NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 6, 2021

12:11 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT MAYER: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 5, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, April 4, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MAYER: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Gaughran, on page 12, Calendar Number 320, Senate Print 989;

And by Senator Brooks, page 17, Calendar Number 443, Senate Print 1343A.

ACTING PRESIDENT MAYER: The amendments are received, and the bills shall retain their place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: Madam President, I move to adopt the Resolution Calendar, with the exception of Resolution 568.

ACTING PRESIDENT MAYER: All in favor of adopting the Resolution Calendar, with the exception of Resolution 568, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Madam President, while we are taking up that resolution, there will be an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Finance Committee in Room 332.

SENATOR GIANARIS: And now let's take up Resolution 568, by Senator Kennedy, read its title only, and recognize Senator Kennedy.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 568, by Senator Kennedy, mourning the tragic and untimely death of New York State Trooper Joseph Gallagher on March 26, 2021.

ACTING PRESIDENT MAYER: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you,

Madam President.

I rise today to honor the courageous and compassionate life of New York State Trooper Joseph Gallagher, who was tragically taken from us far too soon.

Originally hailing from South Buffalo, New York, Trooper Gallagher served this nation and state with integrity, honor and pride. He dedicated his 38 years on this earth to protecting others. Heartbreakingly, it was in that spirit of helping people that Trooper Gallagher ultimately suffered a critical life-changing injury.

On December 18, 2017, Trooper Gallagher was stopping to assist a disabled motorist on an overpass leading to the Long Island Expressway, when he was struck by a distracted driver.

Three years later, on March 26, 2021, Trooper Gallagher succumbed to the devastating injuries he suffered that day. His loss is heavy, leaving many, including his New York State Police family, in mourning.

Trooper Gallagher began his career with the State Police in 2014 and was most

recently assigned to cover Nassau County and Suffolk Counties, after having served in downtown New York. Prior to joining the State Police, he served as a rescue helicopter pilot for the Coast Guard in Detroit.

He lived his life with purpose, and he dedicated his life to service. But we know that as much as Trooper Gallagher loved his career, his most treasured title was first and foremost a beloved husband and father.

He leaves behind his wife, Laura, and two children, William and Catherine, as well as his parents, brothers, a sister and countless friends.

Trooper Gallagher's legacy will undoubtedly live on through each and every one of them and in the many in uniform who are sworn to protect. May his memory serve as a beacon of hope, of service, and of strength. We thank his family for sharing him with all of us, and we extend our deepest condolences.

I'd like to ask that we honor him in this chamber here today, his sacrifices to our state and our nation, with a moment of silence.

(Whereupon, the assemblage respected

a moment of silence.)

SENATOR KENNEDY: Thank you, Madam President.

May Trooper Joseph Gallagher rest in peace.

ACTING PRESIDENT MAYER: Thank you, Senator Kennedy.

Senator Boyle on the resolution.

SENATOR BOYLE: Thank you, Madam President. Thank you, Senator Kennedy, for bringing this resolution.

On behalf of the citizens of Long Island, I would like to give our condolences to the family of Trooper Gallagher. That tragic day we remember him being hit, three years ago, a young man who committed his life to law enforcement, to helping others.

And I think of how it occurred; he was helping a disabled motorist. I know there's been a lot of controversy since this tragedy about law enforcement and their role. This is what law enforcement does. He was helping a disabled motorist when someone who was texting and driving hit him, and caused ultimately his death.

The day after that, I went to visit, I with other elected officials went to visit the hospital where the trooper was being treated. It was miraculous that he lived, he was in such grave condition then. But for those people who are thinking about texting and driving or doing anything else but paying attention to the road, you do not want to ruin your life by killing someone. You particularly don't want to do it having that poor individual, that dedicated trooper, suffer for three years and then pass way before his time.

I want to again send our condolences to Trooper Gallagher's family -- his wife, his children, his parents, his siblings. A true hero, and we will always remember it.

I've talked to Senator Gallivan; I believe he was a constituent of his. We'd like to perhaps rename a bridge, probably up in his area, or do something. This resolution is very well thought of and crafted, and thank you very much, Senator Kennedy. We should do something to honor him and his legacy and his great heroism.

Thank you.

ACTING PRESIDENT MAYER: Thank you,

Senator Boyle.

Senator Ortt on the resolution.

SENATOR ORTT: Thank you, Madam President.

I want to thank my colleague from Western New York, Senator Kennedy, for introducing this resolution. I also want to thank my colleague Senator Boyle for speaking on it.

I don't think anyone thinks about texting while driving, Senator Boyle. That's sort of the problem, is they don't think. We've passed legislation in this chamber to try and help diminish -- to force people to think about texting while driving and that if they were caught texting while driving, there would be consequences.

We also passed legislation that would require people to move over on the Thruway when a trooper is pulled off of the side or has someone pulled off to the side, because we understand how dangerous that part of their job or any part of their job is.

Trooper Gallagher, 38 years -- younger than a lot of people in this chamber.

From Western New York, served his country, served his state, a father and a husband -- gone, because of someone who wasn't thinking. Gone because somebody was too distracted by a text message or an app. Someone who was acting selfishly took the life of someone who dedicated their life to acting unselfishly. And that really is the shame and the tragedy.

And Trooper Gallagher, the fighter, hung on for almost three years after suffering a horrific injury, a traumatic brain injury, before succumbing to his wounds. My thoughts are with his wife, with his family.

And I think it's great that we did this resolution. And I hope that we will always remember in this chamber the very real dangers that other troopers and other members of our law enforcement like Trooper Gallagher face every single day. No matter how mundane or routine the traffic stop or the call is, it can go wrong just like that.

And so I want to thank again my colleague Senator Kennedy for introducing this resolution, and I hope that everyone in this chamber will say a prayer for Trooper Gallagher

and for his family today.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Ortt.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Madam President, Senator Kennedy would like to open this resolution for cosponsorship.

ACTING PRESIDENT MAYER: The resolution is open for cosponsorship. Should you choose not to be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: While we wait for the Finance Committee to wrap up its work, we will stand at ease, Madam President.

ACTING PRESIDENT MAYER: The Senate

will stand at ease.

(Whereupon, the Senate stood at ease at 12:22 p.m.)

(Whereupon, the Senate reconvened at 12:34 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we take up the report of the Finance Committee which is at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following bills:

Senate Print 2501B, Senate Budget Bill, an act making appropriations for the support of government: LEGISLATURE AND JUDICIARY BUDGET;

Senate Print 2505C, Senate Budget Bill, an act to amend Chapter 887 of the Laws of 1983;

Senate Print 2507C, Senate Budget Bill, an act to amend Part H of Chapter 59 of the

Laws of 2011;

Senate Print 2508C, Senate Budget Bill, an act intentionally omitted.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Finance Committee.

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Finance Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let us now take up the supplemental calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 645, Senate Print 2501B, Senate Budget Bill, an act making appropriations for the support of government.

SENATOR GIANARIS: Lay the bill aside temporarily, please.

ACTING PRESIDENT MAYER: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 646, Senate Print 2505C, Senate Budget Bill, an act to amend Chapter 887 of the Laws of 1983.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 647, Senate Print 2507C, Senate Budget Bill, an act to amend Part H of Chapter 59 of the Laws of 2011.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 648, Senate Print 2508C, Senate Budget Bill, an act intentionally omitted.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

Senator Gianaris, that completes the reading of today's supplemental calendar.

SENATOR GIANARIS: Can we now move to the controversial calendar, please.

Madam President, as we take up the controversial calendar, let's start with Calendar 647, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 647, Senate Print 2507C, Senate Budget Bill, an act to amend Part H of Chapter 59 of the Laws of 2011.

ACTING PRESIDENT MAYER: Senator Borrello.

SENATOR BORRELLO: Yes, thank you, Madam President. Would the sponsor yield for some questions.

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Hello, Senator Rivera. Thank you very much. Appreciate it.

I want to speak about the changes to

nursing homes in Part GG of the Health and Mental Health bill that requires 70 percent of their revenues to be spent directly on patient care, with 40 percent on resident-facing staffing, and also any residential healthcare facility with revenue more than 5 percent of expenses must expend the revenue in a manner determined by the department through regulations by November 1st of the following year. So that's the part I'd like to speak about.

My first question is, was there any studies done by the state to quantify what this profit cap would do to -- and was there any correlation to the quality of care?

SENATOR RIVERA: Through you, Madam President. Well, first of all, thank you, Senator Borrello. It's a pleasure to see you here, sir.

Well, this particular part of the budget -- as we all know, there are serious concerns that we all have had that have been a product of what we've seen as a result of the COVID pandemic in nursing homes across the state. There are a package of bills that we've already passed on this floor. But we believe that it was

necessary to actually approve this, and I'm very glad that it has made the final cut.

What we're talking about here is making certain that we can dissuade bad actors from entering into this business, folks that look at nursing homes as strictly a business to make money, as opposed to taking care of patients. We want to make sure that we can dissuade those folks. And we want to make sure, most specifically, that the money that is allocated to these facilities is used for actual care of people.

So in this case the bill not only specifies that 70 percent of the revenue needs to have -- needs to go directly to resident care, but also, since we know how important it is, Madam President, for them to have adequate staffing to take care of the folks who are in nursing homes, we establish that there is 40 percent of total revenue that needs to go to resident-facing staffing.

And Madam President, I will tell you that this was an extensive effort that -- after we have talked to every stakeholder that we could find to get a better sense of how to best

structure this. So we have talked to folks who are patient advocates, folks who are proprietors of nursing homes, folks who represent the workers in nursing homes.

And we feel that this version that we have in front of us would be able to achieve what we need to achieve, which is to make sure that folks in nursing homes are safe and that the money that is allocated to them, Madam President, goes to the actual care of real patients.

SENATOR BORRELLO: Thank you, Madam President. Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

SENATOR BORRELLO: Well, first of all, thank you. And I appreciate that. I think that no one can dispute that we want to ensure that our most vulnerable citizens, those living in nursing homes, are going to be cared for properly.

But it appears that the nursing homes that expend the most of their revenue on

patient care actually have the lowest ratings. So my question is, do we know if there's actually a correlation between spending more and actually getting a better quality of care? Because in fact our public nursing homes, our government-run nursing homes, typically are the lowest rated, and they spent the most money on labor.

So is there any correlation between that revenue -- and how did we get to 70 percent? Was there a number -- was that number chosen because of some kind of a study on the quality of care based on how much money is expended?

SENATOR RIVERA: So Madam President, I will you tell that part of this was a back-and-forth. There are different states that have approached it in different ways and different proposals that have been put forward.

But we felt that indeed it is -- by determining it the 70 percent of the -- of its revenue must be used on patient care, that that is precisely what we need to focus on that we need to -- that this is precisely what actually would secure the safety of the people inside nursing homes.

I'll tell you, Madam President, that as I said, other states have approached it differently, and we felt that 70 percent was the right way to do it. And the way that we structured it -- and this is an important part, Madam President. The way that we structured it is making sure that -- because there's a lot of ways that people can actually -- potentially could have cut corners and could have seemed like they were spending a lot of money but then not a lot of it was going to actual patient care.

But I will tell you, Madam President, through you, that we feel very strongly, based on all the conversations that we had with stakeholders and folks that have done much thinking on this issue, that this is the right percentage. And that having 70 percent of revenue to direct care for residents and 40 percent of revenue on resident-facing staffing is actually the way to make sure that people are safe in these facilities.

SENATOR BORRELLO: Thank you.

Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator

Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

SENATOR BORRELLO: Through you, Madam President, what's the total fiscal impact for nursing homes in New York that currently do not meet the requirements in this legislation and would have to rebate their excess revenues to the state? You know, do we have any idea what that fiscal impact might be?

SENATOR RIVERA: Madam President, if -- through you, if the -- if the Senator could repeat the question, please. I'm sorry.

SENATOR BORRELLO: Sure. What is the -- I'm asking what the total fiscal impact statewide would be for nursing homes that do not meet that standard currently, and what would then the impact of that excess revenue rebated to the state be on just the economy of our nursing homes? Do we have any idea? Based on their current models and their current expenditures.

SENATOR RIVERA: Madam President, at this point I could not tell you what that number could potentially be.

And when we look at it, the issue

here is that because we want to make sure that folks spend -- that these institutions, these entities spend most of their money on actual direct patient care, we are hoping that we don't have to actually get any of this money back. We are hoping, Madam President, that they are doing the right thing.

So they will have to shift some of their expenditures to be able to meet these requirements. It is -- we don't know what the number is going to be. But again, the goal of us structuring it this way is to make sure that most of the money goes to actual patient care. And we are hoping, Madam President, that we do not have to get any money back from any of these institutions. Because again, we need to make sure that that money goes to actual patient care.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Through you, Madam President. So let's assume that since they're currently working under these models, many of which are guaranteed in their covenants with their banks, so they're going to have to continue with these current models in order to be profitable -- let's assume for the moment that some of these nursing homes are going to have to relinquish that revenue. Where will that revenue go that is relinquished to the state? Where will that money, their profits that are going to be seized by the state, where will they be going?

SENATOR RIVERA: Through you, Madam President. First of all, I will tell you that this is actually a -- and thanks to my staff for clarifying this. It is forward-looking, so these will be from 2022 onwards. So in other words, we would give them some time to actually fix their -- you know, make sure that they're doing it right.

As far as where this money would go, this would actually remit back to the state and would go -- one second, Madam President. Thank you, Madam President. Through you, Madam President, it would go to an actual pool of

money specifically for this purpose, to make sure that this money comes back. And it is a quality pool for nursing homes which would then potentially be used by the state to actually make sure that we can give it back to nursing homes.

SENATOR BORRELLO: Thank you.

Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: So we're going to create a pool of money from the profits that are taken from these nursing homes, and then you're saying it's going to be used to improve the quality of care. How will that be done?

SENATOR RIVERA: Through you, Madam President. When we have this pool -- which again, I am hoping that we don't -- that that pool does not ever grow that big. But there will be a determination at that point, probably by the Department of Health, as well as involvement from

the Legislature, on how that money would actually be spent, to make sure that we can address quality concerns in nursing homes.

But I will underline, Madam President, that this is a measure that is created to let folks know ahead of time that you're not going to be using these facilities anymore as just cash-making machines, that you have to make sure that you spend the money on actually taking care of people. Which means that the good actors are going to be fine. We actually are seeing that most of the facilities in the State of New York, even though most of them are for-profit companies, actually meet this criteria already. We just want to make sure that the folks that are bad actors -- and when they're bad actors, we're talking about that they hit the most vulnerable people -- this would actually dissuade them from doing it.

So Madam President -- and I'm not sure how much would go into that pool, but I can assure you that not only would the Department of Health -- hopefully under a different Governor, but also a different Legislature, that the Legislature would be involved in determining what

happens with that money as well.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Through you, Madam President.

So you mentioned bad actors. I previously referenced the fact that the lowest-rated nursing homes typically in New York State are government-run. In fact, the highest number of deaths from COVID in our nursing homes were government-run nursing homes.

So does this bill address bad actors that are run either by not-for-profits or by government-run facilities?

SENATOR RIVERA: Madam President, this is a bill that actually covers every nursing home, whether they be for-profit or nonprofit. It just states that the percentage of money that needs to be spent on patient care needs to hit

that 70/40 ratio.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, Senator Rivera, thank you so much for indulging me. I appreciate it. And I certainly appreciate what you're trying to accomplish here. I think we all intend to ensure that our seniors living in nursing homes get the best care possible, however. And again, I appreciate your efforts here.

But I have a lot of concerns. I think, you know, one thing I've learned in my short time in Albany is the fact that so much of what we do here has unintended consequences. And this particular part of the budget bill is no exception.

You know, the reality is is that if we want to point a finger as to what has impacted the quality of care in our nursing homes more than anything else, it's the fact that our Governor has been on a mission to reduce Medicaid reimbursements. Year after year, we continue

down that path. Now, I understand that this bill will stop this most recent 1 percent cut in Medicaid reimbursements. But the reality is New York State already has the largest gap, more than any other state, between what it costs to care for a patient in a nursing home and what they get reimbursed. The average is $55 per day. The average nursing home loses -- loses -- $55 per day, based on what they get reimbursed by Medicaid and what it actually costs them.

And as we all know, the whole idea of being on Medicaid in a nursing home is very common. In fact, in most nursing homes, the Medicaid mix is better than 90 percent. So if we really want to address quality of care, we should start by the fact that we are continuing to expand the pool of people that are qualified to be on Medicaid in New York State while we're shrinking the amount of money we're paying to those that are actually caring for those folks.

There's also other issues here. You know, we said we were going to start at the beginning of 2022, which is less than a year away. You know, eight or nine months. But the way things work with nursing homes, especially

failing nursing homes, is that a company comes in, they take on a failing nursing home, and then they go to get financed. Well, they can't be financed based on the value of the home that's failing. So they have to sign a covenant with a financial institution, an agreement, in order for them to get financed.

And part of that agreement is for them to come up with a budget and say, This is how we're going to spend our money to turn this facility around, and that's why this financial institution should now give us that money.

What this bill will do is forcibly change that covenant with those financial institutions. They will be forced potentially into insolvency. The most recent nursing home that was approved was in White Plains. If this bill passes as is, that nursing home will automatically go into default based on their covenant with the bank.

This is going to mean nursing homes closing. Where will those people go? We already have a shortage. In my part of the state, we already have healthcare deserts. We already have nursing homes that are not able to stay open,

they have closed. We're going to force that, unfortunately.

So while I understand the intent, it's misguided in this sense. And it's going to lead to lower standards of care because we're going to have less places willing to actually be in this business.

So I'm very troubled by this, Madam President, and that's why I'll be voting no on this section of the budget. Thank you.

ACTING PRESIDENT MAYER: Senator Akshar.

SENATOR AKSHAR: Madam President, good morning.

ACTING PRESIDENT MAYER: Good morning.

SENATOR AKSHAR: If the sponsor would be so kind to answer a few questions.

ACTING PRESIDENT MAYER: Senator Rivera, do you yield?

SENATOR RIVERA: Madam President, I will indeed be so kind.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR AKSHAR: Senator, good to

see you. Just for planning purposes, I intend to ask some questions in Part X and Part W to start, in reference to this budget bill.

Would the sponsor tell me how many OMH beds are slated to be closed? Excuse me. I'm sorry, what are we doing here?

ACTING PRESIDENT MAYER: Senator Brouk, are you going to be answering questions on this portion?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: Senator Brouk yields.

SENATOR AKSHAR: Senator Rivera, nonetheless, it was good to see you.

(Laughter.)

SENATOR AKSHAR: Senator, thank you for taking my questions.

My question to you is, how many psychiatric beds statewide are slated to be closed?

SENATOR BROUK: Our estimate is that it's about 200 inpatient bed closures.

SENATOR AKSHAR: I'm sorry, Madam President. The answer was 200?

SENATOR BROUK: Yes, that's the

answer.

SENATOR AKSHAR: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Senator, with the closure of those 200 beds, what is the proposed savings in relation to those closures?

SENATOR BROUK: The expected savings would be about $22 million.

SENATOR AKSHAR: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Senator, how much of that 22 million is being reinvested into the community?

SENATOR BROUK: That's a great question. And through this enacted budget, those $22 million will be savings for the Office of Mental Hygiene.

However, we do believe that that savings will be offset by millions of dollars in federal funding that will be coming through OMH, and that that can make up for this one-time offset for this one-time investment in these communities.

And we will continue to have regular and ongoing conversations to make sure that that is indeed what happens.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Of the $22 million that is being saved, how much of that money, how much of the 22 million in relation to the closure of the 200 beds is being reinvested into

communities across the state?

SENATOR BROUK: We believe that with the millions of dollars that we are able to secure from the federal government, that some of that money will be able to be invested, again to offset this one-time investment that would have come from the closing of these beds. And in addition to that, we will have regular communication with OMH and there will be quarterly reporting to be able to track that investment.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

SENATOR AKSHAR: So the answer is zero, you are reinvesting zero dollars in terms of what you saved by the closure of the 200 beds.

SENATOR BROUK: Again, with the closing of these beds, our hope is that the millions of dollars that we've gotten from the federal government for this one-time investment will be able to cover any reinvestment that is

lost from these $22 million. And there will be quarterly reporting to help make sure that that occurs.

SENATOR AKSHAR: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

SENATOR AKSHAR: Would the sponsor be so kind to educate me on what she's referring to in reference to a one-time investment? What is she referring to?

SENATOR BROUK: The one-time investment I am referring to is the $160 million from enhanced federal funding. And the other one-time investment that I'm referring to is that these savings are a one-time community reinvestment. And so that is why we believe that this $160 million that is coming in this enhanced federal funding for OMH into New York State can offset this one-time community investment that would have been.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Is it the Senator's position that we are abdicating our responsibility in terms of the monies that the state is currently investing in the mental health issue and just resting solely on the federal government to provide these services?

SENATOR BROUK: I think it is rather clear, and will become clearer as the day goes on, that the position that we hold is that the federal funding that has come into New York State we are grateful for, it is much-needed at a time of great loss, as we've had during COVID-19 and we have done everything we can to make sure that communities will stay whole.

Which is why I have personally worked very closely with OMH and will continue to do so through not only these quarterly regular reports, but also ongoing engagement between OMH in regards to this enhanced federal funding and with communities to make sure that this money

gets to communities who need it.

SENATOR AKSHAR: Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: How serious is the mental health issue across this great state?

SENATOR BROUK: I think that we are currently in a moment where there are enhanced needs, specifically when it comes to folks in mental health crisis. Which is why we have done a great deal of work to make sure that we are bringing the care and support that folks who have experienced traumas, especially throughout COVID-19, will get what they need.

And that is what this bill reflects, is investment and also putting resources towards people who may need added mental health care throughout the state.

SENATOR AKSHAR: Thank you Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: The Senator suggested that there are currently enhanced needs when it comes to people suffering from mental health issues. There are so many people in crisis, they need care, they need support. Does the sponsor believe it's appropriate to supplant funding rather than continue to invest significantly in what she describes as the enhanced needs of people across this great state?

SENATOR BROUK: Would you repeat your question, please.

SENATOR AKSHAR: Sure. Do you believe it appropriate to be supplanting money -- you're talking about receiving $160 million in federal money, and clearly you are not investing any of the monies that are being saved by the closure of 200 beds. Do you think it's appropriate, in a time when you describe that people have enhanced needs, people are in crisis, they need care, they need support -- do you think

we should be supplanting federal dollars rather than making direct investments with the monies that we save from the closure of 200 beds?

SENATOR BROUK: I think it's important to point out that -- as you can see in Part W -- this is a one-time waiver, and after that all community reinvestment will continue to occur.

And I also think that as we think about as a whole, there is increased funding, more than we have seen in many years, into mental health, and it is directly as a result of the understanding that our communities need help when it comes to mental health.

SENATOR AKSHAR: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Since you brought up the issue of this proposal, this one year of not reinvesting the monies that were saved by way

of the closure of the beds, why did we -- what was the reason for that? How did we arrive at this decision to grant the Governor a one-year waiver of the reinvestment clause?

SENATOR BROUK: The Legislature was not able to buy back the 22 million in savings. However, we were able to buy back $8 million, which would prevent the closure of the Rockland Children's Psychiatric Center.

SENATOR AKSHAR: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Let me try again on the question. I didn't ask about the Rockland center or a buy-back, but I'll come back to that.

How did you land on that issue of granting this Governor the allowance of suspending the community reinvestment portion for one year?

SENATOR BROUK: I think, first of all, we do need to acknowledge the moment that

we're in. We are in unprecedented times that no one could have planned or expected. And we are moving forward outside of this year with continuing to always reinvest these community funds.

It is a one-time waiver that I believe reflects the unprecedented time we're in, as does the massive $160 million federal enhanced funding, which directly reflects the kind of loss and unprecedence of the time we're in due to COVID-19. And therefore it is a one-year change that will not live outside of this year.

SENATOR AKSHAR: I'm on the bill for just a second.

I am acknowledging the fact that we are in unprecedented times. That's why I'm asking the questions. It is -- we are in fact living in a time when people have enhanced needs, when people are in crisis, when they need care, when they need support.

But what are we doing? We're closing -- again, this year, we're closing -- we're giving the Governor the ability to close 200 psychiatric beds. And rather than invest the money that we're saving, like we're supposed to

be doing, we are in fact acquiescing to the Governor and saying, well, the federal government is giving us money, so let us not invest that 22 million that we're saving from the closure of 200 beds.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: I've heard a lot about this federal money, this enhanced money, 160 million. Can you give me, my constituency, and the rest of New Yorkers some idea on how that $160 million will be spent to address people in crisis, the enhanced needs that people have, the care and the support that they need?

SENATOR BROUK: Certainly.

I also want to clarify some of my previous comments, one of which was about the closing of these beds. These are beds that have been closed for 90 days already. And I think that it's incredibly important to recall that the

Governor holds that power to close beds.

However, what we have done through this process is to watch more closely, to insist on quarterly reporting, so that we can better ensure that any of this added federal funding that has come through will go to communities who need it the most.

I also think it's important because I do take this very seriously, I have seen the effects that COVID-19, that social isolation, that increased amounts of depression have had on our communities, our young people, our seniors and of course people who are already struggling with mental health challenges.

Which is why one thing that we have focused on in this budget are these crisis stabilization centers. We are shifting a paradigm in how people are getting the care they need for mental health, keeping them out of moments of crisis. And that is what this budget does. It shifts the way we think about mental health, and it better equips folks who are first responders, folks in the community, to make sure that people are indeed getting care that they need and that they're getting a continuum of care

that they need.

SENATOR AKSHAR: On the bill for just a second.

ACTING PRESIDENT MAYER: Senator Akshar on the bill.

SENATOR AKSHAR: With all due respect to my colleague, in terms of Part AA, if we were serious about these comprehensive crisis reforms, then maybe we would have given real consideration to the changes in Kendra's Law that the Governor was suggesting. Because, you know, while I think there are great talking points, we certainly didn't make that as strong as it currently could have been.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Under current law, does the commissioner of OMH -- is the commissioner required to give a one-year notification before closing any beds?

SENATOR BROUK: Under current law, it's for closing facilities.

SENATOR AKSHAR: Madam President, I'm sorry, could she repeat the answer?

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

SENATOR AKSHAR: The answer is yes, under current law the commissioner is currently required to give a one-year notification before closing any facilities?

SENATOR BROUK: Before closing facilities, yes.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Under current law, is the Governor supposed to reinvest all savings from the closing of inpatient beds?

SENATOR BROUK: We did give that

authority for three years, with the exception of this year.

SENATOR AKSHAR: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Akshar on the bill.

SENATOR AKSHAR: I want to thank the sponsor for answering my questions. Clearly, I know that you are passionate about this particular issue, and so am I.

You know, I think in government we have -- when it comes to taking care of those with mental health issues, this really is one of the most I think basic obligations. Right? It's fundamental to what we do in government. But yet we see, year after year, more and more beds being closed. We see an increase in crime that has a direct correlation to those who are not being treated.

And, you know, something that I too am passionate about is the men and women of law enforcement. And how often we hear from our friends across the aisle that the members of law enforcement are not dealing with those with mental health issues appropriately and they need

to do a better job.

But yet we find ourselves in a situation where we are, yes, closing another 200 beds across this great state and we're not taking that 22 million and investing it again in mental health services.

Yes, I understand that the federal government has come through with a significant amount of money. But all too often I think we find ourselves in this predicament in which we are supplanting federal dollars and not reinvesting state dollars.

I just want to remind everybody of something that recently happened. I talked about this the other day. Brandon Elliot, a man in the City of New York who viciously attacked an Asian-American woman -- and it was very, very clear from all accounts that Mr. Elliot was released on parole -- and that's a separate conversation -- but he was out in the community. And everybody who knew him said he was in this homeless shelter, but he was not getting the services, was not having his mental health issues addressed accordingly.

And it would really be my hope here

that, as the sponsor said in the debate, that we would watch very, very closely how these dollars from the federal government are being spent.

And Senator, I know that you say the Governor has extreme powers and he can close whatever he wants to. Maybe it would be the collective wisdom of this body and our friends in the other house to put forth a piece of legislation that says before any beds can be closed -- OMH, OPWDD, whatever it may be -- before that could ever happen, it would require the Legislature's approval. I think that that would be beneficial to the people of this great state.

So, Madam President, when it comes time, of course, I'll be voting no on this section of the bill. I did have one further question in reference to another issue, if I can, Part OO, the settlement agreement, the McKinsey settlement agreement. I don't know who's going to answer that.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, as throughout the day we'll have different

members answering different sections, I will try and direct as appropriate.

I think Senator Rivera will answer that question.

ACTING PRESIDENT MAYER: Senator Rivera, do you yield?

SENATOR RIVERA: I will in one second, Madam President.

SENATOR AKSHAR: I just have two very basic questions. I understand it's in the Aid to Localities section. I just want to ask two very, very basic questions about the settlement.

SENATOR RIVERA: Madam President, I yield.

SENATOR AKSHAR: Thank you, Senator.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: I want to applaud the Majority for this particular issue in the one-house. And in the one-house it was very, very specific that the $32 million in the McKinsey settlement would essentially be put in a lockbox and used for very, very specific

purposes.

I just wondered if the sponsor would be so kind as to just educate me on why this proposal, as proposed in the Senate's one-house, was not in the enacted budget.

SENATOR RIVERA: Madam President, through you. As is true with everything, we don't always get exactly what we would want. And although yes, our position in the White House -- the White House? In the one-house. Our position in the one-house was certainly the position of this conference -- this is -- as we went to final negotiations.

This is -- it is a good version of it, it is not the best version of it. But ultimately at the core, the goal here is to make sure that as these funds come in from different settlements, that they are utilized to -- to not to put too fine a point on it, Madam President, to make sure that we fix the damage that has been caused by these companies.

And so even though it is not exactly the one that we would like, I still believe that it achieves a good purpose.

SENATOR AKSHAR: Madam President,

through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Senator, I think both of us know all too well that, you know, this Governor may say we're going to spend X amount of dollars on A, B, C and D, but then we find out later on that this Executive has spent the same dollar three or four times in different areas.

What will the Majority do to ensure that this $32 million is in fact being spent on things that it should be, and where it should be?

I've said this before -- I think you and I agree on this -- there are certain things that just transcend politics. Right? Substance use disorder, mental health transcends politics. It doesn't matter if you're a Republican or a Democrat. I think what we both want is to ensure that this $32 million doesn't go to put up a new big sign at the State Fair or an AirTrain

someplace or a new roller coaster.

The point I make, Senator, is how can you not only reassure me but reassure all New Yorkers, regardless of where they're from, that we'll be spending that $32 million where we should be?

SENATOR RIVERA: One moment, Madam President. (Pause.)

Madam President, through you, a couple of issues.

First, I will underline what Senator Akshar said. When it comes to substance use disorder, the opioid crisis, the overdose crisis that we have in our entire state, it impacts the entire state. And then we have been -- we have done much to address it in the state, and we have done it in a bipartisan manner because we understand that this is something that impacts the entire state. I will certainly agree with him on that.

The second set of agreements is that yes, there have been many times when we have both criticized, from our different perspectives, the Governor's -- let's just say penchant for doing things with state money that try to make him look

better and not necessarily address the concerns of New Yorkers.

I can tell you on this one that I share the concerns that you have. There's actually legislation that I'm putting together to make sure that such money can be put in a lockbox for future -- in the future. As of this moment, I will tell you that I'm very much looking forward to approving this budget, but I am looking forward to working along with, I don't know, Governor Hochul, perhaps, on how she feels that we should deal with this money.

But I do agree with you that we need to have in statute a lockbox for this type of funding so that it can go for the purposes of addressing the damage that was made by these -- that these companies wrought on our communities.

SENATOR AKSHAR: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Akshar on the bill.

SENATOR AKSHAR: Senator, I would look forward to working with you and all of our colleagues on this particular issue.

You know, I think it's incredibly

important -- and I know we agree on this -- that every dollar of that settlement actually gets out into the community, gets into the hands of community-based providers. Because you and I both know that those are the men and women who are actually doing the work, they're on the front lines of this war. Right? It is an insidious disease. It is claiming far too many lives, to your point, in every single corner of this great state. It doesn't matter rich or poor, white or black.

But it is incumbent upon us as elected leaders to ensure that nobody steals that money, nobody uses that money for things that it's not meant to be.

This organization, McKinsey, and so many others, they are responsible in part for the death that we have seen. And I just think it's the -- it is the collective wisdom of this great house to ensure that they pay the point and the monies that we're getting from this settlement are going to the people who need it.

So, you know, despite how I may vote on this particular budget bill, I want the Senator to know that I stand ready, as do my

colleagues, to work with our colleagues across the aisle to ensure that we're actually getting the money where it belongs.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Borrello.

SENATOR BORRELLO: Thank you, Madam President.

I rise to speak on the HMH Article VII Part AA modifications to Kendra's Law. And if I could go on the bill for a moment.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Madam President.

So Kendra's Law is something that was developed several years ago, and it basically allows those with mental health issues that could be a danger to public safety to be involuntarily detained. It was championed by my predecessor, Senator Cathy Young, and it by all accounts has saved the lives of many in New York State that have been threatened by those folks who have untreated mental health issues.

But this is particularly personal

for me, because Kendra's Law is actually named after Kendra Webdale, who was from my hometown of Fredonia, who I knew, I grew up with, went to school with. Kendra was a beautiful, sweet person. And in 1999, January of 1999, she was in New York City on assignment from Buffalo and was tragically pushed in front of a subway train by a 29-year-old man who had a decade-long record of mental health issues.

Her life was snatched away. And I remember specifically reading about this, and when he was asked why did he do it, his response was it was just her time to die.

It's sad, but out of that tragedy came Kendra's Law. And now the Executive Budget has tried to strengthen Kendra's Law. So I was disheartened to see that two I think important subparts of Part AA have been excluded in this budget.

Subpart B includes new language that provides for the issuance and extension of an assisted outpatient treatment order without direct examination by a physician if the individual is not able to be reached, has had an AOT order expire in the last six months or has

concurrently experienced a substantial increase in symptoms or a loss of function.

These are people that have gone into a further crisis, which we have seen time and time again as a result of this pandemic.

Part C -- and again, this is excluded now -- Part C, which is also excluded, includes new language for the likelihood to result in serious harm, considering risk posed to the individual in question by lack of basic needs -- food, clothing, shelter, personal safety.

Those folks can no longer be detained. It's my understanding that the gentleman that pushed Kendra Webdale in front of that train had those type of issues.

So, Madam President, I would like to ask the sponsor a question. So would the sponsor yield for a question.

ACTING PRESIDENT MAYER: Senator Rivera, do you --

SENATOR GIANARIS: Madam President, I believe this is going to be handled by Senator Brouk.

ACTING PRESIDENT MAYER: Oh, I

apologize.

Senator Brouk, do you yield?

SENATOR BROUK: Yes.

SENATOR BORRELLO: Yes. Thank you, Senator Brouk. Good to see you.

So you just heard my explanation on Kendra's Law and the strengthening of it and the fact that this has now been watered down in this budget, I think with some potentially serious consequences.

So my question for you is in Part AA, as I mentioned, of the HMH Article VII, where you've omitted two very critical parts of this strengthening of Kendra's Law, do you have any concerns that the omission of this language is now going to lead to the underusage of crisis support centers?

SENATOR BROUK: First of all, I want to say I share -- the story that was shared is always one that kind of punches you in the gut. And being from Western New York, I know a lot of folks in Fredonia.

You know, I think what's really important here is that we focus on Part AA as a whole. Because what we have done with this new

version of Part AA is, again, changing how we think about delivering crisis care.

And so I would put that Kendra's Law is a strong law and should stay the way it was intended. It was never intended to potentially creep on folks' civil rights of really massively broadening what we accounted for as a part of that law and a part of involuntary commitment.

Instead, what we have done is we have created a system through these crisis stabilization centers in which folks will have more accessible care, they will understand where they may choose to go. And let's remember that as Kendra's Law still stands, if someone does meet the criteria within that law, they can be still committed in that way and go through that process.

But to broaden that to the level at which was presented in the Executive proposal really infringes on folks' civil rights and is in fact the opposite of the direction that, by and large, mental health providers see mental health going.

SENATOR BORRELLO: Thank you.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, Senator Brouk, thank you very much. It was short, just one question for you, so I appreciate your time.

The Senator talked about civil rights and infringing on people's civil rights. Well, Kendra Webdale's civil rights were taken away from her by someone who should not have been on the street.

And now we're talking about COVID. And it's indisputable that we have seen a tremendous and dramatic rise in mental health issues. Many have resulted in violence, needless violence. So the timing of the strengthening of Kendra's Law couldn't have been better. And now we're pulling that back. But unfortunately, this is kind of the pattern we're seeing recently. Instead of trying to take preventative measures to ensure that dangerous people are removed from our streets, we're going the opposite way.

We saw that with the marijuana bill that we passed. We've taken away all the probable cause. If someone is even driving

erratically and gets pulled over and there's the smell of marijuana in the car, still no probable cause. There actually has to be an accident with injury in order for the police to take action.

And that's essentially what we're doing here. We're saying someone who's had a crisis, someone who's -- because of COVID, because of anything, because of the isolation that they have felt in this, is now seeing really a crisis come upon them like they have never had before -- unless they do something violent, we're not going to be able to take them and get them the treatment that they need.

So it's a disturbing pattern that I'm seeing, that the Majority is advancing actions and bills that ultimately are going to allow for a tragedy first before an action can be taken.

And unfortunately, with the watering-down of these strengthenings of Kendra's Law, we might see more tragedy in the wake of that. So, Madam President, I also will be down on this part of the bill, for this and many other reasons.

Thank you.

ACTING PRESIDENT MAYER: Senator O'Mara.

SENATOR O'MARA: Yes, thank you, Madam President. I have a few questions on this budget bill, and then I will have some questions I believe for Chairwoman Krueger on the overall financial plan that is on our desks.

Initially -- I'm not sure who this would be addressed to, but if the Senator would yield with regards to the opioid settlement funds that we have here from the McKinsey settlement.

Are there any other anticipated settlements from other sources in regards to opioids that the state is involved in or expecting?

ACTING PRESIDENT MAYER: Senator O'Mara, can you hold on one minute so we can confer?

SENATOR O'MARA: Sure.

SENATOR GIANARIS: Madam President, I believe Senator Rivera will be answering these questions.

ACTING PRESIDENT MAYER: Senator Rivera, do you yield?

SENATOR RIVERA: I do, Madam

President, if Senator O'Mara could repeat his question, through you.

(Laughter.)

SENATOR O'MARA: Yes.

Senator Rivera, we discussed a little bit about the McKinsey settlement of $32 million for the -- in regards to the opioid crisis. Is the state expecting any further settlements from other sources in regards to the opioid crisis, engaged in any litigation further, expecting more funds to come in at a later time?

SENATOR RIVERA: Through you, Madam President, I believe that is a question more appropriate for the Attorney General. But I do believe that such conversations are happening in the Attorney General's office -- for this state and other states -- with different companies.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I do, Madam President.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR O'MARA: Do you have any general expectation of what those amounts could possibly be?

SENATOR RIVERA: Madam President, through you. As much as possible, I hope.

(Laughter.)

SENATOR O'MARA: Very well.

If the -- if Senator Rivera will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR O'MARA: Senator, we have in Part GG here that's been discussed a little bit a plan and a process with regards to nursing homes and how they're able to spend their revenues and where they have to spend them. We have discussed for years staffing situations in our hospitals as well as our nursing homes.

Is there anything in this section GG or elsewhere in the health portion of the budget

that deals specifically with staffing issues or staffing ratios, as has been discussed?

SENATOR RIVERA: Through you, Madam President. The part that you are referring to, Senator O'Mara -- that Senator O'Mara is referring to, Madam President, through you -- was discussed a little bit earlier with Senator Borrello, and it does have a specific of 40 percent of total revenue of residents -- of resident-facing staffing. So it does not have a ratio, Madam President, it does indeed have a percentage of revenue. And obviously, as you understand, if you have a large facility as opposed to a medium-sized one or a small one, the numbers are going to be different.

But we do not have a ratio. It just refers to percentage of revenue, Madam President.

SENATOR O'MARA: Thank you, Senator.

If -- Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR O'MARA: Again, with regards to the staffing issues, is there anything in this health budget, as was included in the Senate one-house budget, which would have required a 150 percent increase in the minimum wage to home care workers? That's been left out of the final budget?

SENATOR RIVERA: Madam President, through you, that is correct.

SENATOR O'MARA: Is -- through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Through you, Madam President. Is there anywhere in the health budget where we are taking actions to incentivize workers to go into the healthcare field, whether it be nursing, home care in a hospital setting,

in a nursing home setting? What if anything is in this budget to incentivize the staffing of these facilities?

SENATOR RIVERA: Through you, Madam President. It is absolutely a concern, a great concern of ours, of our conference. And I will specifically say that Senator May has been very, very aware, not only -- we're all aware, but she has been particularly vocal on the issues of making sure that we have sufficient staffing around the state.

I will point to you -- through you, Madam President, that there is money that related to training that the Governor had cut in his version of the budget that we have restored. And I will also point to money that is federal money that relates specifically to folks in the human services, and this would be an additional -- so federal money that would actually go towards this purpose.

But it is a concern for all of us as far as how many folks around the state and how many folks are being trained around the state to be able to serve in healthcare facilities, not just nursing homes.

SENATOR O'MARA: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So you're basically saying there is no state funding in this budget to enhance education or training of healthcare workers, specifically state funds.

SENATOR RIVERA: Through you, Madam President, that is not what I am saying.

I am saying specifically that we were -- that we restored state money that specifically relates to -- as a matter of fact, if you could tell me the exact program to be able to point --

SENATOR O'MARA: And the amount, please.

SENATOR RIVERA: Workforce recruitment and retention for 23.5 million, thank you. Able staff, as always. But that is state

money that we put back into the budget even though the Governor cut it at first.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Can you outline that program as far as how that -- what did you say, 22 million was going to be spent?

SENATOR RIVERA: I think it was twenty -- I will let you finish the question, sorry.

Through you, Madam President, I believe the amount is 22.5 million. And as far as how exactly it is allocated, if you'd give me a second, I may be able to.

Through you, Madam President, this is Medicaid money that flows through plans. And it is used by them to encourage recruitment and retention.

SENATOR O'MARA: Will the sponsor

continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Can you explain how, if that is Medicaid dollars, how is it you're attributing it all to state funds?

SENATOR RIVERA: Through you, Madam President. So it is 22.5 from the -- from state money, but that is matched by the federal government.

So but you asked about state -- well, through you, Madam President, Senator O'Mara asked about state money. And that is what the state money is for.

SENATOR O'MARA: Thank you for that clarification. Moving on to Part D --

ACTING PRESIDENT MAYER: Senator O'Mara, are you asking for the sponsor to yield?

SENATOR O'MARA: Yes, Madam President, will the sponsor yield.

ACTING PRESIDENT MAYER: Senator

Rivera, do you continue to yield?

SENATOR RIVERA: I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: In Part D, dealing with the capital rate to hospitals. That's, according to my reading, being reduced by 5 percent, for which hospitals will be reimbursed for capital expenses?

SENATOR RIVERA: Through you, Madam President, that is correct. Part D, in that part, the Legislature modifies the Executive proposal to accept the reduction of capital rate add-on for inpatient hospital expenses by an additional 5 percent, and we rejected the discontinuance of the state share indigent care pool payments to public hospitals.

I will, however, point out, Madam President, through you, that that is the only -- in our negotiations, that is the only thing that ultimately -- we did modify it a little bit, but it was very close to the Executive proposal. Much else in the budget, as I will point out later when I speak on the bill, we were able to

get reinstated. But in that case, although there was a small modification, we did accept the Executive language.

SENATOR O'MARA: Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: My notes indicate that that action that we just discussed will -- is intended to save the state $8.5 million in this coming up fiscal year?

SENATOR RIVERA: Through you, Madam President, if that is what the numbers -- the numbers that are claimed by the Executive, then yes, that is correct.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I will, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: In this budget, what if any Medicaid cuts are there to hospitals other than that 8.5 million we just discussed?

SENATOR RIVERA: Through Madam President, I will actually point out -- before I get to more specifics that the staff will help me with -- that most of the cuts that were actually proposed by the Governor in his Executive Budget were able to be pushed back.

There are quality pool funds that were -- that we were able to reestablish, cuts to public health programs around the state that we were able to reestablish.

So I would say that although we'll get you some exact numbers following this short soliloquy, the fact is that we were able to push back on most of the changes from the second floor.

One second, Madam President. (Pause.) Through you, Madam President, sometimes the -- the letters are quite small, so it takes a little bit of -- this is where my oldness comes in.

We are able to get back the 1 percent across-the-board cut that the Governor tried to establish in his proposal. We were able to also reestablish the Vital Access Provider Assistance {sic} Plan, the VAPAP program. This is -- we were able to get that back. We were also able to get back the discontinuation of the public indigent care pool. And these were some of the bigger ones. And again, the font is diminutive, so I'm sorry it took me a second to track it down.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I certainly will, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: That was not responsive to the question I asked, which is what Medicaid cuts are there in this budget to hospitals.

SENATOR RIVERA: One second,

Madam President. (Pause.)

Madam President, through you. Again, with the small print. We were -- one of them you already spoke about -- or I should say Senator O'Mara already spoke about, Madam President, on the reducing hospital capital rate add-on. That was something that we did accept.

And also there was a discontinuation of the value-based payment readiness funding, which is related to the DSRIP or Delivery System Reform Incentive Payment program. That is because it is a program that is no longer -- that has already expired, that funding was also discontinued, and we accepted that one.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Does this -- this

budget extends the Medicaid global cap. For how long?

SENATOR RIVERA: Through you, Madam President, I am very glad that you asked about that. I was going to speak about it a little bit later, but I guess I'll take the opportunity now.

There is a very robust conversation about the Medicaid global cap. There's many of us who believe it should no longer exist. But as I stated earlier, Madam President, one can -- you know, we have to accept that we don't get everything that we want.

What we did is we did extend the Medicaid global cap, but there is a requirement that we injected into the language, Madam President, that details quarterly updates to the Legislature on Medicaid utilization and spending.

Even though there are requirements that already exist, Madam President, it's unfortunate that sometimes the Department of Health does not give us these reports. We made certain that the language currently that we've injected into the budget will give us the ability

to have this information. Because as many of us believe that this is something that should be discontinued or, at the very least, recalculated, we will have the ability, with this quarterly information, to be able to make that assessment, and we hope to be able to do so.

SENATOR O'MARA: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Thank you, Senator.

The Executive Budget that was proposed had a transfer of over $455 million of Medicaid funds to the General Fund. Can you tell us how that ended up in your final version here?

SENATOR RIVERA: Through you, Madam President. Is it -- I need to print these a little bit bigger, so there is that. But I will tell you that ultimately what we were -- what we ultimately accepted was a transfer of

310, as opposed to the initial 455 which was proposed.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So this budget that will be enacted still transfers -- 310 million, is that what you said?

SENATOR RIVERA: Through you, Madam President, 310,430,000, to be exact.

SENATOR O'MARA: Okay. So that amount of Medicaid funding that could otherwise go to our healthcare system, to the providers, to the workers, that's just being transferred into the General Fund.

Is there any explanation as to -- or direction on how that $310 million is to be spent through the General Fund?

SENATOR RIVERA: Through you, Madam President, this is another -- what the

Senator is pointing out is another victim of negotiations. When one comes into the room and the second floor says, We're going to take 455, and we're like whoa, whoa, whoa, whoa, whoa, you're not, let's figure this out. And the conversations led us back to 310.

Now, I agree with you, I agree with Senator O'Mara -- through you, Madam President -- that certainly as much of this money needs to be kept in the Medicaid system and to serve patients, to serve providers, to serve different entities that are Medicaid-related -- to the workers as well -- unfortunately, this is what we ultimately wound up with.

But I do think it is not only a much better amount than 455, but also there is plenty of other positive things that I will be pointing out shortly as far as what we were able to achieve here.

SENATOR O'MARA: Through you, Madam President. I have a question on Part Z regarding mental health, so I'm not sure if that would be Senator Broke or --

SENATOR RIVERA: Brouk.

SENATOR O'MARA: Brouk, pardon me.

SENATOR GIANARIS: We'll go back to Senator Brouk.

ACTING PRESIDENT MAYER: Senator Brouk, do you yield?

SENATOR BROUK: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Thank you, Senator.

With regards to Part Z, it talks about creating a schedule of fees to cover the costs of certification of Office of Mental Health-regulated facilities. Could you explain what that schedule of fees is, what those fees are expected to be, and how much funding will be generated from that and what the use of those funds will be.

SENATOR BROUK: To answer that question, through you, Madam President, the range of fees would go from one to three thousand dollars. And from -- DOH has estimated $300,000.

SENATOR O'MARA: What will that be utilized for?

SENATOR BROUK: That is something,

through you, Madam President, that would be set by DOH.

SENATOR O'MARA: Excuse me?

SENATOR BROUK: That is something that would be set forth by OMH, to clarify my earlier comment.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Brouk, do you continue to yield?

SENATOR BROUK: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: My reading of it is that those funds to be generated from that will go directly to the General Fund and not into any specific fund. So that will be, I guess, spending at the discretion of the Executive and not the Legislature, even though we're authorizing these fees.

The Assembly, in their one-house, had language that would set up a specific fund for the use of those for mental health purposes. Why is -- why are we just having it out there as going into the General Fund with no direction of

the use of those funds?

SENATOR BROUK: Can you clarify the specific question?

ACTING PRESIDENT MAYER: Excuse me, Senator O'Mara. Can you speak into the mic? Thank you.

SENATOR O'MARA: Yes. With regards to the funds being raised by these fees in Part Z, the Assembly had in their one-house a specification, a directive of how those funds were to be utilized. There's no such language in this enacted budget.

So are these funds just going to be spent at the direction of the Executive without legislative input?

SENATOR BROUK: Through you, Madam President. That was dropped in negotiations, and that funding will be used per OMH.

SENATOR O'MARA: Thank you, Madam President. That's all the questions I have for the Senator.

I have some questions on the financial plan that is on our desks for I believe Chairwoman Krueger, if --

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: That is correct, Madam President. Senator Krueger will address that.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Well, what I'd like to do, if Senator O'Mara doesn't mind, is speak briefly on the bill and then shift to the financial plan. Because I think there are no more questions on this actual bill, is that correct?

SENATOR O'MARA: That's correct.

SENATOR KRUEGER: Do you mind, then, if I do that?

SENATOR O'MARA: No, that is fine.

ACTING PRESIDENT MAYER: Senator Krueger on the bill.

SENATOR KRUEGER: So briefly on the bill, Senator. Thank you.

So I listened carefully to the debate, and I want to thank so much all of my colleagues for raising issues and answering issues. But I was particularly concerned that

people who might be listening might come away thinking we cut funds for mental health services in New York State in our budget. And I want to emphasize how that is not true.

We did agree to some closings of underutilized residential sites. And of course that is not the only model for mental health services. In fact, less and less mental health services are provided in a residential setting, because it's actually not needed and not effective.

For some people it is, and we always have to make sure we have adequate. But we took that money and we reinvested it. So we're talking about 22 million in savings from closing some sites. But our reinvestment just in mental health was 21.6 million, so pretty much the exact amount.

Plus we did so much more for mental health services, and we just don't necessarily add it up that way. You know, so we did provide maternal depression expansion services. Critical issue, because when mom's depressed, pediatricians tell us it's the number-one factor for problems for that child for the first five

years of their life, if not their entire life. So really getting into the weeds on how you address maternal depression is a crucial mental health service.

We expanded telemedicine, which has an impact on all of us in healthcare, but particularly in underserved areas of the state where there aren't psychiatric specialists, there aren't children's psychiatrists. Expansion of telemedicine has been something the healthcare experts have been begging us for for years, and we're doing that also in this budget.

We're also focusing on changing insurance laws to make sure that there are true mental health parity standards. Because we've talked mental health parity for forever, but when you have insurance and it's not covering your mental healthcare services the way it's supposed to be, that's not parity, and you're not going to get that mental healthcare service. So that doesn't need to be a state budget item. We want to make sure the insurance we're paying for is covering mental health services as the law provides.

And then there were some questions

about violence and mental health. And of course a violent attack on anyone can be extremely disturbing. But I just want to, for the record, make clear mental health issues can affect all of us, any of us, at any point in our lives. But only 3 to 5 percent of people who suffer mental illness ever act out in a violent way.

So the last thing I would want is the floor of the New York State Senate to be sending out a message that we think everyone suffering mental illness is violent and needs to be collected up by the police before they act again, because all that will do is discourage people from going for mental health services. And that's just the opposite of what all 63 of us want. We want people to get the healthcare they need. We want to make sure that they don't get so ill that they might find themselves delusional enough to lash out in a violent way. Our goal is prevention, but that means we have to be very, very, very careful about stigma.

And then finally, only because it surprised me, when the answer to the question about how much we were investing in expansion of home care and education and workforce paths for

people in health and home care, my colleague Senator Gustavo Rivera talked about new federal money coming in. And the answer was: We're not spending state money?

If we're getting this much federal money, why would we want to ask New Yorkers to spend state taxpayer money? President Biden just four days ago, I believe, announced a jobs plan with a commitment of $400 billion, with a B, towards expansion of home healthcare and nursing services, both training, support for people to go into the field, expansion up a ladder in the field, and of course better pay.

And I'm told that the estimate for New York State is $1.9 billion out of the 400 billion. So do I want that money now? Yes. And we all do. But do I think New York State should also duplicate and put its own money in when you have finally, finally, so much money coming from the federal government for this specific purpose? No, I wouldn't know how to go home and explain to people why we were investing in the one thing we're finally getting a huge jump in from the federal government.

So Madam President, I have no

problem voting for this bill today, but I really felt, after listening to the discussion and the debate, that there were a few things that just might have gotten lost, which sometimes happen when people are focused on individual very specific questions.

Thank you, Madam President. And now I am delighted to answer questions about other topics.

SENATOR O'MARA: Excellent. Thank you, Senator Krueger.

Madam President, if Senator Krueger would yield for a question.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I do indeed.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Senator Krueger, I have on my desk a several-page document entitled "Preliminary Enacted Budget Financial Plan Overview." Do I take it by the description "preliminary" that this is not the final financial plan overview?

SENATOR KRUEGER: You know what, I

also got two versions today. The first one was preliminary, and the second one was supposed to be final. But I'm looking at the second one, and I'm pretty sure even though it does say "preliminary," that it is final. I'm happy to give you a copy of the second one I got, to make sure you're working off the same one. But I think we just have an error in not changing that to "final."

SENATOR O'MARA: Thank you for that clarification. If the Senator will continue to yield.

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: To this point in our budget process we have passed one budget bill, the debt service bill. We have four budget bills on our calendar right now, the first of which we're debating was the health and mental hygiene bill. Three others to go after this.

How many more budget bills are we expecting to come, and what is the status of those bills being finalized?

SENATOR KRUEGER: Five more to go.

Five are in print, three are almost ready to go. And we'll clearly need messages of necessity, and we are hoping to get out of here today, completing all of those.

SENATOR O'MARA: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So as we commence voting on these bills, we have yet to see three of those remaining bills to be even put in print yet for us to look at.

The two that were recently put in print, in addition to these four, frankly we have not seen yet because I think they went to print today. And we will need to certainly brief those and review those. That will take our conference some time to do. And then yet the three remaining ones that we don't know of.

But on the financial plan that we have before us, what is the overall spending being proposed in this year's budget?

SENATOR KRUEGER: State operating funds disbursement, 112 billion -- 112.220 billion.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So am I correct in reading that on the state operating funds it's an 8.1 percent increase over last year, for a total of 8 billion more, 8 billion more spending?

SENATOR KRUEGER: Approximately, yes, sir.

SENATOR O'MARA: And the overall -- through you, Madam President, if the Senator will continue to yield.

SENATOR KRUEGER: Yes, I will, Madam President.

ACTING PRESIDENT MAYER: The Senator continues to yield.

SENATOR O'MARA: I am reading on the financial plan, on the All Funds, that the

All Funds total budget this year that we're enacting is $217 billion, 623 million, which is a $23 billion increase in overall spending from year to year. Is that correct?

SENATOR KRUEGER: That's correct.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I will.

And just to clarify, as it's written in the bottom footnote, some of that is for the outyears but is being accounted for this year.

And I want to apologize to myself and Senator O'Mara, this is the smallest print in history. So I'm not even going to assume that we can read what we're seeing.

SENATOR O'MARA: Okay. On that point, then, how much of that $23 billion increase is not being spent in this fiscal year?

SENATOR KRUEGER: Approximately $5 billion is for the outyears.

SENATOR O'MARA: So through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So therefore, then, we have approximately an $18 billion increase in spending year over year in this budget.

SENATOR KRUEGER: That sounds right. Through you, Madam President.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR O'MARA: It says here the capital budget, and the capital budget is not -- is a portion of the budget that we have yet to see. I'm not sure if that's one of the ones in print recently or yet to come. But it says there's a 34 percent increase from year to year in capital spending.

Can you explain why we have such an increase in capital spending of 34 percent? And it says this includes off-budget capital. And what does that mean or include?

SENATOR KRUEGER: The 3 billion for the Green Mother Nature Bond Act would be the largest amount off-budget.

I don't know if we have -- just give me one more minute, Senator.

SENATOR O'MARA: Sure.

(Pause.)

SENATOR KRUEGER: Through you, Madam President, I'm going to ask the Senator which way he'd like me to approach this. He could wait and we can find that, because we didn't expect we were doing the labor bill right now, so we don't necessarily have the right materials with us. Or we can continue and then come back to capital either now or when we get to that bill. So really three choices.

SENATOR O'MARA: Let's move on and handle that when we get to the capital portion of the budget, if and when that gets printed and provided to us.

SENATOR KRUEGER: Absolutely.

Thank you, Mr. -- you're not Mr. Chair. Mr. Senator.

Through you, Madam President, if the questioner would like to continue with other questions.

SENATOR O'MARA: Yes, I would. Thank you.

ACTING PRESIDENT MAYER: Senator O'Mara, are you asking --

SENATOR O'MARA: Will Senator Krueger continue to yield.

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: Senator Krueger yields.

SENATOR O'MARA: Of the 23 billion increase in the budget from year to year, how much of that is federal funding being received through the American Rescue Plan?

SENATOR KRUEGER: Madam President, approximately 8 billion.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I do.

SENATOR O'MARA: So, Senator, if my math is correct, then, we have approximately a $15 billion increase in state spending included in this budget?

SENATOR KRUEGER: Through you, Madam President. So are we talking about the numbers where we already subtracted 5 billion and then we're working our way down? Or are we talking not subtracting the 5 billion that was for the outyears?

SENATOR O'MARA: Through you, Madam President, I'm not sure that makes a difference. But if we already subtracted 5 from the 23 billion to get us to 18 billion, how much of that 18 billion is federal money and how much is state money?

SENATOR KRUEGER: Through you --

SENATOR O'MARA: Let -- let me clarify the discussion here. There's more than one source of federal funds that have come in. So let me just clarify it rather than stating the American Rescue Plan, the CARES Act and everything else that brought federal money in.

Of this $18 billion increase from

year to year in this budget proposal, how much of that is coming from the federal government and how much of that is coming from the taxpayers of the State of New York?

SENATOR KRUEGER: Thank you.

There was 8 percent growth in the state spending or planned spending between last year and this year. And so that would bring us from last year -- one second.

So we went from the 103.8 to 112.2. So it's about 9 million in additional state funds, 8.5 billion.

SENATOR O'MARA: About 8.5 billion in increased state revenue from state taxes?

SENATOR KRUEGER: Well, state spending. Not necessarily state revenue, but --

SENATOR O'MARA: Okay. Then to make up that --

ACTING PRESIDENT MAYER: Senator O'Mara, are you asking if the sponsor will continue to yield?

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Of the increase in state revenues of that $8.5 billion, how much of that is related to new taxes being imposed?

SENATOR KRUEGER: A net 3.5 billion of additional tax revenue towards that.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: If it's a net $3.5 billion in new taxes -- well, can you explain how you get to that net? What are you subtracting off the total tax increases?

SENATOR KRUEGER: So the answer relates to where we are today versus what the Executive originally proposed. And there were a number of things that we did change. So we rejected his stopping the middle-class tax decrease. We created a circuit breaker. And we

also reduced taxes for small businesses.

So there was a combination of tax decreases and some tax increases. The two tax increases that are in the final budget that were not in the Governor's proposal originally was the PIT for high earners and an increased percentage on the corporate franchise tax.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: How much is being attributed in new revenues from the personal income tax increases?

SENATOR KRUEGER: For this fiscal year, 2.753 billion.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Does the Senator continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: How much in the next fiscal year?

SENATOR KRUEGER: 3.25 billion.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Are these increased personal income tax rates permanent, or do they sunset?

SENATOR KRUEGER: They sunset after 2027.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: If enacted, these tax increases, will these represent the largest tax increase in New York State history?

SENATOR KRUEGER: I feel like you've stumped us, Senator O'Mara. We're thinking maybe '08-'09 were greater tax increases, but we're not sure.

We think that the '08-'09 increases were larger. But I'm happy to have another Finance staff go get that answer, and as soon as I learn it I will share it with you.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Absolutely. Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: I don't need that exact statistic from year to year. But it's safe to say this is either the largest, in this budget this year, or the budget in '08-'09, which was when the Democratic majority held the house for

two years and had then either the first or second-largest increase in taxes in state history then, and again this year.

SENATOR KRUEGER: That probably is accurate. It would always be interesting to see whether in history, as a proportion of the total budget, what the tax played out as.

I was always taught that in this town Democrats, when they needed to spend, taxed to raise revenue, and Republicans borrowed to spend. I think of the two choices I would prefer the tax and spend rather than the grow the deficit and spend. That's just me.

And if I might, Madam President, just to clarify, this is a tax on people whose incomes start at a million dollars a year for a single person, $2 million a year for a couple, and then continue to go up when you hit the 5 million mark and then when you hit the 10 million mark.

So this is not a tax increase on the vast, vast majority of New Yorkers. It's a relatively small, approximately 50,000 taxpayers who were on the wealthiest end of the scale even during the pandemic and economic meltdown. So I

think it's an interesting question of what's biggest when, but it's also who are you taxing.

Through you, Madam President, I'm happy to turn it back to Senator O'Mara.

SENATOR O'MARA: If the Senator will continue to yield.

SENATOR KRUEGER: Yes.

SENATOR GIANARIS: Madam President, if I may --

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Thank you.

Just for maintaining order as we get through the day, we're happy to give Senator O'Mara some leeway to talk broadly about the spending plan, but many of the questions he's asking are very specific to bills that will be coming up later today, so I would ask that maybe those questions get held to the bill that they are more germane to.

ACTING PRESIDENT MAYER: Thank you, Senator Gianaris.

SENATOR O'MARA: Madam President, just on the bill for a moment, I guess.

ACTING PRESIDENT MAYER: Senator

O'Mara on the bill.

SENATOR O'MARA: We're being asked to vote on budget bills that have been in print for a couple of days, but there's five more bills to come that we have yet to see.

We have this financial plan outline that I guess presumes what is going to be in those other five budget bills. However, not knowing that, we don't know exactly what we're voting on piece by piece without everything having been in print.

If I may ask the Senator to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield with questions related to the bill before the house?

SENATOR KRUEGER: Sure.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: The question relates to the budget as a whole before the house.

In the remaining budget bills that we have yet to see, Senator Krueger, are there unresolved issues that are still waiting to be closed upon?

SENATOR KRUEGER: Through you, Madam President. I do not believe there are issues that have yet to be closed upon.

But there is a time frame of when something is printed -- excuse me, when something is signed off on, edited, and then printed.

So it is our understanding that all of the budget bills have been agreed upon three-way, are perhaps still in some level of process, but will be ready to go on the floor, probably with messages of necessity for the remaining bills. In fact, it would have to be with messages of necessity for the remaining bills. And that our goal is to complete our work before the end of business today.

SENATOR O'MARA: Thank you, Senator.

That's all I have at this point on this bill, so I will yield.

ACTING PRESIDENT MAYER: Thank you, Senator O'Mara.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

I want to thank Senator O'Mara, Senator Borrello, Senator Akshar for their questions on this piece of legislation. This is -- but I wanted to take some time, Madam President, if I can, to talk about how positive I feel about this piece of legislation and how I think that so much was achieved in the conversations that we had in the last couple of weeks.

Some of these were mentioned, and so I will just kind of go through them very quickly. The Medicaid global cap, which we have talked about plenty of times, is something that has outlived its usefulness, Madam President. We need to make sure that we reconsider it. And I

believe that we have made some changes that will give us the information -- give the Legislature the information and the public the information to be able to make better decisions about how exactly we manage Medicaid spending in this state. I think this has outlived its usefulness and should go away.

I will also mention, Madam President, that we were able to secure a delay in a transition to fee-for-service for a pharmacy benefit, which is a positive thing for safety net hospitals as well as federally qualified health centers and Ryan White providers all across the state.

But I will take the moment, Madam President, to recognize the real legitimate concerns that pharmacists have all over the state about this particular delay. And I can assure them, Madam President, here on the floor of the Senate, that we not only take their concerns very seriously but look forward to working with them after this budget is passed, as soon as humanly possible, to address their concerns.

There must be a way that we can actually have the system work so that we can

protect safety nets as well as our local pharmacies.

I will also mention that we were able to secure money to eliminate the monthly premiums for the Essential Plan, and also eliminating our cost-sharing for vision and dental care. That's an incredibly important achievement, Madam President, and we were able to achieve it as well as some cuts that the Governor had proposed and we were able to push back on, whether it's the general Public Health Works program, we talked about some of the quality pools that we were able to reestablish.

There's also the changes that we discussed at length about nursing homes and the fact that we know how important it is to make certain that every dollar -- particularly since this is Medicaid money, most of it is Medicaid money, so it is taxpayer dollars -- to make sure that that money goes to the care of people and that we dissuade bad actors from entering into this business so that they do not think of this as a business to make money. It is about taking care of people, and we are working to make sure that is the case.

I'll also recognize that there were some changes made to the issues about fiscal intermediaries. I'll particularly point out Governor -- not Governor, I'm sorry, but Senator Mannion, whose approach to this was the right one. And it was a concern that many of us shared, as related to the fiscal intermediaries, making sure that there is geographic representation as well as representation from MWBEs and racial and religious minorities.

We want to make sure that these fiscal intermediaries can serve the people in the CDPAP program in the best way possible, and some of the changes that we made in this budget will make sure that that is the case.

I'll also point out that there is language to establish a demonstration program for the operation of two facilities to provide care for medically fragile young adults. It is something that our leader has been specifically focused on, and I'm very thankful that she fought to make sure that this was in this piece of legislation.

Also we have a version, Madam President, of something known as the Fourth

Trimester Bill, which would make federal money accessible to the state to make sure that we can provide care for those folks to subsidize extended postpartum insurance coverage for individuals with incomes of 200 to 233 percent of the federal poverty line, for up to a year after the birth of their child, recognizing how important it is that folks who are in that situation can have medical care for themselves and their newborn child.

All of these were able to be achieved. And I want to make sure that I point out not only the amazing work of the staff who negotiated this, but above all the fact that our leader held strong on all of these issues and many more that we will discuss during the day.

So I thank her for the continued work that she did, the work of our staff to make sure that we have a budget we can all be proud of. And I'm certainly proud of this piece of legislation.

Madam President, I vote in the affirmative. Thank you.

ACTING PRESIDENT MAYER: Senator Rivera to be recorded in the affirmative.

Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Madam President.

I just want to take a moment to acknowledge how much we have accomplished, especially for mental hygiene and for the mental health of New Yorkers.

And I want to thank this Senate and I want to thank our leadership for truly leading the way as the State of New York in shifting how we think about mental health. This mental hygiene budget represents a shift to patient-centered, equitable, just and forward-thinking care for millions of New Yorkers who need it.

On top of things like the Crisis Stabilization Center, on top of adding funding to the OMH budget, and on top of adding funding to much-needed programs for mental health, we have also insisted that those who have been on the front lines, essential workers who have kept our family members and our communities safe, have stewarded them through substance abuse crises and mental health crises, that they are finally getting the wages that they deserve, livable

wages, with this 1 percent cost of living adjustment that has been withheld for over a decade.

We have restored 5 percent cuts, and we are investing in the mental health of New Yorkers. And what that tells me is what's important to this conference and to this leadership. And what's important is putting New Yorkers at the center of our decisions.

It's putting our money where our mouth is and making sure that we make investments to make sure that when we get out of this pandemic, not only will we all be vaccinated and physically healthy, but that we understand that there are silent struggles that New Yorkers are going through -- that we see them and that we hear them, and that we will invest and give them the resources that they need.

And I am proud, as chair of Mental Health, to join my colleagues in voting aye. Thank you.

ACTING PRESIDENT MAYER: Senator Brouk to be recorded in the affirmative.

Senator Mannion to explain his vote.

SENATOR MANNION: Thank you,

Madam President.

I want to highlight several provisions of the budget bills that have championed this good public policy that will improve the lives of countless New Yorkers.

The first is in regards to reforms to 340B pharmacy benefit program. This budget enacts a two-year delay to allow for community reinvestment and continued care for indigent New Yorkers. This important change will benefit safety net hospitals like SUNY Upstate in Syracuse that provide vital preventative care and treatment for those who cannot afford the cost of seeing a doctor or the medicines they need.

We are also putting forward a plan regarding fiscal intermediaries or CDPAPs. These are providers of personal care services. Many New Yorkers, including seniors, those in the IDD community, and others who are homebound, rely on CDPAPs for basic care. What was lacking in a selection of fiscal intermediaries was regional diversity.

Under the last bit of these services, there were no providers headquartered in Onondaga County. The consensus to keep this

program upstate will mean locals caring for locals, and New Yorkers who need these services will have them continued, uninterrupted, and with the staff they are comfortable and familiar with.

Additionally, there is ethnic diversity that was a point of emphasis in making this change. We are now assured that we will have people in a certain community being served in a diverse manner by individuals who lead organizations and also the individuals that serve those people in most need in their communities. There will be a diversity component that we believe the first round of cuts missed.

And finally, Madam President, a quick word on the cost-of-living increases for OPWDD, OMH, OASAS and the Office for the Aging providers. A cost of living adjustment is 10 years overdue, and that time has come to an end. No employee should go a decade without a raise, particularly our front-line healthcare heroes, and particularly those we entrust with the care of some of our most vulnerable.

They deserve this raise. Securing it was one of my top priorities. I would like to thank Senator Rivera, who chairs the Health

Committee. You will not find a stronger advocate to make sure that people have quality care. And I'd like to thank Leader Stewart-Cousins for entrusting me with a new position and a new committee as Disabilities chair.

We are given one life to lead, and no life goes without challenges. Those challenges might be caused by discrimination or by poverty, homelessness, chance. But sometimes it's caused by something we call a disability. The funding that has been restored to these programs will cause the potential for victories. Some people call them miracles. Those miracles come in the form of small advances, small gains, eye contact, being able to take few steps, being independent to be able to ride in your own vehicle or take public transportation.

We are closer to some of those miracles, and I'm proud to champion this cause. I proudly vote in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Mannion to be recorded in the affirmative.

Senator Reichlin-Melnick to explain hi vote.

SENATOR REICHLIN-MELNICK: Thank you, Madam President. And thank you to my colleagues for advancing this budget.

So there are a lot of good things in this bill. My colleague Senator Mannion just touched on some of them, particularly the cost-of-living raises for employees at OPWDD, the Office of Mental Health, OASAS and so many of our state workforce that desperately needs this.

But I want to talk about one thing in particular that I am happy to see in this bill, and that is a rejection of the Governor's misguided, inappropriate proposal to close the Rockland Children's Psychiatric Center. This facility in my district serves some of the neediest children in our area in the entire Hudson Valley. The Executive Budget proposal would have closed it, would have shipped these beds down to the Bronx and left families in the Hudson Valley with no option for their children except to send them to New York City or all the way upstate to Utica.

So we fought hard, and I am so happy to see this final budget reject that closure and to make sure that we keep the beds there in our

community so that when families need treatment for their kids, they have that option. That we keep the jobs in our community so that the hardworking employees at the Children's Psych Center from CSEA and PEF have the option to stay in the jobs they love doing and they do well.

So this is a big win. There are some things in this bill we may not like, but there are a lot of things to like, and this is one that is a great victory, I think, for the people of Rockland County and the entire Lower Hudson Valley. I vote yes.

ACTING PRESIDENT MAYER: Senator Reichlin-Melnick to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 647, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Felder, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT MAYER: The bill

is passed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President. Can we now move on to Calendar 648, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 648, Senate Print 2508C, Senate Budget Bill, an act to amend Chapter 393 of the Laws of 1994.

ACTING PRESIDENT MAYER: Senator O'Mara.

SENATOR O'MARA: Thank you, Madam President. Will the Senator yield.

SENATOR GIANARIS: Yes, Madam President, Senator Krueger will be answering questions on this bill.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Senator Krueger, I think you'll be pleased that I don't have a whole

lot of questions on this bill because it appears that more than half of it has been intentionally omitted.

And I guess the question I have for you, with all of the omissions in this, are any of those omissions that you're aware of being placed elsewhere in bills yet to come that we have not seen yet?

SENATOR KRUEGER: Excellent question. And the answer is yes.

One of the realities, when you write a budget with different bills but you put them in different orders of when you get them done, the bills that get done first have a lot of unknowns. So we printed TEDE knowing that it had lots of missing items, but they're all there somewhere in the bills coming afterwards.

SENATOR KRUEGER: Did you say they're all there somewhere?

SENATOR KRUEGER: Oh, no, since we rejected many of the Governor's proposals throughout the entire budget. So they're not all there. Thank you for the clarification.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: A couple of the specific omitted items. Under Part TT there was a Pandemic Recovery and Restart Program, which was tax relief for small businesses. Do you know where that stands and if that's going to show up somewhere else?

SENATOR KRUEGER: One moment.

It is in the revenue bill, Part PP, when we get to that.

SENATOR O'MARA: Thank you.

SENATOR KRUEGER: You're welcome.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: There was a section on -- I've just got it labeled here as

Part B, but transportation safety for workers, pedestrians and the public that has been omitted that would have created increased fines for violations of a variety of safety issues for those working on the roads as well as those walking along the roads.

Is that somewhere else or will that be handled outside of the budget?

SENATOR KRUEGER: That's intended to be handled outside the budget, and so it has been omitted.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: There was a variety of Thruway and MTA procurement reforms that were in the Executive Budget, Parts D and F. Are those excluded completely, or are they going to show up somewhere else?

SENATOR O'MARA: So I show that E was -- involved enhanced penalties for toll

violations, and that has been omitted. And I show that F has also been omitted, and that was relating to the MTA's procuring authority expansion.

SENATOR O'MARA: Is the Part F coming back somewhere else?

SENATOR KRUEGER: Oh, actually it was -- F was procuring authority expansion. No, I believe that was omitted. But there have been two extensions allowed for the current rules.

SENATOR O'MARA: Okay. If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Part T, under "Energy." The LIPA, Long Island Power Authority restructuring, which was a proposal to allow LIPA to restructure its debt without exceeding its current cap, but being able to restructure their debt and take advantage of more advantageous rates of today.

Has that been completely rejected,

or is that authority going to come elsewhere?

SENATOR KRUEGER: Through you, Madam President. It was omitted from the budget, but it's because we have specific language that we think is stronger and we intend to do it after the budget as a freestanding bill.

SENATOR O'MARA: Finally, I think -- if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Part U, which is the ReCharge NY benefit cap that allows the Power Authority to grant certain not-for-profits or small businesses access to low-cost electricity. The ReCharge NY program. The allocation per business, I believe, as I read it, has been increased from 100 megawatts per recipient to 150 megawatts per recipient. However, the total amount of the program remains capped at 910 megawatts, without an increase.

How is that going to affect the number of applicants that will be approved for

this program or excluded because of that increase?

SENATOR KRUEGER: Okay, so we did omit it from the budget because we want to handle it as a freestanding bill, and I believe there is said bill.

It's intended for small businesses and not-for-profits who suffered so much during the pandemic. So I don't know that there's any evidence that we would need to go beyond the current cap, but we can certainly look at that, since doing it outside the budget gives you and I and the rest of us in the Senate a time to do a thorough evaluation of what we think the needs are.

SENATOR O'MARA: If the sponsor will continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger -- the Senator yields.

SENATOR O'MARA: So then at this point we are not making any enhancements to the ReCharge NY program. Are we going to run up against an issue if we do this outside the budget, where the Governor typically says, well,

that impacts the budget, therefore we can't do it? As we see when we try to do a lot of things here not within the budget.

SENATOR KRUEGER: Through you, Madam President, we do hit against those problems when we try to do freestanding bills that are costs to the state budget, but this would be a cost to LIPA, not the state budget, so I don't think we should have to worry about that.

SENATOR O'MARA: Thank you.

That's all I have, Madam President.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 648, those Senators voting in the

negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we now move on to Calendar 646, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 646, Senate Print 2505C, Senate Budget Bill, an act to amend Chapter 887 of the Laws of 1983.

ACTING PRESIDENT MAYER: There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senate Budget Bill moves to discharge, from the Committee on Finance, Assembly Bill Number 3005C and substitute it for the identical Senate Bill 2505C, Third Reading Calendar 646.

ACTING PRESIDENT MAYER: The

substitution is so ordered.

The Secretary shall read.

THE SECRETARY: Assembly Number 3005C, Assembly Budget Bill, an act to amend Chapter 887 of the Laws of 1983.

ACTING PRESIDENT MAYER: Senator Jordan.

SENATOR JORDAN: Thank you, Madam President. I have two parts of this bill for which I have questions. I'd like to start with Part BBB, the Farmland Protection Working Group.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I'm just waiting for the right staff to join me, if that's okay. I wanted to make sure you knew.

SENATOR JORDAN: We can wait, thank you.

SENATOR KRUEGER: Thank you. Apparently we didn't know that was going to be your first section.

Madam President, isn't it beautiful in here when the light from the outside comes in through the windows? It's such a sunny day out

there. Of course, we're all here, but ...

(Discussion off the record.)

SENATOR KRUEGER: Okay, you can ask your question.

SENATOR JORDAN: Does the Senator yield for questions.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR JORDAN: Okay. Could you provide a brief description of the Farmland Protection Working Group?

SENATOR KRUEGER: Farmland protection within PPGG.

SENATOR JORDAN: Correct. Part BBB.

SENATOR KRUEGER: Are you referring to the amendment to the Renewable Energy Siting Act?

SENATOR JORDAN: Yes. There was a Farmland Protection Working Group, specifically --

SENATOR KRUEGER: Great, at least I

feel like I have the person who might be able to help me answer the questions here with me.

So it's a multi-agency task force intending to be of assistance for the siting of renewable energy without putting farmland at risk of not being able to continue to be farmland.

SENATOR JORDAN: Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR JORDAN: So a major question that I have is will the working group have any formal power to deny a siting project due to the amount of prime agricultural land it is utilizing?

SENATOR KRUEGER: So no, it is advisory. But the entity that's supposed to make the siting decisions has to factor in the opinion and the information provided to them by this working group.

SENATOR JORDAN: Okay. So will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR JORDAN: So if it's just an advisory committee, would I -- is there any requirement that the Office of Renewable Energy Siting consider the recommendations of the working group when determining the approval or denial of a new facility?

SENATOR KRUEGER: So the short answer is no.

But the longer answer is if you look at who are the representatives on this task force making the recommendations, it is the heads of other state agencies and local governments. So in the realm of task forces that I have seen existing in the State of New York, the ones where you have other state agency heads telling you as one group, Here are the concerns, here are the problems, are much more likely to be taken seriously than a task force that's made up of not other people from the same administration.

SENATOR JORDAN: Will the Senator

continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, ma'am.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR JORDAN: So this working group has nothing to say about a particular project that will be in the works, this is more of an overall study on what could be, on all of the projects?

SENATOR KRUEGER: Through you, Madam President. My understanding is that the task force will be to set up the standards that should be used by this office for determining sitings in the future.

So it will be a year time frame, they will make their expert recommendations, and then those recommendations should be used as the standards for how this office goes forward with any siting proposals. So it would not be do the work specific to any given proposal, it would be do the work, use these standards for evaluating any and all proposals that will might come forward after that.

SENATOR JORDAN: Thank you for answering my questions, Senator.

Madam President, on Part BBB of the bill.

So the answers to those questions made it very easy for me to say that the Farmland Protection Working Group, as established in this measure, would be positive if the working group actually had the authority to do anything substantive. Unfortunately, the measure doesn't have such authority and is simply a study by state agencies to, in quoting from the bill text, recommend strategies to encourage and facilitate input from municipalities in the siting process and to develop recommendations that include approaches to recognize the value of viable agricultural land and methods to minimize adverse impacts to any such land resulting from the siting of major renewable energy facilities.

So what this would actually constitute is merely a signal study, a like-we-care study. It begs the question is this provision simply window dressing so Majority members in rural districts can claim to be actually doing something on this important issue.

While it is good that the Majority is finally recognizing the serious, far-reaching, long-term farmland implications that their solar plans have created, the fact remains that this provision does nothing, nothing of substance to resolve those shortcomings and deficiencies.

This is but one reason that I'll be voting no on this bill. Thank you.

And now I'd like to ask questions on Part ZZ, the deer hunting pilot program.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR JORDAN: Okay. Can you explain the differences between the Executive youth hunting provisions and this program in the enacted budget?

SENATOR KRUEGER: Through you, Madam President. The first change was that the original draft included allowing 12- and 13-year-olds to hunt deer and bear. The bear have been saved; they are removed from the bill.

The second part of the bill that's

changed is that it now is an opt-in program in certain counties, so they can choose to opt in, except for New York City, Westchester, Suffolk and Nassau, which are not eligible for the program. And that there will be an evaluation after two years.

It also is an expansion of the crossbow season proposed by the Executive, which was rejected. So we're not expanding the season. We're not letting the very young people shoot at bear. You have to opt in, except for certain counties that don't have an opt-in option, which I believe was the same in the original language as well.

SENATOR JORDAN: Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR JORDAN: What was the theory behind allowing an opt-in for counties to participate instead of an opting-out option?

SENATOR KRUEGER: We're not sure

how in the three-way it became opt-in versus opt-out. But either way, the county has the choice, whether you consider it an opt-in or an opt-out.

SENATOR JORDAN: Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR JORDAN: The Executive proposal, which included broader reforms to crossbow hunting and allowing youth to hunt all big game, was being sold as trying to take advantage of increased interest in the outdoors and hunting that COVID has brought, for unfortunately the wrong reasons.

Is there any concern that not following through with the broader reforms and expansions, that some of this interest might subside?

SENATOR KRUEGER: Madam President, I sincerely know nothing about people's attraction to hunting at different ages. I know

as -- speaking for myself -- and I was not part of negotiating this section of the budget -- but I have always opposed making hunting this young, because of my concern for the children. That I'm very glad that bear got taken out, even though I'm not sure why. Because a 12-year-old versus a bear, the bear stands a better chance of winning the fight. And I don't think that's what we want for our children.

But as to whether removing bear from the rules of this pilot make hunting less attractive to young people this age, I -- I'm just not sure. If they like it more because they think it's dangerous, then that might limit their interest. But I don't want us to be having our children do dangerous things.

SENATOR JORDAN: Thank you, Senator Krueger, for your answers.

So on Part ZZ of this bill.

ACTING PRESIDENT MAYER: Senator Jordan on the bill.

SENATOR JORDAN: So Part ZZ would establish a Youth Deer Hunting Pilot Program. While on the surface that sounds positive, there are still so many unanswered questions. And

regrettably, this part reflects a general theme of missed opportunities for New York State to truly seize the moment and build upon recent expanded interest in hunting and outdoor activity due to COVID.

The questions I ask deserved definitive answers, not inconclusive speculation. Hunting is critically important -- it's an important part of our state's economy and a beloved outdoor heritage proudly passed down and enjoyed generation to generation. It's a rite of passage and a beloved way of life, especially in upstate.

As noted by the State Department of Environmental Conservation, hunting is among the most popular forms of wildlife recreation in New York State. Approximately 700,000 New Yorkers and over 50,000 nonresidents hunt right here in the Empire State.

Our state offers numerous opportunities to hunt a large variety of wildlife, including big game, small game, game birds and fur-bearers. Hunting, fishing and enjoying New York's great outdoors are major revenue drivers for our state and support its

conservation programs.

Back in September the DEC noted that in 2020 the sale of big game hunting and trapping licenses had hit an all-time record, and DEC Commissioner Seggos reported record-breaking sales for upcoming seasons. Sales for big game hunting and trapping licenses and deer management permits were triple the opening-day rate for 2019. Furthermore, according to the DEC, over $922,000 was reported on the first day of big game sales of 2020, compared to 347,000 in 2019.

Purchasing hunting or trapping licenses supports essential DEC conservation projects. An estimated 75 million has been generated to help conserve animals, enhance habitats, and provide opportunities for recreation.

So without question, hunting is a major revenue generator and makes a positive economic difference for our state and many of the very programs that are critical to wildlife.

That's why it's so disappointing that with the 2021-2022 State Budget -- now that's, what, five or six days late -- that the Majority is still unable to explain to my

satisfaction the differences between the youth hunting provisions originally proposed in the Governor's 2021-2022 Executive Budget proposal and those in the enacted State Budget if this measure passes.

Nor has the Majority articulated a justifiable rationale behind the creation of an opt-in mechanism for counties' participation, as opposed to an opt-out.

By failing to follow through with the broader hunting reforms outlined in the Executive Budget proposal, it appears that the Majority is missing a golden opportunity to help our state capitalize on increased interest in hunting and outdoor activities that have been necessitated by the Governor's COVID closures.

This shortsighted mindset will cost our state, fail to build upon growing interest in hunting, and ultimately deny our wildlife conservation programs of much-needed revenue.

So for all of these reasons, I'll be voting no on this bill. Thank you, Madam President and my colleagues.

ACTING PRESIDENT MAYER: Thank you, Senator Jordan.

Senator Akshar.

SENATOR AKSHAR: Madam President, thank you. If the sponsor would be so kind to yield to a few questions. I just want to focus my attention on two subject areas: First, the Executive Order 203, and then prison closures.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: One minute.

SENATOR AKSHAR: Of course.

SENATOR KRUEGER: And of course I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR KRUEGER: Of course, please allow my colleague to ask me questions.

SENATOR AKSHAR: Senator Krueger, thank you. Madam President, through you.

How many police departments across the state have not come into compliance to date with Executive Order 203?

SENATOR KRUEGER: Four hundred forty-eight out of a total of 497 are in compliance.

SENATOR AKSHAR: Madam President,

through you, if the sponsor would continue to yield.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: Senator Krueger yields.

SENATOR AKSHAR: Senator, who is determining whether the law enforcement agency or the local government has complied with the process that has been put forth in EO 203?

SENATOR KRUEGER: The police departments self-certify, and we're believing them.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Senator, what happens if a local government adopts a local law or a resolution in accordance with the executive order which the Director of the Budget does not believe is sufficient? What would happen?

SENATOR KRUEGER: Under the current rules that are not changing, DOB has no role in this process. If the local police agency self-certifies, we are accepting. We are not at a stage where we are challenging anyone's self-certification.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Do you ever anticipate getting to a place where you're not comfortable that the police department has done what it's supposed to do?

SENATOR KRUEGER: There's been no discussion of changing this. I suppose at some point in time if Senator Akshar was to bring to all of our attention that he believed that people were incorrectly certifying, there would be an argument for the Legislature and the Governor to reevaluate. But at this time we are not aware of

any such discussions.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Just for the record, Senator, believe me, I was not suggesting that anybody was doing that. I was just asking a question based on something that you had said.

The question -- just for my own clarification, you said that the Budget Director has no role in any of this. After a local law or a resolution is passed by a county legislature, a city council, what happens to that resolution or that local law?

SENATOR KRUEGER: When the local government submits the document saying that they have met their obligations, DOB checks the box that they got that information from the locality and DOB has no authority to move any further than confirm that they got the document.

SENATOR AKSHAR: Okay. Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do. I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: I'm just -- I'll read in part. The bill states a monitor can be appointed and up to 50 percent of any appropriated state or federal funds can be withheld until the Director of the Division of Budget is in receipt of the -- the requirements of the executive order.

So again, just so I'm clear, the Division of Budget has nothing to do in terms of certifying. If the Department of Budget -- or, excuse me, the Division of Budget was not able to check that box, then in fact the government would withhold -- this state government would withhold up to 50 percent of appropriated state or federal funds.

SENATOR KRUEGER: Through you, Madam President. If the community has not

submitted confirming what they have done, then the state can withhold money. But the state can't question what they have done or whether it's adequate. So it's really just the question of did you self-certify.

So if you don't self-certify, yes, then you can actually lose the money. But you can't lose money for self-certifying and having somebody come along and say it doesn't meet the standard we expect of you.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: If a monitor was appointed to oversee that police agency, where would the costs be borne?

SENATOR KRUEGER: They would be picked up by the local government.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to

yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Senator Krueger, thank you.

Any idea how much a monitor would cost that local government?

SENATOR KRUEGER: No, because it depends on how long a monitor was hired for. It could be a day to get them to do the form. It could be months. That would really be up to the local government and the police force, working together.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Based on your

number, Senator, there are 49 police agencies statewide that have not met the requirement. When should we expect to see a monitor put in place for those 49 police agencies?

SENATOR KRUEGER: Step one, the budget needs to be enacted. Step two, the DOB needs to tell those localities that they are in fact not in compliance. Step three would be some time period for them to find monitors. I'm not sure what the qualifications or the availability of said monitors are.

So it sounds like you could get the activity rolling pretty quickly, but I don't have a sense about whether you would have to do groups of communities because there aren't 49 monitors, for example, or whether this is something that is simpler than that. We just don't know yet.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR AKSHAR: Senator, I know that you're working incredibly diligently on step one and it's your desire to get this budget passed as quickly as possible.

Madam President, through you, are you aware that Richard Rivera, a cop killer, was a member of a police advisory group, this commission to reimage, reform the police department in the City of Ithaca? Number one.

And do you believe that the fact that he was a cop killer should have disqualified him from sitting on that commission?

SENATOR KRUEGER: So I know -- I believe I know that much information from the press. But I don't know what they were defining as the qualifications for the commission. I don't know anything about the incident of how he found himself killing a police officer. So I guess I would need to do more research for you before I told you that I had an opinion.

SENATOR AKSHAR: Thank you.

Madam President, if the sponsor would continue to yield. And I would move to prison closures in terms of my line of questioning moving forward.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

The Senator yields.

SENATOR AKSHAR: Madam President, I believe she said yes.

SENATOR KRUEGER: Yes, I'm sorry, I did.

SENATOR AKSHAR: That's okay.

Senator, the Senate's one-house had an 180-day notice requirement. And the Assembly one-house did not include an extension of that provision, so it would have gone back to a one-year notice. How did we end up back at 90 days? I don't want to be presumptuous, but it appears by all accounts that both houses kind of acquiesced to the Governor on this issue.

SENATOR KRUEGER: So to be quite blunt, the Governor needed his $30 million in savings, so we ended up at the 90-day closure so that we could book the savings in this year's budget.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: It's one of those situations where somebody had to buy back or trade for the 30 million, is that fair to say? Or to make the financial plan work, you had to show a $30 million savings?

SENATOR KRUEGER: Well, I guess you could describe every negotiation within a budget on every line as being are we going to get the money we need here, are we going to have to take it from somewhere else, are we going to have to increase revenue again.

So I suppose that would be a way to put it if you're going to describe it as every budget negotiation on every line. Um --

SENATOR AKSHAR: I'm sorry.

SENATOR KRUEGER: No, that's okay.

SENATOR AKSHAR: Thank you. Would the sponsor be so kind to answer a few more questions.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger yields.

SENATOR AKSHAR: Madam President, through you. How many prisons have we closed over the last couple of years?

SENATOR KRUEGER: I am told it is four.

SENATOR AKSHAR: Madam President, would the sponsor continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: In terms of those negotiations specific to this line of questioning, did the Governor tell you how many prisons he plans on closing throughout this next fiscal year?

SENATOR KRUEGER: He has not shared any additional information with us.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: No information outside of we need to save 30 million? And does that 30 million equate to one prison, two prisons, four prisons?

SENATOR KRUEGER: There's been a bed number of -- a reduction of 1500 beds statewide in the system.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: Senator Krueger yields.

SENATOR AKSHAR: I recall the DOCCS commissioner during the Public Protection Budget Hearing talked about 1800 beds being closed over the next two fiscal years.

So does that get us to that $30 million number?

SENATOR KRUEGER: We think it does.

SENATOR AKSHAR: Thank you.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Senator, during your negotiations in reference to prison closures, was there any conversations about layoffs to current staff as a result of either future prison closures or the reduction of 1500 or 1800 beds?

SENATOR KRUEGER: No, there was no discussion of needing to lay off staff. And no staff was laid off for the four prison closures that have already taken place.

SENATOR AKSHAR: One moment.

Madam President, through you, if the sponsor would continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger yields.

SENATOR AKSHAR: I know that we're not in the Aid to Localities bill, so I'm aware of that. But under this proposal, is there any community aid as a result to any of these closures?

SENATOR KRUEGER: We do not think

so.

SENATOR AKSHAR: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Was there any conversations with DOCCS, the Governor, about -- when speaking about prison closures, about having to move other prisoners into existing buildings not being closed and dealing with the pandemic? Was there any concern by either the acting commissioner, members of NYSCOPBA, you know, dealing with COVID-19 and how it affects people within the confines of a prison system?

SENATOR KRUEGER: I'm going to take a leap that probably within the prison system there have been all kinds of conversations about how to protect prisoners and corrections officers and others in the prisons from least exposure to COVID, decreased chances of getting COVID, testing, and now vaccinating. Whether any of

that was correlated to movement because of changes in prisoner assignments because of closing prisons, I don't know.

I'm not sure the question would be that different whether it was a general what do we do to protect from COVID versus removing people, what do we do to protect from COVID.

We have been told and assured by DOCCS that there is adequate space in the prison system because of the reduced number of prisoners, so that there is no reason to believe that reducing the number of prisons in New York State translates to having inadequate space and facilities for the remaining number of prisoners in our system.

SENATOR AKSHAR: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: I may have asked it already; I just want to take another shot at

it. In terms of the 1500 or 1800 beds, does that equate to one prison, two prisons? I mean, is there any discussions internally about that?

SENATOR KRUEGER: No one has shared that information with us. It's a perfectly reasonable question. But the Governor and his people have not chosen to say, Here is our plan for where we're closing these beds and how many, where.

SENATOR AKSHAR: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR AKSHAR: Just back on the COVID-19 issue for just a moment. Outside of the prisoner population, is there any concern that if you were to, you know, following history, close another two prisons, all of the employees associated with those establishments then moving into new communities, has there been some thought given to that, about, you know, uprooting

families and making them move to new communities to continue their employ within the Department of Corrections and Community Supervision?

SENATOR KRUEGER: It's my understanding that the prison system is committing to moving people within the same hub, but I don't really know what a hub is, I've just learned that.

I do know that when you look at the statistics, even today, throughout the State of New York in what I would call the third explosion of new COVID cases, that there are no safer or less safe communities statistically. One just has to be extremely careful about how one is keeping safe distance, wearing masks, avoiding group scenes, making sure -- now today, I believe, we have officially made it that anyone of any age can get a vaccination in New York. Still, the challenge of do we have enough vaccines, and where, and will people accept the vaccines. So we have a lot of work to do.

So these are real issues that you raise. I just don't know that they are specific or unique to people who live or work in or near different prisons.

SENATOR AKSHAR: Madam President, on the bill for just a moment.

ACTING PRESIDENT MAYER: Senator Akshar on the bill.

SENATOR AKSHAR: Just in regards to the hunting portion, I'm sure Senator Lanza would happily invite you to his property in the Hudson Valley, or I would be happy to invite you to the Southern Tier to experience a big game hunt at some point moving forward.

Madam President, I thank Senator Krueger, of course, for answering our questions and would yield back my time. Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator O'Mara.

SENATOR O'MARA: Yes, thank you, Madam President. Just a few questions, if the Senator would yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I'm ready.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Senator Krueger, just a couple of questions on the prison closure

side of it.

We're estimating -- the Governor is estimating $30 million in savings, but you indicated no layoffs are anticipated. How do we reach that $30 million in savings?

SENATOR KRUEGER: Reduction in overtime, facility maintenance, having to just have prisons open versus not open.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: And again, you have no indication of how many or what type of prisons are anticipated to be closed or which ones the Governor is looking at?

SENATOR KRUEGER: He's not sharing with us. You're welcome to ask him. Maybe you'll get more information.

SENATOR O'MARA: If the sponsor will continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger continues to yield.

SENATOR O'MARA: I wouldn't expect any information from this Governor, frankly, to us or to anybody, for that matter, since we haven't had any in over a year, while he's had his emergency powers to do whatever he pleases.

But on the prisons. Is there any language that we've been able to acquire in this prison closure plan with regards to double-bunking of inmates? That has been a major issue over the years that I understand is getting a little better. But the double-bunking was causing a lot of security and safety issues within the prisons because of just the nature of the double-bunking and more incidents between inmates.

Have we taken any steps here to assure that double-bunking will not be utilized going forward, since we're reducing the number of prisons?

SENATOR KRUEGER: So the good news is we are advised that they are not using double-bunking and that they fully expect they have the capacity, even with prison closures, to

avoid having double-bunking with the prison closures.

So there may have been a problem at some time; I'm not saying there wasn't. But apparently, thanks to changes in our criminal justice system, fewer people are in our prisons, so there's just not the same capacity issues that people might have seen in previous dates in history. And so there's not double-bunking.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: I don't see anything in this budget, and I wonder if there's discussions going on with regards to the Raise the Age issues and the segregation of younger inmates into separate facilities, whether there's any effort to repurpose some of these facilities for that.

Because I understand from my communities it's becoming a real problem to find

locations to send these 16- and 17-year-olds when incarceration is ordered.

SENATOR KRUEGER: So it was explained to me we took some DOCCS facilities, transferred them to OCFS, where they became facilities for young people through the Raise the Age program. So there isn't a problem finding locations for the young people.

Very often they're in exactly the same facilities, but OCFS is now running and -- they may be in different facilities. Sorry, strike that sentence. They may be in different facilities, but OCFS is now running the facilities and the programming under Raise the Age, and we're not aware of a shortage of space to send these young people to.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Do you have an estimate of the occupancy or the number of beds

available in the youth detention facilities?

SENATOR KRUEGER: No, we don't today. We'll ask for you. It's a good question.

SENATOR O'MARA: Thank you.

Through you, Madam President, changing topics here, if the Senator will continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator continues to yield.

SENATOR O'MARA: There was a Part TT in the budget regarding amnesty on having individuals removed from your healthcare plan if you had a -- I assume that's dealing with having an older dependent that ages off of your insurance but you don't remove them, that it would have allowed an amnesty period to make that correction.

How come that has been left out?

SENATOR KRUEGER: So I apologize. When I look at PPGG, Part TT rejects the proposal to allow the president of the Civil Service Commission to establish 60-day amnesty to identify dependents who are ineligible for health benefits. So since it rejects it, there will not

be a 60-day amnesty. That's your question.

SENATOR O'MARA: Well, my question is why has it been rejected.

SENATOR KRUEGER: We're looking for that answer.

I'm advised that we rejected it because there's an audit that's going to take place with the same outcome either way, and that our colleagues across the building were strongly opposed to it.

SENATOR O'MARA: Again, through you, Madam President, changing topics to the retirement incentive issue, if the Senator would yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will.

Perfect. We knew that was going to be your next question, because the right staff magically appeared.

SENATOR O'MARA: Good timing.

SENATOR KRUEGER: Yes, indeed.

SENATOR O'MARA: Senator, this -- there was an early retirement incentive proposed in each of the one-house budgets from the

Assembly and the Senate.

However, according to my read, there is no retirement incentive in this budget, at least in this portion of the budget. Is it going to appear later on in another budget bill?

SENATOR KRUEGER: Yes, it will, in another budget bill.

SENATOR O'MARA: Okay, then I will save questions on that until then.

And I think that, Madam President, wraps up my questions on this bill. Thank you very much.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT MAYER: Thank you.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: In relation to Calendar 646, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Thank you, Madam President.

At this time our colleagues in the Minority I believe are going to have a short conference, and what we're going to do is call a meeting of the Finance Committee in Room 332 for 4:00 p.m.

And please call on Senator Lanza for an announcement.

ACTING PRESIDENT MAYER: Senator Lanza.

SENATOR LANZA: Thank you, Senator

Gianaris.

Madam President, there will be an immediate meeting of the Republican Conference in Room 315 of the Capitol.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Minority Conference in Room 315 of the Capitol and a Finance Committee meeting at 4:00 p.m. in Room 332 of the Capitol.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:30 p.m.)

(Whereupon, the Senate reconvened at 5:17 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Okay, Madam President. So a small change of plans from what we announced earlier.

We're going to now have an immediate meeting of the Rules Committee in Room 332,

followed immediately by the Finance Committee thereafter, also in Room 332.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Rules Committee, followed by the Finance Committee. Both are in Room 332.

SENATOR GIANARIS: After which the two bills that those committees will be producing will be taken up on the floor.

The Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:18 p.m.)

(Whereupon, the Senate reconvened at 5:31 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Krueger,

from the Committee on Finance, reports the following bill:

Senate Print 2504D, Senate Budget Bill, an act making appropriations for the support of government: CAPITAL PROJECTS BUDGET.

SENATOR GIANARIS: Move to accept the report of the Finance Committee.

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Finance Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: I now believe there's a report of the Rules Committee at the desk. Please take that up.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bill:

Senate Print 6081, by the Senate Committee on Rules, an act making appropriations for the support of government.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Rules Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let's take up the supplemental calendar, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 649, Senate Print 2504D, Senate Budget Bill, an act making appropriations for the support of government.

SENATOR LANZA: Lay it aside.

SENATOR GIANARIS: Before we lay it aside, Madam President, is there a message of necessity at the desk?

ACTING PRESIDENT MAYER: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT MAYER: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The message is accepted and the bill is before the house.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 651, Senate Print 6081, Senate Committee on Rules, an act making appropriations for the support of government.

SENATOR GIANARIS: Is there a message of necessity at the desk?

ACTING PRESIDENT MAYER: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT MAYER: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The message is accepted, and the bill is before the house.

Read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill

is passed.

Senator Gianaris, that completes the reading of today's supplemental calendar.

SENATOR GIANARIS: Move to the controversial calendar, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 649, Senate Print 2504D, Senate Budget Bill, an act making appropriations for the support of government.

ACTING PRESIDENT MAYER: Senator O'Mara.

SENATOR O'MARA: Yes, Madam President, thank you. If Senator Krueger would yield for some questions on this budget bill.

ACTING PRESIDENT MAYER: Senator Krueger, will you yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT MAYER: The Senator will yield.

SENATOR O'MARA: Senator, the financial plan that we discussed a little bit at

the beginning of today indicates that the capital budget -- which I'm assuming is this bill before us now -- is increasing by 34.5 percent. Can you tell me how come we're having that large of an increase in spending?

SENATOR KRUEGER: We haven't had that much capital spending in quite a few years, and the demands have grown. So I think when you look at each area that we're putting capital money into, that hopefully you will agree that these are important things for us to spend on.

In an economic downturn, stimulus funding is argued to be one of the best ways to get your economy going and create jobs. So dealing with infrastructure needs through capital spending is not only a way to help make sure the state comes out of its assorted crises of the moment, it also helps us invest in jobs to do this work.

And the interest rates are extremely low, so it's actually not costing us that much. So it's sort of a win/win. You can borrow money at reasonable rates, you can then put that money into infrastructure capital needs that the state has long had and been begging -- well, various

people have been begging for us to put into the capital plan. And as a result, you hopefully move our state out of economic bad times into a modern economy with more of the work done for us.

I think it's an excellent idea.

SENATOR O'MARA: Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR KRUEGER: I will.

SENATOR O'MARA: Senator Krueger, I'm showing also on the financial plan that the capital spending in our current year's budget was $13.949 billion, and this year it's increased by roughly $5 billion to $18.760 billion. Is that a fair statement?

SENATOR KRUEGER: Close enough.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Senator, in

regards to the transportation capital budget here, is there a five-year capital plan for DOT and the MTA in this capital budget?

SENATOR KRUEGER: Through you, Madam President. It is my understanding that we have a one-year plan for the transportation money, but at the time that the federal money for transportation and infrastructure comes through, we will then be developing a five-year plan.

SENATOR O'MARA: Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: When do you anticipate being able to put together that five-year plan?

SENATOR KRUEGER: It sort of depends on when the federal government passes their bill. We're hoping for a quick turnaround. The Biden administration is pretty committed to all of this, and they've been able to deliver the other things they told us they would be able to.

So I'm hoping, you know, within a matter of months we have the federal bill passed. And then I would think New York State wants to move as quickly as possible to not just develop a plan, but get the money out the door and start doing the work.

SENATOR O'MARA: Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR O'MARA: How much federal dollars -- how many federal dollars are incorporated into this capital projects budget?

SENATOR KRUEGER: We think approximately half of the 17.6 billion in Executive-level capital is federal and half is state. So let's just say 9 billion federal, 9 billion state.

But then there's another 4 billion of added capital, and that's not federal at all.

SENATOR O'MARA: Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Of that extra $4 billion that is state dollars, where is that being directed?

SENATOR KRUEGER: So 3 billion of it is going through the bond act, the Green Bond Act. I think it's the Mother Nature Green Bond Act. So that will all be targeted to environmentally relatable projects, sustainability projects. And that's the vast majority.

And then we have $450 million for public housing and affordable housing. We have $91 million in capital for social welfare, public protection, general government, other. We have $270 million for higher education and education and 350 million additional for transportation.

SENATOR O'MARA: Thank you, Senator.

Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator

Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Since you say we only have a one-year capital plan with regards to the DOT and the MTA, can you describe for me what those levels of spending are, the DOT compared to the MTA?

SENATOR KRUEGER: So DOT spending again is about the 7.6 billion, and that's state money. The MTA is a separate authority, off-budget, so we don't define that as being state spending within the budget. But it is also true we are making a contribution to the MTA of $7.3 billion.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator continues to yield.

SENATOR O'MARA: Can you describe for me the amount of federal dollars that the

state receives for DOT and for the MTA?

SENATOR KRUEGER: So we receive a $2.526 billion appropriation from the feds to our capital projects in transportation. Again, it's not MTA money, but we know that the federal government, separate from going through us or our budget, has approved 8 billion of supplemental capital for the MTA through two different federal bills.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Is that 8 billion for the MTA, is that part of a federal COVID relief package bill, or is that just regular ordinary ongoing assistance to the MTA?

SENATOR KRUEGER: No, I believe it was two different $4 billion awards through two different COVID stimulus funding categories of the federal government.

SENATOR O'MARA: Thank you.

On the bill for a moment, please; then I'll have a couple more questions.

ACTING PRESIDENT MAYER: Senator O'Mara on the bill.

SENATOR O'MARA: You know, I am concerned that we're not having a five-year capital plan right now for either the DOT or the MTA. But parity is extremely important in that funding, as the state -- from 2016 to 2020, the DOT and MTA capital plans had parity, with DOT statewide receiving 29.3 billion and the MTA receiving 30 billion. Very close.

At the end of 2019 the MTA approved a new five-year capital plan which committed $51.5 billion, an increase of almost 70 percent. The fiscal year '21 enacted budget contained only a two-year capital plan for DOT worth only $11.9 billion, so about $6 billion a year. At this five-year rate, under that 2021 funding, the DOT plan would be 29.8 billion, or 73 percent less than the MTA capital plan.

If the sponsor would yield for a question.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Do you anticipate that disparity in the parity that I just highlighted of 73 percent is going to continue going forward or whether we're going to get back to more in line of spending similarly on DOT projects as well as the MTA?

SENATOR KRUEGER: Through you, Madam President, I sincerely don't know.

It seems to me the right question for the State of New York is what funding do we need to address our infrastructure costs. And there's not an obvious reason to believe that it would be a 50-50 break out between the MTA, one mass transit system, and everything else. Conceivably there would be lesser costs in some over time, there could be higher costs in others over time.

Certainly when it comes to the MTA, we know we have faced -- oh, my goodness, we were still working on the rebuild from Superstorm Sandy and all of the commitments that we needed to make them whole from that. I don't think

we've even finished yet, and then we just keep getting hit by other things.

So I don't know that I would argue that any plan for the State of New York for any topic should automatically be once upon a time we did something one way, so we should always do it that way. I think it would more be the evidence of what is needed.

And again, of course, now with the different federal streams of money, as I pointed out on an earlier bill, if we know we're getting a certain amount of money from the federal government for something, we would not want to be duplicative or use our state money for something that we thought we could cover by the federal money. And that's not a year-by-year thing, that really depends on where we are and where Washington is.

So I think you have to -- I like the idea of five-year planning for capital, by the way. I think that's an excellent idea. But as to what amounts are correct and needed, I certainly don't think one should argue, you know, because we did something in X year we have to do the same thing in Y year.

SENATOR O'MARA: Thank you, Senator.

If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR O'MARA: Senator, you stated that it's important to know what the overall need is of each of these separate categories. So do you have an idea of what the need at the MTA level is for capital needs?

SENATOR KRUEGER: So there has been a multiyear capital plan proposed by the MTA. I don't know what year we're in, and I don't know how much it was. (Pause.)

The 2024 capital plan for the MTA was $51.4 billion. I believe that was pre-COVID. So no doubt they have had changed needs since that plan was approved.

SENATOR O'MARA: Thank you.

And will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Do you have an idea or a ballpark on what the statewide needs are with the DOT?

SENATOR KRUEGER: So apparently the state just last week got its information back from all areas of the state as to what the conditions were and what the projected needs are.

So that is being put together now and hopefully will be ready so that when we are trying to get federal money for roads and capital infrastructure from the federal government, we will have current data, current proposals, and can move more quickly on the multiyear plan that I think Senator O'Mara and I both agree would be important to have for statewide transportation. But I don't have a dollar number now.

SENATOR O'MARA: Thank you.

Will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: There has been some very nice increases to areas of local roads and bridges that I've been an advocate for for a long time, and increasing the CHIPS funding by $100 million and increasing the Extreme Winter Recovery funds by I believe $35 million. So a very nice increase there. There is a $50 million NY Works allotment that we've been led to believe is for the Pave-NY program. Can you answer that?

SENATOR KRUEGER: I am told that you are correct, that that money is for the NY Pave program.

SENATOR O'MARA: Thank you.

Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: The state and municipal grants program -- SAM, as we refer to it -- is being refunded again this year at I

believe $385 million, is that correct?

SENATOR KRUEGER: Yes.

SENATOR O'MARA: Will the sponsor continue to yield.

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: How is that $385 million to be distributed?

SENATOR KRUEGER: So my understanding is it is a pot of money that is discretionary three-way. I guess that means the Senate gets a third, the Assembly gets a third, and the Governor gets a third. Yes.

SENATOR O'MARA: Will the sponsor yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: How much of that third to each house of the Legislature will be available to members of the minority conferences in the Senate and the Assembly?

SENATOR KRUEGER: I don't know the answer. I think it's above my pay grade.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: At the time -- about three years ago now, I guess, when the minority and majority sides flipped here, there was a SAM program in effect. And there were a number of projects that were in the works, various stages of in the works, that had been promised to municipalities, and they continue to be unfulfilled.

And we continue to get asked when is that money going to be available for projects that in some instances municipalities may have already spent the money on, assuming the money was coming. And we have basically reneged on that promise of those projects.

Is there any commitment of the Majority to move those stalled projects forward

to provide what is really important relief to many municipalities that are now, you know, hanging by a thread with those resources not coming through?

SENATOR KRUEGER: Through you, Madam President. Apparently because of COVID, the whole program was put on pause, so no one's getting the money, Majority or Minority members. And that is very frustrating to anyone who was hoping they were seeing funds in a certain fiscal year.

So I think we can hope that as we move out of COVID, as we see new monies coming through from the federal government, that there will be a change of position by the Executive to release the earlier SAM dollars as well as the SAM dollars in this budget. But as of today, I have personally no commitment from the Governor's office that they will be letting go of the old SAM money yet. Or the new SAM money.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Do you know whether the third of the SAM money that had previously been the Governor's share, whether those projects were stalled as well or whether they've continued to flow?

SENATOR KRUEGER: One moment.

So I'm being -- it's being pointed out to me that Division of Budget issued something called the B1223 guidance Budget Bulletin where it stopped all SAM funds from being spent. So yes, the Governor's money also was halted.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Will there be a commitment from this Majority of this house that projects through the SAM program that were put on hold, projects that were accounted for before the

last election when the majority/minority shift took place, whether there will be a commitment from the current Majority to make good on the promises that were made three years or more ago, many of which were stalled long before COVID came into the picture?

SENATOR KRUEGER: So part of my answer is it is above my pay grade.

And the other part of my answer is we didn't take the funds away when the house changed hands, and I don't expect that we would do it now. We just simply haven't gotten a release of the money during this time period.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Well, my experience, Senator Krueger, in living this ordeal, that long before COVID these projects were held up by the Majority here -- and maybe as well by the Division of Budget, but in concert

with this Majority -- long before COVID. Yet you, as you stand here today, can't give us any assurance whether these prior commitments are going to be honored as we look to spend another $385 million on this program this year.

SENATOR KRUEGER: Through you, Madam President. I am more than happy to follow through for the Senator if he has a master list of what he wants to make sure he has commitments on. I am happy to here on the floor of the Senate say that I will go to our leader and discuss it with her and get him an answer. That is the best I can do at this time.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Thank you, Senator Krueger.

You are one of the few individuals at the upper levels of state government that still has credibility left with me. I thank you

for that. And I will appreciate your efforts going forward.

I will state that, you know, the SAM grants have typically only gone to majority members, and that was the case when we were in the majority. And that's been the case the last couple of years we've had it that you've been in the majority. And it pretty much works that way in the Assembly too, although there is some smaller amounts there that go to the minority.

It just seems to me fundamentally and patently unfair. It was unfair when we did it. I argued against it in our conference then, certainly knowing that someday this day would come and there was no fairness about it. We all represent roughly the same amount of people and deserve to share in -- those kind of projects in our districts are just as important as they are in yours.

So I would appreciate your willingness to at least look into the projects that are upheld. So thank you for that.

Moving on to higher education, is there a five-year capital plan for SUNY and CUNY?

SENATOR KRUEGER: Changing staff.

No, there is no five-year capital plan for CUNY or SUNY.

SENATOR O'MARA: So will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So we're just on a year-to-year basis, then, with capital for SUNY and CUNY?

SENATOR KRUEGER: Unfortunately, it's been quite a few years without capital money at all. So yes, I guess we're on a year by year or every once in a while there's some money we get to use for capital for CUNY/SUNY.

SENATOR O'MARA: If the Senator will continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger continues to yield.

SENATOR O'MARA: Could you lay out for us what the capital spending is for SUNY and CUNY in this capital projects bill?

SENATOR KRUEGER: One hundred million dollars each.

SENATOR O'MARA: If the sponsor will continue to --

SENATOR KRUEGER: Sorry, just to clarify. CUNY is also getting a separate $10 million for a Green Energy Plan for their campuses. And SUNY is also getting 10 million, but theirs is for Educational Opportunity Centers. So they're each getting 110 million.

SENATOR O'MARA: Okay. Thank you for that.

And if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator, will you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: I'm glad you mentioned the green projects because I forgot to ask a question before on the bond act, the Green Bond Act. That still has to go before the voters in November for approval, correct?

SENATOR KRUEGER: It's actually

going to be in this budget, but not go to the voters until the '22 November election. So the spending, assuming the voters approve it, won't really be until '23.

SENATOR O'MARA: If the sponsor will continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger, will you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So then based on that, then, this $3 billion for green projects, we're not moving forward on anything for at least two years.

SENATOR KRUEGER: Unfortunately. I would have preferred a different storyline, but yes.

SENATOR O'MARA: Then why is it in this year's budget?

SENATOR KRUEGER: Because it was originally in a previous year's budget and got pulled out. There was concern that it would perhaps never come back. So we worked hard to

make sure we got the commitment that this is going to happen. But the agreement with the Executive was to wait until the following year to actually do the bond act vote.

SENATOR O'MARA: If the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger --

SENATOR KRUEGER: Yes. Yes.

ACTING PRESIDENT MAYER: -- continues to yield.

SENATOR O'MARA: Now, just explain, I guess, to us the process of -- we authorized a bond of $3 billion in last year's budget that was to go to the voters in November, and then we got struck with COVID and that bond action to go to the referendum was pulled back.

SENATOR KRUEGER: Correct.

SENATOR O'MARA: What is the process on -- how does that work? After we'd approved the bond act from here, whose decision ultimately was it to say no, we're not going forward with it.

SENATOR KRUEGER: So last year the language in the budget allowed the Division of

Budget to delay the bond act going forward. This year that is not the case. So we are trying hard to make sure that this bond act does happen, does go to the people for a vote, and hopefully they will vote for it and we'll have this money to spend.

SENATOR O'MARA: If the Senator will continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger continues to yield.

SENATOR KRUEGER: Yes.

SENATOR O'MARA: Is the date of that referendum set in this capital projects bill? And when is that date? And can that date be changed, and by who?

SENATOR KRUEGER: No, I don't think it's an appropriation question.

So the date would be whatever date is the November 2022 general election, which I guess then is set in stone, I'm pretty sure.

SENATOR O'MARA: Yup.

SENATOR KRUEGER: And we do not give the Budget Director the authority to delay it moving forward.

So, knock on wood -- you know, you never know when a new crisis is going to hit, and you shouldn't joke about them anymore, because they do -- but that we should be able to get this to the voters in the November general election.

SENATOR O'MARA: In 2022.

SENATOR KRUEGER: In 2022, yes, sir.

SENATOR O'MARA: Thank you.

I think the last area, if the Senator will continue to yield, that I have a couple of questions on.

ACTING PRESIDENT MAYER: Senator, will you continue to yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: The Empire Station Complex, which is -- I assume that's the Moynihan Train Station?

SENATOR KRUEGER: Well, it's a trick question.

(Laughter.)

SENATOR KRUEGER: So there is Penn Station. Then we've opened the Moynihan

station or hallway, which is now the entrance/exit for the Amtrak trains, and it is geographically across the street from Penn Station. So there are two stations, Moynihan, Penn.

And then there is a proposal for an Empire Station Complex that, depending on how you read the draft, might or might not merge all of them together, might or might not have anything to do with Penn Station at all, but rather be the aboveground changes to the neighborhood.

SENATOR O'MARA: Okay. If the Senator will continue to yield.

SENATOR KRUEGER: Yes. Certainly.

ACTING PRESIDENT MAYER: Senator Krueger continues to yield.

SENATOR O'MARA: And what I have been reading of late about this project, there is quite a bit of consternation of the locals to the changing of the character of that neighborhood, eliminating low-income housing. Small businesses that are located there are being replaced with a number of super-high-rise buildings.

Is this project a project that's a priority of the State Senate, or is this solely

the priority of the Governor?

SENATOR KRUEGER: I've not surveyed the State Senate, so I don't know. I think it is a priority of the Governor.

And I do feel confident standing here saying that the immediate Senator for the area, Brad Hoylman, and myself, the next-door neighbor Senator, Liz Krueger, have both had great concerns about this plan going forward and the lack of participation by New York City government, the community boards, the neighbors, other electeds.

And he's shaking his head yes, so I know I'm on safe territory to say what I just said.

(Laughter.)

SENATOR O'MARA: Good evening, Brad.

If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger --

SENATOR KRUEGER: Certainly. Yes.

ACTING PRESIDENT MAYER: The Senator agrees to yield.

SENATOR O'MARA: Now, the capital identified for this Empire Station Complex is $1.3 billion. With all of these concerns over the project from yourself and the resident Senator Hoylman, why are we approving this capital expenditure for something that's that controversial and apparently not even ready to go yet?

SENATOR KRUEGER: So the language in the budget is quite different than as proposed by the Governor.

So the language is now that he could only go to PACB to request the bonding authority specifically for Penn Station and the train functions of the station, on transportation, and only after there was an approved plan for the entire project.

And one of the frustrations we have had is that there was an effort to move forward with the money before there was even an approved plan, but that which we had seen said nothing about Penn Station or trains at all. So the new language would require that there -- that PACB could not approve going forward with the bonds until such time as there was a

community-approved -- I think they call it general community plan? General project plan -- with explicit details about the rail station and the rebuild of such. And that this money could only be used for those purposes, not for the aboveground everything-under-the-sun proposals.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Who is responsible or has the authority of that community plan review and approval? What body makes up that decision?

SENATOR KRUEGER: So there was a -- is a subsidiary of Empire State Development that in some way is its own authority overseeing the project. And they've created a -- either it's a committee or a multiple set of committees to work on the assignment together.

There was real concern about who was doing what and were they going to complete the

process and were they even bringing anyone into the room.

Actually, I think that because the Governor put this money into the budget, and because some of us saw it and said what the heck is going on and started to talk to our community members, our community boards, our local electeds, city government and the media, that the Governor's people changed approach. So there is now a schedule for a series of these meetings with commitments to actually lead to group agreement.

I don't know if it will work or not. I just know that I feel much more confident now that this money will not be released unless there is a community agreement behind what we're doing, at least with the Penn Station part of the project.

And that's frankly the important part. It is true, if you've ever come to New York City by train into Penn Station, you really do get off and go, How can this amazing city have such a god-awful train station? So we don't debate whether we need a new improved Penn Station. We don't debate that we need more

rail coming into the station, more slots for the transits to pull in, more trains that can actually pull in, more interconnection underground between the Amtrak trains and the New York Long Island Rail Road trains, Metro-North trains.

So we need all of that. And we're prepared and I believe it's in the best interests of the State of New York to want to invest in that. But we're just not sure what we're doing aboveground with, as you described it, 10 super-tall towers, using eminent domain to potentially tear down up to 50 buildings in a five-block area.

Even the argument that this is justified because the aboveground area is blighted and poverty-stricken -- I walk that area constantly. That is Brad Hoylman's territory. We don't have blighted, poverty-stricken areas in our districts, frankly, period. And that's certainly not how I would describe that area.

So we had real concerns. We actually think that the attention we've gotten around this issue just in the last two weeks is going to jump-start a much better model for going

forward.

SENATOR O'MARA: Thank you for that.

On the bill.

ACTING PRESIDENT MAYER: Senator O'Mara on the bill.

SENATOR O'MARA: I am certainly in agreement with Senator Krueger on the lack of a welcoming nature of Penn Station, so to speak, on people arriving to New York City. Certainly nothing like Grand Central Station and that great gateway that that is for so many.

I believe the Port Authority Bus Terminal yields a similar or even less welcoming environment than Penn Station does, but I believe that's a viable project.

However, I have concerns with this money being in there, and I'm glad it's at least a go-ahead only for Penn Station unless this community plan gets approved. But I have grave concerns that this is yet one more body that is created by and controlled by Governor Cuomo and he will ultimately get whatever outcome he wants through this process.

The fact that it's a subsidiary of

Empire State Development certainly leads me to believe that the Governor would have the lion's share of control over this and be able to get a conclusion that may be foregone already. And that this language in this bill isn't strong enough to prevent that from happening and actually really having a solid community plan with all aspects, all groups coming to a consensus and agreement of that use.

So thank you for the answers to the questions. I'm all set.

ACTING PRESIDENT MAYER: Thank you.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you very

much, Madam President.

I'm here today to explain my vote on this capital budget item, particularly as it pertains to transportation.

I want to start by thanking the leader of the Senate, Majority Leader Andrea Stewart-Cousins, for her leadership, her commitment, and quite frankly for making a decision to prioritize transportation across this state as we put forward a visionary budget for the future and we make strategic investments all across this state -- some, and many, that have never been made, others that haven't been invested in in years, and others disinvested in over decades and generations. So my hat's off to the Majority Leader.

I want to recognize the transportation team that worked so diligently on the Senate one-house and ultimately that pushed on the Senate side to get this over the finish line. Our colleagues in the Democratic Conference that worked to make sure that the issues we're talking about that prioritized transportation, be it public transportation, be it local roads, be it the investment into

infrastructure of historic proportions -- and that's what this capital projects budget does -- takes precedence.

You know, this budget that we're approving here today from a capital perspective alone adds over a quarter of a billion dollars more to local roads across this state than we had just last year. These are historic levels of funding.

You know, the roads in every single community matter. The roads in every single community, every single municipality are getting infused with more money. That's because for the first time since 2013, we're getting an increase in CHIPS funds. It's all done by equation and program numbers. One hundred million dollars more on to the $438 million that's been there every year since 2013, a 23 percent increase. That's a big deal.

Every single highway superintendent in the state has been clamoring for more money. Every single municipality in the state, especially in areas of upstate that get hammered with the inclement weather, have been clamoring for more money. Well, they're going to get it in

CHIPS. And then $50 million more, a 50 percent increase to Pave-NY, on top of the $100 million. Now, that funding hasn't been increased since 2017. Another priority for maintaining and making sure that our communities have the resources necessary to provide for the infrastructure.

On top of that, another $35 million on the Extreme Winter Recovery on top of the $65 million that we restored in cuts -- $100 million to that program. Again, all of New York State benefits, particularly areas that are battered. And now we know we have the spring thaw here. We know the roads are opening up. But for years and years, our communities have not had the resources necessary to maintain these roads to the level that our communities deserve.

And then what I'm particularly proud of, Madam President, is the $100 million City Touring Roads initiative that is going to directly infuse $100 million into the cities across this state that have been desperate for funding. As we try to rejuvenate this state, and especially areas of the state where we've been bleeding people into the urban cores that make up

the central economic zones of our regions across the state, and the tax base has eroded over decades, and those cities have not had the resources necessary to put into the infrastructure to support the businesses that are coming in -- they're now going to have that money. Because this conference and the leadership in this conference, Majority Leader Stewart-Cousins, decided to prioritize our roads and our infrastructure and our public transportation.

It's a big deal. It's historic. And this is the baseline moving forward for what we're going to do year in and year out moving forward. Just do the simple math. You put over a quarter of a billion dollars into roads and infrastructure across this state, year after year, that's going to make a massive difference.

Now, you leverage the federal funding that we hope is coming and I believe is coming because of the federal administration's commitment to infrastructure, a two to four trillion dollar plan that's going to result in the funding necessary to do these transformative large projects in everyone's district that people

have been waiting for their entire lives, that they've only dreamt of, now it's going to be a reality.

There are many folks that I want to thank. I thank the leadership. I thank our conference. But staff deserves to be recognized. I want to thank my committee clerk, Rick Rodgers, who worked so diligently on these issues, along with McKayla Mulhern, my policy director; Adam Fogel, my chief of staff; our counsel here, the chief of staff, Shontell Smith; Chris Higgins, her deputy; Dan Ranellone; Dave Friedfel; Allison Bradley; and Dave Frazier, who sat at the table and drove this agenda day after day after day because he knew, like we know, that if you invest strategically into our infrastructure it will leverage private-sector development, it will leverage economic growth, it will leverage job creation and opportunity. And that's what this bill accomplishes.

Thank you, Madam President. I'm proud to vote aye.

ACTING PRESIDENT MAYER: Senator Kennedy to be recorded in the affirmative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Madam President.

I want to thank Leader Stewart-Cousins, Finance Chair Krueger and the entire staff for this transformative budget that's going to lead our state out of this pandemic.

But I have to say I'm going to be voting against this bill because it has a single provision that includes $1.3 billion for the Governor's Empire Station Complex project.

You know, I was reminded in the debate earlier about coming out of Penn Station, and there's that quote by the historian Vincent Scully who said, "Before the old Penn Station was demolished, one entered the city like a god. One scuttles in now like a rat." And there is some truth to that.

This plan is supposedly being used to fund transit improvements at Penn Station, which I strongly support. But in reality, I believe it's a down payment on a huge commercial real estate project. In total, the Empire Station Complex real estate plan envisions nearly 20 million square feet of new commercial

development, consisting of 10 buildings, including at least eight super-tall towers.

To do this, the state plans to demolish rent-stabilized apartments, historic buildings, and nearly 500 small businesses and nonprofits. New York City's land use laws aren't going to apply to the project, so local community boards, city government and elected officials are going to be locked out of important decisions.

Also this project is reliant on commercial development at levels expected before COVID hit and any of us knew what a Zoom meeting was. The glut of office space that exists in Manhattan already exceeds 17 percent. So we can't absorb new offices, especially empty ones, and especially, doubly, when we should be using capital project funds for the construction of supportive and affordable housing.

Finally, we've seen no Penn Station master plan, including the full extent of the proposed transit improvements and how and if they're dependent on the real estate development. Before we sign the check, I think we should see the plans.

So for these reasons and because of

the impact on my local community, including some of the vague language, even though I appreciated the attempts to tighten it, I will be voting no.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Hoylman to be recorded in the negative.

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

I rise just to discuss the many, many different aspects of this capital budget bill. But I wanted to just highlight a few aspects that address housing needs of the state.

We are going to pass today a series of different bills that collectively represent a very significant investment in housing and in prevention of homelessness. And the housing portions covering both homeowners and renters throughout our state, and both dealing with the emergency needs that have arisen from COVID-19 and also from our long-term commitment to try to make New York a state where no one is out of housing because they can't afford it.

So the capital budget bill -- you

know, we're going to talk later about COVID emergency rental assistance and a new program for homeless New Yorkers. But this bill I just want to note, first of all, contains $100 million that is intended to support our efforts to convert underused hotels and other commercial properties to affordable housing. That's something that Senator Gianaris has worked on a great deal.

And we're putting forth $100 million with the understanding that we need to have further conversations with the Executive about what that program will look like.

There's also a significant but sadly not sufficient investment in public housing. The Senate and the Assembly both proposed $750 million in new capital for the New York City Housing Authority, which is in desperate need of capital for repairs and renovation. And unfortunately, pursuant to the agreement with the Executive, we're only doing $200 million, which is significant but again falls short of where we hoped to be and where we need to be.

And there's also an additional $125 million for other public housing authorities around the state.

We also have a new investment of $186 million in capital funding for the Supportive Housing Program. That is part of a 15-year effort to create 20,000 new units of supportive housing. The state, as I'm sure you know, Madam President, is at the end of our five-year capital plan that was announced five years ago. And unfortunately, we don't have a comprehensive capital plan going forward. But we have now funded the sixth year of the supportive housing commitment at $186 million.

There's a new program of $25 million for vacant and blighted housing. There is $130 million of new money for the state's effort on storm recovery. Unfortunately, many communities are still suffering from some of the damage that was done from several of the superstorms that rolled through our state many years ago.

And I think that's all for now. I'll be back later to talk about COVID emergency rental assistance and homelessness and some other matters that are in other bills. But for now, I vote aye on the capital budget.

Thank you.

ACTING PRESIDENT MAYER: Senator Kavanagh to be recorded in the affirmative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

Upstate New York needs capital investment. Our communities have water infrastructure that's up to a hundred years old. This bill provides $500 million for water infrastructure.

During the Christmas storm, we had roads that quite literally washed away. And this bill restores funding to the Extreme Winter Recovery Fund.

We have aging roads and crumbling bridges, and this bill provides an additional $100 million in CHIPS funding that will go such a far way for municipalities to restore and retain and repair our roads and bridges and highways.

What's also in this bill is the EPF that provides millions of dollars in farmland protection and also, for the first time ever, it includes funding on par for the Catskills Park, on par with the Adirondacks, for overusage.

As we head into tourism season and

the summer, our parks, specifically the Catskills Park, have seen incredible usage, increased tourism, and especially that's grown during COVID-19. And we know people are going to continue to come to our communities. This bill, for the first time on par with the Adirondacks, provides funding for the Catskills Park, specifically for infrastructure and overusage.

So for that reason, this is an incredibly important bill, and I vote aye.

ACTING PRESIDENT MAYER: Senator Hinchey to be recorded in the affirmative.

Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Madam President. Good to see you this afternoon.

As chair of the Libraries Committee, I would like to highlight that the budget includes $34 million in funding for Library Construction Aid. You may recall last year, in the height of the pandemic, we trimmed $20 million of capital out of this program, and we're so happy that this year we're adding that $20 million back in. And what better way to celebrate National Library Week than to restore this vital capital money.

The increased funding will support new constructions of libraries throughout the state, but it will also support vital maintenance, renovation and expansion of facilities. This funding will allow libraries to address the critical needs of the digital divide within communities throughout the state. And as we know, the pandemic has highlighted just how crucial libraries are to addressing digital equity issues and other societal issues throughout the state and the nation.

So this funding will allow libraries to continue to do the great work that has been a lifeline to New Yorkers, especially during the pandemic.

So Madam President, I thank you, as chair of the Education Committee, in helping this funding come to fruition, and I withdraw my request and I vote in the affirmative.

ACTING PRESIDENT MAYER: Thank you. Senator Ryan to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 649, those Senators voting in the negative are Senators Akshar, Biaggi, Borrello,

Boyle, Brisport, Gallivan, Griffo, Helming, Hoylman, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Ramos, Rath, Ritchie, Salazar, Serino, Stec, Tedisco and Weik.

Ayes, 38. Nays, 25.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Myrie, that completes the reading of the controversial calendar.

SENATOR MYRIE: There will be a meeting of the Finance Committee in Room 332 at 10:00 p.m.

ACTING PRESIDENT MAYER: There will be a meeting of the Finance Committee in Room 332 at 10:00 p.m.

SENATOR MYRIE: The Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:35 p.m.)

(Whereupon, the Senate reconvened at 8:15 p.m.)

ACTING PRESIDENT MAYER: The Senate will come to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there will be an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Finance Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 8:15 p.m.)

(Whereupon, the Senate reconvened at 8:27 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there's a report of the Finance Committee at the desk. Can we take that up, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the

following bill:

Senate Print 2503C, Senate Budget Bill, an act making appropriations for the support of government: AID TO LOCALITIES BUDGET.

The bill is reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Finance Committee.

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Finance Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Can we take up the supplemental calendar, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 650, Senate Print 2503C, Senate Budget Bill, an act making appropriations for the support of

government.

SENATOR LANZA: Lay it aside.

SENATOR GIANARIS: Madam President, I believe there's a message of necessity at the desk.

ACTING PRESIDENT MAYER: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT MAYER: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(Response of "Nay.")

ACTING PRESIDENT MAYER: The message is accepted, and the bill is before the house.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

Senator Gianaris, that completes the reading of the supplemental calendar.

SENATOR GIANARIS: Can we now move to the controversial calendar, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 650, Senate Print 2503C, Senate Budget Bill, an act making appropriations for the support of government.

ACTING PRESIDENT MAYER: Senator Lanza, why do you rise?

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator Stec be recognized and heard.

ACTING PRESIDENT MAYER: Thank you, Senator Lanza.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that Senator Stec be recognized.

ACTING PRESIDENT MAYER: The appeal has been made and recognized, and Senator Stec may be heard.

SENATOR STEC: Thank you,

Madam President.

I rise to argue that this amendment before the house is very germane. We're talking about $2.1 billion of taxpayer funding, the spending of which, the appropriation of which is very germane to any budget bill.

Specifically, the $2.1 billion that I'm talking about is this Excluded Workers Fund. For those that may not be aware, the Excluded Workers Fund is essentially unemployment for those that were ineligible for unemployment.

This is -- excluded workers are, by all accounts, people that are illegal immigrants or people that were recently released from prison and are not eligible to receive taxpayer funding, the math of which shows that over the next few months, and going back retroactively, this could amount to as much as $27,900 per person that is otherwise not eligible for these public funds.

And frankly, it's been -- the vast majority of New Yorkers that I've heard from are very opposed to this spending.

And what we've done is we're proposing by this amendment to replace the spending of $2.1 billion on illegal immigrants'

unemployment, people that are working illegally and haven't paid into the system, by any of a number of other things that are already funded that we would suggest be -- their funding be supplemented, including paying down the balance of unemployment funds borrowed from the federal government during fiscal year '21, to ensure that our small businesses do not have to pay an interest assessment surcharge.

Or perhaps a tax credit that would eliminate the state income tax liability for one year for New York residents that are earning less than $50,000 a year. We could conform to the federal income tax exemption for the first $10,200 of unemployment received. We could increase property tax relief checks. We could provide funding for elder care, for distressed hospitals, and funding for mental health, not limited to the Joseph P. Dwyer funding for our veterans' mental health. We could double the Empire State Tax Credit over one or more years. And we could expand broadband in rural parts of the state, parts of the state that need it, that don't have it, that deserve it, that we haven't been able to deliver on. We could take some of

this funding and we could put emphasis on bringing broadband to rural and underserved and perhaps more low-income communities.

So any combination of these items would be a better use of $2.1 billion than to give it to people that are working illegally and that are here illegally. So for those reasons, our argument is very germane.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chair signify by saying aye.

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Madam President, we're going to waive the showing of hands by agreement and record each member of the Minority in the affirmative.

ACTING PRESIDENT MAYER: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT MAYER: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Stec.

SENATOR STEC: Thank you, Madam President. If Senator Krueger would yield for a few questions, please.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you, Madam President.

Thank you, Senator Krueger. Good evening to you.

I'm going to jump around a few different areas, if I may, but I'd like to start with mental hygiene.

And Madam President, through you to Senator Krueger. For fiscal year 2021, jail-based substance use disorder treatment services were funded at $1.5 million, and for 2021-2022, jail-based substance abuse disorder

services are funded at nearly $8.8 million.

How will -- my question is how will this increased funding be utilized, and can you give a description of the enhanced services or increased geographic area of service that comes with this increase in funding?

SENATOR KRUEGER: Madam President, through you, just give me one moment. Thank you.

SENATOR STEC: Yes, ma'am.

SENATOR KRUEGER: What section was it, please?

SENATOR STEC: In the mental hygiene section.

SENATOR KRUEGER: Is there a part?

SENATOR STEC: I don't have the part handy in front of me, I'm sorry. Through you, Madam President.

SENATOR KRUEGER: Through you, Madam Chair, my understanding is it is an ongoing program in our local jails. It may be run differently depending on the jail and the people in charge. But it is a recognized attempt to start drug treatment with people when they're under your care.

Because, to be honest, sometimes the

toughest thing about getting someone to be willing to participate in drug treatment is to keep them sober and clean long enough that they can start the program.

So it's my understanding that a variety of sheriffs and other experts at drug treatment had developed this program over a series of years and found it very effective. And so this year there's money to expand that program to more jails around the state.

SENATOR STEC: Madam President, if the sponsor would continue to yield, please.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you, Madam President, through you.

The Joseph P. Dwyer Veterans Peer to Peer is allocated for $5 million this year. However, 4.505 has been slotted to go to specific counties. So my question is the remaining $495,000 that has been appropriated but not allocated to specific counties, can you account

for where that 495 will be going, please.

SENATOR KRUEGER: Through you, Madam President, it's my understanding that that yet-to-be-allocated funding is within the control of the Assembly. So I don't think we know how they will use that money.

SENATOR STEC: Thank you, Madam President. If the Senator would continue to yield, please.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thanks, Madam President, through you. If I could now jump to the health portion, Lyme and tick disease funding, something that's been very important certainly in my district and frankly all up and down the Hudson Valley.

Sixty-nine thousand dollars has been allocated for Lyme and tick disease research and prevention in this year's budget. It's a priority, certainly I think for all of us, to do everything we can in the research there.

My question, Madam President, through you: Does the budget increase funding for Lyme and tick disease prevention, education and research?

SENATOR KRUEGER: It's my understanding that the Executive had cut 69,000 from these programs. We restored it and added to it another 250,000.

SENATOR STEC: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you, Madam President. Through you.

Are you aware the Senate Republican Conference previously had had this funding for this research at a million dollars, and I believe in the last year or two it's been cut back to $250,000. Why not increase this funding, since Lyme is nothing but a growing problem? It's a bigger problem today than it was two or three

years ago, and yet funding seems to be going in the wrong direction.

SENATOR KRUEGER: So the truth is I don't know the answer, other than there's endless requests for state funds for specific research and services around different illnesses. And I suspect we could each make a list of the things we had hoped that we'd see more money for but we didn't.

I know the people in my district are very upset because we cut out the funding for stem cell research and multiple stem cell research projects happen to be in my district, and they're laying off their staff and they don't understand how after so much success in the research that's being done we would cut off the funding. And I had to tell them that I agree, I am very sorry that I wasn't able to keep their funding for them.

Tick research is obviously a very important issue tied into Lyme disease and other diseases that we know ticks carry. But we're seeing a whole revolution in climate-change-related illnesses and the impact on our lives, COVID being the most obvious one.

So I suspect that we have a lot of people out there doing important research around important different diseases who would argue we should have given them more money, and I would probably agree with each of them.

What I don't know is whether under the Biden administration there is more opportunity for funding around some of these issues than there was in the past. I hope so. Because I think that illnesses correlating to transfer by ticks and other insects are definitely environmentally correlated and climate correlated, and we saw almost no interest in those topics whatsoever during the Trump administration. And maybe we will find that Washington is more open to doing its job to help with national issues like this under the new administration.

SENATOR STEC: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you. Madam President, through you.

If I could switch now to nursing home reform funding, the Medicaid budget contains $64 million to help nursing homes transition to the new revenue mandate that requires nursing homes spend a minimum of 70 percent of revenue on direct patient care, including 40 percent on resident-facing staffing.

We've heard from dozens of nursing homes that these mandates are unrealistic and will devastate nursing home operations and will most likely force many to close.

So one question would be, do you think this amount is sufficient to make sure no nursing homes will close? And if this amount is not enough, what will happen to patients in these nursing homes that will be forced to close?

SENATOR KRUEGER: Through you, Madam President, it's my understanding most nursing homes already meet these standards in New York, and this requirement is an attempt to deal with the fact that we have some nursing homes that are not following these guidelines, and we're getting worse outcomes for the people

who live there, so that we want to make sure we have an even playing field at these higher standards.

But again, we believe that there is the capacity to meet these standards because the majority of nursing homes already do.

SENATOR STEC: Thank you, Madam President. If Senator Krueger would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you, Madam President.

Senator Krueger, if I could jump now to human services -- I'm on a lot of committees -- and specifically the OCFS. And if I could, Madam President, through you, eliminating the state share of the Committee on Special Education. In fiscal year '21 the enacted budget eliminated the existing 18.4 percent state share, placing fiscal responsibility with the social service district

and the school district responsible for placement. And this year's '22 Executive Budget proposes to make the current funding structure permanent, and the Executive claims that this will produce a $28 million annual savings.

Both the Senate and the Assembly one-house proposals rejected this and provided the $22 million in funding for the state share. The modified proposal does not include the share of 22 million.

So my question would be by not restoring the 22 million, what impact would this have on local social service districts to make up the difference, and will this cost be passed on to families with disabled children?

SENATOR KRUEGER: So it's been suggested that this is a better question to ask during the Article VII bill. Although it will be the same question then, so I understand.

And I -- but I don't actually have an answer to the decision that was made to not successfully fight the Executive's cut. For all I know, we did fight, but not successfully. But I will try to get an answer for the Article VII period, and maybe a better answer than I'm

offering right now.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Just for purposes of clarification, there's going to be a series of issues for which the appropriations are contained in this bill, and I think it's certainly appropriate for members who are debating to ask questions about the dollar amounts and the sums.

But the programmatic language will appear in the bills that will be coming later this evening, and I would suggest that the debate about the programs themselves be more appropriate for the bill that contains the Article VII language.

ACTING PRESIDENT MAYER: Thank you, Senator Gianaris.

SENATOR STEC: Madam President, if I may continue, if the sponsor would yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Absolutely.

SENATOR STEC: Thank you,

Madam President.

I will point out that it is -- we're being asked to vote on a bill with information we don't have that we're told that we can ask later. I just think that's -- that's not good government, to be asked to vote on spending money now but we can ask the questions we want to ask hours from now on another bill. That seems a funny way to do business.

But with that said, I'll continue with my question. Let me ask this. Have districts raised any complaints about the lack of funding? Madam President, through you.

SENATOR KRUEGER: Have districts raised issues about these funds.

SENATOR STEC: Correct. Issues or concerns, yes.

SENATOR KRUEGER: You're absolutely right that if we separate out the bills in different orders and that I tell you we haven't gotten to that yet because we haven't gotten to that bill, but money for that is tied into this bill, that that is just a fundamental catch-22 of how we do bills and vote on them here.

So I just want to tell you that I

agree with you, that there's something wrong with that system. I don't know what the fix is. Maybe you do the numbers bill and the matching Article VII bill and then you vote on both of them together after you've dealt with both of them. I don't know if anybody's ever tried that. I don't think we're going to start at quarter to nine tonight. But it is something to give serious thought to.

On your question about whether any school districts have raised issues about this, again, the frustration is I have an education expert here, but she happens to be the president pro tem at the moment. As opposed to when we get to the education section, where I believe she will be answering questions.

But she's the best one to answer your question, because to be honest, school districts don't tend to come to talk to Liz Krueger.

I will just double-check whether there's -- I think we have to get our education staff person. Our best person is the president pro tem, but we're going to see if we can get the second-best person.

SENATOR GIANARIS: Madam President, to answering Senator Stec's question, you're witnessing why we like to do things in the way they're supposed to be done. Because now we have to wait for the appropriate staff to come down, answer his question, when they were prepared to be here when the programmatic language is actually before us, which it is not right now.

So Senator Krueger is doing her best to try and accommodate the Senator, but we can't go through this entire bill asking programmatic questions on all the various issues that the members want to debate, or we'll be here all night waiting for staff to come shuttling back and forth.

So there's an order -- there's a reason why we were suggesting the order the way we are.

SENATOR STEC: Madam President, while we're waiting for our expert on education, if I could just in the dialogue, through you, Madam President --

ACTING PRESIDENT MAYER: I'm sorry, may I interrupt you briefly to say that I believe the staff person for Finance education is here

now.

SENATOR STEC: Thank you, Madam President.

SENATOR KRUEGER: I'm sorry, Senator, can I ask you to repeat the question --

SENATOR STEC: You sure can.

SENATOR KRUEGER: -- to make sure I get it correct?

SENATOR STEC: Madam President, through you, my question was regarding the Executive Budget removing $22 million and were districts raising any complaints or concerns about this lack of funding in the budget. The local social service districts.

SENATOR KRUEGER: Through you, Madam President, our understanding is that we also objected to this, school districts are complaining, and that the best we could do right now is a one-year extender.

SENATOR STEC: Madam President, through you, if I can continue to ask just a couple more questions on a related subject.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I will do my

best.

ACTING PRESIDENT MAYER: Senator Krueger yields.

SENATOR STEC: I appreciate that, Madam President, Senator Krueger. And I appreciate your time, your candor, your effort.

But by way of furthering our dialogue, I would editorialize a little as I introduce my next question that getting these bills three days before and allowing them to age so that we can all look at them would eliminate a lot of these questions of, Well, we'll find out the answer to this question when we brief the next bill three hours from now in the middle of the night.

But in my eight years in the Assembly I experienced that, and I don't expect it's going to change tonight here in the Senate. But this is one solution to the issue that we've got.

With that said, the next section is regarding the consolidation of Community Optional Preventive Services, or COPS, and the Supervision and Treatment Services for Juveniles Program. The COPS program serves youth who are not at

imminent risk of foster care but who have been identified as being at general risk of entering the foster care system. STSJP seeks to convert at-risk, alleged or adjudicated juvenile delinquents, persons in need of supervision or juvenile offenders from detention, residential placement, or recidivism.

The Executive proposed to merge the COPS and STSJP program by decreasing funding to COPS by $12.1 million and increasing funding for STSJP by $16.4 million. And the modified Executive proposal restores $12.1 million for COPS.

My question is -- Madam President, through you -- it's my understanding that this full restoration of COPS funding will prevent a merger of the two programs. So is that true, are we not merging these two programs?

SENATOR KRUEGER: Correct.

SENATOR STEC: Okay. And, Madam President, my final question, through you, if the Senator would yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: Senator Krueger yields.

SENATOR STEC: Thank you, Madam President.

Senator Krueger, what actions will the Senate take to prevent a future merger attempt by the Executive next year?

SENATOR KRUEGER: I think the reality in our State Constitution is that we have annual budgets. The Executive proposes language in his Executive Budget and if he chooses to recommend merging programs, we can do our best to make the argument about why we don't agree.

We can do horse-trading over buying back the cost of whatever he's claiming he is saving by merging the programs.

We can draw on experts -- perhaps earlier than next budget session -- to tell us why it's a bad idea to merge and to get some public attention to the issue so that perhaps this Governor or the next Governor doesn't choose to attempt to merge the programs.

But I don't think the Legislature has the power to override a merger of programs or even to rewrite the law saying you can't merge

the programs. I'm just trying to think if I know any precedents of a statute that says you cannot merge two programs. So I think we will just have to continue to fight this out.

But perhaps the next Governor will share your view and our view that these two programs should not be merged.

SENATOR STEC: Thank you, Senator.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Stec on the bill.

SENATOR STEC: Madam President, thank you very much. I appreciate Senator Krueger's time and candor in trying to answer my questions. I do appreciate that.

This is my first opportunity to speak on our budget this year. It's not my first budget. It's my first one in this chamber, however. And I've got to tell you the feedback that I've been getting from all over my district and all over my part of the state, and I suspect all over the state, is there is a great deal of frustration and anger over the idea of $2.1 billion going to this Excluded Workers Fund.

The Excluded Workers Fund, if you

don't know what it is and if you don't know how it's defined, it's easy to gloss over it. But it's gotten a lot of media attention, and press, and people that are aware of it are getting angry about it.

Two-point-one billion dollars to essentially create a de facto unemployment system for those that are ineligible for participation in the unemployment system because they're either ex-convicts or they're here illegally, working illegally off the books -- i.e., illegal immigrants -- when we are -- we were within hours of delaying paychecks to 39,000 state employees because we couldn't agree on this $2.1 billion -- and oh, by the way, this is $2.1 billion of what is a $217 billion spending plan, which is $23 billion more than last year's spending plan -- you know, is really offensive to a lot of people.

It really rubs a lot of people the wrong way. It just doesn't seem -- there's no fairness to it. People who are here legally, they work hard, they live by the rules, they pay their taxes, and they're the ones that are going to foot the bill for -- and this isn't a small

bill, this is $2.1 billion. This is one of the most objectionable things in the budget.

I understand the funding for this program is in this bill, and I understand that the language we will see in a future bill -- and I expect that we're going to take turns hammering this in both of these bills, because it's that offensive to a lot of people.

And for that reason, I will be voting against the budget. Thank you.

ACTING PRESIDENT MAYER: Senator Boyle.

SENATOR BOYLE: Thank you.

Through you, Madam President, would the chairwoman yield for a couple of questions.

ACTING PRESIDENT MAYER: Senator Krueger, will you yield?

SENATOR KRUEGER: Happily.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: Thank you. Through you.

Ms. Chairwoman, I'm going to ask some questions about the Excluded Workers Fund. It's my understanding that there is $2.1 billion

in this Aid to Localities Budget for the fund, is that correct, approximately?

SENATOR KRUEGER: Yes.

SENATOR BOYLE: Okay. Can you just explain just briefly the -- that program and how it's going to work, who's going to be eligible for it, how many people?

SENATOR KRUEGER: One second.

SENATOR GIANARIS: Madam President.

ACTING PRESIDENT MAYER: Yes, Senator Gianaris.

SENATOR GIANARIS: I'm trying to figure out a way to kind of make everybody happy.

Senator Ramos, who is the author of the underlying bill on excluded workers, was our -- would have been our designated person to debate this bill. We intended it to be when the bill was actually before us with the programmatic language.

But if Senator Boyle would like to address it now, we could stand at ease while we get her here.

SENATOR BOYLE: Through you, Madam President, I'll be happy to come back and ask about -- questions on the next bill, on

the -- okay?

ACTING PRESIDENT MAYER: Thank you, Senator Boyle.

SENATOR KRUEGER: Is that all right with you?

SENATOR BOYLE: That's good. Thank you.

SENATOR KRUEGER: Do you want to talk to me about anything else?

SENATOR BOYLE: That was all I was asking about. Thank you, Chairwoman.

ACTING PRESIDENT MAYER: Senator Borrello. Take a breather. Senator Borrello.

(Laughter.)

SENATOR BORRELLO: Thank you so much, Madam President. I appreciate that.

I'd like to speak about the Public Protection portion, and I'm wondering if the sponsor will yield for some questions.

ACTING PRESIDENT MAYER: Senator, do you yield for questions?

SENATOR KRUEGER: I do yield for a question.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR BORRELLO: Well, good evening again, Senator Krueger.

SENATOR KRUEGER: Senator Borrello.

SENATOR BORRELLO: Appreciate the time today.

Through you, Madam President, this bill that we recently legalized recreational marijuana, the language in the bill stated that money would be appropriated for drug recognition experts to help, you know, enforce the impaired driving laws. And is there any money in this budget bill for drug recognition experts?

SENATOR KRUEGER: I believe there's $3 million.

SENATOR BORRELLO: Three million.

SENATOR KRUEGER: Yes.

SENATOR BORRELLO: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senate yields.

SENATOR KRUEGER: I just want to clarify. I know we've been told there's

$3 million for it, but we don't think it's in the criminal justice -- it's in the Office of Cannabis Management.

SENATOR BORRELLO: Okay. So -- thank you for that clarification. So $3 million -- so through you, Madam President, are you aware of how many police officers we have in New York State, total?

SENATOR KRUEGER: I thought he said 600,000. I was like, what's going on? Sixty-nine thousand uniformed officers.

SENATOR BORRELLO: Well, I'll go with your number. My number is 55,000.

But, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Thank you.

So 69,000 officers, and we have a total of $3 million for drug recognition experts. Do you have any idea how far $3 million will go to initially train -- how many officers can we

train for $3 million?

SENATOR KRUEGER: I don't know.

I do know that when we spoke to the Superintendent of State Police and other representatives of the Governor in planning for this program and we got a commitment from the Governor of adequate funds to start off even before the program had really gotten up and running, to make sure that we had the money to train officers, that they felt that they were going to be in a good place to do exactly that.

But I don't know how 3 million divides up. Because I believe some of it is to actually hire trainers themselves, and others is to actually run people through a specific type of course, so that there's a couple of different models that the police -- sorry, that the state intends to use.

SENATOR BORRELLO: Madam President, on the bill for a moment.

ACTING PRESIDENT MAYER: Senator on the bill.

SENATOR BORRELLO: Yes, thank you.

So thank you very much for that. But I will say this: $3 million is barely a drop

in the bucket.

Right now we'll use your number, 69,000 uniformed officers. Every single one of those 69,000 officers goes out every day with the tools and the training to identify someone operating a vehicle under the influence of alcohol. Right now, out of those 69,000 officers, there are a grand total of 343 of them in New York State that are actually trained as drug recognition experts.

So my question if we're going to ensure the safety of our roadways by providing tools to each and every officer, and the only tool that we really have is a drug recognition expert, then wouldn't it make sense to have all 69,000 of those uniformed police officers trained as DREs?

So what's that number? Well, that number is in excess of $700 million. If we're going to ensure that we can identify and mitigate dangerous drivers operating under the influence of marijuana, then we're going to need 700 million, not 3 million.

So this is barely a drop in the bucket and will certainly compromise the safety

as we try to roll out the legalization of recreational marijuana.

So with that, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, Madam President.

SENATOR BORRELLO: Thank you again. Through you, Madam President.

Is there money in this budget for additional pretrial services for counties?

SENATOR KRUEGER: Yes, there is. We put in $40 million.

SENATOR BORRELLO: Forty million, okay. Thank you.

Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Thank you. Through you, Madam President. Is there

additional money put in for anklet bracelet monitoring programs for local municipalities?

SENATOR KRUEGER: They can use some of the $40 million if they wish, because they will come up with their own plan of how they plan to use their money.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: So we have quite a few additional pretrial services. We have 62 counties in New York State, several municipalities, obviously the City of New York. And $40 million, broken down amongst just the 62 counties, let alone the boroughs and everything else, comes to less than a million dollars.

Do we think that that's enough money to successfully be able to carry out these new mandates?

SENATOR KRUEGER: I don't know.

Although since you were bringing up marijuana, which is obviously just one issue in criminal justice, the estimate when we have decriminalized marijuana, which we just did, is that that actually will save the police and DAs and courts $500 million a year. So I'm assuming they could use some of that money for other purposes that they have not been able to up until now.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: I do, but I'm just getting some more information.

SENATOR BORRELLO: Take your time.

SENATOR KRUEGER: So in addition to the money I said before, we also provide $44.8 million for probation-related services pre -- through the Department of Probation.

So it's more like double what I originally said.

SENATOR BORRELLO: So I think I still have an opportunity to ask a question.

SENATOR KRUEGER: I'm sorry, yes. And now I am saying yes, please allow him to ask

me another question.

ACTING PRESIDENT MAYER: Thank you, Senator Krueger.

SENATOR BORRELLO: Thank you.

So you mentioned $500 million in savings in pretrial services. Is --

SENATOR KRUEGER: In costs of not busting people for low-level marijuana.

SENATOR BORRELLO: Okay. Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Senator, do you know how many of those pretrial services involve strictly -- as a percentage -- strictly a marijuana arrest versus arrests for multiple things? You know, other illicit drugs, you know, weapons charges, et cetera. Just strictly marijuana.

Which is where the only savings would be, right, because we're not going to be able to save money for things that we haven't

decriminalized, like selling meth and heroin.

SENATOR KRUEGER: No, we don't. Although the data shows that 40 percent of our arrests up until quite recently were for low-level marijuana use.

So I don't know if it's fair to say that means that 40 percent would have been under your category as well. But now these won't exist as things that people get arrested for.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Again, thank you, Senator Krueger.

But the reality is is that less than 10 percent of these arrests are strictly on marijuana possession charges only.

So you have people out there that are dealing marijuana, heroin, meth. They're -- you know, they have illegal weapons. They've done other horrible things that they have been arrested for.

So the idea we're going to save $500 million because we're no longer going to be

processing people that are strictly arrested for marijuana possession is a myth. It's a fallacy. It's not correct. So I don't see that $500 million savings actually being there.

So -- and this goes back to a greater point for me. I've seen this pattern, as I mentioned before, of us taking dangerous steps into new areas where we have not really responsibly put forth these new laws, where we are no longer -- we're not responsibly going to add recreational marijuana to New York State and responsibly ensure that we can actually safely do that. We haven't done it here with $3 million for DREs. We certainly haven't done it with a $500 million savings that's not going to actually happen, because we're still going to have to be arresting those people for all the other illegal things that they've done.

And we've had this pattern over and over again in this budget. So it's disturbing to me. And as a veteran of local government, I can tell you that this will be borne by our local governments. It will be our sheriff's deputies, it will be our mental health officials. It will be all those folks that are on the front lines in

local government, that have received little or no funding, that are now going to have to deal with the decisions that have been made here in this chamber.

So Madam President, I will say when we get to this part, I will certainly be voting no.

And if you don't mind, Madam President, I'd like to maybe move on to another portion of the same bill, for Aging.

ACTING PRESIDENT MAYER: Are you asking the Senator to yield?

SENATOR BORRELLO: Yes, would the sponsor yield for a question on Aging.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR BORRELLO: Thank you again, Senator Krueger. Appreciate it.

You know, I will say that I will commend you that we have provided a significant amount of funding for certain Aging programs as part of this budget. But do you anticipate that

that money will be available again next year?

SENATOR KRUEGER: Again, we do our budget as an annual project, so I cannot possibly commit to where we'll be on any line item next year.

But I certainly would agree that the growing population of New York that are aging that need our assistance and are relatively low-level investments in programs for the aging over the years would certainly justify seeing continued growth in programs for aging, not reductions.

SENATOR BORRELLO: Thank you.

Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Thank you.

And I would agree that we want to ensure that we are providing our seniors with as many services as possible.

That being said, you know, the

one-house bill proposed $27 million for the Community Services for Elderly program, the CSE. However, in this final draft, there's only $8 million. Can you tell us what happened? We went from $27 million to $8 million for this critically important program.

SENATOR KRUEGER: We lose a lot of our fights between the one-house budget bill and our final results tonight. So unfortunately, as much as we are excited about many of the things we accomplished in this year's budget, we certainly could find, each and every one of us, items that we hoped to accomplish that we got less money than we wished or that we got no money for at all.

SENATOR BORRELLO: Thank you. Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Through you, Madam President. Thank you again.

You know, when we start talking about these critically important programs, you know, we have a very large and diverse state. Do you have an estimate of what percent of the funding is provided to organizations that serve the whole state in this Aging proposal?

SENATOR KRUEGER: I don't. So you're talking about what agencies are statewide as opposed to community-based or regionally based?

SENATOR BORRELLO: Regionally, we'll say.

SENATOR KRUEGER: I don't know that we track anything that way.

SENATOR BORRELLO: Madam President, will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well, with that said, let me ask and I'll -- maybe you don't have an answer on this. But do you have an estimate for what percentage of the funding is provided to

organizations that specifically serve individuals in the New York City area?

SENATOR KRUEGER: Also I do not.

SENATOR BORRELLO: All right. Well, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well -- and I guess my last question is, you know, do we have an idea of how this is balanced. Is it balanced fairly? I mean, we have a very large aging population in upstate New York, typically much poorer than our senior citizens in, say, the New York City area.

So do we have an idea of how balanced this funding will be?

SENATOR KRUEGER: And when you say "this funding" you mean all funding for seniors?

SENATOR BORRELLO: I would just say -- yeah, specifically in the -- yeah, the Aging Budget, yes.

SENATOR KRUEGER: If you were asking back to that program that only got $8 million, the job of that program is to serve those with unmet needs. So high need, high poverty. Of course $8 million on a statewide basis is not very much money.

But by and large, I believe that the Department for the Aging attempts to assure that it is distributing funds based on the need that they see. I would hope the demographics of where seniors are.

But I have to say I would love if we had budget models that allowed us to do sort of pop-up maps of the demographics of where the need was and what state funds went into it. I think that would be great. But I don't think we have that capacity now, so I don't -- sincerely don't know if we could really ever come up with that answer.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Krueger, thank you very much for that sincere engagement

and those sincere answers. I appreciate it very much.

You know, we hear a lot about underserved communities and that typically, you know, the people have a certain feeling of what underserved means. But I will tell you that when it comes to our senior citizens especially, we have large underserved communities in rural parts of upstate New York, like the area I represent in the 57th Senate District.

So when we start talking about the distribution of these funds and the fact that we obviously see that we have some perhaps misplaced priorities and we're spending billions on certain priorities and, you know, single-digit millions on something as important as our seniors, it's important to remember that we have seniors that live in healthcare deserts where they cannot get the critical services they need.

Especially right now, with the pandemic still weighing on us and our Governor now opening up vaccines to 16-year-olds and up. Well, where I am, as much as I think people think that's a great idea, but where I am, I still have 80-year-olds that cannot get an appointment to

get a vaccine. And now they're going to be competing with 16-year-olds for those vaccine appointments. That's what I would consider to be underserved.

So I think we need to take a critical look at what our priorities are. And this budget seems to have a lot of misplaced priorities, particularly when it comes to our vulnerable seniors, as we learned just now in the lack of funding that we've seen in so many ways.

So Madam President, again, on this part of the bill I'll be a no. Thank you.

ACTING PRESIDENT MAYER: Senator Rath.

SENATOR RATH: Thank you, Madam President. Will the sponsor yield?

ACTING PRESIDENT MAYER: Senator Krueger, will you yield for some questions?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Thank you very much.

My questions are with regard to the Aid and Incentives for Municipalities. And in general, as we have come to find out during COVID

and for the previous two years, the AIM money is particularly important to our cities, our towns and our villages. And two years ago we came to find out that there were towns and villages that were deemed less reliant on AIM, so their money was taken away. And last year we had a confusing formula with regards to county sales tax money with regards to AIM sharing.

So my first question has to do with if you could please provide some details on how the AIM program operates.

SENATOR KRUEGER: Six hundred forty-seven million to cities and other municipalities is the base of AIM. Then there's some additional towns and villages who still get some state-funded AIM separately.

And most towns and villages receive their AIM now through a county sales tax intercept wherein specifically the sales tax from internet sales -- no, it's not tied into internet sales. Just sales tax intercept.

SENATOR RATH: Thank you. Will the sponsor continue to yield, Madam President.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR RATH: Thank you. In Part YY of the Senate one-house proposal there was AIM program money to restore $59.2 million that the Majority advocated for in its one-house resolution. Is that restored in this budget this year?

SENATOR KRUEGER: We were not successful. That is not in the final budget.

SENATOR RATH: It's not, thank you.

Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Thank you, Senator.

Do we know now specifically how much funding is restored in the AIM program for municipalities?

SENATOR KRUEGER: We restored 34.6 million of proposed cuts to the cities and

13.5 million of proposed cuts to the towns and villages.

SENATOR RATH: Thank you, Senator.

Madam President, will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Between the greater than anticipated state revenue levels this year and $12.5 billion in unrestricted aid from Washington, I'm disappointed that the full $59 million was not restored. And can you, I guess, describe the decision-making for the $34 million that was restored relative to the 59 that was hoped for?

SENATOR KRUEGER: So we tried for the full restoration; we were not successful. And I'm disappointed in that, because I think the AIM funding is very important.

The good news -- and there's been a lot of discussion here today about is there federal money, is there state money, whose money

is going to be used for what. In the most recent federal bill providing funding to New York State from Washington, D.C., for stimulus, we're not just getting money at the state level, we're not just getting money on the big city level. There's an actual report lining out how much federal money will go to each of our towns and villages.

And I will tell you in some cases it doesn't just make the AIM funding look like a drop in the basket -- there's a couple of towns I've heard from who say the amount of money they're going to get from the federal government matches their full annual budget.

So I think the fight to ensure fair and equal distribution of AIM funding is still a crucial assignment for us here at the state. But ironically, this is the year we don't have to worry about it because there literally is so much federal funding coming in to towns and villages without strings attached that they will be able to use for exactly the kinds of things they've been hoping for more state AIM for.

So that's what I can offer right now, that I'm proud that the State of New York is

part of this country with a federal government that finally recognizes in bad economic times the federal government, the only government that can print money in the basement, has realized that they need to send more of it to us here. And they're doing it, again, not just feds to the state, not just feds to the counties and big cities, but feds to every single town and village as well.

SENATOR RATH: Thank you, Senator. I share your concerns about the importance of AIM money for our municipalities this year and every year going forward.

Madam President, if I can shift and ask a few other questions, would the sponsor yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Thank you, Senator.

This has to do with the VLT aid. And it was something that we had talked about a couple of weeks ago as very, very important to

many of these counties, cities and towns where the VLT money is shared.

And has the appropriation of $9.3 million for payment of aid to eligible municipalities been fully restored in this budget?

SENATOR KRUEGER: Yes, it has.

SENATOR RATH: Thank you.

Madam President, will the Senator continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Lastly, I want to ask what is the reasoning behind providing an additional $980,000 in payment to the City of Yonkers?

SENATOR KRUEGER: So the Governor had cut that money, and we are simply restoring it.

SENATOR RATH: Okay.

Madam President, I'm all set.

Thank you very much, Senator. I

appreciate your time.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT MAYER: Senator O'Mara.

SENATOR O'MARA: Thank you, Madam President. If Senator Krueger would yield for a couple of questions.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, I'd just add Senator O'Mara intends to ask about health topics, and we've brought Senator Rivera down to answer those questions.

SENATOR O'MARA: Yes, so I would ask Senator Rivera to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you yield?

SENATOR RIVERA: I'm ba-ack.

Indeed I will, Madam President.

SENATOR O'MARA: I dragged you back in, Gustavo.

I just had a couple of questions on the delay of the transition of the Medicaid pharmacy benefit from managed-care to fee-for-service reimbursements. And that was

budgeted in last year's budget to be effective in the coming year with a savings of $100 million.

But yet we've put that off now for two years under this bill?

SENATOR RIVERA: Madam President, through you. Indeed, we have a delay of two years.

And I'm glad that you brought this up -- through you, Madam President -- Senator O'Mara, since it's important to make sure that there's a -- that it's understood exactly what is going on here.

This transition, which the Executive suggested to transition this particular benefit over from managed-care to fee-for-service, with a savings attached to it -- and I'm not too sure about the math, but let's just say that it is happening. There's one problem with it, and it's a very, very important one.

There's particular providers across the state that avail themselves of a federal program referred to as 340B. What that does, Madam President, is that it allows for them to purchase drugs at a discount. And we're talking about safety net providers, we're talking about

FQHCs, or Federally Qualified Health Centers across the state, and we're talking about Ryan White providers. These are folks who serve -- providers who serve HIV-positive patients.

Now, the thing, Madam President, is that what they do with these savings is that they create wraparound services for these populations. And they've been incredibly creative with them. The federal program that is in reference, the 340B program, allows for these facilities -- for these entities to use this money very creatively. And what they've done is they've figured out how to use this money, Madam President, to provide incredible wraparound services to the most vulnerable populations across the state that -- who they serve.

The problem, Madam President, is that even though this transition was going to happen, and certainly there would be some bonuses not only in savings, but also -- and I'll get to the pharmacies in a second. The problem was, Madam President, that making this transition happen immediately would make it so that these providers would not be able to avail themselves

of the program anymore.

So overnight, Madam President, they would be devoid of somewhere in the neighborhood of $200 million that they use, as I said earlier, to provide wraparound services for the most vulnerable populations. This was not something that we could go forward and allow to happen. So we have asked for a delay of two years.

But, Madam President, there is another issue which I'm sure that Senator O'Mara is going to be referring to, and that is the very real concern that pharmacists, particularly local pharmacies, have across the state.

Transitioning to a fee-for-service would actually give them a bonus onto what they get paid for each prescription that they fill, which ultimately would have a direct impact that they have been feeling in a negative way for the last couple of years from the boogeyman called the pharmacy benefit managers. I will not bore you with it right now, since we've voted on bills on this floor to regulate them in the State of New York, in regulations that go farther than any other state in the country.

But the reality is that there is a

real impact to not having the transition happen right now for these pharmacies, Madam President. So we are committed -- and I stated this earlier, and I say it again, we are committed in the Majority to work along with pharmacies all across the state to come up with a way so that both these things can exist at the same time. And it is complicated. And it might not be possible to achieve, but we could not let the transition happen at a time that it would have an immediate impact on safety net hospitals, Federally Qualified Health Centers, and Ryan White providers across the state. We could not allow for it to happen, so that is why we asked for this transition.

And lastly, Madam President, we also added language which says that the state must work with the Legislature to within a year be able to put together all of our heads, the smartest people -- certainly smarter than me. Probably some of the folks that are sitting down over here -- to work this through. We couldn't do it during the process of the budget. It is unfortunate that we couldn't come to an agreement that was beneficial to both. We believe that it

was necessary to do it this way. Even though it is a two year delay, Madam President, we believe we can get it done before then, and we look forward to working along with pharmacies to figure this out.

SENATOR O'MARA: Madam President, will Senator Rivera continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Absolutely, Madam President.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR O'MARA: Now, we are getting a lot of pushback from independent pharmacies, as you acknowledged. They were looking forward to the fee-for-service switch for them, which would benefit them.

Now, these independent pharmacies are -- typically are more of our neighborhood-type pharmacies. They're not the chains that are gobbling up the market share by the day. But they provide direct care and a lot of services to their neighborhood residents that they supply to.

So what -- what is the impact going to be to these independent pharmacies as a result of this delay on what they were anticipating?

SENATOR RIVERA: Through you, Madam President. As I stated earlier, it is a reality, it is a legitimate concern that not transitioning to a fee-for-service model at this point for this particular benefit impacts these pharmacies in that the charge, what they get paid for each prescription that they actually put out to patients, they will get paid less. And we recognize that, Madam President.

And we know that it is important to make sure that we address it with alacrity. That's right, I said alacrity. With speed. We want to make sure that we do this even hopefully before the end of this year.

So I don't know the impact -- through you, Madam President, I do not know the impact in particular to each one of these pharmacies or across the state, but I recognize that it is serious. And I recognize that we have a responsibility to work along with them to make sure that we can fix this as soon as possible.

SENATOR O'MARA: If the Senator

will continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Is there anything in this budget to provide immediate relief to these independent pharmacies that this delay is causing?

SENATOR RIVERA: Through you, Madam President, there is nothing in the bill that provides an immediate relief.

But I will reiterate that there is language which directs the department to work along with the Legislature to make sure that we can actually, again, put our heads together and come up with a solution within a year.

The delay is two years, but the report that is due by the Department of Health related to this matter is due in a year. But I believe that we don't even need -- we might not even need that long. And again, it is a complicated process and one that we need to

figure out.

At the end of the day, the impact that was going to be felt immediately by Federally Qualified Health Centers, by safety net hospitals and by Ryan White providers all across the state, we could not allow for it to go forward at this moment. So even though it is difficult, and I certainly feel -- and I have been hearing from some of my local pharmacies, and I recognize their concerns, I acknowledge their concerns, and we will -- as a matter of fact, we have a meeting with them on Thursday, Madam President, to start addressing this immediately.

SENATOR O'MARA: Thank you.

That's all I had on that topic, Senator Rivera. Appreciate you coming back in.

SENATOR RIVERA: Thank you.

SENATOR O'MARA: If Senator Krueger would yield for just a couple of closing questions.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR O'MARA: Senator Krueger, what is the source of funds for the $2.1 billion so-called Excluded Worker Fund?

SENATOR KRUEGER: I believe it will just come from the General Fund. So whatever funds go into the General Fund get used for things that are paid for through the General Fund. So that would be taxes, avails, other sources of revenue. Yeah.

SENATOR O'MARA: If Senator Krueger will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Do any of the federal COVID relief bills -- COVID relief funds go into our General Fund?

SENATOR KRUEGER: I don't believe we can use or are going to use federal funds for this. No, we can't.

SENATOR O'MARA: If the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: And why is it you can't use federal funds for this excluded worker program?

SENATOR KRUEGER: They're excluded from federal benefits, which is why we need to use state funds.

SENATOR O'MARA: Thank you, Senator.

On the bill.

ACTING PRESIDENT MAYER: Senator O'Mara on the bill.

SENATOR O'MARA: This excluded worker program, which is basically unemployment benefits for immigrants who are here in violation of our immigration laws -- who are not lawfully documented immigrants in our state, who are not lawfully entitled to hold a job, that we are spending -- that we can't use federal funds on this because clearly we couldn't use federal funds to give money to illegal immigrants in our

state.

We're spending $2.1 billion of New York State taxpayer dollars to pay up to $28,000 to an illegal immigrant who's been working here illegally, getting paid illegally under the table. And all these other programs that we're talking about -- we don't have any money to help the independent pharmacies that were expecting some relief from the budget last year. And we just heard we can't have any money for them, to help the independent pharmacies survive.

You've heard over and over from other speakers and questioners this evening on our inability or unwillingness to restore certain relief to local governments, to colleges, that the priority of this legislative body, and this issue was driven by the Senate Majority in this budget process -- $2.1 billion going to illegal immigrants who we won't even be able to tell whether they were actually unemployed because of COVID, because there are no unemployment records to verify that they lost a job that they weren't legally entitled to have and get paid for in the first place.

I think this is really an illegal use of taxpayer funds. I expect it will be challenged in court. Certainly hope that it is. And we have billions and billions of dollars in taxes being raised in this budget, raising taxes to shift $2.1 billion to illegal immigrants.

Thank you.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Madam President.

So I know that there will be probably a more in-depth discussion of excluded workers on a later bill, but I just need to get a few facts cleared up.

One, the benefit is not going to be $28,000. It is a maximum of $15,600, where very few people will actually be eligible for that. Probably the majority will be eligible for more like $3500. They will have to prove a paper trail of having been working and then becoming unemployed because of COVID during this specific time period that the federal rules for expanded unemployment apply.

Yes, they are undocumented, but the State of New York can't do anything about that. We have a federal government that has failed to correctly address immigration policy for decades and decades. The federal government knows people live here in New York State without documentation. We can't help get them documentation. We know they live here. We know they work here. They work in our homes, they work taking care of our lawns, they work on our farms, they work in our industries.

And usually they are paying taxes when they have those jobs. The irony is they have to pay the tax, but they're not eligible for any benefits when they hit a crisis just like you or I or neighbors may have hit crises.

So the concept that the State of New York would look the other way when we have probably close to a million people here in this state who don't have documented status but are our neighbors -- some are even our friends, they're our employees. And there's not a lot they can do about changing their status. We can offer them a small hand up when they were living in emergency crises, not being able to feed themselves and their children, not being able to pay their rent.

And I just want to highlight yes, it will be some tax money going towards this goal. The money will be immediately spent in our neighborhood economies. These are not folks who are investing in offshore stock transfer plans. These are people who desperately need the money, will go and use it at their local supermarkets, will pay their landlords, will pay their utility fees, will pay their gas and their car to maybe be able to get back to that job when it's offered again.

So there's a multiplier effect in the poorest communities by moving this money this way, because it will all get spent the minute it

goes out the door. It will address people not getting sicker, which we don't want them to do. It will address their ability to get back on their feet and able to take care of themselves again.

And if this house wants to have a conversation about what to do about undocumented people, we should be having that conversation with Washington, D.C. Because you know what? If we just went ahead and fixed our immigration laws, they could have status so they were eligible for federal benefits when they needed it.

Because I don't know about you, but there's something that's so un-American to me about having people work and pay taxes and then not allow them the most basic benefits to take care of themselves when they get in crisis.

Sometimes we didn't have immigration laws at different times in this country. That's how we mostly got here. My grandparents came from Europe during pogroms. They hoped they would be allowed to stay when they got here. They didn't have paperwork. They were allowed to stay, and I'm a New York State Senator.

Thank you very much.

ACTING PRESIDENT MAYER: Senator Krueger to be recorded in the affirmative.

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Madam President.

I will be voting in the affirmative on this bill and all of the budget bills that we're discussing here today, and a few general comments.

First I'd like to thank the Majority Leader for her steadfast leadership as we navigated through this budget process, as well as all of the Senators, our colleagues in the Majority, and the staff who worked so many tireless hours to put this budget together.

This is a recovery budget, a budget for the recovery of New York State and for the Hudson Valley. This budget -- and in large part thanks to you, Madam President -- makes record investments in education, in Foundation Aid to finally fund our legal obligation to the students of New York State. This is a win for students, this is a win for taxpayers.

Pre-K outside of New York City, long talked about, this budget delivers. In my district alone, 14 districts, nearly 900 slots.

Increase in TAP assistance, increase to SUNY and CUNY, making college more affordable to our middle-class families.

Record investments in small businesses -- 800 million in grants. I was proud to propose a $100 million grant program bill, and the need was so great that colleagues came together and the Majority Leader was able to negotiate another half-billion dollars with the Governor. That's a major win for our small businesses: A total of $4 billion we're investing into small business recovery if you include the federal dollars. This is a win and an investment for small business.

We continue the middle-class tax cuts and, for the first time, a circuit breaker so that our seniors can stay in their homes who are on fixed incomes.

We finally fully funded the Cessation Fund so that the communities around Indian Point will not have to worry about loss of tax revenue as we shut the plants down in April.

And finally, we've extended prevailing wage to our renewable energy projects so that everybody shares in the prosperity of the green economy and the green recovery.

So these investments of today will result in the shared prosperity of tomorrow. Madam President, I vote aye.

ACTING PRESIDENT MAYER: Senator Harckham to be recorded in the affirmative.

Senator Ryan to explain his vote.

SENATOR RYAN: Thank you very much, Madam President.

Thank the Majority Leader for so much in this bill to help restart the New York State economy post-pandemic, just in a sundry of items from education funding on.

But a few things I want to highlight is we're increasing library funding. And we're a big fan of that. We all saw the work that libraries did during the pandemic, and we're happy to restore the money that was cut to them.

Another item we're putting into the budget this year is aid to agencies that resettle refugees into our communities. The number-one growth factor of upstate cities is refugees.

More than other people moving from the different parts of America to our cities, or immigrants coming in, it's refugee resettlement.

And that program has suffered greatly under the previous president. They narrowed down by 75 percent the amount of refugees coming into our communities.

We're very happy with our new president that we're going to be rejoining the world's nations, and more refugees will be coming into upstate New York. But the agencies need help. And with this budget we are putting $3 million towards the refugee resettlement agencies to help them get a footing in America. And that's a positive thing.

The other thing we did is we recognized all the different people and cities who are suffering because of the pandemic, whether it's loss of home ownership, people fighting unemployment claims, people being evicted from their houses. And we put $3.5 million into legal services agencies operating in Buffalo, Rochester, Syracuse and Albany, to help just a little bit with the increase of civil legal services that is needed

in our communities.

So, very happy to support this budget bill and so many of the wonderful things in there. So it's my pleasure to vote in the affirmative on this action.

ACTING PRESIDENT MAYER: Senator Ryan to be recorded in the affirmative.

Senator Liu to explain his vote.

SENATOR LIU: Thank you very much, Madam President.

Our State Budget has Aid to Localities that is meant to address needs of local governments and local communities, but with a statewide focus it represents our priorities, it represents our values as a state.

And this year's Aid to Localities has a number of funding items that I do believe certainly represent our values and are badly needed by the communities that make up our great state.

I want to point out one specific item that I think is a real marker for the State of New York. Now, this past year we all know how deadly and dreadful the coronavirus pandemic has been. For the Asian-American community, it's

been doubly terrible in the bias and bigotry that we see now almost on a daily basis -- headlines of Asian-Americans across the country, but especially right here in New York, where elderly men and women are being shoved violently from behind, where people commuting to work are being slashed in their faces. The horrific shooting spree -- not here in New York, in Atlanta. But it could have been here in New York because there has not been an uptick in anti-Asian racism, violence and bias, there has been an onslaught during this entire year of coronavirus.

And in order to address those -- this problem, this plague, we need to do something -- not necessarily solutions that state government can come up with on its own, but a coalition of organizations, organizations in the Asian-American community who have been getting together, brainstorming, talking about how we can address the racist pandemic that the Asian-American community has been faced with.

And they came to us, our members here in the State Senate, our colleagues in the State Assembly, and also to the Executive, and we have put together this $10 million fund that is

meant for these organizations to begin addressing the root causes of this very virulent anti-Asian hate that we have all been faced with.

So I want to thank my colleagues, I want to thank our leader for putting this forth in the State Senate. I want to thank our colleagues in the Assembly and the Executive as well. Because once this budget passes, we will do the hard work of figuring out exactly how this money is going to be allocated.

Madam President, this is my opportunity just to talk about the Aid to Localities. I have lots more to say on education, on revenue. I'll see you later. Thank you so much.

ACTING PRESIDENT MAYER: Senator Liu to be recorded in the affirmative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

This bill lays out a clear path for upstate economic development and recovery. Agriculture is a $3.6 billion industry, and it's a cornerstone of our state's economy. We've increased funding for research initiatives,

FarmNet, the Cornell Diagnostic Lab, and we've added new investments that will bolster the state of agriculture across New York for years to come.

This is the best ag budget in recent history. And as the chair of Agriculture, I'm incredibly excited about that.

This bill also includes significant and needed funding and investment for small businesses, with a billion dollars in relief. Our small businesses have been on the front lines during COVID, often feeding people, opening their doors, helping community members, being a pillar of what our small towns and communities need during this pandemic. And they need help, and we are providing that now.

This bill also has a lot of local wins, spanning agritourism, green job development, the expansion of rural healthcare and veterans services and, for the first time ever, an independent stewardship line for the Catskills Park.

Upstate New York will benefit greatly from the investments in this budget bill, and for that I vote aye. Thank you.

ACTING PRESIDENT MAYER: Senator

Hinchey to be recorded in the affirmative.

Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Madam President.

I want to take quick moment to shine a light on something that has happened for the first time in our nation's history, which is a state choosing to invest in local police accountability -- and in this case, for the City of Rochester.

This moment has been more than 50 years in the making, when community members and leaders and organizers have been working to help make a safer, more supportive community for the City of Rochester. And in 2019, 75 percent of voters in the City of Rochester voted for a police accountability board, because they knew part of the solution to make safer communities was to allow community voices to be a part of that process.

And that is why I am so grateful, in this budget, for the leadership of Leader Andrea Stewart-Cousins for seeing the incredible need of our hometown City of Rochester in the 55th District and the need for an investment like

this.

For too long our city has been in the headlines with tragedy over tragedy, whether it's Daniel Prude losing his life in the throes of a mental health crisis, whether it's a young 9-year-old getting pepper-sprayed in the face, whether it's a woman with her 3-year-old daughter by her side being pepper-sprayed for an accusation of stealing, which she was found to be not guilty of.

This kind of funding is absolutely necessary, needed, and I am so grateful for the courage of this body to trust that the community really does deserve this kind of voice in their own policing. I believe it will help us save lives in the City of Rochester.

For that reason and so many other reasons, I'm proud to vote aye on this.

ACTING PRESIDENT MAYER: Senator Brouk to be recorded in the affirmative.

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

This is the second of several

appearances this evening on the myriad places where we find funding for housing and homelessness.

In the Aid to Localities bill there is the $2.45 billion that we're going to spend on COVID-19 emergency rental assistance. I think we will be talking about that, the language that is in a subsequent bill.

But I also did want to note that not only the money but the language for a brand-new program that is intended to provide permanent housing for homeless New Yorkers is included in the Aid to Localities bill. We're allocating $100 million for a new program through the Office of Temporary and Disability Assistance that provide resources for our local social service districts to provide permanent housing to homeless families, homeless individuals, including those without children, and also folks who would otherwise be facing eviction or homelessness.

It is not what many of us had sought, in that there was a great interest in a bill called the Housing Access Voucher Program, which many advocates had worked on and was

included in this house's one-house resolution. But it is a start, and it's very important.

You know, we have 90,000 homeless people at any given moment in our state. It's far too many. And although there's lots of reasons for that and lots of services that are necessary, one of the next most basic needs is resources for permanent housing. So this program will begin that process.

Just to note also -- again, we're going to be talking about renters quite a bit later, but there is $600 million in this bill for homeowners, for relief for homeowners. That includes, for the first time in a long time, a multiyear commitment to the Homeowner Protection Program, which has been quite a fight each budget cycle to get the $20 million restored. We're now putting in $20 million for this year and also putting in language that commits to do that for each of the next two years in addition to this year. So three years of funding, and we're moving that back to HCR, the state housing agency, where it began and where it probably best belongs.

But in addition to that, there's

$540 million for assistance for homeowners to deal with the costs of the COVID-19 crisis.

And just also this bill also includes the Small Cities Community Development Block Grant for $40 million and $22 million for the Rural Rental Assistance Program. So again, some very generous allocations for the enormous housing crisis, both the aspects that have come out of the COVID-19 crisis and also our long-term need to provide greater resources for housing and for people who are homeless.

So with that, Madam President, I vote aye.

ACTING PRESIDENT MAYER: Senator Kavanagh to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 650, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Mannion, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT MAYER: The bill

is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Madam President, we're going to call a meeting of the Finance Committee in Room 332 at 11:25 p.m.

And can you please recognize Senator Lanza for an announcement.

ACTING PRESIDENT MAYER: There will be a meeting of the Finance Committee at 11:25 in Room 332 of the Capitol.

Senator Lanza.

SENATOR LANZA: Thank you, Senator Gianaris. Thank you, Madam President.

There will be an immediate meeting of the Republican Conference in Room 315 of the Capitol.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Republican Conference in Room 315 of the Capitol.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease

at 9:58 p.m.)

(Whereupon, the Senate reconvened at 11:58 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Pursuant to Rule 5, Section 2, I move that we remain in session past midnight.

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

SENATOR GIANARIS: Now I believe there's a report of the Finance Committee at the desk. Can we take that up, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following bills:

Senate Print 2500D, Senate Budget Bill, an act making appropriations for the support of government: STATE OPERATIONS BUDGET;

Senate Print 2506C, Senate Budget Bill, an act to amend the Education Law;

Senate Print 2509C, Senate Budget Bill, an act to amend the Tax Law.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Finance Committee.

ACTING PRESIDENT PERSAUD: All those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Finance Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: At this time can we please go back and take up Calendar 645, which was previously laid aside.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 645, Senate Print 2501B, Senate Budget Bill, an act making appropriations for the support of government: LEGISLATURE AND JUDICIARY BUDGET.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 645, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, at this time can we take up the supplemental calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 652, Senate Print 2500D, Senate Budget Bill, an act making appropriations for the support of government: STATE OPERATIONS BUDGET.

SENATOR GIANARIS: Lay it aside temporarily.

ACTING PRESIDENT PERSAUD: The bill will be laid aside temporarily.

THE SECRETARY: Calendar Number 653, Senate Print 2506C, Senate Budget Bill, an act to amend the Education Law.

SENATOR GIANARIS: Is there a message of necessity at the desk?

ACTING PRESIDENT PERSAUD: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT PERSAUD: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(Response of "Nay.")

ACTING PRESIDENT PERSAUD: The message is accepted, and the bill is before the

house.

SENATOR LANZA: Lay it aside.

(Laughter.)

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 654, Senate Print 2509C, Senate Budget Bill, an act to amend the Tax Law.

SENATOR GIANARIS: Is there a message of necessity at the desk?

ACTING PRESIDENT PERSAUD: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT PERSAUD: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(Response of "Nay.")

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: The message is accepted and the bill is before the house.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

Senator Gianaris, this completes the reading of today's supplemental calendar.

SENATOR GIANARIS: Can we now take up the controversial calendar, please.

We will begin the controversial calendar with Calendar 654, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 654, Senate Print 2509C, Senate Budget Bill, an act to amend the Tax Law.

ACTING PRESIDENT PERSAUD: Senator Boyle.

SENATOR BOYLE: Yes, Madam President, would the sponsor yield for a couple of questions.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR RAMOS: Good morning, Madam President. I do.

ACTING PRESIDENT PERSAUD: Good morning.

The sponsor yields.

SENATOR GIANARIS: I'm sorry, Madam President, I believe Senator Boyle is asking about the Excluded Workers Fund, which Senator Ramos will be handling.

SENATOR BOYLE: Yeah.

ACTING PRESIDENT PERSAUD: Senator Ramos, will you yield?

SENATOR RAMOS: I do yield, Madam President.

ACTING PRESIDENT PERSAUD: Senator Ramos yields.

SENATOR RAMOS: Thank you.

SENATOR BOYLE: Thank you, Madam President.

Senator, a couple of quick questions about the so-called Excluded Worker Fund. It's approximately $2.1 billion, is that correct?

SENATOR RAMOS: That's correct. Through you, Madam President.

SENATOR BOYLE: And through you, Madam President, I don't think I've ever seen this much money spent --

ACTING PRESIDENT PERSAUD: Senator Boyle, are you asking the sponsor to yield?

SENATOR BOYLE: Yes, I do, I'm

sorry. Through you, Madam President.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR RAMOS: I yield.

ACTING PRESIDENT PERSAUD: The sponsor will yield.

SENATOR BOYLE: Thank you.

I don't believe I've seen this much money spent with the rules changing till very recently, as far as -- as long as 15 minutes ago it seemed like things were changing about the bill. Can you just give me the Reader's Digest version of how this is going to work, there's two tiers -- how is the Excluded Fund supposed to work?

SENATOR RAMOS: Well, you know, I've never seen a fund this size to help the most vulnerable workers in New York State in my life either. But I'm very proud of it. Because with it, we're actually revitalizing several local communities across the state, including in both your and my districts.

So through this, what we're doing is recognizing the labor of those excluded workers, who weren't able to qualify for stimulus checks,

for PUA or for unemployment insurance. They'll have to prove identity, they'll have to prove residency, and they'll have to prove loss of income as well.

SENATOR BOYLE: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR RAMOS: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BOYLE: There was a point in time, I don't know if it's still the case, where recently released convicted felons were part of this fund. Is that the case still, or has that changed?

SENATOR RAMOS: No one -- Madam President, through you, no one is a part of this fund, as it doesn't exist yet.

SENATOR BOYLE: Through you, Madam President, if she'll continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: I continue to

yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BOYLE: Assuming this bill passes and it's put into law with regulations, would convicted felons, recently released, who may have lost employment during the pandemic be eligible for funds under this fund?

SENATOR RAMOS: Through you, Madam President, only if they are able to show the different proofs that are needed in order to qualify for the fund.

Based on our calculations and how we've designed the fund, we wouldn't estimate that to be a significant amount of people at all. In fact, the idea is that you worked for a significant period of time and you are able to prove loss of income throughout the past few months, almost a year of the pandemic, retroactively. And so this will largely help other different types of working families.

SENATOR BOYLE: Through you, Madam President, would the Senator continue to yield.

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR RAMOS: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BOYLE: Senator, so do you have an approximate number of people who would be eligible for this fund.

SENATOR RAMOS: Well, we approximately have five -- I think over 500,000 -- well, I'm being told that we are expecting approximately 160,000 New Yorkers to be eligible for this bill. But remember, they'll have to apply first.

SENATOR BOYLE: Through you, Madam President, would the Senator continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BOYLE: So fair to say that a large number of these workers are undocumented that would be eligible for this fund, is that correct?

SENATOR RAMOS: That's right, Senator. And I appreciate your nomenclature.

SENATOR BOYLE: So through you, Madam President, would the Senator continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: I do, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BOYLE: California, I believe, did something similar, but they limited the funds going to these excluded workers to approximately $500. Under this piece of legislation it would be $15,000 plus, and for those without identification numbers it would be $3,200, is that correct? Why didn't you go the California route, is my question.

SENATOR RAMOS: Through you, Madam President, the California program is actually not very comparable to what we're trying to create here tonight. The California model only allocated $125 million for such a large state and worked with local organizations,

not-for-profits in California, in order to distribute that money.

This is a fully state-run program in order to put the proper safeguards in place and again be able to recognize retroactively the hard work of those who have been paying taxes and contributing to our economy so generously.

SENATOR BOYLE: Through you, Madam President, will the Senator continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BOYLE: So Senator, there's two tiers. One is for those that have ITINs and those that do not. Is that correct, the 15,600 versus the 3,200, if you have an Individual Taxpayer Identification Number?

SENATOR RAMOS: That is correct.

SENATOR BOYLE: So explain to me, please, the ones who do not have Individual Taxpayer Identification Numbers, how do they prove they deserve to have this money, that

they've been working or -- this is -- $3,200 is a lot of money, obviously. How is that going to work in practice?

SENATOR RAMOS: Well, it's the same amount of money that was given through the federal stimulus check. Those workers who apply for the Tier 2 benefit would be subject to a list of proof promulgated by the Commissioner of the Department of Labor.

SENATOR BOYLE: Through you, Madam President, would the Senator continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BOYLE: So the criteria during the period of unemployment, what do they have to prove -- if you don't have an Individual Taxpayer Identification Number, how do you prove that you were working, that you are deserving of these funds on an individual basis?

SENATOR RAMOS: Well, like I mentioned, Senator, the Commissioner of Labor

would have to promulgate a list and develop a point system. That's what we're entrusting her, in this case, to do.

But ideally they could use pay stubs and correspondence with their employers, hopefully school records, and all sorts of other means of communication showing, you know, their residency and their loss of income here.

SENATOR BOYLE: Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Boyle on the bill.

SENATOR BOYLE: Thank you.

While I appreciate the Senator's efforts to take care of some excluded workers, I think this aspect of the revenue bill is highly misguided. And I believe that I speak for all the members on my side of the aisle and perhaps a few members on the other side of the aisle.

$2.1 billion is a tremendous amount of money -- perhaps not in the context of this budget. I noted my first budget as a member of the State Legislature was in 1994, and it was $33 billion for the New York State Budget. This is $212 billion, in one political career. Well

beyond the rate of inflation. And part of that goes to this $2.1 billion.

Obviously we've seen, in the media, reports about a large number of individuals coming across our southern border by the hundreds of thousands. And I believe that that is an area for immigration policy out of Washington, not for us to solve in New York State.

Because I believe what's going to happen is that the word is going to spread in South and Central America, in Europe, in Asia, everywhere, to say -- they don't get into the details of how you're going to qualify for funds under this excluded worker program, they're just going to hear New York State, you can come, you can get a driver's license, you can get free college, and now you can get $15,000. And so they're going to pour into New York State. And God knows what that's going to do to our budget the next few years.

I would point out that in the State of New York we have fewer people than both the State of Texas and the State of Florida, yet our State Budget as of tonight will be more than both of them combined. Texas and Florida are not

Third World countries. No one's starving there. They're doing very well, actually. And yet our State Budget, including programs like this, has reached a level of more than both of their state budgets combined.

This is going to be a huge problem going into the outyears and a huge problem in the short term.

Again, I think your heart is in the right place, Senators, but this Excluded Workers Fund is ripe for disaster. It's going to be a regulatory and administrative nightmare, and we're going to see it soon enough.

I'm going to vote no on this bill and the rest of the budget.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator O'Mara.

SENATOR O'MARA: Thank you, Madam President. Would Chairwoman Krueger yield for some questions.

ACTING PRESIDENT PERSAUD: Senator Krueger, would you yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: Thank you, Senator.

We've been through some of these figures at the outset of our debating earlier today, and I'm going to try not to reiterate too much of that. But this revenue bill before us, how much revenue is being raised by this budget?

SENATOR O'MARA: In total, the total revenue for this budget?

SENATOR O'MARA: Yes, in total.

SENATOR KRUEGER: 88.114 billion in All Funds receipts, taxes.

SENATOR O'MARA: Okay. This -- through you, Madam President, if the Senator would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: This -- according to the financial plan that was delivered to us earlier, the State Funds portion of this budget

includes approximately an $8 billion increase, which is an 8.1 percent increase over last year?

SENATOR KRUEGER: That's correct.

SENATOR O'MARA: And what is the --

ACTING PRESIDENT PERSAUD: Senator O'Mara, are you asking Senator Krueger to yield?

SENATOR O'MARA: Yes, Madam President, will the Senator continue to yield. Sorry, it's getting late.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: What is the CPI anticipated for the next fiscal year?

SENATOR KRUEGER: 2.2 percent.

SENATOR O'MARA: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: So we are roughly four times outpacing the CPI with this budget proposal. And to do that, in addition to some $12.7 billion-plus coming from the federal government, we're raising a variety of taxes in this budget, correct?

SENATOR KRUEGER: We are.

SENATOR O'MARA: The -- through you, Madam President, if the sponsor -- if the Senator will yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, would you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: We're substantially increasing personal income taxes on wealthy New Yorkers earning over a million dollars. Through that personal income tax increase that we have, how much revenue is anticipated to be generated in this year and next year's fiscal years?

SENATOR KRUEGER: Okay. So for this year, 2.753 billion will be new revenue from the temporary PIT high-income surcharge, and next

year that will grow to 3.251 billion.

SENATOR O'MARA: Okay. Through you, Madam President, if the Senator would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: So we are raising taxes in excess of $2 billion, closer to $3 billion this year on the income tax increase, and we are turning around and giving $2.1 billion to basically illegal immigrants that are here that did not qualify for unemployment benefits during the pandemic?

SENATOR KRUEGER: We are creating a fund to provide benefits to people who can prove that they are here, lost their jobs, were not eligible for federal benefits because of national immigration policies that do not allow them to be defined as here legally.

SENATOR O'MARA: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: So those that are here in violation of our national immigration laws are here in violation of our national immigration laws and are not properly documented to be in this country or in the State of New York, is that correct?

SENATOR KRUEGER: Well, they don't have legal status under our federal immigration laws. I am not sure they have violated any status under New York State laws because I don't think we have immigration laws in the State of New York.

SENATOR O'MARA: Through you, Madam President, if the sponsor would yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: Is an immigrant

that is in the State of New York without proper documentation eligible under New York State law to have a job, to be employed?

SENATOR KRUEGER: I know what the federal rules are. I -- I'm not sure if there's an explicit law that says that you can't have a job.

SENATOR O'MARA: Okay.

SENATOR KRUEGER: We certainly know that there are many people hiring these people who are citizens, who are hiring people who don't have federal immigration status. So there's certainly an ongoing economic relationship between people who live in the State of New York legally becoming employers for people who don't have federal legal status.

ACTING PRESIDENT PERSAUD: Senator Ramos, why do you rise?

SENATOR RAMOS: I rise as the author of this part of our budget bill and I would like to offer some clarity to the questions from the gentleman.

You know, ultimately documentation is irrelevant to whether a human being needs to eat or pay rent. And I am sure that the Senator

would like for people to catch up on their rent and not find another means to be able to provide for themselves and their families.

And so what we're doing here is actually contributing millions of dollars into all sorts of sections across New York, money that will be spent on the aforementioned things but also will become disposable income for undocumented New Yorkers -- no human being is illegal -- for them to be able to spend this money in their local economic corridors where small businesses have been hurting so much.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator Ramos.

Senator O'Mara.

SENATOR O'MARA: Thank you, Senator Ramos.

SENATOR KRUEGER: If you would like to continue to question Senator Ramos -- who to be honest is the originator of the original bill, so she may have more answers for you, but I'm happy to do my best. Whichever you wish.

SENATOR RAMOS: (Inaudible.)

SENATOR O'MARA: Madam President,

would Senator Krueger continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: I was moving on from the income tax increases to -- to the corporate business taxes that are being increased in this revenue bill pursuant to Part HHH, which purports to raise $750 million in new corporate franchise taxes in the next fiscal year.

Can you outline for us the corporate franchise increase, who it applies to, and exactly what the rates are going to be?

SENATOR KRUEGER: Businesses with net business income of 5 million or more will see their tax rate go up from 6.5 percent to 7.25 percent. Then businesses -- (pause).

The proposal also reintroduces the capital base test, the corporate franchise tax instituting a rate of 0.1875 percent, but cooperative housing corporations would be exempt from that category. So it doesn't apply to them. Sorry, co-ops and small businesses will not face

the capital base test.

SENATOR O'MARA: If the Senator would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: What is the definition of small business in this capital base test?

SENATOR KRUEGER: So it's a three-part test: Income of less than 390,000 a year, business income; less than a hundred workers; and less than a million dollars in additional capital in a given year.

SENATOR O'MARA: Thank you, Senator.

Will Senator Krueger continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: I shall.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: Since it's estimated that this -- this tax -- this tax that's being set up in Part HHH will provide an increase in revenue of $750 million. Of that $750 million, which -- how much is related to the capital base test and how much to the increase in the franchise rate from 6.5 to 7.25?

SENATOR KRUEGER: We don't have a number for you, I'm sorry. But we assume the vast majority is the percentage increase.

SENATOR O'MARA: Through you, Madam President, will Senator Krueger continue to yield.

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: So we're implementing this capital base test, yet have no forecast on what types of revenue is going to be generated from that?

SENATOR KRUEGER: So it's part of the same package on the same businesses. And to be quite honest, when we were looking at this we weren't necessarily aware of the interconnection of the corporate base tax, so that we built that

in as well, to make sure that we were being consistent with how we approached our corporate franchise tax in New York State.

Then we realized, after our first run at it, that we hadn't intended to hit corporate housing or small businesses, so we worked backwards and removed that. So it sort of ends up being a package in tax policy.

SENATOR O'MARA: Will Senator Krueger continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: Prior to this increase, under current law, the Citizens Budget Commission reported in June of 2020 that New York State businesses pay the highest corporate franchise taxes in the country.

How is it wise at this point of economic turmoil due to the pandemic, how is it wise for us in New York to increase taxes that are already the highest in the country on corporations?

SENATOR KRUEGER: So I didn't read the CBC report, so I'll just take it at face value that New York may have the highest.

But interestingly, prior to that report the Trump administration reduced corporate franchise taxes on businesses in the United States by something like 13 to 20 percent. So we're doing a less than 1 percent increase where these same companies saw a dramatic decrease in their corporate franchise taxes.

And these are not the businesses that are in trouble. We're trying to make sure that we are applying it to non-small businesses who -- many of whom are doing extremely well in today's economy.

SENATOR O'MARA: Thank you.

Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: Does that corporate franchise tax increase apply to

manufacturing entities?

SENATOR KRUEGER: No.

I also just want to clarify, if I might. If you -- the corporate franchise tax is based on making your money off of New Yorkers, not whether or not you're here in New York. So that this is not a situation where somebody would pick up and leave New York State, because they would still owe the tax.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: I asked about manufacturers in particular because several years ago we eliminated the corporate franchise tax for manufacturers. And that really only ended up applying to larger corporations and did not apply to so-called pass-through entities that were manufacturers, such as C-corps -- or, I mean, S-corps and LLCs, partnerships and the like.

And we continued discussions on how to make up for those entities because they got passed by because of their pass-through income, and we never did anything for them. Are we doing anything in this budget to help those manufacturers that make up about 75 percent of manufacturers in the state?

SENATOR KRUEGER: I am told happily yes, that in Part C we allow a new option with pass-through for many of these types of corporations that will allow them to change their structure and significantly reduce the federal taxes that they owe.

SENATOR O'MARA: Will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: Just to clarify, it will reduce the federal taxes they owe? What about the state taxes they owe?

SENATOR KRUEGER: The state taxes stay the same. But they would be able to

overcome some of the increased taxes they face because of the SALT policies that went into effect.

And so when you're a business and you're looking at your total tax bill, I'm not totally sure that you care which of it is the state versus which is the federal, as long as it's reducing for you.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: Since you've taken this action in light of SALT, certainly doesn't -- and the SALT had arguably the biggest impact on the wealthy in costing them in federal taxes, how is it wise to be now increasing the personal income taxes on those same wealthy that have the double whammy of the SALT issue?

SENATOR KRUEGER: So SALT per se wasn't particularly relevant for people at the

very high end of wealth, because they were doing alternative taxes or it didn't translate into a significant impact on their overall taxes.

The fact that we are increasing taxes on the highest earners, again, doesn't necessarily mean that they're going to see a significant tax increase, because they too received significant reductions in taxes through the federal Trump tax policy changes of 2018.

So the federal government reduced taxes for the wealthy even as they were doing SALT, so it didn't translate into a net negative for wealthy New Yorkers. We are doing a slight bump in their PIT which, yes, means a little more tax from these families. But, with all due respect, not particularly significant given the amount of money that they are earning or have.

SENATOR O'MARA: Thank you, Senator Krueger.

Would the Senator continue to yield, Madam President.

ACTING PRESIDENT PERSAUD: Senator Krueger, will --

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator

Krueger yields.

SENATOR O'MARA: First of all, the alternative minimum tax really has no impact on earners over $10 million. Secondly, I have a Brookings report here that indicates that removing the SALT cap would be a massive tax cut for the rich, that 57 percent of the SALT impact affects the top 1 percent of all taxpayers in New York.

(Pause.)

SENATOR KRUEGER: I'm sorry, was there a question that I left you hanging on?

SENATOR O'MARA: Your argument that the SALT didn't impact the highest of earners is disputed by the Brookings report.

And so that will be, again, a much more significant impact to the wealthy. And I am not -- I'm not crying for the income tax impact to these wealthy individuals, because certainly I am not one and I'm not sure how many are even in the Senate district that I represent, maybe a handful of them.

My concern is with these wealthy individuals fleeing New York State, which is a concern over increased taxes. What is the

Majority's concern or lack thereof with these increased taxes and running more wealthy individuals out of New York that provide a substantial portion of our overall revenues generated in the state through income taxes?

SENATOR KRUEGER: So even though there's tax brackets that go up above $10 million, the vast majority of taxpayers will actually be in the 2 to 5 million range.

So the fact that SALT is -- or the loss of SALT has had a real impact on people with revenue -- with taxes -- excuse me. That's what happens when you try to talk at 12:30 in the night.

Even though, as you point out, the impact of SALT is very significant on people with 10 million or more in income -- I believe that's what you just told me -- that's not that many people who will be impacted by our tax change. The tax change definitely has a larger impact -- total number of households -- on people below the 10 million mark, between 2 million and 10.

So the SALT impact is only on a relatively small number of the total number of households that will be impacted by this, which I

believe is a total of 50,000 households in the state who will be impacted.

As far as their behavior of -- would this be something that would make them decide to leave, the research shows that over history, no, marginal increases of 1 or 2 percent on PIT does not motivate them to leave.

Some of the complexity for New York is, according to the data, about half of these people are already nonresidents. So they're paying New York taxes because they're making their money here, but they're not residents of New York. So the decision is not necessarily would they pick up and leave.

Would they literally stop doing everything that they do in New York to make them this kind of money because we increased their marginal tax rate by 1 or 2 percent? And I think there the research is pretty clear that this would not be enough of a change in income to motivate people to pick up and stop doing everything that they do here, all their business, stop doing their business here. They made their wealth here, and they would give it all up and start somewhere new for a marginal tax increase

with a sunset date? Again, research shows that is not what motivates wealthier people to pick up and leave.

Would we lose some? I think yes. But the interesting research is we are producing millionaires and billionaires faster in New York than we lose them. I'm not suggesting there's a correlation between if you have high taxes, you get even more wealthy people. But I do think there's a correlation that this is the State of New York and for most of these people, their home is in the New York City area. And they come here to make their wealth, and then they get addicted to the glories of New York State and they can't imagine wanting to live anywhere else, certainly not full-time.

And yes, it's been a bad year with the pandemic, I'm the first to admit it. But none of those fundamentals have changed, and so we're already seeing them returning. We're already watching more residential sales happening.

And so I think people come to New York and stay in New York because we have an infrastructure that will support the businesses

that they need and want to have, that we have an educated workforce for them, that we have the beauties and advantages of New York State, one of the only states in the country at this point which isn't suffering fire, flooding, water crises.

I mean, we have a lot of really important natural resources in our favor heading into the next millennium. And that they balance all that, and they say a couple dollars more off my taxes -- or a couple dollars more of paying tax, and that isn't their decision-making.

So I'm not that concerned that we lose our tax base. I am concerned that we don't have the infrastructure and services for the people of the state, and this is a way to help us accomplish that.

SENATOR O'MARA: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: I certainly agree with you with all of the positives and attractiveness of New York State.

However, making it less attractive to the wealthy, who could easily spend one day less than six months of the year in New York and one day more than six months of the year elsewhere, to avoid this increased tax liability -- the concern of the loss of those revenue generators could be catastrophic to New York State, particularly with what could be substantial impact to the financial industry, which creates over 20 percent of our overall state revenues. And the risk of running them out of the state is a significant risk that we keep pushing, or your side of the aisle keeps pushing more, more, more.

And that we're raising, in this budget, billions of dollars in new taxes at the same time receiving a windfall of nearly $13 billion of federal coronavirus money, seems very shortsighted when we're trying to rebuild our economy.

Do you not think, Senator Krueger, that our economy would rebound faster with not

increasing taxes, with allowing job creators, business owners to do what they do and invest and create jobs and we could build revenue in the state that way as well?

SENATOR KRUEGER: There's lots of different economic theories of what results in what. I believe you were just describing we'd be better off sticking with a trickle-down theory of economics: Don't tax people to cover the costs of programs that you know are needed, and let the wealthy entrepreneurs make as much money as they can and then the economy will trickle down to others.

The problem is that theory has been disputed and debunked, I think since Ronald Reagan. Because raising money for yourself doesn't mean you do create jobs. It doesn't mean you reinvest in activities that create jobs. It doesn't mean that you get economic outcomes for other people. Ironically, the excluded worker program is much more likely to have an immediate economic-generator effect in our local economy than someone making billions of dollars deciding to do offshore investing.

And so I'm not at all convinced that

having taxes that allow you to provide infrastructure, good education, save healthcare, clean water, clean air, aren't far more important for creating a sustainable economy with jobs and job growth. And I certainly don't think telling 50,000 people, You hold on to that extra money and that we're counting on you to be our stimulus and to create our jobs -- because I'm telling you, if you read the research, that's not what has ever been a successful outcome of trickle-down theory.

SENATOR O'MARA: Thank you, Senator.

Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will, Madam President.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: I would think it a far stretch for us here in this Legislature to in any way intimate that we have a trickle-down economy here in New York State, with the highest

tax burden of all but one other state in the country when you combine income taxes, property taxes, sales taxes, everywhere-you-turn-around taxes in this state, and we continue to burden them with this budget and the increase in taxes that are here.

But I will move on from the tax issue in the interests of the hour and covering more topics here. Part KKK, an early retirement incentive. The -- everybody scatters.

(Laughter.)

SENATOR O'MARA: Oh, I mentioned KKK. I didn't even think about that.

(Laughter.)

SENATOR O'MARA: Okay. All right. Let's rename that section. It's like the 13th floor.

SENATOR KRUEGER: We weren't thinking about it either, Tom. Thanks for sharing.

(Laughter.)

SENATOR O'MARA: The early retirement incentive that's in here --

SENATOR KRUEGER: Yes.

SENATOR O'MARA: -- is much more

narrow than what the one-house budgets had had in them. And in fact, the early retirement incentive that's being authorized in this final budget applies only to employees of the City of New York.

What happened to the rest of the employees in the State of New York?

SENATOR KRUEGER: So first, we're allowing it for the City of New York because they have their own system. It is different than the rest of the state's. They had already made an agreement with the unions in the City of New York and set up a plan, and everybody said this is what we need to do and we have the resources to do it and we believe it's a win/win. It's not costing the state money. So we're basically just saying, Okay, you wanted to do this for yourselves, and we're allowing you to do it.

Some parts of the state have also said they are interested in it. And we said, all right, have you set this up for yourself in the following ways, do you have the resources to do it, have you come to agreements with your unions? And the answer was all over the place, depending on who you talked to -- whether they

were interested at all, whether they thought it was a terrible idea, whether they thought it was a good idea.

And so we simply concluded that there wasn't really a justification or a way to give them this equivalent at this time. And we're not sure that they were asking for the equivalent. But let me just double-check what I forgot to tell you.

So the city's budget is balanced on the labor savings, and that's what's been planned. The state's is not. So it's not almost a necessity for the state nor something that was asked for by the state. Some unions are more interested in it than others. And then we got into localities and learned that the stories could be radically different from city to city, county to county.

SENATOR O'MARA: Thank you, Senator.

If the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: I'm going to do

my best, Madam President.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: So it was important enough to have in the one-house budget but didn't make it through the final factor here. Who was most opposed to the statewide early retirement incentive? Was it the Executive, or was it one or the other or both branches of the Legislature? Because it seems to me that from your description, the public employees unions of New York City carried the day but the public employees unions for the rest of the workers in the state did not.

SENATOR KRUEGER: It wasn't an either/or. Because the public employees unions in the city had been in discussions with city government for an extended period of time and basically had already made their agreement and were coming to us so that we could say okay and check the box.

At the time, when we were exploring the one-house budget bills, some of us assumed everybody else in the state would want the same options available. But we hadn't gone and

checked, to be quite honest, we just assumed everybody will want something like this.

So it went into the one-house, and then people started saying, here's why this would be a huge problem over here where we are. Here's why we're not sure it's the best idea as a union, over here where we are. So we started hearing very different stories coming from different parts of the state.

So I don't know if there's an answer to who was most or least interested in it. I don't think the Governor had ever proposed a statewide, so I can't say he was. But I'm not sure he was sitting around discussing saying no either. It just wasn't a scenario at the state level.

So because the state has a hiring freeze, the state unions were not necessarily so interested in this storyline. Which is a different situation than the city.

So we really were -- in doing our due diligence, once we opened up the Pandora's box of maybe everybody wants this, we learned that's not necessarily true, and it can be very different stories.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: On that last point, I certainly think that that could have easily been worked around, since one of the advantages of an early retirement incentive is to get rid of those that are longer in the tooth and higher on the salary range and replaced with newer, younger employees in the lower salary scale. So that state hiring freeze certainly could have been manipulated to take that into account, I would think.

Why couldn't that have been adjusted in the process?

SENATOR KRUEGER: Apparently you don't see any savings in a government union-structured workforce, even if you're hiring at Tier 6, the newest tier, because the money savings is only 30 years from now when they

retire, not now. And if you do have a hiring freeze, both you as an agency are saying, oh, people are retiring, but I can't replace them. And even you as a union are saying, oh, people are retiring, but I can't get new union workers.

So again, it's not always as obvious as it appears.

SENATOR O'MARA: Thank you.

One final topic here for this section of the budget, Part X, deals with an issue that we certainly feel is unfair for local governments and is removing local control. And Part X is establishing a standardized real property tax assessment for solar, wind and farm waste infrastructures.

Why is it necessary or why are we endeavoring into the area of local property assessment and taxation where we don't do it in any other areas?

SENATOR KRUEGER: I believe that the answer -- oh, look, someone who will know for sure instead of you just letting me guess. So I'm going to test my answer against his.

He liked my answer, so I'll give it to you. One, we actually need a mechanism that

will help us go forward with the sitings of renewable energy options. We need it because the world is crying out for alternative, green energy.

And two, because these often end up being fairly complicated negotiations, the local property tax assessors and the local entity of government get themselves in extended debate about even being sure how to do it and what's fair and reasonable.

So I actually think the state coming along and saying, Here, we can set up standards for you, we can show you how you can get this done successfully, is a win/win both for the localities wanting to make sure that they are getting a fair shake on the property tax realities and the State of New York, who has a mega-incentive to want to move forward with green energy projects.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR O'MARA: I certainly disagree with that analysis on this, and I believe and members on this side of the aisle believe that this is a significant intrusion into local control, that these issues have always been left up to local governments on assessing real property. That in my experience, both in my profession as an attorney and dealing with local governments throughout my district, industrial development agencies have been very effective in handling PILOT agreements for these types of projects.

And there is a variable that I believe we're trying to get around with this legislation, and that is some communities simply don't want these large-scale wind and solar facilities in their communities. They feel that they're a blight on their viewscapes that they have, which is part of the beauty of upstate New York.

And by standardizing these agreements, that's one less thing the community has in their ability to effectively negotiate and

deal with these projects. Aside from the fact that just the State of New York wants them, therefore we're going to ram them in the communities whether they want them or not, is not fair to us in rural communities in upstate New York.

So what is your response to the concerns of those communities that want more control, that want more ability to negotiate size and placement of these facilities, and this is taking away part of that negotiating ability?

SENATOR KRUEGER: So it was not my understanding that we are removing all the tools a community has to object to a specific siting. This is simply on the resolution of the property tax arrangements and/or PILOTs.

And I have to tell you, New York State is frequently referenced as a poster child for how not to set up property taxes. We have more assessing units than states -- I'm trying to think. We have over a thousand assessing units in New York State. California has 60.

So we have made ourselves into this just crossword puzzle of endless small assessing units, assessors. We have these economic

development corporations that don't necessarily account to anyone. We have confusing PILOT deals that sometimes don't pay. I think that this actually cries out for some standardization. But I don't think it means that communities lose all say over the location of these projects.

SENATOR O'MARA: Thank you, Senator. That's all I have.

SENATOR KRUEGER: You're welcome.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam President. Would the chairwoman yield for a few quick questions, please.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Can I ask whether you mind if I sit while you ask the questions?

SENATOR PALUMBO: I certainly have no objection to that. Thank you.

SENATOR KRUEGER: Okay, I appreciate that. Because it's now 1 a.m., and Senator O'Mara wore me out a little bit.

SENATOR PALUMBO: Yes, certainly.

And I'll try to be brief, in light of the hour. And thank you. And, Madam Chair, would you yield for a few questions?

SENATOR KRUEGER: I am happy to answer questions.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: Standing, sitting or otherwise. That's certainly great. Thank you.

And I'd like to ask a few questions, if I may, on Part BBB, as in "boy," regarding the Professional Policing Act of 2021. And this creates a council, just to give some -- as a reminder, so I can preface my question -- that requires essentially almost all law enforcement agencies in New York State to have a certified hiring practice through an accreditation council. Is that accurate? Does that refresh your recollection?

SENATOR KRUEGER: Yes, I am being told you're correct.

SENATOR PALUMBO: Would the Senator still yield, please.

ACTING PRESIDENT PERSAUD: Senator

Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: Thank you, Senator Krueger.

And that particular council then, ultimately, in the next few years -- or those law enforcement agencies, and it's almost all of them, with just limited exceptions, I believe the State Police special investigators and some agencies, but virtually all the little village departments, towns, statewide, will have to certify their police officers in the next few years. Is that also accurate?

SENATOR KRUEGER: So we're establishing certification for departments, not for individual officers. So that if you're -- it will review your hiring practices for new officers, right, who will have to then meet the new standards. But it is not requiring going retroactively back to your existing police officers and requiring new certifications or standards for them.

SENATOR PALUMBO: Will the Senator

continue to yield, please.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: So then just so I'm clear, then, Senator Krueger, it would be essentially for all prospective employees, and they would have to ultimately hire in accordance with those practices once they're certified. Is that accurate?

SENATOR KRUEGER: Yes, that would be correct.

SENATOR PALUMBO: And in the event -- will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: Thank you, Senator.

And in the event that those departments -- say, a small village department is

not accredited in time, what's the sanction? Are they prohibited from hiring any further? Do they lose some sort of ability to even operate? Would you please explain that to me?

SENATOR KRUEGER: If the police agency loses its certification, then the individual police officers who were working for them are no longer technically defined as police officers because they're not working for an agency that is a police agency.

SENATOR PALUMBO: Would the Senator continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: And the way I read this, Senator -- and please, again, correct me if I'm wrong -- that ultimately individual police officers would be certified police officers and then this council could subsequently remove that certification based upon an investigation or a complaint, on their own initiative or otherwise, concerning allegations

of corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse by any police officer. Is that accurate?

SENATOR KRUEGER: So we believe it is simply a clarification of existing law, where they do go through training and are certified.

And it is clear that if they are found guilty of any of the items you just listed out, that would not be activities becoming of a police officer, that they absolutely could lose their job or their certification over that.

So we don't think it's new in law, but rather a clarification in a different section.

SENATOR PALUMBO: Would Senator Krueger continue to yield for another question, please.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: And thank you, Senator. I do appreciate that. And the wrinkle is this -- and this is the concerns that I've

been hearing from some law enforcement agencies, is that this council is allowed to receive and investigate complaints and then take some action.

So the concerns were -- and just previously during some discussion you indicated that, regarding the early retirement, you spoke to some unions and stakeholders regarding their positions. I guess I have two questions, and if you'd like, I'd certainly break them up.

One, were any law enforcement unions -- was any of this discussed with any law enforcement unions, this particular council, in the creation of this bill? And secondly, in that regard, are there any concerns that you may have regarding due process? Because there already are processes in place with regard to police misconduct.

SENATOR KRUEGER: So we do believe that the review process was built into this new model in a number of ways and places. And probably I could just refer you to our staff to go over that, because that's fairly complex.

But as far as talking to individual police unions, I confess that that was not a role for me. I think that some did notify us of

concerns. And probably at 1:00 in the morning I can't check with chairs of the relevant committees or even members of the relevant committees. And I am not a member of those committees.

SENATOR PALUMBO: Will the Senator continue to yield, please.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: Thank you, Senator. And I do appreciate that.

I think the only wrinkle is, though, that this is going to become law in just a few hours. And again, those concerns are that obviously there are -- the administrative body -- and again, this is just really a process issue. If someone's acting inappropriately in law enforcement, they need to be removed. We all get that. And everyone agrees, and particularly police officers agree with that.

But my point is that this particular commission looks a lot like the Office for

Prosecutorial Misconduct that we had a few years back that ultimately was subject to a lawsuit and as a result of that lawsuit, it was declared unconstitutional.

And now we have collective bargaining agreements, we have certain -- for example, in the New York City Police Department, the Civilian Complaint Review Board, that is an outside agency that investigates these types of claims that this commission would also -- or council would also investigate, and then subsequently there's administrative action. And all of that is done by way of civil service issues and so forth.

So my question is -- and I know that we may not have real specifics, and I know that this may not have been discussed with these relevant agencies. But are there any concerns that a council such as this would ultimately be unconstitutional with respect to investigating officer misconduct and, in the event that there are -- if it ultimately becomes law, which we believe it will, and there is -- this council is created and they ultimately take, upon even their own initiative or otherwise, they seek to remove

the certification of a police officer, which would otherwise essentially remove them from duty?

SENATOR KRUEGER: So I just got a clarification which I think is very important to understand.

The role of this commission is not to investigate police officers on the job who are accused of something, it is only to do follow-up for police who have already left their job, perhaps under what's termed a dark cloud, and to make sure that there is full detail of exactly why they chose to leave or were asked to leave, so that the state register of these cases can make sure that you don't become a police officer in another location without people knowing that this is why you were no longer a police officer over there.

So you talked about the equivalent of a district attorney facing accusations of being -- you know, of violations. I think it's more parallel to the system we have set up for some other professionals, doctors and nurses and doctor's practitioners, where they go in and determine were they accused of something, is it a

basis -- did they have their right to practice in that hospital taken away from them, should they actually have their medical license taken away, should there be notice that they should not be hired at other hospitals in the State of New York.

Which I think is actually a very valuable, powerful and important tool in making sure that the small number of bad apples in medicine are prevented from moving down the road to the next hospital or town to reopen shop and continue bad practice.

And so if there is a storyline -- and I'm sure there is, because there's one in every profession -- where there are some bad apples and they have actually been forced out of a specific police community -- I guess department is the right term -- police department, but they're just hoping to move along and nobody should really notice and stop them from getting a job three towns over, I think it's actually an important thing that is very helpful to the police community overall to make sure that in fact the small number of bad-apple officers are not allowed to continue in the field.

SENATOR PALUMBO: Thank you, Senator. Would you yield for two quick questions, then I'm done.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: Thank you, Senator.

And in that regard, then -- so just so I'm clear, then -- this is more to compile data for the purposes of rehiring a police officer who was removed for cause or misconduct, and this is to create a central registry of those bad apples? Is that really where -- what this is for?

SENATOR KRUEGER: Apparently we already have a registry. It's to make sure that it's a complete and detailed analysis so that we have the correct information.

SENATOR PALUMBO: Thank you.

Would you yield for one more question, please?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR PALUMBO: Thank you, Senator.

So with that in mind, then, in light of the fact that we've repealed 50A and that all of police officer personnel files are FOILable and public, what's the need for this particular registry if we have a registry, we now are requiring certification -- and I understand that -- which is already controlled by the training council in general.

But what's the purpose for this, and how is this not redundant?

SENATOR KRUEGER: So I don't think it's parallel. I don't think your other police departments are going to FOIL the records in order to try to find out about another police officer from a different department applying for a job.

This will ensure that in a state with a large number of different police forces, I believe all with the same goals, to uphold the laws of the State of New York, that there's a way

to keep track of the bad apples to make sure that you have correct information in that registry, and to protect, frankly, not only the next police department from making the mistake of hiring them, but protect that next community as well.

But I don't really see it as parallel or correlated to the 50A situation.

SENATOR PALUMBO: Thank you, Madam Chairwoman.

On the bill, please, Madam President.

ACTING PRESIDENT PERSAUD: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam President.

And, you know, I certainly understand the intention behind the creation of this, just speaking specifically to this part, the creation of this council, but I think that the way that this section is worded is very troublesome. Because quite frankly, if someone is reapplying, say, that they did lose their job for misconduct or reasons that are otherwise outlined in this section, certainly a new agency is going to do a background check and in fact, if

not even obtain the personnel -- the personnel file, as a new employer, they can simply FOIL it. Or someone else would ultimately broadcast that, as we've seen since we've repealed 50A.

Generally speaking on this bill, I actually was concerned that we would be looking to tax our way out of the pandemic when we obviously dealt with what we've been dealing with for the past year. And we had a structural deficit of 6 billion prior to the pandemic, and the Governor said, I need $15 billion -- with a B -- from the federal government, and we'll be just fine. Which also included, which was very artful, the pre-pandemic $6 billion losses that we were looking at.

And then the money rained down from Washington, or I should say rained up: 12.6 billion. Our revenue projections were 2.5 billion higher than expected. And so the bottom line was we had $15.1 billion more money than we expected, and we were going to be made whole, as if the pandemic never existed.

And I said hallelujah. A high-tax state like New York, my kids are going to be able to stay. And then, my friends, we dropped a

money bomb and a tax bomb on the residents of this state.

We are losing more people than any other big state in the country. And we drop another $4 billion in taxes on our small businesses. We hear grumblings from Washington that they want to increase the corporate tax rate to 28 percent. So you add on top of that all of our local taxes and burdens on businesses, why in the name of Pete would I ever invest in a business in New York? And I love this state. I was born and raised here. Of course this is the greatest state on the planet, in my opinion.

And we also have the Yankees, which are, quite frankly, the best sports team in the history of professional sports. A story for another day. We can agree to disagree, Senator. I see you over there.

But truly, at the end of the day, this is not the time to impose these additional taxes on the residents of this state -- and additional burdens, and additional regulations, and take even more control of our local governments, as pointed out by the ranker on the Finance Committee.

So, my friends, this is bad for New York. And unfortunately, I will be a no. And I'd urge my colleagues to rethink this type of government, because we won't be around for much longer if we continue to govern in this fashion.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Lanza.

SENATOR LANZA: Thank you, Madam President.

I know the hour is late, and I will be as brief as I can be.

I first want to begin by thanking Senator Krueger and Senator O'Mara for the lengthy debate and the analysis and all their work in -- both on the budget, but as important, I believe, in helping to educate the people of New York with respect to what is in the budget.

And of course I thank the staff on both sides of the aisle for the hours and hours of work they put into this budget.

And of course I thank my colleague, the floor leader, Senator Gianaris.

Madam President, I can go line by line and talk about all the things that I do not like in this budget, and I can talk about a few things that I do like and that I think are for good for the people of the State of New York.

But I want to sort of take a step back and look at the big picture here and ask the question that I think is the most relevant question that we can ask here in the Senate: What does this budget mean for the people back home? How will their lives change once this becomes enacted? Are the overwhelming majority of New Yorkers' lives going to be better, are they going to be the same, are they going to be worse?

As I said, I think there's a lot of good here. But sadly, Madam President, I think the overall impact that this budget will have on the people of the State of New York is to put us off the road and in the wrong direction. Because the bottom line here is that once this is enacted, it is going to cost billions and billions of dollars more to live in New York.

You know, we've heard that it's a slight increase there and a small increase there,

and it's only going to affect these people over there. But the bottom line and the irrefutable truth is that it costs -- it will cost billions of dollars more to simply live in New York. And I argue, Madam President, that the cost is going to be borne by every New Yorker.

You know, we've heard that only a select few are going to pay the price. We know that it doesn't work that way. You know, when you punish the job creators, the job seekers are hurt. When you increase the cost to business to provide goods, to provide services, everyone pays more. I truly believe that this is going to hurt both the people who are successful in New York and the people who are not.

We hear a lot about who may be getting money with this budget. And you know, I commend my colleagues on both sides of the aisle. You know, people say a lot of things about politicians and elected officials in terms of what their motives are and why they want to serve. And I know my colleagues here. And I know, irrespective of the way we want to get things done, I know we all want to get the same thing done. I know people serve here because

they want to help, they want to do good. And in many respects what happens here on both sides of the aisle is driven by good old-fashioned charity, and that's a very normal motive.

But I feel this budget misses the mark. I think about the people who are not getting the relief they need. Again, we hear about who's getting money, where the checks may be going. Whether you're a person who doesn't even live in New York at this moment, you can come to New York tomorrow, play a little razzle-dazzle with some documents, and all of a sudden you get a check.

But I want to talk about who is not getting the relief they need. I think about -- I think about that woman back home on Staten Island who's raising a family, has one, maybe two jobs, follows all the rules, works all day long, doing everything she can to provide for her family. Barely making it month to month, paycheck to paycheck. Again, following all the rules, she's a citizen, she works. She's not getting any relief. There's no check for her.

I think about the thousands of college students right here in New York -- my

children, your children -- who are seeking a better life for themselves, following the rules going to school, studying, sacrificing, taking on a mountain of student debt -- a debt I don't know how they're going to pay. Madam President, there's no check for them. There's no relief for them. In fact, things are no better and probably worse.

I think about the alarming uptick in crime in New York. That affects everyone. It affects the rich and the poor and in some respects it affects the poor more than it affects the rich. I don't see anything here in this budget that is going to change and flatten that curve.

I think about the human tragedy of homelessness, Madam President. There's -- there is not a member here, Republican or Democrat, that doesn't yearn to do something about that, and I don't see anything happening here.

You know, we talk about the disparity between the rich and the poor and the alarming gap between the two and how it's growing. And that is a problem, Madam President. But I don't think the answer is to knock down the

people at the top. That doesn't solve the problem for the people at the bottom.

I think the solution is to help the people, to provide more opportunity, to enact policies that create more jobs. I think that's the right way to do it. Punishing the successful does not help the people who are less fortunate.

This idea -- and no matter what the situation was, Madam President, whether or not there was a budget shortfall of 3 billion, 4 billion, 7 billion, we were going to get federal relief, we weren't going to get federal relief. All I heard from my colleagues was that no matter what the situation, we're going to raise taxes.

That tells me that raising taxes was not the solution to a problem, but that it was part of a narrative, part of a desire and a goal to punish a class of people that are successful. Not because that money was needed to solve any problems, but simply because it was offensive to some that there are people who are that successful. And so no matter what happened, no matter what we were told, we knew this was going to be the result, a ridiculous increase in taxes.

And I just want to touch on one last thing. You know, the biggest issue we've had over the last year, both here in this state and in the country, is this pandemic. I don't see a lot done here with respect to that. There are a lot of studies proposed, Madam President. We do that in this body, and there are certainly a lot of studies proposed in the budget.

What about the study to once and for all find out exactly what happened here in New York State? Because no matter what you say, no matter what you think, the facts are right there. We've passed, sadly, 50,000 deaths in the State of New York. And you know the Health Department over here in the State of New York, they want to point their fingers over at Florida and other states. You know, if you had a crystal ball, Madam President, at the beginning of this pandemic, the last state -- if you could look into the future, the last state you would have wanted to live in with your family was here in New York. New York, with all its botched policies and its bully tactics, failed the people of New York in this pandemic. More people died as a percentage of our population than anywhere

in America.

The Health Department, I would suggest, Madam President, Dr. Zucker, the Health Department of New York City, has a lot of explaining to do to the people of New York. We need those answers. I demand to have those answers, if for only to be able to avoid this sort of thing in the future. I think the budget falls short with respect to helping the people of New York understand why their government failed them so miserably during this pandemic.

So, Madam President, when it comes time to vote on this portion of the budget, I'll be voting in the negative.

And I thank my colleagues for all their work. I just think this budget, all in all, fails the people of New York. And I believe when we come back here next year and talk about another budget, we're going to have an even taller mountain to climb because we didn't set New York right and put it on the right path toward prosperity and health and safety.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Ramos to explain her vote.

SENATOR RAMOS: Yes, thank you, Madam President. I appreciate the opportunity to explain my vote.

I'll be honest, I was expecting a little more debate on excluded workers. I was ready. But I -- and so I want to make sure that folks understand exactly what the program is and what we plan to accomplish with it.

The fund for excluded workers is a one-time fund in order to help people who have been residing in New York State before March 27th of 2020 and are able to demonstrate not only proof of identity, but proof of loss of income in

various ways. Many of these items of proof of income will have to be decided by the Commissioner from the Department of Labor.

And we are going to be offering two different tiers, one which is only a third -- the first tier, only a third of the maximum possible award on unemployment insurance, and the second tier being the same amount as stimulus payments made by the federal government.

All of this money will be taxed at a rate of 5 percent, similar to unemployment. And this not only recognizes excluded workers' labor, but also their contributions to our tax coffers. In 2019, undocumented New Yorkers paid $1.4 billion in state taxes, meaning income taxes, property taxes, and sales taxes. And so if that's only one year, you can imagine just how much they've been able to give us.

I want to remind my friends from across the aisle that this bill, above anything else, is a real stimulus for our local economies. You know, Madison, Oneida and Onondaga are going to get a $16 million boost from this fund alone. Twenty-two million is going right here to the Capital Region. Northern and Western New York

should receive around 62 million. The Hudson Valley will get $437 million, approximately. And Long Island will receive approximately $406 million from this.

And I have to say I'm so proud to have worked on this bill, especially with more than 200 organizations across our state, especially Make the Road -- Deb Axt, there, Angeles Solis, and many others who have been organizing.

Our -- we've also had 22 -- I'm sorry, we've also had excluded workers who have been on a hunger strike for 22 days in order to highlight the importance of this bill. And I'm very proud of the sacrifice that they've made, because it's really helped us draw attention to the work that Assemblywoman Carmen De La Rosa and I have been trying to do in order to create this fund and circumvent any further economic catastrophe in our communities.

I also want to thank before I close, of course, our Majority Leader, our Supermajority Leader, Andrea Stewart-Cousins, who held the line for us and made sure that we delivered for these New Yorkers today. I also want to thank

Senator Gianaris and Senator Krueger for always holding the floor down for us.

And I especially want to thank my mom. It was my mom's birthday, technically yesterday. And you know, I was born when my mother was undocumented in this country, and I'm proud to say I'm a State Senator today due -- because of the sacrifices that she has made for me.

Above all, I'm here as a servant not because of charity, I'm here in order to promulgate solidarity in our policy and in our laws, especially our labor laws here in New York State. It is our duty to provide for each other across the table, not top down, waiting, as if someone's existence is dependent on the whims of those who are most affluent. That is not what New York is about.

And so I am -- while I am a little disillusioned that we did not raise the amount of revenue that I would have liked -- I believe we should have raised taxes on billionaires, of course, a lot more -- the idea behind this is actually to make it easier for working-class New Yorkers to be able to live in such an

expensive state. We all know folks who have had to move to New Jersey, Pennsylvania, Connecticut, to buy a home. We don't want that to be true any longer. We need to do better by putting more money in the pockets of everyday New Yorkers and improving the rights of workers in our state.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Ramos to be recorded in the affirmative.

Senator Jordan to explain her vote.

SENATOR JORDAN: Madam President, I rise to explain my vote specifically regarding Part EEE, the Excluded Workers Fund.

Without question, this measure has quickly become one of the most contentious issues in this year's State Budget, and for good reason. The Majority's Excluded Workers Fund is the latest in a long line of examples of Albany's perpetual fleecing of law-abiding, hardworking taxpayers.

In this scheme, the Majority wants to hand out $2.1 billion of taxpayers' money to illegal immigrants and others. Who says crime doesn't pay? In New York State, crime sure does pay, courtesy of law-abiding, hardworking

taxpayers, a/k/a the silent majority -- the decent, honorable men and women who will respect and follow our laws, produce, pay their bills, give back to their communities, play by the rules and do the right thing.

Our conference rightly sees these people as the strong, proud backbone of New York State, whereas the Majority apparently sees them as a 24/7 ATM that will pay for this latest redistributionist scheme.

We all know the particulars of this proposal. To be eligible for a benefit payment from the Excluded Workers Fund, a person must have suffered a loss of work-related or household earnings due to, among other things, their becoming unemployed or continuing the status of being unemployed; partially unemployed; unable to work; or unavailable to work due to COVID-19 and during the state of emergency declared by Executive Order 202.

The benefit amount can be as much as $15,600. To be eligible, an excluded worker must prove identity and establish residency. The Commissioner of Labor is directed to establish a four-point system in which documents are assigned

point values that add up to four. And, oh surprise, a valid New York State driver's license -- which, thanks to the Majority and Governor Cuomo, are now given out to illegal immigrants and are worth four points.

And applicants would not be required to prove that they are in the United States lawfully to be eligible for the excluded worker benefit. There's lowering the bar, and then there's burying it. And this buries it.

Furthermore, under this measure, records of excluded workers are not public records. This measure would also require that any entity gaining access, by subpoena or warrant, to records of excluded workers certify that they will not be used for civil immigration purposes or disclosed to any agency that primarily enforces immigration law.

Illegal immigrants are just that: They're illegal. Each day they're here, they're breaking the law, our nation's laws. They're not supposed to be working, they're breaking the law, and their employers are also breaking the law by paying them under the table.

This measure sets up an unemployment

fund for those working illegally and for those employers that have never paid into the unemployment insurance fund for them. Think about all we could do and all that we should do with this $2.1 billion being spent on the fund. Every year veterans' advocates have to beg and plead for Dwyer program funding. So many local governments are not given the funding they so desperately need.

This $2.1 billion could have been spent on programs for veterans, measures to combat and control Lyme disease. We could have used $2.1 billion to replenish the state's unemployment insurance fund, which I understand we've used 29 years' worth this past year. Small businesses are finding that their rates are being raised by an average of 150 percent. Our small businesses are hurting and need more help. So many have closed or will chose their doors forever unless relief gets to them now.

ACTING PRESIDENT PERSAUD: Senator Jordan, could you please wrap up? Thank you.

SENATOR JORDAN: Okay. Well, there are other ways to spend this money, and state government's addiction to spending has grown and

gotten worse.

The Majority's Excluded Workers Fund is a carrot to all those coming into our country thanks to our current broken border crisis. New York, we're saying, is open for business. Of course we want to help the people that are hurting, but New York State cannot be Robin Hood to everyone. Albany not only takes from the successful but from the middle-class taxpayers and working poor who pay taxes. And --

ACTING PRESIDENT PERSAUD: Senator Jordan, how do you vote?

SENATOR JORDAN: -- that's exactly what this Excluded Workers Fund does, and for these reasons I will be voting no on this bill.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Jordan to be recorded in the negative.

Senator Addabbo to explain his vote.

SENATOR ADDABBO: Thank you, Madam President.

First I want to thank my leader, Andrea Stewart-Cousins, Senator Gianaris, Senator Krueger for their work on this budget; our legal counsel, Shontell Smith; the Racing,

Gaming and Wagering Committee legal counsel, Chris Higgins; Paul McCarthy; my committee director, Shanna Cassidy; the Finance team for their efforts on this budget.

I also want to thank my colleagues, all my colleagues across the aisle, especially my ranker, Senator Jordan. Again, I want to thank them all. Because, again, this is a challenging budget certainly due to what we are experiencing these days with the COVID.

But I also want to acknowledge the monumental step that we took, a positive step forward for our state in terms of recognizing -- again, groundbreaking efforts in terms of gaming in our state. Whether we talk about mobile sports betting, whether we talk about the initial steps to recognize downstate licenses, or whether we talk about the tax relief that is needed for our gaming sites in our state that, again, support the jobs of so many of our New Yorkers.

We are again recognizing this step being taken today with the vote of this budget and this part, and as we take positive steps to recognize the revenue sorely needed by this state, the educational funds that are going to

help so many of our children and our students, and of course the jobs that are so sorely needed in this state at this point.

And I'd really like to highlight the fact that we are taking, again, great strides in addressing the addiction and problematic gaming issues that plague some of our residents throughout the state.

But unfortunately, as this budget ends, to an extent our work begins with these gaming issues, as certain issues have been highlighted, and we all have to now work on addressing these issues. But I look forward to working with all my colleagues in addressing every one of these issues for the benefit of the people of this state.

So, Madam President, thank you so much, and I'll be voting aye on this budget.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Addabbo to be recorded in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

No one is illegal. The word has

been spewed on this floor for the last couple of hours in the debate, and it will definitely be spoken of again. But it should be repeated: No one is illegal. These are human beings, these are people, these are workers. They're excluded, and they are essential. Essential because at the height of the pandemic, when many of us were stuck at home receiving our food, not being able to go out, who was delivering that food? Who was picking the vegetables and fruits that we continued to eat during the pandemic? Who got into those trains in my district, packed like sardines even during the height of the pandemic, because they could not afford to not go to work? These essential workers.

How many of them got assistance? Madam President, not a single one during the last year. We are making history today, and I feel proud of that.

Every single one of us benefits from what these individuals do every single day. They are our neighbors. They are our family members. They are our constituents. And they deserve assistance, and that's what we're doing here today.

And I will also briefly, Madam President, speak proudly about what we're doing here today, the first steps that we are taking to making this a more equitable state as it relates to taxation.

During, again, the height of the pandemic when many of us were stricken, there were folks who got wealthier every single day, Madam President -- by millions and billions of dollars, people became wealthier while the poor and the working class amongst us suffered every single day.

Now we are moving towards a more equitable taxation system. Certainly not as far as some of us "crazies" would like to make it, but certainly far enough -- $4.5 billion in new revenue that will go towards investing in our systems, investing in infrastructure, investing in education, investing in healthcare. Those are the things that make us strong as a state. Those are the things that give us a better population. Those are the things that will make us better.

Madam President, I proudly vote aye on this piece of legislation because we're moving -- making history and moving forward to

make sure that this state is better.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Rivera to be recorded in the affirmative.

Senator Sepúlveda to explain his vote.

SENATOR SEPÚLVEDA: Thank you, Madam President, for allowing me to explain my vote.

I rise today to explain how proud I am to be voting in favor of funding for excluded workers. I represent one of the poorest communities in the State of New York. And as a result, I represent some of the most marginalized people that we have in New York State. That includes undocumented immigrants and people that are incarcerated or formerly incarcerated.

Undocumented immigrants have been, were, are in the front lines of this pandemonium but were largely excluded from federal relief and were unable to qualify for unemployment benefits due to their immigration status. Excluding them from relief aid was morally wrong, especially since these workers have paid over $1.4 billion into the unemployment system over recent years.

Many of them have children, families to feed, rents to pay.

We have about 538,000 active participants in the workforce in the undocumented community. Many of them work in the hospitality and leisure industries that suffered anywhere between 40 and 46 percent unemployment during this pandemic. Many of these undocumented immigrants could no longer feed their families, could no longer pay their rent, did not have access to health insurance, could not provide for their children and their family. And denying them relief was just plain morally wrong.

We should always remember the work that they've done. I can tell you that in my district a woman, undocumented, from the Garifuna community was obligated to continue working and ultimately she contracted the virus and passed way. And for over two weeks, her family could not locate her. She was in a morgue, and it took some extraordinary work by my office and the City of New York to locate the body, give her her proper burial, and join her with her family from another country.

I hate to think that had she

survived, that woman could not have benefited from any relief package, either from the federal or the state, until we passed this piece of legislation.

I'm thankful that we're helping the undocumented community, but I'm very disappointed we could not help those formerly incarcerated, because they were not included in this agreement. These individuals now are taxpaying citizens, and we should be doing everything possible to make sure that they have the tools, the skills and the finances so that they don't resort back to a life of crime once they continue living in our society.

We have to remember that any relief that they receive, along with the undocumented community, will be pumped back into our economy, will help the State of New York, will help our families, will help us heal and pursue a better life once the pandemic is under control.

I'd like to remind everyone here, there isn't a single person in this building that didn't benefit from some of the labor of those that were incarcerated. If you've washed your hands with our hand sanitizers anywhere in the

state, these individuals are the ones that bottled it. They felt -- in my conversations they related to me that they felt like they were contributing to the recovery of New York State and to keeping people heathy.

And so to deny them relief now is also morally wrong. So I will be working after this to see if we can create any other kind of economic package to help those who were formerly incarcerated because they are still part of our society, of the fabric of our society, and will continue to be taxpaying citizens once this is over.

Now I'm proud to be voting in the affirmative. I want to thank our leader, the sponsor, my colleagues. I want to thank Senator Krueger for the wonderful work she's done throughout these days arguing for these packages of bills for our budget. I want to thank all my colleagues, all the staff, for the wonderful work they've done during this very difficult process.

I proudly vote in the affirmative.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Sepúlveda to be recorded in the affirmative.

Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Madam President.

I rise because in one of the wealthiest places in the world, with more billionaires than any other state in the nation, my neighbors are dying from lack of access to basic necessities. This is the single most unequal state in the nation, and it is quite literally killing us.

This is the context in which we are facing a budget that raises income taxes on the ultra-rich by a wildly inadequate $2.75 billion this year. Jeff Bezos earns that much every 29 days.

We have no better option than this on the table, so I want to sound an alarm about what it took to get even this abysmal amount included in the budget that we now have to pass. A massive coalition of community groups across the state has been speaking out for the past year about the need for an additional 50 billion in revenue. Legislators, including myself, sponsored six budget bills that would secure

100 percent of that needed revenue. An extraordinary 90 percent of New Yorkers agree that it is better to tax the rich than cut public services. And we have the privilege of a Senate Majority Leader who has listened to the people and gone to battle for increased taxes on the wealthiest New Yorkers.

So let's be clear. What we have all just witnessed is a live demonstration of the undeniable fact that dramatic wealth inequality undermines democracy. This is the best budget we were able to secure simply because it challenges the interests of the ultra-rich, whose wealth affords them undue influence over our government.

I am voting yes with my determination to win budget justice renewed by one simple fact: You cannot unring a bell. The groundswell of New Yorkers who have taken up the cause of fighting for a just budget is growing fast. The working-class families across our state who have seen how budget injustice harms them and their loved ones are not going away. We are rising.

Thank you.

ACTING PRESIDENT PERSAUD: Thank

you, Senator.

Senator Brisport to be recorded in the affirmative.

Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Madam President.

I want to associate my comments with Senator Brisport, although I will be brief, since it's 2:00 in the morning.

You know, negotiating a $200 billion State Budget, especially with our state's current Executive, is a struggle against brutal austerity. It's particularly a difficult task in this moment when our state is facing a crisis that is truly unlike anything we had ever seen until this year. And it was the task of our leadership and our conference to not only protect our communities from what would have been devastating cuts, but to demand more. To demand economic justice.

As ever, this budget is a deeply flawed piece of legislation. And that is largely a consequence of a process that is fundamentally flawed, a budget process that we have a responsibility to change. But New Yorkers can't

afford to wait for us to change our budget process. And they're counting on us to have the courage to reject the opposition's efforts to perpetuate inequality in our state.

While the lives of those of us who vote in this chamber will be virtually unchanged tomorrow by the contents of this bill, hundreds of thousands, perhaps millions of New Yorkers will benefit tremendously from this budget. This is why I base my vote for this big and truly ugly bill on the good and urgently needed relief that this budget brings for our people, rather than on what it fails to do.

I hope that this budget will mark a first step in our state demonstrating what it looks like to operate with a vision of a abundance instead of a vision of scarcity. That New York will be a place where we not only fight for workers to have bread, but where we fight for roses too. Because our people, the workers who have kept our state running and who have gone without any relief until now, deserve so much more.

Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator

Salazar to be recorded in the affirmative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Good morning, Madam President and my colleagues. It is morning. I rise regarding this particular bill on revenue.

And let me just say education has always been my priority, but the pandemic has shaped my advocacy during budget negotiations, including housing, food insecurity, providing healthcare, and of course mental health. We all witnessed that. I will not accept a belt-tightening rhetoric pitting education against healthcare, excluded workers, small business or housing justice.

Today we enact budget justice by asking the state's wealthiest brothers and sisters to pay their fair share to support communities hardest hit by decades of underfunding and the COVID-19 pandemic. But we still have much to do, failing to provide revenue that guarantees ambitious budgets for years to come.

We have shown a commitment to immigrants and the invisible workforce by

establishing the Excluded Workers Fund, expanding universal pre-K statewide, and reducing cost burdens and addressing copays by 10 percent, while also taking steps to eliminate the TAP gap. We have created legislation like no other in the nation, and we are at the forefront of a future-defining budget.

And I want to thank the Senate Majority Leader Andrea Stewart-Cousins, Assemblymember Speaker Carl Heastie, and Governor Cuomo, who came together to ensure revenues go towards people-centered policies.

I rise tonight to vote yes for downstate and upstate children getting the funding necessary for a sound, basic education; yes for our excluded workers; yes for environmental justice. More victories await us all. With the leadership of this conference, we will create a brighter future for all New Yorkers.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Jackson to be recorded in the affirmative.

Senator Liu to explain his vote.

SENATOR LIU: Thank you, Madam

President, for this opportunity to explain my vote.

I support this bill. It's a package of tax and revenue measures that has long been necessary. We are certainly thankful to our federal colleagues for providing assistance from Washington to help us get out of this COVID pandemic era and the extraordinary expenses and the revenue shortfalls that the State of New York has experienced.

But even before the pandemic we already needed to raise revenues to support vital needs in this state, whether it be for healthcare or housing or transportation or, in my opinion most importantly, education. Education funding has been lacking in this state for far too long, for nearly 15 years, when the state courts ruled that we were short-changing the children of this state. Well, finally we are now putting our money where our mouths have been and fully funding the shortfall in school funding that should have been eradicated a long time ago.

And look at the taxes that we're raising in this bill -- taxes from people who make among the highest, not only in New York, but

in the entire country. People who make a million dollars a year or more. Corporations who do a great business in the State of New York -- and we want them to do so.

But the revenues that we're raising, the $4.3 billion, that is almost exactly identical to the education funding shortfall that we needed to cover. We need to raise these taxes so that we can stop short-changing the schoolchildren of New York.

I vote yes on this measure, and I thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Liu to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 654, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Brooks, Felder, Gallivan, Gaughran, Griffo, Helming, Jordan, Lanza, Mannion, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco, Thomas and Weik.

Ayes, 38. Nays, 25.

ACTING PRESIDENT PERSAUD: The bill is passed.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senate Budget Bill moves to discharge, from the Committee on Finance, Assembly Bill Number 3006C and substitute it for the identical Senate Bill 2506C, Third Reading Calendar 653.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 653, Assembly Print 3006C, Assembly Budget Bill, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Senator Stec.

SENATOR STEC: Thank you, Madam President. Would the sponsor please yield for a couple of questions.

ACTING PRESIDENT PERSAUD: Senator Krueger, will you yield?

SENATOR KRUEGER: Again, if he does not think me rude if I sit while I answer the questions.

SENATOR STEC: Not at all, Senator, that's fine with me.

SENATOR KRUEGER: Absolutely.

SENATOR STEC: And I thank you for your evening -- your work today.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT PERSAUD: Senator Krueger will yield.

SENATOR STEC: Thank you very much.

Senator Krueger, I'd just like to ask a few questions on the ELFA bill regarding broadband and what we're doing there. As I know you're aware, broadband is an issue all over the state, but it's driven geographically and by population density, and certainly in the North Country it's of great concern for us.

So the first couple of questions I want to ask are centered on Part MM regarding the Public Service Commission's work to develop a map, similar to the bill that passed both houses very nearly unanimously, and the Governor pocket-vetoed this past winter.

My concerns are that I think his veto message or his veto explanation was that he wanted to do it in the budget and there was a $3 million-ish cost to it at the time. My understanding is it's approximately -- what we're

going to do now is about a million dollars, and my read -- my concern, my read is that the challenge we have in developing a good path forward for getting broadband all the way is how granular we can get the data in a map.

And I think -- and my fear is that by doing it for what's going to look like less money, and my read of the bill, is because it's not going to be as granular as perhaps it needed.

So Line 29 defines location, which means a geographic area smaller than a census tract. Just -- are you aware of what the typical size of a census tract is or, you know, what the definition of a census tract can be?

SENATOR KRUEGER: It's based on the population number, so it can be -- in Manhattan, in where I live, it could be a building. And perhaps where you live it could be a significant section of land. Right? Because I think where you live is less densely populated than where I live.

SENATOR STEC: Correct.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Senator

Krueger, do you yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR STEC: Thank you.

And in the budget bill language it talks about looking at things smaller than a census tract. It doesn't define are we going neighborhood by neighborhood, street to street? I mean, smaller than a census tract could still, in my part of the state, be a large -- well, you know, 4,000 people, that's almost Hamilton County. Which I don't represent, but -- you know, I mean if something as large as a county is about the size of a census tract.

The lines 35 through 37 state that "The commission shall study the availability, reliability and cost of high-speed internet and broadband services in New York State." And "The commission shall, to the extent practicable" -- so my question is, what does "extent practicable" mean, and who determines what is practicable?

You know, I mean, at what point does somebody say, that's as good as we're going to do? I mean, we've been doing that. I don't

think it's good enough.

So I'm concerned, and can you explain, you know, how -- who gets to decide what practicable is?

SENATOR KRUEGER: I would gather the way it's written it would be the PSC that would determine what is practicable.

I will agree with you that we want to make sure it's done correctly. And I think we need to watch over to make sure it is done correctly.

And this will maybe surprise you at 2:00 in the morning, but my husband teaches GIS mapping -- he's a geographer. So actually I'm very familiar with different mapping models, just because I watch him playing on the computer all the time. And it's amazing how much more sophisticated the options are even in public software. So you can use Google Earth, a free software system, to literally look at the 4,000 people that might be in a geographic area the size of your county or the one building that might be 4,000 people in my district.

So there really are many, many options available to us here in New York and to

the PSC for correct mapping at many different levels, and there's lots of different new, free mapping software systems that have been developed. And so I think that as long as we stay on top of it and make sure we are making it clear what kind of information we need, that the PSC, in coordination with almost any academic center that has geographic mapping or several, at least in New York City, community organizations who have started that their own free geographic mapping options for people, that we should be able to get this done correctly. Because guess what? We all want to get it done correctly. It doesn't help us not to get it done correctly. So I'm quite optimistic.

SENATOR STEC: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, will you yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR STEC: Thank you, Madam President. Through you.

Appreciate your familiarity and your

obvious interest in GIS mapping.

The last question on this section -- and then I want to go to the $15 dollar per month broadband -- the specific language, you know, this is different from what the previous bill was. This is different language. And I'm just curious, but of the two majorities and the Governor, who -- which of the three asked for it to be worded this way?

SENATOR KRUEGER: Based on the recommendation of the Public Service Commission.

SENATOR STEC: Madam President, if the sponsor would yield and let me pivot to the other questions on broadband.

ACTING PRESIDENT PERSAUD: Senator Krueger, will you yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR STEC: Thank you, Madam President.

And again, Senator Krueger, I appreciate your time and the hour and your long day today.

I've got several small providers in

the North Country -- and I'm sure this is true throughout the state -- that are very concerned with the mandate of we are going to tell you what the bar is, and regardless of what your cost to provide the service is, you will provide it for this population at this price. Very uneconomic, you know, as far as supply and demand. It's certainly a different model for private business.

How many low-income New Yorkers do we expect will qualify under this bill for the no more than $15 a month -- I mean, there's a list of if you're on SNAP or if you're free or reduced-lunch, but do we have an idea how many New Yorkers would be eligible for this $15 a month broadband cost?

SENATOR KRUEGER: I'm sorry, we don't. We have a list of who could be eligible. And there's always a catch between who is eligible and then who actually applies to get something, and it's usually a much smaller number who apply than the total number who on paper would be eligible.

SENATOR STEC: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Senator

Krueger, will you yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT PERSAUD: Senator Krueger will yield.

SENATOR STEC: Thank you, Madam President. Through --

SENATOR KRUEGER: I just want to clarify.

SENATOR STEC: Yup.

SENATOR KRUEGER: There's also an exception {reading}: Shall not apply to any broadband service provider providing service to no more than 20,000 households, if the PSC determines it would result in unreasonable or unsustainable financial impact.

So when you talk about small providers in your district, I don't think if that means less than 20,000 households. But it sounds like if it did, they wouldn't have to worry about this.

SENATOR STEC: It is -- actually, it's my fourth question, but I'll jump to that one now, because you anticipated.

SENATOR KRUEGER: Okay, fine.

SENATOR STEC: So --

ACTING PRESIDENT PERSAUD: Senator Krueger, will you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR STEC: Thank you, Madam President.

So how will the PSC determine what is an unreasonable or unsustainable financial -- I mean, that's not defined in the bill. The PSC is going to decide what each individual provider can sustain? I mean, they're an expert on everyone's balance sheet and -- or is there a process for the company to object if the PSC says no, this isn't unreasonable for you, is there a process for them to object?

SENATOR KRUEGER: Apparently they will provide an application process. And I'm going to guess there will be some kind of an appeal system within that process if you disagree with PSC.

You know, I'm not PSC, but I don't want to decrease the number of providers in New York State. I'm actually looking to see more providers out there cover larger geographic areas

and cover more people. So I don't think it's in PSC's best interests to want to actually see providers fail to be able to remain in business.

And I think that that would heavily factor into their determination of whether they need to make exceptions for you as long as they're getting coverage for everyone, ultimately. Because that's our goal, to make sure that every New Yorker has coverage through broadband, that it's fast enough and affordable enough for people to use.

SENATOR STEC: Thank you, Madam President. If the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Senator Krueger, will you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR STEC: Thank you, Madam President. Through you.

So what if a company provides a service to more than 20,000 households but operates on a margin where $15 a month just financially isn't going to make it, and it will

put them out of business? Then what happens? And what happens to those that are being provided by that company if they're the only company in the area that's providing that service?

SENATOR KRUEGER: So at this point PSC believes that the larger companies can definitely afford to do this at the price set. I suppose if it wasn't working, they would come back to either us or through their own internal process be able to determine a different formula.

Because again, we know why we want to do this. We want to have everyone in New York be able to have access to broadband that is both fast enough and cheap enough to afford.

That's worked better in some places than others. And surprisingly, not necessarily in upstate New York where it's very rural being the hardest. In New York City, we have enormous problems in some of the poorest communities; in some of our public housing communities, for example.

But it's also been true that this model is not so different than the lifeline phone service that phone companies have been offering to low-income New Yorkers for decades and

decades. And I remember early on the phone company saying, We can't afford to do this, and then lo and behold, we discovered actually they really could.

Because once you have your system in place, the marginal cost to you as a company for additional clients is not particularly large. And actually, the greater their -- their -- the greater their market share, the better it is for their company's future. So it can actually be a win/win for them if this actually allows them to expand services, because they are trying to serve lower-income communities where, if people can't buy the service for $15 a month, they're not going to buy the service at all.

So maybe it sounds a little counterintuitive, but actually having the lower-income option may actually be able to assure them of faster expansion of the business that they are trying to grow.

SENATOR STEC: Thank you, Madam President. If the sponsor would continue to yield, please.

ACTING PRESIDENT PERSAUD: Senator Krueger, will you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: Senator Krueger yields.

SENATOR STEC: Thanks, Madam President. Through you.

Who determined that 60 days would be enough time from the enactment for companies to prepare to change their financial modeling to provide this service to low-income customers?

And which providers were consulted in the development of this plan? Because I'm not aware of any in my large area of the northern part of our state that were.

SENATOR KRUEGER: Three points.

One, apparently it was the larger providers who were consulted.

But a lot of the providers already offer a lower-cost option, so this isn't really new to them. And we have experience based on the fact that they are already doing this business.

And of course because of COVID and children having to home-school and so many of us literally surviving in the world because we had access to the internet, there was a desire to try to move this into reality as quickly as possible.

SENATOR STEC: Thank you, Madam President. On the bill.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: Thank you.

I appreciate Senator Krueger's time and her staff's time on this. This is a very important issue in the northern part of our state, and I appreciate your appreciation of that.

These two sections next to each other, MM and NN, perfect. Because I think it highlights the challenge that I see, is that we've pivoted from access to affordability. And we still have an access problem in the North Country. We have an access problem.

And while I'm not surprised that it was very easy and convenient and valuable for the state to talk to the bigger providers, the bigger providers are not operating in the -- they've taken the low-hanging fruit where the money is easy, the economies of scale are there. They have opted not to chase the business in the North Country.

Now, they've created a niche for

smaller companies to do that, but their model is different. And I'm sure that the small providers that operate in my area resent that the big guys that passed over this are calling the shots as to how to define, you know, the future of their own businesses.

Now, that's a business concern I have. But my broader concern is the individual families, the school kids that need it, the people that want to telecommute. The economy is evolving and pivoting, and we're going to need more of this. And there's an opportunity to my part of the state -- and frankly, to everyone, because there's a lot of people from your part of the state that would love to spend more time telecommuting from the North Country.

So I want to focus on this, but if we keep making it harder for these small providers to make a living -- again, this is the hard-to-serve areas that the big companies have passed over. They're not interested in it. And so the margins are smaller, but there's still money -- there was money to be made, and there are people that are making a go of it.

But now we are changing their

economic model. On top of that, and as an aside, we've got the fiber tax on state roads -- that we are discouraging, with this bill and other things like the fiber tax I just mentioned, any investment and expansion in the North Country.

And we are not at 98 or 99 percent in the North Country. In a state of 19.5 million people, maybe we're at 99 percent, but that's because your part of the state is pulling that number up. My part of the state is pulling that number down. We are not at 99 percent. And so we are in fear of getting left behind, which is why the bill that was pocket-vetoed was so frustrating to us.

So these two parts of this bill do not do it for me or where I represent, and this is a very important issue, broadband is a very important issue. I will be voting against this bill largely because of what we did on broadband.

But I appreciate your interest, and I'd be looking forward to continuing to work on this and take you up on your offer, Senator.

Thank you. Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank

you, Senator Stec.

Senator Martucci.

SENATOR MARTUCCI: Thank you, Madam President. Will the sponsor yield for a question?

SENATOR GIANARIS: Madam President, I believe Senator Martucci is going to be asking about the rent relief program, if I'm --

SENATOR MARTUCCI: That's correct.

SENATOR GIANARIS: So Senator Kavanagh, who unfortunately just stepped out for a moment, will be in to answer those questions.

SENATOR MARTUCCI: Yes.

SENATOR KRUEGER: If you have another question to ask me, go right ahead.

SENATOR MARTUCCI: I'm sorry, Senator, I do not.

(Laughter.)

ACTING PRESIDENT PERSAUD: Senator Kavanagh, will you yield?

SENATOR KAVANAGH: Now that I'm here, I will, Madam President.

ACTING PRESIDENT PERSAUD: Senator Kavanagh yields.

SENATOR MARTUCCI: Good morning,

Senator.

SENATOR KAVANAGH: How are you?

SENATOR MARTUCCI: I'm doing well, thank you.

So this morning I just have a couple of questions on the COVID-19 Emergency Rental Assistance Program.

My first question for you, Senator -- through you, Madam President -- how much federal funding is expected to be directed to this program?

SENATOR KAVANAGH: Through you, Madam President, there's $2.35 billion of federal money that is available. And there's an additional -- that's federal money. And there's an additional $100 million of state money that's being made available for this purpose for people who may not be eligible for this program.

SENATOR MARTUCCI: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Senator Kavanagh, will you yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: Senator Kavanagh yields.

SENATOR MARTUCCI: How long does the sponsor expect this program to operate? And what happens if the funds run out?

SENATOR KAVANAGH: Through you, Madam President. You know, it's hard to say for sure. I mean, we are -- there's some uncertainty as to exactly how many households there might be out there that have rent arrears, and of course how long it will take to process.

But the bill requires that the Office of Temporary -- sorry, the OTDA create -- get the program up and running as soon as possible. And we would hope that they're processing applications as quickly as possible.

By some estimates there might be as many as 800,000 to 1.2 million households in the state who are behind on rent. So obviously it will take some time to process those.

And in terms of the money running out, two things. First of all, this is a very substantial money even relative to the very substantial arrears that have built up. By one estimate, the total arrears in the state through the end of January ranged from 1.4 to $2.2 billion. So this money is slightly higher

than the upper range of that.

But in addition, the federal legislation that allocated that $2.35 billion has a provision that says if a state has spent more than 50 percent of its money by a certain date, and if other states have not done so, that there maybe additional money reallocated from other states to the states that have demonstrated their need by, you know, spending the money effectively.

So, you know, it's hard to know how -- like a lot of things with COVID, it's hard to know exactly how long it's going to take us to dig out of that. But as soon as this money begins to flow, landlords will start seeing the resources they need to maintain their buildings; tenants will obviously be relieved of this enormous stress of having rent arrears built up over the past year.

SENATOR MARTUCCI: Madam President, will the Senator continue to yield.

ACTING PRESIDENT PERSAUD: Senator Kavanagh, will you yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: Senator Kavanagh yields.

SENATOR MARTUCCI: So, Senator, I would certainly -- through you, Madam President -- certainly agree, and my colleagues and I are very supportive of this program.

But do you believe that it will be possible to have 65 percent of this money out within the deadline so the federal government does not take it back? Because I think that there are certainly concerns -- I personally have concerns, because I think that this state has displayed a habitual inability to distribute these funds.

As we know, millions of dollars came in in December from the federal government that still haven't been disbursed. We just received a new set of money in March. So my question to the sponsor is, do we believe that we can make those deadlines?

SENATOR KAVANAGH: Through you, Madam President, it is correct that the initial money was allocated -- it was on December 28th, if I'm not mistaken, and a subsequent allocation came. There was a decision -- you know, I -- I,

Madam President, and many of my colleagues had introduced a bill such that the state would be ready to spend this money. I think the initial bill was introduced as early as March 30th of last year, and was updated at various times as the federal legislation that might provide money was changed.

But there was a decision to run this through the budget process. And we've now had a, you know, lengthy and thorough three-way negotiation. This bill, of course, like most of the things we're doing tonight, are the subject of a three-way agreement. So we do expect that the Executive is now prepared to implement this program as written. We know that OTDA has spent a lot of time already talking to contractors about how to create the infrastructure necessary to do this.

One precedent for this program, Madam President, is the prior program we did. We did an Emergency Rental Assistance Program in the summer. We did that with very little prior notice to anybody, including HCR, the agency that needed to do it. We thought it was an emergency and it was important to get some money out there.

But they had to create that program overnight with very little administrative support.

This programs provides for administrative support for the agencies that need to run it, and also substantial money for outreach to get the word out to both landlords and tenants that the program is available. So we hope to get folks in the door.

We're also dealing, in OTDA, with an agency that has a social service district -- you know, an agency in each county in the state, and obviously has a lot of experience processing really large volumes of checks to many, many people. So we have some reason for confidence.

But having said that, we're going to be paying very close attention to the administration of this program.

SENATOR MARTUCCI: Madam President, will the Senator continue to yield?

ACTING PRESIDENT PERSAUD: Senator Kavanagh, will you yield?

SENATOR KAVANAGH: Happily, Madam President.

ACTING PRESIDENT PERSAUD: Senator Kavanagh yields.

SENATOR MARTUCCI: Thank you.

So in the past when we've discussed this program, there were many times strings attached, particularly to the rental relief. Does this budget have any such conditions included in it, such as requiring the tenant to stay in the apartment for a period of time, or rent increase freezes or anything like that?

SENATOR KAVANAGH: Through you, Madam President, there's not a requirement on the tenant, there's a requirement -- so the tenant applies for the program, they have to meet certain eligibility criteria. The landlord in most cases will have to participate in that process in order to receive the money.

The program is designed such that tenants and landlords can actively participate in that. Once an application is submitted, the landlord will have an ability to track that application until there's a determination made about the eligibility.

I think what my colleague is referring to is the obligations that ensue when the landlord accepts the money from this program. And what those obligations are is if the landlord

accepts money for arrears under this program, they must agree, first of all, not to charge the state late fees on that money for this period, and also to keep the rent steady at the amount that it was as of the date of the application, and to forego the opportunity to evict the tenant for a holdover or for not having a lease for the ensuing year.

Now, that of course does not apply to prospective nonpayment cases. If the tenant, you know, fails to pay the rent in the future, the landlord would have their normal rights and remedies under that circumstance. And also -- we've gotten this question a lot -- it does not apply, it's not intended to apply to a situation where the tenant is causing danger to others, they're unreasonably violating their lease and causing harm or fear or destruction. Even with our current eviction moratorium, those cases have been allowed to proceed, and they will be allowed to proceed under these restrictions as well.

SENATOR MARTUCCI: Thank you, Madam President. On the bill.

ACTING PRESIDENT PERSAUD: Senator Martucci on the bill.

SENATOR MARTUCCI: So I certainly want to start by thanking my colleague Senator Kavanagh. Thank you so much for your very comprehensive answers at this very early hour in the morning.

I guess the only thing that I really want to underscore is just the importance of getting this rent relief directly in the hands of our tenants and our landlords as fast as possible. There has been tremendous delay. In fact, I remember in our very first committee meeting, you as the chairman brought forward a bill of yours that did exactly this. So certainly I know that I'm hearing from landlords and tenants alike in my district that it's time that we address this, and I certainly hope that this budget will do exactly that and do it very fast.

The second thing I want to say is that, you know, I stand here proudly in support of this budget bill. First, this bill does some important things, like we just talked about, with respect to relief for our landlords and for our tenants.

But it also does an important thing

in my district which keeps the Goshen Secure Center open. I've been working to stop this closure since the day it was announced, and I was proud to work with my colleagues in this chamber, Senator Skoufis and Senator Mannion, to do exactly that and get this legislation over the line.

Saving Goshen was not just about saving jobs, but it was about doing the right thing for the people in my district and it was about doing the right thing for the people of New York. Keeping Goshen Secure open is a big win for all of us.

The second reason I'm voting for this bill is because Goshen Secure has some great programming. During this journey I got to meet a young man whose life was changed because of the great work that happens at Goshen Secure Center.

Second, this bill provides some important labor protections on renewable energy projects. This is going to protect hardworking union members in my district. And third and finally, as many of my colleagues pointed out earlier in the debate on this bill, it takes important steps to finally address a broadband

problem that exists in our state. Because broadband is no longer a luxury, it's in fact a necessity.

For those reasons, I proudly vote aye. Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President. And I thank my colleagues across the aisle for the discussion of this bill and the many issues we've discussed today.

I rise to note that, you know, this bill comes after a year where so many phenomena

have happened that we've lost sort of superlative adjectives for them. This has been an incredibly challenging year for so many of us, and in housing and in homelessness is really no exception. You know, we already had an affordable housing crisis. We had a housing quality crisis in many parts of the state even before COVID. But COVID has in many ways stretched our systems to their limits. It's caused enormous hardship for tenants and, it should be acknowledged, for the many landlords who have tried to do the right thing during this very difficult circumstance.

This is a bill that really will -- hopefully very rapidly, as my colleague across the aisle noted is an important part of this, but hopefully very rapidly this will begin to undo that damage, to make sure that -- we've already taken many steps to make sure people stay in their homes, both homeowners and renters, but this is a program that will make sure that people don't suffer long-term economic damage from this with what is, for most people, their biggest expense, their housing costs.

I just want to end by thanking the

many people that were involved in this bill. It's been a long road to this point. But Andra Stanley, from my own staff, who did the initial drafts of this, and Adriele Douglas and Nic Rangel and Chris Friend and Allison Bradley and Lonnie Threatte and Tamara Frazier and David Friedfel and Shontell Smith. Because this cut across a couple of committees, there are a lot of folks involved; I hope I didn't leave anybody out.

And of course our leader, Andrea Stewart-Cousins, and you, Madam President, Senator Roxanne Persaud, who was the co-prime sponsor of the bill as chair of our Social Services Committee, and 35 cosponsors of this bill.

And of course, you know, our Assemblymember, Steve Cymbrowitz, who is the Assembly sponsor, and the Executive Chamber and OTDA, who have been negotiating and are going to have to implement this.

We got a lot of input from the City of New York, from tenant organizations like Legal Aid Society, Make the Road, Citizen Action, Enterprise, the Housing Conference, NYSAFAH and

ANHD. And yes, we also had a lot of constructive input on this one from landlord organizations, including REBNY and Community Housing Improvement Program, or CHIP, and SPONY, the Small Property Owners of New York, and many others.

This is again an area where a lot of people have recognized that tenants and landlords do have common cause, and we're going to try to address the needs of all of them with this very important program.

And with that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Kavanagh to be recorded in the affirmative.

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Madam President. And good morning. It is good to be back in the chamber.

I'd be remiss if I didn't start off with thanking our Majority Leader, Andrea Stewart-Cousins, Shontell Smith, Jessica Persaud, Donavan Borington, a number of our anti-gun violence organizations, and our champion in the other house, Assemblymember Diana Richardson, for helping to make this bill become a reality today.

In 2019, on the last day of this legislative session, when I was in this chamber, I got a call from the Mayor's Office, and they told me that an 11-year-old in my district was shot with a stray bullet -- pierced his chest, broke his spine.

And that young king, Jayden Grant, thankfully survived. But his life was forever changed that day; his family, our community, forever traumatized by that incident of gun violence.

And I wish, Madam President, that I could stand before you today and say that that's an isolated incident. But the unfortunate reality is that this happens every day in our communities. Shootings are up in New York City 257 percent. And I wish I could say it's just a New York City problem. But the top five counties in the state, three of them -- Erie, Onondaga and Monroe -- are outside of New York City.

And of course I wish I could say this is just a New York problem, but this is a scourge that is happening across the nation. One hundred nine Americans die daily from gun violence. Seventy-five percent of homicides

across this nation, gun violence. The leading cause of death for children and teenagers in this country, gun violence. Half of the Black teenagers that died in 2019 died from gun violence.

And just like many of society's ills, gun violence disproportionately affects Black people. If you are a Black man in this country, you are eight times more likely to die from gun homicide than any other category. And although young Black men only constitute 2 percent of our population, they make up 37 percent of gun homicides.

And I know what you're thinking, Madam President. Not here in New York, we have some of the strongest gun safety laws in the nation. But Black people in this great state are 15 times more likely to die from the bullet of a gun than their white counterparts.

And if that human cost doesn't move you, gun violence costs this state $3 billion a year.

So today, Madam President, we say enough is enough. We will become the first state in the nation to declare gun violence what it is:

A public health crisis that demands a crisis-level response. The Community Violence Intervention Act will provide resources for community and hospital-based programs that can show the country that with evidence-based and non-police solutions, we can collectively fight for our public safety.

And while gun violence has robbed thousands of years off of the lives of New Yorkers, this act today is a deposit in the future of New Yorkers like Jayden Grant, the future of New Yorkers like the 9-year-old daughter of Brownsville who just last night watched her father kill her entire family and turn the gun on himself. We are making a deposit today for that daughter of Brownsville.

From Brownsville to Buffalo, this is a deposit for peace. It is a deposit for our grieving mothers, a deposit for our hurting families. A deposit for a New York that will one day, Madam President, be free from gun violence.

So for all of those reasons, I proudly vote in the affirmative.

Thank you.

ACTING PRESIDENT PERSAUD: Senator

Myrie to be recorded in the affirmative.

Senator Mannion to explain his vote.

SENATOR MANNION: Thank you, Madam President.

I was a high school educator for almost 30 years, and I was a teacher union president for nearly a decade. I'm the parent of three kids who attended public schools in Central New York. And today I'm a State Senator who has delivered on his promise to help fix a broken system of funding schools.

Until this budget, Foundation Aid was inequitable and underfunded. While a lot of work remains to be done, we are now beginning a three-year phase-in of fully funding the Foundation Aid formula. After many years, the state will finally hold up its end of the deal.

Who are the winners? That's our students and our teachers, our communities.

I also want to highlight the expansion of universal pre-K. The data shows that prekindergarten is vital to early childhood learning. It can put kids on the right path for the rest of their lives, but it was not accessible in many school districts.

Because of the hard work of many of my colleagues across government, that changes today. Families in more than 200 school districts across New York will have the benefit of UPK, and I hope that expands further next year.

Madam President, our education plan will make a college degree more attainable. We are closing the so-called TAP gap, the difference between public education tuition and TAP awards. We are also raising the maximum TAP award by over $500. This will strengthen SUNY and CUNY and will open the doors to a college education for many. In the State of New York, you can pursue any path, any career, with the vibrant and vast programs that exist within these institutions.

If ever New York State was making a down payment on its future, it is with smart and impactful educational practices and policies like Foundation Aid reform, UPK, and closing the TAP gap.

As I said, I've been a teacher for 30 years -- almost 30 years -- and my wife for about the same period of time. I have watched her engage her students, inspire her students.

But beyond being able to engage and inspire, she is a masterful tactician in how to get to the root of how children learn to read, which is essential in anyone's success.

I stand here today as an advocate for public education, as a father who has seen the good that occurs in it, and the spouse of a person who changes the lives of children. I proudly vote in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Mannion to be recorded in the affirmative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

I rise today to proudly explain my vote for an education budget that is truly transformational.

This budget reflects the Senate Majority's unwavering commitment to finally fund the state's obligation to public education, and also to ensure that our schools have the resources they need to help students recover from the incredibly disruptive impact of COVID on P-12 education.

First I want to thank our Majority Leader, Senator Stewart-Cousins, for her unwavering dedication to the principles of educational equity that reflect our values. This historic bill could only happen because of her personal commitment to see it through. She feels these issues with a sense of personal passion that led to this paradigm change, and I am forever grateful for that.

In this budget we finally commit to funding the obligation laid out more than a decade -- people don't understand that, a decade ago, in a statutory formula designed to drive greater equity and educational opportunity for all children in New York. Some of us thought this day would never come. But through the work of advocates, parents, my terrific colleague Senator Robert Jackson, who has spent more than a decade leading this fight, our New York City Education chair Senator John Liu, exceptional teachers, administrators, school board superintendents and so many others, including our colleagues on the Board of Regents, we are finally getting this done.

But we make these major changes for

a purpose, to ensure that every school provides the quality education our kids need, regardless of where they live, the wealth of their neighborhood, or any other factor. That is what drives us and will continue to guide our ongoing obligation to education.

In addition, this budget comes to grips with the impact of COVID on our schools and our students. This has been a year of educational turmoil that children, parents and teachers have faced with courage and resilience, but it will have lasting consequences. By rightly allowing the federal COVID funds, which were intended to supplement the state's contribution to education, schools will now have the resources necessary for compensatory learning, mental and emotional growth, and other services to ensure our kids move ahead in the best shape possible.

These funds will also fund necessary emotional and support services for thousands of students who have lost loved ones of their own.

I'm exceptionally proud of our new initiative to expand pre-K ultimately to every child in New York State. We begin to fully phase

it in this year, and more than 200 districts will bring early education opportunities to 4-year-olds for the first time. This is a path-breaking development that could ultimately lead and will ultimately lead to full-day pre-K for all 4-year-olds in the state -- another dream we thought could never occur, but which will lead to positive social and academic success for so many of our children.

We also continued our fight for New York's special needs children, and I'm proud that schools serving special education students will be protected. And I'm thrilled that our schools for the blind and deaf will receive additional funding, and our 4201 schools will receive $30 million in capital.

It took a lot of fighting and a lot of noise and a lot of partners to make this happen, but we are proud of this effort to provide historic funding for our schools to support our students and affirm our commitment to educate all children regardless of where they reside.

We do this, again, for the purpose of ensuring equity and equal opportunity for

every child, whether they live in Brooklyn, in my community in Port Chester, in the North Country, the Southern Tier, or any of the cities throughout our state -- and certainly within the City of New York.

But we have more to do. Much more needs to be done. We have to press to ensure our kids learn the full story of American history -- the richness of our diversity, a greater commitment to civic participation and to the democratic process. We will continue that fight after this bill passes tonight.

But for now, I'm incredibly grateful to the exceptional staff that made this happen: Amanda Godkin, Mike Swanson, Lonnie Threatte, Monica Saladi, our committee director Georgia Asciutto, and certainly Dave Friedfel and Shontell Smith. Without them all, this could never have happened.

But for the children of New York, I'm exceptionally proud of this budget. We are making this difference for them, and for that reason I vote in the affirmative.

ACTING PRESIDENT PERSAUD: Senator Mayer to be recorded in the affirmative.

Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you, Madam President.

So I began my career as a public school teacher, and I taught in an inner-city school surrounded by richer suburban districts. And it was clear then that the lack of funding to schools in poorer areas had real consequences for the students that the schools were serving.

And so tonight as we are making a renewed commitment to actually deliver on educational equity to the students around New York State, I am proud to support this budget bill. Because the Foundation Aid formula that is funding schools in New York has been broken for a while, and it has been underfunded for even longer -- basically, ever since it was created. And today, finally, this body and this Legislature are saying that we are going to support full phase-in of Foundation Aid for schools in New York State.

This is going to make a tremendous difference in the lives of children from Long Island, through my district in the

Hudson Valley, and all the way up to the North Country and Western New York and everywhere in between. We're going to be funding schools at 60 percent of what they're owed this year, 80 percent the following year, and 100 percent two years from now.

In my district alone, this year we're seeing a $22 million increase in Foundation Aid allocation. This is money that will go for teachers, this is money that will go for new education technology. We will be able to reduce class sizes. We'll be able to support extracurriculars, to support counselors for students -- so many things that are vital to the educational success of our kids.

And so we need to pass this budget bill. I am proud to be part of this Majority that is supporting this effort and funding our schools at the level that they deserve to be funded. I am proud to be voting yes on this bill.

ACTING PRESIDENT PERSAUD: Senator Reichlin-Melnick to be recorded in the affirmative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

There are many things to be incredibly proud of in this budget, from finally keeping our promise to fully fund Foundation Aid, to investing in early childhood education by expanding full-day pre-K -- giving our kids the tools they need to be successful later in life and helping our working families with the support they need for childcare -- to also solving the broadband crisis.

To anyone living in upstate New York, you know that the Governor's claim of 98 percent coverage is just inaccurate. We struggle every day with reliable access to broadband that has become basically a necessity in life, as opposed to a luxury.

This is something that we need to change, and the package in this bill is going to do that. We need accurate household-level data to understand where the gaps are so that we can work collectively to close them.

I'm proud to support this bill. I'm proud to bring our constituents the broadband access that they need to be successful in life,

and for that, I vote aye.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Hinchey to be recorded in the affirmative.

Senator Liu to explain his vote.

SENATOR LIU: Thank you, Madam President.

I rise to say that I support this bill wholeheartedly for many different reasons, but especially for the commitment that we're making to education here in New York. We've all known that the Campaign for Fiscal Equity nearly 15 years ago required the state to provide a sound, basic education for all kids, all schoolkids in New York. And yet for so long the state has shortchanged these kids.

Finally, we have put in place a firm three-year commitment to fully fund that Foundation Aid, with a historic $1.4 billion increase in school funding this year, another increase next year, and the final increase to fulfill the mandate in Year 3.

And not only are we making these promises, but we have also delivered the revenue to back up these promises so that indeed these

schoolchildren will get the money they so deserve. They are our future, and we must invest in them.

Now, this money, as important as it is, does not come without certain requirements. And I'm very proud that our Legislature has put these requirements onto the school districts that will receive this funding by ensuring that they will seek local input, that the communities and the stakeholders there will collaborate with the school districts to come up with a plan that will ensure student achievement, the eradication of the achievement gap, helping students with special needs. Those are things -- those are the educational services that we are seeking to deliver and fulfill.

And beyond public school funding, we're also making a firm commitment to higher education in the form of an elimination of the TAP gap that has plagued our public universities in New York State and New York City for far too long. This firm commitment to finally fund the TAP gap over the next three years will also signal a very strong commitment to public education here in the State of New York.

Madam President, I proudly vote aye.

ACTING PRESIDENT PERSAUD: Senator Liu to be recorded in the affirmative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Good morning, Madam President and my colleagues. I say good morning because it's approximately 3:00 a.m.

And I stand here as a proud parent, education advocate for three decades, and the lead plaintiff in the Campaign for Fiscal Equity lawsuit against New York State. I walked from New York to Albany in 2003, 150 miles over eight days, and a second time in 2016, with the Alliance for Quality Education, for our children's education.

In 1993, Madam President, as president of Community School Board 6, my youngest daughter Sumaya, in the first grade, and my middle child Asmahan, in the seventh grade at PS/IS 187, I launched the Campaign for Fiscal Equity. After 13 years, we won. And in 2007, the Foundation Aid formula was created to guarantee every child the opportunity to get at minimum a sound, basic education.

And in 2019, along with AQE, I

traveled from Rochester to Brentwood, Long Island, from Schenectady, New York, to Washington Heights, in my district. All of us saw the reality, everywhere -- underfunded schools unable to provide the education guaranteed by the New York State Constitution.

Governors have refused to fund the formula while generations completed our education system with promises unfulfilled. Today marks a historic commitment in the landmark decision made more than a decade ago.

I believe in the power of education uplifting communities out of poverty. You may have heard me say it before: It doesn't matter if you're rich or poor, Black, white, Latinx or Asian, red, green or blue, education is the key to uplift our children's futures.

Madam President, give me one more minute. Let me just tell you some of the names of the plaintiffs in 1993. Besides the Alliance for Quality Education and Class Size Matters, Michael Rebell, the attorney who handled the case in the law firm, pro bono, of Simpson Thacher & Bartlett. Aminisha and Kuzaliawa Black. Innocencia Berges-Taveras, Bienvenido and Tania

Taveras. These are the children. Joanne and Erycka DeJesus. Heather Lewis and her children Alina, Shayna and Joshua. Lillian, Sherron and Courtney Paige. Vernice Stevens. Richard Washington. Maria and Jimmy Vega. Dorothy and Blake Young. The Schott family -- I can't tell you how much they meant for this lawsuit. Norm Fructher. And my daughters Sumaya and Asmahan. And of course Cynthia Nixon and other undeterred parent leaders and advocates.

CFE was not an upstate versus downstate, urban versus suburban or rural issue. The case was about all New Yorkers and our obligation to millions of children that we are finally honoring.

I vote yes, Madam President. Thank you.

ACTING PRESIDENT PERSAUD: Senator Jackson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 653, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Helming, O'Mara, Ortt, Serino and Stec.

Ayes, 55. Nays, 8.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Thank you, Madam President.

At this time we're going to go back to Calendar 652, which we had previously laid aside temporarily.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 652, Senate Print 2500D, Senate Budget Bill, an act making appropriations for the support of government: STATE OPERATIONS BUDGET.

SENATOR GIANARIS: Is there a message of necessity at the desk?

ACTING PRESIDENT PERSAUD: There is a message of necessity at the desk.

SENATOR GIANARIS: I move to accept the message of necessity.

ACTING PRESIDENT PERSAUD: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?
(No response.)
ACTING PRESIDENT PERSAUD: The message is accepted, and the bill is before the house.
Read the last section.
THE SECRETARY: Section 2. This act shall take effect immediately.
ACTING PRESIDENT PERSAUD: Call the roll.
(The Secretary called the roll.)
ACTING PRESIDENT PERSAUD: Senator Jackson to explain his vote.
SENATOR JACKSON: Thank you, Madam President.
My colleagues, I rise to speak on this particular bill regarding the State Operations Disparity Study Tax Credit.
Representation matters. Who writes and produces our TV shows matters. The content and tone of these shows matter and can make a tremendous difference in the lives of the millions who watch them.
That is why I'm proud to help more people of color and women build careers in the

television industry. Their new roles in the industry will make it more vibrant and relevant to every community and will allow the industry to grow stronger in New York, creating thousands of valuable union jobs.

This is a major achievement for diversity in the film and television industry. In 2019, we passed important legislation to provide tax credits for the industry to hire women and people of color as directors and writers. In 2020, we passed legislation to create a disparity study, but the COVID-19 pandemic created a fiscal calamity and prevented us from funding it.

Addressing this problem was not just a matter of social justice but also of the long-term health of this critical job-creating industry in our state. This bill will put money at the point of hire of Black and Brown TV writers and directors for the first time ever, and I thank my colleagues and the thousands of Writers Guild and Directors Guild of America members for their visionary leadership on this issue.

And we say to everyone, we must

thank our leaders. And Andrea Stewart-Cousins, our Majority Leader, I thank you on behalf of the thousands of members that this will impact, and thank all of the staff that worked on it.

But there are two individuals, Lowell Peterson, the Executive Director of the Writers Guild of America East AFL-CIO, and Neil Dudich, Eastern Executive Director of the Directors Guild of America. I thank them for fighting for their members to be represented on the TVs that we watch.

Madam President, I vote aye on this bill.

ACTING PRESIDENT PERSAUD: Senator Jackson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 652, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill

is passed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

At this time we're going to hear from the leaders, beginning with Minority Leader Senator Ortt. Please recognize him.

ACTING PRESIDENT PERSAUD: Senator Ortt.

SENATOR ORTT: Thank you very much, Madam President.

I want to recognize my colleague from across the aisle, Senate Majority Leader Andrea Stewart-Cousins. I want to recognize our deputy, Senator Lanza, as well as his colleague, Senator Gianaris, who have been sitting here all day listening to a lot of speeches, a lot of arguments, a lot of good debates.

I also want to thank and recognize Senator O'Mara, who is of course our ranker on the Finance Committee. Not only -- along with Senator Krueger -- did he sit through hours and hours of budget committee hearings, but then of course he sort of is our tip of the spear when it comes to debating, in this case the

largest-spending budget in New York State history.

And it will come as no surprise to anybody here, he did not, of course, get the bills with a whole lot of advance notice.

And neither did our staff. And I'd be remiss if I did not thank our staff. All the staff works very hard and very late hours -- in fact, they're often up till 3:00 a.m. probably most of the month of March. And our staff certainly in the Minority is no different, only they have even less time with the bills and have to brief our conference as quickly and as completely as possible so that we can come out here and not only articulate our positions and debate these bills but also vote in the way that our constituents would want us to.

I know it's late, and I will be brief. New York State has led the country in outmigration the past two years. It's an indisputable fact. There's a lot of things that have been talked about tonight. Some of them were facts, some of them were fiction. It is a fact that we have lost more people than we have brought into the state.

Two of the states that have taken many of our residents, many of our employers, many of our retirees, many of our children, are the states of Florida and Texas. Ironically, tonight's budget is larger than Florida and Texas combined. Yet we're supposed to believe that what we do here has no bearing on why businesses leave, why employees leave, why retirees leave, why our children leave.

But no one actually believes that. Nobody. Nobody back home, nobody in our districts, no one on Wall Street, no reporter, no one paying attention believes for a second that what we do here doesn't matter and doesn't have an impact on where people choose to live. They leave for better opportunities, they leave because New York State's unaffordable.

It was said by a member of the Majority tonight that this was a recovery budget. And I thought to myself, How many years will it take the state to recover from this budget? It's going to take long time.

We've heard tonight about billions spent to go towards non-U.S. citizens, undocumented immigrants. And I think about only

a billion was spent for small business assistance, for relief. Two billion was spent on that fund. Only 500 million was spent for middle-class tax relief, but 2 billion was spent for undocumented immigrants. Only 5 million was spent for veterans' suicide prevention, but 2 billion was spent for unemployment benefits for non-U.S. citizens.

We haven't been able to rescind one executive order that this Governor -- a Governor who's engulfed in scandal, a Governor who's engulfed in multiple federal and state investigations, we haven't been able to rescind one order -- or we've been unwilling, the Majority has been unwilling to rescind one order, but yet they steamrolled him when it came to raising taxes and increasing spending. He was no match. And he capitulated to the radical progressive left that now runs both houses of the Legislature. And that's why we have a state budget that increases spending by over 10 percent, to 212 billion.

And I'll sum up, Madam President, by saying that if we think this budget is going to bring people back to New York -- people who pay

taxes, people who put their kids in school, people who are looking to invest, to create jobs, or people who are looking for a job -- I heard it was said tonight that we need to spend all this money because New York State is a very expensive place to live. Why don't we try to do something about why it's so expensive to live? Maybe that would be the better answer.

But no, we're doubling down on the very policies that have put us in the position we're in. This is going to exacerbate the outmigration. This is going to put New York at a further disadvantage. And who are you disadvantaging? The people who can't leave. Not the millionaires and billionaires who choose to live in Manhattan. My colleagues are probably right; they've been voting for liberal politicians for years, they've been soaked with taxes for years, and they stay anyways. Which just proves that you don't have to be smart to be rich.

But I have a lot of constituents in my district who cannot afford to leave. They cannot afford to leave, but they can't afford to stay.

So, Madam President, this budget is a bad budget for New Yorkers, it is a bad budget for small business, it is a bad budget for working-class, taxpaying, law-abiding New Yorkers, and that is why I'll be voting no.

I thank you for your indulgence. I thank all the staff. I thank my colleagues for their efforts. And I again thank you for the time, but I will be voting nay.

ACTING PRESIDENT PERSAUD: Thank you, Senator Ortt.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Can we now hear from our great Majority Leader, Andrea Stewart-Cousins.

ACTING PRESIDENT PERSAUD: Majority Leader Andrea Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President. And thank you for presiding over this very long debate. And the hour is late, so, you know, I will finish my remarks quickly.

I do want to acknowledge Leader Senator Ortt. It's been nice working with you

during this process.

And of course I want to acknowledge Senator Krueger, who, you know, has done just an incredible job with all of these budget hearings and certainly during this budget process, and of course her colleague Senator O'Mara for his work.

Also I want to acknowledge my deputy, Senator Gianaris. I know you're so happy to continue to be here for this. But you've come this far, so you might as well take the acknowledgment. Thank you so much for leading the debate and making sure that our voices are heard in an orderly fashion. And of course your counterpart, Senator Lanza, thank you so much as well.

I really also want to thank my Counsel and Finance staff. They are just incredible people who are dedicated to doing the work of New Yorkers, and that's on both sides of the aisle. This work of the staff to make us all prepared is not easy, so it is very, very much appreciated. And of course a special shout-out to my chief of staff, the unflappable Shontell Smith; my Finance Secretary, David Friedfel; Communications Director Mike Murphy, and Director

of Intergovernmental Affairs Loren Amor for all that they have done throughout this process.

And of course the amazing members of the Democratic Majority Conference for their tenacity, their advocacy, and all that they've accomplished.

And I also want to thank the countless organizations and grassroots activists who advocated for equitable, visionary state budgets, and for all those who have started to understand that democracy works best when we work together.

I'm grateful for today. But I do miss the days when this chamber, even at 3:00 a.m., was filled with people and energy. And I do hope that we are on the cusp of that happening again sometime soon.

But being here in this empty chamber is a reminder again of the awful toll that this virus has taken over the last year. Over 50,000 New Yorkers have died from COVID-19. Countless parents, grandparents, siblings, friends have spent more than a year separated from their loved once. Thousands of small businesses have seen their life's work dissipate and their doors

shuttered, while even more hardworking New Yorkers have lost their jobs or seen their incomes plummet.

Children all over the state have lost precious moments to learn, to grow and form friendships. And our front-line health workers are still doing heroic work while carrying the trauma of seeing their workplaces overwhelmed and colleagues lost due to this terrible disease.

These are human tragedies that we as legislators can never erase from our state's shared experience.

However, many of the deep issues that have been exposed by this virus existed in our society beforehand. That's why so much happened during this past year -- during so much of this past year we've acknowledged the need for a reckoning, and this budget is a reflection of that reckoning.

We took bold steps to ease the suffering of our neighbors who are still struggling. We chipped away at structural injustices that made this pandemic even worse for some New Yorkers than others. And we invested in a stronger and a more equitable future for our

state so that all of us are better equipped for the next crisis and all of us have access to affordable housing and quality healthcare and good public schools and decent wages that every New Yorker deserves.

This budget represents a light at the end of the tunnel and shows us a path forward that will lead New York State through this pandemic and beyond. The task we faced in constructing this budget was a daunting one, but it would have been even more challenging were it not for the new Democratic Congress that delivered on President Biden's promise to provide critical funding through the American Rescue Plan. That will help our economy, our families, our schools and our small businesses. Thank you, President Biden, Senate Majority Leader -- our own New Yorker -- Chuck Schumer, Speaker Nancy Pelosi, and those from our New York congressional delegation who showed moral leadership in supporting this needed recovery.

This federal support was desperately needed, and it creates a bridge to the future by offsetting so much of the economic damage caused by the COVID-19 pandemic. It gives us the

opportunity to look at the other side of that bridge and chart a new, more equitable path forward.

Here's what we did with that opportunity. In 2019 we passed the strongest housing and tenant protections in the history of New York State. However, the pandemic has further exposed the thin line for so many between having a roof over their head or homelessness. Too often the difference is just a single paycheck. This budget will help provide renters who can't afford their rents and struggling landlords and homeowners across the state some security.

New York State's students and educators have navigated tough times, adapting to remote learning and safely reopening our schools. This Senate Majority is moving forward with a transformational increase in state and federal resources to create better educational opportunities for our students and provide the resources our teachers need to do their job.

Our commitment to educating all of our children, from pre-K to the senior year of college, has never been more evident than it is

today. We are expanding pre-K for more than 200 school districts and will be committing to universal pre-K statewide in the next three years.

We're finally giving our schools the funding that was owed for years -- in fact, when I first ran, it was about CFE in many ways. And so we're committing to a three-year phase-in of fully funded Foundation Aid.

And we're investing in higher education like never before, with higher scholarships, hundreds of millions in new funding for CUNY and SUNY, including eliminating the TAP gap after three years.

This budget helps New Yorkers from young children in pre-K throughout the entire education system to those seeking a higher education to improve their opportunities in life. Investing in students at all points in their education is how we ensure a better future for both them and all of us.

The COVID-19 pandemic shuttered so many of our small businesses, and we mourn the restaurants and the stores and the theaters in our communities that will never come back. But

there are others that are hanging on but are still struggling, and today the Senate Majority is telling them that we have their back. This budget adds a billion in direct state aid for small business in addition to the 2.3 billion of federal funding that will be available.

It also funds nonprofits, arts organizations that will be vital to life in New York returning to the vibrant, dynamic normal we all remember.

We're also committed to building an infrastructure worthy of the 21st century, and that's why we're spending more than a billion dollars on infrastructure investments, including hundreds of millions on our local roads and expanding access to affordable broadband throughout the state.

And as the emerging debate in Washington has made clear, we can't tackle infrastructure without also taking on climate change. This budget takes historic action to authorize 3 billion for the Environmental Bond Act of 2021 -- Clean Water, Green Jobs, Green New York -- to fund environmental improvements that preserve, enhance and restore New York's

natural resources and reduces the impact of climate change.

The pandemic highlighted gaps in our healthcare system. This budget is committed to ensuring that New Yorkers receive quality and affordable healthcare by restoring billions of dollars to cuts in our system and other services, increasing access to healthcare for everyone, including our most vulnerable residents.

So many hardworking people in New York have faced economic hardship and challenges in employment opportunities during this pandemic, and that's why we're creating a new, one-time-only Excluded Worker Fund to provide financial resources to workers who lost their jobs during the COVID-19 pandemic but were ineligible for any aid. Despite even some of the dehumanizing rhetoric, the fact that this money is going to people who work jobs, pay taxes and kept our economy running and our families fed -- at great risk to their health and lives -- but didn't get any help in return, we need to make sure that we are helping people.

The fearmongers won't tell New Yorkers this story on their Twitter accounts.

Again, you heard it before: Undocumented immigrants in New York paid an estimated $3.6 billion in taxes in 2019, 1.4 billion in state taxes alone. They put 19.2 billion into our state's economy.

It is in everyone's best interests that all unemployed New Yorkers get back on their feet regardless of their immigration status. Let's be clear, this money is stimulus money -- it will be going right back into our local economies.

And, sadly, we have seen a rash of hate crimes against our Asian brothers and sisters, something that we must put an end to immediately. This budget provides much-needed funding to combat hate crimes, offer protections to communities, and also provides educational tools to combat hate in schools.

New York has a robust and expansive agriculture industry that is crucial to the state's economy. This budget provides help for our family farmers who kept food on our tables at the height of pandemic.

These historic investments are not only vital to our current recovery, they are the

foundation for shared prosperity and broad opportunity. Which is why we're not just plugging today's deficits and leaving the problems of the future for another time. Instead, we are asking those who have done the best during this pandemic to give a little more so we can truly rebuild our state in a sustainable way.

Despite what our colleagues across the aisle may say, the facts are that if you are a New Yorker not making over a million dollars annually -- that's net -- this does not impact you.

In fact, today we delivered much-needed tax breaks for working and middle-class New Yorkers, including a new $440 million property tax circuit breaker and guaranteeing $400 million in middle-class personal income tax cuts.

We also legalized mobile sports wagering to create jobs and bring hundreds of millions of dollars in revenue to our state. What this revenue will do is to help all New Yorkers -- our families, friends and neighbors.

This is all pretty incredible when you take a moment to remember the many challenges this budget brought with it: A preexisting deficit, a global pandemic, and questions about how to best take advantage of this federal aid package and not lead to a fiscal cliff.

While this budget may not hit upon the absolute wants of every individual person or group, it helps all of us move forward together. This is a bold budget and takes historic action during unprecedented times, and for that I'm proud and ready to continue this momentum in the coming months of the legislative session.

Again, I want to thank all my Senators, all of our Senators on both sides of the aisle, all the staff, for their extraordinary work.

So we have a little break. You can get back to your districts, your families safely and enjoy a little bit of spring. And of course when we come back, we'll continue to do the people's work.

So thank you, and of course I vote aye.

ACTING PRESIDENT PERSAUD: Thank

you, Madam Leader.

Senator Gianaris.

SENATOR GIANARIS: Madam President, is there any further business at the desk?

ACTING PRESIDENT PERSAUD: There is no further business at the desk.

SENATOR GIANARIS: I move to adjourn until Monday, April 19th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Monday, April 19th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 3:27 a.m., the Senate adjourned.)