NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 8, 2022

9:36 a.m.

REGULAR SESSION

LIEUTENANT GOVERNOR BRIAN A. BENJAMIN, President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

THE PRESIDENT: 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.)

THE PRESIDENT: 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.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Thursday, April 7, 2022, the Senate met pursuant to adjournment. The Journal of Wednesday, April 6, 2022, was read and approved. On motion, the Senate adjourned.

THE PRESIDENT: 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: Mr. President, we're going to begin by calling a meeting of the Finance Committee in Room 332.

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 9:37 a.m.)

(Whereupon, the Senate reconvened at 10:01 a.m.)

THE PRESIDENT: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: There's a report of the Finance Committee at the desk.

Can we please take that up.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Krueger,

from the Committee on Finance, reports the following bills:

Senate Print 8001A, Senate Budget Bill, an act making appropriations for the support of government;

Senate Print 8008C, Senate Budget Bill, enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget.

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

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let's take up the supplemental calendar, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 748, Senate Print 8001A, Senate Budget Bill, an act making appropriations for the support of government.

SENATOR LANZA: Lay it aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 749, Senate Print 8008C, Senate Budget Bill, an act to amend the Public Authorities Law.

SENATOR GIANARIS: Is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted, and the bill is before the house.

SENATOR LANZA: Lay it aside.

THE PRESIDENT: Lay it aside.

That completes the reading of the supplemental calendar.

SENATOR GIANARIS: Move to the controversial calendar.

THE PRESIDENT: The Secretary will ring the bell --

SENATOR GIANARIS: I'm sorry, Mr. President, beginning with Calendar Number 749.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 749, Senate Print 8008C, Senate Budget Bill, an act to amend the Public Authorities Law.

THE PRESIDENT: Senator Oberacker.

SENATOR OBERACKER: Thank you, Mr. President.

I would like to ask some questions, if I could, on the Part MMM.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: And good

morning.

SENATOR KRUEGER: Good morning.

SENATOR OBERACKER: So back in 2019, our former governor introduced the fiber optic tax. In that same year we had one of my colleagues -- I wasn't here at that time, but a colleague nonetheless -- Senator Helming bring forth legislation to repeal the fiber optic tax.

So my first question, does this bill subject state-supported broadband projects to prevailing wage requirements?

SENATOR KRUEGER: Yes, Mr. President, it does.

SENATOR OBERACKER: Through you, Mr. President, will the sponsor yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: Thank you.

So does the -- does a project have to meet a certain threshold, it would be a total project cost, in order to be subjected to prevailing wage requirements?

SENATOR KRUEGER: No.

SENATOR OBERACKER: Through you, Mr. President, would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: Thank you.

So if there's no threshold, is there any accounting for regional differences in the cost or the feasibility of the project?

SENATOR KRUEGER: Through you, Mr. President, it's my understanding that the model of prevailing wage in State of New York is to be regionally driven. So I think that that would be factored in under this law as well.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: So with regional differences and cost feasibility

projects, is there any consideration for those factors that would have an effect on, say, an overall project being put forth?

SENATOR KRUEGER: I'm sorry, Mr. President, we're not sure we understand the question. Could I ask the -- my colleague to rephrase it?

THE PRESIDENT: Sure.

SENATOR OBERACKER: So with the idea of prevailing wage and if there is a -- there is no threshold, is that what I'm understanding to be correct?

SENATOR KRUEGER: Yes, there's no threshold based on project.

SENATOR OBERACKER: So through you, Mr. President, if there is -- if there are -- is there any accounting? Let me get my -- yes, let me get my head -- so is there any account for the regional differences in that cost or feasibility project as far as that is concerned?

SENATOR KRUEGER: So of course this is being paid for with grant funds from the state, so we have to believe that the state would adjust for regional cost differences for different projects in what they allocate per

grant.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: So I'm happy to see that the fiber tax is being eliminated. And of course our conference has, on the onset, opposed this.

Do you feel broadband projects are more feasible in rural and underserved communities after the passage of this budget?

SENATOR KRUEGER: Through you, Mr. President. Yes, I proudly do.

I think we are all very aware that New York State has been suffering from not having universal broadband coverage and the recognition that perhaps the more rural or least densely populated areas of the State of New York have been the last to be brought on to ensuring quality wireless service for themselves, which is now a necessity of our lives.

And so yes, there was a time where perhaps we thought that having the tax would provide adequate resources alone to make sure that these projects got completed. But as we know, they have not, and it has been a source of frustration to I think all of us in the Legislature.

So we are very, very happy with the outcome going into this budget and the agreement made between the Governor and the two houses, because we are confident that it's both going to speed up the process by which we complete the assignment of getting everywhere in New York State covered with broadband, that it actually assure decent-paying jobs for people working on ensuring this broadband is implemented statewide.

And of course the plus as well -- and I think it's one of the reasons that it's an additionally good investment by the State of New York -- is you then have people who are trained in high-tech new forms of communication who are available to go into the economy that is basically being driven by newer high-tech models of the kinds of workers they need.

So we're not only going to be

speeding along the process by which we implement broadband; we'll also be training a new universe of workers in the exact skill sets that they are needed in. And so it should be actually helping for longer-term job continuation while assuring prevailing wages at the time they're doing this work for the state.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: I will, but I just want to highlight I left out an important sentence.

We also provide $1.4 billion in funding to help get this done.

And now I'm happy to take the next question.

SENATOR OBERACKER: Thank you.

So as a former chair of public works in Otsego County, do we have some sort of an estimation as to what the added cost of subjecting these projects to prevailing wage would actually mean?

SENATOR KRUEGER: So the Department of Labor will be determining the math for each project area. But there's no cost for the counties.

So perhaps I misunderstood you if you were asking me about increased costs for the counties from this project.

SENATOR OBERACKER: Not per county, just cost in general.

SENATOR KRUEGER: So yes, there is an assumption that we would see perhaps some increased overall cost, which we account for in the budget by providing the $1.4 billion.

But to make it clear this is not a new cost being passed on to the counties.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: So are there any provisions within this bill related to the broadband projects or grant eligibility that

would restrict this workforce pool in any way, such as limiting out-of-state contractors?

SENATOR KRUEGER: So the bill does explicitly have preferences for local hires, but there's nothing that explicitly says you can't hire someone from out of the region or out of the state.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: So if we were to restrict the workforce in this manner, from an out-of-state to local in this manner, would it slow the deployment of those into the field and actually getting further hookups and increased services, or increasing costs? Is there -- are we looking at slowing things down and increasing costs, basically, if we use that model?

SENATOR KRUEGER: So I certainly think the underlying intention of this entire bill is not to slow this down. In fact, just the

opposite. There's been a frustration at how slowly things have been moving, which is why this whole package is in the budget.

So I'm actually fairly confident that with the new model and the supplemental funds that we should see a speeding up of projects throughout the state.

If you're asking the question does -- well, I'm not sure the question is does allowing out-of-state or not allowing out-of-state have an impact on the speed at which projects get done. Again, it does not outlaw the hiring of people from other regions, but it gives preference to hiring local people to do the work. I think that that is overall an ideological belief for most of us here, that we want the jobs to come from the communities to get the people trained who are living and working in our communities, to get the people who live and work in our communities to have good-paying, prevailing-wage jobs.

I don't actually know the math on whether there are certain areas of the state where that will be more difficult and they would be more likely to need to look farther abroad --

not abroad per se, but, you know, across the state line or across a county line. So I don't know actually if anybody knows that answer.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: Thank you, Senator Krueger. And I'm kind of glad to hear that because as the ranking member on Internet and Technologies -- who does not have broadband service at my house -- I find it extremely exciting to hear that. So thank you.

My question -- through you, Mr. President -- so both the Connect All Deployment Program and Connect All Municipal Assistance Program require that applicants submit a workforce plan which shall include information relating to whether a construction workforce will be directly employed or subcontracted, the anticipated size of that workforce required to carry out the proposed work, a description of

plans to maximize use of local or regional workforce, and a description of the expected workforce safety standards training to ensure the project is completed at a high standard.

What is the overall purpose of this plan?

SENATOR KRUEGER: So that the state can actually determine what allotment of funds may be needed for that specific project to work, with the locality to address their unique needs -- because it may differ from municipality to municipality, county to county -- and to keep us all informed of how this project is going and to answer questions like the previous one, how many workers had to come from farther afield, how many workers are not New Yorkers.

So I think that's just sort of standard kinds of information it makes common sense to want to collect, both for determining through Department of Labor what funds need to be made available and for us to actually track how this project is going throughout the State of New York.

SENATOR OBERACKER: Thank you.

Mr. President, on the bill.

THE PRESIDENT: Senator Oberacker on the bill.

SENATOR OBERACKER: Thank you, Senator Krueger, for taking the time to answer my questions.

You know, as -- representing the 51st Senate District, very rural in its makeup, and again as one who does not have the ability nor the service to have broadband at my house, I feel this is extremely important to rural upstate New York for many reasons.

We found, coming out of COVID, the ability to attend classes, telehealth. I'm a member of my EMS squad, and to be able to just have the ability to have what we call the "I am responding" ability on my phone and so on, is extremely, extremely important.

I'm excited about what has been put forth. I have some reservations as to how quickly and how cost-effective this can be put forward, but I was encouraged to see that this is an issue that has been long-standing that is being addressed.

And with that I thank you, Mr. President.

THE PRESIDENT: Senator Stec.

SENATOR STEC: Thank you. Good morning, Mr. President. If the sponsor would please yield for some questions having to do with Part QQ, the freshwater wetlands regulations.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: I do, although I'm just going to take a double-check.

If you don't mind, my colleague Senator Harckham -- this is near and dear to him, and he would like to answer these questions.

SENATOR STEC: Not at all. Not at all.

SENATOR KRUEGER: Thank you, Mr. President.

THE PRESIDENT: Sounds good.

SENATOR STEC: Thank you.

SENATOR HARCKHAM: Thank you, Senator Krueger.

SENATOR STEC: Thank you. Good morning, Senator Harckham. How are you?

SENATOR HARCKHAM: I'm very well, thank you, on two hours sleep. Good morning to you. How are you?

SENATOR STEC: Good. I'm better than two hours, so thank you.

SENATOR HARCKHAM: This will be fun.

SENATOR STEC: Through you, Mr. President, if the sponsor would yield for a few questions.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: All right, thank you. On Part QQ I see that we're making some changes to the permitting process or definitions of what constitutes freshwater wetlands. I was wondering if you could first lead off by just, you know, summarizing what this changes to where we are today, and where this will take us, and then the follow-up question obviously will be why we're doing this.

SENATOR HARCKHAM: Sure, absolutely. Through you, Mr. President. Actually, maybe I'll take the second part of your question first, if that's okay, and then answer the second part.

The reason we are doing this is -- let's talk about wetlands in the big picture. Wetlands are nature's filter. They filter out pollutants. They are a host to thousands of species, lending biodiversity. They're great for carbon capture. They protect our water quality. And most importantly, they help mitigate flooding.

So for instance, in my district right now the taxpayers of my district are on the hook for $65 million to remove phosphorus from stormwater. So we are rebuilding artificial wetlands that have been paved over. And so in New York State half of the historic wetlands in New York State have been destroyed, either through development or paving or dredging.

So the need to protect our wetlands, especially now with climate change and phosphorus mitigation -- you'll see, you know, upstate, all over New York State, our freshwater bodies are impeded with eutrophication, with blue-green algae. We can't drink, we can't swim in the water anymore, and it's because we don't have sufficient wetland capacity to filter out the phosphorus. So that's kind of why we're doing

it.

The problem with the existing law at 12.4 acres is the maps are kind of haphazard, and it's challenging for the regulators but, more importantly, it's challenging for the developers. So when we passed this bill last year, it was a different version, as you alluded to. We spent a lot of time speaking with builders in the development community because they were looking for certainty. And they liked the model because it gave them certainty.

So we arrived at this bill in compromise with both the second floor and with our colleagues in the Assembly.

So what is going to happen in this bill, starting in 2005 {sic} we'll be declaring and mapping wetlands that are called wetlands of unusual importance. And those are ones in a city that can be ruled to have water quality impact, flooding mitigation. And then in 2008 {sic} is when the enforcement will start, so -- and then it will be dropped from the current 12.4 to 7.4 acres.

So with this legislation we're doing a couple of things. We're providing certainty to

the business community, we're providing better mapping, and we're protecting more wetlands. We will protect, with this legislation, millions of acres of wetlands.

However, if a wetland is not deemed to be of unusual importance, it will just be a general permit, which is a one-page thing and will not have the kind of focus a wetland of unusual importance will.

SENATOR STEC: Mr. President, if the sponsor will continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Yes, sir.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: All right, thank you. I appreciate that intro to what we're doing here. And I'm encouraged -- I certainly agree that I think any applicant or developer would want to have certainty and remove ambiguity in the process.

However, I guess my question is -- is that for years we've been working off of maps. I have not heard developers say that they like this proposal -- or farmers, or property owners,

or local government in my -- I have over 80 towns in my district, bigger than Connecticut and Rhode Island combined. I represent a lot of rural areas of the state and a lot of wetlands. So I have not had the same experience with people's reaction to this proposal as you've reported.

But I guess my question -- my first question would be: Do you know how many acres are currently regulated in New York State, you know, by these maps? And then, under this new law, how many additional acres would be added to that? And are we going to see a commensurate increase in DEC staffing to accommodate all these new wetlands that we're going to create?

SENATOR HARCKHAM: Through you, Mr. Chair.

First I would just like to add one thing. You had mentioned farmers in your comments. Agriculture and silviculture are exempt from this law. So farmers should -- are able to go about their business, and those who engage in the growth or harvesting of trees can go about their business.

We do not know exactly right now

what the new acreage will be, because new maps are going to be done in conjunction with satellite mapping services, fish and wildlife service, and some of the universities that have done some of this mapping work.

So right now we have a very haphazard system of mapping, and sometimes property owners will have to ask DEC to map a property in order for them to go ahead and do their development. This will take a more proactive approach. We'll be using the latest technology. And there will be a three-year period for people to be brought up to speed, to be educated, and for us as a state to finally have a complete and accurate set of maps.

SENATOR STEC: If the sponsor would continue to yield, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Yes, sir.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: My understanding is in the mid-1990s there was estimated 2.4 million acres of wetlands in New York. And some advocates are projecting that this law will add

an additional million acres. So that's 3.5 million acres of wetlands. That's bigger than Suffolk County. It's half the size of the Adirondack Park, to give you an idea of how much of our land would be regulated under this.

With that said, making it that much more difficult to permit, to do any activity in something that's classified under a wetlands, isn't there -- wouldn't there be concern that this is going to impact the goals of the CLCPA for promoting and pushing the development of solar? Will opponents to solar farms in their backyards use this new definition of wetlands as current opponents use wetlands to oppose something that they don't want in their neighborhoods -- solar panels are great so long as I don't see them, so long as they're not in my backyard?

Are you concerned that an unintended consequence here of increasing by 50 percent the number of acres that are protected as newly defined wetlands is going to have impacts on other agendas to your climate change agenda?

SENATOR HARCKHAM: Through you, Mr. President, that's a good question. I would

say two things.

Wetlands are about resiliency. Wetlands are probably one of nature's best carbon capture mechanisms. So if we're talking about the goals of the CLCPA, protecting more acres of wetlands is completely consistent with that. In fact, I think the figure is 15 percent of our emissions will be reduced by carbon capture. You know, most of it will be done through clean energy, clean transportation, but 15 percent will still be through carbon capture, and that's what wetlands are incredible at.

The other thing is this is only wetlands of unusual importance that will have that extra permitting requirement. And so if there is a fragile wetland, I would agree with those opponents, you may not want to site a solar farm there. That might not be the best location for it.

But I don't think that protecting wetlands is inconsistent with climate change goals of the CLCPA.

I would further go back to the resiliency of flooding and the amount of rain and the storms that we're getting. Five people in

Westchester County died during Ida because of flooding, and that's in large part because we have lost most of our natural retention. So where does all that water go? It flows onto the local highways, and they flood, and we've had tragic results.

SENATOR STEC: Mr. President, will the sponsor continue to yield, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you.

So back to the area of the maps. Now, it's my understanding that this map that we're abandoning now has not been updated in 20 years. Which again, that would be certainly a cause for frustration for landowners and would-be developers to want to use a resource that the state has required them to use that hasn't been updated in 20 years.

Now, a lot of technology has changed in last 20 years. It's my understanding that DEC has $400,000 in drone technology that they're looking to use to look for orphan oil and gas

wells. I would think that would be a lot easier for a drone to spot a wetland, a 15-acre wetland, than it would be to spot a leaking gas well or a gas pipe from the air.

So my first question on that would be, wouldn't it be a good use of that resource to take an investment and make these maps better and more reliable, rather than, as the legislation states -- it's just a surrender. Instead of fixing the maps, the legislation actually reads: Freshwater wetland maps depict the approximate location of wetlands and are not necessarily determinative as to whether a permit is required pursuant to Section 24-0701 of this article.

So the legislation just basically shrugs its shoulders and says, maps are too difficult to use, we don't want to use the maps. But why not use the current technology and invest in that and produce a set of maps that people can rely on and point to rather than an individual biologist's look, depending on is he looking in March or is he looking in September. Which biologist is it that's coming there to the site? Does he see the plant that day, and a different biologist sees plant -- why aren't we using the

technology and making something that's consistent and repeatable and predictable, as opposed to arbitrary to an individual DEC staff member that we may not have enough DEC staff members to accommodate a 50 percent increase in the amount of wetlands that we're trying to regulate in the State of New York?

SENATOR HARCKHAM: Through you, Mr. President. I would agree with you, Senator, that the maps are out of date. But part of the whole point of this legislation is to update the maps -- as we said, fish and wildlife service, satellite data.

And in fact, Section 5 reads: By January 1, 2025, in addition to any ongoing aerial photography, soil surveys or field verification being conducted by the department, the department shall accept -- shall accept information from federal government sources, other state sources, local governments, colleges, universities, environmental organizations or other private agencies regarding the localities of freshwater wetlands.

And a big component of that will be aerial satellite mapping to update what you

accurately state are out-of-date maps.

SENATOR STEC: Mr. President, will the sponsor continue to yield, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Yes, sir.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you. Through you, Mr. President. So it is my belief, and I think the belief of a lot of people that I've heard from over the years on these attempts to change the definition of a wetland, that this is going to have a significant fiscal impact to the DEC. If so, will their budget reflect that?

SENATOR HARCKHAM: Through you, Mr. President, that's another reason why we're starting this first three years out and then another three years out after that, is so that they can properly staff up.

So this is not taking effect tomorrow. The first phase is 2025, and then the second phase is 2028. So to your point, that will give DEC time to staff up.

SENATOR STEC: Mr. President, if the sponsor will continue for a few more

questions.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you, Mr. President. Through you.

So turning now to the definition of "unusual importance." So, I mean, a freshwater wetlands regardless of size -- regardless of size -- that possesses one or more of the following characteristics, and then it lists several under the letter G.

Is a vernal pool that is known to be productive for amphibian breeding. Maybe a lot of people don't know what the definition of a vernal pool is. Could you define "vernal pool," please?

SENATOR HARCKHAM: Yeah, a vernal pool is often adjacent to a wetland that is not wet all of the year, it is wet part of the year. And it is very often a breeding ground for high levels of biodiversity, which is why they are important.

But obviously they would need to be

adjacent to part of a 7.4-acre wetland parcel. You know, this is not about going around New York State with satellites and locating a vernal pool the size of one of our desks. This would be associated with one of these wetlands of 7.4 acres or more.

SENATOR STEC: Mr. President, if the sponsor would yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you.

So a vernal pool is a puddle after a rainfall. It's not there all the time, and now it's there. Of any size. So, I mean, a freshwater wetland regardless of size. So heavy rain, wet time of the year, there's a puddle there now -- a puddle the size of this room, a puddle the size of a kitchen table of any size -- that's a vernal pool, right?

SENATOR HARCKHAM: Mr. President, through you, I would disagree with that and the science disagrees with that.

A vernal pool is not a puddle, it is

a seasonal ecosystem in and of itself. You can have what you referred to as a puddle, and it is a puddle and it's not regulated. But if there are areas that have seasonal wetness with certain levels of the biodiversity, the biologists could define that as a vernal pool.

There's a difference between a vernal pool and a puddle. And the reason that the state is getting involved in this is you remember the federal government got out of this business.

SENATOR STEC: Mr. President, if the sponsor would yield, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: All right, so you brought up the federal government and the administration. So what is the current administration doing? I mean, I understand that maybe a different administration -- are you saying that the Biden administration doesn't care about wetlands?

SENATOR HARCKHAM: Not -- through

you, Mr. President, this bill is silent on what President Biden is doing.

This is about working with stakeholders in New York to protect our wetlands, which are protecting our water sources, which are providing water capture for flooding, to mitigate flooding, and also are great aspects of carbon capture.

SENATOR STEC: Mr. President, if the sponsor will continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you. Through you, Mr. President.

So the back half of Section QQ talks a lot about the penalties -- civil penalties, criminal penalties, a lot of red lighting of lower numbers and green lighting increasing the financial fees that people that are found in violation of this potentially face, increasing in some instances from $7,000 to $10,000 fines. And there's criminal allowances here.

So with that in mind, my question

would be -- now let's just look at a practical example. If you're a homeowner in a subdivision in the Adirondacks or downstate in the Hudson Valley or in Western New York, and you want to build a shed or an in-law quarters -- because we have that need in our society today to have more affordable housing for our seniors. There's been a lot of discussion on that. But you want to put in a pool, you want to put in a shed, you want to put an addition on to allow your in-laws to stay.

Every time a homeowner does work on a small lot, you could be within a hundred feet of a vernal pool, a puddle, a seasonal puddle on somebody else's property. It's not mapped. There's no drones coming to look at it. You could easily find yourself in violation of this section that subjects you to criminal penalties and fines of up to $10,000 for a puddle you don't even know exists on the other side of the property line, but it's within 100 feet of your project site. Is that true?

SENATOR HARCKHAM: Through you, Mr. President, I would disagree with that assessment.

Number one, as we said before, it needs to be adjacent to a wetland of unusual importance of 7.4 acres or more. And then the regulators will decide -- if something was done, you know, benignly, you don't know, I put a shed there -- you know, the object of the law is not to penalize people. That's why we have a three-year period of education after the mapping. We have a three-year phase-in so folks can learn if there are significant wetlands in their area.

And if it's not a significant wetland, there's not an issue.

SENATOR STEC: Mr. President, on the bill.

THE PRESIDENT: Senator Stec on the bill.

SENATOR STEC: Thank you. I thank Senator Harckham for his advocacy, his efforts here, and answering my questions.

I completely agree that the current system that we have is not working. I hear that from -- in my 20 years in local and state government, I've heard complaints about wetlands and DEC and the APA and what is and isn't and how they get used, how regulations get used as a

weapon by one neighbor against another neighbor. And they're vague enough and the maps aren't accurate enough. And a biologist comes out and, depending on the time of year that that biologist comes out, and depending on which biologist shows up, maybe it isn't a wetland today. Maybe next week a different biologist looks at it and now there's a vernal pool there and it is a wetland.

So there's a lot of frustration out there with the consistency, the predictability, the fairness, the transparency of our current regulations. But of course a 20-year-old map doesn't help that. And what we're doing here is we're taking an already cumbersome process and we're going to make it more restrictive, more difficult, more expensive and more arbitrary and more confusing for our property owners, for our economic developers, for our local governments to have to enforce this, for our ag community.

This is a problem in search of a solution and -- or a solution, rather, in search of a problem. I think it's excessive regulation, which of course New York State is well known for. And for that reason I firmly oppose this section of the law.

Thank you.

THE PRESIDENT: Senator Borrello.

SENATOR BORRELLO: Mr. President, will the sponsor yield for some questions on Part II?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Hello again, Mr. President.

THE PRESIDENT: Hello, Liz -- Senator Krueger.

SENATOR KRUEGER: I want to thank Pete Harckham for handling the wetlands issue so well for me. Thank you, Pete.

Hello.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, of course.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Thank you. Through you, Mr. President.

Part II addresses the authorizing of a social equity fund for retail cannabis dispensaries, and it says the Legislature modifies the Executive proposal to establish a

social equity fund to provide financial assistance to socially and economically disadvantaged individuals who want to establish a retail cannabis dispensary. And it has a figure of $50 million.

Is this part of the $200 million fund that the Governor and the Office of Cannabis Management had proposed earlier?

SENATOR KRUEGER: Through you, Mr. President, yes, that is correct. Fifty million is through the state, and 150 million is through private equity.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So you have $150 million that is supposed to come from private equity firms.

And the question I have on that is, you know, a private investment firm, would they participate in a program like this which would actually potentially open themselves up to some

liability? Because, you know, marijuana is still illegal at the federal level.

SENATOR KRUEGER: Thank you. Through you, Mr. President.

So technically the private equities would invest in the properties, not actually the businesses. So I think that they feel their liability is not significant.

But it goes back to I think a discussion we had maybe last night of are we going to have success with cannabis businesses in this state. And I answered that based on how many businesspeople and investors kept reaching out to talk about how they wanted to get involved in New York, I was fairly confident that this was going to be successful.

And I think the fact that none of us are particularly concerned that we won't be able to find partners for this project reinforces my belief that the business sector isn't particularly concerned about the federal questions or liability.

Of course, all new businesses involve risk. But this model that we've created under the law, the feedback I continue to get is

that people are very, very excited about it and optimistic and want to invest in New York.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So you said this is a very profitable business, lots of people want to get involved. So wouldn't then naturally just money flow to these things? What kind of guarantees is the state going to give to these private equity firms that are going to invest $150 million? If it's such a wonderful opportunity, why do we have to do anything like this? Why wouldn't that just naturally flow there?

SENATOR KRUEGER: So when we passed this law we made a significant commitment in the law that New York State was not just going to start cannabis as a legal recreational business opportunity, but that we were going to invest from a social equity perspective. That we were going to make sure that the communities where the

most harm had been done through our criminal justice policies around cannabis use and our criminal justice policies that so disproportionately did harm to young people of color -- it was going to be an attempt to reverse that through investment in businesses in these communities with these same people.

That kind of commitment does require a jump-start of some assistance of investment. We all know that it is harder to be a start-up business in almost any field if you don't have a background of being successful in business already, or being undercapitalized. And that's what we learned from all these different states that have tried and perhaps failed before us, that they were not willing to capitalize the beginning of the start-up businesses.

So that's a commitment we made in the law. And I believe that the model that has been developed -- and appreciate enormously the Governor's willingness to jump into this, in coordination with DASNY, who's the agency that we all know that we go to with issues of can you meet the standards of bonds, are you going to be able to pay things back, or can you handle your

finances -- that this was very carefully put together through a very intensive debate among the Assembly, the Senate, and the Governor and the Office of Cannabis Management and the division of DASNY. And we got to a place where we're all quite sure that this is the model that's going to get us there.

And so no, I don't think if we just said, okay, let's see what the market does, that we would get the investment in the targeted efforts that we have committed to.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So I understand all that. But, you know, I think a lot of us saw this $200 million as a grant program from the state. I think that's how it was actually proposed. It was going to be $200 million from the state to give those that were disadvantaged the ability to open up a dispensary.

Now we're saying it's $150 million

of private equity money. I've had experience with private equity money. I can tell you that these people are not going to be interested in something unless New York State is guaranteeing them -- because this is a high-risk venture. You just got done saying that we're going to give this money to people that have never operated a business or have not been successful, necessarily -- even though it does say you have to have two years of experience as a businessperson, but you've never been in this business, necessarily.

So what are we going to -- what is the state going to guarantee to these private equity firms? Because to me, a private equity firm is taking on this level of risk, it's going to be credit card rates for this kind of money. It's not going to be something that a state would normally do, you know, like we had during pandemic relief where you had low-interest loans, things like that. I don't think there's going to be too many private equity firms looking to give low-interest loans. So what is the state going to guarantee them?

SENATOR KRUEGER: The state is not

going to be guaranteeing anything. And this isn't perhaps the kind of private equity model that you've been involved with. This is actually debt funds. And the investors are actually investing in the properties that will then be used for cannabis businesses.

So -- and if the cannabis business is not successful, the state may choose to move a license to a different business or the entity may decide to withdraw that property. So I just don't think there's the same level of risk as you think.

And again, this model allows the state to put less of its own money in to get to accomplish the same goals we were hoping, which I would think the Legislature would be very happy to learn that we're doing a $200 million program but it's only costing us $50 million.

And that again -- and this is why it was so important, I think, to have our partners at DASNY at the table. DASNY, this is what they do for a living, so to speak. And they're very confident that there won't be a problem getting the investment they need.

SENATOR BORRELLO: Mr. President,

will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Well, so you're saying, then, that we're going to have then -- the private equity firms are only going to invest in the physical property, like a building, but they are not going to have any equity ownership in the business itself. Right?

SENATOR KRUEGER: Right.

SENATOR BORRELLO: Okay. So you're saying that we want to locate some of -- where we're going to possibly be locating some of these dispensaries. We've already seen some of our high-end suburban areas and, you know, rural towns have opted out. So the majority will be located in areas that I would say are -- where many property values and the value of the resale aren't going to be that great.

So you're going to take a private equity firm and we're going to have them invest in property that in the end might not be very valuable to them, especially when it's not

actually a dispensary, when it goes from being a high-value item, we're going to hope -- a dispensary business -- to something that's just a vacant piece of property.

I don't understand where the incentive is for a VC firm or a private equity firm to step in and do this, especially at this level, 150 million.

SENATOR KRUEGER: So I think the incentive is the interest rate they would earn on the loan, but we have capped it so that it cannot get out of control and everybody agrees that it's a very reasonable rate.

And again, I think that my colleague and I just fundamentally disagree with whether a recreational cannabis business or, frankly, a medical cannabis business is a sound business investment. Now, I suspect Senator Borrello won't choose to invest in cannabis businesses, and that is his right as a citizen and perhaps an advisor. I know he's in the liquor business.

SENATOR BORRELLO: I'm barred, actually.

SENATOR KRUEGER: Oh, you're right, you're barred because you are in the liquor

business. See, that's why he doesn't like cannabis.

(Laughter.)

SENATOR KRUEGER: I'm sorry, that was inappropriate. I did not mean a personal stab in any way, shape or form.

But I'm not going to invest in cannabis either, and I'm not barred from it, because I'm not in liquor either. So people have different opinions about what they choose to invest in.

But again, I think the real question before us is, is this a sound model for the State of New York? And will it ensure that we are successful in the goals of statutes we have already passed? And based on the extended meetings and conversations of my staff over many, many weeks, and changes that were made, I am very confident that this is going to be successful. And far more relevant than me is the feedback we are getting from the business community that they are very positive this is going to be successful.

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So I want to go back to the private equity firms. You said two things that I think are important.

Number one, you said you think that they're going to be excited at investing in the cannabis business, but they're actually not, they're actually investing in the properties, much of which is going to be in areas where, quite frankly, it's going to be difficult for them, should the business fail, to be able to get the return on their investment. Number one.

But you also said they're going to cap the interest rates. What's the cap? How much is the cap?

SENATOR KRUEGER: Eight percent plus prime.

SENATOR BORRELLO: Prime plus 8? Maybe I will invest in it.

(Laughter.)

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So prime plus 8, which is actually a credit card rate. I was right about that.

And you're going to have -- someone has to own this building. Is the cannabis dispensary owner the people that have been disadvantaged? Are they going to be the owners? Who's going to be paying that prime-plus-8 rate?

SENATOR KRUEGER: It allows for all options. So the fund could own the building, they could just do loans for the construction work. The business could own the building.

And by the way, when we put licenses out for this business model, everyone who applies for a license does not need to go through this path. This is a supplemental path to assist those who need the help.

So it's quite possible that many people who go into cannabis businesses, whether it's farming, manufacturing, postproduction -- you know, there's a whole new world of packaging and creating packaging for cannabis. That's a

new business model -- and hopefully, for us, an environmentally sound, non-plastic packaging model.

So there's all kinds of licenses and different people who will choose to get involved, and they do not have to go down this path.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Okay. So we're going to do prime plus 8 for these people who are socially disadvantaged, people that may not necessarily -- I would say a large percentage of them will be considered high-risk loans to -- are we going to make them sign a personal guarantee of any kind?

SENATOR KRUEGER: No, Mr. President, we are not.

SENATOR BORRELLO: So there's -- will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So this is essentially going to be an unsecured loan. You're going to attract $150 million of private equity money for an unsecured loan -- well, prime plus 8 I guess is, you know, credit card rate, so that's an unsecured loan.

But you don't think that there's going to be any opportunity for these folks to get into massive debt in order to -- and if they're not -- either one of two things is going to happen. They're going to have to get into debt in order to do this at prime plus 8, or they're really not going to have any obligation to actually succeed, because they don't have any personal responsibility.

I mean, do we think that's a good business model?

SENATOR KRUEGER: I think we assume some people will fail. If you look at the restaurant business, I believe in New York City, pre-pandemic, the estimate was that of every 10 new restaurants that open, nine fail within the first year. Am I right, is that the number?

SENATOR BORRELLO: That's about right nationally.

SENATOR KRUEGER: Okay.

So yes, like many businesses, it's -- there are risks involved. And lots and lots of businesspeople, even people who are successful in certain businesses fail at others. So we do anticipate a failure rate.

What we wanted to do is to try to make sure that we helped ensure that for a universe of people who might otherwise never be able to try to open these kinds of businesses, that we were going to be helping to give them a leg up. Technical assistance, someone else handling the lease -- because they might not be able to get a lease if they were just trying to do it on their own. Somebody else handling the specs of rebuilding something, or even perhaps building from scratch; we haven't crossed that off as a possibility either.

We wanted to -- revolving possibility of revolving loan funds, which have not been addressed yet. The idea of technical assistance through various state agencies. We really want to make sure we're giving people the

opportunity to succeed.

But yes, we're fairly sure some will fail. And again, they can then hand us back the license and say I'm done, or they can say this didn't work but maybe I'll try a different location, if you would consider that. Or perhaps they will decide that, I don't know, a manufacturing plant wasn't the right answer for them, but some other model in cannabis could be.

And again, there's medical marijuana, there's the CBD, hemp world of cannabis, and the adult recreational. So the mix and match of possible products for sale and the models that can be successful -- I'm not sure even we know what all the storylines will be yet.

But what we're saying as a state is we're serious about this, we're serious about trying to help folks who might otherwise never have a chance to get into these businesses and to be successful in these businesses. We're going to reach out to you, we're going to provide you technical assistance, we're going to be prepared to make an investment in your start-up, and we're even going to handle a bunch of the more complex legal issues such as leasing properties, doing

mass construction, reconstruction on properties. We're going to help you along with that, because we want you to successful.

And I know that this chamber talks all the time about wanting to help small businesses. And we all recognize that small businesses actually are the backbone of economic development and job creation in the State of New York. And we often talk about being frustrated that so much of our economic development programs and funds go to megaprojects and people who aren't even here in New York.

And with this program, these are New Yorkers. These are New Yorkers who are willing to take a risk to become legitimate businesspeople in their communities and to become exactly those entrepreneurs, start-ups, small businesses that I think all of us talk about almost every day wanting to do more for.

So I have to say even if you're still not sure you love the product of cannabis, there's so many buttons that are pressed with this model that I think are exactly what the State of New York and many of us think we ought to be doing.

SENATOR BORRELLO: Mr. President, on the bill.

THE PRESIDENT: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Krueger, thank you. Don't get too comfortable. I have more questions on something else, though.

You know, I think most of us thought this $200 million was going to be a grant program. I think that's how it was sold by the Office of Cannabis Management. Quite frankly, I would consider this a bit of a bait-and-switch. You're talking about $150 million at prime plus 8, which is essentially credit card rates. But then we're also saying we're going to limit you -- we're going to increase your risk by not having personal guarantees. We're going to limit what you can invest in. You actually can't invest in the business, you're only investing in the property.

I don't see a lot of private equity firms jumping up and down for this. So maybe the state's going to have to provide a little bit more guarantee of some kind in order for this to actually work. I suspect that's going to be the

case.

Now, at that interest rate, you certainly are going to have private equity firms that are willing to take that risk and have a lot of failures, because they're going to be making a lot of profit. But isn't this the same group of people that we've always been concerned about in the past that have been taking advantage? I mean, I'm on the Banks Committee. We talk about this all the time. People in disadvantaged communities being taken advantage of with usury rates in order to get funding for things that they need.

The state's now actually involved in that. We're actually going to be actually sanctioning high-rate loans to people in disadvantaged communities so they might have an opportunity.

So if the state really wanted to give these folks an opportunity, we'd step up -- the whole 200 million, which was originally promised. Now, I can tell you that I think I know why that's not the case. It's because the projections of revenue have plummeted since this was proposed last year, from $300 million to

$56 million. So there's not enough money there to do this. You'd have to give up essentially the first three years of the state's return on their investment, if you will, to fund these things.

So this all goes back to the main fundamental question, to me: Is this really going to be a good deal for New Yorkers? Is this really going to be the panacea that it was sold as? I don't think it is.

And if the goal was to do that, then we'd have better numbers. But if the goal was just we're going to decriminalize marijuana, we're going to let people grow it at home, we're not going to have any consequences for the legal possession of illegal marijuana -- and that's what we want as New Yorkers, that's the progressive way -- then fine, that's what it should have been sold as. Because now we've got all this convoluted stuff around this program that was supposed to be so amazing, it was going to provide so much revenue, so much economic opportunity, especially for people in disadvantaged communities.

Well, at prime plus 8, I don't think

it's a great investment for a lot of people. And I would be concerned that these folks are going to get themselves in over their head. Because maybe it's not in this part of it, but there's a lot of other things to operate the business that are going to require a lot of money and a lot of investment, and those are the things that could bury these people.

Because most businesses do indeed fail. Nine out of 10 fail in the first five years. And this is not going to be any different, especially because New York State has allowed the illegal market, the black market, to boom. Which is going to make the profitable legal business a challenge.

So, Mr. President, I'm skeptical at best. Thank you.

THE PRESIDENT: You have more questions?

SENATOR BORRELLO: A different -- different topic.

THE PRESIDENT: That's fine. Just -- will the sponsor just --

SENATOR BORRELLO: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Surely.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: I just want to speak a little about the bond act. I have a couple of questions on the bond act.

So the original bond act that the Governor proposed was $3 billion -- I'm sorry, the environmental bond act, to be specific. And this has now been bumped up to 4.2 billion; correct?

So my first question on this is the bond act provides a suballocation of about $500 million for school buses and infrastructure. Is there any protection for smaller, poorer school districts that might need a lot more money to transform their fleet to electric?

SENATOR KRUEGER: So yes, 500 million to -- for electric school buses, non-diesel school buses, yes.

And yes, there's a recognition that different school districts have different models now for leasing or owning school buses and that we'll need to be making adjustments for that.

The recognition that there may be significant economies of scale if the state is doing its own research and even purchasing of buses for school districts. So that's open to that possibility.

We're -- 35 percent is committed to disadvantaged communities -- oh, sorry. Because we passed that fabulous CLCPA, it requires us, for any of these climate change actions moving forward, to require that 35 percent of all spending is specific to disadvantaged communities. So that would apply also with the school buses question.

They do not all have to convert within X number of years. It's just that new buses that are being purchased or leased have to be electric by 2027.

SENATOR BORRELLO: Thank you.

Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So the one-house budget included funding for municipal buses to be

electrified, but it looks like this enacted budget's going to only be limited to school buses. But, you know, there's fewer public transit systems, and they're likely a much higher source of emissions because they're running 24/7 in many cases.

Wouldn't we try to rather upgrade them first to zero emissions? Because, you know, you're talking about tackling 600-plus school districts in the state. This would be less entities that are likely producing more emissions. Wouldn't we be better off doing that first?

SENATOR KRUEGER: So I certainly would have liked to do both, but we had a limitation on money. Because I think in our one-house we were doing both, actually. And so one got knocked out.

But I think there is almost universal agreement that the importance of making sure that we have a statewide system of non-polluting school buses is crucial to every community in the state.

Now, when you're talking about mass transit for bus systems overall, we still believe

we can be moving forward through the MTA, our largest regional mass transit system, to move them to non-polluting buses with not necessarily having to go through this bond act.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR KRUEGER: Of course, sorry.

SENATOR BORRELLO: So the last question on this. The bond act also provides about $400 million for upgrading buildings to reduce their carbon output.

But NYSERDA also has a similar program, with an annual budget of 1.7 billion annually. Wouldn't it make sense to just direct NYSERDA, which has a much larger fund -- that's funded by ratepayers, actually, not by taxpayers. You know, they can return more in the form of tax credits and so forth. Wouldn't it just be easier and better for them to just take a fraction of the percentage and have NYSERDA do it?

SENATOR KRUEGER: So the money through the bond act is for capital. And the programs through NYSERDA are not generally capital funds, they are reimbursements to -- or grants to personal homes or businesses.

So I don't think that the question is could one replace the other, because the truth is when you look at our problems of overcarbonization, it's buildings. Buildings and vehicles, those are our two major problems that we need to be addressing.

And NYSERDA itself has a report showing that we really need $10 billion a year of capital commitments to our climate change agenda to meet our targets. So I don't think talking about reducing one activity versus another is the direction the state needs to go. I would actually argue we need to be moving further faster.

And I wish that we had more capital money to put in through both sets of programs to accomplish our goals. Because truthfully, the faster we move to electric vehicles, the faster we move to decrease carbonization coming out of our buildings, the sooner we get to the solution

to the problem Jim Tedisco and I were discussing last night: What are we doing about the price of gas?

Because here's the truth. The price of gas is going to keep going up as we have to get off of it, and we are being held basically hostage by dictators of oil companies around the world, and oil countries around the world, and so we need to get off of fossil fuels as fast as possible. We need to be making these investments, because that's the only way we actually are going to not just save money for our consumers, but also save our planet.

SENATOR BORRELLO: Mr. President, on the bill.

THE PRESIDENT: Senator Borrello on the bill.

SENATOR BORRELLO: Thanks once again, Senator Krueger.

You mentioned that this whole idea of going to electrification of everything is going to be the solution to us decarbonizing. But I would argue that's just not the case. Because the reality is New York is importing more and more power than it ever has from other

states. In fact, where I'm from, most of the electricity -- which used to come locally, that was produced in New York State by two NRG plants, both of which were supposed to be repowered with natural gas, which is a much larger -- much smaller carbon footprint than coal, those plants have been shut down and we're now importing power from a place in Homer City, Pennsylvania, which is a 60-year-old dirty cut power plant -- dirty coal power plant.

So I would argue that instead of repowering the plant, which was promised by Governor Cuomo and then rescinded, it would have meant a much smaller carbon footprint. But there's more and more issues like this, because every day we are building new transmission lines to import power from largely coal plants. So really what this is is it's not actually an attempt to really decarbonize New York, it's just a shift where the carbon's being produced, where the pollution and the greenhouse gas emissions are coming from.

But we're told this is global climate change, so does it matter if the carbon emissions are being done in New York or in

neighboring Pennsylvania or Ohio or Ontario or wherever else that we're importing power from -- a record amount of power. So really what this is is a shell game. It's a shell game to pretend that we're doing something about climate change.

And the fact is we don't have the resources to increase our electricity capacity in New York State. We've shut down nuclear plants, we've stopped the import of natural gas and the powering of natural gas, which is abundant in New York State. Which, again, would have been a great way -- a great bridge fuel to bridge us to eventually, when the technology catches up, to something that's completely renewable.

But we're not doing that. We're just going to pretend, and we're going to keep importing more power and we're going to ramp up places like Homer City, Pennsylvania, that is spewing pollution into the air, to supply the power that's needed largely in New York City. Because where I live, 88 percent of our power is already clean and green and renewable, because we have a lot of hydroelectric power. We're the third-largest producer of hydroelectric power in America, as a matter of fact.

We're not the problem, quite frankly, where I live. The problem is in New York City. So either you're going to use less electricity or you're going to continue to pretend that things like this, this $4.2 billion bond act, is actually going to do something about it. Unfortunately, it's not. But we can continue to pretend we're doing something about it.

Thank you, Mr. President.

THE PRESIDENT: Senator Martucci on the bill.

SENATOR MARTUCCI: Thank you, Mr. President. On the bill.

So I just want to take a moment to call out several provisions in this bill that weren't praised. One of them is, at long last, the repeal of the DOT right-of-way fee.

You know, broadband connectivity is a struggle for so many people, so many people in my district. And the pandemic has highlighted a lot of things, but certainly the importance of being able to work and attend school from home. And in the places that I represent and in many places that my colleagues represent, broadband

still remains a tremendous struggle today.

And the DOT right-of-way tax that was imposed by our former governor was one of the biggest obstacles to finally closing this gap and addressing the problem in a big way.

I'm a businessperson, and businesspeople in business study market trends and look at signals to really determine where they're going to make investments. And in this case, in the past, this state and this body have sent a very clear market signal that broadband expansion wasn't wanted here, by taxes like this.

So today I'm glad because all of our constituents are going to win. We're going to walk this back, and we're going to finally put our money where our mouth is and head in the right direction.

The Republican Conference all voted against this provision when it was originally presented in this body several years ago, and since it was enacted we've been speaking out strongly against this. So I guess today it sort of is a degree of vindication. Nothing says mea culpa like repealing a provision of the law. So that is certainly a big win.

I want to thank my colleagues on both sides of the aisle. I want to thank Governor Hochul for finally getting behind this repeal and getting it done today, and certainly the tremendous work of Senator O'Mara and Senator Ortt in particular, who have been leading on this issue.

You know, finally, I want to thank the broadband providers and the advocates because I don't think we'd be here today if it wasn't for key people educating us on this issue. I know when I came here, I knew very little about it.

And specifically Dave Lamendola -- who I know many of us know -- from Verizon has been leading on this issue, helping folks in this body understand how important it is that we take these steps to repeal this. So Dave deserves a great deal of credit.

And others, folks like Paul Zuber from the Business Council, other pro-growth groups that have been calling out what a problem this is. So I think that that's certainly -- all very good things.

I also want to say that the labor language included here, these are great things.

The expansion of PLAs and prevailing wage, particularly to the green energy projects -- huge step in the right direction. We should have been doing this a long time ago. I'm glad to see we're doing it today.

And while I do associate myself with the comments of my colleagues with respect to some problematic issues -- certainly a couple of concerns that are sort of very technical concerns about some of the things presented in this bill -- I do like the overall direction of the environmental bond act, the fact that we're making strong strides to protect the environment and protect open space, and in particular taking big steps to protect our environment, though I do hold some concerns with other provisions of this bill in that respect.

So, you know, I guess I'll end by saying lobbyists oftentimes get a bad name around here, and rightfully so. However, in this particular case there have been several leaders not only in this chamber but outside of this chamber that have brought us to this point, and this is a really great point to be at with respect to broadband buildout and labor issues

and environmental issues.

So I thank you for your indulgence, Mr. President.

THE PRESIDENT: Senator Oberacker.

SENATOR OBERACKER: Thank you, Mr. President. I was wondering if I could ask one more question on the Part MMM to the bill's sponsor.

THE PRESIDENT: Does the sponsor yield? Senator Krueger, do you yield?

SENATOR KRUEGER: Excuse me, Mr. President. Of course.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: Thank you.

So again, just so that I'm clear, this question specifically deals with the PLAs. So on the part that we're talking about, this bill seems to steer an incredible amount of money towards projects with PLAs. Can you tell me what percentage of the construction workforce is or would be unionized?

SENATOR KRUEGER: Through you, Mr. President, it's not a requirement of the bill, so we really don't know how much of the workforce will end up being unionized.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes indeed.

THE PRESIDENT: The sponsor yields.

SENATOR OBERACKER: Thank you.

So given that 75 percent of New York State construction is nonunion, how would the PLA requirement impact local jobs?

SENATOR KRUEGER: I'm sorry, Mr. President, can you show us where there's a PLA requirement in the bond -- excuse me, in the broadband proposal?

SENATOR OBERACKER: So yeah, through you, Mr. President. Through the Infrastructure Investment Act, it requires a projected labor agreement for all projects. And so I'm just wondering -- my concern is that is this going to again, in some way, shape or form, either slow down and/or impact cost-wise the projects moving forward?

SENATOR KRUEGER: Could you cite the page and the section to us? Because we're

not sure the reference is to the broadband section of the bill. Sorry.

SENATOR OBERACKER: So through you, Mr. President, where I'm looking at, this would be in the Part AA, the Infrastructure Investment Act, and in Part OO, in the Clean Water, Air and Green Jobs Bond Act.

SENATOR KRUEGER: Thank you, Mr. President.

So the first reference is actually to the section that applies to design-build, not to the broadband. So let's answer that first.

So if in design-build, if the project is more than $25 million, they would have to use a PLA. Otherwise, they could not use the design-build option for themselves.

SENATOR OBERACKER: Thank you.

That's all I have, Mr. President, thank you.

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

Seeing and hearing none, debate is closed.

I'm sorry, Senator Mattera, would you like to speak on the bill?

SENATOR MATTERA: Yes. No, actually I'd like to speak -- yes, speak on the bill. No questions.

THE PRESIDENT: Senator Mattera on the bill.

SENATOR MATTERA: Thank you, Mr. President.

I'm very, very pleased to be here today about this bill, especially about the Part AA with the project labor agreement language.

You know, me as a labor leader for 20 years, being 41 years in Plumbers Local 200, project labor agreements are so, so important for all workers.

You know, one thing I've been -- when I go to projects, I see out-of-state workforce coming into our area and taking our jobs away. And I always say local jobs for local people and how important that is, because that helps a whole local economy for all of us -- for people -- for our members and people to go spend money locally.

This is so, so important that this project labor agreement is in this bill, and I am very, very proud to say that I am in favor and I

vote aye.

Thank you.

THE PRESIDENT: 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.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Cleare to explain her vote.

SENATOR CLEARE: I rise in support of TED Part Q, which contains the sum and substance of my bill, S8083A, which ensures that incarcerated individuals are provided with the affirmative opportunity to secure nondriver DMV-issued I.D. cards before they are released.

The purpose of incarceration is rehabilitation and growth. Our entire system should be directed towards those moral ends. What my bill and Part Q does is proactively solve a persistent challenge for those reintegrating into society, supplying them with a state-issued

I.D.

When you are released from incarceration, often the world around you has changed significantly. You now have new challenges in front of you, obligations to family and friends, and sometimes post-release supervision to follow. Navigating the hurdles to obtain a nondriver I.D. can be a difficult task for anyone to accomplish, let alone for someone leaving prison with only the clothes on one's back.

If we are interested in moving individuals to successful reentry, it only makes sense that we provide them with a state-issued I.D. Who better than the state to identify an individual?

An I.D. is needed for so many things in life -- housing, employment, medical care, banking, access to social services, and more. The bill provides -- this bill provides a basic step towards a healthy new beginning for released individuals, and I am elated that we are passing it.

Thank you to my floor counsel, Adriele Douglas. Thank you so much for your hard

work on this, and all the other staff for making it your mission to get this done.

Thank you.

THE PRESIDENT: Senator Cleare to be recorded in the affirmative.

Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Mr. President.

So many great things in this section of the budget, including the wetlands protections that we have been looking for in New York State for a generation. So congratulations to the hard work that went into pushing this across the line.

Really happy to see that the WIRED Broadband Act was included in this section of the budget. Over 100,000 New Yorkers have no consistent or no ability to connect to internet. Two hundred thousand New Yorkers have internet, but it's not high speed. It's the sort of, you know, old-fashioned internet that doesn't work on most days.

But with the infusion of federal money, we have a chance to get it right. This is our one shot. We've spent a lot of money over the last few years on trying to improve

broadband. Guess what? It really hasn't moved the needle too much.

So with this, we're able to get a good, consistent connectivity for all New Yorkers. It's a comprehensive plan, and it's utilizing the federal money that's come through the stimulus program, a match with the state funding in a manner that's going to be both efficient and transparent.

The proposal creates the Advisory Council on Broadband Development, so it's just going to work it through. We're not just saying, you know, here's over a billion dollars, go have at it. We've done that over the last three gubernatorial terms, and it hasn't worked.

So it's going to be more than delivering us broadband. We're going to have hidden benefits in there, right? So there's transparency in there, and we're going to connect a lot of homes to broadband. But we're going to make sure that we can also inject high-road economic principles into that.

You know, what does that mean? Well, we're going to use the broadband money as part of training the workforce for tomorrow.

High-tech jobs are necessary to connect the broadband.

This doesn't just happen in an unregulated place; this happens through regulations. So there will be labor standards and wage protections associated with this act. So when this money flows through, it won't be part of the race to the bottom, where we pay people the least amount possible to get the work done, and they may go back to another state -- then we're left with a bad product and no trained workforce.

So this bill is very comprehensive. It has reporting requirements. There's municipal authorizations, there's wage standards. And the best part about it is the full prevailing wages for both private and private municipal, no exceptions. We're going to have, at the end of this, a much better broadband connectivity, whether you live in a rural area that has no broadband or you live in an urban area where it's spotty.

This is the step forward. This is one part of the great budget. And Mr. President, I'm proud to cast my vote in the affirmative.

THE PRESIDENT: Senator Ryan to be recorded in the affirmative.

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Mr. President.

I join colleagues in saying there are a lot of good things in this bill. I just want to focus on a couple. And I want to thank my friend and colleague Senator Jackson for reminding me I did indeed have two hours of sleep and said 2005 and 2008 instead of 2025 and 2028. So best-laid plans.

I want to thank my colleague for a spirited debate and for asking some really pointed questions. And it's true, we have had deficient maps for the last 20 years, and that is a point of this entire bill.

The question is, can we afford to do this? The real point is we cannot afford not to do this. Our freshwater bodies are compromised. It's impacting the water quality. My district, as I mentioned before, which provides half the drinking water for New York City, our municipalities are now paying $65 million to

recreate wetlands to protect these reservoirs that nature used to do.

So I'm just so thankful for colleagues supporting this measure. Also thankful for Chairman Englebright, in the Assembly, and for the Governor and everyone's teams coming together on this.

The other thing I want to touch on are the issue of the electric buses in the bond act. This is a huge win, especially for the kids. Kids who ride school buses breathe in 15 times more harmful pollutants than people who don't ride school buses.

Oftentimes this impacts our environmental justice communities, which have much higher instances of asthma, respiratory disease, heart disease -- and it's because of the diesel fumes and the particulates.

But I think we also need to look at jobs. This is not just about improving our environment and our climate, which obviously we are striving to do. We are going to be creating good-paying jobs right here in New York State. And electronic technology is cheaper. It is now cheaper to produce a kilowatt of electricity

through wind and solar than it is through carbon-based technologies.

So there are a lot of wins in this budget, and I'm really proud to support this section of it. I vote aye.

THE PRESIDENT: Senator Harckham to be recorded in the affirmative.

Senator Skoufis to explain his vote.

SENATOR SKOUFIS: Thank you very much, Mr. President.

No budget is perfect. This budget's not perfect. Any of my previous nine budgets I've been in the State Legislature and have worked on have not been perfect. And we can nitpick all day: This item, that item is not what I want it to be, it does not go far enough. And we've heard a lot of that over the past 24 hours or so.

But let's not lose sight of the fact that this budget will transform the lives of millions of average New Yorkers. And New Yorkers, Americans, citizens do not expect government to solve all their problems. They don't want government to solve all their problems. But they do want government to be

responsive, and they want government to try and help them a little bit with their problems.

And so what this budget does will allow millions of New Yorkers to get better home care, to get better childcare, to get for the first time UPK, four-year-olds attending prekindergarten. Billions of dollars will be coming to repave roads and repair bridges in the Hudson Valley. We are going to be providing relief at the pump, providing relief with income tax cuts, providing relief with property tax rebates.

These are meaningful, meaningful items for millions of New Yorkers that helps restore the trust in state government that's so desperately needed.

And so I'm proud to support this bill. I'm proud to have the Majority Leader leading the way, as usual, to make sure that we're getting these important items across the finish line.

But I want to really focus on one that has not been talked about all too much, and that is we have for the first time a provision in this budget that will audit every single economic

development tax incentive in New York State.

And I and many colleagues -- this side of the aisle and that side of the aisle -- every year have gone on and on, rightfully so, about how we spend billions and billions and billions of dollars on projects and other incentives that are not held to account. We have no idea whether we're getting a return on investment. We have no idea whether those are worthwhile investments.

And for the first time now, we are going to know what works, what doesn't work, and fix what doesn't work on behalf of our taxpayers.

I want to thank my colleagues for their support around that provision. I want to thank the Majority Leader for an outstanding budget that will impact, in a very meaningful way, millions of New Yorkers.

I vote aye. Thank you.

THE PRESIDENT: Senator Skoufis to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

I also will vote aye on this bill.

And I want to single out two components of it that I think are really important.

Senator Ryan talked about the broadband. I want to focus on one piece of that WIRED Act that supports municipal broadband, because this is something that has helped communities around the country, around the world, to not only assure access but to promote prosperity in those communities. And I hope that we will get more municipal broadband in this state as a result of this bill.

And I want to congratulate Senator Harckham on moving the wetlands bill to this point, because this is absolutely critical. Three hundred years ago, on the shore of Onondaga Lake there was enormous wetland. It was a scene of incredible biodiversity, and it was the center of one of the greatest civilizations on earth, the Haudenosaunee Confederacy.

When Syracuse grew up in that area, the first thing that people did was drain the swamp. And honestly, Syracuse, much as I love the city, I think we have regretted it ever since. Because we still have flooding in those areas. We still have a whole region around the

lake where it's hard to build, it's hard to develop that area because the ground just isn't appropriate to it.

And if we had -- if the original developers of Syracuse had recognized the value of those wetlands, I think our city would look different, our region would have a different kind of ecosystem and much more resilience than we have now. So this bill is going to help us understand the value of wetlands and make sure that we preserve them.

So I'm again grateful to Senator Harckham, to the leadership for making this happen. I vote aye.

THE PRESIDENT: Senator May to be recorded in the affirmative.

Senator Mannion to explain his vote. Senator Mannion not to explain his vote.

SENATOR MANNION: I will, thank you. Thank you, Mr. President. I appreciate --

THE PRESIDENT: Senator Mannion will explain his vote.

SENATOR MANNION: Yes, I must have winked or something there, so ...

I just want to say this, that in the

area that I represent, we have substantial flooding in an area that is -- in tributaries that feed the Erie Canal and the surrounding region. It's a beautiful area. It's a wonderful area. I was proud to advance a bill last year, and signed into law, creating the Flood Mitigation Task Force. And I am hopeful that many of the dollars that are secured, either in the clean water section or within the environmental bond act, goes to helping the good people of Cross Lake and the Seneca River to make sure that we protect them in every way that we can.

I proudly, for this reason and others, vote aye. Thank you, Mr. President.

THE PRESIDENT: Senator Mannion to be recorded in the affirmative.

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President.

You know, it's not just the wetland maps that were wrong, it's also the flood maps. And that was a hard-learned lesson by my neighbors in East Elmhurst back in Queens. Hurricane Ida really took a toll. It was also

the epicenter of the epicenter of the pandemic.

And seeing that we are actually allocating funding for our school districts to have some wastewater infrastructure is actually going to go a long way to helping protect my neighbors and their homes. We need all the flood protection we can get.

And, you know, overall the reason I'm voting aye on this bill is because we are making a priority out of the infrastructure upgrades that need to be made. And I think that, you know, most if not all of us should be in agreement on that. We are in a desperate need for a Green New Deal, for green jobs, and they have to be done the right way.

It's not only the infrastructure that keeps us connected, our roads and bridges, but it's also broadband. And doing these from a point of view with project labor agreements, making sure that we are creating good jobs, union jobs, which we know are the best vehicle to the middle class, is critical for environmental justice communities like the ones I represent in the Northwest Queens waterfront.

So I'm thankful for my leader, I'm

thankful for my colleagues. We should be very proud of what we were able to do in this TEDE bill. And I vote aye, Mr. President.

Thank you.

THE PRESIDENT: Senator Ramos to be recorded in the affirmative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. I rise to explain my vote in the affirmative.

This bill contains two items that are of particular importance to my constituents and the arts community in my district. It's a $220 billion budget, but it's sometimes the small things that matter most to our constituents.

And as the Senator who represents Broadway and many independent music venues like the Blue Note, Smalls, The Village Vanguard and Birdland, I'm very happy to say that this legislation is going to be creating the Small Business Seed Funding Grant Program.

And we've secured language in this bill that will ensure that independent arts workers, like touring musicians, are able to meaningfully access this funding.

During the first year of the pandemic, the federal government wisely expanded unemployment insurance to cover independent contractors and gig workers, which was the only way many musicians and artists in my district -- the original gig workers -- were able to survive.

Unfortunately, that program ended last year. And while many independent contractors in other businesses were able to get back to work through virtual means or other adaptations to safely operate in COVID, those in the entertainment industry, and particularly touring musicians, continued to face the devastating effects of the Delta and Omicron waves.

Unlike many other industries, if a single member of a band gets COVID, the rest of the band cannot simply pick up the slack. One person getting COVID can derail an entire tour, resulting in lost revenues and unrecoverable sunk costs. That's why we needed special recognition for these workers.

This bill is going to allow independent arts contractors, including touring musicians, to recover costs incurred and revenues

lost due to COVID-19 through January 1, 2022.

We've also secured commitments from Empire State Development to clarify and streamline requirements for the existing Small Business Recovery Grant Program, which we established last year, to ensure that touring musicians and other arts workers can access that funding.

So I want to thank Majority Leader Andrea Stewart-Cousins, Shontell Smith, Emma Wallach, and Eric Katz for their assistance in securing this lifeline, this lifeline for my constituents.

I also want to thank the Hochul administration and Empire State Development for working with us to find a solution for these affected workers, and mostly the Music Workers Alliance in my district, who led a really heroic -- and noisy -- advocacy campaign, as musicians are wont to do.

This budget will finally expand the Entertainment Subsidy Assistance Demonstration Program also, which helps entertainment workers afford their COBRA health insurance payments during episodic employment.

This is something we've all long advocated for, and I'm grateful to be able to enact this expansion today with my affirmative vote.

Thank you, Mr. President.

THE PRESIDENT: Senator Hoylman to be recorded in the affirmative.

Senator Comrie to explain his vote.

SENATOR COMRIE: Good morning. Thank you, Mr. President.

I rise today to vote aye on the TEDE bill, and I want to thank the leader and her team, Shontell Smith and Eric Katz and all of the analysts and all of the staff that made this happen. There are so many great things in there, from expanding CHIPS -- where when I first came here and Senator Kennedy came to me and said that we need to take care of upstate roads -- and we're expanding CHIPS funding, we're expanding other funding of the highways upstate to allow for more tourism, to allow to continue the design-build opportunities, which has been a great cost saving for agencies across the state and for New York City to mandate that.

To extend the investment for our

entertainment industry in New York for three years so that they can have an opportunity to do long-term planning. To keep up with other states that are now trying to create entertainment opportunities and building film studios all across the country, it's important that we make a long-term commitment to that industry that is expanding upstate as well and developing growth and opportunity.

To doing things to make sure that we create other opportunities such as the waiving of the I.D. fees that Senator Cleare spoke about, the gender X option that we're going to allow people to truly express themselves throughout this state. There are so many other things.

But I just want to talk in detail a little bit more about what Senator Skoufis said, which is known as the Database of Deals bill that we worked on together. I want to thank Senator Skoufis, Senator May, and the entire Democratic delegation, because there's something that we need to do as a legislative body, which is to make sure that the money that these state agencies are spending, tens of billions of dollars, are clearly spent in a way that we can

understand it and interpret it -- not two years later, not after the fact, but actually during the quarter that they're spending this money.

It's important that we understand how all these state agencies are spending the money with MWBE, with local contractors, with in-state contractors, how they're doing the things that they're spending tens of billions of New York State dollars for our New York State residents, and oftentimes we have no contact or no understanding until way after the contract was let and we find out that these contracts were let to people that have no concern or no compassion or no real purpose in really delivering a quality product to New York State.

So I'm glad that this Database of Deals bill, as they call it, will open up all these state agencies to show procurement, to show the MWBE stats, to show the ability to make sure that the state is being responsible in their procurement, that their procurement is going to be New York-based as much as possible, and that we are going to have these deals that we can understand clearly where we're spending our dollars in New York State.

So I want to thank the leader for understanding that. There's more that we need to do in these areas, but this is a great start to show real transparency on how we're spending our public dollars.

Mr. President, I proudly vote aye. Thank you.

THE PRESIDENT: Senator Comrie to be recorded in the affirmative.

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Mr. President.

It's been a long time since I've been in this room with so many colleagues, and it's really great to see everybody.

The first thing that captured my attention and stunned me, which I hadn't seen before, was Senator Tedisco and Senator Hoylman sitting next to each other. And I see the makings of a sitcom, like a buddy sitcom.

(Laughter.)

SENATOR KAMINSKY: It's kind of like we could solve the world's problems if -- I don't think they're finishing each other's

sentences yet, but we'll get there.

(Laughter.)

SENATOR KAMINSKY: I rise today to speak my vote in the affirmative --

(Inaudible; laughter.)

SENATOR KAMINSKY: -- to speak in the affirmative for this budget. As the chair of the EnCon Committee, I'm very proud of the environmental leaps that this budget helps our state take. We're going to expand our brownfield program, do historic wetlands protection -- thank you, Senator Harckham for your work on that. We've been wanting to do that for a long time.

But I'm really most excited about the bond act. If you rewind just about 14 months, there was no talk about the bond act. It wasn't in the Executive Budget, it wasn't anywhere. And this Senate conference came together to say that the needs, the infrastructure needs of our state are too great, both in terms of building in resiliency that our communities need -- and as someone who lives in a community that's an island, where the ocean met the bay in the middle of Hurricane Sandy and everything was underwater, boy, do we know how

important that is.

But also in terms of fighting climate change, this bond act is really going to do so much. This conference put it on the map, we got it into the budget last year, it's an even increased one next year. When you think of the needs of our state, from the Adirondacks down to Queens, they're staggering. We still have lead pipes in far too many places. We still have low-lying areas that are prone to flooding where important infrastructure is. Everyone thinks the good old days were all so good, but I'd like to go back to some of those engineers a hundred years ago and ask them why building the Long Island Train Station one foot above sea level was a good idea. But there are all these things that we have to change.

The fact that we're going to be spending hundreds of millions of dollars to help convert school buses to electric buses I think is great. We're making that commitment today. And of course like Senator Ramos said, we're going to be doing this by supporting great jobs in areas that are going to help propel our middle class and move our state forward. So this bond act is

really good news.

But as my aunt used to like to say, it's the little things that count. And I'm really excited about a little study in this budget about a bridge in my area called the Loop Parkway. And the Loop Parkway Bridge was built in the Great Depression, and it's part of FDR's economic plan. But because the parts are a hundred years old, they get stuck in the "up" position a lot.

But here's the crazy part. Even when it's working on a summer's Saturday, for example, when thousands of cars are headed to the beach, when Joe wants to go in his boat, the bridge opens, once an hour, and thousands of people watch Joe go through in his boat, and then it closes and everyone moves on with their life again.

We can do better. We're going to study that and figure out how to create more modern infrastructure to better the lives of Long Islanders.

So for big reasons and small, I'm voting yes on this budget, grateful to be part of a conference that keeps moving our state forward.

And it's good to see everybody again, and I look forward to seeing the sitcom play out.

(Laughter.)

THE PRESIDENT: Senator Kaminsky to be recorded in the affirmative.

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you very much, Mr. President.

First of all. I rise to support this section of the bill. I'm very excited about so many things in this budget and look forward to discussing them further with all of my colleagues.

I rise to speak on a number of items in this budget. First let me start by thanking Majority Leader Andrea Stewart-Cousins for her leadership and her due diligence; of course the team for all of their hard work; our colleagues throughout the course of the last several months; Deputy Leader Gianaris for his leadership on the floor and in conference.

I want to recognize Governor Hochul for her partnership in getting us to this point.

We are celebrating a lot in this budget. And in this particular portion of the

bill that deals with so many initiatives as it pertains to transportation -- and as the Transportation chair, I've got to tell you, I am really, really enthused by the deliverables that we are all going to bring to our communities across New York State and be able to transform our state from top to bottom.

The initiatives that have already been talked about are great. I want to highlight a couple that I think are historic and transformative. We're talking about a multi-billion-dollar bond act, the environmental bond act. Included in that bond act are the electrification of our school buses that are going to transform all of our communities and make New York State the leader in the nation as it pertains to not only environmental justice, but social justice.

School buses today, these diesel buses are one of the leading pollutants in our nation. And New York State is saying not only are we going to play a leading role in transforming the school buses from diesel to fully electric, but we're going to expedite that time frame. So school districts by 2027 --

within five years -- are going to be necessitated to purchase electric school buses.

They can get a two-year waiver. But by 2035, all school buses in the State of New York are going to be removed from the carbon footprint. That is worth celebrating, Mr. President.

And we're putting our money where our mouth is. In this environmental bond act, $500 million, half a billion dollars, to do so. Plus the resources brought to the table through OGS and NYSERDA that are going to help these school districts with the infrastructure necessary to help them meet these goals.

So we're helping not only deliver from an ideological perspective and a financial perspective, but we're providing the infrastructure behind the scenes to get our school districts where they need to be.

With three children in school today that ride the buses on a daily basis, this is personal for me as a parent as well. So I understand the needs of our families across this state. And I talked about not only the environmental justice, but the social justice,

because families like mine -- particularly families from disadvantaged communities in urban communities across our state that have seen health disparities take shape, particularly communities of color, because of a lack of attention to address these issues dealing with pollutants from our diesel engine school buses -- are having a major victory in our communities there as well, Mr. President. So I'm excited about the social justice component here as well.

Speaking of social and environmental justice, another victory here is the brownfields agreement. The brownfields agreement that ends at the end of this year without this agreement would have caused New York State to move backwards. It would have caused development to cease in communities like mine out in Buffalo, and other urban communities across this great state, that have seen an industrial past leave wake to a polluted infrastructure in various aspects of our communities that developers won't touch unless we make it economically and financially feasible for them to do so.

The brownfields agreement that was put in place between our Majority and the

Governor and the Assembly is going to allow for development to continue to move forward to transform our community from brownfields to greenfields. You take a look at a district like mine, Mr. President, there's more brownfields in my district than any other district in the state. This will have a direct impact on development in Western New York and in every area of New York State where we're taking back our industrial past and looking forward to a bright future.

So with that -- there's so much more that I could talk about --

THE PRESIDENT: But you won't.

SENATOR KENNEDY: -- I'm going to yield my time, Mr. President.

Thank you, and I vote aye.

THE PRESIDENT: Senator Kennedy to be recorded in the affirmative.

Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you very much, Mr. President.

I rise to support this bill for 4.2 billion reasons, because this bill makes absolutely groundbreaking investments in our

economy and in the critical fight against climate change.

Last night we voted on some important short-term help for people in New York State -- tax relief that's going to benefit middle-class and working families. And today we are making major long-term investments that will benefit those same families and all New Yorkers in the years and the decades to come.

While there are so many challenges that New York faces right now, the largest challenge that we face and that our country and our world face over this century is the threat from human-caused climate change. Temperatures are going up, sea levels are rising, plant and animal species are going extinct at an alarming rate. Our weather is more extreme than it's ever been in the past. And this has costs for our state and our communities.

This budget bill that we're passing today makes an investment in that future. And I hope that voters will see that as well and vote, come November, to pass this environmental bond act that we are adopting in this bill, 4.2 billion.

And that can go for so many different projects: $1.1 billion for flood reduction; $650 million for open space and land conservation, which complements the other part of this bill, the wetlands protection that we've just passed, which is going to make a huge difference in reducing flooding in our communities that see hundred-year floods every couple of years these days. These are the sorts of investments we should be making.

Hundreds of millions of dollars to adapt our school buses for a clean energy future; $650 million for water-quality improvements -- these are the sorts of things that voters sent us up here to do.

And I am really excited that we are taking action and, with the support of people at the polls this November, we'll be able over the coming years to start using this money to improve our state, to make a real difference in the fight against climate change, and to get New York towards a more sustainable future.

I proudly vote aye.

THE PRESIDENT: Senator Reichlin-Melnick to be recorded in the

affirmative.

Senator Stec to explain his vote.

SENATOR STEC: Thank you, Mr. President. I rise to explain my vote.

And while unfortunately there's too much bad policy in this bill for me to be able to support it with a yes vote, there are three items in this budget bill that I advocated for that I want to highlight.

I want to thank my colleagues for including in this bill Lake Placid -- World University Games coming up in January of next year. We made a change in this to allow out-of-state medical licensure issues to be cleared up so that these athletes can have -- from around the world can have their medical providers here. It was a nice easy fix, but I'm glad it's included in the budget.

The other two I think are a little more significant and certainly important in my district. The Hudson River Black River Regulating District. When I was in local government, the FERC federal government -- there was a ruling that required the state, these counties, to be paying hundreds of thousands of

dollars a year towards the regulation of this district in taxes. The state should have been paying. We've advocated for that for many, many years, written letters to several colleagues in here that have worked alongside us. That is going to improve five counties' situations.

Warren County, Washington County, Saratoga County, Albany County, and Rensselaer County collectively were paying hundreds of thousands of dollars a year that they shouldn't have had to. The state is going to pick that up in this bill. I'm thankful for that.

And then lastly, the elimination of the fiber tax. I've talked on this floor several times the last couple of years, written letters, as have many of us. But that is going to really make a big difference.

In the three years that this tax has been in place, it's collected about $8 million, which is a pittance compared to the $220 billion that we're about to spend here this week. But that $8 million was holding up building out broadband in the rural parts of the state, and that was a big issue certainly in my district and a lot of upstate districts. The elimination of

that fiber tax is long overdue. I'm glad that it's in this budget.

So again, there's some good things in this bill, but unfortunately, as I mentioned previously, I won't be able to support the bill because of the other things that are in the bill. But I want to thank my colleagues for the work that was done on these three areas that are important to the North Country.

Thank you.

THE PRESIDENT: Senator Stec to be recorded in the negative.

Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Mr. President.

There is a lot of good in this bill -- broadband, making sure that we have labor standards for the men and women that are out on the frontlines in a whole variety of areas.

But I want to particularly just talk about the environmental bond act. I want to thank Senator Kaminsky for his leadership on this issue.

This is a big deal. This is going

to transform our state, and this is going to transform, I believe, the area I represent, a district on Long Island. Because we move forward with our Climate Act, and now we're making sure that we're putting our money where our mouth is to make this actually real: $1.1 billion for flood risk reduction. Storm resiliency all over a lot of my district across the Long Island Sound. Protecting open space on Long Island. There still are a lot more parcels that we need to preserve.

And of course climate change is not only great for our future, but it is also going to be a huge economic engine as we move forward to have some really great jobs.

And of course $650 million for water quality improvements, not just to make sure that our drinking water is safe but also, again, across the Long Island Sound and the harbors that I represent, we could actually now give communities money for storm resiliency as well as to make sure that stormwater runoff is no longer getting into our waterways.

So Mr. President, I vote in the affirmative.

THE PRESIDENT: Senator Gaughran to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 749, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 48. Nays, 15.

THE PRESIDENT: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Just to give members a sense of schedule at this point, we're going to break for respective party conferences and return. These will be brief conferences. We'll be returning at 1 o'clock to continue our work with another couple of bills.

Please call on Senator Lanza.

THE PRESIDENT: Senator Lanza.

SENATOR LANZA: Mr. President, there is an immediate meeting of the Republican Conference in Room 315 of the Capitol.

THE PRESIDENT: There's an immediate meeting of the Republican Conference in

Room 315 of the Capitol.

Senator Gianaris.

SENATOR GIANARIS: And there will be an immediate Democratic conference virtually.

THE PRESIDENT: There will be an immediate meeting of the Democratic Conference virtually.

SENATOR GIANARIS: The Senate stands at ease.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:59 a.m.)

(Whereupon, the Senate reconvened at 1:26 p.m.

THE PRESIDENT: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, at this time we're going to call two committee meetings in Room 332. First, the Finance Committee, followed immediately by a meeting of the Rules Committee.

THE PRESIDENT: There will be a meeting of the Finance Committee, and then

followed by a meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate stands at ease.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 1:27 p.m.)

(Whereupon, the Senate reconvened at 1:46 p.m.)

THE PRESIDENT: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I believe there's a report of the Finance Committee at the desk. Can we take that up, please.

THE PRESIDENT: The Secretary will read.

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

Senate Print 8007C, Senate Budget Bill, enacts into law major components of legislation necessary to implement the state health and mental hygiene budget for the

2022-2023 state fiscal year.

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

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I believe there's a report of the Rules Committee at the desk. Can we take that up.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bill:

Senate Print 8748, by Senator Jackson, an act to amend the Civil Service Law, the State Finance Law, and the Retirement and Social Security Law.

The bill is reported direct to third

reading.

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

THE PRESIDENT: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let's now move on to Supplemental Calendar B, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 750, Senate Print 8007C, Senate Budget Bill, an act to amend the Public Health Law.

SENATOR GIANARIS: Is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted, and the bill is before the house.

SENATOR GIANARIS: Mr. President, can we lay that aside temporarily. We're going to take up the second bill first.

THE PRESIDENT: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 751, Senate Print 8748, by Senator Jackson, an act to amend the Civil Service Law, the State Finance Law, and the Retirement and Social Security Law.

SENATOR GIANARIS: Is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor

of accepting the message please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted, and the bill is before the house.

The Secretary will read.

THE SECRETARY: Calendar Number 751, Senate Print 8748, by Senator Jackson, an act to amend the Civil Service Law, the State Finance Law, and the Retirement and Social Security Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

My colleagues, I rise to support this bill. I'm a proud sponsor of this

legislation, S8748, with my counterpart in the New York State Assembly, Assemblymember Abbate.

The state workforce has been poorly compensated while dedicating themselves to serving New York communities. This bill is necessary to implement the term of collective bargaining agreements between the executive branch of the State of New York, the Police Benevolent Association of New York State, which represents SUNY University Police, EnCon Police, Park Police, and Forest Rangers, and also the State of New York and District Council 37, which represents the New York State rent-regulated services unit.

This legislation highlights the power of unions in negotiating successful pay benefits for their members. As a labor person myself, and as chair of the New York State Senate Civil Service and Pension Committee, it was important to me to sponsor this bill. Today New York shows its commitment to the public servants across our state, and I'm happy to bring this forward in support of state union workers.

To quote the State PBA president, Manny Vilar, "This legislation will greatly

assist our efforts to recruit and hire the brightest and best diverse officers to ensure our members are reflective of the wonderful mosaic that New York is."

Mr. President, I vote aye.

THE PRESIDENT: Senator Jackson to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

I also proudly vote aye and support -- am grateful to my colleague Senator Jackson for bringing this bill.

SUNY Police work really hard, and sometimes in very difficult conditions, and I'm pleased to support them. But in particular, I want to support the Park Rangers, whose jobs have gotten infinitely harder in the last few years as the numbers of people using our parks have increased exponentially.

I was paddling on a lake in the Adirondacks and started talking to a ranger who was trying to put out an underlying fire that had been set as a result of somebody making a campfire and not putting it out properly. And

she said she was amazed that she had time to even do this work because normally she was being called to rescue people who had gotten themselves into trouble as they were hiking in the Adirondacks. She said that her job had just become almost a nightmare because the pressures were just enormous.

And so we must pay them what they deserve and support them in their contract. So I am very happy that we've done this in this budget, and I vote aye.

THE PRESIDENT: Senator May to be recorded in the affirmative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Mr. President.

And I thank the sponsor for bringing this bill forward. Our Park Police, our Forest Rangers, our SUNY Police do such a service in our communities.

But I have the immense privilege of representing much of the Catskills, one of the most beautiful places on earth -- also, one of the places that has seen the most increase in visitors over the last two years. Which is

wonderful; we love people in our community, we love sharing our incredible open spaces.

However, oftentimes a lot of people may not know how to access our open spaces and our trails. They often come for a hike with flip-flops or try to go to a watering hole that is actually traversing down a mountain. If you are watching from our district, you know exactly where I'm talking about.

And it's our Forest Rangers who are saving lives, who are rescuing people, who are making sure that people can access the outdoors safely. But they have really been undervalued, and this pay bill is critically important to not just show that we care about them, we respect them, we value the work that they are doing, but that way they can also recruit to fill their ranks. Because a lot of people are seeking employment elsewhere, as opposed to going to the jobs that are protecting our environment, which dovetails with a lot of the really important work that we are doing in this chamber.

So I thank the sponsor for bringing this forward. This is an incredibly important bill. And I'm really proud to vote aye.

THE PRESIDENT: Senator Hinchey to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Okay, Mr. President, can we go back to Supplemental Calendar A and take up Calendar 750, please -- I'm sorry, 748. I apologize.

THE PRESIDENT: Calendar Number 748, Senate Print 8001A, Senate Budget Bill, an act making appropriations for the support of government.

SENATOR GIANARIS: Is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted, and the bill is before the house.

SENATOR LANZA: Lay it aside.

THE PRESIDENT: Lay it aside.

Senator Gianaris.

SENATOR GIANARIS: Let's move to the controversial calendar, please.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 748, Senate Print 8001A, Senate Budget Bill, an act making appropriations for the support of government.

THE PRESIDENT: Senator O'Mara.

SENATOR O'MARA: Yes, Mr. President, thank you. If Senator Krueger would yield for just a couple of questions on this.

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Senator Krueger,

there's a couple of line items in here dealing with redistricting -- one an amount for LATFOR, I believe, and another, a $2 million line, for the Independent Redistricting Commission that frankly failed to do its work that it was supposed to do under the Constitution of New York State.

What is the $2 million appropriation for the Independent Redistricting Commission for?

SENATOR KRUEGER: So my understanding is that money is for any kind of litigation that may have to be dealt with and paid for involving redistricting. And there obviously is litigation going on right now.

And that there is also the allowability of continued payment for independent commissioners, but with the determination being made not as a given at this time that they would be paid, because they might not be asked to do any work, because they might have completed or failed to do their work already. But they might be assigned to do additional work. So some of it might be available for salary and administrative expenses for staff related to such functions.

SENATOR O'MARA: Okay. Thank you for that.

Mr. President, if the Senator will continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: At this point, yes, there is litigation pending regarding the redistricting plan. However, the Independent Redistricting Commission has not been named in that lawsuit. So are -- is the portion of this that could go to legal fees going to be used to represent the Senate and/or the Assembly in that -- in the pending case right now where they are parties to it?

SENATOR KRUEGER: No. I believe that would have to be other funds. It is quite possible that this money would not be needed, in which case it wouldn't be spent.

SENATOR O'MARA: Thank you. That's all I have.

THE PRESIDENT: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President. Would the sponsor yield for some questions.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Sure.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: Thank you, Mr. President. Through you.

During COVID an eviction moratorium came into effect in the State of New York, and many people -- through either need or otherwise -- relied upon that eviction moratorium. And rents have been unpaid and backing up and backing up.

And we're coming out of that now, and as we know, unfortunately, there are many and will be many more eviction procedures.

Does this budget include any additional funding for housing courts so that they will be in a position to deal with those?

SENATOR KRUEGER: Through you, Mr. President, no, there is no additional money for housing court in this bill. There are other funds to support avoiding evictions by having supplemental rent payments available in a different bill.

It is true that now that the

official emergency period is over, we are seeing a growth in the number of eviction cases being brought. Although depending on who you talk to, they are not as many as we anticipated or they are shockingly large numbers.

But the courts did not ask us for additional funds for housing court.

SENATOR LANZA: Mr. President, would the sponsor yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: Through you, Mr. President.

Does this budget provide any additional funding for technology upgrades for New York City housing courts in order to enable tenants to participate in remote proceedings at the courthouse?

SENATOR KRUEGER: There is funding for technical upgrades by the courts. New York City's housing courts would be eligible to apply for some of that funding.

But I don't know if there's any

specific proposals before the court administration at this time.

SENATOR LANZA: Mr. President, would the sponsor yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. Could you tell us the amount of that funding and whether or not that is additional funding over last year?

SENATOR KRUEGER: I'm being told it is the same amount as last year. And they're checking what that amount is for us.

I do also, though, in response to the earlier question about the growing number of evictions, want to point out that there is additional funding in this budget to cover legal services representation for tenants in housing court. And the City of New York also has expanded -- specific to New York City, obviously -- its funding for legal representation of people at housing court.

SENATOR LANZA: Mr. President,

would the sponsor yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: So whatever the amount is, it is not an increase over last year.

Could you tell us whether or not there is additional funding to enable community justice centers to hear housing court cases in order that court overcrowding might be alleviated?

SENATOR KRUEGER: Through you, Mr. President, the Office of Court Administration did not ask us for additional funds for any new technical improvements to the courts beyond what they were already working on.

And we don't believe they've asked us for additional authority to expand housing court sites to other courts.

SENATOR LANZA: Mr. President, would the sponsor yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. It has been widely reported and we all know that our court system in this state are just -- you know, is being stretched to the breaking point. And I think everyone can agree that there are insufficient numbers of Supreme Court justices in New York.

Does this budget do anything to address that problem, either by adding new Supreme Court justices or by proposing an amendment to the State Constitution that would allow more Supreme Court justices than the Constitution presently allows?

SENATOR KRUEGER: Through you, Mr. President. So last year we did take action to expand the number of Supreme Court justices by 14, and this year's budget provides the funding to make sure that the 14 are in place and paid for.

So yes, there's a growth of 14 Supreme Court judges.

SENATOR LANZA: Mr. President, would the sponsor yield.

THE PRESIDENT: Does the sponsor

yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: Through you, Mr. President. So to be clear, we're not going beyond the original 14 that were approved last year.

SENATOR KRUEGER: Yes. We processed the authorization last year, and this year they will be in place.

We would need additional legislation to further increase the number of Supreme Court judges -- which my colleague might wish to sponsor.

SENATOR LANZA: Mr. President, would the sponsor yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: Through you, Mr. President, I do sponsor such legislation. And the point I'm trying to make clear is that that legislation does not exist in this piece of the legislation. Is that true?

SENATOR KRUEGER: Correct, it is not in this budget.

SENATOR LANZA: Thank you, Mr. President. And thank you, Senator Krueger.

THE PRESIDENT: 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 5. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: In relation to --

THE PRESIDENT: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. Thank you to my colleague Senator Krueger for leading this.

I just wanted to let my colleagues know that there was a recent report by the New York City Bar Association and the Fund for Modern Courts exposing the disproportionate

negative impact of the COVID-19 pandemic on the Family Court in New York City. Among the critiques of the report, the author stated that, quote, The caseload is far too large to be handled by the 56 statutorily authorized Family Court judges alone. There are currently 56 statutorily authorized Family Court judgeships in the city, which was last increased in 2014 and remains, quote, inadequate to the meet the demand, according to the report.

So I want to let my colleagues know that today I've introduced legislation to increase the number of statutorily authorized judges to 60 to help address this crushing caseload in Family Court, increasing the number of Family Court judges in New York City from 56 to 60.

I vote aye. Thank you.

THE PRESIDENT: Senator Hoylman to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 748, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Martucci, Oberacker,

O'Mara, Ortt, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 47. Nays, 16.

THE PRESIDENT: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, before we move on, can we take a moment to pause and recognize a distinguished leader in our midst. We have with us the Bronx Borough President, Vanessa Gibson, if we could please extend the courtesies of the house to her.

(Standing ovation.)

UNIDENTIFIED MALE SENATOR: Wow.

(Laughter.)

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

Can we now go back and remove the temporary lay-aside on Calendar 750, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 750, Senate Print 8007C, Senate Budget Bill, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

THE PRESIDENT: Lay it aside.

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

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 750, Senate Print 8007C, Senate Budget Bill, an act to amend the Public Health Law.

THE PRESIDENT: Senator O'Mara.

SENATOR O'MARA: Thank you, Mr. President.

I have a few questions on the bill. I'm not sure if it's going to be Senator Rivera or Senator Krueger. If they would yield for some questions.

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: I will yield, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Thank you, Senator Rivera.

Certainly I think as we stand here, hopefully emerging from a global pandemic that

has virtually shut down all aspects of our life for a couple of years -- and the main heroes for all of this have been our healthcare workforce, that did an unbelievable service to all New Yorkers and frankly across the nation and around the globe for that.

I'm concerned here that the proposal in Part D which established -- would have established the healthcare workforce bonuses, is being denied -- the Governor's proposal is being denied in this bill. Do we -- why is that not being included in this bill?

SENATOR RIVERA: Through you, Mr. President, it is -- as you are well aware, Senator O'Mara, having been here for a couple of years, sometimes the mix-and-match means that things that might -- are supposed to be in certain bills are in other bills. That Part D, which refers to workers' bonuses, is not on this bill. It will be on another bill that we will be debating later today.

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: What are the specific reasons for it not being included in the health bill, since it deals with healthcare workers?

SENATOR RIVERA: Through you, Mr. President, are you familiar with the Beach Boys? They have a great song called "God Only Knows".

(Laughter.)

SENATOR RIVERA: I would suggest -- suggest you listen to it. It's a great song. It's a great song, Mr. President.

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

THE PRESIDENT: Does the sponsor continue to yield?

SENATOR RIVERA: Indeed.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: I appreciate that. And that song title goes for a great many things

around here.

So another area, Part B of the budget that has been rejected from the Governor's budget regarding the Interstate Medical Licensure Compact that would authorize, I think, an easier -- an easier transition in time, such as we had in the pandemic when there's hotspots around the country, enabling healthcare workers to go from point to point.

I think most states in the country are engaged in this Interstate Medical Licensure Compact. New York is not. And we certainly need it at times, healthcare workers from across the country to come to New York to assist us when we were suffering more than others at the time. And I think we sent healthcare workers to other states from here.

So why are we not proceeding to make that access easier for professionals licensed in other states to do work here?

SENATOR RIVERA: Through you, Mr. President. It was one of many issues that we could not reach three-way agreement on, and so it was ultimately intentionally omitted from the enacted budget.

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

THE PRESIDENT: Does the sponsor continue to yield?

SENATOR RIVERA: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Part A, which establishes Nurses Across New York -- I guess NANY is what we're calling it, with only two Ns rather than three, and no references to the nanny state that we live in.

But providing for loan repayments for registered nurses, registered professional nurses and I guess this -- the final agreement added to include licensed practical nurses for loan repayments for their education to be in the field.

Now, these are healthcare workers, individuals that have already made the decision to go into healthcare, to go into that field, whether they're graduated or just recently.

Is this just for students that have graduated that are currently working? Is this for students that are in school now? And is it

prospective for encouraging individuals to go into the nursing field, at least, in the future?

SENATOR RIVERA: Through you, Mr. President. This is a -- by the way, that -- the bit about the nanny state, I knew you were going to do that. I just -- I knew you were going to do that.

But in all seriousness, Mr. President, this one is a plan that -- I'm sorry, a proposal that is very similar to one that we have on Doctors Across New York. And it would be a fund available to folks who are either currently nurses, folks who will be nurses in the future, who will be LPNs in the future or are LPNs currently, who are -- who can apply to the fund to have the -- to receive scholarships.

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

THE PRESIDENT: Does the sponsor yield? Sponsor, do you yield?

SENATOR RIVERA: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: The -- I wasn't closer on that response, whether this will apply

to an individual who is not in nursing school right now, if they go into the school, is this going to be prospective in providing relief to them on their loan repayments for the service they provide?

SENATOR RIVERA: Through you, Mr. President. This one -- and thank you for seeking that clarification, Senator O'Mara. It refers both to individuals who are seeking an education as an LPN or a nurse, et cetera, and are serving in -- and are going to be ultimately doing their service in underserved areas. So it both refers to folks that are going to school as well as folks who are seeking loan repayments, having already gone to school. So both of those things will be from the same fund.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: I guess I'm still not clear on somebody that's not in school now

and they decide to go to school next year, will they be eligible for this type of loan repayment?

SENATOR RIVERA: Through you, Mr. President, yes.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Is there a dollar amount -- I realize this is not an appropriation bill, but is there a limit on the fund that will be available for the forgiveness of these loans?

SENATOR RIVERA: Through you, Mr. President, there is currently $2.5 million that's allocated for this program for this budget year.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: And what's the ramification if that fund is exhausted?

SENATOR RIVERA: Through you, Mr. President. First of all, that will be a good thing, because that will mean that both folks will be seeking scholarships and will be -- and will have some help in paying back their loans. And it just means that if it is successful -- hopefully it is -- next year we come back and we get at least that much, maybe a little bit more.

SENATOR O'MARA: Thank you, Mr. President. If the sponsor will continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: This is helpful for those going into these nursing categories.

What if any other items are in this health budget that is going to help with our workforce shortages in the healthcare field?

SENATOR RIVERA: Through you,

Mr. President, there is -- as was mentioned earlier, there's a couple of items that are not in this bill that we will be discussing later. And certainly the workforce bonus -- the workers' bonus is one of the ones that we could certainly say it will be helpful in that regard.

And also in Part C that allows -- that refers to scope of practice, particularly for allowing pharmacists to operate limited-service laboratory services for COVID and influenza tests, that will expand a little bit.

Also as far as the elimination of the need for nurse practitioners to file practice protocols with SED, that is something else that is in that part. As well as allowing nurse practitioners to operate without collaborative agreements after obtaining 3600 hours of service.

So all those things are -- all those things are in there.

And also -- through you, Mr. President, there's also some changes we made to telehealth services in the State of New York. As folks are aware, during the pandemic there was a rise in the use of telehealth, obviously having access to your doctor or other medical

practitioner virtually, and we felt that it needed to be expanded. So there are some changes that are included in here to make sure that we can secure access for more folks across the state.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, I will, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: A couple of those things you mentioned are expansions of current programs for currently active people in the healthcare industry. But I don't see how they help us recruit more people into the healthcare field that are needed.

SENATOR RIVERA: Through you, Mr. President. Certainly this is not a challenge that is unknown. It is going to be a continuing challenge to make sure that we can hire the folks that we need.

I would say that there's also a

change that we will discuss later as well that relates to the rise, in particular, for salaries for a particular class of worker in home care services.

I would say that this is kind of a -- it's an ongoing challenge. There might be not be enough in this budget, really, to be able to address it. But we do believe that the -- what I mentioned earlier, whether it's a scope of practice issue, the bonus that we will discuss later, as well as all of these things -- and as well as the Nurses Across New York program that we just discussed earlier. All those things are kind of pieces in the larger challenge of being able to recruit and keep enough people in the healthcare industry to make sure that we can serve New Yorkers.

SENATOR O'MARA: Thank you, Senator.

On the bill briefly, Mr. President.

THE PRESIDENT: Senator O'Mara on the bill.

SENATOR O'MARA: I certainly agree with you, Senator, that we should be doing a lot more for recruiting individuals into our

healthcare system to provide these services that are really stretched. And certainly following a pandemic, there's a lot of workforce burnout and concern over losing workforce because of that going forward.

I don't see enough being done in this budget -- certainly not in this bill -- to help retain the workers that are there or to encourage more individuals to come into the healthcare field. I know we have another member here that's going to talk a little bit about the -- what I would call an anemic increase to the cost-of-living adjustment for human service programs. Those are the direct service providers and those -- many of those who are on the lowest-paid rungs of providing healthcare services to the citizens of New York, such as our I/DD community, those direct service providers.

This really anemic 5.4 percent increase is only slightly more than the 4 percent that we just gave ourselves in the legislative budget. These are workers that continue to earn wages below the minimum wage -- not below the minimum wage, below the fast food worker wage, particularly across upstate New York where those

lowest levels will, with this bump, only be up to about $13.90 an hour, over a dollar less than working at McDonald's -- which is I think a huge insult to them, for starters, but a big deterrent for individuals going into these more important fields than flipping burgers at McDonald's.

That we should be providing a greater increase to those individuals to be able to encourage that work, reward that work where that field in the industry are losing workers to fast food establishments because of a higher wage, which is just the wrong message to be trying to get individuals to do this very important work.

Thank you, Mr. President.

THE PRESIDENT: Senator Borrello.

SENATOR BORRELLO: Thank you, Mr. President. Would the sponsor yield for some questions on Part M.

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President, I will yield.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Thank you,

Mr. President, through you.

Thank you, Senator Rivera. I think there's one thing you and I both have in common, and that's no love lost of our former governor. And thanks to his poor and often deadly decisions, he came close to decimating the nursing home industry in New York State. And certainly we know he unfortunately killed a lot of those residents with his poor decisions.

And then after that, he chose to punish the nursing home industry because of the, you know, of their willingness to stand up and say: What you did was wrong, and it hurt people.

So with that being said, there's a lot of ground that has been lost for those that care for our most vulnerable citizens.

And this Part M, I'm just -- my first question is, you know, besides these technical amendments, is there any further delay in the implementation of penalties for violations of the minimum staffing law and/or the 740 {sic} revenue law in this budget?

SENATOR RIVERA: Through you, Mr. President, could you repeat the final part of that question? The way that you're talking about

Part M --

SENATOR BORRELLO: Sure. You got technical amendments here.

SENATOR RIVERA: Yes.

SENATOR BORRELLO: Besides that, do we have any further suspension of the fines for violating either the minimum staffing laws or the 740 provisions? Because, you know, as you are probably well aware, the Governor did suspend those because of the ongoing pandemic, and then she let those expire recently.

SENATOR RIVERA: Through you, Mr. President. (Pause.) Through you, Mr. President. So there is a small technical change that we did. As we said, there's technical changes all across this part. And this is all in reference to some -- as you said, some proposals that we've approved in the past that relate to nursing homes, since we -- I'm sure that we can all agree that we want to make sure that those that are taking care of our most vulnerable are held to a very high standard.

One of the things that we did do is that we prorated the amounts that folks -- so that it would not refer to the entire year if

there is a facility that is found to not be in compliance. So there is a little bit of a relief, if you will, for some of these facilities.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Through you, Mr. President, particularly if he wants to talk about the predecessor, I'd -- I would yield happily always, but particularly in that instance.

(Laughter.)

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Thank you, Mr. President.

As you know, these facilities have faced years of Medicaid cuts. Our former governor was very good at cutting those reimbursements. And right now, as a matter of fact, I'd say the average is around $211 per day that we reimburse through Medicaid to nursing homes, which is about a $55 a day shortfall from

the actual cost of care, on average.

Meanwhile, I will point out that two years after the Medicaid Redesign Team identified -- and I also identified the egregious waste, fraud and abuse in the Medicaid non-emergency transportation funding, where we pay taxi drivers to drive people to non-emergency medical appointments. In my area, just one trip to a doctor's office, paid for by Medicaid, can be up to $350, round trip. So we're paying a taxi driver $350 to drive someone to a doctor's appointment, and meanwhile we're paying a nursing home, with all of the expenses involved in caring for people, $211 a day.

My question is, is there anything we're going to do about that? Is there any further funding in this budget to help our nursing homes that are struggling?

SENATOR RIVERA: Through you, Mr. President, yes, there is.

First of all, there were cuts that we restored from years past, across-the-board Medicaid cuts that our esteemed predecessor -- the departed, as I refer to him -- actually imposed. We got those back, so that is obviously

something that is across the board, so it means that it also relates to nursing homes.

And there's also -- there is a pool of capital money that we wanted to make sure that there were particular chunks that were available for nursing homes. So there's I believe 25 million that is in this budget for capital improvements. There would be a fund that they would be able to get money from to be able to make capital improvements in nursing homes.

So both of those things are in this budget.

SENATOR BORRELLO: Mr. President, Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So that $25 million for capital funding, how will that be allocated to facilities? Is it available to not-for-profits, for-profits? How is that going to be distributed? How do you qualify for that to access that funding?

SENATOR RIVERA: Through you, Mr. President, there would have to be -- there's a series of criteria that exists. For the most part we're talking about decisions that will be made by the Department of Health, but it refers -- there's particular criteria that is created in this piece of legislation to make sure that all -- that the providers that have the most need get potential access.

But the process for the -- so the general criteria is in here. But obviously, as what happens with most of this, we will have to wait for the creation of the regulation after the budget is passed. And we, I can assure you, will be very closely watching the administration and the Department of Health as they develop this -- as they implement the criteria to make sure that -- like we will do, for example, when referring to hospitals or other types of health facilities that we create funding for, we want to make sure that as the criteria that we establish in the budget -- once it's approved, as it is implemented, that the money actually goes to those that actually have the most need for the funding.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So we're talking about capital funding here. As a result -- you know, obviously you say the most need, distressed -- maybe distressed nursing homes. But are they going to have to at least meet a certain minimum standard in order to qualify for money for capital improvements? We're not talking about care, we're talking about capital.

You know, in other words, would a one-star nursing home be able to qualify for this? Or would you have to have a certain standard of quality of care before you'd be able to qualify for this money?

SENATOR RIVERA: Through you, Mr. President, it would be -- it would be hard to say. It is likely, possible, that even a one-star facility, as far as quality, at a particular moment would be eligible.

I mean, remember, we're talking about projects that are meant to make that facility better able to provide care. So it is possible -- we'd have to look at the particular situation. I couldn't tell you in every single instance. But there's a possibility that there might be a facility that while not having a very high quality rating before the project is done, might actually make the case that the project is necessary to actually help them provide better care.

So it is possible that such a thing might happen, but I couldn't tell you in every single instance.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: That's a fair response. I understand that.

But, you know, we have a lot of operators out there that just aren't good

financial people, they're not good planners. As a result, they haven't funded reserves to ensure that their facilities are properly maintained. And then we have others that are far more responsible, provide a higher level of care.

Are we going to give preference to those who have proven that they are good stewards of their finances and certainly good stewards of the residents that they care for?

SENATOR RIVERA: Through you, Mr. President, what we're talking about is the -- those who can demonstrate the most need. So it is possible that -- I mean, let's say the -- and again, I can't make a guarantee one way or another on any of these facilities. But let's say that one of these folks who is, as you said, a good steward, does everything that they need to do. It's quite likely that they're able to find funding elsewhere, you know. But it is also possible that this might actually fit into their plan to provide even better care for their patients.

So it is kind of impossible to tell, at this moment, except to say -- to refer -- and I could certainly -- if you'd give me a little

bit, I can actually look at the criteria that's actually in the budget proposal that's in front of us and read it to you into the record. But outside of that criteria, we will really have to wait for the Department of Health to actually implement this criteria and actually be able to, you know, to determine on a case-by-case basis as best fits the criteria.

SENATOR BORRELLO: Thank you.

Mr. President, on the bill.

THE PRESIDENT: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, thank you, Senator Rivera, for the engagement.

You know, I think there are quite a few industries that were really impacted by this pandemic and also are now being further impacted by mandates that are really going to have a horrible impact not just on the facilities, but on the residents.

When you start talking about these minimum staffing levels, this requirement that we have put in place -- that the Governor wisely suspended and then all of a sudden let it go -- what it means is, according to the nursing homes

associations, is that right now here in New York we're short about 12,000 healthcare professionals just to fill the minimum requirements. Twelve thousand people. Where are we going to get them from?

So what's going to happen? Well, they have a requirement, thanks to the State of New York. So they're going to have to shut down beds, shut down wings, shut down facilities. This is not theory. I've spoken with nursing home owners who have said these are tough decisions they're going to have to make.

Now, when you live in a rural area like mine, you can't just go down the street and find another facility for your loved one. You may have to take them back into your own home and care for them yourselves. You may have to put them in a facility that's a long way away. For people who have memory care issues, this can be very disruptive, traumatic. And we've really done nothing in this budget to address that, and it's rather tragic.

I think we need to really look at -- seriously look at who are we trying to satisfy here, who are we trying to please with the

740 rule and with these staffing rules? It's not the residents. It's not the people that want to be cared for, that need to be cared for, it's special interest groups.

Now, you can dress this up as we're going to provide better care. Yes, we could mandate to have 24-hour service for every single resident in New York State. That would be the absolute best care you could get. And there'd be about five people in New York State that would actually be cared for. That's the problem.

We are at a point where we do not have the people to do this. And we've added fuel to that fire by mandating it the way we have.

Senator Rivera made a very interesting reference to the Beach Boys song. I have one for you from my favorite old-old-school rap group from the '80s, the Fat Boys --

(Laughter.)

SENATOR BORRELLO: -- "Crushin'." You're going to be crushin' these folks, unfortunately.

So I say that with tongue in cheek, but the reality is this is going to be difficult, and I think we need to find a way to help these

people survive.

Thank you, Mr. President.

THE PRESIDENT: Thank you.

Senator Serino.

SENATOR SERINO: Thank you, Mr. President. And through you, Mr. President, would the sponsor yield for some questions.

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Only if I am guaranteed another '80s hip-hop reference, Mr. President.

(Laughter.)

SENATOR RIVERA: In all seriousness, I do --

THE PRESIDENT: The sponsor yields.

SENATOR RIVERA: I do yield.

SENATOR SERINO: Thank you, Senator Rivera.

My question has to do with Lyme and tick-borne diseases. As you know, I'm always talking ticks. So does this final budget include any new funding for research, education or prevention initiatives to help stop the spread of Lyme and tick-borne diseases?

SENATOR RIVERA: Through you, Mr. President, yes, this is -- just for the record, Senator Serino is dogged when it comes to this, and I appreciate it. Because obviously she cares deeply about this issue. I can tell because she's -- every year, this is something that she cares deeply about.

I can tell you -- through you, Mr. President, I can tell Senator Serino that we accepted extensions to various due dates to working groups' and task forces' reports that we have dates. We have mentioned that they're in there, we accepted those. And we accepted an inclusion of roughly $70,000 from the -- that was in the original budget, the Executive proposal, we accepted that.

SENATOR SERINO: With no disrespect, $70,000 is absolutely nothing. That's what the Governor puts in every single year. We were up to a million dollars --

THE PRESIDENT: Senator Serino, I'm sorry, are you on the bill?

(Overtalk.)

SENATOR SERINO: On the bill. Sorry.

THE PRESIDENT: On the bill, go ahead. Go ahead.

SENATOR SERINO: We were up to a million dollars. We asked for 1.5 million, right? Which I'm sure you heard the other day I said is less than 1 percent.

This is a health crisis. I have children coming into my office with arthritic Lyme, adults with neurological symptoms. They can't work anymore. What do we do for them? You know, and I feel like every year we're having this conversation. So I'm just -- I'm really, really disappointed that we're not putting that money in. As I said, we asked for the 1.5 million that would really help New Yorkers.

And it's not just, you know, upstate New York. All of you guys. Think about it. The past couple of years people have been coming up to the Hudson Valley and to the Adirondacks, and you don't have to be in the woods to get a tick on you, I can tell you that. My husband stood on the blacktop and had four ticks on him in just a matter of minutes. You know? It's horrible.

So I'll go on to my next question if I can. Through you, Mr. President --

THE PRESIDENT: Does the sponsor yield?

SENATOR SERINO: -- does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: Okay. Senator Rivera, does this budget include any funding for the state to undergo a full review of the pandemic response as relates to COVID-19 deaths in the nursing homes or any other pandemic-related actions?

SENATOR RIVERA: Through you, Mr. President, it does not.

SENATOR SERINO: Through you, Mr. President.

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: Can I ask why not? This -- you know, this is something that I think a lot of us were talking about. The Governor

even said that she was open to looking back.

You know, you think of any time that we have a tragedy or any kind of a disaster, what do we do? We do an investigation. And I think COVID-19 taught us it's not a matter of if, it's a matter of when. And I just think we owe it to these families, 15,000 families that are waiting for answers. And it's like a real slap in the face for them not to get that.

And I know that everybody had -- you know, I know you guys were talking about it too. And I just don't understand why we're not doing that now, when we have the perfect opportunity to.

SENATOR RIVERA: Through you, Mr. President. The reality is that I agree in many instances with my colleague, and this is certainly one of them as it relates to making sure that we have to be able to look back and really have a clear view of what happened or not happened.

But I can tell you, as it relates to any type of study, it was not something that was ultimately discussed. Not -- we could not reach a three-way agreement on anything regarding that.

But I will tell you that -- through you, Mr. President -- that I certainly am supportive of whatever efforts we can make to make sure that we are clear on where the responsibility lies for things that happened that led to the demise of so many New Yorkers.

There's some things that we've already done. We probably should do more, I agree with my colleague on that one. But as it relates to what is included in the budget, it is not something that a three-way agreement could be reached.

SENATOR SERINO: On -- on this Mr. President, just --

THE PRESIDENT: Senator Serino on the bill.

SENATOR SERINO: We have to -- no, I still have another question, I'm sorry.

THE PRESIDENT: Oh, I'm sorry.

SENATOR SERINO: I'm sorry, I said it incorrectly. Just I hope that we'll continue that conversation, because we still have till the end of the year.

My other question is, you know, mental health has been a huge topic --

Senator Krueger, right, through all our Finance -- the hearings, everything, throughout the budget process. And there was bipartisan agreement that we're in desperate need of services for our children.

So how many new residential treatment beds for youth will be created in this final budget, and where are they located?

SENATOR RIVERA: Through you, Mr. President, I do yield. The question was asked. And one second, please.

Through you, Mr. President, that is something that is not currently in this bill. It will be discussed later. There's some final details and determinations that need to be made on future bills that will include that information, but it is not in the bill before us.

SENATOR SERINO: Mr. President --

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: So we will -- so are there youth beds, then, in another part of

the budget, is that what we -- there are? Do we know, is that --

SENATOR RIVERA: Mr. President, through you. There will be new beds, but at this time it is not finalized. When it is, we will be able to provide that information. But it is not finalized and not in the bill before us.

SENATOR SERINO: Through you, Mr. President --

THE PRESIDENT: Does the sponsor --

SENATOR SERINO: -- will the sponsor yield?

THE PRESIDENT: You want the sponsor -- does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: So it's not finalized, but is it in another -- because the Governor mentioned that there were going to be a thousand beds for mental health yesterday at the hearing. So did she not have a discussion with you guys? Is it like -- it's something that we're all talking about, and our kids need the help more than ever. So is it going to come up

later on this evening where I'll have the opportunity to talk about it again?

SENATOR RIVERA: Through you, Mr. President, we will have -- we will have some numbers. We do not have final numbers at this point.

And yes, I was also aware of that wonderful press conference that happened while we were in conference.

We do not have final numbers right now, and it is not in the bill before us.

SENATOR SERINO: Through you, Mr. President, I have one more question.

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: Senator Rivera, is there any one-time COVID relief funding in this budget bill, or any others, for adult care facilities and assisted living residences? Because as you know, advocates were pushing for 75 million for these facilities -- and that was statewide -- which provide critical care for some

of our most vulnerable residents.

So just wondering, do we see that anywhere here?

SENATOR RIVERA: Through you, Mr. President, there is -- that 75 million did not make it. However, there is a $1.6 billion pool that they would have access to.

SENATOR SERINO: Through you, Mr. President, another question.

THE PRESIDENT: Does the sponsor yield?

SENATOR SERINO: So who --

SENATOR RIVERA: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: Who else has that pool? Because that could be -- go to a lot of different places. This was going to be specifically for their needs.

SENATOR RIVERA: Through you, Mr. President, it is true that there are -- that it is a lot of different types of facilities -- this is what happens when you're old, folks. Look at this. See my glasses up here so I can actually read closer?

This 1.6 billion will be available

to hospital residential healthcare facilities, adult care facilities, diagnostic treatment centers, children's residential treatment facilities, et cetera, et cetera.

So this is Part K. So the full list of those folks who are eligible for that 1.6 billion pool is in that part. So it is -- it is true that it is a lot of them, but 1.6 billion is not peanuts. So although the 75 million that is dedicated to them did not make it to the final budget, the enacted budget, there is a $1.6 billion pool that they can have access to.

SENATOR SERINO: Through you, Mr. President, because I don't know if this --

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: So for the assisted care facilities, would there be a difference in the wording there between not-for-profit and for-profit? Like -- are they all open to that funding?

SENATOR RIVERA: Through you,

Mr. President, there is -- both for-profits and nonprofits would both have access to the same pool.

SENATOR SERINO: Access to the funding, okay. Because 19 facilities have already closed. So that was my concern, in order to keep them going. And the average person that's in an assisted living facility is 85 years old with multiple comorbidities.

So thank you. That's all my questions. Thank you.

THE PRESIDENT: Senator Martucci.

SENATOR MARTUCCI: Thank you, Mr. President. Will the sponsor yield for a question? It's on Part DD, so I'm not sure who would -- it's with respect to the human services cost of living.

SENATOR RIVERA: Through you, Mr. President, yes.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Excellent, thank you. Through you, Mr. President.

My first question is as I was reviewing the Governor's Executive Budget proposal as well as the one-house budget

proposals from both the Senate and the Assembly, the Governor and the Senate proposed a 5.4 percent increase. The Assembly, on the contrary, provided an 11 percent increase. I see in the final adopted language here the language is included for a 5.4 percent increase.

In my review, it certainly seemed like putting those three documents together, that was sort of maybe a floor, an increased floor. And I was thinking perhaps maybe the sponsor could share a little bit of logic as to how you arrived at that number and why perhaps it wasn't a bit higher.

SENATOR RIVERA: Through you, Mr. President, the reason for the 5.4 -- this was actually the Executive's initial proposal. And although there were different proposals on the table, as we were making decisions towards the end, that is ultimately what we decided on. And we decided to accept the Executive's proposal of just a 5.4 percent COLA for the first year.

SENATOR MARTUCCI: Mr. President, will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you.

So I'm sure the sponsor is aware right now inflation is at a 40-year high, 7.4 percent, somewhere in around that range. We've heard from countless folks in this field, direct service providers and others that, as my colleague Senator O'Mara called out, are really on the frontlines of healthcare and personally service care, but on the bottom rung, unfortunately, of the pay ladder.

Is it your position that a 5.4 percent COLA is a raise in a year where there's a 7.4 percent inflation rate? Especially, again, because we're dealing with some of the individuals who are at the very bottom rung of the income ladder and are, again, folks that have not seen an increase, a significant increase in a very, very long time.

SENATOR RIVERA: Mr. President, what I am saying is that that is at this point, through the three-way negotiations, the best that we could get.

SENATOR MARTUCCI: Will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR RIVERA: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you, Senator.

So my final question, then, is I'm sure you're aware that the Majority held a hearing that I participated in last year where it brought together, in particular, direct service providers, DSPs, to talk about the staffing crisis that exists in the I/DD community, an insufficient number of qualified folks to provide those critical personal services to individuals with disabilities.

Was any of the testimony that came from that hearing with respect to how we solve this workforce crisis taken into consideration during this process in which the 5.4 percent COLA was determined?

SENATOR RIVERA: Through you, Mr. President. I would say that in instances

like this, certainly everything that we here as policymakers kind of takes -- we take into account as we go into those final negotiations.

But sometimes three-way agreements are very hard to reach. The fact that we are here on the, what, eighth day of this month, so just seven days late to the -- to our budget should tell you a little bit about that.

And in this case all I can say is that that is ultimately -- all those things might have been in the brains and the minds of all those folks who were negotiating, but ultimately this is the best that we could come up with in this particular situation.

SENATOR MARTUCCI: Mr. President, on the bill.

THE PRESIDENT: Senator Martucci on the bill.

SENATOR MARTUCCI: So I'll start by thanking Senator Rivera for answering my questions.

I mean, look, our direct service providers, our DSPs who take care of individuals with intellectual and developmental disabilities, and those that work in human services, have long

been neglected in this state. For many, many years they've been neglected. And as a result of that neglect, we found ourselves -- I said this before and I'll say it again right now on this floor -- we've found ourselves on the edge of a cliff. We are not at a crossroads, but the edge of a cliff with respect to how we support individuals in our state with developmental disabilities and others that need these critical human services.

And, Mr. President, I don't think we have a greater responsibility than to care for folks like that in our society and make sure that we're doing everything we can to help support them. And these direct services are only as good as the people who provide them. And we're not going to be able to support these individuals that need these services so terribly when the best we can come up with, in a year like this, a year with 40-year record inflation, 7.4 percent, and a year where gas prices are skyrocketing and other things, that we come to the table with 5.4 percent.

Many of these folks, most of these folks will be making less than they did last

year. Senator O'Mara called it out before when he was talking about minimum wage, upstate minimum wage: $13.20. So we'll start by saying this shouldn't be a minimum wage job. The jobs that I'm talking about shouldn't be minimum wage jobs. But unfortunately, many of them are.

And then when we add that 5.4 percent, we don't even get to 14 bucks. And that's why people aren't choosing this line of work. Not because they don't love it -- they love it a lot. They love the people they care for. The problem is they can make more money virtually working anywhere else. And in a budget flush with cash, we should be working this year to help the people who need the support the most, the people who are at the bottom end of this economic ladder, the people that have served on the frontlines of this pandemic, and the people that are taking care of the most vulnerable in our state.

We had an opportunity to do that here. This is a really, really big, big missed opportunity.

And the last thing I'll say is this. The reason I'm voting no when the time comes is

because I think back to that hearing and the many advocates that I've heard from during this entire process. And when you hear the stories, when you hear the stories of someone that can't go to the bathroom because their DSP didn't show up at their home that day so they're in their wheelchair all day, unable to go to the bathroom, or folks that can't make medical appointments because no one's there to take them -- or the way that lives have been altered because, again, there are an insufficient number of people to do this work -- this was our opportunity to do it. This is a missed opportunity to do it. And I'm terribly disappointed in that, Mr. President.

We could have and we should have done better. And I know that my colleagues on this side of the aisle, many of whom I had an opportunity to talk with before I walked in here, feel that exact same way. We're tremendously disappointed in this proposal. And as I said, when the time comes, for that and other reasons, I won't be voting in the affirmative today.

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

Seeing and hearing none, debate is

closed. The Secretary will ring the bell.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Finance, Assembly Bill Number 9007C and substitute it for the identical Senate Bill 8007C, Third Reading Calendar 750.

THE PRESIDENT: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 750, Assembly Print Number 9007C, Assembly Budget Bill, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Mattera to explain his vote.

No -- do you want to?

SENATOR MATTERA: Yes.

THE PRESIDENT: Okay.

SENATOR MATTERA: Thank you, Mr. President. On the bill.

You know, this is very upsetting to me because all of our healthcare workers that were here for our families for over two years -- our heroes were here for over two years and lost jobs. I would have loved to have seen something in this bill that was there for our heroes.

They're essential workers. The pandemic hits, they were there for our families and protected us from harm's way. And there is nothing in this bill that protected these people that worked hard for us and with a pandemic that none of us have seen in our lifetime. No unemployment insurance. Where is that in this bill? Any kind of money that they were there for our families, that they were there for these people? Nothing at all.

I am here today to say I wish that this was thought out a little bit more for the people, our essential workforce, our heroes. And you know what? They were forgotten about. And I'm going to say it again. Not even unemployment insurance for these people. We lost talent, talent that had to move out of state. Talent

that, guess what, had to find a new occupation. Talent that, you know what, that are our neighbors, our friends, our families that lost their jobs.

So Mr. President, I will be voting no on this bill for that main reason that, guess what, nobody thought about our heroes. And you know what? They went from heroes to zeroes. But they'll also be our heroes in my heart.

Thank you very much.

THE PRESIDENT: Senator Mattera to be recorded in the negative.

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I rise in support of this bill. And while it may not be perfect, I've never met a budget bill that is.

This is my 18th year in the Senate, my 32nd year in government, starting in the social service field. And I will tell you for the entire time I have served in government, the State of New York has treated the human service sector like crap. It always has. And over the course of my 32 years, we have shifted more and

more of the responsibility to the nonprofit sector, which is one of the reasons why they have driven down wages and shifted the burden.

And so I won't be here next year, but perhaps some of you who will be here will rethink that. Because that is what's driving people out of this profession. We are forcing people to do this work without adequate compensation. Think about that. If you want to recruit and retain people, think about how to raise their wages and stop starving these nonprofit agencies. Because after all, they're just a pass-through for Medicaid.

But there are good things in this budget bill, and I want to focus on one of them. Because you know what? Sometimes when we get here, we forget about the people that helped get us elected. When I ran for office in 2004, I knocked on the door of a family, a young couple, Joe and Rosina Trimarchi. They had a young daughter, her name was Alexia. She was born profoundly disabled. She had spastic quad cerebral palsy, seizure disorder, GIRD, shunted hydrocephalus, and had a G-tube. She lived at home because she had 24-hour care, four

independent private-duty nurses, and had that at home with her every day since.

She's 21 now, and for the past few years her mother and father have lived in dread fear that the day would come when she would age out of what's being called a medically fragile child. And why is that important? Because private-duty nurses get a much higher rate for medically fragile children than they do for medically fragile adults. And they knew that the day would come when she hit age 23, when they would lose the nurses that they depended on, that made it possible for Alexia to stay at home with her.

In this budget bill, in Part O, we fix that. And I want to say a special thank you to Jonathan Lang, because you worked on this for the past couple of years.

And so tonight, Alexia, Joe and Rosina Trimarchi and other families around the state who have medically fragile children who are going to age out can sleep peacefully. So if nothing else, we have accomplished something for really profoundly affected children today.

I vote in the affirmative. Thank

you, Mr. President.

THE PRESIDENT: Senator Savino to be recorded in the affirmative.

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President. I'm voting in the affirmative, but I really couldn't pass up the opportunity to call out the audacity of, you know, the folks on the other side of the aisle to rise and speak on behalf of workers and better pay. I have never seen them or run into them at rallies for our nurses. I didn't see you guys participate in any of our fight for fair pay for home care workers.

I mean, I agree that this bill doesn't go far enough -- not as far enough as I would like. I mean, we just went through an entire pandemic, one of the biggest catastrophes of our lives. My constituents are expecting me to deliver on the New York Health Act. That would help us with Lyme disease and sickle cell and anything you name.

That is how we're able to save our health industry, is actually by taking insurance out, insurance companies out of the equation, and at the very least be able to support coverage for

all, because it does matter that the person sitting next to us on the bus isn't sneezing. We've learned that now.

So I really do think that, you know, with all of the decades of austerity and of disinvestment in our hospital system, even, when the other side of the aisle was in charge of this body -- I mean, in the last 20 years five hospitals have closed in Queens alone. And that was what did us in during the pandemic.

So it's going to take years, it's going to take billions of dollars for us to reverse the damage that so many of you have done to our healthcare system. And I really do hope that the day arrives soon where we can make the New York Health Act a reality in New York State.

Thank you.

THE PRESIDENT: Senator Ramos to be recorded in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Ditto on everything that the sister just said, particularly about the New York Health Act.

Just -- I quickly want to say certainly thank you to all my colleagues who

chimed in. It is true, Mr. President, that this is far from a perfect budget bill. It's far from a perfect budget. We'll certainly be talking about it more during the day.

I would say, however, that there's some steps that are taken here -- the reason why I'm voting in the affirmative on this one, there's some positive steps that we're taking to kind of fix the austerity of the last 10 or 11 years. The departed, as I often refer to him, and the administration that he led for so long, took the healthcare system and particularly those -- the healthcare that serves the most vulnerable, whether it's nursing homes, whether it's distressed hospitals, whether it's high-needs communities, and he treated them with disdain.

And I'm glad to say that we're kind of turning the corner. But much like a big battleship, you cannot turn it on a dime. And so there's some steps forward that we're having here. I will -- just a couple of things that I want to underline. Unfortunately, the global cap, which is something that we have spoken about many times on this floor as being something that

is unnecessary, still is with us. All right, I'll give you one more year. We've got to definitely talk about it.

We did, however, come back, as I said, from the across-the-board cuts that we had done before on Medicaid, and we put a little bit more on top of that. We did identify money for distressed hospitals, and we're going to be working in the next couple of bills -- in the next couple of months, I should say, to really make sure that that gets to the right folks that have the most need.

We did do some changes on telehealth, which is important.

So we've done -- I think, Mr. President, that we have done a little bit of what we need to do to kind of right the ship on this. But it is certainly not the last time that I will be on this floor talking about how we need to really come back from the austerity and the disinvestment that the last decade gave us. And certainly not the last time, Mr. President, that I stand up to talk about how necessary the New York Health Act is. So hopefully we will do that very soon.

Thank you, Mr. President. I'll be voting in the affirmative.

THE PRESIDENT: Senator Rivera to be recorded in the affirmative.

Senator Akshar to explain his vote.

SENATOR AKSHAR: Mr. President, thank you.

I certainly wasn't going to rise, but "audacity"? Spare me the theatrics. How about "hypocrisy"?

You know what, you have an opportunity to take care and address all these issues that you speak of. It's not here yet, but it will be on our desks: you're going to give a billion dollars to a football team to build a stadium. So you know what? It is hypocrisy at its best to point your finger and blame the people on this side of the aisle for your shortcomings and your failures.

You had an -- you've had plenty of opportunities this year, 10 billion extra dollars from the federal government. And you know what? Back at home where I come from, the people that I represent in a very small town, Owego, a 15-year-old girl just killed herself. They have

30 kids in their school who are on a three-month waitlist to get services, mental health services.

So spare me the theatrics. Don't point your finger and blame people on this sides of the aisle. You ought to look in a mirror.

Mr. President, I vote no.

THE PRESIDENT: Senator Akshar to be recorded in the negative.

Senator Mannion to explain his vote.

SENATOR MANNION: Thank you, Mr. President. I rise today in support of this bill.

I'd like to thank our staff, including Jonathan Lang, Chris Higgins and others. I'd like to thank Senator Rivera and Leader Stewart-Cousins for her advocacy on a number of issues, but one particular issue is the CDPAP program, a consumer-directed program. And what is really important about it being in this bill is that services are provided for people in their homes to make sure that they can live independently, as independently as possible, and stay in their homes without going into a nursing home.

And beyond that, what this -- the

language assures is that there will be regional providers that know the systems in the area best, that know the networks in the area best, and more importantly know the individuals themselves and their needs because they have a close relationship with them.

And as a result, I'm proud to support this part of the bill, but really the bill entirely. It took a lot of work to get to this point. And I can tell you that not just the organizations that are involved but, more importantly, the people who need to be served by these organizations are very appreciative that their regional local providers that know them best will be providing the service.

And as chair of the Disabilities Committee, I have to say this. I appreciate the comments that had occurred before. We went over a decade without any cost-of-living adjustment, and last year we fought hard for a 1 percent cost-of-living adjustment. One percent. I held a hearing, as Senator Martucci referenced, and we listened to the concerns of individuals. We listened to the concerns of providers and advocates. And we listened to the concerns of

DSPs.

We have a vacancy rate that is unacceptable. And we have a turnover rate that is challenging. And the reason it is challenging is because this work is delicate, it's based on trust.

So what do we have in this budget? We have historic increases in a cost-of-living adjustment at 5.4 percent. But I, as chair of the Disabilities Committee, Senator Brisport, who is chair of Children and Families, Senator Harckham, who works with the O agencies such as OASAS, and Senator Brouk, who's chair of Mental Health, we will continue to advocate for these agencies. The fight is not over.

Remember that this is historic that we have this cost-of-living adjustment. There is much work to be done. We will continue to do that work, and we will be back in the fight.

I vote aye.

THE PRESIDENT: Senator Mannion to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

There are reasons to vote for this bill, there are reasons to vote against this bill. And I just want to say I appreciate my colleagues' -- on both sides -- passions about this. Because what is clear is that many of us do agree in this room, on both sides of the aisle, that we need to invest more in our human services, in our workers, in the people we all care about, we all have in our districts, and that the state needs to do better.

I do believe that on total, this bill is a better bill for health and human services than I have seen in many a year and makes a first down payment on some of the work we have to continue to do.

I also respect my colleagues' -- on both sides of the aisle -- passion about how we should get there. One of my colleagues, or more, would argue that we should get there by raising taxes. Other colleagues would argue that we shouldn't pay for football fields. I actually agree with both of you.

But we're not there this year, so we can't get it all. And so we need to continue working together even when we get angry at each

other, recognizing what we have been able to do and what we have not been able to do, and remembering while this is technically the budget, it's not the end of the process at all.

And every single one of us knows how you advocate and you organize to push your own agenda. And that's, by the way, why we all decided to run for office, because we believe in the democratic process. We believe that if we go into government trying to meet the goals we have set for ourselves and what we hear is needed by the people we are trying to represent, we are going to get it better.

But we're not done. But again, I just wanted to say, because people are a little hot and tired, that I'm actually happy for the dialogue and even the fight.

I vote yes, Mr. President. Thank you.

THE PRESIDENT: Senator Krueger to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 750, 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.

THE PRESIDENT: The bill is passed.

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

SENATOR GIANARIS: Mr. President, just by way of updating our members, there are four remaining bills before the budget is complete. They are in the process of being finalized. So we are going to stand at ease for a short while, while that process gets done, and our colleagues across the aisle have time to conference the bills once they are ready.

So the Senate will stand at ease.

THE PRESIDENT: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:11 p.m.)

(Whereupon, the Senate reconvened at 7:13 p.m.)

THE PRESIDENT: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there will be an immediate meeting of the Finance Committee in Room 124.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in Room 124.

SENATOR GIANARIS: The Senate stands at ease.

THE PRESIDENT: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 7:13 p.m.)

(Whereupon, the Senate reconvened at 7:47 p.m.)

THE PRESIDENT: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there's a report of the Finance Committee at the desk.

Please take that up.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Krueger,

from the Committee on Finance, reports the following bill:

Senate Print 8006C, Senate Budget Bill, enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2022-2023 state fiscal year.

The bill reports direct to third reading.

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

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let's take up the supplemental calendar, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number

752, Senate Print 8006C, Senate Budget Bill, an act to amend the Education Law.

SENATOR AKSHAR: Lay it aside.

THE PRESIDENT: Before we lay it aside, is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor of accepting the message process signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted and the bill is before the house.

SENATOR GIANARIS: I believe it's laid aside, Mr. President.

THE PRESIDENT: The bill is laid aside.

SENATOR GIANARIS: Let's move to the controversial calendar.

THE PRESIDENT: The Secretary will

ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 752, Senate Print 8006C, Senate Budget Bill, an act to amend the Education Law.

Senator Akshar, why do you rise?

SENATOR AKSHAR: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Palumbo to be heard.

THE PRESIDENT: Thank you, Senator Akshar.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR AKSHAR: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Palumbo be recognized.

THE PRESIDENT: The appeal has been made and recognized, and Senator Palumbo may be heard.

SENATOR PALUMBO: Thank you, Mr. President, for allowing me the opportunity to the appeal the ruling of the chair.

As we sit here today with the

Education, Labor and Family Assistance Budget bill, we do have incorporated within this bill an amendment to -- and further changes to the bail reform statute. Now, this is the third iteration of the bail reform statute, and with respect to germaneness, the proposed amendment will repeal the so-called bail reform statute in its entirety.

So when we sit here -- and obviously we're addressing just simply the germaneness, and I'll get to the bill itself in a little bit -- I don't think we can actually say with a straight face that it's not germane to changes to the bail reform statute.

And now by way of history, in 2019, in the budget, bail reform was adopted. It took effect on January 1, 2020. And quite clearly, it was dangerous and became more dangerous by the day. And after a significant backlash, significant people were released from custody, people could not have been held on -- for example, manslaughter in the second degree. I was in the other house at the time, during the 2019 budget, and I specifically argued that charges such as drunk driving and killing someone

were ineligible for bail.

So clearly, there was no choice, and the two houses, the two majorities, felt the need to immediately make changes. And they made some not very significant changes. But they did add a few things, like when someone loses their life, the judge could consider bail.

But again, having a laundry list of crimes that are ineligible for bail, the judge has no discretion to decide dangerousness, to decide anything of any real significance that would otherwise ensure that person's return to court, because they were specifically ineligible crimes. So that was version two.

And then we sit in this chamber today making yet another round of changes, because clearly, in my opinion, and I think in the opinion of most New Yorkers, we are less safe as a result.

So when I suggest that this is not only germane, that this bill, repealing it and starting from scratch is the answer, I think it's without question that we all agree. Otherwise, we wouldn't be standing here making yet another change that in my opinion, having read Part UU of

this ELFA bill, doesn't do much. In fact, it doesn't come anywhere close to fixing the problem.

So the reason why we need full repeal -- and I might add one thing. Because some of my colleagues have said, and publicly, that we're going to go back to the Stone Age, we're going to go back -- this is terrible, that if we want to even consider repealing the current bail statute -- well, actually, we're going to go back to December 31, 2019. We're not going back to the Stone Age, we're going just a few years back. And then we can talk about doing it right. Because there were some changes that possibly could have been done, for sure, but not like this. And not like version two. And, quite frankly, not like the one we're about to debate and vote on today.

So with all due respect, Mr. President, I do appeal your ruling. I do believe this bill is certainly germane. And I think if we can get past the germaneness, we should ultimately have a vote on the floor, because that is what we need to do to help our New Yorkers be more safe.

Thank you.

THE PRESIDENT: Thank you, Senator Palumbo.

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 AKSHAR: Request a show of hands.

SENATOR GIANARIS: We've agreed to waive the showing of hands and record each member of the Minority in the affirmative, Mr. President.

THE PRESIDENT: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

THE PRESIDENT: The ruling of the chair stands, and the bill in chief is before the house.

Senator Palumbo, why do you rise?

SENATOR PALUMBO: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and I ask

that you recognize Senator Borrello to be heard, please.

THE PRESIDENT: Thank you, Senator Palumbo.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR PALUMBO: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Borrello once again be recognized.

THE PRESIDENT: The appeal has been made and recognized, and Senator Borrello may be heard.

SENATOR BORRELLO: Mr. President, I rise to appeal the ruling of the chair. This is indeed germane because the bill in chief -- the bill at hand amends the Mental Hygiene Law, and both relate to mental health treatment.

We should, as legislators, be interested in protecting everyone in New York. We should be concerned about the rise in mental illness that has plagued our state, especially during the pandemic. This amendment would make Kendra's Law permanent. Kendra's Law has been

effective but underutilized in addressing those with severe mental illness, while still addressing them during assisted outpatient treatment. It has helped them get the help they need while also ensuring there's not the stigma of getting mental health treatment.

We've talked a lot about what we can do to curb violence, and that's what we're going to talk about tonight a little bit more. But those who need help should be able to get that help, and those professionals that can evaluate someone and determine what kind of help they can get, should have that opportunity. And that is what Kendra's Law does.

This should not be something that we should have to wring our hands over to ensure that it's going to be renewed, or have it held hostage as part of a negotiation. It should indeed be permanent, and that's what this amendment would do.

So, Mr. President, I appeal your ruling, and I hope you rule in my favor.

Thank you.

THE PRESIDENT: Thank you, Senator Borrello.

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 PALUMBO: Request a show of hands.

SENATOR GIANARIS: We've once again agreed to waive the showing of hands and record each member of the Minority in the affirmative, Mr. President.

THE PRESIDENT: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

THE PRESIDENT: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Ortt.

SENATOR ORTT: Thank you, Mr. President. Would the sponsor yield.

THE PRESIDENT: Does the sponsor yield for questions?

SENATOR KRUEGER: Yes, sir, I do.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President.

SENATOR KRUEGER: Excuse me. If I might ask the sponsor which section he's going to start with questions on.

SENATOR ORTT: Section UU.

SENATOR KRUEGER: Then if you do not mind --

SENATOR ORTT: I do not.

SENATOR KRUEGER: -- we have someone else who's going to be the sponsor for this section.

SENATOR ORTT: Fair enough.

SENATOR KRUEGER: Senator Bailey will be representing us. Thank you.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Thank you. Through you, Mr. President.

Does the sponsor consider the changes in this section of the bill that we're voting on tonight a rollback or repeal of the cashless bail that was passed by this body in

2019?

SENATOR BAILEY: Through you, Mr. President, the modifications that were made in Part UU of this bill were changes that were made to clarify statutes that were existing, to make it easier for judges to understand and determine the nature of the proceedings and to also make sure that -- in the prior instance of what we did, we wanted to make sure that we clarified what bail was about. And bail was about a return to court.

In clarifying some of the language, we wanted to make sure that we were -- we're looking to do everything that we can to make it easier for judges to understand what the intent of the Legislature was.

SENATOR ORTT: Through you, Mr. President, will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Sure.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: So I want to -- just so I understand. Through you, Mr. President.

So that would be a no, the sponsor would not view these clarifications as a repeal or rollback of any of the provisions of the cashless bail law of 2019.

SENATOR BAILEY: Through you, Mr. President, different people have different verbiages and different ways of saying things, Mr. President.

SENATOR ORTT: Through you, Mr. President, if the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. What is the sponsor's way of saying it here?

SENATOR BAILEY: Through you, Mr. President. I answered the Senator in my initial response to his initial question.

SENATOR ORTT: Through you, Mr. President, will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor

yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President, does the sponsor believe that the cashless bail -- again, the cashless bail law that was passed in 2019 by the Majority in this house -- has resulted in an increase in crime here in New York or has contributed to an increase in crime here in the State of New York?

SENATOR BAILEY: Through you, Mr. President, no.

SENATOR ORTT: If the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. If not, then why, for the second time, are we attempting to fix this law? This is the second time that this body has taken up the cashless bail that was passed in 2019, the second time we've taken up trying to fix it. So we passed it in 2019, we tried to -- we came up with

some fix in 2020, and now here we are again.

So if it hasn't increased crime, then what has brought us back here to clarify or to try and fix it for yet a second time -- really, a total of three times that we've passed laws related to bail in this body since 2019.

SENATOR BAILEY: Through you, Mr. President. As a legislator, I think our job is to ensure -- especially through the process of chapter amendments. We modify bills based upon chapter amendments a number of times.

So as legislators, if we see something, we are -- we must make sure we take a look at that and do what we need to do that.

What we did here is make sure -- again, in my initial response to the first question -- was to ensure that there was clarifying language so that judges were able to interpret the statutory construction that we created around the laws of 2019 when we passed that at that time.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President. So the sponsor said when you see something, when we see something, we have to make changes or attempt to make amendments.

So what have we seen as a result of cashless bail from 2019 that has resulted in us coming back and trying to amend it?

SENATOR BAILEY: Through you, Mr. President, we have seen that certain judges were not exactly clear on what the intent of the Legislature was, and we decided to clarify that accordingly.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President, were there any changes to cashless bail as part of the Executive Budget?

SENATOR BAILEY: Through you, Mr. President, the Executive did not include

those initially.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Were there changes at all in the 30-day amendments?

SENATOR BAILEY: Through you, Mr. President, no.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Were there changes or amendments in the Senate or Assembly one-house budgets?

SENATOR BAILEY: Through you, Mr. President, no.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor

yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: So there was nothing about this in the Executive Budget, there was nothing about this in the 30-day amendments, there was nothing about this in the Senate or Assembly one-house budgets. And as of March 15th, Senator Stewart-Cousins, the Majority Leader, said that "I think the Governor has been very clear that the bail reforms that we did were right."

So I'm curious if the sponsor could tell me, when did the Majority -- when did the Majority Conference decide that something had to be done, that these changes had to be made or attempted to be made to the cashless bail laws of 2019? Because as of March 15th, they were saying that -- their leadership was saying they're good, there was nothing in any part of this budget process until right now, here, tonight.

So I'm just curious as to when this decision was made by the Majority to make changes to cashless bail.

SENATOR BAILEY: Through you,

Mr. President. As the good Senator knows, that legislating is an evolving conversation. And conversations were continued to be had, through and including the time that the Senator mentioned.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely. Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President, I did not -- surely there must be an answer in there, a time frame -- last week, two weeks ago, a month ago, last night. There had to be a moment when the conference, when the Senator decided something had to be done. I'm curious if he can tell me or share that with me.

SENATOR BAILEY: Through you, Mr. President, as I previously stated, these conversations are rapid, they are fast and furious, and they continue through and including this period of time. There were a number of conversations had with a number of parties up to

this date when the bill-in-chief is before the house.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Rapid and evolving, certainly.

What stakeholders were -- through you, Mr. President, what stakeholders were involved in the legislation Part UU that is before us tonight? What specifically -- what law enforcement agencies were consulted or involved in conversations as this legislation was rapidly and evolvingly crafted?

SENATOR BAILEY: Through you, Mr. President -- I've been sorry to say I haven't been doing it through you, Mr. President. Thank you for that.

District attorneys, defenders, police organizations, including but not limited to the State Troopers, the NYPD, the Yonkers Police Department. And from my understanding, a

host of other conversations that members of our incredible staff, specifically Dorothy Powell -- I wanted to make sure we make that for the record -- were having with members of law enforcement.

So yes, law enforcement was consulted in these rapidly evolving conversations, Mr. President.

SENATOR ORTT: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR ORTT: Through you, Mr. President, just so I can get clarification, the NYPD or the NYPBA was consulted as part of this?

SENATOR BAILEY: Through you, Mr. President, yes.

SENATOR ORTT: On the bill, Mr. President.

THE PRESIDENT: Senator Ortt on the bill.

SENATOR ORTT: Well, first, I'll

start with the last question there.

I think that might be news to the NYPBA, based on the statement I saw today from PBA President Pat Lynch.

SENATOR BAILEY: Through you, Mr. President, the Senator asked NYPD. That was my understanding. I personally have been dealing with members of the NYPD, including the police commissioner. That was the -- I just wanted to make sure we clarified that for the record.

SENATOR ORTT: Thank you. Thank you. Through you, Mr. President.

THE PRESIDENT: Senator Ortt on the bill.

SENATOR ORTT: So here we are, third time since 2019, talking about bail. And I want to be pretty clear and I think we've -- our conference has been clear on this issue from 2019 till today.

I think we were pretty clarifying in our comments back in 2019 when we said this law would result in more victims, this law would result in dangerous criminals being on the street, in more crimes. All of which has been borne out. All of which has happened.

And despite attempts to cosmetically fix this, here we still are -- crime rates, violent crime rates skyrocketing across New York City and across New York State. And despite all those statistics, only today we're here jamming this into a bill known as Education and Labor, because obviously bail has something to do with education or labor.

But I'm going to read a poll from Siena: 56 percent of folks from -- 56 percent of New Yorkers said that bail, cashless bail, was bad for New York. Compared to 30 percent who said that it was a good thing. That's why we're here tonight. Public polling and public poll numbers are why we're here, not public safety.

I want to read another quote from a colleague of mine who said: "If you're coming for bail reform, be specific or be quiet. It will save you the embarrassment when the truth comes out."

Well, the truth is -- that New Yorkers know and we all know -- is that bail reform has been a disaster. That's the truth. And it is embarrassing when we have to keep trying to fix something because we broke it.

That is pretty embarrassing. And it's embarrassing when you're trying to look like you're fixing something but you can't look like you're fixing something too much or you'll lose your base.

So it's a tough position that the Majority finds themselves in. And it certainly is embarrassing for New Yorkers that we are here. But New Yorkers aren't fooled, we're not fooled, police officers aren't fooled, and victims aren't fooled. This -- as the Governor said herself, I think tonight, we're not going backwards when it comes to bail. Well, if we're not going backwards, we're going in the wrong direction.

So thank you very much, Mr. President.

THE PRESIDENT: Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President.

Would Chairman Bailey yield for a few more questions on Part UU, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Most certainly, Senator Palumbo.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Chairman. And I wanted to ask some questions about the specific language of the bill. But I just wanted to follow up a little bit on Leader Ortt's previous question.

So would you yield for a question? Did you already yield? I'm sorry.

SENATOR BAILEY: Yes.

SENATOR PALUMBO: You know, just to follow up, I wasn't really clear on the reasons why we're making these changes. Did you say it was for clarification for judges? Can you please just repeat that for me?

SENATOR BAILEY: Mr. President, to clarify the earlier clarification, yes, it is to make sure that the statute was clearer and easier for judges to be able to interpret in determining their decisions when there is a matter before them.

SENATOR PALUMBO: Would you continue to yield, please.

SENATOR BAILEY: Absolutely.

THE PRESIDENT: Will the sponsor -- the sponsor yields.

SENATOR PALUMBO: Senator, with regard, then -- because you were here for the '19 initial adoption, right, and the changes in the budget of 2020. Why were there changes made in the budget of 2020 to the original iteration of the bail reform statute?

SENATOR BAILEY: Through you, Mr. President. As I mentioned earlier, as legislators, when we review something and we see that there could be changes made to it, we act accordingly and make those changes.

SENATOR PALUMBO: Will the Senator continue to yield, please?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: So in that regard, then, was that just to clarify those changes in 2020? Or was that because it was -- there was an increase in crime as a result of the original bill?

SENATOR BAILEY: Through you, Mr. President, the initial changes were made three months into the initial law that had

passed. So there wasn't necessarily time to be able to make clarifying changes as much as it was about listening to members of law enforcement, members of the defense bar and other associated organizations -- and police departments as well -- who had indicated concerns with the way the statutory construction was on the initial bill.

SENATOR PALUMBO: Thank you, Senator.

Through you, Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: And thank you, Senator Bailey.

So the way I'm -- what I'm hearing, then, obviously there was no confusion because these crimes, from the first iteration to the second, were not even included in the bill. There was nothing unclear about the fact that the judge could not set bail.

So upon listening to people, is what

you're saying, to people who were concerned because public safety was a problem, that's the reason why we made the changes in 2020?

SENATOR BAILEY: Through you, Mr. President, I don't think those were my exact words.

What I think I indicated was, as legislators, as responsible legislators, we listened to people who contacted us in relation to what some of the language was in relation to the initial statute that was done. We listened to them, we took their concerns into hand, and we made modifications accordingly.

SENATOR PALUMBO: Thank you.

Would you continue to yield, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you. And it's very artful.

But it's very rare, I think, that people in this business will actually say "we made a mistake." So I guess I should ask it plainly. Can we actually agree at this point

that the original bail reform statute was a mistake, there were changes that needed to be made based upon its practical application.

Is that fair to say?

SENATOR BAILEY: There was not a mistake. The notion that wealth-based detention is acceptable was not a mistake. The fact that you should -- someone can be incarcerated simply because -- or remain incarcerated simply because of the lack of financial wherewithal they have is abhorrent. So I would not say that there were mistakes made.

I would say, again, as legislators, when presented with concerns and issues before us by credible individuals and credible parties, we have a duty to make sure that we return and, if necessary, modify accordingly.

SENATOR PALUMBO: Will the sponsor continue to yield, please, on the bill.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: So I have an article from about three days ago from the

Daily News, and it had to do about statements in an article that was a result of Commissioner -- the commissioner's comments, of the NYPD. She indicated that over 500 people have been arrested three times or more in January, February, March of '22 alone, for robbery, burglary and shoplifting.

So can you reconcile for me how that rearrest -- three times or more -- for crimes that originally, before 2020's implementation of bail reform, they were originally bail-eligible offenses but they were mandatorily omitted as a result of this particular statute.

So can you tell me how the second and third time victims were not a result of the effects of bail reform, how they are not suffering as a result? And that's just in the past three months.

SENATOR BAILEY: Through you, Mr. President, it's my understanding that robbery and burglary are bail-eligible, are they not, Senator Palumbo?

SENATOR PALUMBO: Well, through you, Mr. President, let me -- I believe they have the -- so of 500 arrests -- I had it on this

sheet here. No, I don't have that section of the article.

But I'll give you another example: 135 arrests by the Neighborhood Safety Unit, which was implemented on March 14th, 135 arrests. Twenty percent of them involve people with pending felony cases, and 28 are suspects with previous felony convictions.

So under -- depending on what those felonies are, of course, a prior felony conviction was not an eligible crime. Right? We would agree, or it currently isn't as we stand here today before this?

If someone has a prior felony conviction, rather, if they're arrested for a nonqualified offense, you can't set bail. The prior history had nothing to do with it, correct?

SENATOR BAILEY: Mr. President, I just want to go back to the initial question that was asked. And it goes back to the facts-versus-fear conversation. It is amazing how miraculously the robbery and burglary charges disappeared just now.

But notwithstanding -- notwithstanding that, I would look to figure out

in terms of the data, and we don't -- I don't have -- we don't have data that would indicate that this change has increased -- which is what I believe the Senator is attempting to reconcile.

That as a result of bail reform, I don't have any statistical data that would show that these incidences are higher or lower than they were prior to the enactment of bail reform.

SENATOR PALUMBO: Can you yield, please, Senator?

THE PRESIDENT: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Well, as we stand here today, before this bill gets signed into law, would you agree with me that robbery in the third degree and burglary in the third degree are ineligible for bail?

SENATOR BAILEY: Through you, Mr. President, I believe so. I believe so.

SENATOR PALUMBO: That they're not.

SENATOR BAILEY: You are correct.

SENATOR PALUMBO: Will you continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: And Chairman, would you also agree with me that burglary in the second degree, as long as they don't enter the living area, and robbery in the second degree -- aided by another, without a weapon or injury -- are also ineligible for bail as we stand here today?

SENATOR BAILEY: Through you, Mr. President, the facts and the circumstances depending on each purported offense would depend on whether that offense would be bail-eligible.

But based upon the limited facts that the Senator has mentioned, I would agree.

SENATOR PALUMBO: Would you continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: I yield.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And would you also agree that as we stand here today, an A-2 drug sale -- for example, I sell enough fentanyl to kill everyone in this room, and it's less than two ounces -- is ineligible for bail?

SENATOR BAILEY: Through you, Mr. President, that would be correct.

SENATOR PALUMBO: Would you continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: I yield.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: And you know the list is long, Senator. I won't go through all of them so we're not here all night.

But every other drug possession or sale, A-2 and lower, is ineligible, and many other crimes in the Penal Law that are felonies, including larcenies -- other than grand larceny in the first degree, which is over a million bucks -- are, as we stand here today, ineligible for bail. Meaning no matter what the circumstances are, the judge may not set bail.

SENATOR BAILEY: Through you,

Mr. President. As the Senator knows, there are a number of reasons why we don't look to criminalize everything. We've spoken on both sides of the aisle about an opiate crisis, about individuals who have concerns with substance use disorder. And the question before us is whether incarceration is going to make our society better.

But to the initial point that Senator Palumbo made concerning those specific categories, he is correct.

SENATOR PALUMBO: Thank you, Senator. Would you continue to yield, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: And Chairman, I guess one more question on that and then we'll get to the bill itself.

But as far as theft crimes, I know that they're somewhat addressed in the new bill. But as we stand here today, if someone's arrested for petit larceny, grand larceny, stolen

vehicles, whatever it may be, as long as it's less than a million dollars, you can do it every single day and the court must release you. Is that accurate? Must release you.

SENATOR BAILEY: Through you, Mr. President, that would not be accurate. Because if you're a repeat offender, the subsequent charges would become bail-eligible.

SENATOR PALUMBO: Would the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Chairman, if we could get to the bill, page 450, if you don't mind.

SENATOR BAILEY: Not at all.

SENATOR PALUMBO: And the new specific language. I just wanted to get into the weeds a little bit, because I actually -- when I was in the other house, when this first iteration passed, the sponsor there and I had many discussions about it, then we debated it. And I actually spoke with her last week, and she said

these judges don't understand.

So if this is for clarification, as you say, I think we need to create some legislative intent to really be clear on what some of these terms mean, if that's okay.

So if you look around the -- I guess section (t) that's going to be added, at line 13 on page 450. So we're going to add, to qualified offenses, "any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in Section 265.01-b of the Penal Law."

And where such conduct arose from -- while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or Class A misdemeanor involving harm to an identifiable person or property or, again, the firearm charge.

So without addressing the firearm charge -- that's kind of an easy one -- I'd like to address, if we could, there is a definition of identifiable harm -- or involving harm to an

identifiable person or property.

And then, lower, at line 25: "For the purposes of this paragraph, 'harm to an identifiable person or property' shall include but not be limited to theft of or damage to property."

So now I ask you that -- and I said it's going to be a little technical, because this is a very technical change. What do we mean by harm to a person? Is that actual injury?

SENATOR BAILEY: Through you, Mr. President, we're leaving it up to the judge's discretion.

SENATOR PALUMBO: Will you continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: So, Senator, we're going to now allow thousands of different interpretations of what "harm to a person" means up to an individual judge, in the thousands of jurisdictions that we have, from Justice Court, local town courts, to County Court, to

Supreme Court. Is that what I'm hearing?

SENATOR BAILEY: Through you, Mr. President. The Senator knows, as a well-decorated attorney -- I don't mean that off -- facetiously. Senator Palumbo, you are a great attorney. You and I both know that there is no catch-all provision for every single case.

And it is interesting that during some of the pendency of some of the hostile amendments that we've heard in this house, we've heard about discretion, discretion, discretion. And we're giving judges discretion.

So I believe that clarifying language, in order to make sure that judges have discretion and they can deal with what they perceive to be based upon the individual facts of specific matter, is certainly within our purview and certainly within the purview of the judiciary to determine.

SENATOR PALUMBO: Thank you, Senator. Would you continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Bailey. I appreciate the compliment, and you too. We have very enthusiastic debates for sure on the Codes Committee.

So I do need to clarify the hypothetical, though, because as we stand here today, robbery in second degree, aided by another, is not a qualifying offense. So we have a violent felony, a Class C violent felony, robbery in the second degree. And just for my colleagues who don't know this stuff, because we're literally in the weeds, aided by another is unarmed but you're forcibly threatening someone with physical threats.

For example, a gang of kids get around someone and they say, We want your property, and you turn it over as a result of that physical threat. There's no physical harm, necessarily, but you're in fear. It's the threat of force that makes it a robbery.

So in that circumstance, is it completely up to the judge's, quote, discretion to try and extrapolate some harm? Or does "harm to a person" mean what we think it all means, injury to a person?

SENATOR BAILEY: Through you, Mr. President, in the hypothetical that Senator Palumbo mentioned, robbery still involves theft of property, and theft of property falls within the purview of the new clarifying language that we have put in here.

So theft of property would qualify them no matter what. And there's a well-defined body of case law as related to harm in the civil context. So I think we'd be able to glean something from some of that case law in the civil context.

SENATOR PALUMBO: Would you continue to yield, please, Chairman?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: And so I think -- I appreciate that. So if we're using, say, a civil definition of harm, it can be emotional harm and terror that you feel. Is that accurate?

SENATOR BAILEY: Through you, Mr. President. In that hypothetical, correct.

SENATOR PALUMBO: Okay, thank you.

And that's on the harm element.

Would you continue to yield, please.

THE PRESIDENT: Will the sponsor yield?

SENATOR BAILEY: If you can repeat the question.

SENATOR PALUMBO: Sure. I was just saying -- my question on the harm that we were saying, of the physical harm, not so much the theft of property element. I'm talking about the harm element that if someone -- a judge perceives that there was a threat that was experienced or perceived by the complainant victim, then in fact that will meet the element of harm for the purposes of being bail-eligible.

SENATOR BAILEY: So in the contemplation of this language, the statutory language was contemplated relating to physical harm of an individual. That was what was in contemplation.

However, as we mentioned before, judges are able to make determinations. And when we give them discretion, they are able to make determinations based upon the individualized case facts of the matter before them.

SENATOR PALUMBO: Thank you.

Senator, would you continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you.

And so just, then, for clarification, for those watching or who will be reading this transcript someday, the judge could render a decision that someone's perceived threat of harm, although no physical injury -- they were crying, they felt fear, their heart raced, and they tendered, let's say, a pack of cigarettes, because that's going to get me to my next question, which is going to lead to some more language in here.

But say it's something that's of very low value that is tendered. It would still be a robbery under our law. In that circumstance, the judge is perfectly allowed to impose a cash bail remand or to set bail, because they've met the "harm to a person" element.

SENATOR BAILEY: Through you,

Mr. President, that fact pattern -- and any other fact pattern, any other accused defense -- depends on context. And so, again, we are giving judges the ability to determine, in the matter before them, regardless of whatever hypothetical we go to -- and we can all go with hypotheticals that may lead in one direction or another -- the intent is to ensure that we're clarifying, for the members of the bench, giving them more discretion, giving them the ability to interpret the individual matters before them.

SENATOR PALUMBO: Thank you, Senator. Would you continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: And I appreciate the fact that we're saying it's clarifying for them. Through you, Mr. President. And of course, with all due respect, I think that's made it more confusing. Because we still don't know what harm, physical harm to a person is, because we still don't have a defined, specific situation where we can say if there's physical contact and

there's injury.

For example, in the lower charged crimes, a harassment -- I punch you in the face -- most likely harassment. That's not an assault third because you need substantial injury.

I break your nose, probably an assault third, which is a misdemeanor.

So are we at a harassment level, which is still physical contact and a minor injury, are we at an assault situation, or are we at the physical threat of intimidation like I explained in that robbery example?

SENATOR BAILEY: Through you, Mr. President. In the time since the prior statute -- or soon to be prior statute at hand was enacted, the judges have seemed to interpret this -- these fact patterns in a manner in which they're looking at or interpreting it as more related to physical harm. And so in looking at that, we just wanted to make sure we clarified that portion of it.

SENATOR PALUMBO: Okay. And thank you, Chairman. Would you continue to yield?

THE PRESIDENT: Does the sponsor

yield?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: So I think -- so it's physical harm, is that what I'm hearing, based upon the interpretation that I'm gathering there?

SENATOR BAILEY: Through you, Mr. President, correct.

SENATOR PALUMBO: Okay, understood. Thank you.

Would you continue to yield, please?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Now on the other element where a judge might have the opportunity to set bail. They still need to make a finding, right, that such theft -- if the judge determines -- and this is, I guess, what you were talking about, what you were suggesting was discretion -- that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be

released, shall be released on his or her own recognizance under appropriate non-monetary conditions.

So my question to you is, how do we define "negligible" in this particular statute with respect to the value of property? What does that mean?

SENATOR BAILEY: Through you, Mr. President, it's a fact-based analysis based upon, again, the -- the alleged offense at hand. And it's designed to address alleged -- alleged -- crimes of poverty. We or I don't think anybody, regardless of what side of the aisle or whatever your affiliation may be, would believe that someone should be incarcerated simply for stealing something because that -- they want to eat.

Again, I want to be very clear, in the same breath, that we are not excusing, we are not condoning, and we're not encouraging such activities.

However, as thoughtful individuals, as reasonable people, it is our belief and should be everyone's belief that incarcerating someone based upon a fact-based analysis -- fact-based

analysis, not conjecture-based, not thought-based -- fact-based analysis that is related to a crime of poverty, that the judge again would still have the discretion to be able to. They still have discretion.

SENATOR PALUMBO: Will you continue to yield, Senator? And I'll wrap it up.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you. So, for example, someone stole baby formula or bread, are you suggesting that would be negligible?

SENATOR BAILEY: Mr. President, based upon what a fact-based analysis is based upon, based upon what the specific nature of the offense was in front of the judge. And they have the determination -- excuse me, they have the discretion, the ability to determine what is negligible and what would not be negligible.

SENATOR PALUMBO: Will you continue to yield, Senator?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: I do.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: With respect to that same negligible determination, how about a Louis Vuitton bag that's a thousand-dollar bag? Would that be considered negligible or could that be considered negligible by some judges and pass muster?

SENATOR BAILEY: Through you, Mr. President, again, it's a fact-based analysis, but I think that we stray far from -- I don't think that -- no disrespect intended -- that an individual could eat a Louis Vuitton bag.

SENATOR PALUMBO: Senator, I know I'm coming up on a half an hour, and I do appreciate your questions {sic}.

On the bill, please, Mr. President.

THE PRESIDENT: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you.

And I do appreciate Chairman Bailey answering my questions. He -- as we indicated earlier, he artfully gave me a lot of non-answers, and I guess we can appreciate that as lawyers and people in government.

But I think we all kind of know what the answers are -- that this actually provides discretion in one direction. Because they could ultimately -- this is all we're doing, we're adding a firearm crime. And it's trafficking of a gun -- very, very rare circumstance -- and some possession.

But we have all these other crimes that are quite frankly wreaking havoc amongst our communities, and we now have something that is -- well, if it involves theft of property or harm to a person -- discretionary terms -- we're going to be right back in the same position.

Again, this is something that you can't hide behind. Bad policy on the environment, bad policy on taxes, you can get away with that. Because a couple of years later you can go back and say, you know what, maybe we were a little quick to act, maybe we need to make some changes. And nobody really notices. The taxes get a little bit -- maybe they're happy because they get their tax return, hey, I got a bigger refund this year, that's wonderful. Great, good stuff. You know, oh, paid 16 cents less for a gallon of gas. Ah, not too bad. Life

goes on. Ten bucks a week.

But you can't hide when it comes to public safety. And we have crime running rampant in our communities. And I know we say it's the pandemic, it's guns, I've heard Donald Trump, I've heard all these things. And I even had some colleagues the other day saying, well, Florida, Florida is -- the murder rate is up, Florida is a red state and Florida -- and it became a little political.

But the bottom line is -- actually, in response to that, I pulled it up. Florida, a few weeks ago, 50th straight year crime went down as a whole. Murders are up, you're absolutely right. Violent crime is up 2.3 percent. Property crimes, in a non-bail reform state, are down 17 percent. Rape is down. Domestic violence murder was down in 2020, while stalking increased. So they experienced the same pandemic that we did.

So it's not just anecdotal that we're struggling with criminal justice and public safety in New York as a result of outside influences. It's what we did in this building right here. And quite frankly, this is a tweak

that does virtually nothing. And as I said earlier, that's why repealing this, catching our breath, and doing it right.

New Jersey implemented a dangerousness standard. We don't have that still. We have some discretion, which isn't really discretion, in my opinion, so it's not. We have -- in New Jersey they implemented their bail reform, and they have discretion. And they have a score sheet where you can check off criminal history, risk of flight, all those checkoffs, and you get a certain score. You're not even eligible for bail if you score high enough.

We actually did that in Suffolk County when I was a prosecutor. And it would be considered, it would have significant weight as far as a judge releasing someone. But it wasn't binding. You could even have speedy trial sped up, that if you're not ready for trial and someone's incarcerated on a low-level felony, within 30 days they must be released.

I suggested that two years ago. Something like that would be smart. Then the DA can prioritize. Because certain misdemeanors --

for example, when I was a prosecutor, I would get some fatalities charged as a misdemeanor DWI only, because you needed to do reconstruction, prove the case, put it in the grand jury, and then charge the higher cases and the higher crimes.

Even under this statute, if you don't damage anything and cause any harm to property, you can get 17 DWIs in two weeks and you still must be released. How is that safe? How is that good for the public?

So, my friends, this does nothing to make us safer. This is a press release. And I'm sorry, I cannot agree with it. And under no circumstances will our situation improve significantly enough in a manner in which we owe to our constituents and New Yorkers.

Thank you, Mr. President.

THE PRESIDENT: Senator Akshar.

SENATOR AKSHAR: Mr. President, thank you. Will the sponsor yield?

SENATOR BAILEY: Absolutely.

SENATOR AKSHAR: Thank you, Senator.

I just want to come back out of the

weeds. I just want to return to this issue of the judges and helping the judges have a better understanding of what the intent of the legislation was.

So over the course of the last three years, have you heard specifically from judges and have judges told you that with respect to the first iteration of bail reform, the second, and now the third, they in fact have had a difficult time interpreting the intent of the law?

SENATOR BAILEY: Through you, Mr. President, as recently as this year's hearing on Public Protection, the budget hearing on Public Protection.

SENATOR AKSHAR: Thank you.

Would the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: So what specifically in the statute before us have we changed to make it easier for the judges to interpret the intent of the law?

SENATOR BAILEY: Through you,

Mr. President. Clarifying language based upon repeat offenses, discovery, theft of property. Those are some of the examples.

SENATOR AKSHAR: Mr. President, through you, would the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: Let's ask a question about repeat offenses, because I want to make sure I understand it. And I may be slightly confused about it, like the judges.

If I -- if I'm charged with criminal sale of a controlled substance today -- I sell two bundles of heroin to someone -- I'm arraigned, I'm released, because it's a non-bailable offense, and then three days from now I'm arrested once again for criminal sale of a controlled substance -- I sold two bundles of heroin to someone -- will the judge then have discretion and be able to remand me in that instance?

SENATOR BAILEY: Through you, Mr. President, they would not qualify, because

there's no -- there was no identifiable person or harm.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: You think drug dealers pose a danger or inherent risk, by way of their action, to the public, the greater public?

SENATOR BAILEY: Can you repeat the question?

SENATOR AKSHAR: Mr. President, through you. Do you believe drug dealers pose a danger or a threat to the public by way of selling drugs to people who use them?

SENATOR BAILEY: There is certainly a concern there, but it would not qualify under the bail -- being bail-eligible, because there is no identifiable harm to a person.

SENATOR AKSHAR: Mr. President, just on the bill for one second.

THE PRESIDENT: Senator Akshar on

the bill.

SENATOR AKSHAR: With all due respect, I think we may have missed the mark here in this particular space. I'm not being critical of you, because I know that you and I have had significant conversations around this space.

But not being able to identify harm when one is selling, in this instance as I stand here, heroin to people who are using it -- and we all know so many people are dying, right, of overdose -- I think we may have missed the mark here.

Mr. President, if the sponsor will continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: This next question I ask with the utmost respect. The system of cash bail as we once knew it, prior to 2019, does the sponsor believe that it was inherently racist?

SENATOR BAILEY: Through you,

Mr. President, the systems of justice in the United States of America have long been discriminatory towards many different classes of people, many different religions of people, many different races of people. That may include cash bail.

Cash bail, the issue with it -- as I mentioned in some of the questions by some of our colleagues, it's abhorrent. Because when you're looking to criminalize poverty and incarcerate someone based upon the amount of money that they do not have, that is what I believe is inherently problematic.

SENATOR AKSHAR: Thank you.

Mr. President, if the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: Within this reform have we included more crimes to the list of crimes that in fact are bail-eligible?

SENATOR BAILEY: Through you,

Mr. President, we have spoken at length about the scourge of gun violence in our respective communities, in Broome and the Bronx, and there was some clarifying language in relation to some offenses related to gun crimes in the statute that were added.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: No other crimes, though, outside of gun crimes specifically.

SENATOR BAILEY: Through you, Mr. President, we've looked at a lot of the cases -- excuse me, we've looked at the Penal Law -- I don't want to say incessantly, but incessantly. We've looked at it, our staff has pored over it, and we have reviewed a number of different offenses.

And we could go down the rabbit hole of every single offense in the Penal Law and determine whether they should be bail-eligible or

if -- also if incarcerating that individual actually makes that person -- actually rehabilitates. That's another statement to make.

But by and large, in the bill before us, the offenses that were changed related to gun crimes.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: I just want to go back to this issue of dealing drugs and so many people dying of overdose at the hands of other people. We've reformed this a few times.

Do you think it's possible that we may come back and revisit this issue with respect to, you know, harm to an identifiable person? And just as we're here tonight, I know that we're not going to address that. But do you think it may happen in the future in which we recognize that those that peddle poison in our communities in fact are taking the lives of our sons and our

daughters -- in fact, that maybe law enforcement would have a tool in which they could take those perpetrators off the street?

SENATOR BAILEY: Through you, Mr. President, my grandfather James T. Bailey once said, "Time is a fortune teller." So I don't -- and I'm not, so I don't know what's going to happen in the future.

What I can tell you, though, specifically related to crimes relating to the substance use disorder, statistics have shown -- and that is very clear, and very clearly shown -- incarceration is not the way to solving substance use disorder.

I know that the Senator and I, we've had many conversations as related to the opioid crisis and when it became a crisis and how it became a crisis. And it's still a crisis. We may disagree on whether incarceration is the way to manage that. I certainly don't believe so, Mr. President.

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR BAILEY: I yield.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: I just want to move to Subpart G, specific around data collection. Just give me an overview of what we anticipate accomplishing through this Subpart G of the bill.

SENATOR BAILEY: Through you, Mr. President, we wanted to again clarify and making sure that we're collecting the proper -- that when we're collecting data -- and sometimes this news report says this percentage and this report says that percentage. We wanted to make it clear about the nature of the offense, whether bail was granted, who the judge was, who the prosecutor was, and the amount and form of bail.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR AKSHAR: What will you be

comparing that data to? Because I think much of the back-and-forth or the debate, the dialogue, the disagreement, you know, some would argue that bail reform has led to an increase in crime, some would not. I'm guessing that's what you're trying to figure out, right, collect some data and be able to say anecdotally that the data points to X or the data points to Y.

What will we be comparing the data to with respect to this particular issue?

SENATOR BAILEY: Through you, Mr. President, we're not necessarily looking to compare the data to anything.

I think that we wanted to make sure we collect the data. We can't retroactively compare these specifically set data points to something prior, because these specifically set or soon to be specifically set data points do not currently exist.

Going forward, as data comes in relating to these matters, we will be able to take an objective look at what the data yields and what that means for our justice system.

SENATOR AKSHAR: On the bill, Mr. President.

THE PRESIDENT: Senator Akshar on the bill.

SENATOR AKSHAR: I thank the sponsor for his responses to my questions.

I would start by saying with respect to narcotics and the criminal sale of controlled substances, you and I agree. And I don't want anyone in this room for one moment to think that I am suggesting, by way of the conversation, that those that suffer from substance use disorder in fact should be incarcerated or find themselves locked up and not getting the help that they so desperately need.

But I think that we have to make, as a legislature, those of us in the statehouse, we have to make a very clear delineation between those that are suffering and then those that in fact are peddling poison on our streets for profit. And if we're not identifying the difference between the two of those, or handling those in a different way, I think we're failing the people of New York.

Because after all, our number-one job as members of this Legislature is to protect people. And frankly, public safety is paramount.

My biggest disappointment on all of this is that I think that there has just been this global refusal to admit the public policy failures that we all know as bail reform.

And in my heart I believe that many of us here in government, we have good intentions. But at the end of the day, good intentions without common sense, without thoughtfulness, without input from those with significant knowledge and experience -- when we don't lean on those people, we arrive here, the third iteration of trying to get it right. The third time we're coming back to this issue and trying to address it in a way that works for the people of this state.

But oftentimes I think sometimes we bow and we acquiesce to political activists. I heard that we listened, or the Majority listened to the stakeholders, they listened to the NYPD. You may have listened, but it's my position that you certainly didn't take their advice.

I think what we're seeing tonight, really, is a feeble attempt to pull the wool over the eyes of New Yorkers. But I am standing here this evening to say that New Yorkers are far too

smart. New Yorkers know exactly how negatively bail reform has impacted their day-to-day life.

And all of this is political posturing. It is political calculus. Because one of my colleagues said it earlier, that clearly the polls show that the people of New York want something done and they want this changed. But at the end of the day, Mr. President, it is clear to me, after listening to the debate, listening to the discussion, that nothing, nothing has changed. Maybe a few small things. But certainly the changes that we're debating tonight are certainly not going to keep New Yorkers safer.

Mr. President, I thank you.

THE PRESIDENT: Senator Borrello.

SENATOR BORRELLO: Thank you, Mr. President.

Would the sponsor yield some questions on Part UU, Subpart F, dealing with mental health in courts?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: All right. Thank you, Senator Bailey.

I'd like to draw your attention to -- they're underlined, so I'm assuming these are new changes regarding involuntary assessment pending release. If you go down a little bit toward the bottom, it actually says, essentially, that during a -- in order for someone to be held for a psychiatric evaluation, that the principal has to be conducting him or herself before the court in such a manner which in a person who is not mentally ill would be deemed disorderly conduct.

So the question is, if someone committed some kind of a violent act and they were arrested, they -- and it was deemed that it was due to a mental illness that this might have been the reason that they acted in this manner, would they have to then essentially act, you know, mentally ill in front of the court in order to be held?

SENATOR BAILEY: Through you, Mr. President. It's not just at arraignment, but at any time prior to that that an individual who is deemed to be mentally ill can exhibit those symptoms.

SENATOR BORRELLO: Mr. President,

will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So I appreciate that answer. I'd actually like to move on to a different subject now, if that's okay.

You said several times that tonight you're doing clarifications. Now, I've read media reports after the release of this bill that said that there are going to be changes made to bail. I got a call from a reporter: Can you tell me about the changes that are being made to bail laws, cashless bail?

I just want to clarify. You're saying that there are no changes being made, that these are just clarifications. Is that correct?

SENATOR BAILEY: Through you, Mr. President, clarification is a change.

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

THE PRESIDENT: Will the sponsor yield?

SENATOR BAILEY: The sponsor

yields.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Well, no, actually a clarification is the opposite of a change. You're just saying we're clarifying what we've already told you. That's actually the opposite of changing something, is it not?

So let me ask you again: Are we making changes to the bail law tonight?

SENATOR BAILEY: Through you, Mr. President, the initial answer to my response stands.

SENATOR BORRELLO: All right. Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: All right. So to clarify another point, another thing that I've heard is that we've talked about judges having discretion and that somehow we're giving judges discretion.

After tonight when this budget passes, will judges in New York State have discretion to hold someone based on dangerousness?

SENATOR BAILEY: Through you, Mr. President, dangerousness has never been a standard in the State of New York and will not be a standard in the State of New York after the passage of this legislation.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: I just want to make sure, because this is a very important point. So after tonight, anyone in the media that's writing a story, judges will not have discretion to hold someone based on dangerousness. We're clear on that.

SENATOR BAILEY: Through you, Mr. President, judges have never in the history of the judiciary in the State of New York had

discretion to hold somebody in bail based upon dangerousness. Never.

SENATOR BORRELLO: Mr. President, on the bill.

THE PRESIDENT: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Senator Bailey.

Senator Bailey's absolutely right. Judges have never been able to hold anyone based on dangerousness in New York State. New York actually is the only state that has tried to address changes to cashless bail and actually has not considered dangerousness.

So that's what makes New York unique. Because unfortunately the goal here wasn't to craft a responsible law, the goal here was to prove New York was the most progressive. And that's why we are where we are today.

And we can sit here and tell people that there's no correlation between the spike in crime and the changes to the bail laws. Don't believe your lying eyes, New Yorkers; nothing to see here. That's what we're telling them.

But New Yorkers know better. And in

fact, 82 percent of New Yorkers in that Siena poll that Leader Ortt referenced believe that judges should indeed have discretion to hold someone based on dangerousness.

So we can continue to tell people everything's fine, nothing to see here, or we can actually make fundamental changes -- not just clarifications -- to this failed bail reform law.

Thank you, Mr. President.

THE PRESIDENT: Senator Serino.

SENATOR SERINO: Thank you, Mr. President. Would the sponsor yield for some questions?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: Would the sponsor -- the sponsor yields.

SENATOR SERINO: Thank you, Senator Bailey.

In 2019 when this legislation was first passed, I held a press conference with law enforcement and DAs but also with domestic violence victims' advocates who expressed tremendous concerns about the safety of those they serve.

First of all, it should never have

taken all these years for their concerns to be heard, but I'm glad to see that a piece of this change includes a provision that would allow any violation of an order of protection issued by any court to be considered when making a custody determination.

But I'm totally disturbed that a number of charges that directly impact victims of domestic violence are still not bail-eligible. And that would be assault in the third degree, most stalking offenses, unlawful imprisonment in the second degree -- which for those who don't know, that's holding a person against their will, as so often happens in domestic violence cases -- and most egregiously, aggravated family offense.

So just wondering, like, what is the disconnect here? Why are there charges continually left off the bail-eligible list?

SENATOR BAILEY: Through you, Mr. President, when we initially, three months into the conversation -- you know, three months into the enacted legislation, we added some offenses to the bail eligibility list based upon direct conversations with domestic violence survivors organizations and those organizations

who support victims of domestic violence. Something that we've been very steadfast in being able and being willing to listen to groups and their concerns.

The modifications, clarifications set before us today are related to offenses, as I've stated before, related to issues related to the scourge of gun violence in our community -- all of our communities -- repeat offenders, and issues related to the clarifying language on discovery.

SENATOR SERINO: Through you, Mr. President --

THE PRESIDENT: Does the sponsor yield?

SENATOR SERINO: -- sponsor continue to yield?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: So -- and I love that you had the conversations with the domestic victim advocates and domestic victims, did you say too, Senator Bailey?

SENATOR BAILEY: Through you, Mr. President, yes.

SENATOR SERINO: So -- but I'm wondering, I know those conversations happened a while back. But they didn't happen now when you guys were just crafting this?

SENATOR BAILEY: Through you, Mr. President, we always have continuous conversations with such critically important advocacy groups.

But again, the clarifications before us today were focused upon the -- what we indicated before, related to gun violence and repeat offenders. Specifically as related to the bail eligibility.

SENATOR SERINO: Through you, Mr. President, if the sponsor would --

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: So -- and Senator Bailey, I appreciate what you just said. But when you think about the crimes that I just said, like the stalking offenses -- and this is just talking about what these items are -- unlawful imprisonment in the second degree. As

we know, that so often happens with domestic violence victims, and it's holding them against their will. These were not included.

So they are not -- domestic violence victims are not protected. And having conversations with a lot of domestic violence victims, these are very concerning to me. And I just -- I don't understand why they would not have been included.

And so those are all the questions I have for you, Senator Bailey.

And I have other questions if I could ask those at this time, because I think we're done with bail. Is that okay?

THE PRESIDENT: Sure.

SENATOR SERINO: Thank you, Senator Bailey.

THE PRESIDENT: What section?

SENATOR SERINO: Through you, Mr. President, this is for SSI for assisted living facilities.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I understand -- because we have to get Senator Krueger back out for that portion. But I

do understand there are other members who have debate on this portion. So if it's okay, we can return to that?

Great. Thank you.

THE PRESIDENT: Senator O'Mara.

SENATOR O'MARA: Thank you, Mr. President. Would Senator Bailey yield for a few questions?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Senator Bailey, on this reform to the reform bail, Part UU that we're talking about here, is it accurate that still the crimes of menacing in the first, second or third degrees are not bail-eligible on a first arrest?

SENATOR BAILEY: Through you, Mr. President, Senator O'Mara is correct.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Is it accurate, Senator Bailey, that the crimes of stalking in the second, third or fourth degrees are not bail-eligible on a first offense?

SENATOR BAILEY: Through you, Mr. President, Senator O'Mara is correct.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: Is it accurate, Senator Bailey, that the crime of failure to register as a sex offender is not bail-eligible?

SENATOR BAILEY: Through you, Mr. President, that would depend on the level of registry, the sex offender registry level that the individual was at.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.
THE PRESIDENT: The sponsor yields.
SENATOR O'MARA: Just to clarify, then, Senator Bailey, the failure to register as a sex offender, level one or level two, is not bail-eligible, correct?
SENATOR BAILEY: Through you, Mr. President, Senator O'Mara is correct.
SENATOR O'MARA: Through you, Mr. President, if the sponsor will continue to yield.
THE PRESIDENT: Does the sponsor yield?
SENATOR BAILEY: Yes.
THE PRESIDENT: The sponsor yields.
SENATOR O'MARA: Is it accurate, Senator Bailey, that the crime of facilitating female genital mutilation is not bail-eligible as a first offense?
SENATOR BAILEY: Through you, Mr. President, I appreciate Senator O'Mara's efforts to go through a number of abhorrent crimes in the penal code that we all agree are abhorrent.
To answer the question, you know,

that is not bail-eligible. But to a larger point, as I've stated previously to my good colleagues, the statute before us today relates to clarifying language as it relates to repeat offenders and issues related to gun crimes.

We could continue to go down every single crime in the Penal Law. Which would be fine, because it would continue to go by their debate limit. And so I'm willing to listen to every single crime in the Penal Law if that's what makes them happy.

But so that we can have further discussion and dialogue about the substance of this, I would answer again this is -- that abhorrent offense that you mentioned is not bail-eligible.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR O'MARA: So it's accurate, then, that the crime of facilitating female

genital mutilation is not bail-eligible, yes or no?

SENATOR BAILEY: Through you, Mr. President, asked and answered.

SENATOR O'MARA: I've got a whole list of crimes here that are not -- through you, Mr. President.

THE PRESIDENT: On the bill or are you asking questions?

SENATOR O'MARA: No, on the bill for a moment. Then I'll have another question for you.

THE PRESIDENT: Senator O'Mara on the bill.

SENATOR O'MARA: I've got page after page of crimes that are not bail-eligible still under this reform that is being sold to the public as providing more public security, making people feel safer in their everyday lives.

Pages and pages of these. I'm not going to go through them all. But there are a couple that I haven't gotten to yet. Aggravated cruelty to animals is not bail-eligible.

SENATOR BAILEY: Are you asking me or --

SENATOR O'MARA: No. No, I'm --

THE PRESIDENT: No, he's on the bill.

SENATOR O'MARA: On the bill.

And I think we're all well aware of what a precursor to larger crimes aggravated cruelty to animals can be throughout history, and several serial killers having started their criminal careers as such.

The crime of unlawful imprisonment in the second degree is not bail-eligible. The crime of burglary in the third degree is not bail-eligible. The crime of robbery in the second degree, where two or more people rob you, steal -- forcibly take property from you, is not bail-eligible on a first arrest. The crime of robbery in the third degree is not bail-eligible on a first offense still.

The crimes of arson in the third, fourth and fifth degrees are not bail-eligible on the first offense. And just to give you an idea of what that covers in the arson statutes: Intentionally starting a building on fire or causing an explosion to a building, a Class C felony -- no bail for that.

To go back to stalking for a moment, the crime of stalking in the second degree is when someone commits stalking in the third degree and displays or possesses and threatens the use of a firearm, a pistol, a revolver or a rifle, a shotgun, a machine gun, an electric dart gun, an electronic stun gun, a cane sword, a billy, a blackjack, a bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot or slungshot, shuriken -- whatever that is -- "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol -- not bail-eligible.

Third degree -- having trouble finding it here. To back up on the arson in the second degree that I described, threatening the use of all those weapons and stalking somebody -- but to get there, you have to have committed a prior stalking within the preceding 10 years. Yet that is still not bail-eligible under this so-called reform to make the public feel safe.

This Part UU of this bill is a farce. It's a cover-up. It's doing nothing to protect New Yorkers from vicious criminals to keep them off the streets. But they can go

out -- they have to commit it a second time for the judge to even consider putting bail on it. That's not what the public is expecting these reforms to be. So to sell it as anything else is just plain fraud.

Thank you, Mr. President.

THE PRESIDENT: Senator Stec.

SENATOR STEC: Thank you, Mr. President. I'm not sure if it would be Senator Bailey. I'd like to ask some questions about Part F, tuition assistance for incarcerated individuals.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I think Senator Krueger will be addressing those issues.

SENATOR STEC: Okay, wonderful.

THE PRESIDENT: Will the sponsor yield? Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

SENATOR STEC: All right, thank you, Senator Krueger. Good evening.

If I could, I'd like to start -- through you, Mr. President -- with a broad question about Part F, Tuition Assistance

Program, changing the Education Law to allow incarcerated individuals -- or, to most of my constituents back home, inmates, prison inmates -- to receive tuition assistance.

What is the purpose in New York State of incarcerating people?

SENATOR KRUEGER: The purpose of incarceration?

SENATOR STEC: Sure.

SENATOR KRUEGER: I believe it is both for rehabilitation and in some circumstances to keep people separated from the general public.

SENATOR STEC: So through you, if the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: So reform, and provide public safety.

Would you add to that punishment or deterrence from criminal activity?

SENATOR KRUEGER: I certainly don't think I would use the term "punishment." That's more of a moral action.

Again, if it's deterrence in the sense that it is keeping people separated from the general public for some period of time. So you could say deterrence, I suppose.

SENATOR STEC: Through you, Mr. President, if the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you.

Would you or, more importantly, do you think our constituents would consider providing taxpayer-funded college education as a purpose of incarceration or just a happy byproduct?

SENATOR KRUEGER: I think most citizens would be happy to see fewer people committing crimes, fewer people recommitting crimes. And the research shows that when you leave prison, if you have opportunities to move into the economy and get and keep work, you are far less likely to ever recidivise and return to prison.

So I would actually think most people would think: Hmm, they're in jail, we're paying for them to be there. For them to improve their skills and their opportunities once they get out of the prison is probably a good thing for society overall.

SENATOR STEC: Mr. President, through you, if the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you.

Are you aware, Senator, of the cost per year per inmate in the New York State system and in the New York City system? Do you know what those two numbers are, approximately?

SENATOR KRUEGER: I might need to ask someone from our correction side to join me.

(Pause.)

SENATOR STEC: I know. I can tell them. I'll answer my own question. Sure, I'll move us along.

SENATOR KRUEGER: I'm sorry,

Mr. President. While I'm looking for the answer, apparently my questioner has the answer.

SENATOR STEC: Mr. President, through you. I'll revise my question.

In New York City, according to the Comptroller, the cost to incarcerate an individual a year is $556,539 a year per inmate.

And the New York State Department of Corrections average, according to a Columbia University study from March of last year: $79,879 a year. So that the 79,879 number, I'll round it up to $80,000. Do you know what the current household income threshold is to be eligible in New York State for the Tuition Assistance Program?

SENATOR KRUEGER: The current maximum is $80,000.

SENATOR STEC: That's right.

If you'd -- the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: So the threshold for

being eligible to receive TAP in New York State is $80,000 -- coincidentally, the same amount that it costs to incarcerate an individual.

More than half of my constituents make less than household incomes of $80,000. Do you know when the last time was that the TAP threshold was increased by the Legislature? It's $80,000 right now.

SENATOR KRUEGER: Quite a few years.

Do you know?

SENATOR STEC: I do know --

SENATOR KRUEGER: Oh, I'm sorry. Mr. President, through you, if I might ask him to answer the question.

THE PRESIDENT: Does the questioner yield?

SENATOR STEC: I'd be delighted to debate myself, Mr. President.

(Laughter.)

SENATOR KRUEGER: You're doing a very good job.

SENATOR STEC: I'm not an attorney, I've never been to law school, but I do know you never ask a question you don't know the answer

to.

Mr. President, the year 2000 -- 22 years ago -- was the last time that that threshold was adjusted. Now, in today's dollars that's almost $132,000 a year -- again, for a threshold for a family.

Do you know the cost estimate --

THE PRESIDENT: Sorry. Does the sponsor -- do you yield for another question?

SENATOR KRUEGER: Of course I do.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you. My apologies.

THE PRESIDENT: I got you, don't worry.

SENATOR STEC: Thank you. Appreciate that.

Do you know the cost estimate for Part F to the taxpayer, according to the Department of Budget? Do you know how much this is going to cost taxpayers to extend tuition assistance to incarcerated individuals?

SENATOR KRUEGER: I believe it's capped at $5 million.

SENATOR STEC: This -- through you,

Mr. President, if the sponsor would continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thank you.

Does this budget tonight, or maybe in a future bill, does it include any increase to the TAP threshold? Or are we still at 80,000, the same as we were in 2000?

SENATOR KRUEGER: It's a great question. Thank you, Mr. President.

We did try. We raised it to $110,000 in our one-house. And through negotiations, it -- we were not successful.

Of course we also have the additional program that was started a few years ago to help with tuition assistance at the CUNY and SUNY systems called the Excelsior Scholarship Program that also helps to decrease costs.

But no, so far we have not been able to increase the TAP funding program.

Although I would like to add, since I think it's relevant, for many years my husband,

a college professor, pointed out instead of sending people to prison we should send them to college. It's approximately the same price for a four-year degree as one year in prison. Some will drop out, but a whole lot will get a college education and probably never need to go to prison.

SENATOR STEC: Through you, Mr. President, if the sponsor will continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Of course.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: One final question.

But as an aside, I'm pretty sure my constituents wouldn't follow that logic train. But I understand your point.

If there is no threshold income increase but an expansion of eligibility to inmates, is it fair to say that you are prioritizing criminals over law-abiding New Yorkers who are already enrolled in our universities?

SENATOR KRUEGER: Absolutely not.

We are not taking away any TAP from anyone, because we are adding $5 million to the budget to help ensure that some number of people who are currently in our prison system can improve their educational skills while in prison -- again, based on research and data making it far less likely they will ever return to our prison system, saving the State of New York endless amounts of money.

SENATOR STEC: On the bill, Mr. President.

THE PRESIDENT: Senator Stec on the bill.

SENATOR STEC: Thank you. Thank you, Senator Krueger, for your time.

The advocacy groups that come to me asking for things in higher education, the one consistent thing that comes from all of them has been a desire to see Tuition Assistance Program income thresholds increased. They have not been increased in 22 years. The kids that are graduating from college today, the last time that threshold was increased was the year they were born.

And yet, coincidentally, as I

pointed out in answering my own questions, that the income threshold of $80,000 happens to be almost the same number as the cost to incarcerate an individual. This is a funny happenstance, but it's another example of how the actions of these legislative majorities and our past executives, over the years, have -- and most recently, in recent years since 2019 -- have prioritized the needs of criminals and those that are incarcerated, those that have taken from society.

And we have made it harder in recent years, harder to earn your way into prison than ever before. If you're in prison today, you've had to do something awful in New York State to get there. Because we've legalized and decriminalized so much else.

While you're in prison today, we've taken away all kinds of deterrents and behavior controls that keep not only our staff and corrections officers safe, but the very inmates that a bill like this is looking to serve and help. We're hurting their safety by not allowing certain control measures that used to be in place in prisons.

We are now making the argument that

somehow we are better off spending taxpayers' money on giving them a college education. These are people that have taken from society. My constituents won't go for this. I reckon the vast majority of our constituents won't go for it. I'm fine going to the voters on Election Day on that issue and that position.

But I just -- I want to highlight that the $80,000 that it costs to incarcerate somebody that's preyed on society happens to be the threshold that if you make $80,001 as a family, your kid doesn't qualify for TAP. But you're going to pay for somebody that's incarcerated's college education. You ought to call it "Crime pays."

I'll be opposed to this bill for Part F alone, but there's more.

Thank you, Mr. President.

THE PRESIDENT: Senator Serino, Senator Krueger is back.

SENATOR SERINO: Thank you, Mr. President. Will the sponsor --

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: I will happily

yield.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: Thank you, Senator Krueger.

So my first question is on SSI. And, you know, facilities that are caring for our low-income individuals that are paid through SSI have only had one rate increase in more than 20 years, which has resulted in closures of these facilities across the state, as I had mentioned earlier.

In the past the Senate has championed legislation to phase in an increase to the SSI rate, which would help support some of our most vulnerable neighbors. So do you know, does the final budget contain any funding to increase this rate?

SENATOR KRUEGER: I'm sorry, Senator Serino, is there a specific part of the bill that you're referencing where you're seeing something about this?

SENATOR SERINO: Ooh, do you know what? I don't remember which part it was for the assisted living facilities.

SENATOR KRUEGER: So not in this

bill.

SENATOR SERINO: Maybe it's the final budget bill, I'm sorry. Overall.

SENATOR KRUEGER: I'd hate to give you a wrong answer, Senator Serino, but I'm not necessarily getting an answer that -- to give you.

I think that there is not an increase for the personal needs allowance in SSI for assisted living. And I think you are correct that it has been many decades and that it raises a real concern for the assisted living facilities, specifically for people with SSI. And that there are real costs involved with that.

I also, though, know that there's quite a bit of money that the Governor has intended to be used to expand the housing options and services available to people who are living in residential facilities or need residential facilities. So I don't know tonight whether there's some interpretation that could be used that would allow us to provide assistance to facilities that are financially in trouble and are taking care of, through assisted living, SSI vulnerable people.

So I'd be very interested in following up with you, after maybe 2 o'clock this morning -- that's an estimate for the end of this budget -- to see whether there's any new categories that we might be able to use creatively to assist. Because I certainly agree with you: This has been a problem for many years that only gets worse.

SENATOR SERINO: Through you, Mr. President, if the sponsor --

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Of course.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: Thank you, Senator Krueger. You know, I've been talking about this for years. And, you know, we've had financial challenges before, but with the budget being, you know, rather flush this year, I thought it was a perfect opportunity.

I know earlier when we talked about assisted living and the 1.5 billion I think that Senator Rivera had mentioned was for capital costs. So this could be available for other expenses that our seniors would use.

My other question is about home care workers. So -- because of course -- oh.

SENATOR KRUEGER: One moment.

SENATOR SERINO: Okay.

SENATOR KRUEGER: We like to give staff a workout, so they need to keep coming and going.

You know what? You get a better Senator. Senator May would love to answer your questions about home care.

SENATOR SERINO: Thank you.

THE PRESIDENT: Does the sponsor yield?

SENATOR MAY: I do.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: Thank you, Senator May.

You know, I was very disappointed to see the watered-down language involving the pay for the home care workers. The measure that has bipartisan support in this chamber would raise wages to 150 percent of the minimum wage. So is it correct that this measure only raises wages $3 per hour -- which is less than half of what's proposed under the Fair Pay for Home Care -- and

that that minimal raise isn't even immediate but actually I think it's spread out over two years?

SENATOR MAY: That's correct.

SENATOR SERINO: That's -- you know, through you, Mr. President --

THE PRESIDENT: Does the sponsor yield?

SENATOR MAY: I do.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: You know, the pandemic has exposed a massive home care worker shortage, and it's only going to get worse. We really need to do everything that we can to be able to have our seniors, who built our communities to what they are, actually be able to age in place.

Attracting qualified New Yorkers in this field needed to be a top priority in this budget, and we really failed them. So do you think a $2 per hour raise next year is enough to attract and maintain workers in the home care field?

SENATOR MAY: Through you, Mr. President. No one has fought harder than I have for the full 150 percent increase in the

minimum wage for home care workers. But there are realities in a budget, and there needed to be three-way agreement on this, and this was the amount we were able to secure.

So I hope that we will continue working to get it up to the 150 amount. We at least got -- and the Majority Leader worked very hard to make sure that it was front-loaded so that the raise in the first year moves the minimum wage upstate above the minimum wage for fast food workers. That was an absolutely key piece of this legislation for me. And I am proud that we actually managed to do that within the constraints that we had. That, at the very least, is happening.

SENATOR SERINO: Through you, Mr. President, will the sponsor continue to yield. Thank you.

THE PRESIDENT: Does the sponsor yield?

SENATOR MAY: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR SERINO: You know, there was so much money in this budget. And once again -- and I know we can all relate, right --

our seniors are always left behind. And we need to have the money for the home care workers. We have to be taking care of them.

The other part of that question, too, is the -- because this applies to our seniors and to our loved ones. Is the Family Caregiver Tax Credit anywhere in this final state budget? I believe in the one-house there was 35 million allotted for this credit that would -- as we know, it would make a world of difference for the countless family caregivers in New York who provide billions of dollars in unpaid care each and every single year.

SENATOR MAY: It is also something that is not in the budget. Also something I have fought very hard for year after year, and will continue to fight for.

SENATOR SERINO: Through you, Mr. President --

THE PRESIDENT: Does the sponsor yield?

SENATOR MAY: I do. But I would appreciate some assistance here.

SENATOR SERINO: Well, you know what? Actually, on the bill.

THE PRESIDENT: Senator Serino on the bill.

SENATOR SERINO: Yeah. Thank you, Senator May.

You know, as I said, and I talk about it all the time, our seniors are always left behind. Once again, you know, we have a perfect opportunity. We have our family caregivers -- that care credit was so important. That's left out of this bill.

You know, there are some good things, I admit, in the budget bill that I've advocated fiercely for, like school aid, of course, and long-awaited bonuses for healthcare workers.

And I'm especially proud to see a long-awaited measure in here that would finally elevate our current Division of Veterans' Affairs to a full-fledged administrative state agency, a move that will hopefully streamline and improve access to veterans' services and programs. You know, this is something that veterans and many of -- all of our communities have pushed for and that I am so proud to have cosponsored.

But unfortunately, despite these

good measures, this bill falls short. It fails to include funding for critical programs that serve our most vulnerable despite, as I've mentioned, a massive budget surplus.

And most importantly, it fails to take the public safety concerns of so many New Yorkers seriously. These changes to our broken bail laws once again were negotiated behind closed doors, pushed through for a vote late at night, as we can see, and leave many serious concerns totally unaddressed. And most importantly, it still leaves too many victims vulnerable.

You know, I thank Senator Bailey for answering some of my questions before. But what I heard in the answers was that domestic violence didn't influence change in the second changes nor did it influence change in the third changes. So not only do the domestic violence victims run the risk of being held captive by their partner, but by these laws as well.

So therefore victims of domestic violence still have no voice, nor have they been able to influence changes in this terrible bill. That is so shameful.

So once again this chamber is sending the message to criminals that New York is not willing to hold them accountable. We had the opportunity this year to do things differently, but unfortunately New Yorkers are getting more of the same. It's not right. We can do better. And we absolutely must.

I vote no, Mr. President. Thank you.

THE PRESIDENT: Senator Martucci.

SENATOR MARTUCCI: Thank you, Mr. President. Will the sponsor yield?

THE PRESIDENT: What section are you --

SENATOR MARTUCCI: I'm going to be talking about the first section -- we've changed the playbook here a little bit. I guess I'm going to go to Section II. These are questions about the proposed 485-w program.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you, Senator Krueger.

Just a question. So certainly from my perspective and the perspective of some of my colleagues, the 421-a program, which is slated to expire -- as you probably know, Governor Hochul in her Executive Budget proposal had made a proposal with respect to the 485-w program. I see in the bill language that this program has been rejected, and I was wondering if perhaps the sponsor knew if -- or what other program potentially will be taken up in a later budget bill or maybe later on in the session, outside of the scope of the budget, that would be focused on creating affordable housing in New York City.

SENATOR KRUEGER: Thank you.

So you're correct, there is no 421-a in the budget. There is no replacement for it as originally proposed by the Governor, which I believe was 485-w. So that is also not anywhere to be found in the budget.

And I think that most of the Legislature believes that the creation of affordable housing is a crucial issue, although this is a New York City-specific program because it's been funded by New York City property taxes. So speaking as a New York City resident, we

recognize that affordable housing is crucial to our future.

And we are very much interested in having conversations and coming up with a public policy that will translate into a justifiable cost-benefit ratio. The 421-a program, through research, has been shown to be unbelievably inefficient in creating any affordable housing, and recent reports show that as little as 51 units out of 8,000 built recently are actually affordable.

So I don't think if someone said to you, Give me money for 8,000 housing units and I'll build you 51 affordable, that you would put that very high up on your list of successful affordable programs. We in New York City certainly don't think it's successful. And we would love to come up with a better model.

And I would be very happy to talk to you about proposals you might have after the budget's done.

SENATOR MARTUCCI: Thank you. Thank you, Mr. President. Will the sponsor yield for another question?

THE PRESIDENT: Does the sponsor

yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Okay. So -- certainly, thank you for your response, and we look forward to those conversations to come.

So then maybe just a little bit more broadly, because it is clear that the Legislature has rejected the Governor's proposal -- you know, the 485-w -- what plan exists maybe within the budget, since that's the bill that's before the house, that would be helpful in terms of helping create more affordable housing, since this was not included?

SENATOR KRUEGER: Well, the Governor has a $4.5 billion affordable housing plan, a statewide program, in her budget, and we are moving forward with that.

So there are any number of different models that I believe that money will be going towards paying for. And again, different places in the state, different models work, so that's actually a very promising start.

I know that I've been working with colleagues from the city, the City Council,

borough presidents, city comptroller, and academics doing research about what has worked and what has not worked in the past in New York City to try to come up with better models for New York City, again, in choosing to use its own property tax money to pay for items.

I think one of the issues for us here in Albany, and we need to think hard about it, is property taxes are the only taxes we allow our localities to control for themselves. So I'm not sure why we think in Albany we are the ones to determine how those property taxes ought to be spent on any specific program -- but, rather, to actually let the localities help determine or determine completely, without any state law at all, how they would like to use their funds to get the maximum win for the kinds of housing they need.

So I personally am not convinced this should be a state program, period.

SENATOR MARTUCCI: Thank you, Mr. President. Will the sponsor yield for another question?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you, Senator Krueger.

And I certainly understand -- you know, your position certainly is one of merit, and I appreciate your thoughts on that.

With respect to those programs that you were talking about that the Governor had introduced that we're supporting in this bill here before the house, is there a number of units? Like how many units do we think, affordable units, are actually going to be produced from the aggregate of these number of programs that you were referring to before?

SENATOR KRUEGER: We believe her estimate was 100,000 with the 4.5 billion. That's a five-year plan.

SENATOR MARTUCCI: Thank you, Senator.

Mr. President, I do have additional questions but I understand that we're just logistically going to put them off for a little bit. So I thank Senator Krueger for her time, and I will be speaking with you again soon, it

sounds like.

SENATOR GIANARIS: Mr. President, Senator Kennedy has arrived, so Senator Martucci can continue.

SENATOR MARTUCCI: Mr. President, will the sponsor yield for a question?

THE PRESIDENT: Does the sponsor yield?

SENATOR KENNEDY: Yes, Mr. President, I yield.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Good evening. My questions are with respect to Part YY, the transfer of the Buffalo Bills stadium.

So, Mr. President, through you, I noticed in reading the bill that's before the house that there's a proposal to transfer property, which is the Buffalo Bills stadium, from Erie County to a corporation that's owned or will be owned by ESD, so effectively it would be translating that property over to the State of New York.

And my question is with respect to the ongoing costs of the maintenance and operation of this property. Is there an

estimated fiscal, a yearly cost to maintain this property once it becomes property of the state?

SENATOR KENNEDY: Through you, Mr. President. First of all, let me thank my colleague from across the aisle for the questions and for bringing up this very important topic.

On the bill, Mr. President, let me just start by saying how important it is that we keep the Buffalo Bills in the great City of Buffalo in Western New York. The Buffalo Bills are a part of the fabric of who we are as a community, as a region, and as a state.

And, you know, I know we talk about our sports teams with great passion in this house and in our respective communities across the state. But I can tell you there's no greater fans than the Buffalo Bills.' And I will tell you there's no greater state for the Buffalo Bills to reside in than the great State of New York.

And by the way, Mr. President, the only New York State football team, for those of you that are keeping score, is the Buffalo Bills. And the Buffalo Bills bring hundreds of millions in economic input to the state, year after year.

We -- they create thousands of jobs in Western New York and arguably across the state, filling bars, filling restaurants, filling hotel rooms. The income taxes provided by the team alone, Mr. President, is over $20 million, upwards of $27 million. And rising, by the way, as the salary cap rises.

And so we expect over the course of the length of this lease agreement -- which arguably is one of the best agreements ever signed between any football team, any community in any state -- we will see the expense of public dollars not only matched but exceeded by the income tax collected alone from the funding that the team generates. So -- in salaries alone.

So that's just for starters, Mr. President. The Buffalo Bills, the fabric of our community -- the only team in the great State of New York and a team that not only our community in Western New York can ill afford to lose, but this great state can ill afford to lose -- must stay in Western New York.

And because of that, the Governor took it upon herself, along with the county executive in Erie County and the great Buffalo

Bills organization -- which, by the way, for those of you that are paying attention, are on the rise. They had a great season -- to put together an extraordinary deal for the taxpayers not only in Western New York, but in New York State, and for those of us that are Bills fans.

And I'm hoping, Mr. President, that my colleague across the aisle who happens to be asking these questions calls himself a Buffalo Bills fan, as they're the only team to play in this great state.

Would my colleague across the aisle yield for a question?

(Laughter.)

SENATOR MARTUCCI: Mine first.

(Laughter.)

SENATOR KENNEDY: Mr. President, thank you. There's a rumor going around that my colleague across the aisle is a New England Patriots fan. Is this true?

(Laughter; booing.)

SENATOR MARTUCCI: Mr. President, I'll only answer if the sponsor yields and answers my question.

(Laughter.)

THE PRESIDENT: Senator Kennedy, would you like to answer the sponsor's question?

SENATOR KENNEDY: Repeat the -- can you please repeat the --

SENATOR MARTUCCI: I will, it's a very long time ago. I will repeat it, Mr. President.

THE PRESIDENT: You'll answer his question; he'll answer yours.

SENATOR KENNEDY: Understood, Mr. President. But feel free.

SENATOR MARTUCCI: So my question is with respect to the operating costs -- I'm guessing later we're going to talk a little bit about the capital costs of the program. But the operating costs. When this becomes part of New York State, which is what's proposed in Section YY, what's the year-over-year operating cost to the people of the State of New York?

SENATOR KENNEDY: Thirteen-point-seven million dollars, Mr. President. Through you.

SENATOR MARTUCCI: Thank you, Mr. President. Will the sponsor continue to yield?

THE PRESIDENT: Do you want to answer his question?

SENATOR MARTUCCI: I don't know what his question was.

SENATOR KENNEDY: Mr. President -- through you, Mr. President, what NFL team does my colleague across the aisle root for?

SENATOR MARTUCCI: Mr. President, through you, I'm certainly not a fan of Tom Brady, and that needs to be recorded in the record. I'm a Jets fan, Mr. President.

SENATOR KENNEDY: Ah, for --

(Reaction from members.)

SENATOR KENNEDY: Through you, Mr. President, that explains a lot.

(Laughter.)

SENATOR KENNEDY: But, Mr. President, I will yield.

THE PRESIDENT: You yield.

The sponsor yields.

SENATOR MARTUCCI: Thank you, Mr. President.

So with respect to the project as outlined, one of the things that Senator Kennedy mentioned was about the site and how important it

is to keep the Buffalo Bills in Buffalo. How was this particular site selected for this project?

SENATOR KENNEDY: Through you, Mr. President. Look -- and I will -- I will -- I'm trying to be nice to my colleague. The New Jersey Jets? I mean ...

The site was selected, Mr. President, through an ongoing process over a number of years, quite frankly. Studies were done by the local community, studies were done by the Buffalo Bills. And after many different studies and many different conversations and debates, public and private, the site was selected by the state, the county, and the Buffalo Bills to locate this new stadium, which will be the largest infrastructure project in the history of our community, in the place that has been chosen.

SENATOR MARTUCCI: Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KENNEDY: Of course.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: So, you know,

the reason I ask that question is certainly because we've heard that, you know, perhaps -- you know, maybe the site would be located in the City of Buffalo or other places in the Buffalo area.

But with respect to the actual site that was selected, I know one of the huge priorities of the Majority is meeting the goals of CLCPA and transit. Is there any transit connection plan that's going to be implemented with respect to this project? Just so that, you know, every single fan that comes to the stadium won't have to drive? Will it be connected somehow?

SENATOR KENNEDY: Through you, Mr. President, a great question.

As the chair of Transportation, I've actually been working with the chairwoman of the Erie County Legislature, April Baskin, the Buffalo Bills organization and Pegula Sports and Entertainment, as well as the Niagara Frontier Transportation Authority, to put in place more accessible transportation through the planning process and ultimately being implemented to greater connect our Western New York community to

this new stadium.

SENATOR MARTUCCI: Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KENNEDY: Yes, I will, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you, Senator Kennedy.

Through you, Mr. President, Senator Kennedy was talking about some of the benefits of the program, proposed program. Certainly economic benefits with respect to jobs and other economic activity in the region. Is there any other program connected to this proposed deal -- like say, for example, a community benefit agreement that would provide additional benefits, given the a large sum of public dollars that are being put into the program?

SENATOR KENNEDY: Through you, Mr. President, yes, there is a commitment of a community benefits agreement between the Buffalo Bills, the state, and the county.

The county executive has made it

part of his commitment to negotiate this community benefits agreement with the Western New York community. He's already established that the chairwoman of the Erie County Legislature, who I have already mentioned, will be a part of that team of negotiators in putting this community benefits agreement together.

The bottom line, Mr. President, is that this stadium is going to create -- while it's establishing itself as the home of the Bills for the next generation of Bills fans -- thousands of jobs. In construction jobs alone, 12,000 construction jobs will be created out of the gate.

There is a commitment to make sure that there is diversity in hiring, that there is a creation of, again, more accessibility and more inclusion, as well as giving back to the community. Not to mention -- let me just say this because I think it's important to mention. You know, we talk about the investment in the Buffalo Bills and the creation of jobs and the fabric of our community and ensuring that they're locked in for decades to come into Western New York. I think it's essential that we talk

about where they've come from.

You know, back in 1960 Ralph Wilson brought the Buffalo Bills to Buffalo before the NFL even existed. It was part of the AFL. And for five years, the Buffalo Bills played in the AFL.

Ralph Wilson was a founding member of the NFL. Ralph Wilson died several years ago. And what he did is he put in place a system to which the Buffalo Bills have the best chance to stay in our community. And by setting up the foundation that ultimately negotiated, the transfer to the new owners, the Pegula family, Terry and Kim Pegula, there was an establishment of a foundation, the Ralph C. Wilson Foundation. That foundation, that foundation has committed to spending in our community and in the City of Detroit, where Ralph C. Wilson spent his childhood, a billion dollars over the 20 years of this -- the existence of that funding that was brought on by the purchase of the Bills from the Pegulas.

In that commitment, that money has already been seeing the fruits of its labor take root. Right over on the waterfront, on the West

Side of Buffalo is LaSalle Park. LaSalle Park is soon going to be called Ralph C. Wilson, Jr. Park. A hundred million dollar transformation right in the heart of the City of Buffalo, right in the community of need.

Not only that, Mr. President, but there's an investment in the youth of our community. And through the Ralph C. Wilson Foundation and the board that's chartered to spend this money that Ralph C. Wilson so generously gave to our community -- after his passing and through his widow, Mary Wilson, and her team -- they have ensured that the next generation of Buffalonians and Western New Yorkers are invested in.

And so whether it's youth sports or inner city youth or capital investments, we have seen investment after investment from the Buffalo Bills take root.

And so I'm very excited about where we're headed here, Mr. President. And with that, I'll open it up to any other questions my colleague has.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I

want to remind my great colleague from Buffalo -- I know he's got great enthusiasm on this issue in particular.

(Laughter.)

SENATOR GIANARIS: But we are trying to get through the night, and we've agreed with the Minority that our time speaking is not coming off of their time speaking.

So brevity, brevity, everybody.

(Laughter.)

SENATOR MARTUCCI: Thank you, Senator Gianaris.

THE PRESIDENT: Okay. All right. Go ahead.

SENATOR MARTUCCI: Mr. President, he sounds like he was a wonderful man, I'll start by saying that.

(Laughter.)

SENATOR MARTUCCI: He certainly sounds like he was a wonderful man to Buffalo.

But if the sponsor continues to yield. I only have a few more questions, I promise.

THE PRESIDENT: Will the sponsor yield?

SENATOR KENNEDY: I will. I will, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you.

So, you know, look -- I think that one of the other questions I have sort of just in general about this is, you know, the last time that there was a stadium attempt here in New York -- and maybe I'm a little sore about it because it was a Jets attempt, right? But it was back in 2005. Very famously, then Speaker Sheldon Silver blocked this project with the use of his appointee to the Public Authorities Control Board.

You know, and today we're taking some steps to forward the transfer right now, immediately -- in this bill we're taking the steps to forward transfer of this property to the State of New York. And I'm assuming in a bill to come in the next couple of hours we're going to have some relatively large appropriation with respect to this project.

So does the sponsor have any concern that the Public Authorities Control Board might stop or block or have concerns about this project

even after we take these steps?

SENATOR KENNEDY: Through you, Mr. President, no.

Mr. President, was that brief enough?

(Laughter.)

THE PRESIDENT: Yes, Senator Kennedy.

SENATOR MARTUCCI: That was a perfect answer. Thank you, Mr. President.

Mr. President, if the sponsor will yield, I have just a couple more questions.

THE PRESIDENT: Does the sponsor yield?

SENATOR KENNEDY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: I'm trying -- you know, I'm beginning to understand this deal. Because as the sponsor is probably aware, we did not have the opportunity to review this in the Executive Budget proposal or in either one-house. So we sort of knew what we knew about this deal from press releases, the news, what we heard about -- Twitter was a great source of information on this project.

And one of the things that we see today is that the state is actually going to own this stadium. Are there any other models like this anywhere else in the country where a state owns an NFL stadium?

SENATOR KENNEDY: Through you, Mr. President, I am personally unaware in this moment.

However, what I do know is that not only in New York but in other communities across the country, the public has played an integral role in ensuring that sports teams either stay in or are attracted to respective communities.

And without the commitment that we are seeing today that was put in place with the leadership of Governor Hochul, County Executive Poloncarz, and the Buffalo Bills to ensure that the Bills stadium is created in Western New York, and the Buffalo Bills stay in Buffalo -- on September 1st, the Buffalo Bills organization has the ability to go speak to other cities, according to the contract that they signed about a decade ago. That means that other cities and other states are going to be able to start bidding and whispering in their ears what those

cities and those states will do to attract the Buffalo Bills to their community.

We didn't want to lose the leverage of ensuring that the Bills stay in Buffalo. So the timing was absolutely perfect to get this deal done. I'm proud that this deal was sealed. And I'm excited that next year, when the Buffalo Bills win the Super Bowl, we're going to be celebrating in Buffalo and not some far-off distant place, Mr. President.

SENATOR MARTUCCI: Thank you.

Mr. President, will the sponsor yield for a final question?

THE PRESIDENT: Does the sponsor yield?

SENATOR KENNEDY: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Thank you, Mr. President. Through you.

And certainly I'll understand if the sponsor would prefer to answer this when we have the bill that contains the appropriation for the stadium in front of us. But if you're able to answer it now, that's perfectly fine as well.

But we've been hearing a lot about

what the public share is for the stadium, and there's been a lot of questions about the size of the public's share with respect to the capital project. You know, we're hearing a tremendous sum of money from the Seneca Nation. We're hearing about $250 million from the county, Erie County, where you call home. And then we're hearing about some additional state money glued together.

So could you outline the capital funding structure of this deal and the use of the public dollars in the project?

SENATOR KENNEDY: Yes, Mr. President, I would be thrilled to outline the capital portion of this budget during the capital conversation of this budget.

SENATOR MARTUCCI: Thank you, Mr. President. Understood, and fair enough. So we'll talk about that later.

On the bill.

THE PRESIDENT: Senator Martucci on the bill.

SENATOR MARTUCCI: First of all, I want to thank my colleague Senator Kennedy for answering my questions and giving me a history

lesson on Russell {sic} Wilson, who sounded like an amazing person to Buffalo and a -- certainly a great New Yorker.

But, you know, look. Mr. President, of course we want to keep the Bills here in the State of New York. Even us Jets fans want to make sure the Bills stay here. But what we want to make sure is that it's a fair deal for the people of the State of New York, because we're being asked to pony up a huge sum of money on this project.

And as I called out before, the concern is that we didn't have an opportunity to review this in either one-house, we didn't see it in the Governor's Executive Budget proposal. We read about it in the news, we found out about it via press release.

And this is really our opportunity to air this out. So that's why I wanted to ask Senator Kennedy those questions and get those clarifications.

But again, like I said, this is certainly not about not wanting the Bills, this is about making sure we deliver a fair deal for the people of the State of New York.

One of my colleagues said it before, is that there are realities in the budget and, you know, hard decisions have to be made in the budget. And again, my concern is just making sure that we look at the realities of this project and we're making sure that we're using public dollars in an appropriate way, as we always should be.

Thank you, Mr. President.

THE PRESIDENT: Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President. Would the Senator yield --

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR TEDISCO: -- answer some questions? Thank you, Senator, very much.

Senator, before I ask you just a couple of questions -- because I know we've got to be a little bit quicker, we're getting into the midnight hours here -- I just want to go on record because I don't want to leave tonight you thinking or anybody on that side thinking that we don't support criminal justice on this side. We

do. And I think you do. And I think all of us in this room do.

But we have a different concept of what leads to that. You know, we support a just, equitable, fair system for alleged perpetrators and certainly for the victims. And as you're reflective over there, I hear what you're saying, because your constituents --

THE PRESIDENT: Senator Tedisco, are you on the bill or are you asking a question?

SENATOR TEDISCO: Yes, I'm going to ask him a question.

THE PRESIDENT: Well, wait, no. Are you on the bill or -- not both, it's one or the other. Are you on the bill or asking a question?

SENATOR TEDISCO: I'm asking a question.

THE PRESIDENT: Okay. All right.

SENATOR TEDISCO: And leading to my question about you and I and everybody else wanting to have a good criminal justice system, we have a different concept of it.

And our constituents are very concerned about the fact that these are not

minimalistic crimes we're talking about. We don't want anybody stealing a banana or taking a shirt or doing these small, simple crimes.

What we're talking about -- and this is going to lead to my question about what their concerns are, so you better understand from my vantage point. And I think what you're hearing from my colleagues, they have the same vantage points, from what we're hearing, and we're reflective of that, because we're representatives.

We hear a lot about -- and I'll give you an illustration. And I'll ask you this question now. Senator, there are these individuals who have committed very serious violent crimes in the past. Okay? Maybe a violent robbery where someone was seriously injured or a burglary or a mugging or even a murder.

And then they ask us, when they go before the judge, why can't the judge consider -- and maybe it's in this third generation of what you're doing in terms of reform. Why can't the judge consider the violence that took place in the past when it's some of these, as Senator

O'Mara said -- he's given you a pretty good list. Let's face it, when you knock down an old lady and take her pocketbook, I think you agree that's a violent crime. But you probably can get released for that, I would imagine.

So is there anything in here that allows a judge, with someone that comes before them, to consider the violence that took place in the past? Because they're concerned about that. Chronic individuals, committed several violent crimes. Now, semi-violent, you might call them; I think we call them more serious crimes.

Is there any consideration for that in this so-called criminal justice cash bail adjustment?

SENATOR BAILEY: Through you, Mr. President. Senator Tedisco mentioned in his question the notion of violent felonies. Violent felonies are currently bail-eligible, depending on the nature of the offense, and they would remain bail-eligible depending on the nature of the offense.

But I'd like to point out -- and Senator Tedisco and all of our good colleagues on the other side of the aisle, about -- and you

spoke about this, I think it's the perfect time to illustrate that -- that the American justice system is based upon and predicated upon the presumption of innocence until proven guilty.

When I hear crimes enumerated and whether they're bail-eligible or not, the last I checked, that bail does not automatically lead to a conviction. The last I checked, the accusations are not dispositive of convictions.

So to answer the initial question, it would depend on the nature of the offense. And they have been considered, based upon the repeat offender language, considered in this new iteration, as you refer to -- part three, as you said, of this legislation.

SENATOR TEDISCO: Will the gentleman yield?

SENATOR BAILEY: Absolutely.

SENATOR TEDISCO: So what kind of crimes could the judge look at, the previous violent crimes, and say I'm going to have to take you off the street because I feel you're a danger to yourself or a danger to others?

SENATOR BAILEY: Through you, Mr. President, criminal history is always able to

be reviewed by a judge in determining whether an offense is bail-eligible.

SENATOR TEDISCO: They can use that as a factor to take them off the streets?

THE PRESIDENT: Will the sponsor yield for --

SENATOR TEDISCO: Yes.

SENATOR BAILEY: Absolutely. Absolutely.

THE PRESIDENT: The sponsor yields, okay.

SENATOR TEDISCO: And they can use that as a factor to take them off the streets?

SENATOR BAILEY: Through you, Mr. President, in determining whether the offense is bail-eligible, yes.

SENATOR TEDISCO: Let me ask you this.

THE PRESIDENT: Senator Tedisco, through the chair, ask the sponsor to yield.

SENATOR BAILEY: I yield.

THE PRESIDENT: The sponsor yields.

SENATOR TEDISCO: Yeah, I'm used to being in the Assembly.

THE PRESIDENT: I know, but we're

not there.

SENATOR TEDISCO: We just talk it out. We're just like a freak show out there, you know.

(Laughter.)

SENATOR TEDISCO: Okay. Through you.

THE PRESIDENT: Yes, good. Does the sponsor yield?

SENATOR BAILEY: Yes, Mr. President.

THE PRESIDENT: The sponsor yields.

SENATOR TEDISCO: What also they don't understand is we've given individuals the opportunity -- I know they're alleged, in terms of their crimes. They come before the judge and certainly judges have told us, you know, Sure, I felt this person was a danger to himself or herself or others, but I couldn't take them off the streets, cash-bail type of thing, so I had to let them go. My constituents don't understand.

When they run and they don't show up, they've been given one chance, one bite at the apple, okay. And then our law enforcement, who have arrested them once, has to go chase them

down and arrest them again. And while they're doing that, Senator, there are other serious crimes taking place.

The suggestion in your deal is these are not serious crimes so, you know, they come back. And then what happens when they come back, it seems as though they're doing double taxpayer dollars to get them, bring them back, serious crimes are taking place, we're using our men and women power, taxpayers' dollars to arrest them again. And it seems as though they're also letting go again, maybe, a second time when they come back. And then again, we don't give the judge discretion to say, We gave you one bite at the apple and you didn't come back for justice.

At some point they've got to go before the court, even though they're alleged to have committed this crime. They haven't shown up to face the justice system.

And that's their concern. Is there any change in this thing for that?

SENATOR BAILEY: Through you, Mr. President, I was able to glean that the question is related to an individual, an accused individual's rate of return to court. Would that

be accurate, Senator Tedisco? I just want to --

SENATOR TEDISCO: Sure.

SENATOR BAILEY: Okay. So --

SENATOR TEDISCO: -- broken the law when they didn't show up, even though they were alleged. They were supposed to show up, given the ticket.

SENATOR BAILEY: Through you, Mr. President. Generally speaking, the return of -- the rate of return of individuals to court is generally very high. And even if an individual does not return to court, there are remedies that are available.

SENATOR TEDISCO: Would the gentleman yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR TEDISCO: And a second byproduct is that when they leave and are not showing up, they commit another crime. Don't you think that if they committed another crime when they're supposed to be coming before the justice system from the one before that the judge should

have the opportunity, at least in those instances, to say: We've given you one bite at the apple. How many bites can we give you when we release you and you commit another crime?

That's not bailable, okay, according to the rules. But there's a big list there that seems to be. In that instance, too, the judge -- there's nothing in here for the judge to make a determination?

SENATOR BAILEY: Mr. President, again, the clarifying language that we set forth in the statute is related to repeat offenders.

So I think, depending on the nature of the offense that the Senator is speaking about, that this is precisely what the intent of the soon-to-be statute -- we hope -- would effectuate.

SENATOR TEDISCO: Okay, would the gentleman yield again for a question.

THE PRESIDENT: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

THE PRESIDENT: The sponsor yields.

SENATOR TEDISCO: Let me ask you a question about a law I put in place, authored a

while back -- I thought it was very important, and to this day I realize how important it is. It's called Buster's Law.

Are you familiar with it?

SENATOR BAILEY: Through you, Mr. President, Senator Tedisco has a great heart for animals, and I am aware of Buster's Law, yes.

SENATOR TEDISCO: Senator O'Mara alluded to that. The story of Buster's Law is this. We didn't have much respect for animals --

THE PRESIDENT: Senator Tedisco, are you on the bill?

SENATOR TEDISCO: No.

THE PRESIDENT: You're asking a question, okay.

Does the sponsor yield for another question?

SENATOR BAILEY: Sure.

THE PRESIDENT: The sponsor yields.

SENATOR TEDISCO: Buster was a cat that someone doused kerosene on, lit on fire. And it was on TV for about three or four weeks. They just kept showing the picture. Everybody was rooting for the cat to live.

Eventually the cat passed away. I

don't think I ever got more calls from constituents -- not only across the state, but the nation -- about this little cat that was on TV for two or three weeks, had tubes all coming out of him, everybody was rooting for him, and he lost his life and died.

So I went to the chief of police and I said, "Chief, can't you go out and find this person, this perpetrator, and arrest him?"

He goes: "It's a violation."

"It's a violation?" I said, "Well, what should it be?"

He said, "It should be a felony."

I said, "Not a misdemeanor?"

"No, it should be a felony."

"Why?"

"Because, Senator, you know what people do who harm animals after they harm animals?"

I'll answer it because she's talking to you. They go on to hurt people.

Now, it's not me saying this. The FBI puts animal abusers on A level for an indicator that they're going to go on to hurt human beings. Let me give you a list of them.

Son of Sam, Ted Bundy, Daumer, the Columbine kids all had a history of abusing animals before they went on to become serial murderers. It's not me saying that, it's the FBI.

The Animal Cruelty Felony Bill was put in place under the name of Buster. We were one of the first states in the nation on that bill that I authored in the minority and worked it through -- I don't know if Mr. Gianaris was there or not there. Were you there then when we did Buster's Law? Yeah. And -- yeah. We got it done, though, and then a lot of other states followed.

But you got a whole group of people out there who love people and love animals. I mean, when you think about animals -- our K-9 units, what they do for our veterans. I know a woman that has a dog that could indicate if her child is low or high on insulin and saves that child's life several times during the course of a night.

My question to you is -- and this is what they're asking me. We used to have Animal Advocacy Day. We can't do that now. We used to have an Animal Advocacy Committee because we

understood the nexus between harming animals and harming people. We don't have that anymore here.

But I'll ask you. That felony of harming -- in a serious, violent way -- animals, is that bailable now?

SENATOR BAILEY: Through you, Mr. President.

First, let me say thank you for your work on Buster's Law. Thank you for your advocacy for animals.

I am not certain, depending on the nature of the offense -- if you could please give me the specific nature of the offense and the charge, I could tell you whether it is bail-eligible or not.

But the point I'm making -- Senator Tedisco, if I may -- is again the law before us, or the proposed law before us relates to clarifying the intent of the Legislature as related to gun offenses and repeat offenders.

I don't question how heinous a crime against an animal is. That is not questioned by me or -- I don't believe anybody in this house, elected or not, would agree that a crime against an animal is not a heinous offense.

What I would say is that under what we have contemplated on this specific piece of legislation, it relates to, again, repeat offenders -- because that's been a question -- and gun charges.

So -- but to answer your initial question, if you would be able to provide the specific nature of the offense.

SENATOR TEDISCO: The offense is you got charged with Buster's Law, animal cruelty felony. You're charged with animal cruelty felony, charged with animal cruelty felony under Buster's Law. That's not bailable if you're brought before a judge.

SENATOR BAILEY: The offense of animal cruelty, eligible -- the offense that Senator Tedisco mentioned would not be eligible for bail.

SENATOR TEDISCO: Thank you, Senator. I appreciate you taking the time to answer those questions.

On the bill.

THE PRESIDENT: Senator Tedisco on the bill.

SENATOR TEDISCO: Look, we had a

Governor -- who is gone now, thankfully -- who totally lacked transparency and was very supportive of this, signed this bill. And then we had another governor after he left, and both of them really didn't want to do much about this whole thing, until -- until a poll was taken and all of a sudden an opponent of your governor sitting on the second floor was a point behind or a point ahead or maybe is tied right now, and all of a sudden there was a 10-point plan, a 10-point plan for the criminal justice system to address it.

Now, you don't bring forth a 10-point plan unless the people of the State of New York want to change a system which you put in place, first of all said you were going to adjust, secondly, and failed the people again because -- and then didn't support your governor at the beginning when she said, I want to reform your plan. She had to bring you kicking and screaming to do that.

Now, it's been mentioned but I'll just repeat it as I close here. This does nothing to change what's happening to our constituents across the state. They're being

victimized. This is a revolving door of danger and disaster. It was done in secrecy.

If you want to correct this, repeal it, bring back law enforcement, the judiciary, our district attorneys, get in a room and do something realistic that could really make it a fair and just system.

This isn't smoke and mirrors, it's just smoke. It's window dressing. It's to show I've got a nice shiny object here, look how shiny it is. But the object doesn't accomplish anything. And it's -- certainly the shiny object that you and the governor's holding, I don't think it's going to close that poll. In fact, I think there's going to be problems in November, and I think the wave is a different color this time.

Thank you, Mr. President.

SENATOR O'MARA: Senator Stec.

SENATOR STEC: Thank you, Mr. President. I have questions on Part L and Part O. I'm not sure who to ask to --

THE PRESIDENT: Senator Krueger.

Does the sponsor yield?

SENATOR KRUEGER: Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: All right, thank you, Senator Krueger. I promise this time I don't have the answers to the questions I'm going to ask you. I'm going to rely on you.

Part L -- through you, Mr. President, if the sponsor would entertain the first question regarding expanding income eligibility for childcare subsidies.

Approximately how many additional families would be eligible for childcare subsidies with this expanded income eligibility? How many new families?

SENATOR KRUEGER: We believe 396,000 children will be eligible.

SENATOR STEC: Three hundred ninety-six additional children or --

SENATOR KRUEGER: An additional 396,000 children.

SENATOR STEC: Thank you.

Mr. President, through you, if the sponsor would yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Okay, great. While this provision increases eligibility to serve an additional 396 {sic} children, which is good news, what plan is there to increase childcare workers or centers to meet the increased need for childcare? It's great that we're making more children -- 396,000 more children eligible, but being eligible doesn't get it done.

What is the State of New York's plan for increasing childcare workers or centers to meet the increased need?

SENATOR KRUEGER: I apologize. I thought I heard the question, so I started to give an answer, but then your question went on. So if you don't mind --

SENATOR STEC: I asked the question twice, but I'll ask it a third time.

SENATOR KRUEGER: Thank you.

SENATOR STEC: While this provision increases eligibility for childcare, what plan does the State of New York have, either currently or in the budget, to increase the number of childcare workers or centers to meet the increased need for childcare?

SENATOR KRUEGER: Thank you.

Between last year's budget and this year's budget, we're putting in a total of 150 million more dollars to expand capacity of childcare centers in this state.

SENATOR STEC: Thank you.

Mr. President, through you, if the sponsor will yield again. Part O.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: I will.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: All right. Now, going to Part O, juvenile justice -- or, I'm sorry, the maximum state aid rates for voluntary agencies.

How many counties currently do pay the hundred percent of the applicable rates published by OCFS for care provided to foster children? How many counties are already at 100 percent?

SENATOR KRUEGER: Section O is on foster care, not childcare. Just wanted to make sure, double-checking.

So how many counties -- I'm afraid

we don't know how many counties have 100 percent coverage. If, through you -- is this another one of those questions as a lawyer you know the answer to?

SENATOR STEC: No. I told you I didn't know.

SENATOR KRUEGER: Okay.

SENATOR STEC: I wasn't kidding.

SENATOR KRUEGER: We'll have to get back to you on that one.

SENATOR STEC: All right.

Mr. President, through you, if the sponsor could yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, of course.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: You'll see now where I'm heading, though.

Has the state provided additional funding for the implementation -- assuming, I'm sure it's safe to assume that 100 percent of the counties are not at 100 percent. So has the state included additional funding for this mandate?

SENATOR KRUEGER: So no, the state doesn't have any additional funds.

But it's not a mandate to get to a hundred percent immediately. There's a phase-in over a period of time. So hopefully between what counties can do without additional help and the expectation that the state will have to deliver that extra help, we won't have a problem.

But it would be a good issue for us to keep our eye on.

SENATOR STEC: Thank you, Mr. President. If the sponsor would yield for one more question.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR STEC: Thanks, Senator Krueger. And thank you for your time today. It's been a long couple of days for all of us, especially you, so I appreciate that.

Clearly the point of my -- where I'm going is I'm concerned, as a former county official myself -- and most of us have local government roots -- very concerned about the

state writing additional unfunded mandates on our localities.

Do you know what the approximate cost to counties might be to implement -- become fully up to the 100 percent mandate that we're putting in tonight? Understanding that we've got a phase-in period and maybe a future budget might address this. But do you have an idea what the size of that mandate is?

SENATOR KRUEGER: The estimate is that to hit 100 percent for the entire state would be approximately $200 million, of which 110 million would be New York City-specific.

SENATOR STEC: Thank you.

Mr. President, on the bill briefly.

THE PRESIDENT: Senator Stec on the bill.

SENATOR STEC: Thank you, Mr. President.

You know, clearly this is an example -- an important issue we all want to support. We all want to do right by our children. But again, it's really easy for us to sit here in Albany and issue mandates and tell local government, This is what you're going to

do, and then not provide the funding. That's passing the buck. It's not leadership.

We do this a lot. We've done this for decades. So the burden on this doesn't fall certainly to any individual in this room. But we're carrying the ball now, and we need to make sure that going forward, we're mindful of these mandates. It's not enough to just say something ought to be so. We need to have a plan to responsibly pay for it, whether it's this issue or any other issue that we deal with in this chamber.

And then pivoting back to the Part L, you know, about the need for more -- it's great to make more kids eligible, but whether the kid is eligible or ineligible, the kid doesn't know that he doesn't have access to it because there's not enough workers. And there's a lot that we can be doing to help our childcare situation by facilitating entry into the business of providing childcare.

An ombudsman program or a program that the state could take on to facilitate the process of the bureaucracy -- most people that get into childcare do it because they're

passionate about kids and they want to help kids and they want to raise kids and they want to help raise kids. But they're not bureaucrats, they're not all accountants, they're not all safety experts. And there are so many well-intended barriers to entry into that line of work placed on them through bureaucracies like those that we oversee that are deterring people, good people, from wanting to get into this line of work.

So perhaps a good investment in the future would be to provide a way to streamline it, because we still want them to all have a safe environment, we don't want to just not regulate it and then have a tragedy happen. That's the furthest thing that we want.

But there should be a way for us to streamline this so that we can pair up more kids with willing childcare providers so that we're doing right by our kids. It's not enough to just throw money at a problem; sometimes we've got to come up with innovative solutions.

So that's the purpose of my two questions on these two areas today. It's an area I think we generally agree on. But we need to look one or two steps down the board and come up

with some more detail behind that to make sure that it works and we're not just throwing money at a problem.

Thank you, Mr. President.

THE PRESIDENT: Okay. Debate is now closed.

The Secretary will ring the bell.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President.

You know, some will say that with many pieces of my Universal Childcare Act included in this budget, I should be presenting it as a victory. And perhaps that would be the politically advantageous thing to do.

Some will say that this is an unprecedented win for us. And given the historic underfunding that created the childcare crisis, they are absolutely correct.

The trouble is when the Universal Childcare Act was never about scoring political points, and when we said that this crisis cannot be meaningfully addressed with less than the Legislature's budget proposals, it wasn't a tactic. We meant what we said. This is not a game, it is an emergency.

Our entire economy is precariously balanced on the backs of underpaid childcare workers and overburdened families. One by one, across the state, those backs are beginning to break. This year's budget does not come remotely close to addressing this crisis. That is why the Governor is working so hard to mislead the public with half-truths and empty platitudes after actively negotiating against childcare funding.

As if this were not bad enough, she has also chosen to explicitly exclude undocumented children, and she has packaged this shamefully inadequate childcare investment with a disgusting rollback to civil rights at the eleventh hour. This bill not only fails all of New York's children and families, it actively reinforces mass incarceration.

If the Governor thinks she can call

it a day on childcare, she is deeply mistaken. Throughout my 10-week childcare listening tour across all of New York State, parents and childcare workers were perfectly clear: Settling is not an option. This fight is a matter of survival -- for their families, for their communities, and for the entire childcare sector.

I stand with them today as I vote nay on this bill, and I will stand with them tomorrow as we renew the fight for universal childcare in New York.

Thank you.

THE PRESIDENT: Senator Brisport to be to be recorded in the negative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

My colleagues, I rise after many days of intense negotiations, and in good faith we are called to vote today on a budget that invests in the future of our state. However, this isn't called the Big Ugly for nothing. It's a cruel irony that this bill includes investments in one of the things that I hold to be the most fundamental in addressing public safety and

inequities -- and that is education -- while also making changes to criminal justice that slides us back to a culture of discriminatory practices that has caused long-term damages in our community.

So here we are, Mr. President, deciding on whether or not to vote on a bill that acknowledges the importance of investing in education, workforce and family while considering last-minute proposals provided by the Executive that are based on fear, not on the needs for access for mental health support and interventions, dignified and deeply affordable housing, and healthcare. Not to mention an irresponsible and terrible deal with a billionaire who is more than capable of paying for this stadium without state funds.

On behalf of the children of New York State, I thank you for the continued phase-in of Foundation Aid to support all schools in providing students their constitutional right to a sound, basic education.

I now look forward to another cause to walk 150 miles. In providing the long overdue funding, we have to go further by creating

accountability to those dollars and accomplish what the evidence says works, and that is reducing class size.

I look forward to discussing with my colleagues Senator John Liu and Senator Shelley Mayer my bill on updating the language in the Contract for Excellence, and I am happy to see that for the first time in a very, very long time, mayoral control is no longer a political tool used in a budgetary process. We took it out of the budget and can now have thoughtful conversations with all stakeholders, many of whom we heard from in a hearing held earlier this year by my colleague John Liu.

I proudly sponsor Turn on the TAP, S4464, to repeal the ban preventing people who are incarcerated from receiving tuition assistance. Providing college opportunities by restoring TAP awards for incarcerated people is critical for their future and the betterment of our society. It helps reduce recidivism and offers them dignity and opportunities to gain employment and a productive life after incarceration.

It is the kind of investment that

makes sense. And I thank all the parties involved, including the advocates, for making this happen.

But today, Mr. President, we continue to address New York's workforce development and infrastructure needs by needs to be more just and compassionate. And I'm very pleased that the Senate negotiated --

THE PRESIDENT: Senator Jackson. Senator Jackson --

SENATOR JACKSON: -- changes in Tier 5 and Tier 6, making sure New Yorkers who work mandatory hours are being afforded the opportunity of not being penalized for their dedication by a pension investment period that is reduced from 10 years to five years. It is something to rejoice --

THE PRESIDENT: Senator Jackson.

SENATOR JACKSON: -- but more needs to be done, Mr. President. And I look forward to working with labor and my colleagues to realize the full menu of reforms so that the state can attract and retain a talented and diverse --

THE PRESIDENT: Senator Jackson, how do you vote?

SENATOR JACKSON: Yes, Mr. President?

THE PRESIDENT: Please. You have a two-minute time limit.

SENATOR JACKSON: How do I vote?

THE PRESIDENT: Yes, sir.

SENATOR JACKSON: Can I finish this so I can explain my vote?

THE PRESIDENT: So you can explain your vote? You weren't explaining your -- Senator Jackson.

SENATOR JACKSON: Okay, let me just put these two pages down and I'll come to the last page, Mr. President.

(Extended laughter.)

SENATOR JACKSON: I just put it down.

There's a great deal of good in this bill, undermined by the bad process that forces poor billionaires' deals and policy changes that have nothing to do with making our lives safe.

And I thank the Majority Leader, Andrea Stewart-Cousins, the Deputy Majority Leader, Senator Gianaris, my colleagues, and all of the staff for their hard work.

I vote aye for the good --

THE PRESIDENT: Praise the Lord.

SENATOR JACKSON: -- with the hope that we can come together as a state in unity to raise up all New Yorkers.

THE PRESIDENT: Senator Jackson to be recorded in the affirmative.

(Cheers, applause.)

THE PRESIDENT: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President. I promise to be brief.

I just wanted to comment on three things on the debate. I will be voting yes on this bill.

First, I want to say that nobody in this room has done more to help our seniors and more to fight for home care and did more for nursing homes than Senator May.

And I just want to comment that when we hear remarks -- and we heard them earlier, it had to do with the COLA -- that when folks who are in the Minority who used to be in the majority and presided with the former Governor over 10 years of disinvestment in the human

services sector, and then criticizes the folks who are trying to reinvest, to me that's just cynical politics. That's point one.

Point number two. On a happy note, I want to thank Senator Mayer, I want to thank Senator Liu, I want to thank Senator Stavisky, I want to thank Senator Jackson and our leadership with the Majority Leader, Andrea Stewart-Cousins. When we became the Majority, it was our joint pledge to restore Foundation Aid, and education was our number-one issue. And this budget advances Foundation Aid, it advances pre-K, it advances childcare, and we are continuing to make those observations.

Finally, I want to thank Senator Bailey for his courageous work in a very, very complex field. I want to just put a couple of facts on the record. I'm not here to debate criminal justice reform.

We hear the NYPD cited quite frequently as the bellwether of information. A lot of NYPD members in my district. I have the highest regard for them. However, their own statistics show they solve less than 30 percent of serious crime in New York City.

So it doesn't matter whether we're talking about bail or remand if we are not catching the perpetrators of violent crime. If they know they have a 70 percent chance of going free, I think that's something that we should be talking about.

Point number two, bail versus remand. When the commissioner of DCJS testified at the budget hearing, her figures were more people out on bail reoffend than people out on remand reoffend -- those are DCJS numbers -- 30 percent to 20 percent.

So let's look in the case of New York recently where a woman pushed an old vocal teacher to the sidewalk to her death. She was freed on $500,000 bail because her mother put up the bond. Are we safer because she is out on bail and someone who might have done something similar is not?

THE PRESIDENT: Senator Harckham.

SENATOR HARCKHAM: I will finish in one moment.

(Laughter.)

SENATOR HARCKHAM: Last point, Mr. President. I want to talk about what makes

neighborhoods safe. I have, if you look at the FBI statistics, some of the safest communities in the nation in my district. And it's not because they over-police Black and brown communities, it's they have good institutions, great schools with robust after-school programs, access to great healthcare, to jobs, to transportation.

And those are the things that we should be focusing on in every community so we have the holistic foundations for success and safe communities.

I vote aye. Thank you.

THE PRESIDENT: Senator Harckham to be recorded in the affirmative.

SENATOR GIANARIS: Mr. President.

THE PRESIDENT: Yes, sir.

SENATOR GIANARIS: I implore my colleagues, please, it's 10:30 p.m. We have three more bills to go. We have a two-minute limit on vote explanations. Let's stick to it.

And, Mr. President, please enforce the rule.

THE PRESIDENT: Will do.

Senator May to explain her vote.

SENATOR MAY: Thank you,

Mr. President. Short (waving paper).

Over the last year I have had the privilege of working hand in hand with the Caring Majority, a diverse, beautiful coalition of people who dedicated months of their lives to the struggle for Fair Pay for Home Care -- coming to Albany, visiting their legislators, attending rallies, telling their stories.

Skilled home care workers explaining how they love their jobs but can't afford to feed their own kids or buy health insurance on minimum wage. People who depend on care who literally live with the fear that they won't be able to get out of bed in the morning because they can't find caregivers. Family members whose love has lit up the Capitol as they advocated for spouses, parents or children who just want to live independent, dignified lives.

To these champions: You have not gotten what you asked for in this budget. But everyone across the state has heard you and seen you. I would not do this work -- I couldn't do it if I didn't have the heart of an optimist. And I say to you, this budget is not the end. This is a start.

Between the $3 raise and indexing to the minimum wage, upstate home care workers could see a rise of almost $5 an hour in coming years.

Thanks to your advocacy and the tenacity of our Senate Majority Leader, our state is committing in this bill to the biggest investment in home care wages any state has ever made. Please know your stories are seared into our hearts. We will not forget them. You have taught us to move forward with love, no matter the barriers.

Mr. President, I vote aye. But please tell the Governor: We will keep fighting until we achieve true fair pay for home care.

Thank you.

THE PRESIDENT: Senator May to be recorded in the affirmative.

Senator Biaggi to explain her vote.

SENATOR BIAGGI: Thank you, Mr. President.

In the wake of our former executive's unethical behavior and a much-needed change in executive leadership, today's opportunity to establish a new ethics body that can finally turn the page on the endemic

corruption in New York State government unfortunately misses the mark.

I want to be very clear that I have long advocated for repealing JCOPE, New York State's ethics body, and building an entirely new and independent ethics entity from the ground up. I was proud to chair two hearings last year to further that goal. But I cannot in good conscience support the proposal that we are advancing today.

While this bill does make improvements that are good, it still fails to correct the structural shortcomings of JCOPE, and unfortunately all that it feels like we are doing is painting over mold without removing the rot.

This proposal allows political appointees. And furthermore, the only safeguard here is law school deans who essentially are laundering the names of the political appointments without any kind of clear direction.

I also want to address the rollbacks to bail reform in this bill. We cannot forget that making a crime bail-eligible does not mean keeping someone in jail. It means keeping someone in jail only if they are poor. I'll

repeat that. Bail only serves to keep someone in jail if they are poor.

Cash bail is an inherently unfair system, and it does not advance safety in our communities. It was simply not set up to do so.

I also want to say that criminal justice reform and victims' rights are not in contrast to each other. As a survivor of sexual assault, I am incredibly committed to victims' rights, but I'm also committed to criminal justice reform.

And let me also be clear. Communities are safe when people are housed. Communities are safe when schools are fully funded so that every child in every zip code has access to high-quality education. Communities are safe when people have access to affordable healthcare, when a person has the opportunity for a well-paying job so that they can make a living wage.

So much of our conversation around criminal justice reform is focused on what happens after the gun goes off. Let's be real and focus on what happens before the gun goes off. Because the reality is that the only way

that our communities will truly be safe is by investing in them to make sure that every human being, not just in New York but in this entire country, is actually able to have a life that is one with dignity.

Yes, I vote in the negative. And I will just finally say that instead of investing in our communities, our Governor also insisted on handing out corporate welfare to the fifth-highest-paid owner in the NFL, and I firmly oppose that.

Thank you very much.

THE PRESIDENT: Thank you.

Senator Biaggi to be recorded in the negative.

Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Mr. President.

There is a great deal of policy in this budget that I fully support, and in this bill as well. And I thank the staff and the leader of our conference for their unrelenting work to secure investments in public education, in workforce development, in childcare, and much more.

But I cannot vote for this bill, primarily because I cannot accept an expansion of the criminalization of poverty.

In 2019 we passed changes to the law that have had a profound positive impact in the lives of countless New Yorkers, particularly in my district -- and eliminated some of the racially discriminatory practices in our legal system.

There is no evidence or data that supports any claim that bail reform has led in any way to or been connected to a rise in crime. And yet the changes in this bill will result in even more individuals being held in pretrial detention, more people being held in jail without having been convicted of a crime, many more people torn from their families, from their homes, their jobs, their education, due to being accused of a crime and unable to pay the ransom for their freedom.

We cannot legislate based on reactionary scare tactics, and for that reason I vote in the negative.

THE PRESIDENT: Senator Salazar to be recorded in the negative.

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

I'd like to thank my colleagues on the other side of the aisle for a spirited debate.

The reason I want to thank them is because of a word called credibility. You are all credible in your districts; otherwise, you wouldn't be here.

It is incumbent upon credible people to notify those who trust them to tell them the truth. We've spoken about a number of offenses about being bail-eligible, as if that means that someone is guilty. Has anyone in this room been accused of something that they didn't do? I dare to venture yes. Should we say that you are that thing that you were accused of without fair due process? I dare to say no.

Bail was defined, according to New York courts -- I just want to make sure -- the security given or posted to ensure the future appearance of a defendant. Our very own court system. It doesn't say anything about punitive. It doesn't say anything about incarcerate because

of dangerousness. It says nothing of the sort.

Credibility. It is incumbent upon those who are credible, those of you -- those of us who are attorneys, if we needed a witness we require, we call on an expert witness. You are the expert witnesses in your communities. It is incumbent upon you to tell them the truth about what bail is and what bail is not. To guarantee a return to court -- nothing more, nothing less.

As far as discovery goes, this was a conversation that was had between many parties -- district attorneys and defenders -- and it was to clarify language that we had in good faith, to make sure that the wheels of justice continue to work well.

I'm grateful to our leader, Andrea Stewart-Cousins, for allowing me to be the chair of the Codes Committee and allowing me to be able to have these conversations.

To all my colleagues, regardless of your political affiliation, I thank you for your work here in this chamber. I thank you for your work on this budget.

My vote on this budget is related to the African principle of ubuntu: I am because

you are. And with that being said, Mr. President, I vote in the affirmative.

THE PRESIDENT: Senator Bailey to be recorded in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I'm the chair of the Health Committee in the Senate. And at the beginning of the process, ironically enough, I would have told you that this was the best budget that I've seen in the time that I've been here. And it is true. As a matter of fact, much of what was in that original budget is still in this budget.

And I would say three weeks ago, if you would have asked me if we'd have passed it on time, it would have been an early budget, it would have been a great budget, I would have voted for it proudly.

However, I'm very sad to say our staff has not failed, our leader has not failed, Governor Hochul has failed. Governor Hochul has failed because three weeks before we were done with this budget, all of a sudden injected into the conversation were budget issues that had

nothing to do with the budget, Mr. President.

And you know very well because, sadly, you were going around defending these actions which the Governor took, which ultimately meant that here we are, eight days after April 1st -- or seven days after April 1st, and we still do not have a budget. But we will have one today.

I know that every budget is never perfect -- no budget is ever perfect. And I know that this bill has things in it that I've paid -- that I fought for. We have versions of fair pay in here that I can live with. We have versions of the worker bonus that I can live. We have Medicaid expansion or Essential Plan expansion versions that I can vote for.

But I cannot and will not vote in the positive on this particular bill because of the process and because of what is ultimately in this bill. Every Big Ugly is ugly. This one I'm sad to say is uglier. I've said it many times that the Governor that we have today is not the sociopath that we had before, and I repeat it today. She is a good person. I believe that.

But she failed us, Mr. President.

She failed us because ultimately she put a bill in front of us which has all sorts of things that have nothing to do with the budget, she held everything back for the sake of what seems to be political trickery. And I am very sad to say that. She is a good person, but this is not a good budget bill. I cannot and will not vote for it.

I vote in the negative. Thank you, Mr. President.

THE PRESIDENT: Senator Rivera to be recorded in the negative.

Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Mr. President.

As a freshman legislator and as a businessman, I cannot support this measure, and vote in the negative.

Thank you.

THE PRESIDENT: Senator Mattera to explain his vote.

SENATOR MATTERA: Thank you, Mr. President.

On this bill, this is interesting, I

was looking forward to seeing some kind of a bill that was going to be productive. You know, and I was listening to Senator Bailey, and I was watching him, I watched his facial expressions, you know, about the questions, especially with Senator O'Mara going down a list of 261 offenses. We would have been here all night to go through all these lists of crimes that are not bail-eligible. And then finally Senator Bailey went and just said, Please, you know, let's stop.

You know, this bail reform does not work. It didn't work the first time. It did not work the second time. And the third time it was not the third time a charm. This is a failure. It is a failure for the process, it's a failure for this budget. This bail reform needs to be repealed totally, and get the professionals at the table. Get our district attorneys, get our PBAs, and get our judges to the table and let's fix this right the first time.

This should not be in with the Bills stadium. This is -- this is something so important, the most important part of the budget. Everybody knows in this room and everybody in New York State knows that bail reform was the

most important thing for this legislative body to make sure we were going to fix it right this time. And you know what? This has failed.

Law and order is so important for our families, our friends and our neighbors. And you know what? Our law enforcement lost their tools because of bail reform. I'm in the plumbing industry. I go to someone's house, I don't have tools to fix your plumbing. That's what we did to our law enforcement. We took the tools away from them to do their job.

You know, I can sit there and say all day long about what happened here today. But I'm going to say it again: The reason why I'm voting no, Mr. President, for this bill is because it needs to be repealed. And guess what, the third time it did not work.

Thank you.

THE PRESIDENT: Senator Mattera to be recorded in the negative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Mr. President.

I will be voting aye on this bill, but not because I think it is perfect. There are

things that I wish were in this bill, like coverage for all. I wish that we could have delivered for the Caring Majority, the group that fought so hard and so valiantly to raise the wages of home care workers so that everyone across our state can live with dignity and respect, and those workers can live with dignity and respect.

I wish we were able to do everything that they wanted, but we did get a start. And I rise today to pledge to them that this is just the beginning of our fight. This is just the beginning of our work to make sure that everyone is paid fairly and that everyone can receive the home care that they need.

There are things in this budget that are incredibly exciting. We still have record education funding, expanded UPK slots, pre-K slots for people across our district. We have expanded the Farm to School program to finally include breakfast, making sure that students across our state will eat good, healthy, locally sourced farm-fresh food, making our students healthier.

We've elevated the Division of

Veterans' Affairs to the New York State Department of Veterans' Services, which is critical to get our veterans the support that they need and something that I know Senator Brooks and so many others have been fighting to do for years.

We are doing Tier 6 reform, helping our public employees.

And while it is not enough, we have started our universal childcare expansion and something that many families in my district will be able to take advantage of.

There is a lot more that we should be doing, but that's because we have decades of disinvestment and underinvestment that we are working as a body to undo. That is going to take billions and billions of dollars to undo the work that we are now saddled with.

And so while I wish that we could do it all at once, I wish that we could be standing here celebrating all the wins that we set out to achieve just a few weeks ago, I'm proud of the steps that we've been able to take in the right direction, and for that I vote aye.

THE PRESIDENT: Senator Hinchey to

be recorded in the affirmative.

Senator Ramos to explain her vote.

SENATOR RAMOS: Mr. President, this budget bill is ug-ly. How ugly is it? It's so ugly that it really does put a lot of the burden on women of color, women who look like me.

If we're not the ones being incarcerated for crimes of poverty, then we're left as single moms. And if we happen to work in the care economy -- in home care, in childcare -- this budget does nothing for us there either. And if you happen to be an undocumented mom, like my mom once was, well, this budget doesn't help you with healthcare or with the childcare services or perhaps your home care wages either.

And so I can't help but feel tremendously disappointed to see that we haven't done anything to truly address what this budget should do, which is the recovery after the pandemic.

And look, I had the honor of passing excluded workers in the budget last year. I did expect to do more. There's 75,000 eligible excluded workers who applied and have been ignored. There's 100,000 additional estimated

excluded workers who are going to go on without a cent of economic recovery following this pandemic. And these are essential workers. We all clapped for them at 7 o'clock. We trust them to clean our homes, we trust them to help us raise our children, to care for our aging parents. And yet we have nothing to show for them but a damn stadium.

And to me, that's just completely outrageous, that this is our response to the people of New York having faced one of the most difficult times of our lives.

Just to briefly address the budget reform stuff. You know, I don't really believe that it's our job as a society to become harm-doers too. It's about honoring victims by ensuring that the wrongdoing doesn't happen again. And that's not throwing people away in a dungeon.

To me, this debate is much more about where people go. Harmdoers should be identified at arraignment, should be evaluated at arraignment, should be treated, Medicaided by a clinician. Not a judge, not a prosecutor, not any expert in the law.

And so to me, it's much more about honoring the presumption of innocence. And I just feel very disappointed about how the process for this in bill transpired, and I will be voting nay.

THE PRESIDENT: Senator Ramos to be recorded in the negative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President. And I rise to proudly vote aye on this bill.

From the perspective of someone who has been around this place and this institution for many years, when you think back on how many years it took Senator Jackson and others in this chamber to get to full funding of Foundation Aid -- something that, notably, no one wanted to debate here. Everyone is taking it as a given. It is not a given. This was a war to get this full funding of Foundation Aid. We got it last year because of the persistence of our Majority Leader and the Speaker of the Assembly and our colleagues on this side of the aisle and the other side of the aisle. And this year we have the second tranche of that money, getting to

80 percent of what every district is owed. An enormous investment in every child in this state, in expanded full-day pre-K for 4-year-olds outside the City of New York. Never on -- never ever on the table before. Now it's on the table.

When you talk about Fair Pay for Home Care, I share the disappointment of my colleague Senator May who did such a valiant job. But we got our foot in the door. We got our foot in the door to begin a conversation that had been ignored for years.

And lastly, on criminal justice reform. I was proud to support the reforms that this Majority Conference brought to the table. But I also have called for change. And credit to our Majority Leader, and credit to Senator Bailey, for finding a way forward to address legitimate concerns of our constituents and finding a path forward.

That is the challenge of us as legislators, to have respected that what we can do to make meaningful change. And we have done that in this budget. Is it perfect? Absolutely not. Is any budget here perfect? Absolutely not.

This is a substantial step forward on issues that have been around a long time, were ignored by so many people up here, and now are finally getting addressed in the right direction.

I proudly vote aye.

THE PRESIDENT: Senator Mayer to be recorded in the affirmative.

Senator Liu to explain his vote.

SENATOR LIU: Thank you, Mr. President.

It's been a -- you know, a very eventful last few weeks. Lots of emotions, lots of passion. As it should, because we're all elected to represent our constituencies, our communities in the best way possible.

This budget has a lot of things that you've got to hold your nose about. At the same time, it is a budget that we must proceed with.

And as Senator Mayer and others have mentioned, we continue our commitment to public education all across the State of New York. For the first time in decades, we're reversing the disinvestment in our public universities, CUNY and SUNY. For the first time in decades, we're reversing the disinvestment in our home care

workers by advancing fair pay. Not to the amount that we'd like, but it is still a significant advancement. And for the first time we're also starting to invest in infrastructure and childcare.

Not a perfect budget, as pretty much everybody has said. But we need to move forward, do the job that we were elected to do.

Mr. President, I vote yes. And since I have time remaining, I yield my time to Senator Kennedy.

(Laughter.)

THE PRESIDENT: Senator Liu to be recorded in the affirmative.

Senator Cooney to explain his vote.

SENATOR COONEY: Thank you, Mr. President.

Now, I wasn't in office when we first had the conversations in these chambers about bail reform, but I'm here now. And I'm so proud to represent my hometown of Rochester.

But let's be clear. It is still an injustice that the size of one's wallet would determine whether or not someone sits in jail. And it's important to me and the constituents

that I represent that we do not continue to criminalize poverty.

However, it is also important to my district that we increase public safety, we prioritize getting illegal guns off of our streets, and we hold those charged with repeat offenses accountable. That's what we're doing in this bill right here tonight.

Like many cities in the wake of this pandemic, we continue to be plagued by increased rates of gun violence. This past year in Rochester we had 81 homicides -- 81 homicides. This is a top concern for our community leadership, our new mayor, Malik Evans, our sheriff, Todd Baxter.

But it's also for our neighborhood leaders, our local law enforcement and the families and the victims of these crimes, including Julius Greer, whose 14-year-old son was shot dead just at the beginning of this year.

These are commonsense revisions to public safety in this budget that will save lives and also increase that feeling of safety that so many New Yorkers seem to have lost.

I am so proud to be part of a

Majority under the leadership of our Majority Leader, Andrea Stewart-Cousins, who leads, who looks and listens to what the community needs.

I will be voting aye.

THE PRESIDENT: Senator Cooney to be recorded in the affirmative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

Senator Bailey pointed out that the purpose of bail is to ensure that someone returns to face their trial. Well, I can tell you that this is not just an issue of credibility, it's also an issue of the urgency that we need to make real changes, not clarifications.

Because in the little town of Ischua, in my district, last month there were 15 people that were given appearance tickets to appear before the judge for criminal charges. Zero of those 15 people showed up. So how are we guaranteeing that people are going to show up for their trial when we don't apply bail?

Now, the interesting part of that is

10 of those 15 were from the previous month, so this was their second strike.

We have people there at the courts that are there to obviously handle those cases. That's a tremendous amount of resources for a little community like that. And we failed them.

And tonight what we have said is we're doing some clarifications to bail. I've heard a lot of consternation, a lot of handwringing about changes. But I asked the question, and the answer was very clear: They're clarifications.

We need to repeal this disastrous law. And by the way, speaking of credibility, I'm not sure why bail changes are in a bill about education and labor. I don't see how that's credible.

So as a result, I'm voting no.

Thank you, Mr. President.

THE PRESIDENT: Senator Borrello to be recorded in the affirmative {sic}.

Senator Reichlin-Melnick to explain his vote.

Oh, I'm sorry, I apologize. I did not mean to offend you.

(Laughter.)

THE PRESIDENT: I'm sorry. Senator Borrello to be recorded in the negative.

Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you very much, Mr. President.

And it's late, so I'll be brief.

I think there are some great things in this bill, some things less great, a lot of half-loaves, but one very full loaf that I'm happy to celebrate, and that's the continued funding of Foundation Aid for our school districts.

I'm new here, this is my second year in office. But for so many years leading up to last year, school districts all over New York never got the money they deserved from New York State.

My colleagues in the Senate Majority fought for that, none harder than Senator Mayer, the Education Committee chair, and finally last year we were able to get the first of a three-year phase-in of Foundation Aid, bringing billions of dollars -- 1.4 billion last year, 1.5

this year -- back to our schools. We'll do it again next year. That's money that makes a huge difference for kids, for teachers, for families, for our property taxpayers who are going to see their taxes hopefully held flat.

In my district last year when we phased Foundation Aid just partway in, more than half the districts I represent, the school districts, held property taxes flat. That's what people elected to come here and do, to look out for kids, look out for our taxpayers. I'm delighted by that.

And I'm glad to see that this bill starts making the investment we need in childcare. I agree with my colleague Senator Brisport, who fought for this; it does not go far enough. We can and we should do more. And I hope that we will, in future years. But I'm glad to see a renewed push for childcare, that we're going to get more into it.

I also understand where my colleague Senator May is coming from. She's been fighting for the fair pay for home care for so long. This bill starts us down that path, and it raises wages. Again, it does not go as far as I think

almost everybody in this chamber would like to see, but it gets us further than we've gotten in a very long time.

And I always believe that getting a half a loaf or three-quarters of a loaf or however much of a loaf you want is better than taking nothing.

And I am very happy that we are moving things in the right direction, and so I proudly vote in the affirmative for this bill.

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I think I'm going to take part of Senator Kennedy's time -- just kidding. Just kidding.

So change comes sometimes incrementally, sometimes slowly, and sometimes painfully slowly. So just to keep things in perspective, this is my 18th budget. In 2005 we passed the budget on time that year, March 31st. We actually stopped the clock, and we passed the

budget. And the budget in 2005 was $112 billion.

Eighteen years later, it's $220 billion. So that means in that time we have doubled the investment in the State of New York. And what have we spent that money on? We spent it on things like fully phasing in Foundation Aid, which started under Governor Eliot Spitzer. It took that long to finally get there. We've invested in expanding access to education, to healthcare, to Child Health Plus. Change comes incrementally and slowly.

Now, is there a lot of good in this budget? Yes. You've heard from my colleagues; I'm not going to reiterate all of them. Some of them, though, I think are definitely worth mentioning. Closing the -- fully funding the TAP gap, extending it to part-timers and non-degree students, that's a real game-changer for people. I believe it's right that we extend it to inmates because the best thing we can do is educate people so they don't go back to prison. We want them to become fully functioning members of our society.

The investment in childcare is not enough, but it's a start, Senator Brisport. It's

a start. Change comes incrementally, and we continue working on that. Tier 5 and 6 fixers, we absolutely have to do that.

Here's where we need to continue to make good change, though. I am profoundly upset about the fact that we are continuing this child welfare financing model, we're just saddling the localities with more of the responsibility. We need to fix that. Next year, you all need to fix that.

We need to fix the unfair funding formula for Raise the Age. Saddling localities with it, they're not getting anything for it.

I support the efforts of everyone on trying to make the necessary changes to our bail reform law. And I really appreciate how hard and difficult this was for so many people, particularly for Senator Bailey, who worked so -- so hard on this. This was personal for him, and I think we should be recognizing how hard this was -- and particularly for Dorothy Powell, who put her heart and soul into trying to make sense out of a law that most people in the general public do not even understand.

But again, change comes slowly and

incrementally. Who knows where we'll be in 18 years from now, what size the budget will be. But with the right people here and their hearts in the right place, the investments can only get better.

I vote in the affirmative, Mr. President.

THE PRESIDENT: Senator Savino to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 752, those Senators voting in the negative are Senators Akshar, Biaggi, Borrello, Boyle, Brisport, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Ramos, Rath, Ritchie, Rivera, Salazar, Serino, Stec, Tedisco and Weik.

Ayes, 37. Nays, 25.

THE PRESIDENT: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

The members should know it's our intention to push through to conclusion on the

budget tonight. And now we, I think, are in a position to break for party conferences.

Please recognize Senator Palumbo.

THE PRESIDENT: Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President.

There will be an immediate Republican conference in Room 315 of the Capitol.

Thank you.

THE PRESIDENT: There will be an immediate Republican conference in Room 315 of the Capitol.

Senator Gianaris.

SENATOR GIANARIS: And there will be an immediate Democratic conference virtually, so check your emails for the link.

THE PRESIDENT: There will be an immediate Democratic conference virtually.

SENATOR GIANARIS: The Senate will stand at ease.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:05 p.m.)

(Whereupon, the Senate reconvened at

3:00 a.m.)

THE PRESIDENT: The Senate will come to order.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

First of all, let's take care of some administrative business.

Pursuant to Rule 5, I move that we stay in session past the hour of midnight.

THE PRESIDENT: So ordered.

SENATOR GIANARIS: And now there will be an immediate meeting of the Finance Committee in Room 332.

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:00 a.m.)

(Whereupon, the Senate reconvened at 3:19 a.m.)

THE PRESIDENT: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there's a report of the Finance Committee at the desk.

Let's take that up.

THE PRESIDENT: The Secretary will read.

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

Senate Print 8000E, Senate Budget Bill, an act making appropriations for the support of government;

Senate Print 8003D, Senate Budget Bill, an act making appropriations for the support of government;

Senate Print 8004E, Senate Budget Bill, 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 Finance Committee.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let's take up the supplemental calendar, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 753, Senate Print 8000E, Senate Budget Bill, an act making appropriations for the support of government.

SENATOR GIANARIS: Is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted, and the bill is before the house.

The Secretary will read.

THE SECRETARY: Calendar Number Calendar Number 753, Senate Print 8000E, Senate Budget Bill, an act making appropriations for the support of government.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President. I rise in order to vote in favor of this legislation.

Let me just find the piece here.

As a proud SUNY New Paltz alum, I recognize that funding public higher education shapes the future of our state for the better. And because CUNY is among the most vital resources Black and brown communities have, as a

vehicle that develops future leaders, we know how crucial adequate funding for SUNY and CUNY is for students, like many in my district who face significant academic and economic challenges.

At this moment we are approaching these challenges with bold ideas and a vision that allows us to meet the benchmarks of a progressive education representing our diverse state. Our state and city public university systems are the pride and joy of New York. Let's keep them in this standing by providing operational and structural funds and make CUNY free again. There is no greater vision than to invest in New York by committing to a New Deal for CUNY and SUNY that will support educators and students, providing a better future for all New Yorkers.

Mr. President, I proudly say aye.

THE PRESIDENT: Senator Jackson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 753, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Brisport, Gallivan, Griffo, Helming, Jordan,

Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Salazar, Serino, Stec, Tedisco and Weik.

Ayes, 40. Nays, 22.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 754, Senate Print 8003D, Senate Budget Bill, an act making appropriations for the support of government.

SENATOR PALUMBO: Lay it aside.

SENATOR GIANARIS: Before we do that, Mr. President, is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted, and the bill is before the house.

SENATOR PALUMBO: Lay it aside, please.

THE PRESIDENT: Lay it aside.

SENATOR GIANARIS: Mr. President, we're going to take a pause in going through the calendar now.

Let's move to the controversial calendar.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 754, Senate Print 8003D, Senate Budget Bill, an act making appropriations for the support of government.

THE PRESIDENT: Senator Martucci.

SENATOR MARTUCCI: Good morning, Mr. President.

THE PRESIDENT: Good morning.

SENATOR MARTUCCI: Will the sponsor yield for a question.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Good morning. Certainly.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Good morning, Senator Krueger.

Through you, Mr. President. My question is with respect to the OTDA section, specifically with respect to ERAP, the Emergency Rental Assistance Program.

So it's my understanding that right now there are about 318,000 ERAP applications that have yet to be reviewed. Is the funding that's being allocated in this bill for ERAP enough to provide relief for those who have applied but not yet received any money from the program?

SENATOR KRUEGER: Thank you. We'll accept your number for how many applications are pending.

There is $800 million additional in this budget to help pay down the cost for the applicants. We don't believe that is enough. We think that the applications pending may total as much as $1.6 billion in arrears that we would love to be able to pay.

We still have applications in to the federal government for additional funds. And

because ERAP was allocated through several bills, with an understanding that if certain localities didn't use the money they were authorized to receive, that that would become money available to other states who did need it.

So we have received a supplemental payment of 100 million, approximately, from ERAP 1 -- excuse me. So we have already received 300 million additional through the second round for ERAP 1.

But there's also an ERAP 2 that we have not yet learned what we could be eligible for. So we are optimistic that that will be additional money coming in from the federal government. And we will continue to use that to pay down applicants based, I think, in the priority order of when they applied. Is that right? Yes. So on a first-in, first-out model.

SENATOR MARTUCCI: Thank you, Mr. President. Through you, will the sponsor yield for another question.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

THE PRESIDENT: The sponsor yields.

SENATOR MARTUCCI: Through you, Mr. President.

If there's one thing we've learned over the last year it's that the state had a habitual inability to get this money out the door. It took months and months for OTDA to get that money out the door. It was a very, very slow process. I know my office received lots of calls from tenants who were making applications to this program, as I'm sure did many of the offices of Senators in this room.

Is there anything being done in this budget to help streamline that process so that the applications work a bit faster and that this money gets out in a better way than it did last year?

SENATOR KRUEGER: So I completely agree that when the program started there was enormous delays and it was extremely frustrating. And I think you're right, probably every Senator heard from constituents about this.

But it did really seem that once they figured out how it was working and what they needed to do and the computer system that they had quickly pulled together, that things sped up

significantly.

We also have a new commissioner of OTDA, and a new Governor. And I personally have found his office to be very much on top of these issues with -- and we have had conversations about ways to speed up the process.

SENATOR MARTUCCI: Mr. President, on the bill.

THE PRESIDENT: Senator Martucci on the bill.

SENATOR MARTUCCI: First, I want to thank Senator Krueger for answering my two questions.

The only thing I want to say, Mr. President, is that I too am hopeful that we're going to be able to get this appropriation out the door, into the hands of our tenants that need it, into the hands of our landlords.

And I would also say that one of the other problematic issues that's been going on is that folks have been able to apply to a program that doesn't have any money in it. And what that means is that these applications get backed up, and what it means is that these rental arrears just grow and grow and grow. And as they

balloon, our landlords are put in a place where they still have to maintain their buildings and support their properties without any reimbursement.

So again, sort of harkening back to the same time last year when we stood on the floor and said the same thing, we're glad to see that this is here. We want to make sure this relief gets where it needs to go, which is designed for our tenants, into the hands of our landlords. I look forward to that happening in a better way than it did last year.

Thank you, Mr. President.

THE PRESIDENT: Senator Borrello.

SENATOR BORRELLO: Thank you, Mr. President. Will the sponsor yield for a question.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: As long as it's not about cannabis.

(Laughter.)

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: No, it's not.

SENATOR KRUEGER: Wait, I'm so

sorry. The topic that you're going to ask about?

SENATOR BORRELLO: I want to talk about unemployment insurance.

SENATOR KRUEGER: My colleague, the chair of Labor, would love to talk to you about that.

So, Mr. President, through you, I'm going to hand it over to Senator Ramos.

THE PRESIDENT: Does the sponsor yield?

SENATOR RAMOS: I do.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Thank you.

Through you, Mr. President, do you happen to know what our current unemployment insurance deficit is here in New York State?

SENATOR RAMOS: Nine-point-five billion.

SENATOR BORRELLO: Nine-point-five billion, with a B.

Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR RAMOS: I do.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Do you happen to know what the projected interest assessment surcharge from the federal government is on that 9.5 billion?

SENATOR RAMOS: This year it's around 250 million in interest.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RAMOS: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Do you know who pays that? Who's supposed to pay that money?

SENATOR RAMOS: Employers. The experience rating on employers.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RAMOS: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Do you happen to know how many states have dedicated their federal

pandemic relief money to filling the craters that were created by the pandemic for their unemployment insurance funds?

SENATOR RAMOS: I don't. Please tell me.

SENATOR BORRELLO: Is that a question, Mr. President?

THE PRESIDENT: Would you like to form a question?

SENATOR RAMOS: Sure.

THE PRESIDENT: Will you yield for a question?

SENATOR BORRELLO: Yes.

THE PRESIDENT: You want to ask it?

SENATOR BORRELLO: You have to ask the question now.

SENATOR RAMOS: Well, why don't you tell me how many other states.

SENATOR BORRELLO: It's 32. Thirty-two states have dedicated their funding. New York obviously is not one of those 32.

Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR RAMOS: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Are there any plans in this $220 billion budget to dedicate any funding to filling that $9.5 billion crater that was created by bad policy, essentially, here in New York State?

SENATOR RAMOS: We do not have any state funding going towards this purpose, but we expect to have everything paid off by 2028.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RAMOS: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: When you say "we," who is "we"? Who is going to pay that off?

SENATOR RAMOS: The State of New York, through the contributions of the employers.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR RAMOS: Yes.
THE PRESIDENT: The sponsor yields.
SENATOR BORRELLO: How is the State of New York going to pay that?
SENATOR RAMOS: It's through the experience rating of the employers, like any other insurance policy.
SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?
THE PRESIDENT: Does the sponsor yield?
SENATOR RAMOS: Yes.
THE PRESIDENT: The sponsor yield.
SENATOR BORRELLO: So it's not New York State, then, you're saying, it's the employers, the people of New York State that are going to pay that.
SENATOR RAMOS: Yes.
SENATOR BORRELLO: Mr. President, on the bill.
THE PRESIDENT: Senator Borrello on the bill.
SENATOR BORRELLO: So here we are talking about what we're going to do for the people of New York State and our businesses, the

small businesses that were devastated. We've done a lot -- negatively, unfortunately.

This crater, $9.5 billion, was created certainly as part of the pandemic, but it was largely created by bad policy, the policy that allowed anyone to quit their job and collect unemployment. That's really what this was about. To this day, right now, you can still quit your job in New York State and collect unemployment. And that burden is being borne by every single employer in New York State.

We also don't know how much fraud we had in our system. I asked Commissioner Reardon about this during the hearings, the budget hearings. She doesn't want to know. The Governor doesn't want to know. It's got to be a huge number. California is somewhere in the area of 25 billion and growing. But here in New York, we're just going to cover our eyes and pretend it didn't happen.

So New York State's not paying this 9.5 billion, the employers are. The interest, everything else. It's going to take more than a decade of every single employer in New York State paying the maximum rate in order to cover that

deficit. That's what we've done for the employers of New York State, the people that pay into that system. We have maxed them out for a decade. And we have the money to pay it, like 32 other states, and we haven't done it. It's disgraceful.

That's what we are doing for the employers, the small businesses that employ half of the people in New York State. We're kicking the can down the road and telling them we're not going to do a damn thing about it. I think it's a disgrace.

And therefore, for that and many other reasons, I'll be a no on this bill.

Thank you, Mr. President.

THE PRESIDENT: 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.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Ramos to

explain her vote.

SENATOR RAMOS: Yes, thank you, Mr. President.

I'm voting aye on this bill. I actually wanted to really just add a few things.

There are actually some employers that haven't paid into the fund, and I want to especially highlight Uber and Lyft, who before the pandemic were granted unemployment insurance for their drivers, for the for-hire vehicle drivers, and yet they have not paid into our unemployment insurance system, not one cent, to this day. And I guarantee you that that's a lot of money that may end up putting a burden on our smaller businesses, which is something that I worry about tremendously.

I just wanted to add that for the record. Thank you, Mr. President.

THE PRESIDENT: Senator Ramos to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 754, 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, 42. Nays, 20.

THE PRESIDENT: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, we're going to stand at ease momentarily while we await some paperwork to arrive.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:36 a.m.)

(Whereupon, the Senate reconvened at 4:20 a.m.)

THE PRESIDENT: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Okay, Mr. President, can we return to the supplemental calendar.

I think there was one bill still remaining.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 755, Senate Print 8004D, Senate Budget Bill, an act making appropriations for the support of government.

SENATOR GIANARIS: Is there a message of necessity at the desk?

THE PRESIDENT: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

THE PRESIDENT: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The message is accepted, and the bill is before the house.

SENATOR PALUMBO: Lay it aside, please.

THE PRESIDENT: Lay it aside.

SENATOR GIANARIS: Can we move to the controversial calendar.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 755, Senate Print 8004D, Senate Budget Bill, an act making appropriations for the support of government.

THE PRESIDENT: Senator Martucci on the bill.

SENATOR MARTUCCI: Thank you, Mr. President.

I rise to discuss some concerns I have with respect to the bill, specifically on something that I was talking about a little bit earlier this evening -- or I should say yesterday evening; now I'm talking about it again this morning.

And I was hoping to get some straight questions and some serious answers about funding for the Buffalo Bills stadium. I know my constituents have concerns about the deal, and I think many New Yorkers do too. And since I struggled to get those answers, I was able to dig through the bill to try to understand a little bit about what this deal is and exactly what it's costing New Yorkers.

And I think, you know, at quick

glance there are several appropriations that are totaling hundreds of millions of dollars. I think I came up with $602 million. I think that after we have some more time to take a look at the bill, perhaps we'll confirm that or the number might be a little different. But in either case, we're talking about a really, really big appropriation here.

And, you know, my colleague said that this was one of the best deals for New Yorkers, this was an awesome deal. But what I can see concludes me to lead {sic} that this is probably one of the worst deals -- probably one of the worst deals in sports history, maybe perhaps setting a new record, the worst deal since Bobby Bonilla fleeced the Mets back many years ago, and he's still getting a paycheck today many, many years after his retirement.

And what we found out earlier today was that the State of New York is even going to take the stadium over and pay some operating costs for many, many years.

So, you know, this deal remains, to me -- I'm very skeptical and I have a tremendous number of concerns. It reminds me of another

deal that happened in Buffalo not that long ago that cost the taxpayers of this state lots of money, a billion dollars, and did not bring the taxpayers the promised jobs or meet the goals that we had anticipated.

You know, in preparation for coming out here, I even came across a letter that was signed by five of my colleagues in this room. And I kind of wish I knew about this letter before, because I would have signed onto this letter. Because I think this letter is dead over the target with respect to concerns on this project.

My colleagues wrote: "This proposal, negotiated in secret and only announced days before the final budget is due, would represent the largest public subsidy to an NFL team in history."

So, you know, first I would tell my colleagues who signed onto this letter, I think you're absolutely right and I agree with you completely.

You know, the -- this deal is not a partisan issue, Mr. President. You know, there are some of my colleagues who don't agree with

me, there are some on the other side of the aisle that do. So this is certainly something that transcends politics in this chamber.

But I would agree that since we're asking taxpayers to pay hundreds of millions of dollars in this deal, I think it certainly warranted a bit more sunlight, a bit more review, not only by this body but by the public and by others before we were bringing it to the floor and passing it here today.

In fact, somebody who is undoubtedly an expert on this budget proposal, the chairwoman, expressed her concerns as well, and I would tell you that I associate myself with your concerns and your comments with respect to this project as well.

Mr. President, I'm not a fan of this deal. It is a bad backroom deal where I feel like -- and I think many of us feel like we've significantly overpaid. You know, as Senator Kennedy said out here a little while ago, this deal was to prevent the Bills from moving to another city. And I would tell you that I certainly don't want to see the Bills go to another city, but at the same time I don't want

to see our taxpayers here in New York be taken for a ride.

So for that reason, again, I think that this project warrants more consideration of this body, more public review and consideration, and it still remains a tremendous concern of mine. And it is one of the reasons that I'll be voting in the negative when it comes time.

Thank you, Mr. President.

THE PRESIDENT: Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President. Will the sponsor yield for just a couple of quick questions, please.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Krueger. I just have a few line-item questions and then I'm going to have a few questions about the Bills, the Bills with a big B. But we'll talk about this first, if you don't mind.

In "Economic Development," the Community Resiliency, Economic Stability and

Technology Fund, I see $385 million. That seems remarkably similar to the old SAM grants. Is that the same fund?

SENATOR KRUEGER: I believe that the questioner is basically correct. I think the new initials stand -- end up being CREST, as opposed to SAM. And it does appear to be very similar, other than I think there's an expanded eligibility. Because I believe in the past you needed to be working through mostly government for the projects, and I believe this allows expansion for nonprofit organizations as well, and perhaps even in certain circumstances for-profit businesses as well.

SENATOR PALUMBO: Would the sponsor continue to yield?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you again, Senator.

And right in that same section under "Economic Development," there's another $185 million fund, Local Community Assistance

Program. Can you explain to me what that program is for, please?

SENATOR KRUEGER: It does appear to be very similar, other than the first program you described, I believe, is set up with a three-way split between the Senate, the Assembly and the Governor. And the second program I believe is set up with just a two-way split.

SENATOR PALUMBO: Between the two legislative -- will you continue to yield, please.

SENATOR KRUEGER: Of course.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

Was that between the two legislative houses?

SENATOR KRUEGER: Yes.

SENATOR PALUMBO: Gotcha. Okay. Thank you.

And would you continue to yield, please, Madam Chair?

SENATOR KRUEGER: Yes, I would.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you. And

just two more funds I have questions about.

The Long Island regional projects, $350 million. Are there any specific projects identified for this fund at this point?

SENATOR KRUEGER: I believe not. But it's my understanding that there will be public information about said project or projects prior to the spending of any money.

SENATOR PALUMBO: And thank you. Would you continue to yield?

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And so those are just projects to be named later, to continue with the sports reference, I guess.

SENATOR KRUEGER: I'm not that good with sports references, but I'll let you have that.

SENATOR PALUMBO: Okay. Thank you.

And would you continue to yield for a further question?

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And so without specifically -- I just want to identify what I believe are the funds that are appropriated for the Bills over the Governor's original budget, and including her 30-day amendments.

There's a -- it looks like it's in the environment, there's a $182 million line item and then a $418 million line item. Is that the 600 million for the Buffalo Bills?

SENATOR KRUEGER: I believe you are correct. And the 418 million is from the recent payments received from the Seneca Nation.

SENATOR PALUMBO: Thank you.

Would you continue to yield, please, for one more question.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: And thank you, Senator Krueger.

So with that 600 million, I believe there was some discussion or some concern that the New York State Regional Economic and Community Assistance Program, 800 million in the Governor's original proposed budget, that that 800 million was going to be used for the Bills funding -- capital B, Bills, the sports team -- because that wasn't in her original budget. So what's that money going to go to now?

SENATOR KRUEGER: Just a moment.

SENATOR PALUMBO: Or if I can complete my thought, is this just another fund that's going to ultimately be appropriated for some future project?

(Pause.)

SENATOR KRUEGER: Sorry, Mr. President, I'm trying to make sure that I have the right answer for my colleague.

SENATOR PALUMBO: Please take your time.

SENATOR KRUEGER: Thank you.

So through you, Mr. President, there is a line in the budget that's 800 million for

New York State Regional and Community Assistance Program, which is intended for economic development, workforce, commercial development, tourism, infrastructure improvement, small business support, community and urban revitalization in historically disadvantaged communities.

I don't know if the Governor at an earlier point actually intended to use any of that money for the Buffalo Bills project, because I think that there was also on the table simply bonding for the project.

But I think the answer is at this point, no, that is not how the budget is written, she does not intend to use that for the Buffalo Bills project.

SENATOR PALUMBO: Understood. Thank you, Senator. Would you continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: So just for a quick follow-up, do you have any idea what that money might actually be used for now that it's

actually in this particular bill?

SENATOR KRUEGER: For future-determined economic development projects, I would assume, going through ESDC.

So every year we put money into usually capital funds that are used through ESDC for an assortment of different economic development projects. They often include the Regional Economic Development -- what are they, task forces or -- Councils, thank you, I lost the word, that are making recommendations, at least in the past. Obviously this is a new governor, so she may have a different approach to it.

But I don't think it's particularly new for us to see lined-out economic development funds that are not described exactly as to how they will be used.

I will point out, given the late hour, that I'm very proud of the fact that within the budget documents we have built in a Database of Deals that will require much greater review and scrutiny and documentation of how the state is using money for economic development deals, what kind of return the state is getting on them, the number of jobs, the deals as far as clawbacks

if the commitments are not made.

We also, in a separate section, also expanded the ability to have the Comptroller's office audit and review any of these programs to find out more details, if that is the wish of the state and there are questions about any of these programs.

Which I also think is an excellent move towards both transparency and for us to -- all of us, the public, to have a better understanding of how monies are being used and whether they're in fact meeting their target goals of economic development or not being successful.

SENATOR PALUMBO: Thank you, Senator. Would you continue to yield for one short last question?

THE PRESIDENT: Does the sponsor yield?

SENATOR KRUEGER: I can keep going. Yes.

(Laughter.)

THE PRESIDENT: The sponsor yields.

SENATOR PALUMBO: You're doing great. And this is truly it. I just wanted to

do simple math.

Of course last year's ESDC entire fund was 380 million, so this is, of course, 800 now, so it's more than double, correct?

Through all Empire State Development capital, was my understanding.

SENATOR KRUEGER: That's correct. I don't think that we were doing a lot of new economic development activities in the last year or two, given the COVID situation.

SENATOR PALUMBO: Thank you, Senator Krueger. I have no further questions. Thank you, Mr. President.

THE PRESIDENT: 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.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President. And good morning.

THE PRESIDENT: Good morning.

SENATOR BRISPORT: So we are in the process of voting on a budget that comes nowhere close to funding our constituents' most dire needs, as everyone in this chamber knows.

And for the past three weeks Governor Hochul has fought our funding proposals on housing, on Fair Pay for Home Care, on childcare, on healthcare, on a New Deal for CUNY, and on combating climate change, because she did not want to raise taxes on the ultra-rich to secure the necessary revenue.

Yet at the last hour, she had no trouble finding $350 million for a mysterious slush fund through which she can exercise unchecked, unilateral power over public money.

She also had no trouble finding hundreds of millions of dollars for the largest public subsidy in NFL history, for a handout to the billionaire owner of the Buffalo Bills.

She has tried to pass off this new stadium as an investment, knowing that the consensus among economists is that it will not

result in any meaningful economic benefit to Buffalo. These trickle-down handouts simply do not work.

Through this bill and the entire budget process, Governor Hochul has made it clear that all her claims about caring for the well-being of New Yorkers and working with the Legislature were false. She has made it clear that her only real interests are in appealing to the rich and keeping power.

I am voting nay, and I will be working with Assemblymember Ron Kim to pass legislation that at least gives New Yorkers the right to a controlling share of the for-profit football team that the Governor is forcing them to finance.

Thank you.

THE PRESIDENT: Senator Brisport to be recorded in the negative.

Senator Cleare to explain her vote.

SENATOR CLEARE: Good morning.

THE PRESIDENT: Good morning.

SENATOR CLEARE: Thank you.

I've only held this seat for a few months, and this is my first budget. And many

people have been asking me how I feel about the budget.

Well, I'm very proud of some things. I'm proud of my bill to provide individuals leaving prison with state-issued IDs, to remove one less barrier to having a more successful reentry to a new beginning.

I'm happy for the money we added to CUNY for the nursing expansion -- the SEEK opportunity and nursing expansion programs. Money for universal pre-K, tuition assistance for prisoners, capital funding for libraries, fair wages for our badly needed home care workers.

But it is not enough. Senator May, I thank you -- she's not here, but I want to thank her for leading this fight, and the advocates and every other group and individual who fought for this.

I'm proud of our efforts to secure funding for NYCHA and our $350 million add to the budget. But it is not enough. My district covers Harlem, portions of East Harlem, West Harlem, Washington Heights, and the Upper West Side. I have the highest concentration of public housing in the Borough of Manhattan. And it is

literally falling apart. We must do more.

Despite the hard work of the staff, the conference, and the leader, we did not get the Housing Access Voucher Program dollars that are desperately needed by New Yorkers who have been trapped in shelters, unable to find apartments they can afford with the vouchers they're currently being handed out.

New Yorkers have been struggling to pay rent even before the pandemic. We have to do more.

So how do I feel about the budget? I'm going to borrow a line from my colleague Senator Sanders, who often says "I'm still in the fight." That's how I feel about this budget. We didn't get it all in this moment for a variety of reasons, including the inability to reach a three-way agreement. But we are still in the fight to do more for public housing and to create and fund programs that result in truly affordable housing for low-to-moderate-income New Yorkers.

We spent hours debating bail in this room. I look forward to hours debating or planning to get housing for New Yorkers, which is equally a part of the safety, security and health

of New Yorkers.

I vote aye on the bill.

THE PRESIDENT: Senator Cleare to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

So this is the final bill. Budgets are never something that I think anyone can agree with completely. We have frustrations. We have things that we didn't get in. We have questions about many of the decisions. And yet we go through this process every year to try to make the best decisions we make.

So this capital budget is about $20 billion. It might be higher; it might to closer to $21 billion. And so I can agree with many of the plans for that money, and it's why I can vote for this bill.

But for the record -- and it's been pointed out -- I've never thought New York should ever put money into a private sports franchise or sports stadium. And in my years here in the Senate, I've actually voted against money for the Yankees, the Mets, the Nets, the Islanders -- I

think there was one more -- because I don't think it is a good use of the public's money.

I also am focused, and I think we all need to be focused, on making sure that we all have information about how money is being spent and whether the reward is worth it to the people of New York. Because frankly, when we decide that we're going to function as investors or venture capitalists who say that we're putting money into economic development, we're actually making the decision to take taxpayers' money and then act like we are venture capitalists. Though I'm not sure any of us are, or are particularly good at it.

So I hope that with the changes in the Article VII language that went through this year, in addition to continuing economic development spending, we will be seeing a far superior outcome of evaluation that will lead us to making sure that we don't continue to spend money where it's not justified and that we only spend the people's money in categories of economic development where we're actually getting a win for the people.

So don't like some, do like some.

I'm voting yes. But I think -- and I appreciate my colleagues on both sides of the aisle's opinions about their concerns about economic development spending and that we all want to know more, and we want to be able to evaluate.

Thank you, Mr. President.

THE PRESIDENT: Senator Krueger to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 755, 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, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 39. Nays, 23.

THE PRESIDENT: The bill is passed.

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

SENATOR GIANARIS: And that completes the enactment of the State Budget.

Let me thank my colleagues for their indulgence, their patience and their respect of one another over the last few days.

Mr. President, is there any further business at the desk?

THE PRESIDENT: There is no further business at the desk.

SENATOR GIANARIS: Move to adjourn until Monday, April 25th, at 3:00 p.m. --

(Applause.)

SENATOR GIANARIS: -- intervening days being legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, April 25th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 4:43 a.m., the Senate adjourned.)