll mean anything. So you would rather us do nothing than do something.

MR. TANNOUSIS: No. What I would rather you do is actually pass legislation that will be meaningful and actually have consequences that will actually protect the public. Not pass this type of window dressing type of legislation that anybody that worked in law enforcement knows; whether you're a prosecutor, a police officer or anything else, is not really gonna do much of anything. Because nobody that is actually partaking in these protests is actually going to care that there might be an add-on charge for wearing a mask. They're gonna wear it anyway. So that's my point. I -- I'm --

MR. DINOWITZ: I thought that was a question, so let me answer it.

MR. TANNOUSIS: Sure, sure, sure.

MR. DINOWITZ: So I -- I guess you can read the minds of all these people and know that the fact is, various groups, organizations, diverse coalition [sic] that have been behind passing mask legislation support this because I guess they believe that this is meaningful. Now, maybe it doesn't rise up to the standards of what you would like, but it's meaningful and it's not nuttin. This is gonna count for something.

MR. TANNOUSIS: Okay. Well, I'm just speaking

from experience. I've spent more time in my career in the courtroom than outside the courtroom, so I am just speaking on my experience.

Another question I have for you, Mr. Dinowitz.

Where in the budget have there been any changes to bail reform?

Where in this bill have there been any changes to bail reform?

MR. DINOWITZ: I don't believe the issue of bail reform is germane to this particular bill.

MR. TANNOUSIS: Thank you. Any -- what part of the budget had changes to Raise the Age to hold -- account -- people accountable for their actions?

MR. DINOWITZ: There's a lot of things that may not be in the budget, but we're talking about the things that are actually in this bill. And so what you're talking about has no relevance to anything as far as I could say.

MR. TANNOUSIS: Okay, so I'll take that as a no.

What part of the budget in this particular bill increases judicial discretion in regards to sentencing or anything else?

MR. DINOWITZ: Well, I'm here to talk about masks and discovery. So I would love to defer to the Chair -- but I won't do -- but I won't do that because you're -- I'll just give you the same answer. We're here to talk about what's contained in this bill, and we don't have that much time. We only have an hour and 55 minutes left and I'm sure you don't want to eat into the time of your colleagues. But I don't know the answer to all of those questions, but as far as bail, that's not an issue that's been before us this time around.

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

MR. DINOWITZ: Any time.

MR. TANNOUSIS. A pleasure as always.

On the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. TANNOUSIS: Okay. This bill, whether you want to call it the evading arrest by concealment of identity or you want to call it the mask bill or whatever you want to call it, whatever this Legislature wants to call it, is nothing more than window dressing. It is a B misdemeanor charge that cannot be a standalone charge. So if somebody is already charged with an A misdemeanor or a felony, that is the only way they will be charged with this particular charge. I can tell you, and I'm sure many other people in this room will tell you, that when somebody is arrested on the same criminal transaction and there is a complaint that is filed with the court, there are quite a few charges on that docket. This bill guarantees that evading arrest by concealment of identity will not be the highest charge they will face. As a result, probably not going to be the charge they will plead guilty to. This will not do anything to protect the public. This will not do anything to project -- to protect our Jewish brothers and sisters. This is nothing but window dressing to pretend that we're helping.

Another budget, some discovery reforms made. No changes to bail reform. No changes to Raise the Age. No substantive

changes to increase judicial discretion. Same year after year.

Madam Speaker, I vote no.

ACTING SPEAKER HUNTER: Thank you, Mr. Tannousis.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. GONZÁLEZ-ROJAS: I rise today not only as a Assemblymember, but as a proud member of the Mom Squad. And let me tell you, the moms showed up to fight for an equitable budget, as we do year after year. This budget bill is a testament to what happens when we lead with our values. When we center the needs of children, our families and our most vulnerable communities.

After years of organizing, advocating, and refusing to back down, I am so thrilled to share that universal school meals will finally be a reality in New York State. For three years I've championed this cause alongside a large and bipartisan group in our Chamber, with my Senate partner, with parents across the State, with food justice advocates, with antipoverty organizations, and with the New York State United Teachers Union. Because we all believe that no child should go hungry in school. And we all know that we cannot teach a hungry child. And now every single one of New York's 2.7 million children will have access to a free, healthy breakfast and free

healthy lunch, no matter their zip code or income level.

We have erased a stigma. We have eased the burden on working families, and we have nourished the minds and bodies across the State. And this is more than just a policy win, this is a cultural shift. This is equity in action.

And for the first time ever, New York is launching a birth allowance for families receiving public assistance. A one-time \$1,800 cash benefit for new mothers. But I want to be clear; this is just the beginning. Research has showed [sic] that direct cash assistance to new parents can be life-changing. It improves maternal health, infant development, and economic outcomes for families. This investment recognizes the reality of what it costs to welcome a child into the world, and it signals a broader commitment to fighting poverty through trust in our people. But we must adequately invest in this program in future years to ensure its success. Because let's be honest; diapers, formula, car seats, cribs, these aren't luxuries, they're necessities. And now we're saying to our most vulnerable moms, *We see you, we value you, and we have your back.*

We also preserved in this budget critical support for working families by protecting the Childcare Assistance Program from devastating cuts. New York City had proposed eliminating childcare for up to 7,000 families, but we fought back. We held the line, because every parent deserves to know their child is safe and cared for while they work to provide for their family.

And this year's budget also includes a critical lifeline

for families facing housing insecurity. The Housing Access Voucher Program, a long overdue initiative, is now funded as a pilot program. It will help keep New Yorkers housed by bridging the gap between income and rent. But again, let's be clear. This is just the start. This is not the finish line. We must fully fund this program at the level it deserves; 250 million per year to truly address our housing crisis and prevent homelessness across our State.

And I'm thrilled to celebrate another key victory in this budget. We strengthen the very formula that determines how our schools are funded. We increase support for English Language Learners, which is a win for New York City where so many students grow up speaking a language other than English at home.

We also updated the regional cost index, which means schools in high-cost areas will finally receive the aid that reflects the cost that they face. And we modernize how we measure poverty in schools by using updated data sources, ensuring our most disadvantaged students are no longer overlooked. These are long overdue reforms that will make our school aid formula more fair, more accurate, and more just. And they help level the playing field for children in districts like mine.

And finally, I want to uplift a victory for our students and our workforce; our continued commitment to CUNY and SUNY and the investment in job training programs. This budget includes due investments in apprenticeships, workforce development, and the New York State Opportunity Promise, a proposal that will make

community college free for adult learners pursuing associate's degrees in high-demand fields like nursing, teaching, tech, and engineering. There are over four million working-age adults in New York without a college degree or a credential. This program could cover tuition, fees and books. It can open the doors of opportunity and build the workforce our State needs. We must do everything to put more New Yorkers on the path to success.

This is a budget that reflects many of our values, and yet there's still so much work to do. It contains meaningful wins for our children, for our families, for our communities, and it's the result of tireless advocacy by parents, by educators, by social workers and community leaders. But we know this budget is not perfect, and that's why we'll keep organizing, we'll keep pushing, we'll keep fighting, because when moms lead, moms win. And to the Speaker, to my amazing team, to my colleagues in this -- in the Majority, and especially those in the Mom Squad, thank you. To every New Yorker raising a child while fighting for a better world, these wins are for you.

So let's keep going. Let's keep building. Let's make New York the best place in the country to raise a family with dignity, support and love. Thank you so much.

ACTING SPEAKER HUNTER: Thank you.

Mr. Molitor.

MR. MOLITOR: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: Mr. Pretlow, this is on discovery.

So, I know Mr. Dinowitz was fielding this question --

MR. PRETLOW: I'll -- I'll happily to yield my time to Mr. Dinowitz.

MR. MOLITOR: Thank you. Mr. Dinowitz, I wasn't going to ask any questions about this, but over the course of the debate, at least at the very beginning, I got a little bit confused, and so I want to clarify some things. The way I understand the way this law is being interpreted -- or this bill -- it's not yet law -- is that a prosecutor's diligence under the law only applies to those discoverable materials that are outside of their possession, custody and control, right? So, for example, I have a witness in a case. I have to talk to my witness and make sure that I've obtained all the available evidence. But the way -- the way you're interpreting the law, if -- we're talking about a police agency, all that stuff is automatically deemed to be in my possession already; meaning, I don't have to do anything to go and obtain it.

MR. DINOWITZ: The -- first -- first of all, diligent. The -- the prosecutor has to be diligent in obtaining all discovery.

MR. MOLITOR: Right.

MR. DINOWITZ: Diligent. That means they just can't say, well, you know -- they're not -- not do something and then --

and they're just like, say, I couldn't get it. They have to make every effort to obtain evidence that's there. And the -- if the police do not have -- if the police have evidence, but it's not in the hands of the prosecutor, it's -- it's still in the hands of the prosecutor, essentially. They --

MR. MOLITOR: Right.

MR. DINOWITZ: -- so they have to get all that stuff.

MR. MOLITOR: And -- and so in the matter of the effort that the prosecutor makes to get every piece of discoverable -- piece of discoverable material from their various law enforcement agencies, if something is not -- is inadvertently missed, regardless of its value to the case, as the way you're interpreting this bill, the prosecutor will have not complied with their discovery obligations.

MR. DINOWITZ: Well, I'm -- I'm not interpreting the bill. I mean, everything is -- is written in plain language. It's -- or law, but it's written in plain language. But the prosecutor -- there -- there are -- in -- in the *Bay* case, the Court of Appeals looked at a number of factors, and I'm just gonna mention some of them --

MR. MOLITOR: No. I -- I've read *Bay*. I don't -- I don't need you to read the factors to *Bay* --

MR. DINOWITZ: Well, then you should know the answers to the question because you read *Bay*.

MR. MOLITOR: Well, but *Bay* also says, the Court of Appeals says, there's no such thing as a perfect prosecutor. There's no such thing as a perfect person. We know that. And my fear is that

this -- this bill that we're anticipating voting on today, is going to impose strict liability on the prosecutor.

MR. DINOWITZ: Well, let -- let me alleviate your fear, because I don't -- I wouldn't say -- I wouldn't characterize it the way you did. The prosecutor has to make every possible effort. But if -- if there's something that was missed, but they made the effort to comply, you know, a court will look at; how much discovery, how complicated the case is, if the prosecutor knew that they didn't get something, but they made the effort to do it. There's a whole bunch of things that the prosecutor can do to make sure that they can submit the Certificate of Compliance, and do it honestly. And, I don't think this is overly burdensome. I mean, certainly, if you're a defendant, you would want to make sure that you have every opportunity to have all the evidence available to you. And one of the many reasons is that, in the past, many people entered a plea without knowing all the -- without knowing all the circumstances. And that's really not fair.

MR. MOLITOR: I --

MR. DINOWITZ: I mean, listen, I want every bad person that did a crime to go to jail. But, there's a right way to do things and there's a wrong way to do things. And this makes sure we do things the right way with giving people their due process to which they're entitled under the constitution. So --

MR. MOLITOR: I --

MR. DINOWITZ: -- I don't think -- I don't think your fears are well-founded.

MR. MOLITOR: I'm sorry, Mr. Dinowitz. I -- I'm sorry for interrupting you. I -- I agree with everything you said. It's just that some of the questions asked by our colleagues here today seem to indicate that a prosecutor is automatically in possession of everything that's in possession of all of the law enforcement agencies within their county. And that if they fail, regardless of the efforts that they take in order to obtain that material, if they fail to turn something over, the case -- the Certificate of Compliance will be deemed invalid.

MR. DINOWITZ: What -- what we're doing today doesn't change what the current law is in terms of what you just said about the prosecutor being, essentially, in possession of -- of all the evidence that the police have. So that's not being changed here at all.

MR. MOLITOR: Well, we are changing this discovery statute, and we're now putting quite a few things on the record that go to the legislative intent. And some courts have interpreted, you know, what that means -- what the automatic possession of police materials in the prosecutor hands. What does that exactly mean? You know, am I, as a prosecutor, am I -- am I being diligent by going to -- because we don't define "diligence" in the statute, do we?

MR. DINOWITZ: Again, we're -- we're not -- we're not changing the piece about the police, the documents that they have, and, the fact that that prosecutor has possession.

(Conferencing)

Well -- and -- and -- and -- and since you read the

Bay case, the issue of -- of diligence is -- is really very key here. And that case lays out what's involved there. And if the prosecutors make every effort that they possibly can, and do things the way they have to in terms of the timetable and everything else, then I don't believe that a case will be just thrown out on that basis.

Now let me -- let me just tell you that, these cases -- so let me try to answer it. And I'll just take a minute. The -- the data that we have of cases that have been dismissed because of discovery violations relate mostly to misdemeanors. Throughout the State, the percentage of felony cases that have been dismissed on discovery grounds, has not changed in the past six years. And, in fact, the percentage of cases -- of misdemeanor cases has not changed outside the City of New York; within the four boroughs other than Staten Island, that's where the -- the -- the increase in dismissals have been.

So what we're doing today, I don't think is -- if anything, it's going to result in a few dismissals.

MR. MOLITOR: So, you would agree with me that regardless of where the prosecutor is trying to obtain the discoverable material from; whether it's a lay witness or it's a law enforcement agency, the question as to diligence will be left to the court? Whether the prosecutor was diligent, it'll be left to the court?

MR. DINOWITZ: Well, ultimately, it's up to the courts. Yes.

MR. MOLITOR: Okay. All right. And in these discovery changes -- well, in the discovery law, in general, the defend

-- the defendant also has to file the certific -- Certificate of Compliance within so many days after the prosecutor, is that correct?

MR. DINOWITZ: Yes -- yes. They have to -- they have a certain amount of time to respond after the prosecutor files the Certificate of Compliance.

MR. MOLITOR: And they're required to turn over any discoverable materials that are listed in the statute?

MR. DINOWITZ: Yes.

MR. MOLITOR: Is -- have those provisions been changed? Because I know -- I know in 2 -- in CPL 240 -- or 245.20, subdivision (1), those provisions specifically relate to the prosecution. Have the -- have the provisions for the defense changed as well?

MR. DINOWITZ: They have not.

MR. MOLITOR: Okay. And has there -- has any change been made? Because the way the statute currently operates is if the defense fails to file a Certificate of Compliance, there's really no remedy. Have we provided a remedy now if the defense fails to comply with the Certificate of Compliance requirement?

MR. DINOWITZ: That -- no. That -- that hasn't been the issue that we've been dealing with. But the answer is no.

MR. MOLITOR: Okay.

(Pause)

I don't think I have any further questions.

Thank you, Mr. Dinowitz.

MR. DINOWITZ: That's it?

MR. MOLITOR: That's it --

MR. DINOWITZ: Okay.

MR. MOLITOR: -- easy.

ACTING SPEAKER HUNTER: Thank you.

Mr. Norber.

MR. NORBER: Thank you, Madam Speaker.

Thank you. Would the -- Mr. Dinowitz yield?

ACTING SPEAKER HUNTER: Mr. Dinowitz, through the Chairman, will you yield?

MR. NORBER: Try to keep it short. Thank you very much. I do appreciate all the questions you've been asking -- or been answering the past couple of hours already. Listening to everything, I know that we can relate on many issues, being me and you coming from the same kind of background. But I do want to speak about the mask issue, mask bill, as it pertains to the Jewish community. My community, my county, is probably one of the most populous Jewish communities in the United States. So I think that it's important that we bring this up.

Do you know right now which minority group is being the most affected by hate crimes in New York?

MR. DINOWITZ: Yes. I believe that the Jewish community by far is the community most affected by hate crimes. This legislation is not -- doesn't apply just to the Jewish community, obviously --

MR. NORBER: Obviously. Nothing to do with it.

MR. DINOWITZ: -- it applies to all communities. But the fact is, is that both in New York and nationally, there have been a heavily disproportionate number of hate crimes directed at the Jewish community. In fact, the report that came out by ADL just a -- a couple of weeks ago, indicated that throughout the United States there was a hate crime directed against the Jewish community every hour of the entire year of 2024. So, there's not even a close second when it comes to that. And, that is also true in New York. While other communities have definitely been impacted --

MR. NORBER: Yes.

MR. DINOWITZ: -- by hate crimes, and I think the Muslim community, Asian American community, among others, have been impacted. No question about it --

MR. NORBER: Right.

MR. DINOWITZ: -- but the Jewish community by far has been the most impacted community.

MR. NORBER: Thank you so much for doing my research for me.

MR. DINOWITZ: Any time.

MR. NORBER: That's great. You're absolutely right. And we both believe -- and you just had an event here two days ago about a Now -- Never Again Is Now, correct? And so, I guess, we understand what this -- the problem is right now with the Jewish communities in the entire State. And we're talking about the mask ban, up to now the mask issue, but nobody's talking about why it's

been an issue right now, and who's trying to promote it, and why it's important for specific communities more than others. So I'm gonna ask -- we're talking about the legislation about it, but I'm asking you some very -- very simple questions about it.

So, is calling an Israeli an f'ing Zionist, is that a crime --

MR. DINOWITZ: I'm sorry -- say -- say that again -- say that again. I -- (indiscernible/crosstalk)

MR. NORBER: Is calling an Israeli an f'ing Zionist, is that a crime?

MR. DINOWITZ: I can't -- say it again.

MR. NORBER: Is calling an Israeli, or a Jew, an f'ing Zionist, is that a crime?

MR. DINOWITZ: Is calling somebody a -- a Zionist a crime?

MR. NORBER: Yeah.

MR. DINOWITZ: I -- I don't know that it's germane to this bill specifically. I can give you my opinion --

MR. NORBER: It does --

(Crosstalk)

MR. DINOWITZ: -- because --

MR. NORBER: -- because all the people that are wearing these masks --

MR. DINOWITZ: -- I can give you my opinion.

MR. NORBER: -- yeah.

MR. DINOWITZ: Often when somebody is called a Zionist in hostile circumstances, there is no question in my mind that it's an anti-Jewish remark.

MR. NORBER: Right.

MR. DINOWITZ: That's what I believe --

MR. NORBER: Me too.

MR. DINOWITZ: -- but that's not what -- that's not what this bill is exactly.

MR. NORBER: That's definitely not the bill is, for sure, but that's what I want to get to.

Is disseminating terrorist propaganda in the universities, is that a crime?

(Conferencing)

MR. DINOWITZ: Disseminating terrorist propaganda. I -- I -- I'd have -- I don't actually know the answer to that. But I believe if you are simply speaking in and of itself, speaking is not a crime. But committing a crime --

MR. NORBER: Right.

MR. DINOWITZ: -- a felony is -- or a Class A misdemeanor, is what's covered in this bill. There are a lot of things that have been going on that I don't like --

MR. NORBER: Right.

MR. DINOWITZ: -- and that -- just because I don't like something, just because I think that some of the people doing some of these things are horrible people who are filled with hate, that

in and of itself, what's in people's heads is not necessarily a crime.

But what people do --

MR. NORBER: Right.

MR. DINOWITZ: -- and what their motivations are, that could be a crime.

MR. NORBER: Okay. That's correct.

So let's -- another example, just something that happened this past year. Somebody wearing a mask, yelling in the middle of the subway: *Are there any Zionists here? Are any Jews here? Please stand up.* Is that a crime?

MR. DINOWITZ: (No response)

MR. NORBER: I just want to know at the end of the day --

MR. DINOWITZ: That -- that -- in my opinion -- I'm familiar with the incident that you're talking about --

MR. NORBER: I know.

MR. DINOWITZ: -- it happened about the same time as the president of the Brooklyn Museum's home was attacked because she was Jewish. What happened on that subway could be -- could be considered a hate crime.

MR. NORBER: Okay. Good.

Do you believe that this bill does enough to fight and -- and stop in its tracks, these types of threats, harassments, violence against our community?

MR. DINOWITZ: There's probably no bill that I

would think -- that I would think would do enough. However --

MR. NORBER: Yeah.

MR. DINOWITZ: -- what this bill does is more than not doing this bill does. And if you vote against this bill, then you are not doing anything. And, so, I would strongly urge that you consider voting for this; otherwise, you can be easily characterized as not doing the right thing in terms of this issue.

MR. NORBER: Okay. All right.

So, just another question, quickly. If hundreds of protestors would be walking around the streets of New York with Nazi or KKK insignia or pillowcases on their heads, is it our responsibility in this Legislative Body to stop that?

MR. DINOWITZ: Again, I have an opinion on that. I did not think -- I did not agree with the position of the American Civil Liberties Union that Nazis should be able to march with impunity through the town of Skokie, Illinois.

MR. NORBER: Right.

MR. DINOWITZ: But that's -- that's me. Some people totally disagree with that. Some people think that that's their -- part of their right to free speech. I think that there are -- there are certain limitations. I don't think that we should take lying down people committing hate. And there is no question that while, over the years, most of the hatred directed against the Jewish community, because that's what you're talking about here, has traditionally come from one end of the political spectrum. But in more -- in the past

couple of years, it's come from both ends of the political spectrum. And I think we gotta do everything we can to try to address that issue. And this is one way that they're trying to attack. And it's not just for the Jewish community, as I said. This could impact any community, not just the Jewish community.

MR. NORBER: So why not bring back the mask ban as it was in 2 -- 2020 until COVID? What was the reason behind not just repealing the repeal of the mask ban?

MR. DINOWITZ: Well, you -- you know that -- as I mentioned earlier, the mask law that we had back before COVID, the penalty was a violation, which probably would result in a desk appearance ticket. That law was upheld. I know that there were those in certain segments, maybe even in this room, who would think that that violated people's First Amendment rights, but the courts disagreed. That had been adjudicated, and it was upheld. But that -- that's not the law we're voting on today. We're voting on this. This -- which is a Class B misdemeanor, not -- and -- and, again, not a mask ban.

MR. NORBER: Okay. I do understand that there's a need to protect the rights of those who are wearing masks for medicinal or religious purposes or because the First Amendment, which I completely believe in, but is wearing these -- as these people wearing these Hamas kufiyas and the Hamas insignia, is it more important to protect their rights than protecting the safety of students, children in these high schools who are being harassed and threatened

every day?

MR. DINOWITZ: I think --

MR. NORBER: What I want to say is, we can find a way in this Body to at least put a bill together that would make sense for everybody. It's just that we didn't have the opportunity to have that kind of deliberation here. And -- and since I got --

MR. DINOWITZ: I think it's --

MR. NORBER: -- into office this year, I was suspecting -- assuming since October 7th, with all this violence going on, and harassment, that we could get together and do that. And that never happened.

MR. DINOWITZ: I think it's critically -- critically important to protect everybody's rights. And as -- as we discussed earlier, some communities have faced more discrimination, at least recently, or at least more hate crimes than others.

I don't -- during COVID I was among the last people to stop wearing a mask. I believe strongly that we should have been wearing masks. But, see, my mask did -- covered my nose, my mouth. It didn't cover my head, it didn't cover my -- up -- up here (indicating), it didn't cover my ears. Because I wasn't trying to conceal my identity. I wasn't trying to lie about people. I don't like masks, as a general rule. If people need them for their health-related purposes, they need it for religious purposes, or whatever, fine. But the masks that we see, such as the ones we saw yesterday at Columbia University or the masks that the Proud Boys wear when they put the

ski mask over their head as we saw on January 6th and beyond January 6th, or, frankly, the masks that ICE agents wear when they arrest people sometimes, I don't like any of that. But this bill -- this bill is directed at the -- the provisions are very simple. Mr. Reilly --

(Crosstalk)

MR. NORBER: I understand that you want to protect the Jewish community, also. And -- but you're saying this bill does something do it. What does it does -- what does it do to help the Jewish community? What does it -- if you're saying that I should support this bill, because I'm going to vote no on it, just because of this bill, because it doesn't do anything, what does it do?

MR. DINOWITZ: What I'm saying is that this bill can cause somebody to be charged with an additional crime if they commit a crime while wearing a mask, trying to conceal their identity, or fleeing from a crime. So, they could be charged with an additional crime.

MR. NORBER: All right.

On the bill.

Thank you very much. Thank you for your time.

ACTING SPEAKER HUNTER: On the bill.

MR. NORBER: Okay. This idea of wearing a kufiya mask or Hamas insignia in order to threaten and -- and harass law-abiding Jews, students, and children in high schools, it's currently being perpetuated by our inability in this Body to discuss the matter. Jews of New York State are suffering and are being completely

ignored. This is not a political issue, and in no way should it be controversial. You can say that this a First Amendment question, but it really isn't. Because we have found ways in the past to make balance between First Amendment issues and keeping people safe.

All right. Because of that, I will voting no on this. I hope that this year, or next year, we could just work together as a team, as a deliberative Body to protect all minorities; especially, those who are, on a daily basis, suffering by the hands of people who are promoting terrorism in our country. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker.

Will Chair Pretlow yield, or will Mr. Benedetto yield for some questions about this cell phone policy? Your preference.

MR. PRETLOW: Mr. Benedetto will yield.

ACTING SPEAKER HUNTER: Mr. -- the Chair yields to Mr. Benedetto.

MS. WALSH: Thank you so much.

MR. BENEDETTO: Sure.

MS. WALSH: I just have -- as I said, just a few clarifying questions. We 've touched on it a little bit, but I wanted to just go through the school bell-to-bell cell phone policy, Part C. So, in the beginning of the -- this section it talks about, I believe, that non-internet enabled devices such as cellular phones or other communication devices not capable of connecting to the internet or

enabling the user to access content on the internet. They -- they're outside the scope of this ban, is that correct?

MR. BENEDETTO: That is correct.

MS. WALSH: Okay. So, in other words, when I think about, I think about those old, like, clamshell, like, flip phones and stuff that aren't Smartphones. Those would still be permissible in the school setting?

MR. BENEDETTO: That is correct.

MS. WALSH: Okay. And school day -- the definition of "school day," I just wanted to clarify. What if there is, for example, a field trip within the school, the school hours, you know, but they're off on a school trip, do they -- are they gonna have to secure their phones and -- are they gonna not have access to their phones during those?

MR. BENEDETTO: That would be off school grounds, so --

MS. WALSH: That's true. Okay --

MR. BENEDETTO: -- that would be up to the school policy --

MS. WALSH: That's the distinction. Okay, if they're off school grounds. And I'm -- and I'm presuming that after that school bell rings at the end of the day, and students go on to athletic practice or theater practice, or whatever they're doing after school, if it's on the school grounds, they may at that point have their cellphones, is that correct?

MR. BENEDETTO: That is correct.

MS. WALSH: Okay. I wanted to know, it -- it spoke a little bit about -- there were a lot of "shall" -- S-H-A-L-Ls all throughout the -- the section. And I understand. But what do we do with -- or what do you foresee is going to happen for those schools -- and I represent some of them. Maybe you do as all -- who already went through all that effort of gathering stakeholders together, meeting with the PTA, meeting with their teachers, and coming up with their own plan that was something less of a bell-to-bell cellphone prohibition?

MR. BENEDETTO: They will have to abide by the law as all schools certainly want to do. And they would make necessary adjustments, consulting the -- all the people who are interested bodies, and they will have to adjust their school policies in accordance with the law.

MS. WALSH: And -- and I can understand that. My question, I guess, more specifically is, do they need to start from square one again? Do they need to hold all those meetings and stakeholder meetings, and everything? Or can they just say, *well, we came up with this. It got us 80 percent there. Now we're gonna have to adjust the policy and just release it -- hopes that policy as is called for in this legislation?*

(Conferencing)

I ask because I've been asked about it.

MR. BENEDETTO: They will probably have to

meet underneath the law, and call the stakeholders together and have a discussion. It could be a rather limited discussion because they already have a policy, and only need to make small changes. But they will have to consult.

MS. WALSH: Very good. Thank you.

And then in Part 7 of this particular section, it talks about publishing an annual report on its website. Can you talk a little bit about what that report needs to include, and why that reporting is a part of this plan?

MR. BENEDETTO: I think it would be -- to take a look at if a -- after a year or so you want to take a look at the policy that you have implemented, and -- and take a look at whether there have been X amount of violations to that policy, what success has been achieved by that policy, and to further just look at and make sure you made the right decision.

MS. WALSH: Okay. So each -- each and every year from now going forward, this is a report -- this is gonna be data that needs to be collected by the school district. I am assuming that this is a districtwide report that's gonna be assembled. So, in other words, if you've got, you know, X number of elementary schools, then you got your middle school and your high school, you're gonna be aggregating data, and then putting it up on -- on the school's department -- school district's website?

MR. BENEDETTO: That is correct.

MS. WALSH: Okay. All right. And it does speak

about -- around line 13 or 14, on that page, 33, that including non-identifiable demographic data of students who have faced disciplinary action for noncompliance, and analysis of any demographic disparities in enforcement of the policy. Could you just explain what that section means? I don't understand it. Thank you.

(Conferencing)

MR. BENEDETTO: We certainly want, and, again, the reason to be looked at, to make sure the policy that they have been employing over the past year has been implemented fairly. And what you want to do is take an analysis of it and make sure it has been.

MS. WALSH: But what -- when we talk about demographic disparities, what specifically are we looking at? Are we looking at -- at race, religion, gender, all of the above? What -- what -- is that the kind of stuff that we're looking at?

MR. BENEDETTO: Yes.

MS. WALSH: Is it anticipated in any way that there would be a selective enforcement of a policy based on demographics?

MR. BENEDETTO: We have great confidence in all our administrators throughout the -- the districts that it will be implemented fairly. But, there's always a chance that it might not be, and we just want to look into it.

MS. WALSH: And for that reason, every single year moving forward the -- the school districts gonna have to be compiling this data and doing this report. And -- and I appreciate your answers. That's my -- I guess, my own editorial on that. But thank you very,

Mr. Benedetto.

MR. BENEDETTO: You're welcome. It's always a pleasure --

MS. WALSH: Always a pleasure.

Very briefly, Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So I do -- I was personally one of those people that had been in favor of allowing those school districts that had already gone through all that work, and had determined by working collaboratively with all the stakeholders in their districts on a plan, and that plan was working, to just be able to keep that plan and not have to start all over. I imagine that when -- and certainly the -- the school districts that I'm thinking of, had considered the idea of a bell-to-bell cellphone ban, and had rejected it for probably any number of reasons. But, they came to something that was almost there, but maybe it was a little bit of a -- of a softer plan, but it was working for them. And so I hate the idea that on top of everything else that the schools have -- we ask them to do, are gonna have to go back to square one, gather the stakeholders together, meet with the PTA, meet with the -- the Teachers Union, meet with the school superintendents, but, you know, meet with everybody and come up with it again. But sobeit. I do note that the -- that there is no model policy that's been included. So it's kind of like we gave them the mandate but not the -- not a model policy to adopt. But -- I don't know. The -- the part about the reporting at the end that I was just

asking the previous speaker about, I mean, I guess the thing is, when I meet with school superintendents -- and I know that we just celebrated Teachers' Week here by resolution -- but when I speak with school superintendents, they talk about all the reporting requirements that they have. And it's almost like death by a thousand cuts. And I just hate the idea of -- of adding another thing on to them. But I suppose, at least at the beginning, we're gonna want to check in and see how the policy is working. So I -- I would be supportive of that as well. So I do think that it's gonna have the idea of eliminating the influence of Smartphones in schools during the instructional day. I think it's gonna be a very, very interesting thing to track in terms of attentiveness. Removing a distraction like that, I think it's gonna be very interesting if we could ever quantify or even anecdotally analyze what it does in terms of how students are interacting with each other. And anything that we could do to improve mental health in the schools is very -- it's very important. I've worked on legislation to try to curb bullying in schools. And I think that -- I -- I -- I am just very excited by the idea that -- I know that many students that I know are probably not too excited about this idea, but I -- I do think that in the long run it may be a great benefit; particularly, as we've come out from the pandemic, and have still had so much learning loss, and social loss, to try to start to reverse. So I do think that this is a good policy, and I do support it.

I think what I'll do is, rather than to use that time right now, I'm going to yield back the remainder of my time so that we

can finish up on this particular piece of legislation, and perhaps I'll explain my vote later. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Bailey.

MS. BAILEY: Thank you, Madam Speaker. Will the Chair yield for a handful of questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: (Indiscernible).

ACTING SPEAKER HUNTER: The Chair yields.

MS. BAILEY: I just have a couple questions on the EV buses. We sat in many budget hearings and -- and EV buses came up quite frequently. So, I see in the provisions that we have outlined here, we are extending the original two years to a four year waiver, if necessary, for schools.

MR. PRETLOW: Well, yes. Two years and another two years.

MS. BAILEY: Okay. So --

MR. PRETLOW: Maybe.

MS. BAILEY: -- based off of what had passed previously where it had the two years already built into it, do we have schools that have already applied for that two-year extension?

MR. PRETLOW: I -- I am not sure of that. I don't believe so.

MS. BAILEY: No? Okay --

MR. PRETLOW: No.

MS. BAILY: Thank you. And so will -- I also read at the -- the bottom language: The application will be available on -- the Commissioner shall make the application available on the website by December 31st of this year.

MR. PRETLOW: Yes.

MS. BAILY: Okay. So, hopefully, at that point in time we'll have an understanding in the beginning of the year how many schools might be looking for the initial two-year extension?

MR. PRETLOW: Yes.

MS. BAILEY: Okay. So, we're gonna work on the two-year extension. And then if they need to go out to the -- to the four year, that's going to require the schools to meet with NYSERDA on an annual basis to discuss their plan moving forward.

MR. PRETLOW: That is correct.

MS. BAILEY: I'm understanding that? Correct.
Okay.

My next question is: Have we -- I'm not sure how we got to this point in the negotiations. So, during that time, are you aware, is there any provision if we go out past four years, what that might look like for our schools and our school boards?

MR. PRETLOW: Not right now.

MS. BAILY: Okay. And have we discussed this with the school boards? And do we have an understanding of how they feel this -- this section of the bill will play out for them?

MR. PRETLOW: Well, I haven't presently discussed it with the school boards other than the school boards that I represent, and they both have issues while with the plan as we have it going forward.

MS. BAILEY: And I would agree with you on that. And have we reached out to NYSERDA to find out, once we reach that three or four year point, what that might entail for them to meet with these school districts across the State independently?

MR. PRETLOW: Well, I think the full implementation date is gonna depend on whether the infrastructure is in place, as they -- one of our colleagues formally has talked about, the infrastructure not being sufficient. Right now we don't have the capacity to generate the -- enough electricity to charge all of the buses as -- as perceived. And we don't have the charging stations that the bus depots or the schools, depending on the way people get their school buses from. So there are a lot of issues that are still open. So I'm pretty sure that that two year plus two year will be extended another two to four years.

MS. BAILEY: Well, thank you. I'm glad to hear you say that. And I appreciate you answering my questions.

ACTING SPEAKER HUNTER: Thank you.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you. Will the sponsor or, I guess, Mr. Benedetto, through the sponsor, yield for some questions on Part A?

ACTING SPEAKER HUNTER: Will the sponsor yield --

MR. BENEDETTO: Of course.

ACTING SPEAKER HUNTER: -- through Mr. Benedetto?

MR. PRETLOW: The sponsor yields.

ACTING SPEAKER HUNTER: Thank you.

MR. BLUMENCRANZ: Mr. Benedetto, my questions pertain with the ELL increases that we saw in the budget. Could you just talk a little bit about what happened there? Why the 3 percent? Is there justification to the 50 to 53 percent increase in the ELL waiting the next school year?

MR. BENEDETTO: Well, I think we just felt that an adjustment should be made. There has been a -- an increase of -- of -- of children who have come into the system who are not English speakers. And reflective of that, they made an adjustment.

MR. BLUMENCRANZ: Was there -- what did the consultations with experts look like? How -- how exactly did the number that was chosen, how did that come to be? I'm --

(Conferencing)

MR. BENEDETTO: It was based on partially by the -- they -- one of the suggestions made by the Rockefeller --

MR. BLUMENCRANZ: The comprehensive study they released?

MR. BENEDETTO: Yes, the study that they made.

And based upon the needs of the communities and needs of the -- of the various not English speaking students.

MR. BLUMENCRANZ: So, just for frame of reference, do you have a -- awareness to the -- the levels when it comes to ELL students who have entering, emerging, transitioning, and then you have expanding and commanding proficiency of the language? Are you aware of the different requirements at each level?

MR. BENEDETTO: The -- the team who put this formula together certainly did.

MR. BLUMENCRANZ: The team at Rockefeller?

MR. BENEDETTO: Correct.

MR. BLUMENCRANZ: So, when I speak to my school districts, this is often something that comes up, I have a lot of school districts with emerging learners on Long Island. The past ten years, there's been a 60 percent increase. My district, in particular, the schools have been more than double. Is there any change to the -- the support provided per level of efficiency that is currently in place?

MR. BENEDETTO: No. It's a flat increase.

MR. BLUMENCRANZ: Was there a conversation surrounding potentially making reforms based on levels of proficiency? I ask, because if someone is an emerging student, and many of my districts have mostly emerging new Americans, they speak no English, and they need the 360 minutes of education. Versus many school districts that have more than double the number of students, but they are in -- classified as expanding or commanding,

they need little to no extra support in comparison to those emergent students.

MR. BENEDETTO: So, please repeat the question --

MR. BLUMENCRANZ: The question is --

MR. BENEDETTO: -- because I want to understand it before I answer it.

MR. BLUMENCRANZ: The study was released. Many experts, school districts that were concerned, school districts like mine who have concerns considering the high influx of Chinese, Urdu, Hindu population that do not speak English, they did not feel that that study accurately reflected the struggles they were facing. Because even if they had a few students, they were a few students that needed to reach that 360 minute threshold. That's hiring an extra individualized teacher, that's -- a side class teaching, that's a significant support staff increase in number. Versus the students who don't need all those requirements because they're not emerging, or new American students. So, was there a discussion surrounding the fact that not all ELL is treated equal and yet all funding is treated equal?

MR. BENEDETTO: It's very difficult a lot of times to make these determination [sic], but discussions like that were discussed. And -- and --

MR. BLUMENCRANZ: And then --

MR. BENEDETTO: -- it all factored into what they were doing, yes.

MR. BLUMENCRANZ: So, the discussions happen, but we still feel like even though all education levels are not equal, funding should stay equal?

MR. BENEDETTO: A lot of times when you're doing your formula on this, and working out what districts should be getting how much money, you want to give as much as you can sometimes, and sometimes you can say you just can't work it into the formula. And that -- districts will have to be able to do with less.

MR. BLUMENCRANZ: Okay.

Moving on to the cellphone ban restrictions. A lot of concerns out of my district relating to this ban in particular. When it comes to school districts, thankfully, luckily all of mine have had nuance conversations surrounding this already. They already have policies in place, which they'll now have to change. Do you see an issue that may arise, as many of the school districts have pointed out, that this may lead to an influx in 504 issues? They're kinda gearing up for the fact that many parents will try to intervene by finding ways to make sure their children can still have cellphones. It's gonna be a big cost burden on them. Is that something that's been a part of the discussion when this was created?

MR. BENEDETTO: Yes, it was. And I think that's why one of the exception -- exemptions that can be made in the local school plan would've -- be involving IEPs, and be involving what plans for 504 children, and that should be considered.

MR. BLUMENCRANZ: So, school districts should

prepare for -- even if students don't have IEPs, now that parents find it a necessity or they don't like the ban, they try to go through that process, they can get this exemption, that's a -- that's gonna be a big administrative cost burden on the school districts, correct?

MR. BENEDETTO: I'm sorry. What's gonna be a big administrative cost?

MR. BLUMENCRANZ: If all of a sudden --

MR. BENEDETTO: Yeah.

MR. BLUMENCRANZ: -- many students' parents decide to initiate the process, get an IEP for their student so they can get an exemption. Whether it be for anxiety or other learning disabilities, or assisted technology, that's a -- in one year that's a large administrative influx of students altering their educational processes. Is this something that's been a concern here?

MR. BENEDETTO: I think the whole preparation of an IEP, putting together for the students, they look at the entire needs of the students. And in the future you're anticipating, maybe by your question, that there's going to be a sudden influx of modifications on the IEP over the next couple of years because of the cellphone ban, and to make sure that's included with the IEP. I guess, in theory, that might happen. But I don't know that that is definitely going to happen.

MR. BLUMENCRANZ: If we see that this is -- we'll get these reports every year --

MR. BENEDETTO: Yes.

MR. BLUMENCRANZ: -- something that is happening --

MR. BENEDETTO: And there you go --

MR. BLUMENCRANZ: -- specifically in regional places, is it something you think this Body be -- will be willing to entertain an opt out provision for school districts who feel like they're having the conversation we're hoping to have here? Or you think that there's not going to be flexibility on this policy in the future?

MR. BENEDETTO: Well, I don't think that's part -- that's not in this bill. And that will be something dealt with in the future, if that does happen.

MR. BLUMENCRANZ: Okay. Thank you for your time.

MR. BENEDETTO: You're welcome.

MR. BLUMENCRANZ: Thank you.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. BLUMENCRANZ: Many of the school districts in my area, but I know in many of the areas that all of us represent, are facing either the consequences or the results, depending on how you see it, of the policies created in this Body. These are -- what -- have turned into unfunded mandates. I have school districts that were once paying 10,000 on translators to meet mandates that were created here, to close to 200,000. I have schools that are scrambling to find individuals that speak multiple different dialectic and linguistic

communities, languages, and are struggling to keep up with; especially transient and change in communities. One district in particular reached out saying they've had almost 200 students -- this is a district of only 3,000 students -- show up within the last six months during the school year. This is a big issue for districts that they're struggling to fund on top of every other issue.

I hope we can have a more nuanced dialogue about how we can deal with making sure every student can have educational opportunities without bankrupting our schools, and hope we can do so in the future. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. ROSENTHAL: Every budget is a value statement. It's many pages to reflect the urgency of the day, the direction of the State, and the beliefs of our many constituents. So while we must celebrate the wins we fought long and hard for, we must also acknowledge some of the non-fiscal additions that snuck their way in.

As Chair of the Assembly Committee on Housing, I have deep reservations about our provision in this budget that allows landlords receiving tax abatements and subsidies such as 421(a) and low income housing tax credit to convert their market rate units into

condos under the guise of sparking affordable homeownership and preserving affordable housing. One of the more galling parts of the program is some build -- is that some buildings whose tax breaks and subsidies aren't slated to expire for another 25 years, would be allowed to convert their market rate units into multi-million condos. I must ask, especially as we contemplate a potential reduction or loss of housing subsidies from the Feds, why should anyone who's receiving lucrative government tax breaks to provide affordable housing for the next 25 years or more, also be allowed under the guise of protecting affordable housing, make millions of dollars by transforming that very building into a condo decades before any such benefits expire? We should be ensuring that our Federal and city subsidies are being smartly used to stimulate the production of much needed housing; especially, as we battle implementation of tariffs on the Federal level. However, the Assembly we met with incredible resistance when we suggested that buildings can begin the process of converting their market rate units for breaks that expire in the near future instead of ones that will be affordable for many years to come. We needed commonsense guardrails in place, but big real estate was happy to have this in the budget. We must stay vigilant because after 2019 HSTPA was passed. A lot of people in the industry were not happy and we're looking to roll back some of the gains. Last year we had to roll back some of the IAI gains. This year we lowered the percentage of residents and nonresidents who could vote to convert buildings into condos from 51 to 15 percent. We will have our eye on what attempts

will be made next year, and will remain vigilant in protecting the rights we fought so hard for.

However, this budget has a lot to celebrate when it comes to housing vouchers. For the first time in New York State's history we'll be creating a Statewide infrastructure to distribute our very own housing vouchers to thousands of tenants in desperate need of a safe and affordable place to live. I could not be prouder of what this bill and this moment means to so many people across the State; especially to those who, through no fault of their own, have found themselves at the mercy of a merciless administration in Washington that has threatened to cut their vouchers.

I hope HAVP will provide thousands of New Yorkers, whether they live in shelter or live in fear of receiving an eviction notice, will have much needed relief. Fighting for policies that help keep tenants in their home is very hard, which is why I'm proud to have worked with an incredible team to make this moment a reality. First, I'd like to thank Speaker Heastie and his wonderful staff for championing this effort for the Assembly. This would not have been possible without his tenacious spirit and leadership. I also want to thank the many housing advocates who never ever took no for an answer. I'd like to thank Legal Aid Society, WIN, Vocal New York, Housing Justice for All, the Coalition for the Homeless, Enterprise, NHD and so many others for diligently working alongside me for the past few years to make this happen. I also want to thank the many tenants who continually trek to Albany to help, quite literally, open

doors for thousands of New Yorkers. Last, but never least, I'd like to thank the tireless Housing Committee staff, Fletcher Whyland, Meghan Furcick, Alex Perry, and Christana Majekodumi for braving the waters with me day after day to fight for more affordable New York for all people. HAVP is a great victory. There are so many jubilant people across the State who now know that the person living on their street has an opportunity to move into a safe place to live.

I'd also like to mention a win on the Mitchell-Lama Program, which keeps the dream of middle-class homeownership alive in New York. Its decades old buildings are in desperate need of an infusion in capital funds. Last December I held a hearing with the committee on Mitchell-Lama buildings, and they described the very real needs of their buildings. I am proud that this budget will slash the Mitchell-Lama shelter in tax from 10 percent to 5 percent. This will allow dozens of buildings to reinvest their hard-earned dollars back into their buildings to complete much-needed repairs. These are true historic changes that will transform the lives of everyday New Yorkers who are struggling to get by.

I am very proud of what we were able to achieve for both homeowners and tenants this year. And look forward to fighting again next session -- for next year, rather, for more funding for HAVP so that we can help more people stay in New York State in an affordable space. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Burdick.

MR. BURDICK: Thank you, Madam Speaker.

On the bill.

I wish to thank Speaker --

ACTING SPEAKER HUNTER: On the bill.

MR. BURDICK: -- I wish to thank Speaker Heastie and his extraordinary team for their perseverance and success in negotiating this budget bill. The outcome of which I think is very positive. I'm delighted with the robust support for public education, with record funding for Foundation Aid, and pleased with the revisions on factors for English Language Learners, and also to move toward parity for Westchester County, with Long Island and New York City in the regional cost index.

We can be very proud of the Universal School Meals Program providing for all students regardless of income, eliminating the stigma associated with it for those of limited financial means.

As a member of the Housing Committee, I'm very pleased with the four year pilot program for the Housing Access Voucher Program, with a \$50 million appropriation. It is vitally important to those who are homeless or at risk of homelessness. And we can also be proud of 400 million in additional funding for childcare subsidies for a total of 2.19 billion.

On thorny policy issues we reached fair resolutions and compromises that took time to iron out. And we stuck to it until we could reach an accord. The expansion of the Mental Hygiene Law regarding involuntary hospitalization is in response to shocking

violent crimes committed by mentally ill individuals. The revisions provide for streamlined involuntary hospitalization of those with mental illness where they pose a risk to themselves or others. In doing so, we are protecting our communities while also protecting those with mental illness. There are critical guardrails to safeguard the individual's rights.

The use of face mask -- face masks for which there's no valid basis when used to conceal identity and in connection with committing a serious misdemeanor or greater crime will be a separate Class B misdemeanor.

A uniform bell-to-bell law will apply to primary and secondary public schools which will ban student use throughout the school day of cellphones and other personal internet-enabled devices. There are important exemptions for students who require such devices for medical, educational or translation purposes, and directs the schools to provide a method to ensure that parents will have the ability to reach their children if needed. And I'm pleased that 13.5 million is appropriated in the budget to assist schools in enforcing the ban.

And to address the concerns of prosecutors that cases are being dismissed for minor procedural errors. The discovery provisions of the Criminal Procedure Law is being amended to require the disclosure to defense counsel of relevant materials in their actual possession. If prosecutors demonstrate diligent and good faith efforts to obtain and provide discover -- discoverable materials, judicial remedies for failure to do so are to be proportionate to the relevance of

missing information rather than simply automatic dismissal of the case.

One area of disappointment entails substantial equivalency. The rules are critical to ensure that all children in New York, regardless of the school they attend, receive a basic standard of education that provides them with the skills and knowledge expected by the State; especially important in core subjects. I am disappointed that these rules have been weakened and it may be many years before full implementation of substantial equivalency is implemented in all schools.

Unbalanced, however, this is an excellent budget bill of which we all can be proud. And I will be voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Kelles.

MS. KELLES: On the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. KELLES: I will cover what my thoughts are on the -- the bill in -- in completes when I explain my vote, but I did want to read a statement that I wrote after days of analyzing existing regulations on substantial equivalency, as well as the bill that was included here in this budget bill.

As a former teacher and passionate defender of children's rights and freedom, I'm deeply concerned with and oppose the policy language that was added to this budget that undermines the

ability of our Department of Education to ensure every child across the State achieves a basic level of instruction in both content and quality. In current regulations, the State ensures that schools need substantial equivalency in the quality of education they provide through oversight by the local school authority that is administering State law and regulations. This law completely removes the direct oversight of the local school authority and, therefore, State Department of Education, if the private school satisfies one of seven pathways. The language eviscerates the integrity of the last two pathways by adding definitions into the law for what both, quote, "proficiency," and, quote, "year-end cumulative or summative assessment means". This language defines proficiency as achieving a low 33rd percentile. The excuses that this percentile is the same as that used for homeschooled students, but this is -- this is disingenuous. Under current homeschool regulations, this percentile is simply used for reporting purposes, and they are additionally held to quarterly report scrutiny. Families for children being homeschooled must also submit an individualized home instruction plan, which is reviewed and approved by the local school district. This process ensures instructional quality, alignment with State standards, and regular engagement with local educators. In contrast, the substantial equivalency proposal strips away that local relationship and accountability, offering no required review, no instructional plan, and no meaningful district oversight. This pathway now allows nonpublic schools to use outdated assessments that are not SED developed, SED

approved or SED approved for the purposes of substantial equivalency by schools to ensure alignment with State learning standards.

Currently, all nonpublic schools must meet substantial equivalency by June 30th of this year. In this budget we have included language that not only allows for an eight year on-ramp for schools to meet substantial equivalency, but by the way that it is written, all students who are currently in any grade from third to twelfth grade will never be officially ensured that they are receiving an education that is substantially equivalent. Further, permitting the opportunity for nonpublic schools to change which pathway they are selecting to determine whether they meet substantial equivalency from year to year creates a "choose your own adventure" to find which pathway at any point most likely achieves the school's agenda for limiting any external oversight and significantly restricts the chance of tracking progress and growth.

Lastly, as written, if one school meets criteria, then all affiliated schools are deemed to have met the criteria of substantial equivalency. We can all discuss and lament that we have schools suffering from financial insufficiency, affecting the quality of education and educational attainment of students. But that is not what this issue is about, nor the essence of my concern. This is a question, independent of students individual performance, of whether fundamentally the education being offered in any school in the State is substantially equivalent to what a student can obtain in any other school in the State.

It is truly our responsibility as a State to ensure that our children, no matter who they are or where they are or what culture they come from, that they can grow up to be whoever and whatever they want to be, and achieve all that their hearts desire and their minds dream to achieve. 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: Thank you, Madam Speaker. The Minority Conference will generally be in the negative on this bill, but if there are people who wish to vote yes, they may do so at their seats now. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference is gonna be in favor of this budget bill; 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: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Yeger to explain his vote.

MR. YEGER: Thank you, Madam Speaker. I've been engaged in this debate on the topic of substantial equivalency for a very long time. But, I -- I frequently find as a New Yorker, a New York City residence, as a resident of Brooklyn, why the debate isn't that public schools should be substantially equivalent to the private schools that my community runs. We don't have metal detectors in our schools, you never see six kids walking out of our school and knocking down an old lady. The member who you see here today is a product of those schools. The members of the Legislature of this House, the other House, that speak up about this topic have never themselves walked into any of our schools. They don't represent any of the children who go to those schools, or the families who have decided to make that their life choice. They have opinions about things that they're entitled to because they pay full price for a seat on this flight just like everybody else, but they don't know our schools. They're not from our communities. They don't represent our children. We do. I will be voting for this because this is an opportunity for us to at least right this ship, that if the State is going to put its foot on the neck of schools that do incredible work, like Stewart-Wright, so that those schools can become compliant with a wrongheaded notion of requiring them to be substantially equivalent to, at least in my community, the New York City Public School System. I think it's a bad move to have private schools be substantially equivalent to New

York City Public School System, but that's what the law requires and we're gonna try our best to get there. I will be voting yes today.

Thank you, Madam Speaker.

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

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to explain my vote. It's been a very exciting and, I think, a cooperative day as we discussed this bill. I voted for a lot of pros and cons on each issue that came up. I have to say, I think the bell-to-bell school issue could present us some problems, but I think we're gonna have to look at that one very closely. I'm happy to hear that there's not gonna be any necessarily any punishment for those young people who tend not to want to follow rules. And much like we don't, welcome the space and everybody in the room get on a cellphone. I think those things -- little computers in your hands -- should be used to enhance instruction as opposed to being prohibited. But we will watch as this one goes forward.

Secondly, I would say I'm really pleased about the increased in resources for the libraries and cultural organizations. At a time when our federal government is literally decreasing the cost of libraries and using its MAGA agenda to remove a part of history, I think it's critically important that we still keep resources and add resources to opportunities for entire communities that have access to

not just learning through books, but through the virtual opportunities that are in the libraries in the State of New York.

So I'm very pleased with a -- with many, many pieces of this budget, much like I -- I'm not pleased with some others. But all in all, I -- I believe this is going to be better for New York State citizens across the board, if we are approving this and paying attention to the results of it, because just because this is a really good idea now, and it's a law that we pass, doesn't mean that it can't necessarily take some tweaks in the future.

And so I look forward to voting in the affirmative on this piece of legislation. And I would encourage all of my colleagues that are in the Chambers to do likewise.

ACTING SPEAKER HUNTER: Thank you. Mrs. Peoples-Stokes in the affirmative.

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker [sic]. Just wanted to high -- high -- highlight one aspect of the education budget which is worth focusing on which is, we're continuing our commitment on Foundation Aid. We're increasing what the Governor had proposed. We started a task five years ago to get everyone up to speed, and we acknowledged last year, and fought hard last year that there's no turning back. We're gonna continue to have to grow Foundation Aid and other line items aids in the education budget. We have a good increase this year. The Governor came in with a good proposal. We added to it. We need to continue to do that and up our

game next year as well. I vote aye.

ACTING SPEAKER HUNTER: Mr. Otis in the affirmative.

Ms. Levenberg to explain her vote.

MS. LEVENBERG: Thank you, Madam Speaker. I will be voting in favor of this bill because of the good in it certainly weigh -- outweighs the bad. But I do have some reservations about a few of its contents.

I first want to lift up the voices of constituents who've reached out to me concerning a variety of significant policy items that were popping up in the budget at the very last minute. People do notice. And I believe it undermines public trust. It's often said that a budget is a statement about what we value. That is especially true for us given the amount of policy that is included in this budget. I know that we try to keep it out, but it is here. There are many things in this budget that do positively reflect our values; universal school meals, housing access vouchers, childcare subsidies, payment for low income families upon the birth of a baby, important changes to the Foundation Aid formula, thankfully, that really do benefit our schools, free community college to promote entry into high demand fields. I could go on and on.

I am a yes for all of that. But I feel compelled to stand up and speak out against a specific item in the budget that I feel is a betrayal of an incredibly important value. Our State Constitution says that all students, no matter where they come from or what school

they attend or who educates them are entitled to a sound, basic education. Substantial equivalency is how we protect that important constitutional right for students who attend private school. This can be a difficult principle to protect because the constituents who are mostly directly impacted by it are the ones who can't yet vote. All parents want what they think is best for their children. But sometimes what they think is best is not actually what the child, the future adult they are raising, wants for themselves, and their interests are in conflict. In the case of education, I cannot look away from the young adults who say they were severely disadvantaged by an education that did not prepare them for life in our society. Sometimes people don't succeed in school. Sometimes schools fail children --

ACTING SPEAKER HUNTER: Thank you, Ms.

Levenberg. How do you vote?

(Crosstalk)

MS. LEVENBERG: -- trying to meet high standard.

We owe it to --

ACTING SPEAKER HUNTER: How do you vote,

Ms. Levenberg?

(Crosstalk)

MS. LEVENBERG: -- to at least try.

I will be voting in the affirmative.

ACTING SPEAKER HUNTER: Thank you. Ms.

Levenberg in the affirmative.

Mr. Wieder to explain his vote.

MR. WIEDER: Thank you, Madam Speaker. Dear colleagues, I want to begin by thanking my good friend and colleague the Assemblyman from Borough Park for his great leadership and advocating for the integrity of private schools. I am proud to stand with him today.

I rise in support of the provision in the -- in this budget that reduces the excessive oversight of private schools by the State Education Department. Let me be clear, the push for substantial equivalency is the greatest hoax in the State of New York. They claim that children in the Hasidic schools aren't receiving a proper education is simply false. It's a rotten red herring. These schools produce successful civically-engaged citizens. While the State provides a pittance for transportation, lunch, and various style programs, it does not give a nickel for teachers, curriculum, programs or building and grounds. So, why does the Education Department believe it has the authority to control these institutions? Parents are watching in angst as the very department tasked with managing, many, very struggling public schools, now seeks to impose control over successful private schools. We should celebrate the rich, cultural, and educational diversity that nonpublic schools bring to our State. What happened? What happened, I ask, to New York's commitment to diversity, equity, and inclusion? This budget is a step forward, respecting parental rights, and protecting educational freedom.

I thank our great Speaker for his distinguished leadership, and urge my colleagues to support this measure. And I'll

proudly vote yes. Thank you.

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

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Thank you, Madam Speaker, for -- Speaker for allowing me to explain my vote.

I would just like to say that as we see the federal government has been decimating higher education through our states in this country, we are doing the right thing by making sure that our population are educated for all of the cutting-edge technologies that are on our doorstep. The Opportunity Promise Scholarship Program in our community colleges will help to boost economy as we know the community colleges are the economic engines throughout the State of New York.

So I proudly vote in the -- in the affirmative on this part of our State budget. Thank you.

ACTING SPEAKER HUNTER: Thank you. Ms. Hyndman in the affirmative.

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Madam Speaker. And to my colleagues and our Speaker, thank you for your leadership as this budget is starting to come to a close.

And I just want to mention a few items that I personally, and I think many of us, are proud of in this budget. Reducing the Unemployment Trust Fund debt, that \$7 billion that was

gonna be laid on the back of small businesses, yet at the same time providing protection for those in the future who may be unemployed, is a win-win for everybody.

Fixing the manual labor payroll issue, which is an antiquated law that was causing a lot of problems for our small businesses, is a smart move.

Meaningful changes to the discovery program, something advocated by our district attorneys, which they support, but, yes, still maintains that delicate balance to make sure everyone has a fair and speedy trial.

Meaningful changes to involuntarily commitment, because many individuals are struggling with mental health and behavioral issues. They should not be incarcerated. But they need appropriate care, followthrough, and wraparound services.

For our local governments, continuing our AIM funding increase of \$50 million. Another increase in CHIPS aid for roads and bridges for \$50 million. And also a continuation of a program started by you, Mr. Speaker, of another \$500 million in the Clean Water Infrastructure Grant Program really goes a long way to helping our local governments serve the public.

I also want to say that I'm very pleased that we are making a meaningful change for those individuals to sit for law enforcement exams. For years, it's been 35 years for somebody to sit for a police officer exam. Now, it's being raised to the age of 43. People with lived experience considering a new age of policing.

Mr. Speaker, thank you for your leadership, your colleagues, thank you for your dialog.

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

Ms. Romero to explain her vote.

MS. ROMERO: Thank you. Today we reaffirm New York's commitment to due process and the fundamental right to a fair trial. At a time when basic constitutional rights are under threat across the country, we in this Chamber have chosen a different path to protect them.

Discovery reforms of 2020 were borne from tragedy. Those reforms were passed to ensure fairness, transparency and justice to prevent what happened to Kalief Browder from ever happening again. And these reforms today guarantee that prosecutors cannot claim readiness for trial until they've turned over all evidence; evidence that can mean the difference between freedom and injustice. This reform that we're passing today is about racial justice, too. Black and Brown New Yorkers are disproportionately jailed before trial and wrongfully convicted at alarming rates. Discovery reform helps correct that imbalance.

During this budget process, there were proposals on the table that tried to roll back these hard (indiscernible) protections. The initial proposal that would -- would have allowed prosecutors to withhold critical evidence while claiming readiness for trial. This would have been a serious step backward, but here in this Body we

said no.

I am so incredibly proud to be a member of this Assembly, and grateful to be elected when I was and now to be a part of this recent budget -- budget discussion. Thank you, Speaker Heastie; thank you, Miguelina; thank you, Jen, for fighting for these changes. And let us be clear to all that read and listened to these words today that were discussed, that quote them in your future motions, the amendments that we passed today protect the heart and spirit of the 2020 discovery reforms. The amendments that we passed today still require prosecutors to turn over all evidence. Police misconduct remains discoverable. And the speedy trial rights remain tied to real, complete discovery. Access to evidence isn't a technicality, it's a constitutional right.

In the face of political pressure we stood firm, we defended due process, and today I'm proud to say New York stands for justice and I am so proud to be a New York State Assemblymember. I'm so proud of what we did here and I'm so proud to stand here with all of you representing the 109th Assembly District in the State of New York, and for all of the reasons above I'm voting in the affirmative.

ACTING SPEAKER HUNTER: Thank you. Ms. Romero in the affirmative.

Ms. Bichotte Hermelyn to explain her vote.

MS. BICHOTTE HERMELYN: Yes. Thank you, Madam Speaker, for allowing me to explain my vote.

I want to thank all my colleagues for putting our students first with these budget proposals. Increasing Foundation Aid at 2 percent for each school district and expanding the formulas so more schools get more funding for better support to educate our students with equity and to ensure all students get the best chance at a bright future.

I also want to thank you for addressing substantial equivalency and listening to the voices of the Jewish community, many of whom that I represent. Thank you so much.

I also want to -- I'm very thankful for the inclusion of universal free lunch. Thousands of kids across the State face food insecurity and don't know where their next meal may come from. Allowing all students to have access to free breakfast and lunch is just a commonsense thing to do. And I want to give a huge thank you to my colleague who fought for this for years, and -- and just for standing up for students all over the State with this legislation. Congratulations to her.

And on top of these, there are important pieces of legislation that's important to recognize, like the changes of discovery laws to continue to promote the right to a speedy, equitable trial and the right to due process. And to ensure that what happened to Kalief Browder, an innocent young man who sat in jail for three years waiting for his trial before his case was dismissed, does not happen to another child, another human being.

So for these reasons, Madam Speaker, that only touch

the surface of what is covered in this part of the budget, I will be voting in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you. Ms. Bichotte Hermelyn in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Speaker. I rise to explain my vote.

I really want to thank the Speaker and the staff for all the work they put into over the last many months to get us to this moment. There's a lot of really important things we're doing in -- in this budget this week. Just alone on -- on the cellphones in schools, I have a youth council in my district, and the youth council, these are young people who go to New York City high schools, saying how important this is for them to be able to get phones out of theirs hands during the school day. And they were advocating when I introduced legislation last year to talk about this. To talk about how important it is that they are learning in school and following up with learning in school. And it's really critical that we're saying to the New Yorkers in public school and we see you, we hear you, the parents, the families. We're gonna make districts have local policies. But we're going forward to make sure that our students are safe and they're focused on learning while they're in school.

The housing opportunities we've done today is expanding permanent affordable housing options, creating Section 8 vouchers. This is something that's been historic. We've talked about

this for -- for years. And this is an opportunity to say that New Yorkers who are struggling with being able to pay their rent, which we know 50 percent of New Yorkers in New York City are paying more than 50 percent of their income towards rent -- we're saying to them that we see you, we know what's happening in your lives.

The universal school meals is another critical moment. We're saying that people who can't afford it can now get access to free breakfast and free lunch. This is something that we see in the City that's helped family throughout -- throughout the boroughs, and this is gonna be something that's maintaining Statewide.

And education doesn't exist without resources and the expansion of Foundation Aid. But changing the formula on top of it for English Language Learners really puts money into schools that need it and focuses on those.

And finally, on the changes to discovery. Clearly, having *People v. Bay* is a guide to us all. Helps us to understand what the rules of discovery have to be so all the parties in the dispute will know what they have to do and what they can't do. *People v. Bay* helps us get that standard --

ACTING SPEAKER HUNTER: Thank you, Mr. Epstein. How do you vote?

MR. EPSTEIN: -- and I vote in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you. Mr. Epstein voting in the affirmative.

Ms. Walker to explain her vote.

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

While a not outright ban on masks, today's budget will create a new crime called masked harassment. It will criminalize the wearing of face coverings for the primary purpose of menacing or threatening violence against another person or group of persons in reasonable fear for their physical safety. No matter how well-intended, this would open the floodgates for selective and racially-biased enforcement. People can travel around the State and post on social media about the threat of mask protests on college campuses, but this will also have effects in our local communities. In practice, law enforcement officers can and will use the criminalization of mask wearing as a pretext to stop and question Black and Brown people, especially young people in communities like mine which have historically been over-policed. Just take a look at the stop and frisk data or stop -- or traffic stop data and objective thinkers can easily see which communities are the most over-policed. There's no reason to believe that the enforcement of so-called mask harassment will be any different. This will be broken windows policing gone awry. And while I do still support this bill and this budget, I do want to raise up that concern.

I also applaud the bell-to-bell Smartphone ban in schools. New York is the first state to protect children from harmful and addictive social media content, and now we're poised to become

the first large state to ban Smartphones in schools for the entire day. So to my 13-year-old daughter, TikTok does not belong in math class, and your IG stories can wait until after school instead of being America's Next Top Bathroom model. The bell-to-bell ban will eliminate classroom distraction and help our young people to see -- to succeed.

Congratulations on this year's budget. I vote in the affirmative.

ACTING SPEAKER HUNTER: Thank you. Ms. Walker in the affirmative.

Ms. Kelles to explain her vote.

MS. KELLES: Thank you. I -- I do want to note as I -- I said before, there are certain -- some things in this budget that I am deeply concerned about. As I said, I don't support the watering down of the substantial equivalency. I think we had a missed opportunity of not getting an expansion of the earned time program which would have created true transformation in the carceral system and improve safety for corrections officers and staff, and treat people incarcerated, which we can still do hopefully outside the budget. The addition of the -- the mask crime. You know, there are things that do concern me.

But I do want to thank the Speaker and all of the staff for phenomenal work and perseverance. And they have gotten some amazing things in this budget as has been mentioned by others; universal school meals, removing cellphones from schools so our students can truly focus on their education. Payment of low-income

families upon birth of a child. Child care subsidies that our childcare facilities need desperately. Free community colleges for students going into high-demand fields. Housing access voucher programs and increased funding for permanently affordable housing. The increase in local funding for infrastructure for municipalities. Clean water infrastructure funding. Increased Foundation Aid. Creation of the green affordable pre-electrification, or Gap Fund, that will help families do the remediations on their homes so that they can then move to the Empower Plus Program and do electrification on their homes. Significant increase in funding for -- for building electrification and decarbonization. Thermal energy networks. And increasing funding for the Environmental Protection Fund. And just like others, I could go on and on and on. These are amazing, deeply needed.

And I again want to thank staff and the Speaker for their incredible work on getting these done, and I stand in support of the entire body of the legislation despite the few concerns that I have.

ACTING SPEAKER HUNTER: Thank you, Ms. Kelles.

MS. KELLES: Thank you.

ACTING SPEAKER HUNTER: Ms. Kelles in the affirmative.

Mr. Anderson to explain his vote.

MR. ANDERSON: Thank you, Madam Speaker, to explain my vote. I want to take a moment to thank the entire staff and

our Speaker for this budget. While not perfect, it certainly meets the needs of working-class New Yorkers across the spectrum.

I'm grateful for the creation of the Housing Access Voucher Program which will create a new Section 8 program in the face of the cuts that we're facing on the Federal level and protect renters here in the State of New York. I'm also grateful for the funding for Mitchell-Lama, given the Mitchell-Lama complexes that I have in my district that are in need of repair and support.

As the new Chair of the Food, Farm and Nu -- and task force -- Food, Farm and Nutrition Policy Task Force, I'm excited that part of our priorities this year relating to free meals made it into this budget, and we're grateful for that. But also when we're looking at continuing the fight for our housing and our neighbors, grateful that the New York City Housing Authority will also have capital money in this budget to address their longstanding needs and issues.

Two programs that are near and dear to me as a graduate of those programs, the opportunity programs and our SEEK Program as well as our My Brother's Keeper Programs received an increase in funding this year, as well as our foster youth initiative that also received an additional increase in funding this year.

Again, while I mentioned, Madam Speaker, that the budget is not perfect and there are some things that I disagree with, I do agree that working-class New Yorkers deserve to have a fighting future, and I also believe that we live to fight another day.

Madam Speaker, I withdraw my request and proudly

vote in the affirmative.

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

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 we could continue our efforts here and go to Rules Report No. 184, followed by Rules Report No. 182.

ACTING SPEAKER HUNTER: Thank you.

(Pause)

Page 9, Rules Report No. 184, the Clerk will read.

THE CLERK: Assembly No. A03009-C, Rules Report No. 184, Budget Bill. An act to amend the Tax Law, in relation to the Inflation Refund Credit (Part A); to amend the Tax Law, in relation to providing for a middle-class tax cut and extending the temporary personal income tax high income surcharge (Part B); to amend the Tax Law, in relation to enhancing the Empire State Child Credit for three years (Part C); to amend the Public Housing Law, in relation to certain eligibility for the New York State Low-Income Housing Tax Credit program and increases to the aggregate amount of the allocable tax credit (Part D); to amend the Tax Law, in relation to credits for the rehabilitation of historic properties (Part E); to amend

the Real Property Law, in relation to the purchase of residential real property by certain purchasers (Subpart A); to amend the Tax Law, in relation to depreciation and interest deduction adjustments for properties owned by institutional investors in residential properties (Subpart B); and to amend the Real Property Law, in relation to public notice of real property solicitation cease and desist zones (Subpart C) (Part F); intentionally omitted (Part G); to amend the Economic Development Law and the Tax Law, in relation to the Excelsior Jobs program; and to repeal Article 22 of the Economic Development Law relating to the Employee Training Incentive program (Subpart A); and to amend the Economic Development Law, in relation to the Empire State Jobs Retention program (Subpart B) (Part H); to amend the Tax Law, in relation to film production and post-production credits (Part I); to amend the Economic Development Law and the Tax Law, in relation to the Newspaper and Broadcast Media Jobs program (Part J); to amend the Tax Law, in relation to the Empire State Digital Gaming Media Production Credit (Part K); to amend subpart B of Part PP of Chapter 59 of the Laws of 2021 amending the Tax Law and the State Finance Law relating to establishing the New York City Musical and Theatrical Production Tax Credit and establishing the New York State Council on the Arts Cultural Program Fund, in relation to the effectiveness thereof; and to amend the Tax Law, in relation to the New York City Musical and Theatrical Production Tax Credit (Part L); to amend the Tax Law, in relation to clarifying the notices afforded protest rights (Part M); to amend the Tax Law, in relation to

the filing of tax warrants and warrant-related records (Part N); to amend the Real Property Tax Law and the Tax Law, in relation to simplifying STAR income determinations; and to repeal certain provisions of such laws relating thereto (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the Tax Law, in relation to increasing the estimated tax threshold under Article 9-A of the Tax Law (Part R); to amend the Tax Law, in relation to establishing a tax credit for organ donation (Part S); to amend the Tax Law, in relation to extending the Estate Tax Three-Year Gift Add-back rule (Part T); amend the Tax Law, in relation to expanding the credit for employment of persons with disabilities (Part U); to amend the Tax Law, in relation to reporting of federal partnership adjustments (Subpart A); and to amend the Administrative Code of the City of New York, in relation to reporting of federal partnership adjustments (Subpart B) (Part V); to amend the Tax Law and the Administrative Code of the City of New York, in relation to establishing a credit against the tax on personal income of certain residents of a city having a population of one million or more inhabitants (Part W); intentionally omitted (Part X); to amend the Tax Law, in relation to extending the Clean Heating Fuel Credit for three years (Part Y); to amend the Tax Law, in relation to extending the Alternative Fuels and Electric Vehicle Recharging Property Credit for three years (Part Z); to amend the Tax Law, in relation to extending the sales tax exemption for certain sales made through vending machines (Part AA); to amend the Labor Law, in relation to extending

the Workers with Disabilities Tax Credit (Part BB); to amend the Tax Law, in relation to extending the Hire a Vet Credit (Part CC); to amend Part HH of Chapter 59 of the Laws of 2014, amending the Tax Law relating to a musical and theatrical production credit, in relation to the effectiveness thereof (Part DD); to amend Part U of Chapter 59 of the Laws of 2017, amending the Tax Law, relating to the financial institution data match system for State tax collection purposes, in relation to extending the effectiveness thereof (Part EE); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to simplifying the pari-mutuel tax rate system; and to repeal Section 908 of the Racing, Pari-mutuel Wagering and Breeding Law relating thereto (Subpart A); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to licenses for simulcast facilities, sums relating to track simulcast, simulcast of out-of-state thoroughbred races, simulcasting of races run by out-of-state harness tracks and distributions of wagers; to amend Chapter 281 of the Laws of 1994 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting, in relation to the effectiveness thereof; and to amend Chapter 346 of the Laws of 1990 amending the Racing, Pari-mutuel Wagering and Breeding Law and other laws relating to simulcasting and the imposition of certain taxes, in relation to the effectiveness thereof (Subpart B); and to amend the Racing, Pari-mutuel Wagering and Breeding Law and the State Finance law, in relation to market origin credits and fees (Subpart C)(Part FF); to amend the Racing, Pari-mutuel Wagering and

Breeding Law, in relation to the tax on gaming revenues in certain regions; to amend Part OOO of Chapter 59 of the Laws of 2021 amending the Racing, Pari-mutuel Wagering and Breeding Law relating to the tax on gaming revenues, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part GG); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the utilization of funds in the Capital Off-Track Betting Corporations' capital acquisition funds (Part HH); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to enhancing the health and safety of thoroughbred horses; and providing for the repeal of such provisions upon expiration thereof (Part II); to amend the Tax Law and Chapter 60 of the Laws of 2016 amending the Tax Law relating to creating a farm workforce retention credit, in relation to extending the provisions thereof (Part JJ); to amend the Agriculture and Markets Law and the Tax Law, in relation to the Farm Employer Overtime Credit (Part KK); to amend Part H of Chapter 59 of the Laws of 2024 amending the Tax Law relating to the filing of amended returns under Article 28 thereof, in relation to making technical corrections thereto (Part LL); to amend the Tax Law, in relation to vendor fees paid to certain vendor tracks; and providing for the repeal of such provisions upon expiration thereof (Part MM); to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to members of the franchised corporation appointed by the New York Racing Association (Part NN); to amend the Racing, Pari-mutuel Wagering and Breeding Law,

in relation to mobile sports tax revenue be used for problem gambling (Part OO); to extend the duration of certain brownfield redevelopment and remediation tax credits for certain sites (Part PP); to amend the Tax Law, in relation to the relief from sales tax liability provided to certain limited partners and members of limited liability companies (Part QQ); to amend the Tax Law, in relation to simplifying the property tax credit; and to repeal certain provisions of such law relating thereto (Part RR); to amend the Tax Law, in relation to authorizing an occupancy tax in the City of Auburn; and providing for the repeal of such provisions upon expiration thereof (Part SS); to amend the Tax Law, in relation to authorizing the City of Buffalo to impose a hotel and motel tax; and providing for the repeal of such provisions upon the expiration thereof (Part TT); to amend the Tax Law, in relation to geothermal energy systems tax credits (Part UU); to amend the Tax Law, in relation to the Metropolitan Commuter Transportation Mobility Tax; and to amend the Public Authorities Law, in relation to amending the rates of tax and the distribution of revenue therefrom (Part VV); to amend the Tax Law, in relation to sales and compensating use taxes for the Metropolitan Commuter Transportation District; to amend the State Finance Law, in relation to the Mass Transportation Operating Assistance Fund and the Dedicated Mass Transportation Trust Fund; and to amend the Public Authorities Law, in relation to the Metropolitan Transportation Authority Dedicated Tax Fund (Part WW); and to amend the Public Authorities Law, in relation to the aggregate principal amount of bonds, notes or

other obligations issued by the Metropolitan Transit Authority, the Triborough Bridge and Tunnel Authority and the New York City Transit Authority (Part XX).

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: Absolutely. This bill would enact major pieces of legislation that are required to implement the revenue proposals that are necessary to ensure a balanced State budget.

ACTING SPEAKER HUNTER: Mr. Ra.

MR. RA: Thank you, Madam Speaker. Would 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 we have a number of revenue actions within this bill, but let's start with the top line of this. What is the fiscal impact of this particular budget bill?

MR. PRETLOW: This bill would reduce State revenues for fiscal year '25-'26 by \$2.7 billion.

MR. RA: Okay. And the -- in the following year?

MR. PRETLOW: On the out-years, a \$1.7 billion reduction in fiscal year '26-'27 and \$1.1 billion in fiscal years '27-'28.

MR. RA: Okay. Now, one of the, I would say, you know, signature proposals of the Governor's Executive Budget was this rebate check program.

MR. PRETLOW: Yes.

MR. RA: How does this differ from the Governor's initial proposal?

MR. PRETLOW: Well, it's been lowered a little bit because we wanted to reuse some of the monies for other issues. But the propose -- the proposal as written would provide for a one-time \$2 billion inflation refund credit for certain taxpayers in the following amounts: \$400 for joint filers with incomes below \$150,000, and \$300 for joint filers with incomes between \$150- and \$300,000; \$200 for single filers with incomes below \$75,000 and \$150 for single filers with incomes between \$75- and \$150,000.

MR. RA: Okay. And do we have any idea of how many New Yorkers are expected to receive these checks?

MR. PRETLOW: Statewide we're looking at approximately 8.2 bill -- million New Yorkers. That breaks out as New York State -- New York City with 3.5 million and the rest of the State 4.7 million.

MR. RA: Okay. And as we've done these types of programs in the past, sometimes they've gone out -- and I'm sure

you've dealt with constituents who had, you know, neighbors, friends say they got them and they didn't get them. This is gonna be, I assume, implemented through Tax and Finance. And are -- and are they responsible for -- for making sure that they go out in a timely manner and -- and verifying eligibility?

MR. PRETLOW: Well, the plan is for the individuals to receive them in the fall, and if for some reason you don't receive it in the fall you can apply for it in the next year.

MR. RA: Okay. Thank you.

The middle-income tax cut. Can you give me the fiscal impact of that provision?

MR. PRETLOW: The fiscal impact is \$103 million in this fiscal year '25-'26, \$452 million in '26-'27, \$968 million in fiscal year '27-'28, and \$1.055 billion in fiscal year '28-'29.

MR. RA: Okay. And this is a 0.2 percent reduction over a two-year period?

MR. PRETLOW: Yes.

MR. RA: And it begins next year.

MR. PRETLOW: It begins in 2027.

MR. RA: Okay. It begins in 2027. Okay.

Now, this differs, correct, from the -- I believe you had a more --

MR. PRETLOW: Well, actually -- let me rephrase that. It phases in over two years.

MR. RA: Phase -- it begins in '26 and then it will be

fully phased in by 2027.

MR. PRETLOW: Correct.

MR. RA: I -- I know in your one-House budget you had, I believe, a more extensive middle-class income tax cut, right? This -- this one is -- is this reflective of the Governor's initial proposal or is it somewhere in between those two?

MR. PRETLOW: Well, it was -- it was pared down a bit and it's between the two.

MR. RA: Okay. And then the -- we have an extension of the tax on millionaires that we had done a few years ago. This was going to expire in another year, I believe, but -- so how long are we extending this quote, unquote "temporary tax"?

MR. PRETLOW: That extension is for another five years.

MR. RA: For another five years. Okay.

And do we know what the anticipated revenue from this particular tax is over the five years?

MR. PRETLOW: In the fiscal year '27-'28 it's \$989 million; in the fiscal year '28-'29 it's \$3.6 billion; and it's in the neighborhood of \$4.8 billion annually thereafter.

MR. RA: Okay. Now, you -- you may recall during the budget hearing process we -- we had, you know, spoken to the Commissioner or Acting Commissioner of Tax and Finance regarding any data they might have with regard to how this has impacted New Yorkers in terms of out-migration. As you know, we -- we -- we've

had a reduction in our share of millionaires living in New York. Are you aware of any data as to how this tax has operated since we put it in relative to what our projected revenues are from it? Have we realized what we expected, and do we have any data showing that New Yorkers have -- have left the State?

MR. PRETLOW: My records show that according to preliminary tax data from the Tax and Finance Department the number of millionaire tax filers has increased to 86,211 in 2023. Since 2020, the number of millionaire filers in New York State has increased by almost 30,000 people. So they're coming in, not going out.

MR. RA: Well, I -- I think it depends on how we characterize this. I think we -- there's -- there's more, but our share relative to other states has -- has been reduced greatly and -- and it's the lower-taxed states where that number is -- is increasing.

MR. PRETLOW: Well, many individuals have gotten richer during -- during the pandemic. I mean, right -- right now in New York we have 10,299 filers that are earning above \$5 million, and 1,293 filers earning above \$10 million. And I think this is your group here, 551 filers earning 25 million.

MR. RA: Okay. Some of the other tax provisions, we have the child tax credit. This is an issue that I think has had a lot of support on both sides of the aisle. It's been a priority for our Conference and we had put together a similar proposal last year. We know the Governor originally proposed a three-year enhancement to

the Empire State Child Tax Credit and the Majority's proposal would have made that -- this a one-year enhancement. The final budget has a three-year enhancement?

MR. PRETLOW: Yes.

MR. RA: Okay. And do we have any data or -- or projected impact in terms of reducing child poverty in New York State with the implementation of this? I know that during the pandemic when the federal government enhanced this, it -- it seemed to have a great impact on helping reduce childhood poverty.

MR. PRETLOW: Okay, well, this enhanced credit would benefit approximately 1.6 million filers and 2.8 million children. The fiscal impact by year is 471 million in fiscal year '26, 825 million in fiscal year '27 and 825 million in fiscal year '28.

MR. RA: Thank you for that.

STAR. We are enacting reforms to the STAR Program, including requiring that to receive enhanced STAR benefit only one owner residing at the property would need to be 65 years or older, and only the income of those who primarily reside at the property would be considered for STAR eligibility. So how -- how is that verified in terms of who primarily resides at the property to make them eligible for that?

MR. PRETLOW: Well, the proposal would simplify income and age eligibility rules under the new program in various ways. One is it requires only one resident of a property to be 65 years or older to qualify for Enhanced STAR. It would only consider the

income of the owner who was -- primarily resides on the property that is considered. It allows property owners who are not required to file income tax returns to maintain their benefit without the need to file income verification worksheets if they are eligible for three consecutive years, and it sets July 1st as the residency date for STAR credit income eligibility purposes instead of December 31st as in current law.

MR. RA: And do we know how many more seniors would qualify for Enhanced STAR under this enacted budget change?

MR. PRETLOW: We don't know the number, but we do know that it will expand the eligibility.

MR. RA: Okay. Thank you.

The waiting period for real estate investors. Can -- can you explain that and whether this mirrors the Executive Budget proposal or -- or if there are changes from that original (indiscernible/cross-talk)?

MR. PRETLOW: Well, the finalized agreement is that real estate investment trusts or real estate investments would have to wait 90 days or have a -- a property would have to be on the market for 90 days before they can make an offer on it. And it prohibits the depreciation and interest tax deductions that these property owners also take.

MR. RA: And so my understanding is the Secretary of State then can also establish zones where homeowners can't be solicited by these types of investors. Do we know how the provision

for homeowners to opt out of the restrictions is going to work in practice?

(Conferencing)

MR. PRETLOW: The Department of State will established where the zones are and make it public.

MR. RA: Okay. And do you know why -- why the Secretary of State as opposed to maybe an agency that more regularly dealt with housing?

MR. PRETLOW: They work with municipalities on a regular basis, so they're more familiar with each community.

MR. RA: Okay. Now would -- would the zones have to be continuous with some political boundaries or would -- could they just be part of --

MR. PRETLOW: Not to my knowledge.

MR. RA: Okay. So it could be a part of a township, it could be a part of a county. Not necessarily the whole of that political subdivision.

MR. PRETLOW: If -- if we're talking residential units, it sounds pretty difficult to have a house in half a county. But it does happen, I do know, but that wouldn't be a restriction. It should normally be in the entirety of one county.

MR. RA: Given that institutional investors will not be able to claim depreciation deductions, how do we anticipate this is going to influence the market for single- and two-family residences?

MR. PRETLOW: I don't know what you mean by

that.

MR. RA: Well, is there a concern that this might discourage investment in certain areas?

MR. PRETLOW: I don't believe it'll discourage investment, but what it would do is give the ordinary person -- I hate to use that word -- the opportunity first to purchase a piece of property before a well-heeled LLC moves in and takes the property off the market and turns it into rental income, which in turn reduces the affordability of housing in whichever market it's taking place.

MR. RA: Okay.

I want to get into the several provisions related to the MTA. So there's a couple of different changes here. There's a increase in the payroll mobility tax, but there are changes with regard to some small businesses as well as some, I don't know how I would describe it, but two -- two different zones in terms of that Downstate MTA region.

But to start, can you tell me how much we believe these changes to the MTA payroll tax is going to generate for the MTA.

MR. PRETLOW: I believe it will be between -- I have it here somewhere -- \$1.4 billion.

MR. RA: Annually?

MR. PRETLOW: Yes.

MR. RA: Okay. And can you just briefly explain the zones and how there's a different tax rate depending on which of the

two zones a county is in?

MR. PRETLOW: Give me one second. I'm looking that up.

MR. RA: Sure.

(Pause)

MR. PRETLOW: Zone 1 is New York City, and that's .895 percent. And Zone 2 are the suburbs, that zone is .645 percent.

MR. RA: Do -- do we know how that \$1.4 billion in revenue breaks out between the two zones? What would be generated in the -- in the Zone 1 in New York City and what would be generated from the businesses in Zone 2?

MR. PRETLOW: Well, I would imagine the bulk of it will be coming from Zone 1, New York City. I don't know the exact numbers.

MR. RA: Okay. I think that would be -- I mean, obviously, over -- over time hopefully that is information that we can compile (indiscernible/cross-talk) --

MR. PRETLOW: Well, if you want a real number you could use 1.16 billion for New York City.

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

MR. PRETLOW: 1.16 billion for New York City, Zone 1.

MR. RA: That's New York City. So the other zone is a few hundred million?

MR. PRETLOW: Yes.

MR. RA: Okay. Thank you.

And then we also have metropolitan commuter district sales tax changes. Under the current law, revenues from sales tax collected within the Metropolitan Commuter Transportation District are allocated to the Metropolitan Mass Transit Operating Assistance Fund, and the MTA has discretion on how that funding is allocated. This budget now codifies how the sales tax revenue that is deposited into the Fund will be allocated, correct?

MR. PRETLOW: Yes. You're referring to distribution of revenue from the .375 percent district sales taxes?

MR. RA: Yes.

MR. PRETLOW: Okay. So, 85 percent of the revenue from the district sales tax will be shifted to the Mass Transportation Fund. Of this 15 percent would go toward the Long Island Railroad and Metro-North Commuter Rails. The remaining 85 percent would be directed toward the New York Transit Authority and its subsidiaries and the State [sic] Island Rapid Transit Operating Authority.

MR. RA: Do you know, that 15 percent that we're codifying, is this an increase, decrease, the same in terms of the revenue allocation?

MR. PRETLOW: It's -- it's neutral, Mr. Ra.

MR. RA: So it's the same as it would be currently.

MR. PRETLOW: Yes.

MR. RA: Okay. Thank you.

And the bonding cap with regard to the MTA. This budget's increasing the MTA's bonding cap by approximately \$25 billion to an aggregate total of about \$115.5 billion; is that correct?

MR. PRETLOW: Yes. That's correct.

MR. RA: When was the last time this bond cap was increased?

MR. PRETLOW: Five years ago.

MR. RA: And do we know what -- what the increase we did at that point was?

MR. PRETLOW: Forty-eight billion?

MR. RA: Okay.

MR. PRETLOW: Forty billion.

MR. RA: Do you -- do you know how close the MTA is to its current bond cap?

MR. PRETLOW: I think they have 25 billion away. They have some room.

MR. RA: Okay. So they have 25 billion in room, but we're also increasing it by 25 billion, correct?

MR. PRETLOW: Yes.

MR. RA: Okay. And these bonds, are any of them considered to be a debt of the State or they're all the responsibility of the Metropolitan Transit Authority?

MR. PRETLOW: They're the responsibility of the Authority.

MR. RA: And do we know -- we had authorized the MTA to do author -- debt authorizations at a 50-year mature -- maturity. Do we know if the MTA has or plans to do any such authorizations?

MR. PRETLOW: There are no current plans.

MR. RA: Okay. So we wouldn't be able, then, to determine what savings that that authority is providing?

MR. PRETLOW: Yes.

MR. RA: One other area. We are extending the brownfield tax credit for certain remediation and redevelopment sites, correct?

MR. PRETLOW: Yes.

MR. RA: And when was that last amended?

MR. PRETLOW: I'm not sure.

MR. RA: Okay. How is the State currently ensuring that the brownfield tax credits are effectively and efficiently applied in the most economically-disadvantaged communities? And do we -- do we know as we're extending this program, you know, what results we're getting from this? This -- it is some of the most generous tax credits in the country.

MR. PRETLOW: Well, this is a Superfund project you're referring to. And yes, they are important to do, and my notes don't include the -- the number that you're looking for, but I will -- I can get back to you on that.

MR. RA: Okay. Thank you.

The tax credits regarding film and theatrical tax credits, I'll start with Part I, the film tax credit. We are making changes to the film tax credit in this bill?

MR. PRETLOW: Yes. We're -- we're extending it for another two years, and we're also including music scoring as eligible for the credit.

MR. RA: Okay. Now so it's -- and it's an additional \$100 million.

MR. PRETLOW: Yes.

MR. RA: Annually. And the extension now will take the program -- the program through 2036?

MR. PRETLOW: 2036, yes.

MR. RA: So currently it would expire in 2034?

MR. PRETLOW: Yes.

MR. RA: So is there a reason we're extending it two years when it doesn't expire for another nine years?

MR. PRETLOW: Because it produces more certainty in the program.

MR. RA: And do you -- this change, do we know what its fiscal impact is in terms of the reduction in State revenue over the next couple of years?

MR. PRETLOW: About 100 million.

MR. RA: And then there's a -- the New York City Musical and Theatrical Tax Credit Program. That -- that's also being extended for two years?

MR. PRETLOW: Yes.

MR. RA: And we're also increasing the aggregate amount of the credit available by \$100 million?

MR. PRETLOW: That is correct.

MR. RA: Okay.

The farm workforce retention credit. We had -- had, you know, done this a few years ago. I know we're extending that for three years.

MR. PRETLOW: Yes.

MR. RA: Then we're also taking some actions -- as I'm sure you recall, we had passed a piece of standalone legislation designed to help farms who utilize professional employer organizations to handle their payroll, and under current law they weren't able to fully realize the full benefit of the credit. So is this the same language as -- as the bill we had passed previously?

MR. PRETLOW: No. This proposal would ensure farm operators that use third-party entities to handle payroll that -- that make them eligible for the workers overtime credit.

MR. RA: Okay. So this will accomplish the same -- the same goal --

MR. PRETLOW: Yes.

MR. RA: -- of that piece of legislation.

MR. PRETLOW: Right.

MR. RA: Excellent.

Just a couple of other provisions. I note that there are

two local occupancy tax authorizations in here?

MR. PRETLOW: Yes.

MR. RA: As many of us know, you know, a lot of -- we have a lot of these that will be acting on, we have done some already. But we will be doing throughout, you know, the rest of Session occupancy taxes, you know, sales tax extensions. Is there a reason why there's two particular cities that are being done now in the budget as opposed to outside of the process?

MR. PRETLOW: Well, the City of Buffalo is -- is getting one, as you -- as I know you're well aware. That will give the City \$3.5 million annually, and the City of Auburn is getting a tax which will produce significant revenue for them. The reason it's in the budget is because it came as part of a package.

MR. RA: It came as part of a package. Okay. The -- I know it's not necessary in a budget bill, but have these particular cities enacted any type of Home Rule request for these?

MR. PRETLOW: Well, I know the City of Buffalo passed a Home Rule message on it.

MR. RA: Okay. Thank you.

Hold on. I'm just flipping through to see if I have anything else. I think that is it for now, Mr. Pretlow. Thank you.

Madam Speaker, on the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. RA: Thank you. So there are certainly some positives to this bill, but when I look at it and I think about the overall

package of this budget, that's what gives me pause. We've talked for years about our status as a high-tax state and as a state that ranks very poorly when it comes to businesses and attracting businesses. And we have things like a very, very modest income tax cut. It's not really gonna mean all that much. The rebate checks, which is a one-time gimmick, but it's a \$2 billion one. We're extending some taxes that were temporary, and I do want to note that when you think about Downstate, the MTA changes are -- are a concern as well. Again, I've said this many times before, the MTA, we understand how important it is to Downstate. But we continue to increase different types of taxes to gain revenue for the MTA and it's something we just seem to do every few years without, I think, taking a more holistic look at how the MTA is run, how it spends money. And I know when my constituents read about another tax change that's gonna put another billion-plus dollars into the MTA's coffers, they're gonna be concerned.

Now, I'll talk about quickly the millionaire tax increase. We, as a State, are heavily, heavily reliant -- and I know the Chair had given some numbers in terms of the number of people that are in these certain income brackets -- we are extremely reliant on those people. And -- and a lot of our strong receipts that have come in in terms of -- and -- and why we're really doing things like the -- like the rebate check have been bonus-based, things of that nature, and we are very reliant on this small segment of our income tax payers. And if even a small number of them were to leave the State it creates a

huge hole for us in -- in our budget.

So while I appreciate so many of the provisions in this bill, we are looking at an overall budget that spends almost \$13 billion more than last year. And if affordability is the name of the game, I'm not sure that we will ever be able to spend our way to being a more affordable state. So that is how I look at this budget as a whole. And when you think about the revenue provisions, you know, this bill balances out in some ways, you know, in one number, but you have taxes that are going into things like the MTA and -- and on net it may in many ways cancel itself out.

So I -- I thank my colleagues for -- for their advocacy with regard to some of these issues that I said have been priorities of ours like the child tax credit. This looks very similar to -- to some provisions we put forth last year. But again, I'm not sure that increasing our State's spending by \$13 billion and looking at another billion-and-a-half in out-year deficits so that we're almost at \$29 billion while we sit here and worry about what might be coming from the federal government is -- is really gonna put us on that path to being sustainable in the future.

Thank you.

ACTING SPEAKER HUNTER: Mr. Sempolinski.

MR. SEMPOLINSKI: Thank you, Madam Speaker.
I'm gonna go directly on the bill.

ACTING SPEAKER HUNTER: On the bill, sir.

MR. SEMPOLINSKI: So, I was preparing today, you

know, going over the bills this morning which is as early as we could prepare considering how -- when the bills came out. And in looking through this particular bill for a couple of reasons, one section caught my eye, which is Part I which extends and amends the film tax credit. And this caught my eye for a couple of reasons, just because of some numbers. One, this bill establishes a new \$100 million Empire State Independent Film Production Credit. The estimates that I've got are all of the things in this section in Part I which is the existing credits and the new credits. And the Production Plus initiative would reduce State revenues by approximately \$111 million with these particular credits. And I was recalling our debate last night on the Health and Mental Hygiene bill, and we were told that each percentage of the TII would cost about \$100 million. And we've heard some of our colleagues say that budgeting is about values. I said last night when I voted no because of that, that budgeting is about priorities. And I agree, budgeting is about values and it's about priorities. And what this bill says is it is a higher value and a higher priority for the State of New York for some goofballs from Hollywood to make art films than to protect and give meaningful wages to those who care for the most vulnerable; the developmentally-disabled, those with mental challenges.

So I will be voting no because my priority is our most vulnerable, not making art films. Thank you.

ACTING SPEAKER HUNTER: Thank you, Mr. Sempolinski.

Mr. Maher.

MR. MAHER: Thank you, Madam Speaker. Would the Chair yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MR. MAHER: Thank you. So the first thing that I wanted to talk about was the rebate checks. So just to confirm, they would not be subject to Federal personal income tax, correct?

MR. PRETLOW: I don't believe so, yes.

MR. MAHER: So they -- you -- you would still have to place it as income and you would get hit with your Federal income tax or no?

MR. PRETLOW: I don't believe so. Not necessarily, but I -- I differ with that, but not necessarily.

MR. MAHER: Not necessarily? Okay. Well, let me move on from that one. That was just one quick question I had, actually.

I did want to touch on the Semiconductor Research and Development Program, Part H.

MR. PRETLOW: The answer to your first question is yes, you do pay tax on it.

MR. MAHER: You do pay Federal income tax?

MR. PRETLOW: Federal income tax on your refund

that you -- if -- when we used to be able to deduct our income tax, you pay tax on the refund. It's the same thing.

MR. MAHER: Okay. I just wanted to verify. I know the State was exempt, but you would have to pay with the Federal on your personal. Okay. All right.

So Part H, Semiconductor Research and Development Program. I want to talk a little bit about the 15 percent qualifying expenses. What would some of those be?

MR. PRETLOW: I don't know.

MR. MAHER: Okay. So, is there any language with this incentive, which I agree with, we should provide incentives for this type of business. We want this type of research being done. Are there any sort of provisions that say the products that need to be purchased would have to be purchased locally, within a certain economic region, a county region, or even in the State of New York?

MR. PRETLOW: No, there aren't any provisions for that.

MR. MAHER: Okay. So we would be putting a pretty massive amount of taxpayer dollars but there would not be any sort of mandate --

MR. PRETLOW: There's no mandate. There's always the desire that they utilize, you know, products from New York and people from New York. But there -- we're not mandating it.

MR. MAHER: No, understood. Just -- we do a lot of local labor agreements. We want to make sure that when we put

incentives out there that we hire local and we purchase local. So there was none of that that ended up in this bill when it comes to the Semiconductor Research and Development Program?

MR. PRETLOW: Okay. Semiconductor Research and Development projects, the -- the only new projects that support research and development within the semiconductor manufacturing industry that have at least \$100 million in qualified investments in the State. So we are requiring that they invest this money in the State.

MR. MAHER: In the State of New York.

MR. PRETLOW: Yes.

MR. MAHER: Okay. So they would have to purchase the items in that -- from some -- a vendor in the State of New York, not from another country?

MR. PRETLOW: Yes.

MR. MAHER: Okay. Thank you for that.

Third one is on organ donation. The tax credit, 10,000, it would be for reimbursement of expenses, lost wages. Is that also shared in the household? For example, if you have somebody who is donating their -- their organ and they are mandated to have somebody take care of them for a period of weeks after their surgery, would the spouse who is then not gonna be able to work because they have to stay home with their loved one, will they be able to recoup and claim for those lost wages as well?

MR. PRETLOW: Well, this is for unrecovered insurance losses. So if monies were spent and insurance paid part of

it, this money would go toward what you did not recoup.

MR. MAHER: Understood. But would it just be --

MR. PRETLOW: So if a -- but if a family member were qualified to receive something through the insurance company then, yes, they would be able to (indiscernible) with this grant.

MR. MAHER: Okay. Thank you for that.

Part F. I'm gonna move around, sorry to keep juggling. This is going to be related to the real estate groups --

MR. PRETLOW: Yes.

MR. MAHER: -- purchasing properties?

MR. PRETLOW: Yes.

MR. MAHER: So one clarification I wanted to make, there are three bullet points that exist; 75 percent of eligible wages -- sorry, that's the wrong one. The waiting period and limit deduction on institutional real estate investors. So it says here that the following criteria must be met: Entity owns ten or more; entity manages or receives funds pooled; and entity has 30 million or more in net assets. Is that all of them, all three they have to have or is it just any one?

MR. PRETLOW: It's all three.

MR. MAHER: Okay. Thank you. That's a very important detail and I appreciate you answering that question.

Moving on to the MTA, Part WW. This is really concerning for -- for myself and the district that I represent with Orange County. So it says on the bottom here, of the .375 percent of

the sales tax from the county that they're currently receiving. That's the sales tax that they pay right now, correct?

MR. PRETLOW: It doesn't impact them.

MR. MAHER: I'm sorry?

MR. PRETLOW: It does not impact them.

MR. MAHER: Right. So the question I would ask is that .375 percent they pay doesn't change, it's the same dollar amount?

MR. PRETLOW: Yes.

MR. MAHER: Okay. So what I am seeing there is that there's a percent. So 85 percent of that .375, which is about \$1 million in Orange County, 85 percent will now be dedicated to mass transportation in New York City and only 15 percent will be allocated to both the Long Island Railroad and Metro-North, which really, we don't use the Long Island Railroad, just Metro-North. So it's really 7.5 percent of their sales taxes only being used to areas that residents in Orange County are gonna utilize with the MTA.

MR. PRETLOW: Well, that is current law.

MR. MAHER: Okay. So that was my next question. So the current percentages are the same?

MR. PRETLOW: Yes.

MR. MAHER: So that doesn't change anything?

MR. PRETLOW: No.

MR. MAHER: Okay. So we're just codifying in this budget bill but that has always been the case.

MR. PRETLOW: Yes.

MR. MAHER: All right. Thank you, Mr. Pretlow. I appreciate it.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MAHER: Okay. So, similar to what my colleague brought up -- and I do appreciate the sponsor answering all of my questions. He actually hit on every single one of the concerns that I was hoping not to debate about.

I did want to talk about priorities. So when we talk about the rebate checks, that's actually an area where I look at an investment that the State is making. For me it's -- it's something that is tough because you obviously want to be able to put dollars in the pockets of hardworking New Yorkers. We believe in that, it's something that I believe in. I think there are other ways to do it. I think enhancing rebates and enhancing tax incentives are -- are better ways to do it. When we look at spending \$2 billion on a policy like this but we can't find that extra couple hundred million to help our DSPs, this is again another area where I don't believe we're prioritizing the right way in a \$254 billion budget. I think we need to do better for those that are our frontline workers. There are a lot of things that I believe we could be investing in, and this is one clear example of where I believe we have missed the mark on taking care of those folks who serve our most vulnerable populations.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Madam Speaker. Will the sponsor yield just for a few questions on the MTA payroll tax?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chairman yields.

MR. SLATER: Thank you very much, Chairman. I appreciate your continued patience during this process.

I just wanted to get more clarification on this particular issue. So, we are proposing to create two zones with the MTA payroll tax, correct?

MR. PRETLOW: Yes.

MR. SLATER: And the way that I'm reading this, and so just correct me if I'm wrong, the three levels of payroll expense that we currently tax, those three levels would be reduced in Zone 2. Is that an accurate statement?

MR. PRETLOW: You're talking about the small business tax reductions?

MR. SLATER: I'm talking about the payroll tax amounts for payroll expenses for employers with expenses between \$312,000 and \$500 and \$375,000. There's three different levels that we tax at.

MR. PRETLOW: Well, the numbers you quoted are

correct if all -- that's also for New York City.

MR. SLATER: Yeah. Correct. So there's -- it's also for New York City?

MR. PRETLOW: Yes.

MR. SLATER: So I'm just trying to understand because the -- the way that I'm reading it is the rates reduce for Zone 2. I just want to make sure I'm clear on that.

MR. PRETLOW: Yes.

MR. SLATER: Okay.

MR. PRETLOW: The rates are reduced for Zone 2.

MR. SLATER: So we're -- and then you said earlier to my colleague that you're expecting approximately, I believe it was 1.1 billion out of Zone 1.

MR. PRETLOW: Yes.

MR. SLATER: Leaving a couple of hundred out of Zone 2.

MR. PRETLOW: Yes.

MR. SLATER: Do we know how much we currently generate through the MTA payroll tax in those Zone 2 counties?

MR. PRETLOW: I can get that information for you.

(Conferencing)

Eighty-five percent comes from New York City.

MR. SLATER: Understood. But I guess what I'm trying to get at, if you can -- while you're trying to get that information is, are there zones (indiscernible/cross-talk) --

MR. PRETLOW: (Indiscernible/cross-talk) million, 85 percent's from New York City. So just do the math.

MR. SLATER: Hold on, I'm getting my calculator out. It's right next to me.

(Laughter)

MR. PRETLOW: He's working hard.

MR. SLATER: It's a lot of zeros.

(Laughter)

MR. PRETLOW: I'll help you out. It's 200 -- it's \$2.84 billion, and Zone 2 is paying 458 million out of that.

MR. SLATER: Okay. Great. And so we're -- I guess my question is are we expecting to see more out of Zone 2 or less out of Zone 2?

MR. PRETLOW: Well, more from both, but more from the -- yes, we -- yes, more from New York City.

MR. SLATER: More from New York City, but I -- I just want to focus in on Zone 2 --

MR. PRETLOW: Okay.

MR. SLATER: -- because that's -- that's where I represent.

MR. PRETLOW: Yes. We will -- we're expecting to see more from Zone 2.

MR. SLATER: And then -- so but if you're reducing those rates in Zone 2, where are you -- how are you generating more?

MR. PRETLOW: Well, the income level goes up and

the percentage stays the same, the net receipt is higher.

MR. SLATER: For the MTA payroll tax?

MR. PRETLOW: Okay. There's a new bracket for businesses with annual expenses of at least \$10 million, and the increase the current payroll mobility tax rate on such businesses from .6 percent to .895 percent for businesses located in New York City, and from .34 percent to .635 percent for businesses located outside of New York City.

MR. SLATER: And so it's gonna be those larger employers that we're gonna be generating more money from?

MR. PRETLOW: Yes.

MR. SLATER: And do we have any sense as to how many employers that might be?

MR. PRETLOW: I'm looking at 7,372 employers.

MR. SLATER: Employees or employers?

MR. PRETLOW: Employers.

MR. SLATER: Employers. Okay. So we're gonna see an increase on those 7,000 and change --

MR. PRETLOW: Your question was how many businesses were creating this increase, correct?

MR. SLATER: Correct.

MR. PRETLOW: So okay. So that's the answer, 7,372 or 1.8 percent of businesses in the region will receive an increase.

MR. SLATER: So other than those 7,000, everyone

else will see a reduction in their payroll tax assessment?

MR. PRETLOW: Yes.

MR. SLATER: And if you're a municipality, my understanding is there will be an elimination of the MTA payroll tax; is that accurate?

MR. PRETLOW: For outside of New York City. So you're talking Zone 2, so yes.

MR. SLATER: All I care about is Zone 2.

MR. PRETLOW: But half of the State is in Zone 1.

MR. SLATER: I understand, but I represent Zone 2.

(Laughter)

So Zone 2 municipalities will no longer pay the MTA payroll tax; is that accurate?

MR. PRETLOW: Yes.

MR. SLATER: Okay. And then for employers in both zones with quarterly payroll expenses of less than 320,000, we're eliminating the payroll tax for them as well?

MR. PRETLOW: They're not paying now, I believe.

MR. SLATER: They're -- they're not paying now and will not have to pay moving forward.

MR. PRETLOW: Correct.

MR. SLATER: Okay. All right. Well, thank you, Mr. Chairman. I hope you get some dinner. I appreciate it.

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.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker. The Minority Conference will be in the negative generally on this budget bill, but anyone who would like to vote in the affirmative is free to do so at their desk.

ACTING SPEAKER HUNTER: Thank you.

Ms. Hyndman.

MS. HYNDMAN: Madam Speaker, the Majority will be in the affirmative on this budget vote. Any member wishing to vote negative -- negatively must come to the Chamber and do so.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Ms. [sic] Speaker. Just a couple of items.

I'm very pleased to see that we are trying to even out the attempt of homebuyers by restricting private equity from buying up homes in advance of other people getting a shot at getting a new home. We -- we have seen a consolidation, a distortion of the market

by private equity firms that buy up houses and then rent them. And people want to get their own home. They don't want to be subject to a landlord, and this has made it difficult for young families that really want to strike out on their own. And I -- so I'm very happy about that.

And I think that, you know, the MTA is the lifeblood of the City and the City generates the majority of our tax revenue, and so I'm pleased that we're taking the burden off of small businesses but putting it where it belongs on big businesses that depend on a lot of people getting to work on time. And the New York City Partnership, which speaks for New York -- for major employers, has had a, you know, a lot to say about the MTA, and so they have been supportive of these changes because we need to ensure that we keep that system working. And that system also buys a lot of its products that are made in New York. So I am thrilled to see that.

And while I'm not sure we needed to move quickly on the film tax credit, it is an important feature. It doesn't just provide stuff to the film industry --

ACTING SPEAKER HUNTER: Thank you, Ms. Glick. How do you vote?

MS. GLICK: -- it also -- they buy stuff from small businesses in my district.

I am pleased to vote in the affirmative.

ACTING SPEAKER HUNTER: Thank you, ma'am. Ms. Glick voting in the affirmative.

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Madam Speaker, for allowing me the opportunity to explain my vote. I just want to highlight a couple of things that have not been -- have not been raised in the conversation so far.

The first is the expansion of the Historic Preservation Tax Credit to include transferability when someone is taking one of those big old abandoned buildings and converting it into affordable housing. I think this is a -- the greenest building out there is the one that's already in existence. So -- so encouraging more rehabilitation of the abandoned buildings that -- that are in all of our Upstate cities, the old mill buildings and so forth, this transferability is going to really help make those projects more attainable for our cities.

I also want to speak to one of the -- one of the aspects of the gaming and racing changes that were in the revenue budget, one of which puts more money into problem gaming. This is -- this is a priority that -- that has been raised to me as the Chair of Racing and Wagering, and I'm very pleased that -- that we are adding additional monies into problem gaming and encouraging OASAS to make investments to try and mitigate the impacts that expanded gaming has had.

Fixing the Farm Worker Overtime Credit, someone mentioned that earlier, very important to the dairy farmers in my region and so I am very grateful that that is reflected in this budget.

And then not in this budget, but in the -- or not in this bill but in the budget generally, I just want to say thank you to the

Assembly leadership, to the Speaker and to Ways and Means, for really -- really leaning into -- and to our Chair of the Labor Committee -- really leaning into paying off the UI debt. There -- this will help businesses hire more people, pay better, and it is a -- it is a really positive step forward for us.

And with that, I vote in the affirmative.

ACTING SPEAKER HUNTER: Thank you. Ms. Woerner in the affirmative.

Mr. Ra to explain his vote.

MR. RA: Thank you. Real quickly for my colleague who sits next to me but isn't here with us in -- in the Chamber today, he -- he has a saying that he's been saying for years when we talk about the -- the Hollywood Tax Credits which we're increasing and extending again in this budget bill. And we have entities like *Saturday Night Live* who have been in New York for 50 years and are taking advantage of getting millions of dollars from the New York State taxpayers for their productions. So in tribute to Mr. Palmesano, at the beginning of the show they say, "Live from New York", not "Live from Saskatchewan."

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Madam Speaker. In explaining my vote, I rise to support the continuation and expansion of the New York Disability Employment Tax Credit. This

is a program that supports inclusive hiring and creates real opportunities for individuals with disabilities.

Just earlier today we talked about our Legislative Disability [sic] Awareness Day, and I spoke about the importance of moving beyond symbolic gestures and towards real structural change. This tax credit is one of those changes. It helps employers do what's right, not by mandate, but by providing meaningful support to our employers to hire individuals with disabilities, recognizing their contributions and to promote long-term employment success. These programs make a -- make a real difference in people's lives. They reflect a glowing -- a growing understanding that inclusion in the workforce is essential, not optional, and that individuals with disabilities deserve access to the same economic opportunities as everyone else -- as everyone else has.

As Chair of the Assembly's Committee on People with Disabilities, I'm proud to support this measure in this budget bill and I'm pleased to vote in the affirmative.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Santabarbara in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to explain my vote. I want to say that there are a couple of things about this revenue bill that are very helpful to the community that I know and love. One of them is, quite

frankly, the tax that helps people decide to make movies in our area. This tax helped Hallmark decide to build a whole complete studio in Western New York, and now, as you may know, their market is really growing. There used to be one Hallmark Channel, now there's about three. You could see a movie about every holiday, every season that comes up, that is made by Hallmark, and some of them are, quite frankly, live from Buffalo. So I am grateful to see that restored.

I'm also really happy about the brownfields tax. We live in one of the oldest communities in the State of New York, and the condition of the properties and what's been left by the old industrial era that we lived through needs to be dealt with in order for it to be redeveloped. And so this helps a lot of developers decide to move into communities that they have previously decided they weren't going to develop in.

And lastly, I will say that I think the whole idea of stopping private equity firms from buying property, leaving it vacant for decades, sometimes in blighted conditions, or sometimes preparing it for housing and overcharging people to live there is something that needs to be stopped. And so I'm really grateful that the Speaker and the Housing team came together and put this in this budget, and I'm very grateful to have the opportunity to vote for it.

ACTING SPEAKER HUNTER: Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 182, the Clerk will read.

THE CLERK: Assembly No. A03004-D, Rules Report No. 182, Budget Bill. An act making appropriations for the support of government. CAPITAL PROJECTS BUDGET.

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, Madam Speaker. Today as the Assembly is considering passage of the Capital Projects bill, representing another step closer in completing our work on the State Budget. The Capital Projects bill appropriates \$30.5 billion for State fiscal year '25-'26 while authorizing disbursements of up to \$19.3 billion on an all-funds basis for Capital Projects.

The Capital Projects bill makes critical investments in transportation, health, education, economic development, public protection, social welfare, housing and other vital areas.

Transportation and economic -- trans -- I'm sorry, transportation and economic development capital obligations account for \$12.3 billion or 40.4 percent of the total spending in State fiscal year '25-'26. Capital spending over the next five years is expected to average \$20.3 billion a year.

And with that, Madam Speaker, I would like to encourage our colleagues to support this most important bill. Thank you.

ACTING SPEAKER HUNTER: 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: Thank you. Okay. So you gave me the appropriation, 30.5-. The fiscal impact is up to 19.3 billion?

MR. PRETLOW: Correct.

MR. RA: How much in new debt issuance does this bill authorize?

MR. PRETLOW: New debt comes to 8.9 billion.

MR. RA: I'm sorry?

MR. PRETLOW: 8.9 billion.

MR. RA: 8.9 billion. Thank you.

Can you identify for us any appropriations or

programs in this bill that are discretionary funds that don't have a set recipient or aren't distributed by a formula? Funds that may be just at the discretion of the Majorities or the Governor to distribute?

(Conferencing)

MR. PRETLOW: Okay, you're referring to the projects or programs, I guess, like the CREST Program. I have a list of all of the discretionary entities that are receiving funds from CREST, and if you would like I will read them to you.

MR. RA: Well, I'm -- I'm not talking about --

MR. PRETLOW: Nassau County is getting \$50,000 for the County, incorporated Village of Garden City is getting \$50,000, and then --

MR. RA: That is not what I'm -- that's not what I'm asking. Those are -- those are already --

MR. PRETLOW: These are CREST funds that are at the discretion of individual members. We're giving allocations and then --

MR. RA: Yes. I'm -- I'm asking -- but those -- those, we -- we have a process that we go through. I'm talking about pots that we -- that we don't -- that are at the full discretion of -- of the Majorities or the Governor.

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

MR. RA: Okay. Thank you.

So this, I believe, is the first bill that we see withholding language or contingency language with regard to the

Director of the Budget. So can you just detail what powers we're giving the Director of the Budget?

(Conferencing)

MR. PRETLOW: We're giving the Director of the Budget the ability to look at items that where if there's a deficit or there seems to be going toward a deficit, to make any adjustments if they have to be made.

MR. RA: Okay. And are -- are there -- are there any payments that we are allocating or appropriating in this budget that are exempt from this authority, or could it be anything that's in this bill?

(Conferencing)

MR. PRETLOW: Okay, anything federally allowed, such as Social -- like Social Security.

MR. RA: And the number is an imbalance of \$2 billion or more that would trigger this, correct?

MR. PRETLOW: Yes.

MR. RA: Do we know why 2 billion? Why not 1 billion, 3 billion?

MR. PRETLOW: I don't know if there's any particular reason why we picked 2 billion. It's a round number.

MR. RA: Okay. So what happens if there's a structural imbalance of \$1.5 billion?

MR. PRETLOW: Then the -- the Budget Director [sic] has the ability to (indiscernible) up -- like we said, up to \$2 billion, so 1.5 billion is up to 2-.

MR. RA: Okay. Is -- and is there a check from the Legislature with regard to if the -- if the Budget Director [sic], say, cuts a program that the Legislature likes that maybe the Governor doesn't like as -- as much. What is -- what is the recourse for the Legislature?

MR. PRETLOW: We have ten days to agree or disagree with the -- with the proposed cuts.

MR. RA: Okay. And do we just say we disagree with it or is the requirement that, I believe, it would be via a concurrent resolution?

MR. PRETLOW: Yes.

MR. RA: So would -- does that resolution have to find a similar cut with the same fiscal impact?

MR. PRETLOW: Yes.

MR. RA: Okay. Thank you. And that would all -- that would have to be done at one time, correct?

MR. PRETLOW: Yes.

MR. RA: We would have to reject and -- and come up with our alternative plan.

MR. PRETLOW: That is correct.

MR. RA: Do you know, in particular, you know, with regard -- I -- I understand especially in some of the other areas and pots of money, but do we have anything that we're particularly concerned of that would be in capital that we would have an imbalance coming?

MR. PRETLOW: Not at this time.

MR. RA: Okay. Thank you.

Some of our capital appropriations with regard to economic development. This budget includes, I believe, \$90 million to support Empire AI?

MR. PRETLOW: Yes.

MR. RA: So this is an additional from the \$250 million from last year, correct?

MR. PRETLOW: That is correct.

MR. RA: Do we know how much of the \$250 million allocated last year has been spent to date?

MR. PRETLOW: No.

MR. RA: And do we know if there's a specific purpose to the additional -- to this additional funding? Is it bringing more institutions into the program?

MR. PRETLOW: Yes, we're trying to bring more institutions into the program.

MR. RA: FAST NY and POWER UP. The budget includes the \$100 million for the Governor's focused attraction of shovel-ready tracks or FAST NY Program, and another \$100 million for a new Promote Opportunity with Electric Readiness Underground Properties Fund, the POWER UP Fund. Can you just tell us what the difference between these two types of programs are in terms of what would be eligible for these funds?

MR. PRETLOW: Well, the purpose is to get sites

into the power capacity.

MR. RA: Okay. Is -- would the same types of projects, though, be -- be eligible for either of these?

MR. PRETLOW: Yeah, I believe so.

MR. RA: Okay. And do we have any sense of how many shovel-ready sites we have around the State that might be able to get this funding quickly?

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

MR. RA: Okay. Do we have a sense of how these sites for FAST NY funding will be chosen in terms of distribution around the State? Is it regionalized?

MR. PRETLOW: I believe that would come under the direction of UDC.

MR. RA: DEC?

MR. PRETLOW: UDC.

MR. RA: UDC. I'm sorry. Okay. And do -- do you know what the timeline is for deploying the POWER UP funds? Is it -- in the short term, is this -- is this a long-term initiative?

MR. PRETLOW: It's -- it's long-term, but I'm not sure about when the -- when the duration ends.

MR. RA: Okay. And then there's a pot of money that says it's for the fee for World Cup. I know that the actual games are being staged in New Jersey, but New York and New Jersey I guess are a joint host community. We have a \$20 million proposal. Do we

know what specifically these funds are being used for?

MR. PRETLOW: No.

MR. RA: Okay. Is -- is the assumption that they will be used solely in New York State?

MR. PRETLOW: I would imagine so, yes. We wouldn't be spending money in New Jersey.

MR. RA: Okay. Even though I like the football team that plays there, I don't like going there either, so...

(Laughter)

The Bills fans are booing me.

Okay. And -- and I want to go into a couple of other pieces in the education realm. So we have -- in Library Construction Aid, where did we land in this budget on Library Construction Aid?

MR. PRETLOW: I think it's 44-.

MR. RA: And --

MR. PRETLOW: We -- it was 10- over the Executive.

MR. RA: 10- over the Executive. Okay. And -- and I'm sure -- I -- I think this is -- this is one of those areas that has, I think, widespread support over the years to invest in library capital. As you might know, there's \$1.75 billion in unmet capital needs by our -- by our libraries according to the State Library. So how is that construction aid prioritized and -- and distributed to our State's libraries?

MR. PRETLOW: It's -- it's based on the need of the

project, if it's shovel-ready, how quickly it can be put into -- into operation.

MR. RA: And another piece that's not necessarily school-related directly, but is funding for capital improvements to the State Museum. We've had -- we've had a lot of talk about this in the last few years in terms of investing in that, which is -- and it -- which is run by the State Education Department. So how much funding are we allocating for improvements to the State Museum?

MR. PRETLOW: Well, we haven't changed that from what the Governor originally proposed. I can get you that number in a second if you want.

MR. RA: Sure.

MR. PRETLOW: 155 million -- 135 million.

MR. RA: So we're accepting the Governor's proposal. Do we know how specifically those funds are being used, and if there's any specific projects that are being planned for that money?

MR. PRETLOW: My belief is it's the overall repairs of the -- of the building.

MR. RA: Do we have -- I -- do we have any sense if there was -- my understanding was they had a, I forget what you call it, some type of device that registers seismic activity that was broken and they said they were unable to get it working when we had --

MR. PRETLOW: A spectrograph [sic].

MR. RA: There you go. Do we know if that is going

to be repaired with any of this money?

MR. PRETLOW: I do not know what the -- the -- what the checklist is on what's going to be repaired, but I would hope that the spectrograph [sic] is repaired so we'll know if an impending earthquake is heading toward the great City of Albany.

MR. RA: Yes. Especially with the investments we're making (indiscernible/cross-talk) --

MR. PRETLOW: Only 400 million.

MR. RA: Higher education. Community college maintenance and improvements. Community colleges are receiving 35.1 million?

MR. PRETLOW: Yes.

MR. RA: And I -- I believe this is a sizeable increase from last year, more than double. Do we know what specific maintenance needs at CUNY we're targeting with this increase in funding?

MR. PRETLOW: Well, I do know that there are major repairs needed at many of the CUNY campuses. I know that my alma mater, Baruch, is going into a reformation or transition and needs funding for repairs on that campus. My belief is that every campus has some need, and we can't -- unfortunately, we can't afford to -- to fix all of them. But there are needs in just about every campus in the CUNY.

MR. RA: Can -- now, can we explain that -- the -- the disparity between -- my understanding is the SUNY community

colleges are receiving \$7.7 million less for general maintenance and improvements than last year. So we have a \$15.7 million in -- or a -- \$15.7 million was the number for CUNY last year. It's up to 35.1, so you have almost \$20 million in additional funds while we're cutting the same type of funding for SUNY community colleges by \$7.7 million. Is there a reason for that disparity?

MR. PRETLOW: There's a priority list that was -- that was put together. And I believe if you look at the monies that SUNY received last year compared to what CUNY received last year, you'll probably see the exact opposite of what you're seeing this year.

MR. RA: Okay. And what about independent colleges? Last year we funded the Higher Education Capital Matching Grants Program at \$40 million. There's -- there's no new funding for a new round of that in this budget?

MR. PRETLOW: I don't believe there's any new funding now. They're still spending down last year's money.

MR. RA: Do we know how much money is still available?

MR. PRETLOW: I'd have to look that up. I don't know.

MR. RA: Thank you.

Now the SUNY Downstate and SUNY Upstate Hospitals. What are the capital appropriations we're making for those institutions?

MR. PRETLOW: A total of 900 million; 450-

Downstate and 450- Upstate.

MR. RA: Okay. Now, the 450- for Upstate, that's new this year, correct?

MR. PRETLOW: Yes.

MR. RA: And that's an increase over the Governor's proposal by \$250 million?

MR. PRETLOW: Yes.

MR. RA: So do we have -- do we know specifically what improvements are planned for these university hospitals with this funding?

MR. PRETLOW: I'm not -- I'm not sure what...

MR. RA: Is there --

MR. PRETLOW: Okay, I'm told they're building a centralized annex at SUNY Upstate.

MR. RA: At SUNY Upstate. Okay. Thank you. And I know we've talked for -- for several years about SUNY Downstate. Is this funding going to be enough to address their needs on the heels of investments we've made in prior years, or do we think that this is going to be a recurring thing that we're gonna be providing this type of capital in -- in future budgets?

MR. PRETLOW: Well, I'm pretty sure additional funding will be necessary in the future.

MR. RA: Okay. Housing. So, there's this initiative in New York City which the Governor has made commitments to, the City of Yes, over \$1 billion. Do we expect this to be a one-time

appropriation, or do we think this is gonna be something that we have to fund in future budgets?

MR. PRETLOW: Well, there's a one-time appropriation broken down over -- over many programs. Would you like the list of programs?

MR. RA: Sure.

MR. PRETLOW: Okay. We have \$500 million in new construction preservation of affordable housing, \$200 million for the City of New York Housing Authority [sic], \$80 million for Mitchell-Lama preservations, \$50 million to establish mixed-income revolving fund, \$30 million for supporting housing for adults, youth, young adults, and existing programs, \$30 million for mold and asbestos rehabilitation, \$25 million for New York Housing for the Future and Co-ops, \$25 million for the New York Housing for the Future Rental Program, \$20 million for lead abatement, \$20 million for supportive housing, \$20 million for preservation of existing affordable or supportive rental developments regulated by municipal, State or Federal agencies. That totals \$1 billion and that's part of the City of Yes.

MR. RA: Okay. And how is this actually distributed? Are we sending the money to the City? Is there a -- is it a reimbursement? What is the actual mechanics of giving this money to all of those different programs?

MR. PRETLOW: Well, these are all Capital projects that have to be -- have to be approved.

MR. RA: Okay. And what -- what --

MR. PRETLOW: And we'll work -- we'll work with the City as to how the monies are -- are distributed.

MR. RA: And what -- what State entity or agency is -- is going to be handling that?

MR. PRETLOW: DHCR.

MR. RA: Okay. And do we know how many units of housing are expected to be built across New York City with this funding?

MR. PRETLOW: I don't have a number, but I know they're talking in the thousands.

MR. RA: Okay. And do we -- do we know what type of units we're talking about? We're talking about multi-family units, single -- what -- what type of housing units we -- we're talking about with this?

MR. PRETLOW: There'll be a range, but it'll be affordable in any case.

MR. RA: And do we -- with regard to the 25 million for Mitchell-Lama, do we have any sense of how many units will be able to be rehabilitated by that funding?

MR. PRETLOW: I don't have that information.

MR. RA: Okay.

MR. PRETLOW: Do you -- do you mean NYCHA or do you mean Mitchell-Lama?

MR. RA: Mitchell-Lama. No, NYCHA.

MR. PRETLOW: I believe that what was spent -- well, 25 million is what was -- but I'm not sure how many units--

MR. RA: Okay, \$25 million.

The -- the Pro-Housing Supply Fund. \$100 million is provided to pro-housing certified municipalities to undertake infrastructure improvements. What kind of infrastructure qualifies for this funding?

(Conferencing)

MR. PRETLOW: This is all major infrastructure items like sewer systems, power lines, and things of that nature.

MR. RA: Okay. So, are there any other requirements for a municipality who has already been certified as pro-housing to be eligible for this funding?

MR. PRETLOW: I don't believe so.

MR. RA: Okay. So, do we know -- I mean -- sewers, things of that nature, are obviously very expensive projects.

MR. PRETLOW: That is correct.

MR. RA: Do we have any sense of -- there's about 300 certified municipalities right now, how many might actually be -- able to be helped by the \$100 million?

MR. PRETLOW: Well, it actually depends on project length of it. I mean, I'm exper -- my community is experiencing \$155 million sewer repair right now. It just depends on -- it's a very small city so...

MR. RA: Thank you.

Just want to shift to one other area. Transportation, in particular, CHIPS. What's our -- what's our change or increase in the CHIPS program in this budget?

MR. PRETLOW: Well, we -- we did increase the CHIPS allocation this year by \$50 million. That's, you know, that's distributed on a per capita basis, as you know.

MR. RA: And do we know if that's -- as you recall during the budget hearings and -- and when the Governor put out her initial budget, one of the things that she came out with was additional money for the State Capital Program for their highways to account for the increase in costs that have come up in the last few years, because, you know, as highway superintendents came before us during the budget process told us they couldn't pave the same number of miles with the same number of dollars. Does this \$50 million -- is it sufficient to reflect likewise the increase in cost for our local governments?

MR. PRETLOW: No. I believe the number the Governor was talking about for the State road [sic] was \$800 million. This is an increase of 50 million. I believe the total CHIPS amount is a little over \$300 million.

MR. RA: Okay. And this increase of \$50 million without making any other changes to the CHIPS program, you know, indexing it from inflation or anything that could -- that could provide some certainty down the road to those --

MR. PRETLOW: No, we aren't.

MR. RA: -- municipalities?

MR. PRETLOW: No.

MR. RA: MTA Capital Plan. In this year's budget, the State, New York City area contributed 3 billion to the MTA's 2025-'29 Capital Plan; is that correct?

MR. PRETLOW: Yes.

MR. RA: So, if I'm understanding correctly, you know, going back to what we're looking at with our local roads, we have \$6 billion to the MTA, another -- plus up to another 1.2 billion. That was, I believe, the shift from -- with regard to the project at the -- that the federal government has now taken over, correct?

MR. PRETLOW: Yes.

MR. RA: The \$1.2 billion?

MR. PRETLOW: I believe so.

MR. RA: So, do we anticipate the State just providing that -- that \$1.2 billion now directly to the MTA?

MR. PRETLOW: Yes.

MR. RA: And do we know how that's being funded? Is it bonded money?

MR. PRETLOW: Well, yes, it is.

MR. RA: So, will it then be a debt of the State, or a debt of the MTA?

MR. PRETLOW: Well, this will be a State debt.

MR. RA: Thank you.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. RA: So, just quickly I want -- I want to point out, you know, the CHIPS increase. Any dollar we can put in CHIPS is -- is a good one to help our local roads, bridges, culverts get fixed. We know there's a tremendous need by our local governments, but unfortunately we're putting, you know, lots of money in different places and -- and we did this contribution, this additional money, to the DOT Capital Program. And we need to have, as we go forward, that recognition of the same increase in cost that our local governments are-- are experiencing. It just -- you just can't pave the same number of miles of roads with the same amount of money because the price of everything that goes in to doing these paving programs has gone up. I know we have a number of different programs now that we put money into, but really CHIPS is the one that, to me, provides the fairest distribution throughout the State to our -- our cities, to our towns, to our villages, to our counties. So, that is -- really, the thing we all think of when we think of capital, is local infrastructure. Making sure our local governments can keep our roads paved, keep them safe for -- for those that are driving on them, so that they can get to work and -- and -- and do the things that they need to do on a day -- day-to-day basis with their families.

I think that's all I have on this bill. Thank you,
Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Miller.

MR. MILLER: Thank you, Madam Speaker. Will the Chairman yield for one question --

ACTING SPEAKER HUNTER: Will the Chairman yield?

MR. MILLER: -- on Transportation?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

MR. MILLER: Most of the questions have been asked, Mr. Pretlow. I just wanted to take this a little bit of a different direction on worker safety. You know, we put some -- we -- we extended the --

MR. PRETLOW: The speed cameras in work zones.

MR. MILLER: -- speed cameras in the work zones.

MR. PRETLOW: Absolutely, yes.

MR. MILLER: Was there -- I didn't see any capital money for additional worker protections or -- or addit -- or additional cameras for the work zones? It's been a --

MR. PRETLOW: There -- there's no extra money put in -- in the budget, but the capital money put in the budget for that, but that pretty sure will be funded out of expenses and revenue generated for people that choose to speed through work zones.

MR. MILLER: Okay. But that the -- but that revenue will -- it won't come in all at once? It's gonna come in --

MR. PRETLOW: No. It won't, but the State has good credit.

MR. MILLER: -- during the year and worker protections are extremely important to all of us.

MR. PRETLOW: Yes.

MR. MILLER: We all drive the Thruway, we all know the situations out there. We wanna make sure our -- our highway workforce is -- is the safest here in the State and the State is --

MR. PRETLOW: That -- that's -- that's the reason that we expanded the program because it was successful. The pilot program that we originally did was successful, and is now being expanded to include more locations. And I'm pretty sure that, you know, the -- the State can afford to -- to -- to front the money for whatever additional expense is necessary for setting the cameras up, and that will be replenished by the fines that are derived from people that foolishly choose to speed through work zones.

MR. MILLER: Okay. And along with the worker protection, there's a lot of new technology out there that I know that we have some pilot programs that we're using for our -- for our plow trucks and sanders during the winter. We really need to take a real good look at that and see if we can expand that worker protection program. It's -- it's something that really needs to be done.

Thank you for answering that, Mr. Pretlow.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MILLER: You know, as we've heard here,

CHIPS is the lifeblood of our highways through New York State. You know, when we think of our highways, we think of the New York State Thruway, we think of all our State roads, but CHIPS is -- is -- is truly the lifeblood for our towns, our counties, you know, some of our -- some of our towns that's all the highway money they -- they've had. Every year we have a sea of orange here, and we ask for and -- and -- and the highway crews ask for more funding. You know, we -- we have some line items here. Dedi -- Dedicated Highway and Bridge Trust Fund, 336.5 million. Same as the Governor, same as last year. Airport Capital, 36.5 million. Same as the Governor, same as last year. Consolidate Local Streets Highways Improvement Programs [sic], CHIPS, 50 million more than the Governor's proposal, 50 million more than last year. The price of aggregates gone up, the price of labors gone up. We've talked about this every year. I'm -- I'm sure every one of us drove here today or -- or -- or we rode in a vehicle. And, with the extreme winter that we've had, and the highway conditions that we have here in -- in New York State, we really need to get this up to what the ask was -- was \$250 million additional.

Local road and bridge capital assistance, 15 million in new funding for projects related to capital investment and State local roads and bridges.

Mr. Pretlow, will you take another -- will you yield for one more question?

ACTING SPEAKER HUNTER: Mr. Pretlow, will

you yield?

MR. PRETLOW: Yes, I will.

MR. MILLER: Okay. On --

ACTING SPEAKING HUNTER: The Chair yields.

MR. MILLER: -- on that topic, the local road and bridge capital assistance, 15 million in new funding for projects related to capital investment and State and local roads. Do we know how this will be distributed and allocated across the State?

MR. PRETLOW: That's usually distributed by the -- it's part of CHIPS, right?

MR. MILLER: I -- that's -- that's all I have is a -- is a line item here.

MR. PRETLOW: Repeat -- repeat the question, please.

MR. MILLER: Local road and bridge capital assistance, 15 million in new funding for projects related to capital investment and State and local roads and bridges. I -- I believe this is different than the CHIPS -- than the CHIPS money.

MR. PRETLOW: 5-0 you're saying, correct?

MR. MILLER: 1-5.

MR. PRETLOW: Oh, 1-5.

MR. MILLER: Fifteen.

MR. PRETLOW: I don't know what that is.

(Conferencing)

I'm not sure how it's allocated. That's the -- that's the

general State road, bridge fund. It's --

MR. MILLER: Okay. Thank you.

Back on the bill, Madam Speaker.

ACTING SPEAKER HUNTER: On the bill.

MR. MILLER: PAVE-NY, 150 million. Same as the Governor, same as last year. Pave Our Potholes, 100 million. Same as the Governor, same as last year. We all drive on the roads. We have infrastructure here that is -- is failing, it needs all the updating that we can give it. You know, we -- we talk a lot about economic development and our infrastructure on our highways and bridges and structures is part of economic development. And we really, really need to take a good look at how we're taking care of our -- of our roads. We barely fund to take care of the decline. We're -- that's what we're doing right now, and we -- we need to take a better look at this and we really need to fund on this. This is one of the things -- we don't do a good job on maintaining what we have here in New York State. And I really wish we could've put more in here, and I hope that, moving on in the future, that we can.

You know, I -- I talked to my colleagues from the Hudson Valley, and they have roughly 8,2 -- 8,200 lane miles of road in the Hudson Valley. And before I had the 122nd Assembly District, I had the 101st, which was part of the Hudson Valley. And when my colleagues talk about the roads in the Hudson Valley, they could eat up that 50 million in a matter of minutes. Probably just paving what -- what they have right now. And that's just that region, but we have all

the regions across the State. And we really need to put more money in the CHIPS, in the Pave Our Potholes, in the BRIDGE NY, into every program that we have here.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ari Brown.

MR. A. BROWN: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Mr. Pretlow, will you yield?

MR. PRETLOW: Yes, thank you.

ACTING SPEAKER HUNTER: Mr. Pretlow yields.

MR. A. BROWN: Thank you, Chairman. Which indus -- which industry, Mr. Chairman, would you say is the driving force of our economy? Actually, the entire economy of the whole United States.

MR. PRETLOW: The driving force? Which industry?

MR. A. BROWN: There's only one.

MR. PRETLOW: Construction?

MR. A. BROWN: That's it, housing starts, exactly. And which component scares the life out of every mayor and supervisor when they're preparing their budget? One big ticket item that scares the wits out of all --

MR. PRETLOW: Labor.

MR. A. BROWN: What's that?

MR. PRETLOW: Labor.

MR. A. BROWN: Okay. And -- and infrastructure, because it's one of the biggest costs.

That brings me to the point of our discussion for this particular Capital Projects bill. There's an elephant in the room that no one seems to realize that's converging on us very quickly.

Everybody's worried about the electric buses, but there's something a lot bigger happening. Are you familiar with the All-Electric Building Act? Bill No. 8431.

MR. PRETLOW: Yes, I am.

MR. A. BROWN: Okay. So, as we know, by December 31st, 2025, any new construction, even single family homes, would have to be fully electric.

MR. PRETLOW: Yes.

MR. A. BROWN: I did a comprehensive assessment. I took a small village of less than 7,000 residents and I did an assessment based on current three year data of new construction homes that were built in that time period. And it's a particular village that does a lot of construction. Whereas, you can build moderate construction today and residential construction for between \$185 - and \$245 a square foot. When I implemented the components of this particular bill, I'm touching around 310 to around 318 per square foot.

We talk about affordable housing, you're the Chairman of Ways and Means. I don't have to explain to you what 3

-- \$318 a square foot for a moderately sized 2,500 square foot home.

There will be -- would you agree --

MR. PRETLOW: Yes.

MR. A. BROWN: -- that there wouldn't be a single affordable house in New York?

Then there's the other elephant in the room that's converged, and it has converged at the same time that's leaving most of the State in the building industry very concerned. Assembly bill, A10439, which is the Advanced Building Code, Appliance and Equipment Efficiency Act. Are you familiar with that when it comes to construction? Forget about the appliances, the construction components of that?

MR. PRETLOW: No, Mr. Brown, I'm not. But, I don't see how this relates to the bill at hand.

MR. A. BROWN: I'll -- I'll --

MR. PRETLOW: Unless you're gonna draw it together.

MR. A. BROWN: I'm going to bring it together in -- in a couple of minutes.

You know, as a little boy, I -- I wanted to surprise my father. Around 45 years ago my father went away for a day and I said -- I said, *I'm gonna frame the whole first floor of this house by myself.* And I was able to do that and frame the walls on the floor, and then stand them up because it was 2x4. This bill requires us to now frame in 2x8. I'm benching almost three plates and I can't stand up a wall

like that, which means my labor went up and my construction costs went up. So here -- here's where the question is. I looked at the chart, the breakdown from the Sustainable Future Programs Capital Project, what we're talking about now, and I went through each and every component. The Green Gas Emissions Reduction [sic] and every single aspect of the EmPower New York, NYSERDA's money and the clean -- the Clean Green Schools. And one by one I'm saying, *I'm hoping I'm gonna find some component that's gonna help pay for the infrastructure that's gonna be required to sustain all of this electric mandates -- unfunded mandates that's being implemented here.* I looked at the very bottom and I said, *maybe it's in the renewable energy project's 200 million, maybe it's in the flexible, any purpose line 100 million.* I'm saying \$300 million. I'm asking you, Chairman, where's the money gonna come from to implement just the smallest aspect of this, just the basic electric to power a house? Which my estimate will add approximately 85- to \$110,000 per house to -- to qualify -- to -- to make these houses qualify what's being implemented by this. Just -- just to improve the transformers. For -- forget about, you know, having infrastructure. Where -- where's the money gonna come from?

MR. PRETLOW: It -- it may be inadequate but this budget does include \$200 million for renewable energy projects. And one of those projects is to improve the grid conductivity pro -- projects.

MR. A. BROWN: Thank you, Mr. Chairman. Could

you tell me what that number is that -- that you just talked about to improve the grid?

MR. PRETLOW: It's not specifically for it. The -- the entire amount is \$200 million and it's -- be allocated towards certain areas. Renewable energy, generation undertaken by -- not be as authorized by the Build Public Renewable Act [sic], municipal renewable energy projects and grid connections.

MR. A. BROWN: Thank you. Would you agree that that's -- that amount in its entirety, would probably wouldn't even be equal to 1 percent of the need to --

MR. PRETLOW: I -- I preface my statement by saying this is probably inadequate.

MR. A. BROWN: Well, let's have the discussion openly. Would you agree that (indiscernible) if we took the entire budget in the State of New York, a quarter of a trillion dollars, that probably would be about a third of what would be needed to improve the infrastructure just to support this mandate that's coming in -- in about a year's time -- less than a year's time?

MR. PRETLOW: I -- I can't speak to that. I don't know.

MR. A. BROWN: Well, with respect to the Chairman, I will tell you, that's exactly what's happening. And -- and I appreciate your time, Mr. Chairman.

Madam sponsor [sic], on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. A. BROWN: You know, we -- we all talked about the electrification of the buses; it was scary. This scares me a lot more. You know, outward migration in New York is something like no one can believe. When this is implemented, there will be nothing left. The -- the market looks at housing starts. It -- the -- the market looks -- the stockmarket looks at every state, where we're gonna build, how many houses are gonna be built in every particular area. There will be no new houses built in this area because even if people can afford to do it, maybe some luxury areas, there isn't the infrastructure to sustain this. And the point of my -- my questioning is very simple; why couldn't we have -- if -- if -- if this -- this mandate -- if these particular bills were so important, why make it an unfunded mandate? You know, we're already spending a quarter of a trillion dollars. Let's just show goodwill and put at least a half a billion dollars, wouldn't be a trickle into what we need, but let's at least show that we're serious about the unfunded mandates that we're asking the rest of the State to do. I -- I don't know what to do, you know. We're gonna lose congressional seats, continuously so, and we're gonna lose the last of our people in the State. People can't afford to live in New York, and this is beyond the nail in the coffin. And for that reason, I will certainly be voting no on this bill.

Thank you, Madam -- Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Slater.

MR. SLATER: Thank you, Madam Speaker. Will

the Chairman yield for a few questions on the DOT Core Capital Plan?

ACTING SPEAKER HUNTER: Will the Chairman yield?

MR. PRETLOW: Yes, I will yield.

ACTING SPEAKER HUNTER: The Chair yields.

MR. SLATER: Thank you, Chairman. While your staff comes in, did you have a chance to eat yet? Not yet?

MR. PRETLOW: No.

MR. SLATER: There's some good food.

MR. PRETLOW: Way to rub it in.

(Laughter)

MR. SLATER: Sir, just -- I just wanted to go over the DOT Core Capital Plan. We see an \$800 million allocation, additional allocation; is that accurate?

MR. PRETLOW: Yes.

MR. SLATER: And what specifically is that \$800 million going to be used for?

MR. PRETLOW: I'll tell you in a second.

MR. SLATER: Thank you.

(Conferencing)

MR. PRETLOW: It's just inflationary -- an inflationary increase for the whole program. Most State and highway road program.

MR. SLATER: And so is that for existing projects or

future projects?

MR. PRETLOW: Yes, existing.

MR. SLATER: Existing projects in New York State.

MR. PRETLOW: Yes.

MR. SLATER: Is that going to go towards projects that -- because I think that we've seen several instances where we've allocated dollars or projects that haven't broken ground. So are these shovel-ready projects? Are these projects that are already in the process, or are they in the planning stages?

MR. PRETLOW: Well, these are the items that have been in the five-year Capital Plan. Hopefully they're shovel-ready by now.

MR. SLATER: But we don't know for sure?

MR. PRETLOW: I -- I don't know for sure.

MR. SLATER: And so, when it comes specifically, and I want to thank my colleague for raising the issues of the Hudson Valley which I know you are very, very familiar with. And so, when it comes to Region 8, what benefit will the \$800 million have for the Hudson Valley, if any?

MR. PRETLOW: Okay. It's -- it's not disbursed regionally, so I guess it would depend on need of that -- the district.

MR. SLATER: Do we know of any projects in Region 8 that would benefit from --

MR. PRETLOW: I don't know of any projects.

MR. SLATER: -- \$800 million? I'm sorry, sir?

MR. PRETLOW: I do not know of any project, in any region, that will benefit by this additional money.

MR. SLATER: I know that when we were going through the budget process, we had been advocating strongly for the 800 million. Our partners in the Senate in their one-House included a separate allocation just for Region 8. Do we know where that allocation stands during this final budget phase?

MR. PRETLOW: That was not in the budget.

MR. SLATER: And so, is that something that was negotiated out of the budget by the Executive?

MR. PRETLOW: I don't know if it was negotiated out. We like to say it fell off the table.

MR. SLATER: But it is not allocated in the final product?

MR. PRETLOW: No.

MR. SLATER: Understood. Among the other items that we talked about during the budget process was a -- a needs assessment for DOT?

MR. PRETLOW: Yes.

MR. SLATER: Do we know if that needs assessment proposal was adopted as part of this budget?

MR. PRETLOW: No, it wasn't.

MR. SLATER: It was not? Very good. Well, Mr. Chairman, thank you for answering my questions. If I could go on the bill, Madam Speaker, and give the Chairman some time to rest.

ACTING SPEAKER HUNTER: On the bill.

MR. SLATER: Thank you very much. As my colleague before me had said, when it comes to constituent services, the number one issue my district gets calls about is the conditions of our State roads. State roads are the main arteries in the 94th Assembly District, and I would argue across the entire Hudson Valley. We know that Region 8, the data shows it, we have the worst rated roads, worst rated State roads, the worst rated State bridges. We have a significant infrastructure problem. And while I appreciate the 800 million that is in for DOT Core Capital, we continue to overlook the needs of the Hudson Valley. We continue to overlook the safety concerns that get raised by people utilizing our State roads, and we continue to overlook the quality of life improvements that would be made if we were able to allocate the necessary funding to ensure safe and adequate State roads in the Hudson Valley. And I'm not just talking about my Assembly district, I am talking about every one of my colleagues across DOT, Region 8, Republican, Democrat, it doesn't matter. We know that there is a significant underfunding of our region, we know our region continues to suffer from these chronic problems, and we cannot continue to ignore it.

I've spoken to DOT almost on a weekly basis about different troubled areas, whether in Putnam County, Northern Westchester, and I understand that the upcoming five-year Capital Plan is around the corner and that's great, but the Hudson Valley has to begin to be prioritized full stop. And I would invite any of my

colleagues to come drive on our roads and you'll see them firsthand, because the way that they are right now is just unacceptable.

Despite my concerns and despite the fact that I feel we've continued to miss the mark when it comes to the Hudson Valley, I do appreciate other items in this Capital -- in this Capital bill. I am, once again, going to be supporting it. I do think it's important that we continue to invest in our clean water and protect our environment with the EPF, and there are other items as well that I believe are worthy of supporting. I just hope when we come back again next year the Hudson Valley is finally prioritized.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This bill 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 particular piece of legislation. If the -- if there are members who want to vote yes, they can do so now. Thanks.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam

Speaker. The Majority Conference is gonna 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. Steck to explain his vote.

MR. STECK: Thank you, Madam Chairman [sic].

The subtle abridgement of constitutional powers has a long run corrosive effect. It starts to whittle away at the greatest manifestation of democracy. One person, the Governor of New York, already has greater power over the budget than any other Governor of any other state. I have never supported any further ceding of legislative power to the Governor. I don't support rule by Executive orders whether here or in Washington. We are the heart of democracy, not the Governor. Citizens may easily meet with us to discuss budgetary matters. They have little influence over the Governor. I opposed giving the Governor emergency powers during COVID, and must take the same position here even if the disease is coming down from the federal government. Therefore, I vote in the negative.

ACTING SPEAKER HUNTER: Mr. Steck in the negative.

Mr. Maher.

MR. MAHER: Thank you, Madam Speaker. I rise to explain my vote on this particular budget bill. Many of my colleagues have already shared their issues with the lack of investment in

infrastructure on our State and local roads, and that is exactly why I stand here at this moment in time. When we take a look at CHIPS with an additional 50 million, we ask for a lot of more. When we talk about the rise in costs of materials, we know that that 50 million increase is still going to limit the amount of roads that we've been able to pave in our localities for the previous year. We know it's not nearly enough. When we talk about Extreme Winter Recovery, PAVE-NY and Pave Our Potholes, there is no increase even though there is a massive increase from year to year in our costs. That amounts to a cut by the State of New York in our infrastructure, in our local and State roads. And as my colleague shared as well, when it comes specifically to the Hudson Valley, Department of Transportation Region 8, we are woefully underfunded. And again, with the \$254 billion budget, I cannot imagine how we have prioritized the safety of our residents and not investing in our infrastructure. We had an earthquake recently, and I remember being asked; *where were you, did you feel it?* And I said, *No, I was actually driving.* I was on a State road, and it pretty much feels like an earthquake every single time you drive down it. This is not a joke, this is what happened.

This State needs to do better when it comes to investing in our infrastructure, our State and local roads. For that reason and many more, I will be in the negative, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Slater [sic] in the negative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you. To briefly explain my vote. I'm very happy to see our institutions of higher education getting the funding that they need to upgrade their facilities. This is teaching you want to be in a facility that has the right equipment, that is in good working order, so that you can focus on your studies. I'm also thrilled with money that is going for clean water infrastructure all over the State. It's always over-subscribed, it's very crucial, all the more so with the advent of various forever chemicals. And I also would be remiss if I did not thank the Speaker for hearing my plea for additional resources for the Environmental Protection Fund. It is a great thing to get additional resources because those go to projects all over the State, every one of our districts is going to see the benefit of the Environmental Protection Fund. So, I withdraw my request and vote in the affirmative.

ACTING SPEAKER HUNTER: Thank you. Ms. Glick in the affirmative.

Ms. Shimsky to explain her vote.

MS. SHIMSKY: Thank you, Madam Speaker. When you let infrastructure investments go over a period of time, it's very hard to claw them back and get them back into the condition they should be in. That being said, this \$800 million in additional investment in our State roads and bridges will go a long way in getting us started on the, excuse the pun, the road back. The \$50 million in CHIPS funding, which we will have this year and next year, it's not going to pave a whole lot more State roads, but it will -- or local

roads, but it will help our local governments keep pace with the cost of living, which is also very important, and at least they won't fall further behind on their Federal -- on their State aid. And all of the other infrastructure investments we have in here that will apply to clean water, wastewater, buildings, energy efficiency, these are all critical for our people to live the kind of lives that they should have. And many of them will also end up being cost-effective including the -- and perhaps especially, the energy efficiency ones.

So, I look forward to voting for this budget, and especially voting for the Capital Projects Budget. This will go a long way. We just have to remember that we now need to keep up, year over year, the momentum to make sure we could bring our infrastructure back to where we need it to be. Thank you.

ACTING SPEAKER HUNTER: Thank you. Ms. Shimsky in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If we could call Ways and Means and Rules in the Speaker's Conference Room immediately.

And while they're doing that, if you put the House -- our House at ease.

ACTING SPEAKER HUNTER: Ways and Means to the Speaker's Conference Room, Ways and Means to the Speaker's

Conference Room.

On a motion by Mrs. Peoples-Stokes, the House will stand at ease.

(Whereupon, the House stood at ease at 6:49 p.m.)

(Whereupon, the House was called back to order at 7:21 p.m.)

ACTING SPEAKER HUNTER: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Members have on their desk a B-Calendar. I'd like to move that B-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. If we could bring our attention right to page 3, we're gonna begin with Rules Report No. 185 straight through to Rules Report No. 187. We're gonna start at No. 187, I'm sorry, Madam Speaker. We're gonna start with No. 187, then we're gonna go to No. 185, and immediately following that, No. 186.

ACTING SPEAKER HUNTER: Thank you, ma'am.

Page 3, Rules Report No. 187, the Clerk will read.

THE CLERK: Assembly No. A03003-D, Rules

Report No. 187, Budget Bill. An act to making appropriations for the support of government, AID TO LOCALITIES BUDGET.

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: Why, yes, Madam Speaker. Good evening, again. This bill would enact the Aid to Localities bill for our State Fiscal Year 2025 through 2026, and includes an All-Funds appropriation of \$231.1 billion. The bill authorizes disbursements of up to \$85 billion from the General Fund, and up to \$199.9 billion on an All-Funds basis.

ACTING SPEAKER HUNTER: Mr. Ra.

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

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Absolutely.

ACTING SPEAKER HUNTER: The Chair yields.

MR. RA: Thank you. So, I wanna start with the education related provisions. We talked on the ELFA bill about the cellphone ban. Now, we're dealing with the money side of this. So,

we are accepting the -- the number that the Governor had proposed in her Executive Budget of \$13.5 million?

MR. PRETLOW: Yes.

MR. RA: Is that correct?

MR. PRETLOW: Yes.

MR. RA: So, we heard from a lot of stakeholders in the budget hearing that they didn't feel like that was gonna be sufficient for implementing this. Do we have any sense on what the average cost on the school building level is gonna be to implement --

MR. PRETLOW: I really have no idea what the cost would be because it could be anywhere from zero, which just tells the young people to leave their phones home, to \$30 per phone. We know some school districts want to purchase little radio-proof bags to put cellphones in. So, there's -- and since we're leaving it up to each of the individual districts in the State, there's really -- there's no hard number that you can use.

MR. RA: Okay. Do we know how we will go about allocating this \$13.5 billion to schools around the State?

MR. PRETLOW: No. I can't -- we're not gonna determine that. That'll go through the -- I think it'll go through the Executive to SED.

MR. RA: Okay. And are -- are there any specific restrictions on what the funding can be used for? You know, is -- is it spelled out in any way that you can buy pouches, you can buy cubbies, or -- or is it more open-ended if a district were to come with say *this is*

how we're handling this, whatever that expense would be -- might be eligible?

MR. PRETLOW: Yeah. I think I -- I just stated it would be open-ended because each district will have a different way to handle it.

MR. RA: Okay.

The Universal Free School Meals. Do we have any sense -- obviously this is an initiative that has been talked about for the last several years. We've put money towards it, this year it's fully funded. But as you're aware, there has been some talk about the Federal level, some funding might be lost. Do we know how much funding could be lost from the Federal level and how that would impact this program?

MR. PRETLOW: We -- we haven't really determined that. I mean, that's -- I mean I've stated in previous conversations with individuals in this House that a lot of this is operating on rumor as to what we think the federal government is going to do. We've done this budget based on what we know to be the true and proper budget, and notwithstanding any potential cuts, which I'm still considering rumors. And as I also stated earlier, we're depending on our colleagues in Washington, D.C. not to allow some of the draconian cuts that people are talking about happening to the State of New York.

MR. RA: The -- this -- this bill, though, does contain provisions like the prior appropriation bill with regard to auth -- authority for the Director of Budget to make adjustments up to \$2

billion.

MR. PRETLOW: Up -- up to \$2 billion, yes.

MR. RA: Okay. Thank you. And it's -- and it's the same language, same provisions with regard to the --

MR. PRETLOW: Yes.

MR. RA: -- the Legislature's role and -- and all that?

MR. PRETLOW: Yes. Ten -- ten days for the Legislature to make a determination whether we accept those cuts or not, or if we don't accept them, to recommend our own cuts.

MR. RA: Would -- would -- would this type of funding fall under that exception language from -- from that type of adjustment?

(Conferencing)

MR. PRETLOW: Possibly.

MR. RA: So, we're -- we're not -- we're not sure whether it does?

MR. PRETLOW: We're not 100 percent sure, no.

MR. RA: Okay. Prior year claims, we've talked about this for many years. There's been times in -- in budget proposals that we've -- we've proposed paying these prior year claims. As we know, many times our colleagues who have had to advance those type of bills have gotten vetoed. There's no funding in this budget for prior year (indiscernible) claims, correct?

MR. PRETLOW: Correct.

MR. RA: And then our special education schools.

Do we have any provisions specifically to help special education schools better retain staff?

MR. PRETLOW: We -- we did -- we did -- we included a COLA, I believe.

MR. RA: Okay. And are we doing anything with regard for a more predictable tuition growth rate for these schools?

(Conferencing)

MR. PRETLOW: Well, there's a study that's in progress now, and we're waiting for the results of -- of that study before we make any permanent moves.

MR. RA: And the proposal that has been brought to us by advocates with regard to the 4201 schools to allow them to retain a fund balance like we allow for all other schools in New York State, are we doing anything with that in this bill?

MR. PRETLOW: That was not included.

MR. RA: Okay. Is that something we can perhaps look at post-budget in a standalone piece of legislation?

MR. PRETLOW: Absolutely.

MR. RA: And does this budget provide any funding for direct salary increases for the teachers at the 4201 schools?

MR. PRETLOW: No.

MR. RA: Okay. Thank you.

The public campaign finance provisions. We're including \$100 million for the public campaign matching funds?

MR. PRETLOW: Yes.

MR. RA: And my understanding is at the end of the cycle for 2024, the Campaign Finance Board distributed approximately \$35 million to qualifying candidates. You know, many of our colleagues may have utilized that program last fall. With the expansion of matchable contributions that we're doing in this budget, is -- are we increasing the amount that we're putting out?

MR. PRETLOW: No, we're not increasing the amount. We're just not penalizing individuals that are taking part in the program if they inadvertently or receive even as a nominal amount of money over the 250 maximum, from having to return the 250 -- you know, the entire matching amount. So what's happening is the base number does not change. It's still \$250. But individuals that can receive up to \$1,050, if after the match is made they receive extra funding from a contributor, an individual contributor.

MR. RA: Now, I -- well, I don't wanna put words in your mouth, but I believe you -- you did state on the prior bill that you felt this would cause there to be more funds paid out through this program.

MR. PRETLOW: Well, if there's more funds it's because funds weren't clawed back by people that inadvertently received extra money. The budgeted amount, though, remains the same.

MR. RA: Okay. And so we're gonna have next year, as you know, in addition to the Legislature's Statewide candidates for the first time will be included as well.

MR. PRETLOW: Statewide candidates have been part of this program for years.

MR. RA: Well, it will be the first cycle they're actually running with the public matching funds. They -- they have not been -- they've been able to opt into the program over the last couple of years, but this will be the first time they're actually being able to get funds.

What happens with regard to this program if this money gets exhausted? Is -- is this program treated basically as an entitlement, that money would have to come from the General Fund to cover a shortfall?

MR. PRETLOW: Well, it'll be automatically transferred from another fund to fill it. But we feel the \$100 million is sufficient.

MR. RA: Okay.

I'm gonna to shift to Higher Education. We -- we talked a little bit about this program, the Opportunity Scholarship. We included 14.1 million and 21.1 million for the scholarship and for CUNY and SUNY. So do we have any sense -- I know we asked this earlier -- of how many students might benefit from this?

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

MR. RA: The Promise Scholarship. How many students we think are going to be able to take advantage of this funding?

MR. PRETLOW: Okay. That's a number that we

can't determine the exact amount. It depends on the number of students that do apply for it and what the criteria is for the applications.

MR. RA: Okay. And then with regard to CUNY and SUNY community college base aid, we have increases for -- for those, respectively?

MR. PRETLOW: Yes. There's an additional \$8 million base aid for SUNY and a \$5.3 million base aid increase for CUNY.

MR. RA: And are we -- I know in the past we have had numbers frozen from prior -- from prior years because of some loss in enrollment. What -- what are we basing the enrollment numbers for purposes of aid for the community colleges?

MR. PRETLOW: Same base as last year.

MR. RA: Okay.

And then TAP. You know, we made some large investments in TAP last year. How much is being allocated to fill the TAP gap?

(Conferencing)

MR. PRETLOW: I believe it's 60- and 50-, about \$100 million.

MR. RA: Okay. And were there any discussions, because, you know, we had --we had finally put (indiscernible) -- put those back together and now, you know, after a couple of years that number is starting to grow again. Has there have been any discussions

of simply linking TAP awards to SUNY tuition so that we won't have to make separate appropriations to fill the TAP gap?

MR. PRETLOW: That's -- that's not in this budget.

MR. RA: Okay.

The housing provisions. The Governor had proposed a \$50 million fund to help first-time home buyers. Am I correct that is not included in this final budget?

MR. PRETLOW: That's correct.

MR. RA: Now, we also have a \$50 million appropriation for something called the Housing Access Voucher Program. Is that related that that is being funded instead of this or is this a totally separate --

MR. PRETLOW: Totally separate.

MR. RA: -- initiative?

MR. PRETLOW: It's totally separate.

MR. RA: And -- and who will benefit from the Housing Access Voucher Program in this \$50 million?

MR. PRETLOW: Well, the eligible individuals and families are homeless, at risk of homelessness, and people with incomes with no more than 50 percent of AMI.

MR. RA: Do we know how this will be distributed in terms of region of the State? Is there any allocation specifically for New York City, outside New York City?

MR. PRETLOW: It's allocated -- allocated by county based on the number of people that are housing-challenged.

MR. RA: Okay. And how does the voucher program work? Is -- is the local administrator who's administering this giving it directly to the landlord or is the tenant responsible for getting the voucher and then -- and then paying it to the landlord?

MR. PRETLOW: The rent goes to the landlord.

MR. RA: Goes directly to the landlord.

I -- I want to ask about another issue we talked about, the Unemployment Insurance issue. We had the sweep and transfer in the ELFA bill, but there's no corresponding appropriation in the Unemployment Insurance Benefit Fund in Aid to Localities, which is where it had been located in the Majority's one-House. So can you tell me where that appropriation is for -- for the UI debt?

MR. PRETLOW: It's an automatic transfer, so it doesn't need an appropriation.

MR. RA: Okay. So the State doesn't need to do an appropriation separately?

MR. PRETLOW: No.

MR. RA: And the 8 billion I think was the number to both pay off the full debt and replenish the Fund with sufficient money so that we can move forward with increasing the benefit, correct?

MR. PRETLOW: Correct.

MR. RA: What are the mechanics of actually doing this? Is the State immediately paying this as a lump sum to the federal government, or what's the timeline for that to be done?

MR. PRETLOW: It will be probably be made over a

couple of payments throughout the year.

MR. RA: Do we know what the timeline is for that to happen?

MR. PRETLOW: Well, the first payment will be made on or -- on or before June 30th, and then we'll make following payments maybe a quarter later.

MR. RA: Okay. And does taking that action and paying -- paying this make moot the \$165 million for the insurance assessment surcharge or do we still need to -- to pay that?

MR. PRETLOW: Well, we still have to pay the insurance from the prior year.

MR. RA: Okay. So we -- we have the appropriation for that 165 million in one of these budget bills?

MR. PRETLOW: Yes.

MR. RA: Which -- which bill is that in?

MR. PRETLOW: State Ops.

MR. RA: Thank you. All right, so we'll see that in the next bill. Okay.

The Childcare Assistance Program. There was some reporting recently about New York City and other counties announced that they had already closed the Child Care Assistance Program to accepting new applicants. My understanding is we are increasing the funding for that in this budget?

MR. PRETLOW: Yes, by \$400 million.

MR. RA: Okay. Now, is this going to be sufficient

to allow New York City to reopen the applications? They said they needed over \$800 million for the program.

MR. PRETLOW: I -- I believe so. You know, 350 million for child care subsidies of social services districts Statewide will be matched one-for-one by local districts which must be matched one -- by one -- one-for-one by local districts with priority given to New York City.

MR. RA: Okay. So the \$413 million --

MR. PRETLOW: So that would be 750 million -- I'm sorry, I cut you off.

MR. RA: The -- the increase of \$413 million, is any of this for outside of New York City or is that all for the program within New York City?

MR. PRETLOW: Fifty million.

MR. RA: Fifty million is for outside New York City.

MR. PRETLOW: Outside.

MR. RA: Thank you.

One of the concerns we've heard outside of New York City and in Upstate counties in particular is -- is about having to close the program to new applicants because of having to provide the child care assistance on a first come, first served basis rather than prioritizing that the most needy applications, the most needy applicants get -- get the funding. Is there any support to allow local service -- social service districts to prioritize applicants in that way as opposed to paying this out on a first come, first served basis?

MR. PRETLOW: The Governor put out proposals (indiscernible) \$1 million for a study to see how we can make this more sustainable.

MR. RA: Okay.

Raise -- Raise the Age. This budget, from what I can see, includes the \$250 million funding?

MR. PRETLOW: Yes. And there is no increase in this budget for Raise the Age.

MR. RA: Okay. Now, there was what I found to be a bit of an alarming report last year with regard to how much money is sitting unused with regard to this issue. Can you give us an update about that? There was supposedly around \$980 million that had been sitting unused for this program. Do we have any sense as to where that stands and if that money has started to be utilized?

MR. PRETLOW: Are you referring to reappropriated fund -- funding?

MR. RA: Yes.

MR. PRETLOW: Well, the counties -- we pay the counties as they submit invoices to us. It seems that many counties aren't participating, so the funds that were set aside for them are not being used.

MR. RA: My understanding that is they have concerns because they have to, you know, build the infrastructure first and then -- and then get the money.

MR. PRETLOW: Right.

MR. RA: So I -- I think we may have some work to do to try to figure out how to put these two things together. We've had this policy on the books for many years, and obviously that's a lot of money to be sitting out there that could be used to -- to really helping make sure we get services for individuals and, you know, and put them on -- on a better track in their life. So that -- that's it on that one.

Public Protection. We had talked about earlier in the year and the Governor mentioned this, I believe, in her State of the State and then in the budget that \$77 million has been now provided to the NYPD for increased nighttime patrols of the subway system.

MR. PRETLOW: Yes.

MR. RA: Do we know when this funding will take effect for six months?

MR. PRETLOW: It's already started, to my knowledge.

MR. RA: Okay. And right now, do we have data showing the impact of doing these overnight patrols?

MR. PRETLOW: No.

MR. RA: Do -- do we envision that this would be something that the State would continue to fund after the six months or would it up to New York City to allocate resources to do that?

MR. PRETLOW: I believe that the State will continue to fund this. Maybe not at the same level; maybe more, maybe less. But I'm pretty sure that the State, which has invested heavily in the City, will continue.

MR. RA: Okay.

The discovery funding. We have \$15 million in additional funding as part of the total of \$135 million for discovery?

MR. PRETLOW: Yes.

MR. RA: What, if any, impact are the changes that we made in the prior bill having on that? Is there any prioritization with regard to providing funding to make sure that these changes are rolled out?

MR. PRETLOW: The funding is given to them with no strings attached.

MR. RA: Okay. And how is that allocated throughout the State?

MR. PRETLOW: \$45 million for New York City prosecution, \$45 million for ROS prosecution and \$45 million for the defense. ROS is the rest of the State.

MR. RA: Okay. And then the local crime reduction. There was a Executive budget proposal that -- for \$10 million in new funding for efforts focused on supporting local crime reduction. Those funds are not in the final budget?

MR. PRETLOW: That is correct.

MR. RA: Okay. And is there any further funding with regard to the initiative that was undertaken last year with regard to funding for retail theft and local crime?

MR. PRETLOW: I don't believe so.

MR. RA: On the Transportation side of things. My

understanding is the MTA is getting \$4.4 billion in operating aid, correct?

MR. PRETLOW: Yes.

MR. RA: Okay. And that's in addition to the \$6 billion we have in the Capital, the new revenue from the change in the MTA payroll tax, and congestion pricing. Do we have any sense -- obviously the congestion pricing, some of these other things on the capital side. Do we have any sense as to where this leaves the MTA in terms of their operating budget, having this \$4.4 billion and the additional 1.4 that they're gonna get from the MTA payroll tax change? I believe that is -- is that for capital or is that for operating?

MR. PRETLOW: That was operating, and they're fully funded for the rest of the year.

MR. RA: So they are -- they do not have an operating deficit --

MR. PRETLOW: No, they don't.

MR. RA: -- with this influx of funds. Okay. Thank you.

And then in terms of non-MTA systems, both Upstate and Downstate, can you tell me what funding increases we're giving to those transit systems, non-MTA?

MR. PRETLOW: There's \$5 million for the Upstate.

MR. RA: And is that for specific systems, or...

MR. PRETLOW: Well, it's a total of 349 million. I should have...

MR. RA: I think that is it. Thank you, Mr. Pretlow.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. RA: Thank you. So obviously this is one of those bills that makes up really the bulk of -- of spending that we're sending to our local governments, sending to transportation systems, spending on all -- all types of different things.

I -- I just want to note one particular piece of it that I -- that I mentioned earlier, and that's our special education -- education institutions. You know, each and every year we talk about record school aid and, you know, we all want to invest in our schools in our State. And yes, we have some increases in -- in operating increase to -- a relatively small one -- but to our 4201 schools. But those schools, and if you've ever visited one, they're wonderful places. Those schools need enhanced support from the State. And -- and the same with the 853 schools. We have this study that's ongoing to change the -- to fix the rate methodology, I should say. But they've also asked for help in the interim so that they can recruit and retain staff to work with populations that in the case of the 4201 schools have low incidents of disabilities, in the case of the 853 schools often have behavioral problems, mental health issues, and are not able to be served by our local public schools. But make no mistake, these are public schools. So I hope that in the future we can find ways to provide some direct support to them in terms of recruiting teachers, retaining teachers and staff, and making sure that they also -- when we

look at a budget and say we increased school aid by X-number of dollars or X-percentage, that that is also going to those students as well because they deserve nothing less than what the rest of our students are getting in New York State.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Jensen.

MR. JENSEN: Thank you -- thank you, Madam Speaker. Will the honorable member from Mount Vernon yield for some questions?

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The Chair yields.

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

And as has previously been brought up throughout the budget process by my friend, the gentleman from Garden City, much of the detailed information regarding Medicaid funding has not been explicitly stated either in bill text or in the appropriation language. Prior to this bill coming to the floor, have we seen a financial plan or a publicly-available Medicaid scorecard?

MR. PRETLOW: Yes, we have.

MR. JENSEN: What was that, Mr. Pretlow? I'm sorry.

MR. PRETLOW: Yes, we have.

MR. JENSEN: We have?

MR. PRETLOW: Yes.

MR. JENSEN: Oh, that's interesting. Okay.

(Laughter)

I have not seen the Medicaid scorecard as I have been sitting here listening to the tremendous conversations just between yourself and the gentleman from Franklin Square.

(Laughter)

Could you provide --

MR. PRETLOW: After this -- after we finish the budget process this evening come to my office and I will give you a copy.

MR. JENSEN: It's a -- it's a date, Mr. Pretlow.

So since I have not seen it yet, but I look forward to, could you provide me with the status for some of the following Executive administrative Medicaid proposals, starting with the elimination of funding for the Medicaid -- Managed Long-Term Care Quality Pool?

MR. PRETLOW: No change from the Governor.

MR. JENSEN: No change from the Governor?

MR. PRETLOW: No.

MR. JENSEN: Okay. How about the institution of a hard enrollment cap on the Nursing Home Transition Diversion Waiver?

MR. PRETLOW: That also is no change from the

Governor.

MR. JENSEN: No change. All right, two for two.
Shifting funding for Managed Care Quality Pool.

MR. PRETLOW: Well, it's been shifted but there's
no change.

MR. JENSEN: Where has it been shifted to? I mean,
good -- I wish we had a seismograph at the State Museum to know
how the ground beneath our -- our feet may be shifting on this
particular topic.

MR. PRETLOW: I think it was shifted towards the
MTO [sic] tax. I said MCO.

MR. JENSEN: Oh, MCO tax?

MR. PRETLOW: Yes.

MR. JENSEN: Okay.

And then CHHAs, the Certified Home Health
Agencies. Once again, CHHAs, because it's fun to say it. CHHAs.

MR. PRETLOW: There's nothing in this budget.

MR. JENSEN: Nothing in relation to CHHAs.
Okay.

Similar to some previous questions, and you just
mentioned the MCO tax, several of invest -- several investments of the
managed care organization tax were included in the Executive Budget
financial plan, and have not been outlined in Article VII or
appropriation language. Could you provide a breakdown of MCO tax
investments that are not included in Article VII language?

MR. PRETLOW: The MCO tax investments for hospitals is \$305 million; nursing homes, assisted living programs and hospice is \$200 million; fiscal fee schedule is \$50 million; the enacted hospitals, \$305 million; nursing homes, assisted living programs and hospice, \$230 million; physician fee schedule is \$50 million; mainstream managed care quality pool is \$50 million; safety net transformation program is \$300 million; clinics and federally-qualified health centers is \$20 million; FQHC value-based payments of \$15 million; global cap offset is \$500 million, for a total of \$1.470 billion.

MR. JENSEN: Okay. Thank you very much, Mr. Pretlow, for the very comprehensive listing. I appreciate it.

Last year in the enacted budget there was a 10 percent Medicaid capital reduction. Was that restored in this year's --

MR. PRETLOW: No, it wasn't.

MR. JENSEN: It wasn't? Okay.

Shifting a little bit but still in Medicaid, I understand in this budget bill we do have a breakdown of Medicaid allocations assigned to the Department of Health when it comes to the General Fund, federal funds we received, healthcare, the HCRA Indigent Care account, HCRA Resource Fund, Healthcare Stability Fund and miscellaneous special revenue. But would you be able to share with me the breakdown of all federal, State and local Medicaid allocations across all State agencies?

MR. PRETLOW: Do you want the effective or the

enacted -- the Executive or the enacted?

MR. JENSEN: I would like enacted, please.

MR. PRETLOW: Okay. For the General Fund it's \$30,380,914,000; the special revenue is \$9,454,960,000; the special revenue federal is \$69,784,188,000, for totals of \$109,620,000,62,000.

MR. JENSEN: Thank you, Mr. Pretlow.

I want to visit a topic that my friend, the gentleman from Yorktown, brought up yesterday in relation to the Medical Indemnity Fund. This legislation includes \$211 million for the MIF, which is a \$159 million increase from last year, and enhanced rates for the MIF are also extended until June of next year. And although this funding is welcome, are these funding levels sustainable without programmatic changes to the Fund?

MR. PRETLOW: For one year.

MR. JENSEN: Not -- so we're not gonna make any programmatic changes?

MR. PRETLOW: Not -- not -- no.

MR. JENSEN: Is this something that could be done outside of the budget with bipartisan --

MR. PRETLOW: I believe so.

MR. JENSEN: You believe so or you don't believe so?

MR. PRETLOW: I -- I do believe so.

MR. JENSEN: All right. I -- we'll dream it, we'll believe it.

Is this funding intended to be the funding floor for the Fund going forward?

MR. PRETLOW: No. We have to look at that for next -- next year -- next year's budget.

MR. JENSEN: Do we know the total of money or the total amount of funding that we need in the Fund to satisfy all claims from current enrollees in the MIF or individuals who are currently in the process of enrolling?

MR. PRETLOW: Well, that varies from year to year. There's really no way to get a handle on it.

MR. JENSEN: Okay.

MR. PRETLOW: But we're leaving, like, 200 million.

MR. JENSEN: Okay. Funds for Indemnity Fund are derived from HCRA. How are the additional HCRA funds for the MIF generated?

MR. PRETLOW: There's something called a hospital quality assessment.

MR. JENSEN: For the -- a quality assessment?

MR. PRETLOW: Yes.

MR. JENSEN: Okay.

Moving on to the opioid settlement payment. The reappropriations for the Office of Addiction Services and Supports includes a \$54.9 million payment to pharmaceutical companies due to a March of this year's settlement. Is this a refund due to the settlement

regarding the Opioid Stewardship Act?

MR. PRETLOW: Yes.

MR. JENSEN: Okay. And will this payment remove resources from addition prevention and treatment efforts of the Opioid Stewardship Account?

MR. PRETLOW: I don't believe they've been committed.

MR. JENSEN: What was that? I'm sorry.

MR. PRETLOW: I don't believe they've been -- I do not believe they've been committed.

MR. JENSEN: Okay. Thank you.

And then lastly, I know we mentioned this when we talked yesterday, but on the targeted inflationary increase. This bill contains funding for that 2.6 percent targeted increase -- targeted inflationary increase. Typically, agencies experience a significant lag in receiving these funds after we appropriate them. What are the reasons for potentially month-long lags between the budget's -- between the budget passage and agencies receiving these increases?

MR. PRETLOW: We're not doing that this year. We tried something last year and they didn't do it properly so we're not doing it this year.

MR. JENSEN: So do you think there is the potential that as a Chamber, as the Legislature, that we could work in a cooperative manner to help ensure that these funds reach the agencies that need them quicker?

MR. PRETLOW: I believe so.

MR. JENSEN: Well, that's another one to dream to believe. I appreciate it, Mr. Pretlow.

And then will the fact the budget is late potentially lead to agencies receiving these funds even later than they would usually?

MR. PRETLOW: Well, the budget may be late, but we did make incremental payments throughout the period of April 1st until today. So they have not been fiscally hurt because of the budget being late.

MR. JENSEN: Okay. I thank my honorable friend for his -- his indulgence in taking my questions.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Bailey.

MRS. BAILEY: Thank you, Madam Speaker.

Would the sponsor -- or would the Chairman yield for --

ACTING SPEAKER HUNTER: Will the Chair yield?

MRS. BAILEY: -- probably a dozen questions this time. I'm sorry.

MR. PRETLOW: Yes, absolutely.

ACTING SPEAKER HUNTER: The Chairs yield.

MRS. BAILEY: I have a couple of questions. I -- I want to go back real quick on the housing. I just needed to seek some

clarity.

Mr. Ra had -- had asked about the first-time homeowners funding. There's no funding this year, that \$50 million.

MR. PRETLOW: That's correct.

MRS. BAILEY: Is that the funding that would go into SONYMA to offer the various programs and grants that they offer to the first-time homeowners?

MR. PRETLOW: Yes.

MRS. BAILEY: And have we moved that funding somewhere else to try and attract new families, that I'm missing?

MR. PRETLOW: I don't believe so.

MRS. BAILEY: Okay. That -- that is a concern. When we look at outmigration, you know, the age groups between 26 and 44 are our top age groups that are -- that are leaving our State. And it's unfortunate that we're not providing that any longer as an incentive for them to -- to come and purchase their first home with us.

So let me shift now to Economic Development. Under the Office of Workforce and Economic Development, we are funding 17 million less than last year and the targets of workforce investments on teachers, healthcare workers, apprenticeships and internships, mental health professionals and caregivers. Is that funding being shifted somewhere else as far as focusing on what we're doing to help build those professions?

MR. PRETLOW: That money really hasn't been prioritized. It's money that is available, though, for the various

programs that you're referring to.

MRS. BAILEY: I'm sorry, I did not hear you.

MR. PRETLOW: I said -- I forgot my answer.

(Laughter)

MRS. BAILEY: My question was is that \$17 million less this year, are we allocating that somewhere else to help with those professions to recruit or, you know, to -- to bring folks into those fields?

MR. PRETLOW: Well, there's less money this year because it's just an overall -- there's less money available. So that's why we've lowered it.

MRS. BAILEY: There's less money available --

MR. PRETLOW: Yes.

MRS. BAILEY: -- in the budget this year?

MR. PRETLOW: To spend on these -- those programs.

MRS. BAILEY: Okay. That's unfortunate. When I look at, you know, where some of that funding we're not adding to or we're taking away from, and I'll -- I'll discuss that a little bit more in a minute.

So, you know, as my colleague also indicated, when we're looking at our special education and -- and the need to enhance our 853 schools or the -- you know, the 44 -- I'm sorry, 40 -- 4201 --

MR. PRETLOW: 4201?

MRS. BAILEY: Sorry. The 4201 schools. I do want

to just, you know, thank our colleagues for, you know, putting the funding back in for the 4201 schools, specifically the ones that are in the my area that students attend. So I would like to say thank you to that.

And with that, that is all my questions I have for you.

Thank you.

And on the bill.

ACTING SPEAKER HUNTER: On the bill.

MRS. BAILEY: So, as -- as I take a look through just real quickly, it is a bit disheartening to see that, you know, some -- some of the programs that we have invested in in the past that I've seen work out in the district, specifically being the first-time home -- homeowners funding that came through SONYMA. As a former county clerk, I saw this come through and come across my desk very often, and it is something that helps to bring in new folks, first-time homeowners into our State. But it's also my son is looking for a home right now and it's a challenge. It's a challenge for our -- our younger folks, and we are seeing them leave in droves. And I really hope that we can come together to figure out a way to -- to attract them and keep them here because that's what gonna make our State continue to move forward.

When we look at the economic development, what our economic development folks do is unbelievable. The resources that they share and the industries that they, you know, they focus on where we're looking at, you know, teachers and healthcare workers,

apprenticeships, internships, mental health professionals and caregivers. I'm sure we're all having the same conversations I'm having out in my district with folks, you know, for the last five -- five months, being new to this Body, one of the pieces -- you know, folks ask me what it's like. I've said no one can prepare you for Tuesdays. But I'll be honest, Tuesdays have been one of the my favorite days here in Albany because I have met some great individuals who advocate for themselves, and all of these folks have advocated indicating that they need more. And it's unfortunate that we -- we aren't necessarily seeing the recruitment measures that I think that we could do. You know, we indicate that, you know, the funding's not there. There's a lot of funding in this budget. There's a quarter of a trillion dollars. I think we could invest in the folks that are here in New York State, our workforce and our new, younger families to continue to invite them to come here. We have some of the most beautiful landscape. We live in a jewel right here. But unfortunately, we continue to send folks elsewhere due to the lack of affordability. And I really hope that we can come together to look at what we are doing from a retention and a recruitment standpoint, because I think we have an opportunity to continue to make New York State great. That is why I ran for this legislative Body because I want my children and my children's children to enjoy what I have been able to enjoy.

So, Madam Speaker, thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Maher.

MR. MAHER: Thank you, Madam Speaker. Will the sponsor -- Chairman --

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. MAHER: -- yield for some questions?

I appreciate you.

MR. PRETLOW: Absolutely.

ACTING SPEAKER HUNTER: The Chair yields.

MR. MAHER: Thank you.

I see that Raise the Age is funded an additional \$250 million, same as last year; is that correct?

MR. PRETLOW: That's the same as last year, correct.

MR. MAHER: Do we know how much was spent in the last fiscal year?

MR. PRETLOW: I know we didn't spend enough because this is dependent on the counties drawing down. The number is approximately \$100 million that was spent.

MR. MAHER: All right. Yeah, I think that's an important thing for us to know and for us to evaluate, and certainly hopefully to work with these localities to ensure that we spend those dollars. Because I don't think it's about not having the need of a dollar amount that size, but really figuring out a way to create an expenditure thoroughly.

I also wanted to touch on the COLA, and I wanted to

know as part of the budget negotiations why our domestic violence non-profits were -- were not included in that cost-of-living adjustment.

(Conferencing)

MR. PRETLOW: Okay. So I'm told that not every human services provider is included in the COLA.

MR. MAHER: I'm sorry, can you repeat that?

MR. PRETLOW: Not every human services provider is included in the -- in the COLA.

MR. MAHER: That -- that is apparent, yes. I was just curious if those discussions came up, if you or anyone that you can think of were a part of those discussions. And I know that we had been advocating especially on both sides of the aisle, including yours, that we wanted to try to include domestic violence non-profits to be part of that COLA. So were there any of those discussions and why were they left out?

MR. PRETLOW: Well, the discussions were -- were had, and many advocates for the various entities did come before us and some were left out because we just didn't have enough cash to fill everything.

MR. MAHER: Okay. Thank you so much for answering my questions.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MAHER: A recurring theme for me is just looking at this budget, trying to do our best to siphon through the

thousands of pages and having a few hours to look through it, one really common theme is -- is clear to me: There is a lot of spending being done that really is not more important than taking care of some of those non-profits and really the workers that are part of these organizations in the human services industry that do God's work every single day, and some of whom are on social services themselves because the salaries are not competitive enough. Some of these non-profits in these amazing industries that do such amazing work are at 50 percent retention loss annually. We really need to consider where our investments are going. And when it comes specifically to our domestic violence non-profits, this is a group that does not just handle domestic violence. The Minority had a task force report on human trafficking and exploitation, and one of the things it revealed, it was astonishing when we traveled throughout every corner of this State, was meeting with domestic violence non-profits who are also servicing trafficking victims. And while we know the State has spent \$4.3 billion -- or, sorry, spent probably a little over a billion but has allocated \$4.3 billion to impact the migrant crisis, we know how much that's also been put on our domestic violence non-profits who are already understaffed and underfunded. When it comes to ensuring that we are supporting these organizations and these humans that are doing the work that the State is mandating them to do, we really need to consider where our investments are going.

So I wanted to stand up here on behalf of our domestic violence non-profits. And the thing about it is, I know that

this is not an issue that I care about only. I've had plenty of conversations with my colleagues from both sides of the aisle. One of my favorite things to do is to meet my Democratic colleagues, and I know that a lot of you care about this same issue yourself. So how it didn't get negotiated in the end and they're left out again in this COLA is something we really ought to figure out, and I am happy to be part of those bipartisan conversations in the future.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

On a motion by the Senate -- 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: Thank you, Madam Speaker. The Minority Conference will be in the negative on this budget bill, but if anybody wants to vote yes they can 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 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.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you very much, Madam

Speaker. So, we're almost there. We have a few -- just a couple more budget bills to go. I wanted to take this opportunity and explain my vote here because it's really reflective of my vote on the budget as a whole, and because as was noted, this is where most of the spending is happening.

So, this is my ninth budget, and at the beginning when I first started I would really try to analyze each and every bill and try to figure out, maybe I can see myself to vote yes on this one or that one. This year I've opted to vote no on the whole thing, and I'd like to just very briefly explain why. It's not because I don't like a lot of the things that are being funded in the budget. As I've noted, you know, earlier in our debates there -- there's a lot of good things that are going on in this budget. But quite honestly, just bottom line for me is it just spends too much. It just spends too much. You know, when I began in 2017 the State budget was \$153.1 billion. So quick math is there's been a \$101 billion increase just since I started. That is sickening. I think that is just outrageous and it's -- it's insane and it's unsustainable. We just can't keep spending like this. We can't. And it's the latest budget we've had since 2010, 38 days late. It's the least

transparent. I find that I find out more about what's going on either on the elevator riding up with people or -- or on X, and 50 percent of it is all wrong anyway. But I think that -- I think that when I got briefed this morning for four hours on some of these budget bills, my head was just swimming with numbers and it was pretty -- I was just kind of almost, like, sick to my stomach at the -- the numbers that were flying around. It's just too much, you guys. We've -- we've gotta really pull on our belts. And we can't keep dumping it on, you know, our -- our local Republican representatives at the Federal level. We know that there's gonna be some stuff going on at the Federal level. Why did we have to spend every single dollar we had, plus? Plus, plus, plus.

So I'm a no on the whole budget and that's why.

Thank you very much, Madam Speaker.

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

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Madam Speaker. As we struggle through cuts coming from the federal government I want to thank our Speaker for pushing this budget toward equity, opportunity and compassion and I want to thank our Ways and Means team and Program and Counsel teams for their hard work and commitment that made it possible. And of course I want to thank my own team, my Chief-of-Staff Robin and Legislative Director Jamie for their endless work in helping us deliver for our community, along with the wins

that we heard earlier from housing vouchers to universal school meals.

I want to highlight a couple of the wins locally that I'm getting today. \$8.5 million for my Queens Museum, which is a cultural anchor in Queens that served as a food pantry during the worst times of the pandemic; \$2.75 million for the Lorena Borjas TGNC Equity and Wellness Fund to support our trans community; \$64.4 million for much-need immigrant legal services to protect constitutional rights. Many, many more. A little bit of -- a half a million dollars from -- for the Alex Jimenez Legacy Program from the Executive, and I want to thank the Governor for that. At a time when the federal government is making cuts that are attacking our community, we, with this investment, are recognizing and are standing up for the promise to New Yorkers to stand up for our values.

I know that much more work continues -- is gonna continue to be needed, especially as more cuts come our way. But I know that I speak for all of us here saying that we are committed to protecting New Yorkers regardless of immigration status, of gender, of income. We want to make sure that everyone gets to live with dignity, that -- the dignity that they deserve.

I'm gonna vote yes because this budget reflects progress and what is possible when you govern with compassion and courage. Thank you.

ACTING SPEAKER HUNTER: Thank you. Ms. Cruz in the affirmative.

Ms. Seawright to explain her vote.

MS. SEAWRIGHT: Thank you, Madam Speaker. I rise to explain my vote. This final budget provides residents paying over 72 billion per year in State and local taxes. New York is fourth in the nation for the 60-plus population with older residents paying over 72 billion. This vital population is booming; 4.6 million New Yorkers are over the age of 60. By 2030, this population is expected to reach 5.3 million.

Our State achieved the landmark distinction for older adults, becoming the first age-friendly state in the nation, yet we still face agism and discrimination in the design of services and funding programs. They are more than one-third of the population and increasingly diverse, yet there are people sinking lower into poverty each year. They are the driving force for the economy, cultural life and our volunteer base. Yet seniors are struggling to afford housing, transportation, the rising cost of medication and so much more. The need for investment is crucial, especially with the unprecedented cuts coming from the federal government.

The New York State budget includes an overall 38 million year-to-year increase. Fifty-three million in funding will meet unmet needs. These funds will follow our area agencies on aging to provide critical support programs in partnerships with community organizations such as Meals on Wheels. A \$10 million increase to community service programs such as the New York Foundation for Seniors Citizens, Sage's LGBT [sic] Welcome Elder Housing, the New York Statewide Senior Action Council's Patient's Rights Hotline,

the LISMA Foundation, and the Holocaust Survivor's Initiative.

Madam Speaker, I'm proud to cast my vote in the affirmative on this budget. Thank you.

ACTING SPEAKER HUNTER: Thank you. Ms. Seawright in the affirmative.

Mr. Otis to explain his vote.

MR. OTIS: Thank you. I want to thank the Speaker and our Ways and Means staff and -- and colleagues for the job done in this budget. I'm gonna highlight a few things: Really good things on infrastructure here; another 500 million for clean water; an increase of 25 million for the Environmental Protection Fund -- let's give a shout-out to Deborah Glick for -- for pushing that -- the Resiliency and Sustainability Program that the Governor has rolled out, are very important things. But we've done other things for affordable housing, for higher education opportunity programs, for mental health. For our roads and bridges, very important for mass transit.

Throughout the debate today on both sides of the aisle we've heard a lot of frustration about not enough money is being spent in a lot of areas. And the reality check is going to be we all would've liked to have spent more, but we're gonna to get hit probably with some very challenging decisions from Washington that are gonna hurt New York and hurt the ability of all of us to represent the people that need help in communities we serve in. And so it's easy to say we need to spend more. It's easy to say we spend too much. The reality is we need more money for a lot of these services.

We did a good job in this budget and the Governor did a good job in this budget. On the numbers, this was a reasonable budget. We made some good additions, we made additions on school aid. But we should feel good, all of us, for the job they we've done here in trying to improve the life of New Yorkers.

I vote aye.

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

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report --

(Pause)

Page 3, Rules Report No. 185, the Clerk will read.

THE CLERK: Assembly No. A03000-D, Rules Report No. 185, Budget Bill. An act making appropriations for the support of government. STATE OPERATIONS BUDGET.

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: Absolutely. This bill would enact the State Operations bill for State fiscal year 2025-'26, and includes an All-Funds appropriation of \$63.6 billion. The bill authorizes disbursements of up to \$25 billion from the General Fund, and up to \$39.2 billion from an -- on an All-Funds basis.

ACTING SPEAKER HUNTER: Mr. Ra.

MR. RA: Thank you, Madam Speaker. Will the sponsor yield?

MR. PRETLOW: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. RA: Thank you. Okay, so you gave us the funding numbers. Let me start with this: This also includes similar contingency language as the other appropriation bills with regard to the Budget Director and the authority up to \$2 billion?

MR. PRETLOW: Yes.

MR. RA: And is this language identical to what was in the other bills?

MR. PRETLOW: Yes.

MR. RA: Thank you. All right.

Let me start with some of the general government provisions. So, cannabis. We're providing \$68.1 million to support the Office of Cannabis Manage -- Management?

MR. PRETLOW: Yes.

MR. RA: Do we know how many people are currently employed at OCM, and is it fully staffed at this point?

MR. PRETLOW: I don't believe they're fully staffed.

MR. RA: Okay. With this increase in funding, which I understand to be about \$5 million more than last year, do we think that will help streamline the application process? This program has been notoriously slow in getting up and running.

MR. PRETLOW: That is the intention.

MR. RA: And do we have any numbers or update in terms of how many drug recognition experts we currently have in New York? When we passed this a few years back, that was one of the initiatives that was gonna be funded. Do we have any sense of how many we've now trained and have --

MR. PRETLOW: I have no sense of that at all.

MR. RA: Okay.

The Ethics Commission, COELIG. This budget provides \$9.2 million; that's 844,000 more than the Governor. Can you explain this increase over the Governor, what the purpose is for it?

MR. PRETLOW: I guess the Governor wanted to beef up our staff.

MR. RA: Okay.

MR. PRETLOW: And there -- and there are also additional leases that are being paid for with these monies.

MR. RA: Okay. Now, this commission, as we might -- we might recall, had been the subject of some -- some litigation that was upheld recently. So I -- I believe it's now on -- on solid ground,

having gotten up to the Court of Appeals. Will -- will this funding now be able to support additional staff at the Commission or additional training that the Commission is required to conduct?

MR. PRETLOW: They don't need any additional authority to do that, they can do that now as of right...

MR. RA: Okay. But with the additional funding, we -- we just assume it's for some additional staffing or...

MR. PRETLOW: It's really for lease space. I think they're expanding their footprint.

MR. RA: Lease space. Okay.

The Reparations Commission. We're allocating 5 million to the New York State Community Commission on Rep -- Reparations Remedies as we did last year?

MR. PRETLOW: That's correct.

MR. RA: And we're moving the funding from the Department of State to the Office of General Services, correct?

MR. PRETLOW: Yes.

MR. RA: Is there a specific reason? Has there been issues with the appropriation or getting the money from the Department of State?

MR. PRETLOW: The -- the Executive thought that it was more appropriate to be in that agency so that's where it was moved to.

MR. RA: Okay. And this is an additional 5 million above last year's?

MR. PRETLOW: No.

MR. RA: Reapprop? Is -- and is this funding just for meetings and expenses for -- for the Commission?

MR. PRETLOW: That really wasn't delineated. I don't know what it was...

MR. RA: Okay. And is this funding sufficient for them to -- I know we talked about yesterday the change in the deadline for -- for the report. Is this sufficient to get them through being able to generate that report back to us?

MR. PRETLOW: I believe so, yes.

MR. RA: Okay.

DOCCS. We're all obviously aware of the DOCCS workforce shortage, that the Department is down an estimated 4,400 correction officers. Approximately 2,000 were terminated after the correction officers' demonstration earlier in the year. Is the 150 million increase provided to DOCCS for personal services exclusively for the increased overtime that -- for current correction officers we have on staff?

MR. PRETLOW: It's to use for any personal service costs as they come up -- as they arise.

MR. RA: Okay. And there's a new appro -- appropriation in this bill for the Correctional Facility Emergency Response of 535 million.

MR. PRETLOW: Yes.

MR. RA: The bill text says it's intended to stabilize

the correctional system. Can you provide specifics as to what the plans are with that money to stabilize the system?

MR. PRETLOW: The -- the bulk of that money, I believe, is for the National Guards that have been -- being utilized in the facilities right now, and there are other instances where funds are necessary that they can be used.

MR. RA: And the -- as we've seen in several of our extenders, the recurrent cost with regard to National Guard that has been deployed. Is that cost still around \$106 million per month?

MR. PRETLOW: It's approximately the same as it's been. We're -- we're slowly trying to -- well, we're rapidly trying to increase the workforce that the facilities --

MR. RA: Has -- has there been any major change in the head count of -- of how many National Guard are in there or has it been steady from what we were seeing in the appropriations we did in the extenders?

MR. PRETLOW: I think we've -- we have only around 3,100 down now.

MR. RA: Okay.

We have some changes -- we have an Office of Gun Violence Prevention that was within DCJS. We're moving the funding from DOH to DCJS. What's the reason behind this shift?

MR. PRETLOW: I guess a more direct access to the -- to the money for the -- for the Department.

MR. RA: Is there --

MR. PRETLOW: And it also -- and it also conforms with the statutes that we've passed.

MR. RA: Okay. Is there a continuing role for the Department of Health given that mental health is a major factor in gun violence?

MR. PRETLOW: Yes, there is.

MR. RA: So the Department of Health will continue to be involved with regard to this office?

MR. PRETLOW: Yes, sir.

MR. RA: Okay.

Environmental Conservation. The proposed budget allocates funds for 28 positions to support new wetland regulations. I know local municipalities are not legally required to inform residents to contact the DEC before they start projects, which sometimes can cause communication gaps and individuals to inadvertently be violating this. How will the hiring of these 28 new staff assist in making sure that State residents don't run afoul of these new regulations?

(Conferencing)

MR. PRETLOW: They will be assisted by the DEC and looking at the lands, making determinations as to whether they're wetlands or not.

MR. RA: Okay. And how is the Department prioritizing transparency in terms of their regulatory enforcement so that people are not accidentally violating these wetland regulations?

(Conferencing)

MR. PRETLOW: They can -- they can ask for an opinion from DEC to look at their property and determine whether or not it's a wetland.

MR. RA: Okay. Thank you.

I want to ask about a piece that has been widely reported. Obviously, we're -- we're all familiar with that in the past we have had appropriations to allow for a defense of State employees, a legal defense of State employees, when something happens that is related to their duties. So let me start with that. I'm not -- not the new piece, but how much is being appropriated for that general purpose?

MR. PRETLOW: For the new piece I believe it's \$10 million.

MR. RA: And the -- the existing piece that we've had in the past?

MR. PRETLOW: Five million.

MR. RA: Five million. Okay. So this \$10 million piece. My understanding is that it allows for the payment or reimbursement of reasonable attorney's fees and expense -- and expenses. Now, it could -- unlike the existing funding, it could even be in a situation where the person is, you know, in -- in some type of criminal situation even if it's not related to their official duties?

MR. PRETLOW: Yes.

MR. RA: Okay. So that -- that is a departure from what we do -- have done in the past, correct? Normally it has to relate

to the individual's official duties.

MR. PRETLOW: Correct.

MR. RA: Okay. And now, what is the intention with -- with regard to this? It talks about some really broad language that if the person -- if the investigation is -- has -- I -- I guess if the person is targeted because of the position they hold. I -- I -- I know that everybody's talking about this with regard to the Attorney General and the President. But it seems to me that that language is so broad that regardless of what an investigation was launched about, whatever that conduct is having absolutely nothing to do with that governmental role that they could still have the State paying for the defense; am I correct?

MR. PRETLOW: If that person can prove that they're being targeted because of their position with the State.

MR. RA: So, I -- I would say if we look at the current situation that we're looking -- the lens we're looking at this through, the Attorney General, to me, then could pretty much have anything happen and claim that that's the reason they're -- they're coming after her.

MR. PRETLOW: No. She wouldn't determine that, the Executive would determine that.

MR. RA: Okay. So --

MR. PRETLOW: If we were talking about her. But this is -- bill is, as I just said, a very broad bill. (Indiscernible/cross-talk)

MR. RA: Yeah, so correct. So it's -- if it's the Attorney General the Executive determines --

MR. PRETLOW: Yes.

MR. RA: -- the reasonableness and -- and whether that's the intention. And if it's any other State employee, the Attorney General makes the determination, correct?

MR. PRETLOW: Yes. Any other State employee that does not work in the Attorney General's Office --

MR. RA: In the Attorney General's office.

MR. PRETLOW: -- including the Attorney General.

MR. RA: Okay. And the Comptroller. What's the Comptroller's role with regard to paying funds for any type of legal defense?

MR. PRETLOW: If it's determined that the individual State employee is eligible to receive funding from the State, the Attorney -- the Comptroller will then be authorized by the Governor after they certify a lot of things are authorized to release funding to the outside counsels.

MR. RA: So it's the Comptroller who actually will be paying the legal bill --

MR. PRETLOW: Yes.

MR. RA: -- on behalf of the State. And the Comptroller's role, is it the same as it is with regard to the other \$5 million pot of money for any State employee who -- who is -- is in a legal matter related to their State duties?

MR. PRETLOW: Yes.

MR. RA: Okay. Thank you.

MR. PRETLOW: I think I just spoke also, Mr. Ra, it's an extra 10 million, not 5 million.

MR. RA: Ten million. Okay. Thank -- thank you, Mr. Pretlow.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. RA: So, I -- I do need -- need to point that out. This -- the language here is extremely broad, and it seems to me that you could have a situation where -- and, frankly, we do have a situation where there are some investigation going on that has absolutely nothing to do with the Attorney General's role as the Attorney General of New York State. It's not related in any way whatsoever. And regardless of what an investigation is launched about, it seems to me under this language that the Attorney General is gonna be able to say, *Uh, the President's coming after me because -- because I went after him.* And we're gonna provide State taxpayer money to defend somebody potentially about their own property and financial dealings that have nothing to do with not only their role in New York State, not -- property not even located in New York State, and the taxpayers are going to have to pay for that defense. That's outrageous and it's wrong and it's not something that should be shoved in a budget bill as a result of closed-door negotiations.

I'm gonna be voting no on this bill. Thank you,

Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Madam Speaker. Will the sponsor -- the sponsor yield for a few more questions?

ACTING SPEAKER HUNTER: Mr. Pretlow, will you yield?

MR. PRETLOW: Yes, I will.

ACTING SPEAKER HUNTER: The Chair yields.

MR. BLUMENCRANZ: I respectfully direct your attention to the budgetary funding for the State SUNY system and the CUNY system institutions. Can you tell me how much SUNY is being allocated in this budget and how much the CUNY system is being allocated in this budget?

(Conferencing)

MR. PRETLOW: I have the increases, I don't have the total. You have to wait a second, please.

(Conferencing)

12.7 billion for SUNY and 3.7 billion for CUNY.

MR. BLUMENCRANZ: Okay. So, 7 billion and 3 billion. Could you tell me, is any --

MR. PRETLOW: Twelve billion.

MR. BLUMENCRANZ: I'm sorry?

MR. PRETLOW: Twelve billion.

MR. BLUMENCRANZ: Twelve billion. Could you tell me of any of those billions what percentage is going towards a material fight or to combat anti-Semitism at both of these groups of institutions, both the CUNY and SUNY system?

MR. PRETLOW: There's definitely not a line for that on the budget, so I wouldn't be knowledgeable of that information.

MR. BLUMENCRANZ: No? No, I -- I couldn't find one either, no line item.

MR. PRETLOW: That would be up to the -- the -- the Chancellor of the -- of either institution to develop a policy for that. There's no specific line for the subject matter that you mentioned.

MR. BLUMENCRANZ: So just to enumerate where -- where I'm coming from, we've seen a plethora of issues within both the SUNY and CUNY system when it comes to anti-Semitic attacks, anti-Semitic fodder appearing within the schools. And most recently we've even seen academic chairs hosting openings paid for with taxpayer dollars, among other things, for clusters that work in the Palestinian Studies section of the University, looking and categorizing and critical thinking. I mean, the job listing shows a plethora of anti-Semitic dog whistles. There's no strings attached in this budget. I know the Governor has called out the fact that, you know, this job listing was not okay and she personally had to have it taken down. But you think it's still just up to the chancellors to combat anti-Semitism (indiscernible/cross-talk) --

MR. PRETLOW: Well, I just said that there's no specific line for that.

MR. BLUMENCRANZ: So this Body and the Senate, the Governor, there -- there's no specific action being taken in the budget this year to combat what has been a pernicious and actively vicious attacks against the Jewish community on our college campuses?

MR. PRETLOW: An aggregate dollar amount has been allocated to both universities, and it's up to those universities to determine how they spend that allocation. Now, I would suggest to you that if you think there should be a line that you introduce legislation to create such a line after it passes this House and the Senate and is signed by the Governor. It would be a law, and next year there will be a line.

MR. BLUMENCRANZ: So you're saying by legislation this Body should do something. Certainly, I've --

MR. PRETLOW: (Indiscernible/cross-talk).

MR. BLUMENCRANZ: -- introduced legislation myself.

MR. PRETLOW: But I'm saying right now that line does not exist. It would be the universities' (indiscernible/cross-talk).

MR. BLUMENCRANZ: In this year it was not a priority for --

MR. PRETLOW: I never said it wasn't a priority.

MR. BLUMENCRANZ: Well, it didn't make it in the

budget.

MR. PRETLOW: I just -- well --

ACTING SPEAKER HUNTER: We need to ask the question, please, then answer. Thank you.

MR. PRETLOW: I've answered the question three times.

MR. BLUMENCRANZ: Okay.

Is there any portion of the budget that speaks to any material changes that have been requested from Judge Lippman in his extensive reporting of changes that need to be made at the SUNY or CUNY system?

MR. PRETLOW: I don't know where you're coming from with this.

MR. BLUMENCRANZ: The Governor had requested that a report be made that significant changes be made to our SUNY and CUNY systems based on that report that Judge Lippman produced. Have any of those material change -- changes been present in any of the budget language?

MR. PRETLOW: Well, I haven't seen the report, nor was I aware that the report was requested. So if it has been turned in to the Executive, that's where it is, and it's up to the Executive to make any actions based on that report if for, you know, he or she determines that those changes should be made.

MR. BLUMENCRANZ: All right. Thank you very much.

Madam Speaker, on the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. BLUMENCRANZ: I'm very disheartened to see so many line items for our CUNY system and for our SUNY system in the budget this year as anti-Semitic attacks against Jewish students continue to rise. As Jewish students I speak to in my district talk to me about where they're going to school, they're going to places like UT or Florida because they say, *I'm a Jewish student. Why would I be at a CUNY or a SUNY? Why would I be at NYU or Columbia? Because I'm not being protected there.* When I stood with students on the streets outside of Hunter College during these protests and I heard how unsafe they felt, and New York continues to be apathetic towards the plight that Jewish students face while these schools still face open cases from the Office of Civil Rights in the Department of Education pending back for years. CUNY was the first to be reported as not tackling anti-Semitism seriously enough. And we still don't see it as a priority of this Body, with the hundreds and thousands of priorities we've seen move through over the course of the last 48 hours.

ACTING SPEAKER HUNTER: Ms. Glick, why do you rise?

MS. GLICK: Will the gentleman yield?

ACTING SPEAKER HUNTER: Will Mr. Blumencranz yield?

MR. BLUMENCRANZ: I -- I will not yield. Thank you.

MS. GLICK: Oh, okay. Thank you.

ACTING SPEAKER HUNTER: Mr. Blumencranz does not yield.

MR. BLUMENCRANZ: I will not yield, because Jewish students deserve more from this Body. They deserve more than sweet nothings. They deserve more than empty promises and they deserve a government that supports them, that makes sure they feel safe when they go to school. And I hope and I pray that this Body one day can see that that should be a priority, especially in the budget.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Madam Speaker. Would the Chair please yield for not too many questions, but I don't want --

ACTING SPEAKER HUNTER: Will the Chair yield?

MR. PRETLOW: Absolutely.

ACTING SPEAKER HUNTER: Thank you. The Chair yields.

MR. GANDOLFO: Thank you.

My questions are, again, about the payment of the attorney's fees for State officers. Now, I know in your exchange with my colleague from Franklin Square, a wonderful place, you had mentioned -- you had discussed that if the Attorney General is the one

who is being investigated by the federal government, the Governor would make the determination on whether or not they could be entitled to this legal defense fund; is that correct?

MR. PRETLOW: That is correct.

MR. GANDOLFO: Okay. And then if it's the Governor, the AG would make that determination?

MR. PRETLOW: Well, everyone -- everyone else in the AG would be --

MR. GANDOLFO: Everyone else is AG. Okay.

Is there any concern over using that kind of power as leverage in some kind of negotiation? You know, right now we have a situation where the federal government is investigating the Attorney General. There's no concern that in order for the Attorney General to access these funds, she has go through the Governor?

MR. PRETLOW: I don't have that concern.

MR. GANDOLFO: Okay. Because I know this budget process is kind of -- a lot of the discussion around this budget process is the Governor having a lot of power, and kind of wielding it to almost bully people into getting her way.

MR. PRETLOW: Well, the power we're referring to in the conversations we've had in this room have been the Governor's power over the budget based on the Court of Appeals decision, *Pataki v. Silver* [sic] several years ago.

MR. GANDOLFO: Uh-huh.

MR. PRETLOW: Not necessarily the overall power

of the Governor of the State of New York.

MR. GANDOLFO: Okay. Fair enough.

And now in your exchange with my colleague over here (indicating), I think I heard you, and correct me if I'm wrong, this is not specifically about the Attorney General?

MR. PRETLOW: No, it's not.

MR. GANDOLFO: Why is it retroactive to January 1st? Are you aware of any other federal investigation into a State officer?

MR. PRETLOW: No, I don't. But that is the beginning of the year.

MR. GANDOLFO: Okay. So --

MR. PRETLOW: Calendar year.

MR. GANDOLFO: Why wouldn't it just be from here on out? It -- it's not the beginning of the fiscal year.

(Conferencing)

MR. PRETLOW: That's when the federal administration started. Not the presidency, but the Congress.

MR. GANDOLFO: Okay. So why -- why didn't we do -- I mean, Congress can't direct the Department of Justice --

MR. PRETLOW: No. That's -- that's why we didn't use the 6th or the 20th. We used the 1st.

MR. GANDOLFO: Okay. So there -- there's no other federal investigation we're aware of into a State officer? We just decided to go retroactive --

(Crosstalk)

MR. PRETLOW: I'm not privy -- I'm not privy to that information.

MR. GANDOLFO: Okay. But --

MR. PRETLOW: I would imagine that there is because when I've read of several threats to elected officials in this State and other states because of what's been perceived as their mistreatment of a certain individual in Washington.

MR. GANDOLFO: Okay. Fair enough.

So definitely not about the Attorney General?

MR. PRETLOW: I could never say definitely to anything, but I would say I don't know.

MR. GANDOLFO: Okay. Fair enough.

Thank you, Chairman. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Ari Brown.

MR. A. BROWN: Thank you, Madam Speaker. Will the sponsor yield for one quick question?

ACTING SPEAKER HUNTER: Mr. Pretlow, will you yield?

MR. PRETLOW: Oh -- (indiscernible) --

MR. A. BROWN: Thank you, Chairman.

ACTING SPEAKER HUNTER: The Chairman yields.

MR. A. BROWN: Quick question. Have you ever

heard of the following bills: A4766? A4772? A4773? A4797?
A4809? And 4813? Any of them ring a bell?

MR. PRETLOW: I couldn't tell you what a single
one of those bills is. I have -- I recognize the numbers, though.

(Laughter)

MR. A. BROWN: Thank -- thank you, Mr. Sponsor.
On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. A. BROWN: There's a very good reason why
our Chairman hasn't heard about those bills.

I take issue -- and I happen to like the Chairman very
much -- he said that if we would only write a bill related to the
anti-Semitism issues that Assemblyman Blumencranz had mentioned,
next year it'll go into legislation. Well, these are seven of nine bills
that I had written. Not only that I had written the bills, it takes months
for me to get a bill number on most of my bills because they're related
to Jewish-related issues. And I make issue of it. And time goes by,
and time goes by. I'll remember -- remind everybody in this room
when our now-Congressman -- then -- then-Assemblyman now
Congressman --

ACTING SPEAKER HUNTER: Mr. Brown, can you
please relate your comments to the budget bill?

MR. A. BROWN: Oh, I am. I'm -- absolutely.

ACTING SPEAKER HUNTER: Thank you.

MR. A. BROWN: When then-Assemblyman Lawler

wanted to assemble a resolution," End Jew Hatred Day." I'm only speaking to what the Chairman had spoken to. And that was just a simple resolution. Wouldn't come to the floor. We know very well that these bills will never come to the floor in any way, shape or form. And the reason why my colleague had mentioned that because I've written dozens of letters to the -- to the Chancellor of CUNY and SUNY, Matos Rodriguez and King, and they are the worst of the anti-Semites. And my colleague is exactly right why this should have been written into this bill. Because the funding goes -- not only are we not defunding them, but we're encouraging them to encourage anti-Semitism.

I applaud you.

Thank you, Madam Sponsor [sic].

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 budget bill. The yes votes could be recorded now at your desk if you care to.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker.

The Majority Conference is gonna be in favor of this budget bill.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Madam Speaker.

If you didn't know, there was white smoke at the Vatican today. Hopefully, here, in a little bit, we're gonna get white smoke out of Albany.

But I just wanted to explain my vote. I -- I will be voting in the negative on this. I cannot understand how a bill, in the New York State Budget, can allow the Governor of the State of New York to make a decision out of somebody committed a crime, for the taxpayers of this State to fund their legal expenses. Unbelievably ridiculous. And anybody that votes for this bill should be ashamed of themselves.

Thank you. I will be in the negative.

ACTING SPEAKER HUNTER: Mr. Tague in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: I am actually honored to stand and say that I am not ashamed for voting for this bill, and nor

should anyone else be.

I appreciate the concern that our colleagues on the other side of the House -- aisle have for our Attorney General, but this doesn't say anything about her name. Could your concern be about the fact -- did you know that she's been threatened publically? Could that be it? I'm not sure. But I am pleased to have the opportunity to vote on this bill.

ACTING SPEAKER HUNTER: Thank you. Mrs. Peoples-Stokes in the affirmative.

Ms. Kelles to explain her vote.

MS. KELLES: Thank you. I also stand with my colleague who just spoke. It doesn't name a specific Attorney General. It is to defend the chair and the seat for a person who has been attacked by -- by, I think, in -- in a really disgusting way. So I applaud those comments.

But I -- I do want to note something that I -- I would have hoped to see in this budget, but I do hope that we do in the future, is some -- is more support for our parole officers. We -- in 2019 we had over 800 parole officers. We have just over 500 now. And I know that there are a lot of them, like our National Guard, who have been helping out in our prison system, and -- and being pulled from their current positions or the work that they've been trained to do. So that's one thing that I certainly would love to see.

I want to applaud, though, the steps that were taken to create parity for environmental conservation officers, State -- the State

Parks, and the SUNY Campus Police to create parity with all the other officers who are doing work throughout the State. And this is really an important step in the right direction. It's not all the way -- all the way to full parity, but a hugely important step and I'm very, very thankful for that in this. I know it's been a very long fight.

So, absolutely support it, and I stand in support of the bill. Thank you.

ACTING SPEAKER HUNTER: Thank you. Ms. Kelles in the affirmative.

Mr. Gandolfo to explain his vote.

MR. GANDOLFO: Thank you, Madam Speaker.

If it looks like a duck, swims like a duck, and quacks like a duck, then it's probably a duck.

I vote no.

(Laughter)

ACTING SPEAKER HUNTER: Mr. Gandolfo in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 186, the Clerk will read.

THE CLERK: Assembly No. A03001-A, Rules Report No. 186, Budget Bill. An act making appropriations for the support of government. LEGISLATURE AND JUDICIARY BUDGET.

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: Absolutely, Madam Speaker.

This bill would enact the Legislature and Judiciary bill for State fiscal year '25-'26, and includes an All-Funds appropriation of \$4.4 billion. The bill authorizes disbursements of up to \$4 billion from the General Fund, and up to \$4.4 billion on an All-Funds basis.

ACTING SPEAKER HUNTER: Mr. Ra.

MR. RA: Madam Speaker, on the bill?

ACTING SPEAKER HUNTER: On the bill.

MR. TAGUE: Yay!

(Laughter)

MR. RA: Thank you, Mr. Tague, for that reaction.

(Applause)

So I -- I just want to -- as we go through this, which is always traditionally our last bill, the Legislature and Judiciary Budget,

which I always find appropriate, and I also feel compelled to vote for it at the end of a process where we've run the staff ragged, who get paid from -- from this bill. And I -- I just want to take a couple of minutes to just say a couple of thank yous as we wrap up this process.

I'd be remiss if I didn't start with congratulating Chair Pretlow on his maiden voyage here.

(Applause)

Mr. Pretlow, you're -- you're a gentleman. It's been a pleasure to work with you over the course of this process. As I've mentioned in the past, it was -- you taking over was a full-circle moment for me, because my first rankership back in 2011 was as the Ranking Member on -- on the Racing and Wagering Committee. I think we've had more floor debates today than -- than we had in -- in those two years because we didn't -- we didn't have a ton of floor debates on that committee. But it's been a pleasure to work with you, work with your staff.

I have to thank Troy for all of his courtesies and help with -- with our staff as we went through in, particularly, the hearing process.

Philip Fields and the -- the Majority Ways and Means team, thank you for your courtesies and your work with our team on our side of the aisle.

(Applause)

And then my -- my team here. Every time. Every time.

So, I -- I have to say, on -- on behalf of Leader Barclay who, six budgets ago, entrusted me with what I always call the greatest job I never knew I wanted. Because I used to have the job that Mr. Gandolfo has, and I loved working with -- with Mr. Goodell in that role. And when the Leader took over, he had just spent a year as the Ranker on Ways and Means. And he called me the next morning and offered me the opportunity to do this job. And I'm a nerd. I'm a policy wonk. I love this stuff. But I never truly understood everything that goes into this role. But, really, the greatest part about it is you get to work with the most incredible staff of people who are just always on the ball. And it doesn't matter what changes. People come, people go. There is a culture in our Ways and Means staff that the next person learns the issue area, and -- and they're ready to go and ready to make our members look good and know what we're talking about when we're here on the floor.

So on behalf of -- of Leader Barclay, I want to thank Josh Risler, our Director, in his first budget as our Director.

(Applause)

And -- and, again, that's another one that is kind of full circle for me, because many years ago a young Education Ranker worked often with a young Education analyst on our Ways and Means staff, and that was Josh. And the fact that we've now had the opportunity to do this budget process together with me as Ranker and him as the Director of our staff is a really special thing. I'm incredibly proud of how he's taken over his role and how he's led our incredible

team; all of our deputies, all of our analysts, all of our support staff, who haven't slept in days, yet, were there this morning briefing us on all the rest of the budget bills, answering every question, here on the floor all day, making sure we have everything we need. There is nothing I could be prouder of than that I get to work with each and every one of you each and every day.

So thank you from the bottom of my heart, and on behalf of the Leader, for the work you've done throughout this process.

(Applause)

And with that, I will say that I will be voting in favor of this bill. And I will sit down.

(Laughter)

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker.

I am so happy that Mr. Ra finally found a bill that he -- that he can vote for.

(Laughter)

ACTING SPEAKER HUNTER: On the bill.

MRS. PEOPLES-STOKES: I am also super grateful that Speaker Heastie has put together an amazing team to do what I thought was unheard of, and that's entirely bring a hundred and some-

odd people to a point where they can agree on something.

Particularly, this time, and with this particular budget.

So I am in -- very impressed by him, his entire staff; Jennifer, Jessica, Jen and Phil, and their A-Team. I call them the A-Team every time I see them because they are the A-Team.

So thank you all so, so much for the work that you put in.

(Applause)

Madam Speaker, I actually can look in the face sometimes of these young staffers of our staff when a member is talking to them and -- and understand almost exactly what the conversation is about. But they still come through. So I am super, super proud of them.

There are a ton of things in these -- in this budget that some people just don't really care for, but I feel like we have made the best decisions that we could with what we were given. And I think the citizens of New York State are going to appreciate this.

I am particularly impressed and honored for the small businesses across our State who are gonna get a break, that Speaker Heastie really went to the wall to fight for. He didn't go into that room with support on that topic, but he stayed there on it. And it's because of that, now all of these small businesses will benefit from not having to pay a tax that we had assessed on them.

As well as un -- the unemployed person --

(Applause)

-- could have a larger check because of our work here today. So these are things that are gonna be great for our entire community. Not just the children K through 12, but those who are going to higher ed, the workers, the mothers, the fathers. The citizens of New York State are going to be in a better position for this budget. So thank you all for what you've done.

And I also want to add my voice to this gentleman right here (indicating). Stellar. Stellar. We have not seen --

(Applause)

-- wonderful -- wonderful Ways and Means Chairs, Madam Speaker. But this one right here --

(Applause)

Yes.

(Applause)

He almost kind of reminds me of Denny, the way he's standing there and taking the questions and giving the answers.

With that, Mr. Speaker -- Madam Speaker, I am super happy and very pleased to be voting on this budget.

And, by the way, the smoke is white. The smoke is coming out white.

I support the bill.

(Pause)

ACTING SPEAKER HUNTER: 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 generally in the negative on this piece of legislation.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker.

The Majority Conference is going to be in favor of this last piece of budget legislation.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Pretlow to explain his vote.

MR. PRETLOW: Thank you, Madam Speaker. And thank you, my colleagues.

This is my 32nd budget. Thirty-second budget. The first one that I was at the helm, I guess you would say. And it -- it wasn't me. You gave me applause, but it's the people behind me. Phil Fields and his crew. The whole Ways and Means team, everyone. I want to thank you for your help.

(Applause)

And they -- and they were amply backed up by Program and Counsel. It was just a fantastic teamwork.

(Applause)

And I know as many of you saw, you know, I really can't be expected to know everything in what's probably around 9,000 pages of budget. And when I was asked a question, you might see them doing the Curly Shuffle, coming up and going -- going back. Do you all know who Curly is because it was young people. But anyway, one of the Stooges.

Anyway -- Mike, you know.

(Laughter)

And, you know, they would whisper to me what the answers are, and, you know, just to make me look good.

I want to thank the Speaker for giving me the opportunity to -- to do this. I had long -- longed for it a -- for a very long time. And I'll give you a quick story. When I was first elected back in '92, I went to a new members welcoming, and somebody named Naomi Matusow, who many of you know. And she was the member that was elected back when -- when -- when I was. And at that meeting with all the new members was Shelly Silver. And I was the neophyte. I didn't know a whole lot of things. And when I met him, I said, *I'm gonna be on your committee*. Just like that. I said, you know, one of the rambunctious youngsters, *I'm gonna be on your committee*. And he says, *There are no freshman on my committee*.

(Laughter)

Well, I think he's looking down on us now and saying, *Gee, the freshman finally made it.*

So, anyway, I want to thank you. I want to thank Mr. Ra for all the help that he gave. You know, there -- there was cooperation. We -- we weren't fighting back and forth here. We -- everyone had points to make, and some points were well-taken. And I will take back to my side some of the points that were made by the other side on this budget because, you know, we all have ideas. It has been said that we all represent 140,000 people, which is true. And if you represent, you know, one-sixth of the State, that's a large portion of a 20 million -- 20 million-person population. So I think we have to give them whatever respect that they're due.

With that, Madam Speaker, I cast my -- I guess if there's ten bills in 30 years, that's a 300th vote yes on a budget since I have never voted no on a budget bill. So --

ACTING SPEAKER HUNTER: Thank you.

MR. PRETLOW: I vote yes.

ACTING SPEAKER HUNTER: Mr. Pretlow in the affirmative.

(Applause)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker.

So, I don't want this evening to end without at least expressing my deep appreciation not only to the WAMs staff, but also to Ed Ra.

(Applause)

Ed is the first one to stand up at the microphone and thank everybody else. But I think it's important to recognize the -- the tone that he sets, and the really steady hand that he had in guiding our whole Conference through this -- this process. And the time that he puts in is remarkable. And he might describe himself as a nerd or a wonk, but, you know, he's exactly the person that we need him to be through this process. And I just want to extend, collectively, all of our thanks to Ed. So thank you very much.

I'll be in the negative on this bill.

(Laughter)

Not to be a buzz kill, but I can't support an 8.9 percent increase in the Judiciary.

But other than that, have a great evening, everybody.

(Laughter)

ACTING SPEAKER HUNTER: Ms. Walsh in the negative.

Ms. Lucas to explain her vote.

MS. LUCAS: Thank you, Madam Speaker.

I rise today proudly in support of this year's budget, and I rise with the voices of East New York, Starrett City, Brownsville and Canarsie behind me. I'm honored to be the voice of the amazing and valiant 60th Assembly District.

This is more than just a budget. This is a statement of values. This is a budget that says, *We see you* to communities that

have too often been overlooked, underinvested, and underestimated.

I voted yes because this budget delivers for working families. It brings \$1,000 per child through an expanded child care -- tax credit. It brings free school meals to our students so no child starts their day hungry, and no parent has to choose between lunch money and rent. It brings \$2 billion for affordable childcare because every parent deserves a chance to work, provide, and know their child is safe and cared for.

It brings a historic \$1 billion tax cut to low- and middle-income New Yorkers. That's real relief in our pockets at a time when prices are high and opportunities feel too far out of reach.

But, Madam Speaker, what moves me most deeply, what made this vote not just easy but necessary, is what we've done for housing justice for tenants and homeowners. Major investments. Equitable investments. Life-changing investments.

In East New York, in Starrett City and Brownsville and Canarsie, too many of my neighbors live with the fear of displacement. Too many families face landlords who abuse loopholes and push tenants out. Too many seniors and single mothers are just one rent increase away from the streets.

This budget fights back. It funds eviction prevention. It supports preservation and affordability in Mitchell-Lama and public housing. And it includes the Housing Access Voucher Program, one of the most important housing victories of our State --

ACTING SPEAKER HUNTER: Thank you, Ms.

Lucas. How do you vote?

MS. LUCAS: -- has seen in decades.

I vote yes.

ACTING SPEAKER HUNTER: Thank you.

Ms. Lucas in the affirmative.

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Madam Speaker, to allow -- for allowing me to explain my vote.

What I really want to say is just a huge thank you to Collin Evers and his staff -- his team, and Matt Henning and his team for helping a new Chair navigate her way through the budget process in a way she's never had to experience before. Thank you very much for all your help. It made a huge difference.

And I want to just say to -- to Gary Pretlow. Gary, you did an amazing job. You were -- it was a master class on how to -- how to handle this. And -- and as a -- just amazing. Congratulations.

(Applause)

And with that, I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Woerner in the affirmative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Madam Speaker, for allowing me to explain my vote.

Unfortunately, I'll be voting no on this bill. I just

can't see an 8.9 percent increase on pay for the judicial [sic], when this Legislature, we have had two pay raises. And these folks that we were all just clapping and bragging about haven't gotten a bump in their -- in their pay.

So I think that when we -- as we move forward, when we come in next year, it's time to think about these folks that do all the work. And while I'm saying that, I want to thank Lauren O'Hare, who's our Chief-of-Staff in the Republican Conference.

(Applause)

This was her first year as Chief-of-Staff, and she's done a phenomenal job. And I just want to thank her and to all the people that keep us moving every day that we're here.

And I also want to thank Gary Pretlow. Gary, thank you. I think we have a great friendship. And even though a little bit of joking back and forth, I have a lot of respect for you and appreciate everything you've done through this process.

And, of course, Ed Ra is a true professional. I'm proud and honored to serve with him in the same Conference.

But let's really think about it. Moving forward, it's time to take care of the people that do all the hard work. Let's bump up our employees. It's time. They deserve it. We don't have a problem spending \$254 billion in the State of New York. Let's take care of the people that take care of us.

I vote no.

(Applause)

ACTING SPEAKER HUNTER: Mr. Tague in the negative.

Mr. Alvarez to explain his vote.

MR. ALVAREZ: Thank you, Madam Speaker.

I have the honor and thankful to be an Assemblymember representing the 78th Assembly District.

Today I proudly cast a yes vote on this year's State Budget because it's a slam-dunk for the Northwest Bronx and a victory for working families across New York.

This budget delivers real, immediate relief. A thousand dollars [sic] child tax credit. Free schools [sic] meal for every students [sic]. Inflation refund checks. It brings over 2 billion to expand affordable childcare and create a historic 1 billion tax cut for low- and middle-income New Yorkers. That means more support for families trying to make ends meet, a little breathing room for the people who carry our economy on they [sic] back.

But for me, Madam Speaker, what hit closest to home is investment in housing. We're talking about (indiscernible) shelter, rent taxes for Mitchell-Lama residents. A stronger preservation programs [sic] and direct protection to keep our communities affordable.

And let's be clear: Keeping people housed means protecting their legal rights, too. This budget include [sic] crucial funding to expand the legal right to counsel in eviction proceedings. That means tenants in the beautiful 78th Assembly District, many who

are seniors, immigrants or working families, will finally have the legal protection they need when facing unfair eviction. Because having a lawyer can be difference [sic] between losing your home and keeping your dignity.

And at the heart with all of this is something truly historic, the Housing Access Voucher Program. Let me say it clear, Housing Access Voucher Program is a game changer. It's the strongest commitment New York has ever made to help families avoid homelessness and they stay housed with dignity. It's a safety net we've been fighting for; it empowers tenants, stabilize neighborhoods, and bring real hope to people who have been priced out of --

ACTING SPEAKER HUNTER: Thank you, Mr. Alvarez. How do you vote?

MR. ALVAREZ: I vote yes.

ACTING SPEAKER HUNTER: Thank you.

Mr. Alvarez in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for allowing me to explain my vote.

It's a wonderful feeling to say thank you, *Madam* Speaker. As we -- we miss Jeff a lot, but we want to really thank you so much what you've done in your first inaugural year as the Speaker.

(Applause)

We have so much to -- so many decisions to thank Speaker Heastie for making, and he definitely made a good call with

sitting you there. Great job. Great job.

I think we should now go to resolutions on page 3.

(Pause)

Madam Speaker, please excuse me, but I need you to -- we need to acknowledge this guy right here (indicating) who's always in my ear.

ACTING SPEAKER HUNTER: That's true.

(Applause)

MRS. PEOPLES-STOKES: John Knight.

I don't see her at the moment, but Deb. Deb Miller is somewhere around because you always see her in and around. Between the two of these, they -- they're in my ear constantly, and I do appreciate them so much. Because if ya'll don't understand this, the same way we run Session, everything that's about -- there she is.

(Applause)

Everything that happens --

(Applause)

Everything that happens in our Session, it happened just like this 10 years ago, 20 years ago, 50 years ago, 100 years ago. They're keeping us intact with how it was designed to happen in this room. And we have to really appreciate them. So thank you.

I want to say the same thing about Michelle, too, because I see how --

(Cheers/Applause)

She knows how to pass it on.

(Applause)

And I love the way her and John just communicate to make sure that everything is gonna be smooth based on these guys.

So, again, can you move this bill, Madam Speaker, and go to -- so the white smoke can really come up?

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes in the affirmative.

Mr. Morinello to explain his vote.

MR. MORINELLO: (Inaudible) one person, Mr. Wayne Jackson.

(Applause)

Who kept us going.

(Cheers/applause)

And the Honorable Michael Norris said thank you for voting to him -- make his pay come through this week.

(Laughter)

ACTING SPEAKER HUNTER: Mr. Morinello in the negative?

Oh. Mr. Morinello in the affirmative?

MR. MORINELLO: Yes.

ACTING SPEAKER HUNTER: All right now. Okay.

(Applause)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

(Applause)

MRS. PEOPLES-STOKES: Now, Madam Speaker, if we could please turn our attention to resolutions on page 3.

ACTING SPEAKER HUNTER: Resolutions, page 3. Resolution No. 456, the Clerk will read.

THE CLERK: Assembly Resolution No. 456, Ms. Clark.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 9, 2025, as Provider Appreciation 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. 457, Mr. Gibbs.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 11, 2025, as Mother's 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. 458, Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025, as Workers' 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. 459, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2025, as Trauma-Informed Care 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. 460, Ms. Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 21, 2025, as a Day of Peace 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. 461, Ms. Lunsford.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim September 2025, as Early Intervention 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: Yes, we do have some housekeeping.

At the request of the sponsor, the following bill is recommitted back as follows: Mr. Jones, Rules Report No. 139, Bill A03984 is recommitted to Ways and Means.

Ms. Paulin, page 13, Calendar No. 83, Bill No. A0852-A, the amendments are received and adopted.

We have no additional resolutions.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until May -- Friday, May the 9th, tomorrow being a Legislative day, and that we reconvene at 2:00 p.m. on May the 12th, Monday being a Session day.

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

(Whereupon, at 9:24 p.m., the House stood adjourned until Friday, May 9th, that being a Legislative day, and to reconvene

on Monday, May 12th at 2:00 p.m., that being a Session day.)