NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

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

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

ACTING PRESIDENT MAYER: Reverend Dr. Brian Ellis-Gibbs, from Queens Baptist Church in Queens Village, New York, will deliver today's invocation.

Reverend?

REVEREND ELLIS-GIBBS: Let us pray.

We come in this moment to acknowledge You who are called by many names -- justice, compassion, truth and love -- asking that amid discord and political posturing, out of Your mercy, You will be present among those who are gathered in this space.

We ask for You to pour into everyone the wisdom that comes only from You. May those who have been elected to serve curate a prophetically powerful agenda that ensures that people are prioritized over profits. May those who have been entrusted to represent the needs of

the people choose equity and peace over divisiveness.

May Your sons and daughters, the ones whom You have fashioned and created, reflect the image of light in darkness, promise amid pain, and hope for those whose hope is running out.

Use them not only to dismantle systems that oppress and perpetuate a cycle of trauma, but bless them as they serve the best interests of Your creation. Bless them as they make difficult decisions. Bless them as they rise up against the dominant narrative, rewriting a narrative that emphasizes justice and liberation.

While leading them in the work, do not forget to bless their families, their homes, healing them where they are hurting, comforting them in their grieving, connecting them to joy in their midnight moments and courage in their valley experiences.

Remember to bless those who are not always acknowledged or seen, but those persons, the staff, who have made a commitment to show up and sacrifice and serve as sources of support,

doing the work behind the scenes.

May all work together, forging a new community that is centered in the compassion that You extend to them. May they work to give birth to a New York State that is affordable, safe and empowers, gives, and benefits all those who have chosen to make this state their home. May they seek to remember the forgotten, see the neglected, recognize the invisible, and honor the value and worth of all people.

And may all be done with an understanding that what they do for the widow and the orphan, the homeless and the hungry, the well-to-do and the not doing so well, the immigrant and the native-born and all others, is to be a reflection of love.

We ask all these things to be done in Your name.

May all say amen.

(Response of "Amen.")

(Vocal enthusiasm; applause.)

ACTING PRESIDENT MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 1, 2023, the Senate met pursuant to

adjournment. The Journal of Sunday, April 30, 2023, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we recognize Senator Kennedy for a very quick introduction.

ACTING PRESIDENT MAYER: Senator Kennedy on a quick introduction.

SENATOR KENNEDY: Thank you, Madam President. And I want to thank the deputy leader for recognizing me.

It's a real honor to pay tribute to the Lackawanna Fire Department, who are here with us today, four leaders from the mighty city of

Lackawanna: Shad Garner, William Pawlowski, Taylor Michaels, and Michael Catazza.

They represent the brave men and women of the Lackawanna Fire department. I want to thank them for their service, welcome them to Albany and the Senate chamber.

Thank you, Madam President.

(Applause.)

ACTING PRESIDENT MAYER: Thank you, Senator Kennedy.

To our guests, we welcome you on behalf of the Senate. We extend to you the privileges and courtesies of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, we have much to do today, so we're going to try and move as expeditiously as possible. So we're going to simultaneously call a meeting of the Finance Committee in Room 332 while we continue to take up resolutions.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Finance Committee

in Room 332.

SENATOR GIANARIS: I now move to adopt the Resolution Calendar, with the exception of Resolution 875.

ACTING PRESIDENT MAYER: All those in favor of adopting the Resolution Calendar, with the exception of Resolution 875, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up previously adopted Resolution 647, by Senator Stavisky, read its title and recognize Senator Stavisky.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 647, by Senator Stavisky, memorializing Governor Kathy Hochul to proclaim May 2, 2023, as Queens Day in the State of New York.

ACTING PRESIDENT MAYER: Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you. Thank you, Madam President.

It's been three long years, but we welcome the Queens delegation back to Albany. It's a hiatus -- but today is a great day because we're here in person to recognize the Borough of Queens.

But first let me thank my new constituent, Reverend Dr. Ellis-Gibbs, from the Queens Baptist Church. Tom Grech, the president and CEO of the Queens Chamber of Commerce -- Tom Grech, the chair -- and all of the people from Queens who have come to Albany to show what a great place Queens is to live, to work, to enjoy, to visit, and hopefully to stay.

For those of you who are not in the chamber -- not from the City of New York, Queens is the largest borough in the City of New York. It is 17 -- 178 square miles, with 2.3 million people, and 138 languages that are spoken in our schools.

The diversity is well known, and I'm not going to touch on that. However, more than

half of the people in Queens were not born there, they were born outside the United States. So Queens is really the opportunity, the land of opportunity for people coming to the United States.

Last week we had -- the Military Academy sent their cadets, and I spoke about the cadet from my district who came here from Bangladesh, because his father won a million dollars in a lottery, and they used that money to come to the United States to seek a better life here in New York, and particularly in Queens.

I found that story so compelling that I really want to repeat it for our friends from the chamber who are in the gallery.

Queens is also the home of small businesses. Approximately two-thirds of the small businesses in Queens County employ one to four people. We do have some larger industries, but small business is really the core of the county and certainly the economic community.

Queens has been a destination. We have the two airports, La Guardia and JFK, and many people land and stay here, stay in Queens for the opportunities that it presents, the

affordability, so to speak, comparatively to other parts of the state.

Queens has an outstanding education system. I taught at one of the high schools, Edison, many years ago.

And we are also home -- and I -- Senator Bailey is not here, but -- oh, there you are. Senator Bailey, I apologize, we do not have a basketball team. Sorry. But we do have the New York Mets for Senator Gianaris. And we have Aqueduct. And we have the U.S. Open. There are so many sports venues that hopefully someday Senator Bailey will be able to play basketball in Queens.

And lastly, let me just say that -- the restaurants. Everybody comes to Queens for the food. We have, with all due respect to the other four boroughs, we have some great, great restaurants. And tonight you will be able to sample some of their wares at 5 o'clock in the Hart Lounge. I have a feeling we're not going to be there, but the staff and everybody will come and appreciate everything that Queens represents.

So I thank you, Madam President. And again, welcome to our friends from

Queens County.

ACTING PRESIDENT MAYER: Thank you, Senator Stavisky.

Senator Comrie on the resolution.

SENATOR COMRIE: Thank you, Madam President. Colleagues, my friends and -- my colleagues, my friends, and everyone in the chamber, welcome to Queens Day in New York.

(Cheers, applause from gallery.)

SENATOR COMRIE: I want to thank Senator Stavisky for putting forward the resolution and also having Reverend Brian Ellis-Gibbs from Queens Baptist Church, who laid down a powerful message for us to really take to heart today to make sure that we do the things we need to do to make sure that all New Yorkers can benefit from our budget.

And I just want to say thank you to -- take a minute to thank our entire legislative team and analysts and finance people and our leader for trying to put together a budget that best reflects the values that Reverend Brian Ellis-Gibbs showed us today and talked about today. And we're going to continue to fight in the future to make that happen.

But, you know, we're here to celebrate Queens for a moment, so I've got to talk about my home borough, the borough that my parents decided to come from Jamaica, West Indies, to live in Jamaica, Queens. They thought it -- somebody told them it was the same place.

(Laughter.)

SENATOR COMRIE: But that didn't turn out to be true, but it also gave them the idea that so many immigrants have come into this country that they could come here to make a way for themselves, just like we just heard from the family -- about a family in Bangladesh that brought their family here.

Queens is a place where people come to try to find a family spirit, a positive living experience, an opportunity to build themselves up from zero to 100 to find their heart, to find an opportunity to do the things necessary so that they can make sure that their children can do better than them.

We've had so many things happening in Queens, and I've been so proud to have represented Queens in the State Senate, now in my

ninth year working with my great colleagues to try to make things happen here. But we've gotten some strong roots in Queens, from Claire Shulman to -- we can go to -- and we can go to Tony Bennett, we could go to Martin Scorsese. We could go to Fran Drescher. We could even include Jerry Seinfeld.

We had -- Queens was the place where the United Nations was first headquartered.

Queens is the place where we have the most lucrative sports venue in the world, the U.S. Open, which actually generates more money during its time than the Mets and Yankees combined in a year, if you can believe that. So it actually does generate more revenue for the state within their time.

And also in Queens we have great athletes. Just in the 2020 Olympics, we had two medalists, gold medalists, and a silver medalist from Rochdale, Queens, Dalilah Muhammad, and also to -- Rio, a 2016 gold medalist, and she was a silver medalist as well.

And, you know, we have the King of Queens, the Mets. They always start off great. We're going to hope that they stay great to the

end of the year.

But the thing that I love most about Queens are its people, its traditions, the civics and the nonprofits and the folk that really try to make Queens happen. From the Chamber of Commerce that is here, to Queens College that is represented -- your college in my district -- from the Museum of the Moving Image that is here.

From the folk that are here in Queens to showcase the -- so many -- as Senator Stavisky said, we have over 138 languages, over 100 cultures that are in Queens, and we do the best to represent them.

From St. John's to all of the colleges in Queens to as -- I'm going to get in trouble because I'm not naming everybody, and I just was told I can't name Resorts World, but I'm just going to mention them anyway --

(Reaction from members.)

SENATOR COMRIE: -- because they truly set the bar for how an organization gives back to a community, throughout the borough. So I cannot focus on that.

But it's all about Queens businesses helping each other, Queens institutions looking

out for each other. You see so many people here today because, when it's time for Queens to focus on getting an issue, we find a way to come together to get things done.

So whether it's from folks working with the blind and disabled in Queens, doing great work in an institution to give people opportunities, from people working to find new work out at the airport, making sure that people can get involved in things out there -- Queens is a unique borough. It's a place that I'm proud to live in.

I will happily say -- don't tell my wife -- I'm not leaving, you know. And so some people -- some people are trying to leave to go to lesser places in the world, but Queens is it. You can't find the diversity, you can't find the opportunities for restaurants, the opportunities to meet other cultures, the opportunity to immerse yourself in whatever you want to, to find out how the entire world works by just talking to people from Queens.

It's the best borough. I'm so proud to be a representative. I'm proud that we're here celebrating Queens Day. Thank you all for

coming. And may all of you please come to Queens to visit. As I've told you, downtown Jamaica is in the middle of a renaissance with workforce housing being built by developers that are focused on making sure that we create actual development that works for Queens, that do things necessary to make sure that we are creating opportunities for people that are -- from homeless people to teachers, to get housing in my district.

So I would invite you to do all of that. And just also -- I want to behave myself and not talk about who the first artists are to make it into the Hall of Fame, but they're all from Queens.

(Laughter.)

SENATOR COMRIE: So I'm just -- I'm just putting that out there for some folk. They're going to speak on it in a minute. But if I don't -- if I don't start a little trouble, I can't have fun in this long day that we're going to have today.

We're going to be here for a long day working on the budget, so we may not be able to be with you in person later. But please make

sure that you regale everybody with the diversity of foods, and especially the diversity of your spirit, because you guys are infectious.

Thank you very much.

(Cheers, applause from the gallery.)

ACTING PRESIDENT MAYER: Thank you, Senator Comrie.

Senator Ramos on the resolution.

SENATOR RAMOS: Thank you, Madam President.

I want to start out by giving a shout out to Sylvia Martin, Malikah Shabazz, George Onuorah, three of my wonderful constituents. I hope I didn't miss any others. But all of the beautiful people of Queens are up in the gallery today for this very special day.

Everyone knows I'm not shy about my pride from being from Queens. It's an immense privilege to represent the borough where I was born and raised. It truly is a place like no other. And anyone from Queens will find a way to tell you all about it in conversation.

We've been a unique place for a very long time, in fact. In 1657, long before there was a United States, the Flushing Remonstrance

was a petition by 30 Queens residents asking Peter Stuyvesant for religious liberty, a precursor to the First Amendment and the diversity that we greatly cherish.

It's now become tradition that I put out a call to my neighbors on social media in anticipation of this glorious day, and ask them to share what they love about the world's borough. So I'm going to share a few of my favorite answers.

Queens is the birthplace of Scrabble, says Thomas from Long Island City -- and that's true. Scrabble was invented in a church basement in Jackson Heights, and the 35th Avenue street sign is designed to look like Scrabble tiles in my neighborhood.

Pankazh in East Elmhurst shouted out the World's Fair Marina. In addition to having wonderful access to our Flushing Bay waterfront, the marina has been generous enough to host many of our town halls.

Alvaro shouted out our amazing Mets. They have a great offense right now, but from the looks of yesterday, I do pray that we get our pitching in line a little bit, I think. But as

always, let's go, Mets!

Like Southeast Queens, East Elmhurst and Corona has a rich Black history, with Malcolm X Place on 97th Street and Louie Armstrong's home on 107th Street, once called the "Black Beverly Hills" -- before LaGuardia Airport took the beaches, that is.

Ella Fitzgerald, Dizzy Gillespie, Jimmy Heath, Fats Waller, Count Basie, Lena Horne and Jackie Robinson all called Queens home. And even Dr. Martin Luther King, Jr., was once an intern at First Baptist Church, where I just spoke this past Sunday.

Queens has been home to many talents: The Ramones, the New York Dolls, Tony Bennett, Simon and Garfunkel, Cindy Lauper, Action Bronson, LL Cool J, 50 Cent, Run-DMC, Noriega, the Beatnuts, Nina Sky, and even Gene Simmons from Kiss.

We can also claim Christopher Walken, John Leguizamo, Susan Sarandon, and Lucy Liu, among so many others.

Another Jessica from Queens mentioned, of course, Flushing Meadows Corona Park, where you can go to the Queens Zoo, see

some art and the famous New York City Panorama at the Queens Museum, see relics from two World's Fairs, visit the Hall of Science, and fill your bellies at the Queens Night Market, which starts this very weekend.

And by the way, the Queens Museum was the first site of the United Nations.

Most people shouted out our diversity, and by extension our incredible food. And I'm not going to get in trouble by shouting out restaurants. That never works.

Arlene from Jackson Heights said: Any cuisine and any culture your heart could desire is only a 7 Train ride away.

William from Ridgewood said: Culturally, Queens is New York. Queens is America. Queens is the world. It's all here.

And it's true. We welcome with open arms so many new New Yorkers when hateful governors in Texas and Florida put asylum seekers on buses, when people are persecuted or are escaping violence or just looking for better opportunities, like my parents did.

Anthony said: When people ask how I know so many phrases in so many different

languages, I simply respond: I grew up in Queens. In fact, there is no place on earth where more languages are spoken.

But my favorite response came from Danny in Far Rockaway. He said: "To understand Queens is to understand the world we want. Queens is the future, the realness and foundation. If I die, I couldn't choose a better location."

(Laughter.)

SENATOR RAMOS: I vote aye, Madam President.

(Cheers; applause from the gallery.)

ACTING PRESIDENT MAYER: Thank you, Senator Ramos.

Senator Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Madam President.

I've got to compliment our friends from Queens for their timing, because they realize that Queens is more important than the State Budget.

(Laughter.)

SENATOR GIANARIS: So we are pausing today in the middle of putting the

finishing touches on our budget for the year to recognize the greatness of Queens and all the great leaders from our home borough that are up here today.

You've heard from my colleagues, and you'll hear from more about the great things that we all know and love about Queens. First and foremost for me is always just the fact that it's everybody's home. People from all over the world come together, live next to each other. Sometimes they don't even speak the same language and somehow become friends.

And a classic Queens story: I remember, growing up, my grandmother lived with us -- my parents, immigrants from Greece -- didn't speak a lick of English. The neighbors next door, an Italian family, the grandfather there also didn't speak a word of English, only Italian. And one day I'm going out to my backyard and I see them trading vegetables from the yards and talking to each other. I was like, how is this even possible? She was talking to him in Greek, he was responding in Italian, and somehow they were getting along and became great friends.

And that is a classic Queens story that's repeated throughout the entire county. I mean, it's the only place I can think of where this son of Greek immigrants and his Peruvian immigrant wife can get our native cultures' foods across the street from each other on Ditmars Boulevard. And not only are they -- can they do that, but those are among the best restaurants serving that fare anywhere in the world.

And of course every street you cross and every neighborhood you go to presents the very best of the food, of the culture, of the religious observances. And I've now, because our lines have changed, so I now have not only the neighborhoods I've historically represented in Astoria, Woodside, Sunnyside and Ridgewood, but I've added Elmhurst and Maspeth to my repertoire.

And just the amount of celebrations, the New Years, the religious holidays that I've experienced in only the few short months I've represented those new neighborhoods is something that is unique to Queens.

I want to say a word about one of our colleagues who's not from Queens, who you're going to hear from shortly: Senator Bailey gets

special dispensation to speak about Queens Day because he's from the Bronx and he's a huge Mets fan. And so that causes him all sorts of grief at home, but we appreciate him for it. Senator Bailey, thank you for your Mets fandom.

And in fact I've got to correct Senator Stavisky: I think the St. John's Red Storm will be happy to let Senator Bailey play ball in their gym. So we do have a basketball team at the college level, anyway.

So many celebrities -- you've heard a number of them already. I would mention the incredible musical diversity that produced both Tony Bennett in Astoria and Nas in Queensbridge Houses. We've got it all over the map. And it is just such a privilege. There's no place I'd rather be from. I love it, I will always be there.

And as a gift in the budget, we're giving you one free bus route in Queens in the State Budget.

(Laughter.)

SENATOR GIANARIS: They're all -- every borough is getting one. But we're definitely getting one for Queens, and we look

forward to giving our mass transit riders a few more options that way.

So thank you all for making the trip up today. We love to have you here. If we miss the reception because we're here, you'll forgive us, but we'll try our best to make it over and say hello.

Thank you, and welcome.

(Applause from the gallery.)

ACTING PRESIDENT MAYER: Thank you, Senator Gianaris.

Senator Addabbo on the resolution.

SENATOR ADDABBO: Thank you, Madam President.

Good afternoon, everybody. I want to thank my colleagues for their kind words on Queens but also, of course, Senator Stavisky for the resolution and for being head of the Queens delegation as we work together as colleagues to do what we can for Queens.

And I want to thank you all for being here. You know, obviously members of Queens from business to education to community activism, and I want to thank you for being part of again the debate. And of course it's not the

budget debate I speak of, it's the debate that will be here and probably continue into the lounge, and that's, you know, who has the best pizza, Queens or Brooklyn. Who has the best food, Queens or Bronx. Right? Bagels and everything else, and where did hip-hop start. You know, this is going to -- yup, Jamaal. This is going to be a debate. So, you know, we're ready.

But again, Queens has so much to offer. The gateway to the world. You know, you come in -- and I am so proud and thankful that my grandparents came from Italy to come to -- and landed in Ozone Park. My mom, at 96 years old, is still there, and we're proud of it.

But Queens has so much to offer, not only being the most diverse borough in the world, but the gateway to the world. You know, you land at JFK Airport, you have stepped foot, right -- again in that one footstep onto JFK Airport property, you have entered the world.

And again, with the coastline, the Rockaway beaches, the pristine Rockaway beaches, Queens has everything to offer, and one day may even be home for the New York Jets again.

(Laughter.)

SENATOR ADDABBO: So therefore -- yeah, that's right, Tom Grech, you heard that.

(Laughter.)

SENATOR ADDABBO: But, you know, I was thinking of Tom Grech for another reason. You know, during our most darkest of times, Queens people step up. During Hurricane Sandy, Resorts World was an incredible neighbor, and I want to thank them.

And during the most recent COVID, when our businesses were suffering and did not know where to turn -- and obviously, you know, were looking to possibly close their doors for good -- the Queens Chamber of Commerce was there to help with resources on the city, state and federal level.

And I want to thank Tom Grech and the entire Queens chamber for navigating the treacherous roadway our businesses had to face during the COVID pandemic. And because of them, many of them survived. So to the Queens Chamber, thank you very much.

God bless you all, and thanks for being here. Thank you.

(Applause from the gallery.)

ACTING PRESIDENT MAYER: Thank you, Senator Addabbo.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President.

So, Rev, I just want to say, that was the word. When I was in here and I had my eyes closed for the opening prayer, I felt like I was literally in church, because you touched on a lot of things that we hear in our houses of worship, and I truly appreciate it. And you really set the tone for what will be a productive -- what will be. Because, you know, when you're a person of faith, you claim things, right? What will be a productive day.

And I truly appreciate that. I truly appreciate the Borough of Queens, the world's borough. What I don't appreciate is when my colleagues intimate or outright say that hip-hop started anywhere else except 1520 Sedgwick Avenue. I'm sorry, y'all, y'all have done it very well. But August 11, 1973, which is 50 years of hip-hop. And you know where it was born.

But you have done so many things, so many things to improve the culture, to improve culture in general, not just in terms of hip-hop culture, in terms of the jazz culture, all the jazz artists that you've heard about.

You talk about basketball, Senator Stavisky and Senator Gianaris were talking about basketball. You've got some of the greatest point guards in the world came out of Queens. Kenny Anderson, Kenny Smith. "Skip to My Lou," Rafer Alston. Mark Jackson out of St. John's. So you've got a rich athletic tradition there as well.

You've -- my favorite movie of all time is Coming to America.

(Laughter.)

SENATOR BAILEY: Like Jackson Heights' own, Mr. Randy, Randy Watson.

(Cheers; applause.)

SENATOR BAILEY: Queens is not good and terrible. That boy good.

(Laughter.)

SENATOR BAILEY: Queens is just good.

It's a great place. I went to law

school there. I met my wife there. I'm a Met fan. Big Met fan.

(Reaction from audience.)

SENATOR BAILEY: A real Met fan. Doc and Darryl, that's how -- that's what -- that's what started my foundation.

But I really just want to bring it home to that Coming to America point. It might be my favorite movie, but when people come from a different place and they literally come to America, they come through the gateways of JFK. And when they walk onto the shores of this country that they see so much hope and promise, your borough is the first place that they likely see. And it leaves an indelible impression upon them for years, until they move to the Bronx.

But, in all seriousness, you have an incredible delegation fighting for your needs. When we are in our conversations about how the proverbial pie is split up, you should be proud and you should know that every single one of your representatives that represents even a sliver of Queens is at the table fighting for you every single day.

Thank you for coming up. Again, I'm

sorry I probably won't be able to eat some of your amazing food. Don't need to (patting stomach). But maybe another day. But in all seriousness, I love Queens. I appreciate you all.

I vote aye, Madam President.

(Applause.)

ACTING PRESIDENT MAYER: Thank you, Senator Bailey.

Senator Persaud on the resolution.

SENATOR PERSAUD: Thank you, Madam President.

As the newest member of the Queens delegation who represents the sliver that my colleague just mentioned, I just wanted to welcome you all here to Albany. I grew up in Queens. Many people don't know that. Yes. Yes, Senator Bailey. So 1169 145th Street in Queens.

(Laughter.)

SENATOR PERSAUD: Then Richmond Hill before it became Little Guyana. So I know it.

So -- and then I moved to Brooklyn, right? And now I have to fight with my colleagues as to which is the better borough.

But I can't say it publicly.

But again, I just wanted to welcome all of you and thank you for accepting me as a member of the delegation. And I will see you later.

Thanks, everyone. I vote aye.

(Applause from the gallery.)

ACTING PRESIDENT MAYER: Senator Martins on the resolution.

SENATOR MARTINS: Thank you, Madam President. I too rise to salute the great Borough of Queens.

So I was born in Queens: Jamaica Hospital. Baptized at St. Pius. When my parents arrived from Portugal, that's where we landed. South -- off of Sutphin, south of Liberty. And that's where I lived and we lived until I was five before we moved out to the suburbs, to Nassau County.

So I rise to pay tribute to the great Borough of Queens. I rise to pay tribute to the great culture, the music, the athleticism. Senator Bailey, the Golden Arcs, not the Golden Arches, on Queens Boulevard.

(Laughter.)

SENATOR MARTINS: But I also rise to say thank you to the great Borough of Queens for giving us Leroy Comrie and Leroy has been an institution here in the New York State Senate.

(Cheers; applause.)

SENATOR MARTINS: And I tell you that -- I tell you that he represents you very well, as do everyone else. But Leroy's special.

And so thank you for sharing Senator Comrie with us and for allowing him to be part of this great chamber.

Madam President, I vote aye.

ACTING PRESIDENT MAYER: Thank you, Senator Martins.

Senator Sanders on the resolution.

SENATOR SANDERS: Thank you, Madam President. Although it's been well-said by everyone else, I have not said it.

So, my friends --

(Laughter.)

SENATOR SANDERS: -- I am grateful that you are here. It took a long time, three hours, to get here from Queens. You have heard many different things. We've heard of tragedies, we've heard of people who have been born in

Queens and went to some other place -- tragic, tragic.

(Laughter.)

SENATOR SANDERS: But that's all right. That's all right. They are forgiven. We will leave the light on for them.

We've heard of people who married into Queens, do the baseball scene, do everything. All we can say is, why don't you just move to Queens? Come on here, you're welcome.

My friends, I am from Queens also. I'm from the part of Queens that people forget about. We say Southeast Queens and the Rockaways. That never made sense to me. If Rockaways is part of Queens, then why do we need to say "and the Rockaways"? That's all right, we're working on things.

I'm glad that, Tom, you brought these people up here -- Tom, where are you? Ah, there you are, hiding in the back. I'm glad that you brought these folk up here. You guys continue to come to this great people's house, continue to come here -- and make sure that you leave some class in this place when you leave,

because we certainly, certainly appreciate it.

Having said all of those things, except one last thing -- hip-hop was created in Queens.

(Laughter; applause.)

SENATOR SANDERS: It was. It's a misnomer -- now, the Bronx, of course, has real nice greetings. That is really nice. I've been trying to work on one for Queens (gesturing) --

(Laughter.)

SENATOR SANDERS: -- but it really -- we're working on it. It's a work in -- maybe the chamber could work on that one.

Having said that, have a safe trip back. I certainly will try to run away and get some of that good Queens food. Nothing like it. But if I can't, you save me a plate.

Thank you. Travel safely.

Madam President, I vote aye.

(Applause.)

SENATOR SANDERS: Madam President -- through you, Madam President, I will yield for questions.

(Laughter.)

ACTING PRESIDENT MAYER: Skipping

to the next speaker --

(Laughter.)

ACTING PRESIDENT MAYER: -- Senator Gonzalez on the resolution.

SENATOR GONZALEZ: Thank you, Madam President.

I so deeply appreciate the comments of all of my colleagues today. I was born in Elmhurst Hospital, I was raised in Queens, I live in Queens now. And so it means so much to say that I also have the immense privilege and honor of representing parts of Queens, in Astoria and in Long Island City specifically.

And while I also represent Brooklyn and Manhattan, I will not get into any debates about boroughs worse than have happened on the floor so far.

But to the credit of all my colleagues, I think they've said it best and really spoke to how Queens sets a standard for the rest of the country. That we're the most diverse place, we're the language capital, we have the best food, we have the best culture. And what I really wanted to speak to is how Queens has shaped every part of who I am and who

I now am as a public servant.

I believe in diversity, and I believe in creating a state that is inclusive of everyone, and the most marginalized, because I grew up in a neighborhood that was working-class and had people from all over the world. I believe in investing in our public parks because I spent so many of my summers going to Flushing Meadows Park. I believe in the arts because when I went to Long Island City and museums like the Museum of Moving Image, I had my first, you know, eyes opening in the history and the effect of art in our culture, as well as now having the opportunity to represent Queensbridge and some of the most NYCHA housing complexes in the country, where we also had the birthplace of hip-hop, as you heard.

And so I enthusiastically support this because Queens is not only special to me and everyone here, but I do believe that all of us collectively as Queens natives really do share a big part in making our city what it is, making our state what it is. And again, I am so proud to work with all of my colleagues to represent that in this chamber every day.

So thank you.

(Applause.)

ACTING PRESIDENT MAYER: Thank you, Senator Gonzalez.

Senator Liu on the resolution.

(Loud reaction from members.)

SENATOR LIU: Madam President, for the record, that was Liu, not "boo."

(Laughter.)

SENATOR LIU: I think my colleagues have said it so eloquently already, so I'm not going to say much more except to note that, you know, most of us -- this one's from Jackson Heights, this one's from Rockaway, he's from Jamaica, she's from Whitestone, he's from Astoria, she's from Long Island City, I'm from Flushing. And after 125 years of the creation of Queens, we still go by our own neighborhoods.

(Laughter.)

SENATOR LIU: Nobody says they're from Queens, New York. They say they're from their neighborhood, comma, New York. But the reality is we are all united today because Queens brings the best of all worlds together. That's what all these fine people have done.

And so I will just leave it at that, with one postscript. Tom, next year we get a better pizza contest.

(Laughter.)

SENATOR LIU: Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Liu.

(Applause.)

ACTING PRESIDENT MAYER: To our guests from Queens, welcome on behalf of the Senate. We extend to you the privileges and courtesies of the house.

Please rise and be recognized.

(Loud standing ovation.)

ACTING PRESIDENT MAYER: The resolution was previously adopted on April 10th.

Senator Gianaris.

SENATOR GIANARIS: Okay, Madam President, let's move on to Resolution 875, by Senator Ramos, read its title and recognize Senator Ramos.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution

875, by Senator Ramos, memorializing Governor Kathy Hochul to proclaim May 1, 2023, as May Day in the State of New York.

ACTING PRESIDENT MAYER: Senator Ramos on the resolution.

SENATOR RAMOS: Thank you, Madam President.

May Day was in fact yesterday, not today. But we were a little busy, so we decided to take up this resolution today.

Well, let me share I guess some of the thoughts that I had put together. You know, in his first State of the Union address in 1964, President Lyndon B. Johnson declared an unconditional war on poverty in America. Johnson offered a simple reason for that stirring call to arms. He said: "Unfortunately, many Americans live on the outskirts of hope -- some because of their poverty, some because of their color, and all too many because of both. Our task is to help replace their despair with opportunity."

Sadly, nearly 60 years later, the situation has not changed even in one of the richest and most progressive states in the country. We have built an economy in New York

that relies on keeping the working poor in a cycle of struggle, while a growing number of billionaires hoard their wealth. The super-rich would rather spend $5 million on TV ads defending a shaky budget than pay their fair share in taxes.

When he launched his war on poverty, President Johnson said it would be fought with upgrades to our unemployment insurance system, job training, elder care, and a raise in the minimum wage to protect the purchasing power of the working poor.

Yet our budget in New York does not include any of these simple, vital solutions. We failed to modernize our unemployment system to protect excluded workers. We had to fight tooth and nail for fair pay for home care workers. And we are being asked to settle for a $17 starvation wage.

The essential workers who work for crumbs don't want handouts, they want their employers and their government to take their dignity and their values seriously. They want us to keep the neighborhoods where they are raising their children safe. They want a chance to keep

up with rising costs so they can have a roof over their head and food in the fridge. In short, they want us to legislate in a way that makes the American dream more than just a fantasy.

I rise today and every day for the working families of New York. Their labor built these chambers, and their efforts brought me to this seat. As President Johnson said, in the richest nation in the world, the war on poverty is one we can afford to win. We just can't afford to lose.

The health and success of our society can only be measured by the well-being of the most vulnerable among us. We as a body have to face our responsibility to lift New York from the bottom.

So a belated Happy May Day to all workers in New York State. As your Labor chair, I'd be remiss if I didn't remind everybody, don't forget to use all of your benefits and take all of your paid time off.

I vote aye.

ACTING PRESIDENT MAYER: Thank you, Senator Ramos.

The question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Madam President, the two resolutions we just took up are open for cosponsorship.

ACTING PRESIDENT MAYER: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor on the resolutions, please notify the desk.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

Senate Print 4008C, Budget Bill, an act to amend Part PP of Chapter 54 of the Laws of

2016;

Senate Print 4001B, Budget Bill, an act making appropriations for the support of government;

Senate Print 4003D, Budget Bill, an act making appropriations for the support of government;

Senate Print 4006C, Budget Bill, an act to amend the Education Law.

All bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The report is adopted.

Senator Gianaris.

SENATOR GIANARIS: At this time, Madam President, we're going to stand at ease

while our colleagues conclude their conference.

So the Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:55 p.m.)

(Whereupon, the Senate reconvened at 3:20 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we take up the supplemental calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 719, Senate Print 4008C, Budget Bill, an act to amend Part PP of Chapter 54 of the Laws of 2016.

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT PERSAUD: All

those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(Response of "Nay.")

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

SENATOR GIANARIS: Senator Lanza wants to lay that aside.

SENATOR LANZA: Lay it aside.

(Laughter.)

ACTING PRESIDENT PERSAUD: Lay it aside.

The Secretary will read.

THE SECRETARY: Calendar Number 720, Senate Print 4001B, Budget Bill, an act making appropriations for the support of government.

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

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

SENATOR GIANARIS: Move to accept

the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

The Secretary will read.

THE SECRETARY: Calendar Number 721, Senate Print 4003D, Budget Bill, an act making appropriations for the support of government.

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

The Secretary will read.

THE SECRETARY: Calendar Number 723, Senate Print 4006C, Budget Bill, an act to amend the Education Law.

SENATOR GIANARIS: Is there a message at the desk?

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

ACTING PRESIDENT PERSAUD: Move to accept the message of necessity.

ACTING PRESIDENT PERSAUD: All those in favor of accepting the message of

necessity please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

Senator Gianaris, that completes the reading of the calendar.

SENATOR GIANARIS: Can we now move to the controversial calendar, beginning with Calendar Number 723.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 723, Senate Print 4006C, Budget Bill, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Senator Lanza, why do you rise?

SENATOR LANZA: Madam President, I

believe there is an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Canzoneri-Fitzpatrick and Senator Rolison to be heard.

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that you recognize Senator Canzoneri-Fitzpatrick to be heard on the appeal.

ACTING PRESIDENT PERSAUD: The appeal has been made and recognized, and Senator Canzoneri-Fitzpatrick may be heard.

Senator.

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam President.

I rise to appeal the ruling of the chair.

The proposed amendment is germane to the bill at hand because the bill at hand deals with our schools here in New York State, and the amendment proposes to expand access to mental

health services in our schools, by establishing a mental health services coordinator program reimbursing school districts for hiring of mental health services professionals and providing targeted state aid to address mental health issues related to remote learning and social isolation.

May is Mental Health Awareness Month. Therefore, it is both a good time to acknowledge the mental health crisis gripping our young people and the immense need for mental health services in our schools.

According to the CDC, in 2021 42 percent of students felt consistently sad or hopeless, and nearly one-third experienced poor mental health. Twenty-two percent of students seriously considered attempting suicide, and one in 10 attempted suicide.

The CDC also provides that mental health problems in youth often go hand in hand with other health and behavioral risks like increased risk of drug use, experiencing violence, and higher risk of sexual behaviors that can lead to HIV, STDs, and unintended pregnancies.

Because many health behaviors and habits are accomplished in adolescence that will carry over into adult years, it is very important to help youth develop good mental health.

Despite the obvious need, access to care remains limited. Only 20 percent of children with mental, behavioral, or emotional disorders receive specialized care.

This amendment would seek to address this crisis and expand access by establishing a mental health services coordinator program and reimburse school districts for the hiring of mental health service professionals.

For these reasons, Madam President, I strongly urge you to reconsider your ruling.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Lanza.

SENATOR LANZA: Madam President, would you please recognize Senator Rolison to be heard on the appeal.

ACTING PRESIDENT PERSAUD: Senator Rolison.

SENATOR ROLISON: Madam President,

I rise to appeal the ruling of the chair.

The proposed amendment is germane to the bill at hand because the bill at hand includes a proposal to change the bail laws in the state, and the proposed amendment changes our bail laws by creating a much-needed dangerousness standard for judges to consider when setting bail.

Now, this amendment allows a judge to set bail where it is demonstrated and the court makes an individualized determination that the principal poses a current physical danger to the safety of any crime victim, person, or the community.

The citizens of New York are desperately in need of this proposed amendment. It's been more than three years since these disastrous bail and discovery reforms went into effect, and every day it becomes more apparent that these laws are failing New Yorkers.

We continue to have a violent crime problem in this state, and these bail reform laws are at the root of that problem. These laws favor defendants over crime victims. While every other state in this country has the common sense

to create a dangerousness standard for bail, our state continues to fail New Yorkers by refusing to adopt this necessary and commonsense public safety measure.

Unless an offender is charged with a crime that falls within the limited list of qualifying offenses, judges simply have no option to set bail despite the defendant's criminal history or history of failing to appear.

Even when bail is authorized, when setting bail judges are prohibited from considering the dangerousness of the offender, including the history of violence and retaliation.

The fact is, Madam Chair, our system is broken. Until we fix it, law-abiding New Yorkers are going to continue to pay the price. This violence will continue to spiral out of control unless we correct the mistakes in these reforms. And we can do that. We must reevaluate these laws and establish a dangerousness standard to fix what is broken.

For these reasons, Madam President, I strongly urge you to reconsider your ruling.

ACTING PRESIDENT PERSAUD: Thank

you, Senator.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chair, signify by saying aye.

(Response of "Aye.")

SENATOR LANZA: Request a show of hands.

ACTING PRESIDENT PERSAUD: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 21.

ACTING PRESIDENT PERSAUD: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam President.

I have a few questions, if I may, on the bail section, Part VV. And if the chairman wouldn't mind yielding for a few questions, I would appreciate it.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: It would be my honor.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR PALUMBO: Thank you, Senator Bailey. Good afternoon.

So through you, Madam President. Just generally speaking, we have put a line through the "least restrictive means" standard, I see, and now we've replaced it with new language which requires the court to, quote, consider the kind and degree of control or restriction necessary to reasonably assure the principal's return to court.

So if you wouldn't -- if the sponsor wouldn't mind explaining to us what that new language actually means, in as specific an explanation as you can give, please.

SENATOR BAILEY: Sure. Through you, Madam President. Before we get into that, I just want to talk about the actual purpose of bail, because it seems to be misconstrued by my friends across the aisle.

Bail -- the purpose of bail is to ensure an individual's return to court. Nothing

more, nothing less. It is not intended to be wielded as a cudgel to leverage pleas. It is not intended to be utilized to drive up mass incarceration. Bail on its own is not supposed to be utilized as a proverbial term for public safety. Bail is supposed to return individuals to court. Nothing more, nothing less.

Now, with that being said, the kind and degree of control to return a -- necessary to return a principal's return to court is part of a standard that was utilized prior to 2019. Now, a lot of the conversation around bail reform was that judges were having difficulties interpreting some of the language. And so this was a standard that existed prior to that.

And what kind and degree of control simply does, it allows the judge the ability, the discussion that they've had and that they continue to have to be able to determine, when a qualifying offense is in front of them, whether they should be able to set bail or not.

SENATOR PALUMBO: Thank you, Senator.

And Madam President, if I could just respond to that, I'll just go on the bill for a

second and then I'll have a few more questions.

ACTING PRESIDENT PERSAUD: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you.

And in that regard, I would just suggest that bail, prior to this Legislature making amendments in 2019, was not just to ensure someone's return to court. That's now unique to New York State. Every other state in the country, the federal circuits as well as New York used to also consider the -- and we did not have a dangerousness standard, that is true. However, it was the seriousness of the crime, the likelihood of conviction, the strength of the case, in addition to the person's flight risk.

So there were these other factors. Because from a global standpoint, our criminal justice system works hand in hand with justice and society and safety to society. So bail did have additional factors prior to the changes made by this Legislature and the new majorities in 2019. It did consider public safety, which I think should always be considered in every single criminal justice policy, is public safety should be at the forefront.

So that's just my comment and response. I know we'll agree to disagree, Senator Bailey. But if you would yield for another question, please.

SENATOR BAILEY: Madam President, I will yield, but I need to clarify Senator Palumbo's statement that -- you indicated that bail was not intended to return people to court.

That is the constitutional purpose of bail. So, like, I don't -- whether you agree that bail should be utilized in different ways, I know that as a practicing attorney, and a damn good one at that, you well know that bail is designed to return an individual to court. So I just want to make sure that for the people that are listening and the people that are watching, that we -- whatever your feelings are, that we lay that first before we can have a conversation about other things that you may believe.

ACTING PRESIDENT PERSAUD: Senator Bailey, would you yield for a question?

SENATOR BAILEY: I will certainly yield.

ACTING PRESIDENT PERSAUD: The Senator will yield.

SENATOR PALUMBO: Thank you, Senator.

And as I said, we'll agree to disagree. That certainly that is a component, that they will ultimately stand for the charges that they're accused of.

But regarding this particular language, that someone -- that a court consider the kind and degree of control or restrictions necessary, that of course would include cash bail, is that correct? Whether or not they had to set a monetary amount to ensure that person's return to court, that they put up some collateral that's at risk if they don't show.

SENATOR BAILEY: Through you, Madam President, for the qualifying offenses, that would be correct.

SENATOR PALUMBO: Would the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: And I appreciate

that. Through you, Madam President.

And Senator Bailey, that leads me to my next question. How many new qualifying offenses have been added as a result of this revision that we stand before -- that stands before us today?

SENATOR BAILEY: Through you, Madam President, none.

SENATOR PALUMBO: Thank you.

Would the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Okay. So there have been no new qualifying offenses added. In fact -- and I want to talk a little bit about this before I sit down, about the cannabis enforcement. There's a new crime that was created, an A misdemeanor, for selling unlicensed cannabis. Is that true?

SENATOR BAILEY: Through you, Madam President, correct.

SENATOR PALUMBO: Will the sponsor yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you.

And through you, Madam President, would -- so is that Class A misdemeanor for illegally selling cannabis from a retail purpose -- or for a retail purpose, is that a bail-eligible offense?

SENATOR BAILEY: Through you, Madam President, it is not.

But, you know, let's talk about public safety, in that bail eligibility, in the -- you know, when we talk about public safety in the grand scheme, I just want to make sure to remind people that are watching that individuals decided to vote against, just yesterday, money that would go to district attorneys for discovery. So I want to lay that out.

And in terms of that public safety is a larger thing than just bail eligibility. I

just want to make sure we also clarified that for the record, Madam President.

But his correction is -- I -- that is correct.

SENATOR PALUMBO: Thank you.

Would the sponsor yield for another question, please.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I certainly do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So just so we're clear, because we've had a lot of discussion back and forth -- just so we're clear, this does not add a dangerousness standard at any point. That is essentially is the same qualifying offenses, and the only real substantive change is that we've crossed out "least restrictive means" and added "consider the kind and degree of control or restriction necessary to assure the principal's return to court."

SENATOR BAILEY: Through you,

Madam President, no.

But, Senator Palumbo, would you yield for a question?

SENATOR PALUMBO: Yes, I certainly will.

SENATOR BAILEY: Senator Palumbo, what do you consider to be dangerousness?

SENATOR PALUMBO: What do I consider to be dangerousness?

SENATOR BAILEY: Certainly.

SENATOR PALUMBO: Well, through you, Madam President, dangerousness I think is something that is somewhat subjective in a way, that it's an objective standard but I think it depends on the particular set of facts, because facts are different in every single criminal case.

SENATOR BAILEY: Through you, Madam President, I'm glad Senator Palumbo indicated that subjectivity. We as legislators, we are supposed to be putting things in statutory construction, we should not be leaving room for subjective ideals.

I, as a Black man in America, am considered to be dangerous by many. So I am not

comfortable with the concept of dangerousness, which could be rather nebulous in nature. Which is why I wanted to ask the question.

Thank you, Senator Palumbo, for yielding.

SENATOR PALUMBO: Will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you.

Well then in that regard, this -- and the reason when I talk about -- you just asked about dangerousness. And I talk about these standards and try to get as much information as I can, because this again still provides no discretion to the judges when it comes to a qualifying offense or a nonqualifying offense, correct?

SENATOR BAILEY: Through you, Madam President, that would be inaccurate. The judges do have discretion in relation to qualifying offenses.

If you can clarify why you would believe that they don't, it would be helpful.

SENATOR PALUMBO: Certainly. Will the sponsor yield for another question?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

SENATOR PALUMBO: Well, Senator Bailey, when we talk about -- and through you, Madam President, when we talk about whether or not a judge has discretion, there's a list, a specific list. It's approaching 400 different crimes that are not eligible for bail.

So when it comes to the discretion of the court regarding something like, for example, dangerousness -- but here I'm speaking specifically about a judge's discretion. That's they do, they make judgments -- they cannot set cash bail on a nonqualifying offense still. Is that accurate?

SENATOR BAILEY: Through you, Madam President, that would be correct.

SENATOR PALUMBO: Okay, very good. Thank you.

Would you yield for another

question, please.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: So have there been any changes made with respect to someone who is released in a nonmonetary situation on a nonviolent felony who commits a new felony? Has there been any change with regard to judicial discretion when it comes to setting bail in that regard?

SENATOR BAILEY: Through you, Madam President, if that first offense was committing harm, was harm, much like the harm-on-harm provisions that we went through last year, that would then be bail-eligible.

SENATOR PALUMBO: Will the sponsor yield to another question.

SENATOR BAILEY: Certainly.

ACTING PRESIDENT PERSAUD: Yes, the sponsor yields.

SENATOR PALUMBO: Thank you.

And just so we're clear, Chairman,

that is currently the law, that in the event that there is an identifiable harm to person or property in both of those offenses, then that judge could set bail only after a hearing. Is that accurate? That hasn't been changed with this legislation?

SENATOR BAILEY: Through you, Madam President, that would be correct, Senator Palumbo.

SENATOR PALUMBO: Thank you.

Will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Okay. So in that regard, if someone is, for example, a garage burglar, they're committing residential burglaries but they don't go into the living space, and they're stealing cars from someone's garage, it's a grand larceny. Usually grand larceny. Fourth, third, second, whatever it may be, depending on the value of the car. And the

person is arrested, they must be released.

If they recover the vehicle and they commit another grand larceny tomorrow, stealing a car from someone's garage, the judge cannot set bail, correct?

SENATOR BAILEY: Through you, Madam President, that would not be correct, because harm to property includes theft. So that would fall into the harm-on-harm provision that we spoke about earlier, Senator Palumbo.

SENATOR PALUMBO: Would you yield for another question, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: All day.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Bailey.

So in that regard, if we recover the vehicle, how is there damage to the property? Because that was my example.

SENATOR BAILEY: Would you repeat your question, Senator Palumbo?

SENATOR PALUMBO: Certainly. If

they recover the vehicle that is stolen and then you steal a vehicle the following day, and there's no damage to the vehicle, they just stole it and got caught in it, then the judge couldn't set bail, correct, even though they stole two cars in two days?

SENATOR BAILEY: Through you, Madam President. If you're speaking about a charge of theft, that they were charged with theft, what I said would be correct.

SENATOR PALUMBO: So will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: So can you explain to me how that -- that actually applies here, that if someone were to not have an identifiable harm to a property, however, they're out on a felony and committed another felony, how you could set bail. Tell me how that works pursuant to this statute, because that's not how I read it.

SENATOR BAILEY: Through you, Madam President, are you asking about 530.60 or the harm on harm?

SENATOR PALUMBO: I'm sorry?

SENATOR BAILEY: Are you asking about 530.60, the provisions of 530.60 that are included, or harm on harm?

SENATOR PALUMBO: Correct.

SENATOR BAILEY: Okay. Correct. What are you asking about?

SENATOR PALUMBO: My question is -- through you, Madam President -- that I just indicated that if someone were to commit -- be out on a felony for stealing a car, and commit another felony, stealing another car, and the car is recovered, how a judge would be able to set bail.

And this is really for clarification, because I know there's been some public reports that judges were confused.

So now I'm confused. And if you could just explain to us, in that situation, may a judge set bail or remand the defendant on the second arrest?

SENATOR BAILEY: Through you,

Madam President, the second arrest becomes bail-eligible because theft is specifically defined as harm to property, in that fact pattern you gave up.

ACTING PRESIDENT PERSAUD: Will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR GIANARIS: Yes, ma'am.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Okay, so we can say definitively now, just by way of legislative intent, theft is a harm to property, is that accurate?

SENATOR BAILEY: Through you, Madam President, yes.

SENATOR PALUMBO: Okay. We appreciate that. Thank you, Senator Bailey.

Would you yield for another question, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: I got nothing else to do. Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: So in that vein, if someone is stealing a $900 purse, repetitively -- and now so they're under a thousand dollars, these are misdemeanors, as you just described, harm to property -- can a judge set bail in that regard? On the new arrest for another misdemeanor petit larceny.

SENATOR BAILEY: Is it the second offense of -- is it, through you, Madam President, the second offense and it's a harm to property? Is that the fact pattern? I just want to make sure --

SENATOR PALUMBO: It's another misdemeanor. It's two misdemeanors I'm talking about, not felonies.

SENATOR BAILEY: If it is theft, then you would be correct, Senator Palumbo, yes. Through you, Madam President.

SENATOR PALUMBO: So, Senator Bailey, then would you yield for another question, please.

SENATOR BAILEY: Absolutely, Senator Palumbo.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you.

And I appreciate that, because there was recent data released by the NYPD showing that nearly one-third of all shoplifting arrests in New York City were committed by 327 people. So that's over 6,000 shoplifting arrests committed by just over 300 people.

So is it your position that this legislation now allows a judge to set bail for the larcenist who's stealing essentially less than a thousand dollars, but they're stealing repeatedly?

SENATOR BAILEY: Through you, Madam President, like before, nothing has changed about that. That would be correct.

SENATOR PALUMBO: Will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you,

Senator.

Now, there were other -- there's additional language that was added, and I'm just curious if you could explain it to us, please, that the imposition of a specific type of securing order is in some cases required by law and in other cases within the discretion of the court, in accordance with the principles of, and pursuant to, its authority granted under the Criminal Procedure Law.

So could you tell me what the purpose of adding that language is?

SENATOR BAILEY: (Conferring.) Through you, Madam President, excellent question.

It is in relation to making sure that we create clarifying language -- because, again, there's been discussion about whether people interpret it properly or not, so we're just trying to make sure that it's clear, the distinctions between the securing orders, between the qualifying and nonqualing offense -- nonqualifying offense. Excuse me, Madam President.

SENATOR PALUMBO: Would the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Yes, ma'am.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Just for clarification -- and I asked this, I know, last year, so I'd like to just make sure it's clear again to my colleagues.

We haven't added any lists to the qualifying offense lists. So still sale of a controlled substance in the second degree, a Class A-2 felony, is not bail-eligible. That is, if I can sell up to 2 ounces of fentanyl, I still must be released by the court. Is that accurate?

SENATOR BAILEY: Through you, Madam President, enumerating a list of heinous-sounding crimes may be part of what happens over there, and you can list every single crime that you'd like to.

We have not added any new qualifying offenses to the bail list.

SENATOR PALUMBO: Would you yield for another question.

ACTING PRESIDENT PERSAUD: Will the

sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Madam President. So through you. So robbery third degree, robbery second degree, aided by another -- those are still exempt from a judge setting bail regardless of the new language change, is that accurate?

SENATOR BAILEY: Through you, Madam President. Again, you can continue to list every crime that you'd like. As I have previously stated on two occasions now during this debate, we have not added any new qualifying offenses in this legislation.

SENATOR PALUMBO: Would you yield for another question, please.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: I would just like to ask a few questions, if I may, regarding cannabis enforcement.

I don't know if that is within the scope of Codes, of the Codes Committee, but I

just have a few questions about Part UU.

SENATOR BAILEY: I'm quite enjoying it, but I would have to yield to Senator Krueger. No more questions on bail, Senator Palumbo?

SENATOR PALUMBO: I don't think for now. I believe some of my colleagues may have a few as well. But thank you, Chairman.

SENATOR BAILEY: Thank you.

ACTING PRESIDENT PERSAUD: Senator Krueger, would you yield?

SENATOR KRUEGER: Yes, I will, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Krueger.

And I do see that we've got a new crime that was added, a Class A misdemeanor for selling without a retail permit. Is that accurate?

SENATOR KRUEGER: To clarify, it is unlicensed sale by a business would be a Class A misdemeanor, yes.

SENATOR PALUMBO: Would Senator Krueger yield for another question,

please.

ACTING PRESIDENT PERSAUD: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you. And through you, Madam President, does that mean that the business would be charged or an individual who's responsible for the sale, someone who's working the counter, so to speak?

SENATOR KRUEGER: It would be the business that would be responsible, because they are in fact selling illegal product.

ACTING PRESIDENT PERSAUD: Will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: So in light of the corporate substitution, is there any -- other than a monetary fine, is there any sort of issue regarding the business if they have multiple

convictions for selling retail -- cannabis retail without a license?

SENATOR KRUEGER: Yes, there are quite a few different fines that can be applied for being a business selling cannabis without a license. It's a sliding scale of a number of different things.

So there would be probably mostly financial fines applied, but in this one case of a misdemeanor, there could actually be up to -- am I right, up to a year? Up to a year of jail for someone found guilty of this misdemeanor charge.

SENATOR PALUMBO: Will the sponsor yield for another question.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you.

And who would serve that year in jail in the event that sentence was imposed? A member of the corporation, the individual who is speaking on behalf of it? I mean, if it's something like an LLC or it has multiple shareholders, who is the targeted defendant under

this legislation?

SENATOR KRUEGER: (Conferring.) So it would have to be a person, not a corporation, who would be found guilty of a misdemeanor in this situation. You had to prove that they knowingly were selling it.

So I believe that in most cases it would be in fact the owner or owners of the illegal store. But if the fact pattern showed that the salesperson conceivably knew that they were in fact participating in an illegal -- sale of an illegal product, they could potentially also be caught up in this.

SENATOR PALUMBO: Would the sponsor yield for another question, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KRUEGER: Oh, I'm sorry. Yes, of course.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Krueger.

And in that regard, then, are there any -- it looks like there's only one crime for

the retail sale or the unlicensed sale. Are there any aggravating factors that were considered? Like sale to a minor, for example, might be a more significant crime.

SENATOR KRUEGER: No, not in this situation of cannabis.

The goal was to primarily stay within the civil law categories, not the criminal law. Because we just went through a whole process of trying to make sure we were decriminalizing both the use of cannabis products and as much as possible the sale of cannabis products.

So far more of the penalties, if you look through the entire section of that bill relating to cannabis, are on civil fines.

SENATOR PALUMBO: Thank you. Would you yield for one more question, please.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: I don't know if the Legislature was aware, but there were some

reports that the state has already started to crack down on unlicensed entities, and that they've been -- they've been -- about five months ago they started to get moving and started to create essentially like a task force to deal with people who are unlicensed and illegally selling cannabis.

So can you tell me why this legislation is necessary, if the state's already been authorized to do it itself?

SENATOR KRUEGER: So the OCM did start to implement some going after, so to speak, illegal stores and trucks. Five months ago -- even earlier than five months ago.

But I believe five months ago, you're referencing an executive order giving them some additional authority. And truthfully, it was just creating lots and lots of confusion out there in different parts of the state about who had what responsibility or authority to do things, including the confusion that there would be a specific store that might be licensed to sell CBD products and/or tobacco products, but was also selling, illegally, cannabis products -- cannabis non-CBD products, with THC.

So there would be lots of arguments back and forth, could they close that store down if it was licensed for tobacco even though they were going after the cannabis marijuana products? Who could do that? Some confusion about whether sheriffs had the authority or didn't have the authority. Some confusion, in fact, about with various police departments, what authority they had to go in and seize products and close stores.

And so we worked very hard for quite a few months to try to establish an entire sort of collection of statutes that we believed would finally make it very clear to law enforcement what their powers of enforcement were, powers for the Office of Cannabis Management.

The recognition, of course, that cannabis -- legal cannabis must be taxed for sale. And so -- and licensed. So that in fact that brought in the Tax and Finance Department, who actually has search and penalty authority already over tobacco and alcohol products, and this was expanding their role to be inclusive of illegal cannabis sales by stores as well.

So if you look through the entire section, you will see that we are trying to both

clarify for law enforcement what they can do to address this problem, make it clear to people who might be unintentionally walking themselves down the road of being involved in illegal businesses and business sales, and making sure that we have I believe now a robust system of making sure that not only will stores be closed rapidly, but that many people will realize this is not even anything they want to try, and they will not try to open these stores, which would be the ultimate goal.

SENATOR PALUMBO: Thank you, Senator Krueger. Do you yield for one more question on a little bit different area?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

The sponsor yields.

SENATOR PALUMBO: Thank you.

It's page 162 of the bill, the grounds and procedure for removal of commercial tenants for unlicensed cannabis retail sale. And near the bottom of the page it indicates that this could be grounds for eviction, that they would file an application for the removal of a

commercial tenant so using or occupying the same for a violation of Article 222 of the Penal Law, or Article 6 of the Cannabis Law, involving the unlicensed sale of cannabis or such property or the portion thereof being used for such unlicensed activity is not occupied for any other licensed or lawful purpose.

So regarding that section, in the event someone's selling cannabis out of their home or out of a licensed commercial building that has other uses -- maybe a Walmart that has other lawful purposes -- do you not have grounds to evict that tenant if they're in violation of this new law?

SENATOR KRUEGER: This law only applies to commercial space, not a private residence. So it would not involve evicting someone from their home or a residential facility. It's specific to commercial facilities.

SENATOR PALUMBO: Thank you, Senator Krueger.

On the bill, please, Madam President.

ACTING PRESIDENT PERSAUD: Senator

Palumbo on the bill.

SENATOR PALUMBO: Thank you. And I appreciate that. And, you know, it's interesting to live in a state where weed is cheaper to get than cigarettes.

But back to the bail issue. I mean, of course, you know, I can usually talk about these things for quite some time. And we had -- it was -- I appreciate Senator Bailey yielding for my questions. And I didn't want to waste time just really debating back and forth all the nuance of it, because what we have here is actually no change.

We have all of the same offenses that we've gone through before, almost 400 of them, and we have some of these that are just so counterintuitive to common sense, when you have riot in the first degree is still not bail-eligible, so you have 10 or more people rioting, you have -- it's an E felony. You have to give them an appearance ticket and then ask them to not stop -- put the knives and bats down, and then when the police step back, because they can't arrest anyone, they can go right back at it. It just makes no sense to me.

And quite frankly, this so-called change has not added any additional crimes to domestic violence. For example, assault in the third degree isn't even a mandatory arrest under our Penal Law if the victim doesn't want you to arrest.

So if I break my spouse's nose, that's an assault in the third degree. That's a misdemeanor under the law. It's an assault in the third degree. Not only is it not a mandatory arrest, it's still not eligible for bail because there is a cross-reference to the domestic violence or the family offense statute, which really has to do with warrantless arrest at one point -- at 140.10, I think it is.

So it says if it's one of those offenses, the few that are not on the bail-eligible list, but they are considered a family offense, then it's a mandatory arrest. But they're still not eligible for bail.

So this was a long time coming; we're a month late. And we were expecting something spectacular. This is version number four of bail reform. 2019, 2020, we just keep making changes, and none of them are substantive.

And none of them are going to make us safer. Crime is up. Crime continues to go up. It's not the pandemic. That was the excuse we've been using for the past few years, and it's doing nothing to make our citizens feel safer.

So I will be voting no on this bill. It's really quite unfortunate that we didn't really consider a dangerousness standard, like all 49 states and the federal system allows, because dangerousness is a part of bail. Whether or not if you have a prior murder conviction -- this is even the example I just gave, actually, now that I think about it.

If I murdered my first wife, served my time, paid my debt to society, got out 30 years later, and I'm now knocking around my new girlfriend and I break her nose, you can't even set bail on me in New York State. How fair is that? We forgot about victims, folks.

This does nothing. I'll be voting in the negative. Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Lanza.

SENATOR LANZA: Madam President, I

have a few questions on bail. I'm wondering if the sponsor would yield.

ACTING PRESIDENT PERSAUD: Senator Bailey, do you yield?

SENATOR BAILEY: Certainly.

I just want to clarify something that Senator Palumbo indicated in his statement in relation to arrests. Subpart B of this bill, in a domestic violence context, does make it an arrestable offense. I just wanted to make sure we clarified that for the record.

Senator Lanza, I certainly do yield for your questions.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Thank you.

Through you, Madam President. I just want to comment, I listened to the exchange between Senator Palumbo and Senator Bailey, and I just want to seek clarification. There was a question about what is dangerous, and I'm not sure I heard the answer. So I want to be more specific.

So some of the things that have occurred, sadly, over the last year and, you

know, forever in New York: Robbery with a knife, burglaries, people being pushed off subway platforms, assaults, hate crimes -- and I can go on and on. But the point I'm making is would the sponsor agree or is there anything on that list that the sponsor believes is not dangerous?

SENATOR BAILEY: Not in any of the subject matter that you -- through you, Madam President, the offenses that you mentioned are harmful to individuals. They are -- they cause harm to people. They are not things that should be done. And I would say that that's the reason why we have a Penal Law, you know, to punish people who are engaging in harmful conduct.

SENATOR LANZA: Would the sponsor yield.

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Through you, Madam President. You know, I would agree with that, Senator Bailey.

But my question is more pointed than that. Do you believe that the things I described

are dangerous or not?

SENATOR BAILEY: Through you, Madam President. So I'm going to answer that in two parts.

The offenses that you mention are dangerous, but that does not necessarily mean that people are dangerous. So when you're speaking about a dangerousness standard, you are talking about a person being determined to be dangerous.

The crimes that are considered to be dangerous, again, are covered under our Penal Law. So I also -- I just want to ask the distinction. Are you speaking about people or instances?

SENATOR LANZA: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: I'd be glad to clarify. Through you, Madam President.

So I'm talking about the crimes that are committed by people, so I suppose I'm asking about people. For instance, a person that walks

down the street in Manhattan and just hits a police officer standing there over the head with a bottle, or a person that walks onto a subway platform and pushes another person into the tracks just because they don't like the way they look, or a person that points a knife at someone and tells them to give them their purse or their money -- would you agree that those people doing those things are dangerous?

SENATOR BAILEY: (Conferring.) Through you, Madam President. Those instances are certainly unfortunate and certainly things that none of us would want anybody in our communities, in our homes, to go through, on the first level.

It sounds like in that instance that those individuals are requiring of mental health services. And when we talk about public safety, public safety is way more than bail, it's way more than discovery, it's way more than mental health. It's all of the totality of the circumstances.

But in sum and substance, it would be very difficult to say those people are dangerous. Are they committing dangerous

activities, in that if those instant offenses -- incidents are proven guilty, if they are proven to be guilty -- and I think we also often gloss over that, right, that there's a standard of innocence until proven guilty.

But I want to -- if they are proven guilty, Senator Lanza, and presumably in your hypothesis -- you know, your hypothetical, they were -- the actions were guilty. I don't know if we can indicate that those individuals are dangerous. Because as Senator Palumbo mentioned, dangerousness is rather subjective. And it's contextual.

SENATOR LANZA: Will the sponsor yield.

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Through you, Madam President. So I don't think the things that I described are matters for debate, honestly. I think people who do that are dangerous.

I'll -- I'll -- through you, Madam President, another example. On Christmas

night, after a dinner with my --

ACTING PRESIDENT PERSAUD: Senator Lanza, are you on the bill or are you asking a question?

SENATOR LANZA: I'm asking a question, through you.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: I'm sorry, yes. Thank you. Through you, Madam President.

So on Christmas night, after dinner with my family, we're sitting in my home, a quiet neighborhood that has been sort of -- we've seen an increase in crime over the last three years. My daughter was sitting at the kitchen table. We have patio doors, and someone right in front of her, a few feet away, pushed in those doors, had already broken into my home, unbeknownst to us. We were all in the house.

That person was never caught, although there was a rash of crimes like that in the weeks before and the weeks after. And

although that person was never caught and therefore never proven guilty, that person did what he did right in front of our eyes.

Through you, Madam President, would the sponsor agree that a person who does that is dangerous?

SENATOR BAILEY: (Conferring.) So through you, Madam President. First and foremost, let me address -- as a friend, as a person, I'm sorry that that happened to you and your family. Great father, great husband, your kids are incredible. I'm sorry that they had to witness that. And I say that with all seriousness. And that I'm very sorry that happened to you, Senator Lanza.

In the fact pattern that you mentioned, that individual would have committed a qualifying offense, which would -- which would have been bail-eligible should a -- if a judge had determined to -- based upon the facts that you just laid out there.

And whether you -- you're asking whether that individual would be dangerous or not. And again, it's such a subjective question. Right? The offense is a dangerous offense,

unquestionably, because it caused harmed to you, mental anguish to your children, things that none of us want.

But the person was not apprehended. It is very difficult for us to thread that needle when we're speaking about dangerousness and the subjectivity thereof, Senator Lanza.

SENATOR LANZA: Madam President, will the sponsor yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: First, I just want to step outside this debate for a second.

I want to say I do appreciate your comments, Senator Bailey. I do consider you a friend. It means a lot to me that you said what you just said. People forget back home that we could work together and we could oppose and debate and that we can still be friends. And I appreciate your friendship.

I will say this, through you, Madam President, and it -- there will be a

question following. That is, to me it is not subjective. I believe in my heart, in my soul, in my mind, that a person who did what they did to us Christmas night -- and thank God everybody was okay -- and some of the other things that I've described, I don't think there's no sort of issue in terms of -- I understand what Senator Bailey is doing, and I respect it.

But people, to me -- and I think most people back home on Staten Island that I represent, and throughout the state -- would consider the types of things I've described and people that I've described as being dangerous. So we'll leave that.

Through you, Madam President. So last year, sadly, there were 417,975 crimes committed in the State of New York. Through you, Madam President, would the sponsor agree that that would suggest that New York State is not as safe as it ought to be?

ACTING PRESIDENT PERSAUD: Will the sponsor yield for that question?

SENATOR BAILEY: Through you, Madam President. Crime is up everywhere, and it's very difficult to determine where are these

crimes committed. You know, it's -- I would say that's a largely contextual question. Right? You know, what time periods are we speaking about?

Just to put statistics -- and we've had hearings, Madam President, about how there have been maybe conflicting data and information. So, one, I'd wonder where that data came from, right, because we've seen conflicts between DCJS and NYPD and other different data points.

And secondly, I guess I'd -- when you're saying the number of offenses committed, what type of offenses have been committed, Senator Lanza? I just want to I guess clarify a little bit. So through you, Madam President.

SENATOR LANZA: Madam President, will the sponsor yield.

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

The sponsor yields.

SENATOR LANZA: Through you, Madam President. So the time period is last year, 2022. The characterization is crime, not offense. So there were 417,975 crimes committed

in the State of New York. Which is just at a historic high.

We can debate, you know, what the cause is. Myself and others and folks on my side, we believe that the bail reform was certainly a contributing factor to that number. There are other issues I think at play here. But nevertheless, we can't get around the fact and the truth that according to DCJS, 417,975 crimes were committed in New York. Which means there are 417,975 victims in the State of New York last year. And it looks like there are going to be more, tragically, this year.

And so through you, Madam President, I listened to my friend Senator Bailey say that the bail issue proposal in this bill does not add any qualifying offenses that weren't there already. And that also that it represents a mere clarification of what was originally done in the original bail reform.

So I'd ask -- through you, Madam President -- is Senator Bailey saying that in this bill there is actually no real fundamental change to the bail reform as it exists today?

SENATOR BAILEY: Through you, Madam President, I would respectfully disagree with my friend Senator Lanza that this -- that there are no fundamental changes.

I believe that there are a number of substantive changes between Parts A, B, and C of this proposal.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Through you, Madam President.

So one of the arguments, if not the primary argument in favor of the need for bail reform a few years ago, was that the prior system was inherently racist. Through you, Madam President, does the sponsor believe that this rollback of bail reform, together with the other rollbacks, brings us back toward that racist system?

SENATOR BAILEY: Through you,

Madam President, it's very difficult to contextualize racism. As, again, as a Black man in America who has faced it since August 26, 1982, the day I was born in New York Hospital.

To answer your question, as a Legislature, as a Senate body, as an Assembly majority, we're a contemplative body. And we listen and respond to the needs of our constituents. And we've made changes that we have determined were required in order to move our state forward.

And as far as whether they were returning to something racist, as someone who faces racism quite often in a number of different contexts, I don't know how to answer that honestly, Senator Lanza. It's a very difficult question. Because racism is a multilayered concept that is not just predicated upon in our bail laws. You see, it's in our housing laws. It's in our economic justice laws. It has permeated society.

So it's very difficult to say -- to point to one area of law and say that's racist. There are a number of other things that are rooted in the vestiges of racism and slavery in

our state's history. And I don't know if we have the time or the energy, for some, to discuss those. But I just don't know how to give you the answer that you're looking for in that context specifically related to bail.

SENATOR LANZA: Madam President, thank you. On the bill.

ACTING PRESIDENT PERSAUD: Senator Lanza on the bill.

SENATOR LANZA: Madam President, thank you.

And thank you, Senator Bailey. I appreciate the discussion.

You know, Senator Bailey, I suspect I know the answer to the question. I know you a long time now. I know you would never vote for anything that you believe to be racist.

We were told for a long time that bail reform was necessary because the old system was racist. Last year the Governor, Governor Hochul, did a press conference, talked about the fact that she was not going to roll back bail reform, not one iota. She talked about a knapsack, and she talked about the racism that existed in just about, I think she said, every

arrest that occurs in New York. And she said therefore she would not roll it back one iota.

A week later, there was a poll in the gubernatorial race, and all of a sudden there was another press conference and she said she rolled it back.

Now, I know my good friend Senator Bailey, if he thought something was racist, whether it was or not, that there was no way he was ever going to move in that direction. Which is why I must conclude, Madam President, that as Senator Palumbo concluded, that there is no real change here in bail reform.

You can't have it two ways. You can't say the old way was racist and therefore we can't roll it back, but here we are today, quote, unquote, rolling it back. I think the people of New York know better. I think the Governor knows better. I think the Governor is just looking to do another press conference so she can say she did something when she didn't.

We can continue to argue: Bail reform good, bail reform bad. That's a debate we ought to have and continue to have. We have our position, you have yours. But, you know, the

insult to the people of New York is not something we should stand by. So she's going to have her press conference. We heard there are no new qualifying offenses, we heard this is just a clarification. And we know, based on the statements we've heard from my good friends, who believe what they believe on the other side of the aisle, that they were not going to change it, period. We've been waiting 40 days because of that.

And you know what I believe? I believe we're not changing it. And I believe this is just continued dishonesty here in Albany. Not by my friend Senator Bailey, because I think he pretty much said, Yeah, there's a clarification, yeah, there's this, I'm not going to answer that question -- because I know he's uncomfortable. Because I know he knows and I know what's happening here. And we know the Governor wants to say something that isn't true.

And New Yorkers are tired of it. Because you know what I believe? I believe 417,975 crimes is too much. And it means New York is not safe. And I believe the people who commit those crimes, the lion's share of

them, represent a danger to our state and to our people.

And you want to keep telling us what is not causing the problem? Then tell us what is. And let's for crying out loud do something about it. But this budget does nothing about it. Which is why I will be voting in the negative, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Stec.

SENATOR STEC: Thank you, Madam President. If the sponsor would yield on the subject of bail reform.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT PERSAUD: the sponsor yields.

SENATOR STEC: Thank you, Senator Bailey. Good afternoon.

I would like to follow up on some of what my colleagues have been asking you about today. If the sponsor would yield for the first question. In your opinion, does this new bill

language improve public safety?

SENATOR BAILEY: Through you, Madam President, this --

SENATOR STEC: And how?

SENATOR BAILEY: Through you, Madam President. Public safety is a multifaceted conversation. If any one of us is looking to any single statute to ameliorate the needs of public safety, I think that we are all fooling ourselves.

This, in conjunction with the money that we are giving to our district attorneys, the money that we are giving to our defenders, the money that we're giving to the police departments throughout the State of New York, in conjunction with necessary mental health improvements -- more beds online -- will improve public safety. No one statute, and not this statute by itself, on its own, will improve public safety, Madam President.

SENATOR STEC: Will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Certainly.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Does this bill language move the ball forward or not in the area of public safety on its own legs?

SENATOR BAILEY: Through you, Madam President. I was hopeful I answered that, that no one bill can move any public safety forward. And I haven't seen a bill in my six-and-a-half years here that does that by itself.

This bill makes necessary improvements to the bail law to assist with some of the concerns that people had about bail reform.

SENATOR STEC: Will the sponsor yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

Would this bill make it easier to

hold people in some instances in the case of their arrest?

SENATOR BAILEY: Through you, Madam President, it would give judges discretion to make a determination whether they would like to set bail on individuals after a qualifying offense.

SENATOR STEC: Will the sponsor yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

Current law uses least restrictive means. It's been reported over the buildup of the last month that this was going to be changed in this legislation. In your opinion, does this bill significantly change or does this just rejumble the words? Are we getting away from least restrictive means or are we still under least restrictive means?

SENATOR BAILEY: Through you, Madam President, in the language that was brought

up, kind and degree of control to necessarily return a -- and guarantee the principal's return to court is a departure from least restrictive means.

I don't -- again, I -- as someone who is not in the business of speaking about what judges will or will not do, it grants them further discretion to be able to determine, once a qualifying offense has been purportedly committed, to be able to set bail should they so choose.

SENATOR STEC: Will the sponsor yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR BAILEY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you. How many times have we amended the bail laws in the last five years?

SENATOR BAILEY: Through you, Madam President, three.

SENATOR STEC: And this would be the fourth time?

SENATOR BAILEY: Through you, Madam President, excuse me, this would be the third time.

SENATOR STEC: All right. If the sponsor would yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Is the sponsor aware of the Siena poll from March, just a couple of months ago, that demonstrated that 72 percent of New Yorkers support giving judges much more discretion than current law?

SENATOR BAILEY: Through you, Madam President, I would take you at your word, Senator Stec, about the Siena poll. That's a reputable polling industry.

But I would also indicate that polls are not necessarily dispositive of the entire populace in our 20-million-populated state. And this does give judges more discretion to be able to again, in the event that a qualifying offense was committed, if they so chose, to set bail on

someone.

SENATOR STEC: Will the sponsor yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

What stakeholders were involved in drafting the legislation that's in front of us today? Who was -- what groups or significant stakeholders were involved in crafting this?

SENATOR BAILEY: Through you, Madam President, a number. We had conversations with law enforcement, district attorneys, the Executive, Assembly, Senate, organizations such as domestic violence organizations, a number of individuals who are -- have a vested interest in public safety, Madam President.

SENATOR STEC: If the sponsor would yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Specifically, was the District Attorneys Association of the State of New York consulted, and did they give any formal opinion, guidance, or input into this legislation?

SENATOR BAILEY: Through you, Madam President, not by the Senate.

SENATOR STEC: Sorry, I couldn't hear.

SENATOR BAILEY: Through you, Madam President, the District Attorneys Association as a formal entity was not contacted by the Senate. They possibly could have been through the Executive or the Assembly.

SENATOR STEC: If the sponsor would yield.

SENATOR BAILEY: Through you, Madam President, they did testify at a number of public hearings as illuminated in some of the debate from yesterday, where you asked multiple questions about another topic of discovery. So there were conversations that were had with them in the general realm of public safety.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Yes, certainly.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thanks, Senator Bailey.

Were any victims' rights advocacy groups consulted, or did we receive input? And if so, what that was -- what was that?

SENATOR BAILEY: Through you, Madam President, for subpart B, in relation to making the arrests mandatory for domestic violence offenses, domestic violence awareness organizations were contacted and consulted.

SENATOR STEC: If the sponsor would yield. The rest of my question was --

SENATOR BAILEY: Absolutely.

SENATOR STEC: -- what was that -- what was that feedback or input.

SENATOR BAILEY: Well, it was included, you know. And it was something that those organizations were supportive of.

SENATOR STEC: If the sponsor would yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

What about the New York State Defenders Association, were they consulted? Did they provide input?

SENATOR BAILEY: Through you, Madam President, yes.

SENATOR STEC: If the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right. As I pointed out previously, I am not a member of the bar like some of my colleagues that have spoken earlier. And we're talking about flight risk and return to court as the thrust of the purpose of bail, I think is how I would characterize this. Whereas a lot of questions are always being asked

about dangerousness, the seriousness of the crime, the likelihood of conviction.

Is it fair to say that those last three -- likelihood of conviction, seriousness of the crime, dangerousness of the individual -- are not factors in New York's criminal justice system?

SENATOR BAILEY: (Conferring.) So through you, Madam President, flight risk is something that would be included. And there are a list of -- a number of lists of factors that are enumerated, and it's not exclusive. So I wouldn't say anything is ruled out.

As far as dangerousness goes, that is not a standard in New York and it's never been.

SENATOR STEC: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields .

SENATOR STEC: Isn't it true that New York State is an outlier when it comes to that, that in all the other states, 49 other states, judges can factor in dangerousness, but

New York does not? Is that -- and if that's true or reasonably accurate, is -- is there a constitutional prohibition in the New York State Constitution for us to amend that?

I mean, we're amending criminal justice law here today. Why not insert dangerousness?

SENATOR BAILEY: Through you, Madam President, there's a reason why we're the Empire State. We stand out and we stand alone.

So no, we have not contemplated dangerousness. And I'm certain that if someone desired to take that up, they could. But we are uninterested in taking up the topic of dangerousness, Madam President.

SENATOR STEC: If the sponsor would yield.

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: Would the sponsor -- the sponsor yields.

SENATOR STEC: I just -- I wasn't sure if I heard you. So are we an outlier? Are we the only state that does not consider dangerousness in our criminal proceedings?

SENATOR BAILEY: Through you,

Madam President, we are an outlier in many ways. And Senator Stec would be correct that we are an outlier in terms of not permitting a subjective standard to determine a reason why an accused individual who is not determined guilty before a trial should be incarcerated, yes. We are unique in that factor, Madam President.

SENATOR STEC: If the sponsor would yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Well, I'm sure you won't be surprised I agree that New York State is in fact an outlier in many regards. We may disagree on whether or not that's wise or not.

Are you familiar with -- and I -- you know, I'd almost like to ask a hypothetical, but I'm going to ask something that's current events. Are you familiar with the tragic shooting case a couple of weeks ago -- when the budget was only 15 days late -- on April 15th in neighboring Washington County of a 20-year-old

girl who was shot with a shotgun because she turned down the wrong driveway? Are you familiar with that, that case that's been in the news?

SENATOR BAILEY: Through you, Madam President, incredibly sad. My condolences go to her family, Senator Stec. I am well aware of that tragic occurrence.

SENATOR STEC: Thank you. If the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: And I appreciate that. I -- I certainly don't doubt your sincerity there. It's certainly a tragedy. And there's a lot to talk about in that case.

But one of the current issues on that case is the subject of bail. A couple of days after the incident -- the shooting, her death -- the defendant was brought before a judge in Washington County and remanded. And it's in the Times Union today, there's a story in the Times Union today that on Thursday, in

Warren County Court, the defendant will be in front of a judge where they're seeking his release.

If I could, I'll just paraphrase briefly from the news article. A 20-year-old woman was shot and killed for turning in the wrong driveway, and the defendant's attorney is describing his jailing as being "illegally detained."

When the judge at the time, following the -- his arrest in Washington County Court ruled against bail, the friends and family drew an audible sigh of relief in the courtroom. And then in court documents, and I've got court documents here, the attorney has argued that jail without bail violated New York's current bail law because it not pose a -- he did not pose a flight risk and questioned whether the ruling was the least restrictive means.

And from the court proceedings or the court filing, the newly -- this is the defendant's attorney's filing -- the newly enacted statute governing securing orders codified in Criminal Procedure Law Section 500, which went into effect on January 1, 2020,

mandates release pending trial on every single case, regardless of the charge, unless the court makes an individualized finding that the accused person poses a, quote, risk of flight to avoid prosecution.

In all cases, the court shall release the principal pending trial on the principal's own recognizance unless it is demonstrated that the court makes an individualized determination that the principal poses a risk of flight to avoid prosecution.

Accordingly, only if there's a demonstration of an individualized finding that the accused or the principal poses a risk of flight to avoid prosecution may the court then impose non-monetary conditions of release or, if the person stands charged with a, quote, qualifying offense, which we heard about earlier, monetary bail.

Are you comfortable with how that's been phrased to the court? And do you believe that somebody that's been convicted of second-degree -- or accused and arrested for second-degree murder, firing a shotgun and killing a 20-year-old woman, should only be

judged on whether or not he's a flight risk?

SENATOR BAILEY: Through you, Madam President. Let me first again -- what I'm hearing, I watched the news, I saw that -- the coverage of that. And I saw and I was paying attention when he was remanded, because the offense that he was accused of is a bail-eligible offense, which would be a qualifying offense.

As far as whether I'm comfortable with a defense attorney making an argument, I have no opinion on a defense attorney making an argument for their client. Defense attorneys have been making arguments since prior to 2019, in the same vein, on a number of offenses. They are offenses that individuals have been remanded for murder, for attempted murder. And when I say this, understand I'm not diminishing the offense. I mean, if that's a constituent of yours, please convey my sincere condolences to them. If it's Senator Ashby -- I'm not sure -- please convey that to them.

But I have no opinion on what a defense-attorney argument is going to make. When it comes down to it, it is an argument -- the article seems to be an article about an argument

that a defense attorney is making, not about our laws.

SENATOR STEC: On the bill.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: Thank you, Madam President.

Thank you, Senator Bailey, for answering my questions. Thank you for expressing your condolence. And, you know, I know we all share that sentiment. And I don't doubt that at all. It's a difficult subject. I apologize to bring it up in this way. Like I said, I hesitated to do so because it's so recent, but it is also current. And a former constituent of mine, a current constituent of Senator Ashby's following redistricting.

It's cases like these and arguments that are being made like this that has got people in New York State very frustrated with bail laws and the way that we treat criminals in this state.

I'm not sure that I've -- I'm convinced that the current law is significantly different -- or it improves public safety than

the current law. And I'm absolutely certain that the current law, which was adopted as part of the budget in 2019, significantly hindered and reduced public safety in New York State.

Again, I think that the bail reform law that we've got in front of us now, changing this falls far short. And I'll be voting no on this particular budget bill for this and many other reasons. But bail reform, this is another -- this is another swing and a miss.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Rolison.

SENATOR ROLISON: Thank you, Madam President. On bail, will the sponsor yield for a question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR BAILEY: Yes, ma'am.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR ROLISON: Senator, we had the opportunity, along with colleagues from the Assembly and members of the Senate, to have a

joint committee hearing on data that you were part of chairing. And there was a lot of information that came out of that particular hearing -- which was frustrating for sure, because it seemed that none of the data systems within our state when it relates to criminal justice were probably really communicating with one another. You know, almost like on different platforms. And some organizations would have some data, and some would not have the data that I think we were all looking to hear. So there was a lively debate on that with various state entities.

One of the things that was spoken about when it came to judges, and there seemed to be some frustration or just some lack of information, I guess, is a way you could categorize it, that judges were not applying the current bail laws as written. And there were questions to OCA and DCJS, the District Attorneys Association representative, on what was known, how they got the information, what was the training, and we could go right on down the list.

And looking at this change to the bail reform, it almost, in my opinion -- and this

is going to be my question, Senator. Does this -- in your mind, does this reflect what we heard that day? Does this sort of clean up some of the bail reform that really was already existing but wasn't being properly applied when it came to certain defendants?

SENATOR BAILEY: So thank you, Senator Rolison.

So through you, Madam President, in that same public hearing, the chief administrative judge indicated that judges were not confused. So -- and we also have a subpart C, which specifically addresses the data. It would mandate OCA and DCJS to report every six months regarding pretrial release and detention. And, you know, it would give us hopefully a better data set. Because you mentioned data at the outset of your questions at the data hearing -- excuse me, at the outset of your line of questioning.

So we're hopeful that this will make actual change, meaning after six months it would be going every month, so we can have a better set of data concerning what judges -- whether they're setting bail, whether they're not setting bail.

So all of this information about pretrial data, we're trying to improve that, you know, as a contemplative body.

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

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

The sponsor yields.

SENATOR ROLISON: So, you know, getting back to that part, right? So obviously that was a huge part of the fact that data was not available as we wanted it to be from a variety of state agencies.

And then there also was, you know, the conversation about that some judges were doing it one way, some judges were doing it another way. And it was very confusing, at least in my mind, that there wasn't more of a uniform way of defining the guidelines that this body passed in 2019.

I can say, as someone who spent his career as a police officer, and then obviously as an elected official, partly during that time and then after in dealing with criminal justice, that

we know dangerousness is off the table. I disagree with that, but it's off the table. And so -- but again, getting back to what we heard -- and I think you started to say that, but I'm confused by this. And I've talked to some of my colleagues about this particular proposal that -- originally put forth by the Governor, modified, I would assume, maybe not assume, by the two bodies, that it still seems to be confusing.

Which -- and there may be just different terms within this new language that really kind of reflects what's already going on, in some part. So that -- you know, that concerns me, because I do understand this language. And I don't understand all of it, right, and that's concerning.

So I'm going to go on the bill, Madam President, if that's okay.

ACTING PRESIDENT PERSAUD: Okay. Senator Rolison on the bill.

SENATOR ROLISON: So as I said, I started my police career at age 21, I did almost 29 years in the police force. And I will say that there definitely were times, especially early on in my career, when there were

individuals that had bail put on them that probably didn't necessarily need it to be done.

It was just how it was for people who were doing repeat offenses, that there was a way to hopefully address some of their challenges. And even back then, correctional facilities, local county jails, weren't set up for that.

And there was talk about a bail fund when I was a member of the county legislature, how for low-level crimes, where a county could set up a bail fund to actually give the money to the defendants so they didn't have to go to jail. Thinking today about back then, that probably was something that should have been done. And it wasn't done.

So -- but here we are in a situation where I wasn't here in 2019 when this was discussed. I was mayor of the City of Poughkeepsie. And what I heard at the time was that these reforms were passed, there was not a lot of discussion with individuals within the criminal justice system -- this is what I heard. Again, I was not here. And now we have seen on several occasions that this body has reformed a

reform.

And what I -- what I would just hope is that -- and I don't see anywhere in the budget any money to really study the impacts, say, so to speak, on the criminal justice system, public safety, and crime victims and the defendants as it relates to all of the reforms that were passed by this body back in 2019.

I would like to see that. Because one of the things that frustrates me is that there is never a complete -- and I know in a perfect world you'd have that, but this isn't a perfect world, of course, and it's not supposed to be -- is that we dispute the data: This group says this, and this groups says that. And everyone else who's not on either particular side of this issue is left kind of wondering, well, what really -- what does that data support?

And for that reason, Madam President, I will be voting no on this bill.

ACTING PRESIDENT PERSAUD: Senator O'Mara.

SENATOR O'MARA: Yes, thank you, Madam President. I think I'll move on from bail,

if that's okay with everybody.

ACTING PRESIDENT PERSAUD: That's fine.

SENATOR O'MARA: I have a few questions on the energy issues with a few different areas of -- electric buildings, I guess I'll start with. And I think that is Senator Kavanagh.

ACTING PRESIDENT PERSAUD: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Yes, I do, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Thank you, Senator.

On the move to electric buildings under seven stories. There's significant concerns, I think, on the reliability of the grid and moving forward with this. We're certainly pushing in New York State more and more electrification -- vehicles, home heating, stoves, hot water heaters.

This electrification in new buildings raises a concern because the ISO,

Independent System Operator in New York has actually reported on the reliability margins in New York City and that in 2025 there's going to be an insufficient supply of electricity in New York City. That it's estimated to range between 120 and 350 megawatts deficiency during the summer. And that if -- that's in 2025.

And there's, you know, I guess more electricity coming with the Champlain-Hudson line coming down from Quebec with renewable electricity from Canada. But if there's delays in that transmission line, that power supply won't be there.

How do you propose or how do you think that the state is going to handle this deficiency, pushing more and more buildings and vehicles onto electric?

SENATOR KAVANAGH: Through you, Madam President, that was a long and thoughtful question, so I'll give a bit of a lengthy answer in response to the various points that my distinguished colleague across the aisle has made.

Just first of all, for context, in 2019 we passed the Climate Leadership and

Community Protection Act. It required us to engage in various processes that are intended to diminish our impact on the climate. We're literally, as of -- in the world systematically destroying the habitability of the planet we live on by pumping out greenhouse gases. We've known that for a long time, and we're starting to experience the effects of that.

The Climate Action Council, which was convened subject to that law, did recommend that we do a statewide ban on new buildings providing -- that burn fossil fuels. And that council, of course, included representatives of industry, various professors, various commissioners and experts on energy use. And again, they recommended that that occur. And in fact they recommended it occur somewhat -- perhaps more quickly than the bill before us. That's important because buildings are currently contributing about 30 percent of our greenhouse gas emissions economy-wide.

Now, what that bill does is it says you can't build new buildings, smaller ones, as my colleague mentioned, fewer than seven stories -- seven or fewer stories -- unless they

are commercial buildings that are greater than 100,000 square feet, after 2025. And after 2028, you can't build any other kinds of buildings regardless of size. Although there are a number of exceptions which we can get into if my colleague would like.

I would note, though, that to the extent my colleague was citing data from New York City, this bill basically -- I'm sorry, much of Part RR does not apply to New York City, and specifically the provisions about all-electric buildings do not apply to New York City, because New York City has its own codes and because New York City has passed local laws and restrictions on electric buildings will be going into effect pursuant to those laws after this calendar year. So this bill does not actually affect New York City's reliability issues.

To the extent that the current electrical system is not able to handle -- reasonably able to handle the addition of an all-electric building in a place where this bill does apply, there is a clear bright line exception that says if it's not reasonable, if the grid can't handle it, it is an exception and

that building does not have to be all-electric, even under this provision where it does apply.

SENATOR O'MARA: So there is a safety valve -- excuse me. Through you, Madam President, if the sponsor will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So you're saying there is a safety valve that this can be pushed off, based on grid reliability?

SENATOR KAVANAGH: Through you, Madam President, it doesn't push off the whole mandate. But what it says is if the grid is not reasonably able to handle a particular building that would require electricity under this law, that pursuant to some provisions that the Public Service Commission would put forth, that an exception could be made for that building.

So in case where it's not -- where the grid is not able to provide for that building, they won't need to do it all-electric.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: In the case of an exemption for a particular building, construction, due to insufficient supply in the grid, will that building be required to convert down the road once sufficient supply is available?

SENATOR KAVANAGH: Through you, Madam President, no. There are no provisions in this bill that require buildings to be converted. There are provisions that -- sorry, require buildings to be converted. There are provisions that require that certain buildings be built -- certain kinds of exemptions be built such that the building is electric-ready even though it's allowed to use natural gas under other exceptions in this bill.

But if a building were to be built

using gas service because of the exception about grid reliability, there's nothing in this bill that would require it later to become an all-electric building.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So this bill is going to prohibit the construction of a home with a natural gas furnace or a propane furnace or a heating oil furnace, is that correct?

SENATOR KAVANAGH: Through you, Madam President, it will -- after the date specified in this bill, it will prohibit -- again, where I come from, homes are sometimes large buildings. If a building exceeds seven stories, it will prohibit that after 2028. If it is a home that does not exceed seven stories, it will prohibit that after 2025. Again, with some

exceptions for particular uses, and most of those uses are commercial.

But there is an exception here for backup fuel systems, and in that case they might be able to -- they would be able to continue to have certain backup systems. But for the most part, yes, the routine heating and powering of homes and the routine powering of appliances like dryers and stoves would be banned in new buildings after the date specified in the bill.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So will a new building less than seven stories or a single-family home then be able to have a natural gas hookup for the purposes of a backup generator?

SENATOR KAVANAGH: Through you,

Madam President, yes.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So regardless of type of structure, they're requiring all-electric. They're all going to still be able to have natural gas hookup for backup generation.

SENATOR KAVANAGH: Through you, Madam President, yes. Again, somebody would have to decide to construct -- I mean, there are various ways to make backup power more acceptable. Presumably there will be a market that will determine what kind of structures people want to buy. There are other ways to do backup, through battery storage or other things.

But the short answer is yes, if somebody wants to construct that and they want to allow gas to be for standby power or backup

power, they can do that under this bill, yes.

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

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So then basically it would be left up to the consumer -- the builder, the contractor, or whoever's having the home built, the individuals, it will be their consumer choice as to whether they would like to be able to hook up natural gas backup generation, propane backup generation, battery storage backup electricity. So that's going to be left wide open for the individual to determine.

SENATOR KAVANAGH: Through you, Madam President, yes.

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

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR O'MARA: Have you undertaken any calculations as to how much these all-electric buildings are going to add to the cost of construction of a seven-story building or of a single-family home?

SENATOR KAVANAGH: Through you, Madam President, it will vary very widely depending on what kind of building we're talking about and what kind of systems, given that my colleague is talking about residential as well as commercial, and there's a very wide range of commercial.

But as a general matter, all-electric construction can in some circumstances be more expensive, in some circumstances not. And also as a general matter it is cheaper to run these buildings, which goes into the cost calculation for most people. And we think that people who own an all-electric home might save as much as a thousand dollars a year on a permanent basis. But, you know, obviously the cost will depend on the particular costs of building materials and equipment and other things at various times.

But as -- again, as a general matter, all-electric buildings are being built all over the world in situations where they're not mandated because they're viewed as more efficient and more cost-effective.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: The move to all-electric in all aspects of our society, of life -- and, you know, let me just say we're -- I am not opposed to moving to cleaner and greener energy. I am concerned with the pace that we're doing it and the reliability of the grid.

And the question I have, and that is we're going to be shifting our peak demand from the summer months of August, high heat, running air-conditioners, to the winter -- February, cold temperatures, the power goes out, no heat.

So I think it's going to be imperative, until the grid becomes reliable, that everybody have some kind of backup generation at their home to make up for that. Would you agree with that or not?

SENATOR KAVANAGH: Through you, Madam President. Generally speaking, if you're building a modern structure you ought to be prepared for emergencies, for all kinds of emergencies, including storms that we've seen recently.

The truth is that one of the reasons we need to be more prepared for those is because the effects of climate change are dramatically increasing. You know, the giant amounts of precipitation, the sea level surge -- all the things that cause us -- and my district has been, you know, thoroughly affected by that in Lower Manhattan.

So yes, you should be making sure that buildings are resilient and that they have redundancy and backup.

At the same time, in order to address our climate challenge, we need to do several things simultaneously. We need to

dramatically and rapidly increase our ability to create energy through clean means, which we're doing through offshore wind, through solar. We need to increase our capacity on battery storage. We also need to improve the reliability of the network. And we need to stop building structures that are going to need fossil fuels for 10, 20, 30 years, which is the life cycle of many buildings that are being built today.

So this is -- this bill is going to take effect -- is going to have an effect gradually because there are millions of structures and not so many are being added each day or each year, but over time we will have fewer buildings that rely on burning fossil fuels on-site and more that rely on electricity, and that will allow us to achieve our goals by changing the way we generate electricity.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR O'MARA: You bring up the aspects of climate change and the storms that have been produced related to climate change.

New York State only accounts for 0.4 percent of global emissions. So you can quantify for me what benefit we're going to get in New York by eliminating our 0.4 percent of global emissions? What's the benefit going to be?

SENATOR KAVANAGH: Through you, Madam President, if you are engaging in harmful activity in your state, if you are -- by my colleague's numbers, you're accounting for one-half of 1 percent of a process that's systematically destroying the habitability of the planet we live on, it would seem that you have an obligation to take action.

And the fact that we have an obligation and other states have an obligation to take action and the nation has an obligation to take action and in fact the nations of the world periodically to get together and make commitments to take action, is what is going to save the habitability of this planet over the next

decades.

So it is necessary that we take that action. We are responsible for less than one-half of 1 percent of the violent crime and the murders and other things that happen in our state, but we've just had a lengthy debate about addressing that. We are engaging in harmful activity, we are harming our own citizens, we're harming the world. And taking steps to address climate change is essential to -- for us to address that.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield? The sponsor yields.

SENATOR KAVANAGH: Yes, Madam President.

SENATOR O'MARA: Wouldn't our efforts be better focused in helping other countries around the world reduce their emissions? You know, we still have China and India, major polluters, that are still building coal-burning electrical generating facilities. They're constructing them now, they're planning

them in the future. So they're continuing to add carbon emissions to the environment, to the globe, to the earth.

So we eliminate our 0.4 percent, we're really going to have no effect on global climate. Wouldn't we be better off solving those issues rather than trying to eliminate our 0.4 percent?

SENATOR KAVANAGH: Sorry to interrupt, but through you, Madam President. A half of 1 percent, almost half of 1 percent of a problem that is destroying the planet is not a small percentage for the 20.3 million residents of this state that has many billions of people.

China is the number-one producer of greenhouse gases right now, but that is partly because it is a country that's substantially larger than ours. The United States is among the highest per-capita producers of greenhouse gas emissions in the world, and New York State, if it were a country, would be a substantial-size country and we would be doing much more than our share of destroying the planet through our activities here in New York State. The Climate Leadership and Community Protection Act is

intended to address that.

With respect to getting other countries to address the problem, it is challenging in our world where we have global competition among, you know, countries at all levels -- militarily, diplomatically and, yes, economically. But it is going to be very hard to get China and India and other countries that are high polluters -- which are high polluters like the United States is a high polluter -- unless we are willing to address our problem.

The reason the U.S. has made progress in the past few years, especially during the four years when we had a president who stepped away from some of the global agreements that were intended to have mutual -- you know, mutual efforts to address this problem, is because states like New York and California and other places are taking action.

So we are part of a larger global problem. We need to be part of a global solution. But yes, we should also encourage other high-polluting countries, that are high-polluting in a manner like the

United States, to address the situation. But again, Americans per capita are doing more to cause the problem than either people in India or people in China.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: I'm sure you're familiar with the recent Ninth Circuit Court of Appeals decision on the City of Berkeley, where they held that a natural gas ban there in the City of Berkeley violates federal law. And there's I think a TRO on that law right now, and it's pending in the courts.

Why would this proposal of all-electric buildings fare any differently in court than the City of Berkeley's case?

SENATOR KAVANAGH: Through you, Madam President. Just for -- just for clarity,

for anybody who's looking at home, it was a Ninth Circuit opinion. Of course opinions of the Ninth Circuit are not directly binding here in New York. We're on the Second Circuit. But -- so there's nothing about that opinion that binds what we do here.

That being said, it is our judgment, having had our counsel review that law, having the counsel in, you know, the other house and the executive branch of New York review that decision, that we do not believe that the basis of that -- it was a preemption decision. They said what Berkeley did, the particular -- Berkeley was the very first jurisdiction in the country to do this kind of thing. What they did was preempted by a particular federal statute.

We do not believe that this -- what we're doing today, which falls in our very broad purview to set building codes and standards, we do not believe that this would be preempted even if that Ninth Circuit opinion were upheld. And of course it is being appealed.

SENATOR O'MARA: I think that's all I have on electric buildings for now. Thank you, Senator Kavanagh.

I will have a few questions now on the Climate Action Fund, if Senator Harckham would yield for some questions.

ACTING PRESIDENT PERSAUD: Senator, will you yield?

SENATOR HARCKHAM: Absolutely, Senator O'Mara.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: Now, you're setting up in this budget bill a cap on emissions in New York State. And then that cap, that level of emissions, is going to be auctioned off for various entities to bid on and build that. And it's going to be designed to raise a certain amount of revenue for climate initiatives in New York.

What is the level -- what is the dollar amount that is set in this law -- well, let me back up. Let me withdraw that.

Under this what I'll call a cap-and-tax plan that's going to raise costs of anything that's being produced by these facilities that use natural gas and produce emissions, their costs are going to go up,

because they're just going to pass that on to all the rest of us.

What -- that level is going to be set by the Department of Environmental Conservation, is that correct?

SENATOR HARCKHAM: Through you, Madam President. What's going to be set through the Department of Environmental Conservation is the budget of carbon that needs to be reduced that year to meet our goals. And then the marketplace will determine the value of those credits.

And to address one point the Senator made about costs and being passed along -- for instance, California has done this. There has not been a massive increase in costs.

And part of this is on the invest side, is that 33 percent of the funds that come back will go to affordability initiatives. And there will be a study done by DEC as to what the most efficient way and -- and cost-effective way to get that money to lower-income energy consumers, whether it's rebates or credits or direct payments. That study will be conducted at the same time.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR HARCKHAM: And may I add we are not setting, Senator, the cap part of the program. That is not being done legislatively. The Governor has the right, through law, to do that and set that up through a regulatory process. So although we tried in our one-house -- Senator Parker had great language on how we can put guardrails and parameters about that -- that did not make its way into the final budget.

So the Governor is doing the cap part in a regulatory fashion, apart from the budget and the legislative oversight of this body.

What we do have oversight on is the fund side. And I think regardless of where we stand on cap-and-invest or the language that was

in our fund bill, I think all of us as legislators believe in the constitutional authority that we control the purse strings and should have oversight.

So in the Governor's first proposed budget, all of that money was unregulated. She said 30 percent was going to rebates, and we didn't know where the rest of it was going. And I give the Majority Leader and our counsel, Eric Katz, and our team a lot of great credit for fighting until the end, and now no money will be expended until a plan comes back to this Legislature.

So all of the money will be on-book, it will be subject to the oversight and purview of this body and our colleagues down the hall. And I think that was a great victory both for the people of New York and for legislative oversight.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: So this Legislature is once again, as it did with the CLCPA creating the Climate Action Council to do the real work and make the decisions -- now we're leaving this cap amount, passing the buck to the Department of Environmental Conservation to say what the cap on emissions is going to be.

SENATOR HARCKHAM: Through you, Madam President, we are not passing the buck. The Governor always had the statutory authority to do this.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR HARCKHAM: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: Now we're creating this Climate Action Fund, and the money that's going to come from the auction of these capped

emissions -- these funds are going to go to people in New York, I guess presumably of lower income, to help offset the costs of the increases that's going to be created by these climate action initiatives. Is that correct?

SENATOR HARCKHAM: Through you, Madam President, 33 percent of the funds right now, as outlined, are designated to go to help lower-income ratepayers to offset any costs.

The other 67 percent will be going to clean energy initiatives, efforts in disadvantaged communities.

But again, no money will be expended until the Governor comes back to this body in next year's budget. And that gives, also, us opportunity. We have language on very specifically how that money should be spent that a number of us have collaborated on. But again, no money will be expended.

One of the other things in the fund bill that came directly from our one-house is we spent a great deal of time working with our partners in labor on labor language for all of these projects. And also on the worker transition side, which is incredibly important.

As folks know -- I've spoken on the floor about this before -- I represent Indian Point. And when the Indian Point power plants were closed several years ago, New York was not prepared to help those workers. New York I don't believe adequately helped those workers.

So when we talk about a just transition, the transition of workers and their skills, and to retirement, has really got to be critical to the efforts that we do. And I will say the Governor took 90 percent of our labor protection language, and that's in the bill. And that's something we should be proud of.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR HARCKHAM: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: In fact, that just transition fund that you talked about is actually anticipating covering the wages and income of

displaced workers as a result of these climate initiatives, to cover their wages and income for up to three years, isn't that correct?

SENATOR HARCKHAM: (Conferring.) Through you, Madam President, we're checking on the actual language.

But there needs to be a transition plan. Obviously part of that is a bridge to retirement, which is crucial for workers who may have just two or three years to go until retirement and can't be retrained on -- in a new skill. A lot of this is about new training.

Yes, there is language about payments of wages. We're getting -- we'll try and get you that exact language.

But this is about taking care of the workers who might be displaced, as you mentioned. But let's not lose sight of the fact that this is also going to create 130,000 good-paying union jobs in New York as we transition to the clean energy economy. So yes, there will be laborers displaced, and that's what this labor language is focused on, helping those workers.

But we need to remember that by moving to a cleaner, greener economy, we're going

to be creating 100,000 new high-paying labor jobs.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR HARCKHAM: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: Senator Harckham, I'm sure you're familiar with the disclosures that our state energy czars, DEC Commissioner Basil Seggos and NYSERDA President Doreen Harris, came out with on April 3rd in an op-ed and then followed up with an interview on Capitol Tonight with Susan Arbetter. And they said that the metric that's being utilized here on how much emissions need to be reduced is being utilized by only one other governmental entity in the world, and it's not an internationally accepted metric.

And that based on that metric, they said this climate initiative is going to increase costs, extraordinary costs, raising the cost of gasoline by 62 cents a gallon and raising home

heating fuel by up to 80 percent for homeowners and buildings.

What do you have to respond to those extra -- are those costs going to be covered with this Climate Action fund for everybody?

SENATOR HARCKHAM: Through you, Madam President, I have a great deal of respect for the commissioner and for the president of NYSERDA. It was really an odd statement for them to make, seeing as how they worked on the plan and they were central to the accounting that we are using.

Number two, they never showed -- after repeated requests, the administration never gave us the backup information so we could understand those calculations. They just came out with costs.

And three, they retracted that. The Governor, after a week of massive outcry, retracted that. And the reason there's massive outcry was because we as a state spent three years identifying that methane was the most pressing driver of climate change, and if we were to meet our climate goals in the short term we needed to focus on methane, which primarily comes

from natural gas.

The accounting standard used in the rest of the world is a 30-year-old accounting standard. It comes from the Kyoto Accords 30 years ago. And so the science has advanced. Back then, it was all about carbon.

And I give credit to the -- all the folks who worked on the scoping plan and the Climate Action Council for identifying methane and this new accounting. And because this is the proper accounting, Maryland just adopted this standard. So other states will follow.

But until we see the analysis on the cost, you know, we did not believe what they were saying. And they never provided the cost. And they later retracted it.

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

ACTING PRESIDENT PERSAUD: Senator, do you yield?

SENATOR HARCKHAM: I do yield.

And I would like to add --

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR HARCKHAM: -- that those -- many of those costs will be covered, because that's why the 33 percent is there, is to help cover any increased costs.

I do yield, Madam President.

SENATOR O'MARA: You know, you said it was odd that Commissioner Seggos and President Harris came out with that proclamation that, you know, there's only one other government anywhere in the world following this metric. And they both said in the interview on TV that yes, they want this to work. This is their baby, is what they said.

Why would they come out half-cocked on something, not knowing this was going to drastically drive up costs, and say it's going to be 62 cents a gallon and an 80 percent increase in heating fuels? That, to me, rings to have a lot of truth and veracity to it to their concerns over where we're headed in this state with this proposal.

Does that not concern you?

SENATOR HARCKHAM: Through you, Madam President, the costs associated with this are a concern, which is why 33 percent of all of

the proceeds of the cap-and-invest program will go to reducing costs. In our one-house budget we had a very detailed plan on addressing costs, and we will pursue that plan legislatively.

I would not presume to wonder why two of the Governor's appointees came out with certain statements. But again, the reason New York settled on the 20-year accounting versus the 100-year accounting is that's a 30-year-old system and the science has advanced. And the science tells us that methane is the immediate problem because it's 80 times more potent than carbon in terms of heating the economy.

And that's why New York is a leader on this effort. That's why Maryland is following us. And that's why others will follow suit as well. Because if we want to address climate change in the short term, we need to focus on methane, and that's what the science tells us. And that's what the Climate Action Council did; they followed the science.

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

ACTING PRESIDENT PERSAUD: Will the

sponsor yield?

SENATOR HARCKHAM: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: It was also in that interview -- or not in the interview, but in the actual op-ed that Seggos and Harris penned in USA Today on April 3rd that there was no cost analysis completed in the CLCPA and the Climate Action Council plan.

Now, you're talking here today about concerns of increased costs that we don't know what they are because, as they admitted, no cost analysis was done. And we've been screaming about that for five years now.

How can we be proceeding with a plan that we don't know what the costs are going to be?

SENATOR HARCKHAM: Through you, Madam President, we will know what the costs are when the auction for carbon is put together. That -- the marketplace will determine the cost.

But I would suggest, Madam President, in this body we work on budgets

and bills. We don't work off of op-eds that were directed by the Governor's office. We had a bill from the Governor, we had our own bill, our own one-house, and that's what we negotiate.

And so I appreciate the Senator's reference to an op-ed that was written by two government appointees, but that's not what we deal with in this chamber. We deal with the Governor's budget, our one-house budget, and we negotiate from there.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: So you're just disregarding this op-ed that Seggos and Harris put out? You disbelieve what they're saying and what they're saying about these extraordinary costs are going to be?

SENATOR HARCKHAM: Through you, Madam President, the Governor dropped that

short-lived plan -- it wasn't even a plan, it was an op-ed which they later stepped back from.

So we are very concerned about costs. I've said that I think three or four times today. The costs will be dealt with. As of now, a third of the funds are earmarked to help energy payers with costs. And as we said before, nothing will be done on the expenditure side without the Governor coming to this body next year in the budget.

We are very concerned about costs, which is why we also, as I said earlier, had a very detailed plan in our one-house budget. So if our colleagues on the other side of the aisle were concerned about costs, I would have hoped they would have supported our proposal in the one-house budget because it was very detailed at addressing costs.

SENATOR O'MARA: Thank you, Senator.

On the bill, Madam President.

ACTING PRESIDENT PERSAUD: Senator O'Mara on the bill.

SENATOR O'MARA: You know, in my opinion -- and joined by many others across the

state -- we are haphazardly and recklessly proceeding down this path of full electrification. Without knowing what the costs are going to be, without knowing what the capacity of generation in New York is going to be and whether we're going to be able to reliably meet those demands with full electric.

And why are we doing it? And we believe that we should be doing it and we should be moving. And New York State has been a leader in cleaning up the environment, and we should continue to be a leader, and we advocate for that. But we advocate that it be done in a responsible, reliable, and affordable manner.

These plans really have no feasibility. There's been no cost analysis, which should be the first thing we had done before setting down this path. And as I said, New York State accounts for only 0.4 percent of global emissions. We get to zero, New York State's changes are going to have zero impact on climate change. That's what the benefit's going to be, zero.

Despite these unknown costs which are estimated at a minimum of $300 billion. And

we know everything we've seen so far in regards to these plans has run over time, over budget, and have proven to be unreliable.

We've been a leader in New York. We consume less total energy per capita in New York than all but two other states. This is information from the U.S. Energy Information Agency. New York State's per-capita energy consumption for the transportation sector is the lowest in the nation. We are leading, New York State is a leader, and we should continue to lead and take strides that are feasible, that are reliable, that are affordable.

In 2020 -- and I back up a couple of years -- New York State's per-capita energy-related carbon dioxide emissions were lower than those of any other state. Why do I use 2020? Because in 2021, based on the initiatives of the majorities in the Legislature and the Governor at the time, Indian Point Nuclear Facility was closed down, a major electric supplier to New York City.

Since the close-down of Indian Point, energy-related carbon emissions in New York State have increased -- and there's

varying views on this -- somewhere between 24 and 35 percent increase in emissions of carbon dioxide. Which is just a glaring example of how proceeding down this path not knowing what it's going to cost, not knowing how we're going to produce our energy, the electricity to provide it, how reliable it's going to be, and how affordable it's going to be.

And it's not going to be affordable, it's not going to be reliable unless we go about this in a much more diligent approach based on available technology and something that will be feasible and that will work down the road.

Grave concerns over what's going to happen when we get to February and there's no electricity. People aren't just going to be like they are in August when the power goes out, hot and uncomfortable. They're going to be freezing to death in their homes because this grid is not going to support the demands at the pace that we're proceeding.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Mattera.

SENATOR MATTERA: Thank you, Madam President. Would the sponsor please yield to a couple of questions, please, on obviously electrifying of new buildings.

ACTING PRESIDENT PERSAUD: Senator, will you yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR MATTERA: You know, all I really have to say, Senator, is ditto to my colleague for everything that he asked you. But you know what, I still didn't get certain answers that -- so it may be redundant because the questions really weren't answered, I don't feel.

You know, being the ranker on Energy with our chairman, Senator Parker, we've had some good hearings and some good conversations. But I still don't know, do you feel that the current state of the electrical grid in New York State will be able to handle the pressure load that this law is going to put on all of New Yorkers and our grid, with our utilities? Did anybody go to all the utilities in New York State and sit

them down and say, Can this happen with this bill that is coming forward today?

SENATOR KAVANAGH: Through you, Madam President, we'll try to answer the questions to the satisfaction of my colleague this time around.

Yeah, we have had conversations with utilities. Again, I would note that the Climate Council had participation by natural gas companies, people in business.

But also I've had direct opportunity over the last two years, since I originally introduced this bill in 2021, to discuss it with Con Edison and National Grid, which are big utilities here. And Con Edison ceased opposing this bill -- you know, I think it was in early 2022. And National Grid also withdrew their opposition to this bill.

It is the case that we need to work hard to make our grid reliable for all kinds of reasons. There's already -- we already have blackouts and brownouts sometimes. We had -- we have had worse storms and worse pressure on the grid as a result of that. If your home is being heated by natural gas but your boiler doesn't

work if the electricity's not running, it doesn't help you so much.

So we do need to increase reliability all over the state. But what this bill will do is begin to add additional buildings, beginning almost three years from now, gradually -- because we don't build buildings very rapidly. And so to the extent that we have a need to increase reliability, we have that need already and we're working on that in other forums.

But it is also critical that we cease to build buildings that require us to burn gas and oil on-site in the buildings to power the buildings. It's just an -- it's an essential goal that we need to meet.

SENATOR MATTERA: Through you, Madam President, would the sponsor continue to yield for another question, a couple more questions.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR MATTERA: So with the infrastructure of the grid having to be upgraded to handle the new load, who is paying for this? New Yorkers need to know. I need to know. My constituents need to know. Who is paying? I still can never get an answer, who is going to be paying for this? Is it going to be the ratepayers? Is it going to be the State of New York from the ratepayers? Are we going to be getting money from the federal government, which I don't feel that we should rely on that because I don't even know if they have any money for this.

But that's the question I have, Senator.

SENATOR KAVANAGH: Through you, Madam President, the federal Congress in the last couple of years has taken some truly historic and enormous actions to provide funding for places like New York that want to embrace this to make the transition we need to do. The Inflation Reduction Act and some other things really do have enormous amounts of funding.

But the thing to keep in mind about

this is, first of all, no one's going to be living in one of these buildings unless they choose to, they're going to go there. And people who live in those buildings are likely to see a reduction on an ongoing basis to their costs.

The cost of the electrical grid because we deregulated many years ago is borne by ratepayers. We also have various provisions that are intended to prevent people from -- who can't afford the costs of those, even in existing law, to make sure that they are not, you know -- that that's not made unaffordable to them.

But we also, as my colleague was speaking about before, have very large amounts of money that are going to come from some other provisions in this budget and from the federal government, and the goal is to make this transition and make sure it's affordable for everybody. But it is a transition that we absolutely need to make.

SENATOR MATTERA: So pretty much we're saying that the ratepayers will be paying for this.

Through you, Madam President, would the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Through you, Madam President, I'm saying both that the ratepayers will continue, as they do now, to pay for their utilities, and that they will save money if they're living in one of these buildings, because it is cheaper to live in an all-electric building than it is to live in a building that is powered by gas and oil, especially a building that has both gas service and electricity service, which most buildings have.

So the net effect of this bill, to those who are lucky enough to live in an all-electric building -- where, by the way, their air quality and their health will also be better -- is a significant net positive. And I'd be very happy to live in one of these buildings myself for those reasons.

But economy-wide, systemwide, there are going to be some transitions, and we are committed to making sure that we cover those costs in an equitable way.

ACTING PRESIDENT PERSAUD: Do you

yield, Senator?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR MATTERA: The Governor proposed a new way to calculate greenhouse emissions, moving from a 20-year cycle to a 100-year cycle, putting New York in line with the federal government and in line with other states.

Is there a provision in this budget for that?

SENATOR KAVANAGH: Through you, Madam President, my colleague did have a bit of this discussion, and it's not directly on the All-Electric Building Act.

But no, the -- that change in accounting standards is not, to my knowledge, reflected anywhere in this budget.

SENATOR MATTERA: Through you, Madam President, would the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR MATTERA: So, Senator Kavanagh, are you aware that the Governor said change in the accounting would save New Yorkers 25 cents on a gallon of gas and $250 per year on natural gas? New York residents need to make sure that there's a savings. And to sit there and say that electrification with buildings is going to save money, I would love to know where you got that survey from.

SENATOR KAVANAGH: Through you, Madam President, I'm not quite sure there was a question there, but I will try to address the comment. Which is to say that, you know, the Climate Leadership and Community Protection Act was worked out very carefully over extensive negotiations with an enormous range of parties. The Climate Action Council spent several years figuring out to how to implement that.

You don't save money by a simple accounting change. We need to ensure that we have provisions that are going to achieve the goal of diminishing our impact on climate while doing it most efficiently.

I and many others thought that a proposal a few days before the budget was due to drastically change how we're accounting for the Climate Leadership and Community Protection Act was not something we should take so precipitously. There was no -- there was nothing in the Executive Budget proposal about that. There was nothing in the one-house resolution of either house on that.

If it is appropriate to consider different ways of accounting for our impact on climate, our impact by the very high impact short-term gases that my colleague Senator Harckham spoke about, and our impact based on carbon dioxide and other slower-acting greenhouse gases, that might be a discussion that we can have. But again, changing in the budget process an accounting standard that will fundamentally alter basically all of our goals and their impact did not seem to be something that we should do at the -- as a last-minute proposal in this budget. But I'm sure we'll continue to have conversations about that.

SENATOR MATTERA: Thank you, Senator.

Through you, Madam President, would the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MATTERA: Senator Parker, so -- excuse me, Senator Kavanagh. So we have seven stories and under by 2026. So we have mixed-use on Long Island. And just to give you a heads up, our grid at peak months is running less than 1 percent in our grid capacity. That's how bad it's antiquated, our grid on Long Island. To get to this goal is going to be something that's going to be I don't think feasible.

But my question to you is the retail stores -- down below, we have restaurants. So that restaurant, the chef could be there cooking, of course, because restaurants are exempt from this. But the apartments above, the other stories we have above, we have then all-electric stoves. So that chef that's cooking down below, wants to have an apartment upstairs, is not going

to be able to go upstairs to go cook.

So everybody to cook with natural gas. What is the reasoning why that chef could go in the restaurant and cook but then he can't even go upstairs in his apartment to go cook because we're banning natural gas with stoves?

SENATOR KAVANAGH: Through you, Madam President, I do want to clarify, since there's been a lot of talk about stoves: We are not banning natural gas in stoves to the extent they are in existing buildings. I just think it's important because there's been a lot of misinformation about that floating around out there.

We are saying that new buildings can't be set up to be powered by gas stoves or other gas-burning equipment unless they meet one of the specific exceptions. One of the specific exceptions, as my colleague mentions, is commercial food establishments. And to the extent that gas is necessary for the cooking in that function, if it's an exception in this, then you can continue to install gas-burning appliances for that purpose.

And the reason for that is that

there is a particular need in a restaurant to prepare food rapidly, to engage in a wide range of cooking processes, and very high volume. And so far it is believed by the restaurant industry that it is necessary at this moment to continue to use gas for that purpose.

If a restaurateur wants to have, you know, dozens of people having meals in his dining room in and out all night, I suppose you might similarly have that need. But again, that restaurateur, under this bill, would be free to live in the millions of apartments that currently have gas stoves for the foreseeable future. They just would not be able to live in a brand-new building that's being built on Long Island with a restaurant on the ground floor. I'm not sure who really wants to live upstairs from their work, but if that were their choice, it is true that they would not be able to also install a gas-burning stove in a residence that is built brand-new subsequent to the effective date of this bill.

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Just to inform

the members, because I know many of them are asking, we have agreed on this bill, because it has so much substance in it, to go beyond the normal two hours. So there will be three hours of debate on this bill, which gives us a little less than one more hour to go.

Thank you.

SENATOR MATTERA: Through you, Madam President. Senator Kavanagh, so you're saying that in other words --

ACTING PRESIDENT PERSAUD: Are you asking the Senator to yield?

SENATOR MATTERA: Yes, I'm sorry. Senator --

ACTING PRESIDENT PERSAUD: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR MATTERA: So you're saying a gain that, in other words, it's okay for that chef in the same building that's being built, could go and cook but then he has an apartment above -- because that's what we have on

Long Island, we have our mixed-use. You're saying that in other words all those apartments and people that cook with natural gas, so he could cook down below but he cannot go upstairs and cook also for his meal.

SENATOR KAVANAGH: Through you, Madam President, this bill has a variety of exceptions for uses that we concluded still are feasible that are -- might be infeasible without natural-gas-powered appliances. Restaurants often use much larger equipment that burns gas.

We also are making similar exceptions for car washes, for laundromats, for laboratories, for manufacturing facilities, for medical facilities, for crematoria.

The decision we made in this bill, it is intended to minimize the ability for people to create new structures that are powered by natural gas. It is -- I've experienced, as many of us have experienced this, being in homes and home kitchens that work extremely well without burning natural gas. The restaurant industry and others have asserted that some restaurants would be difficult to run without natural gas, so we're making that exception in a building that needs --

where that use is going to be permitted, and we are making the exception to the extent it's necessary to provide for that use.

SENATOR MATTERA: Through you, Madam President, would the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MATTERA: Senator Kavanagh, have you had any conversations with developers about new homes and what they feel? Because -- and about commercial buildings, 100,000 square feet and under, are developers concerned about this bill?

SENATOR KAVANAGH: Through you, Madam President, as the chair of the Committee on Housing, Construction and Community Development, I talk to developers and builders and others in the industry all the time. And yes, I've had many, many conversations over more than two years of sponsoring this bill. And I believe that most

of the people I've talked to have acknowledged that it is not just possible but perfectly feasible to build the kinds of structures that would be required by this bill.

And I've had the opportunity to be in high-rise buildings that are all-electric in other cities, and we're building some of those in New York already. And yes, I think that -- I have no reason, based on my conversations with developers and others, to think that this bill is not very comfortably and easily -- easy to comply with.

I would note last year that the commissioner of Housing testified that there's nothing in her portfolio that she believes could not have been constructed all-electric by last year.

SENATOR MATTERA: Through you, Madam President, would the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MATTERA: So I've had numerous conversations with a lot of --

ACTING PRESIDENT PERSAUD: Hold on,

Senator. Hold on.

Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MATTERA: I am so sorry.

I've had numerous conversations with developers, especially on Long Island. Have you had any conversations with people besides the City of New York? Because New York already has this bill. Have you been upstate to upstate New York? Have you been to Long Island?

I would love you to come to Long Island, and to be honest with you, I would love -- did you speak to organizations like Libby about this?

SENATOR KAVANAGH: Through you, Madam President, I would -- as my colleague notes, this bill does not apply in New York City because New York City already has provisions like this that are going to go into effect at the end of this year. This bill, of course, doesn't go into effect for almost three years.

But yes, I've talked with -- I've

been to Long Island. I actually tried to join my colleague at an event he was sponsoring -- he's sponsoring I believe in a few days in Brookhaven.

I have talked with organizations from around the state. I've talked with individual developers who work in Long Island and Westchester and upstate. I've talked with individual builders. I've talked with the Statewide Association of Builders. And again, I've also talked with the utilities that provide power for buildings in these places. And it is my assessment, after extensive conversations over a long period, that this is quite feasible and that, you know, the benefits of this will accrue over time.

SENATOR MATTERA: Through you, Madam President. Would the sponsor yield for one more question, and then I would like to go on the bill.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MATTERA: Okay. You know, I belong -- actually I'm a very proud member of the Plumbers United Association -- the United Association of Plumbers and Pipefitters. Very, very proud to go to the apprenticeship program. Very proud to be a foreman, very proud to, you know, work and work very hard. Do you realize that 25 percent of the project is natural gas on our projects?

And what's happening here is the tradespeople that -- in the plumbing, not just the plumbing contractors, union and nonunion -- do you realize how much work is going to be lost from them? I would like to know what are we doing to protect these workers?

You know, and the last thing I want to hear is make them become electricians. Are we -- do we have any other source or anything that is going to be helping the people that are going to be losing jobs? Because we always talk about jobs. Very important.

SENATOR KAVANAGH: Through you, Madam President. First of all, I'm aware of my colleague's experience in this area. I have a great respect for his work as a person, you know,

with these skills.

And I would say that there are functions in our society that over time are going to change as a result of the changing nature of the economy, the changing nature of jobs.

But there are going -- for jobs that are lost, there will be many other jobs that are added. In this case, this very same Part RR of this bill has separate perspectives from the all-electric building provisions that require a very extensive study of how to decarbonize our state facilities. And that -- those provisions include an emphasis on thermal energy. Thermal energy is a type of technology that is clean and green and doesn't burn carbon, but does require some of the same kinds of skills and some of the same kinds of work that hooking up buildings to natural gas require.

And again, we've had conversations with various representatives of labor about this, and generally speaking we've gotten a positive response to that.

I'm not saying that the kind of transition that we're going to have to do is going to be perfectly smooth or easy for

everybody. But we are committed to making sure that people have -- continue to have good work. The provisions I just mentioned have very strong labor standards to ensure that people will be paid good wages. We're going to continue to make sure this transition is done effectively.

But we can't continue burning natural gas and oil in ways that are destructive to the planet in order to -- we can't continue that activity indefinitely. We need to do the transition, and we need to do it in a way that is just and fair to everyone. And that's the intent here.

SENATOR MATTERA: Thank you, Senator Kavanagh.

On the bill. I was hoping that --

ACTING PRESIDENT PERSAUD: Senator Mattera on the bill.

SENATOR MATTERA: I was hoping that Senator Kavanagh was going to say that in other words I'm looking for other renewable energy such as green hydrogen. That will help the workers that are going to be losing their jobs.

But you know, I feel that my constituents in my district are not being treated

properly with this mandate, especially banning of natural gas fuel, especially clean-burning natural gas.

New Yorkers need to know who is paying for this, and New Yorkers -- I want to let everybody know right now, you are going to be paying for this. And it's going to be trillions of dollars. That's what's going to be the cost factor. Especially with wind and solar and our battery storage facilities. Not billions, trillions.

You know, as an elected official, I've always said, you know, it's always something that you make sure that with our environment, to protect our environment, I -- with the sewage treatment plants, we made sure on Long Island that we're doing whatever we can do possible to put infrastructure first. Then we could go and build. And that's very, very important. And something like this is, again, the cart before the horse.

I am not happy, in other words, that we're sitting here and saying that the grid is okay. We spoke to the utilities, and the utilities say it's not going to be a problem.

That's not the truth here. The factor is in 2026 and by 2029, guess what, all New Yorkers won't be able to purchase a gas stove, dryer, or a boiler. And guess what they're going to be doing to replace? They'll be going to other states. And, guess what, the surrounding states will have appliance stores and plumbing supply stores so people will be going across, so I guess we'll be monitoring that so people aren't going to purchase to replace.

You know, again, we have on this bill also with our bail reform. It didn't work the first time, it didn't work the second time. It was supposed to be the third time the charm. This is the fourth time. And it's still not working. We need to repeal bail reform. We need to make sure we get the proper people to the table -- the district attorneys. We need to get our judges and our PBAs to come up with a correct bail reform.

This is just another Band-Aid fix. That's like me -- you know, everybody knows I'm in the plumbing business. That's like me going to someone's home and saying, guess what, I can fix your pipes with no tools. We took the tools

away from our law enforcement. That's what we did here. And you know what? The constituents that I represent are frightened.

And when I ran for office we said what we were going to do was work hard to make sure we were going to work together to guess what, to make people safer. This did not do the job. To go into the school budget, this -- this is terrible. Guess what, there's certain things that you like to vote on, but most of this stuff here in this bill you cannot vote on.

And Madam President, I will be voting no today and I hope all my colleagues follow. Thank you.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Martins.

SENATOR MARTINS: Thank you, Madam President. On the bill.

ACTING PRESIDENT PERSAUD: Senator Martins on the bill.

SENATOR MARTINS: You know, Madam President, I believe very strongly that we don't inherit the land from our parents. We borrow it from our children. And so we have a

responsibility to make sure that we do the right thing when it comes to the environment. I think we all agree on that.

This move to renewable energy and to a lower, smaller carbon footprint didn't just start over the last couple of years. It's been something that we've been working on as a state going back probably for decades. Whether it's offshore wind, whether it's hydro, whether it's solar farms, it's a commitment that we've had a as a state. And I think the facts speak for themselves that our carbon footprint has actually been reduced over the years.

I also believe that we don't have a force field around our great state that protects us from those other states around us that may not necessarily be as conscientious as we are. That if they're going to burn oil and coal and other fossil fuels in their states, that those are coming over to our state as well. And so we don't live in a bubble, but we also have to live understanding that there are other impacts that will impact our state as well.

I have serious concerns about the electrification and the move to electrification

that is being mandated not only by this bill but other policies in this state.

You know, Madam President, I live on an island. My island that I live on has, if you include Brooklyn and Queens, has 8 million people. Include Nassau and Suffolk County, it's 3 million people. We get our energy, typically our electricity, from overhead wires. They're strung along poles along the street. And, you know, we're jutting out into the middle of the Atlantic, so every once in a while we get hit with a Nor'easter or with a hurricane. And when those winds hit, those trees come down, those power lines get broken, and we end up without power.

That happens all too often. And it goes back to our original point: Do we all understand that we are in a crisis and that we do have to do something about it, but we have to be practical about it. Because our first priority as elected officials has to be do no harm. Protect our constituents.

So I'm concerned. I'm concerned that as we move from natural gas and other heat sources and power sources to purely electric,

that we have a system and a grid that is not capable of handling that additional load.

Some people forget that when Sandy hit, it was late October in 2012. Some people forget we had about six inches of snow with that storm. It wasn't just a windstorm, it was a winter Nor'easter.

There's those of us who went weeks without power, Madam President. And if it wasn't for the fact that we had access to natural gas to heat our homes, I think more and more people would have perhaps died or there would have been far greater tragedy.

So I'm concerned about this move without ensuring that we have the capacity to actually handle the load.

Now, we don't live in buildings in my community -- we do have some, around our train stations, some multifamily housing. But predominantly we have single or two-family homes. And those single and two-family homes, 40 by 100, 50 by 100 lots, we don't have generators. We don't have backup. We have homes and we have connections to our electrical grid and we have some power source to heat our homes, whether it's

electric, whether it's oil, whether it's gas.

My concern is I don't know and I'm being told from people who operate the electrical system on Long Island that they don't have the capacity for this, for this change. That they haven't developed that capacity yet, and it's not there. And so when that storm hits and those wires come down and people are without electricity and they can no longer heat their homes, people are going to be impacted.

And yes, as my colleague Senator O'Mara said before, people will die. That's a fact, and we've got to deal with that. In our rush to reach a certain end, we're going and getting there before we actually have the ability and capacity to get there.

And I think we all agree that that's the goal. We want to get there. Our concern is, Madam President, does it put people at risk? And I believe this does.

So with that, I would ask the sponsor if he would yield for a couple of questions.

ACTING PRESIDENT PERSAUD: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR KAVANAGH: I missed the call to yield there, but thank you.

SENATOR MARTINS: Senator, I appreciate it. Madam President, through you.

Those being my concerns, as I just stated, you know, as we transition to a grid that is going to now be not only loaded in the summer but also in the winter -- summer to cool, winter to heat -- without the guarantee that there is going to be capacity to be able to address that, what do we tell our constituents with regard to reliability when they want that alternative fuel source in order to heat their homes in the winter and they don't have access to natural gas?

SENATOR KAVANAGH: Through you, Madam President. First of all, you tell them that if they live in an existing home and they like their arrangement, there's nothing about the legislation we're passing today that is going to alter that in any way.

You -- secondly, you would tell them

that if they are choosing to buy a new home, they should assess whether that home is properly resilient for the times we're in. And that they should do that now if they're purchasing a home that's ostensibly going to be powered by gas and oil, and they should do that if they're choosing an all-electric home now or after this bill goes into effect.

And you should also -- we would want to tell them that this bill does allow people to continue to build structures that -- where natural gas is available for backup or standby power.

And lastly you tell them that we fortunately live in a state that is taking very aggressive action to increase our capacity to generate electricity, most notably off the shore of Long Island, where we're doing enormous amounts of offshore wind, 6 gigawatts of new offshore wind capacity is coming online.

That we're doing -- we're already taking enormous steps to increase our ability to transmit that both from offshore, on-shore, and increase on-shore transmission. And that, over time, we are making the grid more reliable, not

less. And that people who currently have reliability problems, which we know they do, will benefit from those investments, and we need to continue to make those investments.

And yes, burying power lines would be a good idea regardless of whether we require buildings to be all-electric starting three years from now or not.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: I appreciate that. You know, I guess if -- and I don't want to put words in the sponsor's mouth, Madam President. But, you know, essentially if someone's going to buy a new home or if there's going to be a multifamily building of less than 100,000 square feet or less than seven stories built in one of our downtowns, that they better

have a few extra bucks in their pocket to put in a generator in order to make sure that they're okay, because otherwise they can't rely on the power that is being supplied to them. Not only because the capacity of the grid isn't there, but also because of the fragility and the infrastructure that we have in place that provides electricity over overhead lines.

And I don't want to put words in his mouth, but is that what you're saying?

SENATOR KAVANAGH: Through you, Madam President, no.

Through you, Madam President, there are many -- first of all, I would just remind my colleague that this only applies to new buildings that would be built based on new codes that would be written in response to this law. That those codes will be written by the same people that write our current codes, to create buildings that are safe and reliable and good places to live.

And that there are a variety of ways to make a home resilient, there are a variety of ways to do backup. There are battery storage systems. There's solar, which works even when grids are down. And there's an ability in this

bill to the person choosing to move into that home could be quite aware that there is natural gas available as a backup in that home even after this takes effect.

So -- and somebody who is worried about resiliency and the reliability of our systems should be worried about that. We need to do upgrades on that.

And just one more thing again. We've talked about this a couple of times today. But if a building were not able to be built in a way where the grid is reasonably reliable, in that circumstance this bill would permit a non-all-electric building to be built in that circumstance even after these dates take effect. There's a broad exception if it is unreasonable in a particular context because the grid is not sufficiently reliable in that place.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR MARTINS: You know, on that point -- and I appreciate you bringing that up. The concern I have, Madam President, is that the grid itself doesn't have a bright line indicating when it's at capacity or not at capacity, depending on any number of factors, including temperature, usage, peak capacity and the like.

And without knowing where that is, how would we or how would someone determine whether or not there is a reasonable application for an exemption under these circumstances? Because I did read in the bill that there was a mechanism to go to the PSC -- we can talk about what that means on Long Island, where the PSC doesn't have jurisdiction other than through DPS.

But since there isn't a bright line, how is that determination going to be made?

SENATOR KAVANAGH: Again through you, Madam President, the bill says that if it is not reasonably -- if the grid is not reasonably available to provide all-electric, that -- and PSC will set the standard of reasonable over the next -- presumably over the next three years. But the codes will be rewritten, PSC will have a

reasonableness standard. And if you are trying to -- again, the person constructing the home would be making this choice. If they believe it's not reasonably available in that case, they would apply and they would get the exemption and they would be allowed to build a gas- or oil-burning structure in that circumstance.

SENATOR MARTINS: Through you, Madam President, if the sponsor would just yield for one last question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Happily, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: You know, would you agree that the capacity of the grid will change significantly between peak use and non-peak usages, peak usages being in those times when either it's extremely hot or extremely cold, and making it difficult for someone to make an application for a reasonable standard without having those parameters securely fixed?

SENATOR KAVANAGH: Through you,

Madam President. If I understand the question, I think I would agree with that premise. But it's not so complicated that the Public Service Commission cannot make a standard.

And obviously if you're building a new building, you would want it to have the power that's going to be necessary at the time that thing needs to draw the most power from the grid.

I would notice that one of the things about electricity is that it is -- first of all, it can be generated on-site, unlike natural gas for most of us. You can generate it with wind and even more commonly, if you're talking about a home, you can generate it with solar. You also can store it on-site. There are various technologies.

And one of the things -- you know, there's a little bit of response to a conversation we were having earlier. But one of the benefits of places like New York creating these standards is that we will see innovation over time. We will see battery systems get better and cheaper. You know, they're exploring sodium-based rather than lithium-based batteries in some contexts. That's probably more likely

for vehicles.

But there's a lot of talk about how to innovate and make this effective, just as homes got better insulated and more efficient in the fossil fuel era, they will certainly get better insulated and more efficient in the all-electric phase too.

But we are currently able to build highly efficient, highly reliable homes with existing technology, including battery storage, so people who have a properly designed home may not notice that the storm is having any effect at all.

Or as those of us who have a current home might still have gas but lose power so our boiler doesn't work, we might be dependent on electricity or gas for things and those not be deliverable, and those systems are vulnerable as well. We've seen that in other states where they've had -- where they rely on natural gas and those systems became unavailable as well.

SENATOR MARTINS: Thank you, Madam President. I thank Senator Kavanagh for his answers.

On the bill.

ACTING PRESIDENT PERSAUD: Senator Martins on the bill.

SENATOR MARTINS: Madam President, my concern is pretty clear, and I think the answers I heard only reinforce it.

We're not there yet. It's something we're working towards, and that we're prioritizing as a state, but we're not there yet. There's offshore wind that's coming online, there are batteries that are being developed at a future date. There are things that are going to happen over time that will make this possible at a future date. That date isn't now. And by insisting on moving this forward now, we're putting people at risk.

Now, when somebody buys a home, they're buying a home because they want to feel safe in that home, they want to provide for themselves and for their families, they want to make sure their children have a safe place to actually live and grow up without the risk of worrying about when that next storm hits, whether or not they're going to be out of electricity, without electricity for a prolonged period of time, and especially in the winter when it's

cold.

We're not there yet. And because of that -- and bear this in mind. I haven't even talked about the cost. I'm just talking about from a purely safety standpoint, we're putting our constituents at risk.

For that reason, I'll be voting no. Thank you.

ACTING PRESIDENT PERSAUD: Senator Walczyk.

SENATOR WALCZYK: Thank you, Madam President.

First on Part RR, if the sponsor would be willing to yield.

SENATOR KAVANAGH: Yes, Madam President.

SENATOR WALCZYK: So I noticed in this legislation that you proposed, manufactured homes are exempt from the gas ban. Is that correct?

SENATOR KAVANAGH: Through you, Madam President, yes, that is correct.

SENATOR WALCZYK: Is that manufactured homes of any size?

SENATOR KAVANAGH: Through you,

Madam President, that is manufactured homes that meet the existing definition in state law of a manufactured home. I don't have that before me, but I think it's the sort of structure that you -- you know, that you think of as a manufactured home. And --

SENATOR WALCZYK: Thank you. And through you, Madam President, would the sponsor continue to yield.

SENATOR KAVANAGH: -- if I may finish, if I may --

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: I know that my colleague is anxious, but I still -- I still have the floor and am speaking.

And I would just note that the reason that provision is in there is that there is a federal preemption that we believe makes it such that we can't apply this to them. So that is why this is a special exemption in this bill.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Actually, Madam President, I'll move on to Part TT, if the sponsor for that section would be willing to yield.

SENATOR HARCKHAM: Yes, Madam President.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

The sponsor yields.

SENATOR WALCZYK: -- New York Climate Action Fund, the Governor proposed a cap on emissions for the industry, a cap on emissions, a tax on emissions for the industries.

When we're talking about capping and taxing, how exactly will that portion work? I can see what the Governor calls the investment portion outlaid in this budget.

How will the taxing portion be prescribed?

SENATOR HARCKHAM: Through you, Madam President. As has been mentioned in the prior debate, the Governor already has the statutory authority to do this. This body will

not be involved in that process. That will be set up the way RGGI was set up, through the regulatory mechanism.

But the way it's outlined in the scoping plan is there will be a budget target of carbon reductions that need to be met in order to meet the goals, and that amount will decline annually. And then the market will determine the price of the allowances.

But again, that's not being done statutorily. So we know roughly what the outlines of a cap-and-invest program look like, but the Governor and DEC and NYSERDA and those folks, PSC, will establish that plan.

SENATOR WALCZYK: And I don't think NYSERDA and DEC are the --

ACTING PRESIDENT PERSAUD: Are you asking the sponsor to yield?

SENATOR WALCZYK: I am. Through you, Madam President --

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR WALCZYK: -- would the sponsor continue to yield.

SENATOR HARCKHAM: Absolutely.

SENATOR WALCZYK: I don't think DEC and NYSERDA are generally who we look to for proper taxation methods in the State of New York.

But I did notice that we're sending those taxes into three different buckets. One of those buckets, 67 percent of the fund goes to the Climate Investment Account, is that correct?

SENATOR HARCKHAM: Through you, Madam President. Through you, Madam President. First of all, these are not taxes. Let's be very clear. This is an auction of carbon at the free market. So they're not taxes.

Yes, 67 percent will go to an account that will address some of the things in fact that our colleagues have been talking about -- resiliency of the grid, reliability of the grid, expanding the grid. That is part of what some of this money will go for, because we know that's part of the work that we have to do.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So you say po-tay-to, I say po-tot-to. You say cap and invest, I say cap and tax.

This is going to be paid for by New Yorkers at the end of the day. They're going to see higher energy bills and higher taxes as a result. So it's my choice to call it a tax today.

But I did notice that PLAs are required for most of these builds, with some exceptions, when you're qualifying for the climate investment account. Why aren't you requiring union labor for low-income housing projects?

SENATOR HARCKHAM: Through you, Madam President, this is an energy bill. It's not a housing bill.

So if we want to go down that route, I actually have a bill for prevailing wage for brownfield cleanup, so we can talk about other labor provisions that we're working on. But that's not a provision that's in this bill or in this budget.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: I wouldn't say that this is either an energy bill or a housing bill, this is a budget bill. And many are referring to this bill as the Big Ugly, which is why we've been debating it for nearly three hours here today.

And I had a simple question about project labor agreements and why they aren't required -- when we're talking about the Climate Investment Account, why project labor agreements or union labor is not required, only when we're talking about New York City housing projects.

SENATOR HARCKHAM: Through you, Madam President. In this bill there is nothing about housing. There's absolutely nothing. So if we want to debate prevailing wage for construction of affordable housing or for

renovating affordable housing, perhaps we can do that in another part of the budget or we can do it offline. But it's not in this part of the budget.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So I covered climate risk-related and energy transition products shall be subject to prevailing wage requirements. I'm reading on page 140 of this Big Ugly bill, known as Senate Bill 4006C. Is the sponsor telling me that that does not include housing projects?

SENATOR HARCKHAM: Through you, Madam President, correct. That is other energy-related and resiliency projects. It's not, as we mentioned before, a housing bill. Housing is not anywhere in this bill.

SENATOR WALCZYK: And through you,

Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So I'm sure the sponsor is aware that New York State has more than $100 billion in project labor agreement work already forecasted over the next several years. We only have 30 percent of our construction workers in New York State that are unionized -- and to name a few, the Buffalo Bills stadium, I-81 in Syracuse, the Kensington Expressway, the Skyway reconstruction. A lot of things that we've talked about in here.

Is there enough union labor to be able to do these projects?

SENATOR HARCKHAM: Through you, Madam President. Yes, there is. There's also the apprenticeship pipeline, which we've talked about a great deal in this chamber.

But there is. And again, this is

about prevailing wage, so it doesn't necessarily have to be through a union. Prevailing wage is just the wage that is the prevailing wage. So we often associate that with unions, but it's not exclusive to unions.

SENATOR WALCZYK: Thank you, Madam President. And I'll move on to Part TT -- isn't that what we were just talking about?

Well, we'll move on to Part QQ, please, if there's a member that wants to take that section. Build Public Renewables.

ACTING PRESIDENT PERSAUD: Senator Parker, will you yield?

SENATOR PARKER: Yes, Madam President, I'll yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: And through you, Madam President, thank you for yielding.

So the New York Power Authority hasn't built a power production project in over 15 years. What's the justification for putting the onus on building many public renewable projects on the New York Power Authority in this budget?

SENATOR PARKER: Madam President, through you. As we all know and has been mentioned several times in this body before, the ruling guide for what we're going to do both around energy and the environment is the CLCPA. And the CLCPA actually creates a timeline in which the State of New York is supposed to get to net zero in terms of carbon and methane by 2050. And there's some intermediate dates in between that in which we need to reach those levels.

Now, for all that to happen, as you heard Senator Harckham talk about, you heard Senator Kavanagh talk about, we're going to need to use less carbon, less methane, in everything that we do. We have a working group that was created by the CLCPA that created the 400-plus documents of just the scoping plan that tells us some of the things that we need to work at.

As we look at how we in fact transition into a clean energy economy here in the State of New York, it's going to be necessary from my perspective to have an all-of-the-above approach. What do I mean by that? There's going to be things that we're going to need to do about vehicles, water vehicles, air vehicles,

buildings, farming. And we're going to have to upgrade things.

And so we've done a kind of multifaceted approach in the context of this budget of electrifying buildings down the line, doing cap-and-invest, in which we in fact use a model that's a similar model that we're using already with energy as it relates to RGGI, the Regional Greenhouse Gas Initiative. Which is not just a state model, but a multistate compact in which many states are in fact engaged in capping carbon, you know, that comes from energy resources, using that money to develop clean energy sources. Right?

What this particular part does, it says that we're going to need at some point to get to the level of energy production, particularly electricity production. Because what we generally understand is if we're going to use less energy, we're going to need to use more electricity. I know that went over some of y'all head. Let me say it again.

For us to use less energy, we're going to have to use more electricity. Right?

SENATOR WALCZYK: Thank you,

Senator --

SENATOR PARKER: And so within the context of that, to answer your question, is that what we're doing in this bill is saying NYPA should be part of that mix. Utilities are doing some of it, hopefully down the line. But they have parts that they're doing. We have -- you know, we have industry that's working on producing this. But at some point NYPA is going to also need to do this, and we're creating both a permission and a process for NYPA to be engaged in sustainable energy development in the State of New York in order for the state to move forward in this transition to a clean energy economy.

SENATOR WALCZYK: Thank you. Through you, Madam President, I always appreciate the concise answers from the Energy chair.

(Laughter.)

SENATOR WALCZYK: If he would respond to an additional question.

SENATOR PARKER: Get to the point.

(Laughter.)

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do,

Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: In the answer for this question I'm looking for a number somewhere between zero and infinity, and only a number. How many nuclear power facilities are we siting in this budget?

SENATOR PARKER: Zero. But that's also not the job of this budget, though.

I mean, in the context of the budget, right -- in the context of the budget --

SENATOR WALCZYK: If the sponsor would yield for some additional questions.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I'm happy to yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: In the answer for this question I'm looking for a number of megawatts, specifically a number.

How many megawatts or gigawatts are we requiring the New York Power Authority to

build in this budget, if it's prescribed at all?

SENATOR PARKER: We're not prescribing it.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: How much money in dollar amount are we requiring the New York Power Authority to spend on renewable energy projects, or is that prescribed at all in this budget?

SENATOR PARKER: The New York Power Authority is off-book. So the New York Power Authority does not use General Funds in any of its operations. Thus we are not prescribing or directing their budget in any way.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I will yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: I know that you're aware that the New York Power Authority's customers are governments and utilities, nonprofits and some industry across the State of New York. If we're requiring the New York Power Authority to build additional renewable energy projects as is prescribed in the bill that's before us right now, do we anticipate that the rates for those customers will increase, decrease, or stay the same?

SENATOR PARKER: We expect that they will stay the same.

SENATOR WALCZYK: Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Borrello.

SENATOR BORRELLO: Yes, Madam President, I'm looking to get some answers on Part JJ, Western New York Regional OTB.

ACTING PRESIDENT PERSAUD: Senator, will you yield?

SENATOR KENNEDY: Yes, I will, Madam President. Thank you.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR BORRELLO: All right, through you, Madam President. Thank you, Senator Kennedy. Obviously we had -- we look like we're having some major changes to the structure of OTB. Can you explain the rationale behind changing this from an even distribution of all the participating municipalities to a weighted vote?

SENATOR KENNEDY: Absolutely. Through you, Madam President.

First and foremost, let me start by recognizing the leadership of the Senate, the Governor, and the Assembly for working to negotiate this package that will reform the Western Region OTB to finally empower the people that are represented by the board.

As many of us know, the State Comptroller has audited this board and the OTB that it represents and has found wide-ranging misuse of power and funds over time.

This is on the heels of both other

audits, recommendations by the Attorney General, and what we're told is an ongoing investigation by the federal government into malfeasance by this board.

So what we did in this bill is we took the board -- we are taking the current makeup of the board, at least as it exists today, and we are putting in place a weighted-vote system that will ensure that each board member is representative of the population that they represent in each particular municipality, the 15 counties and the two cities that currently make up the board. And it makes it more equitable and a fair distribution of that board system.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KENNEDY: Of course.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Well, I think it's well known that -- the issues that occurred. And certainly you could argue that, you know, things have been addressed in so many ways by

actions by this Legislature, as well as by the OTB board itself.

But it doesn't really explain why we're changing the breakdown. Because at the end of the day, you want to talk about fairness and equity, can you please tell me where the largest percentage of revenue for the Western Region OTB comes from?

SENATOR KENNEDY: Sure. Well, absolutely. Through you, Madam President, let me just go back for a moment.

You know, what we plan to do here through the approval of this bill is remove the current board and replace them with representation from each and every county and municipality, have a weighted vote by population, and root out what could be considered the worst and most corrupt system that's in place across the entire state: A blatant disregard for the public good and really a corrosion of the public trust.

To answer your question simply, each and every community is given revenue-sharing by statute, as defined in Section 1516 of the Racing, Pari-Mutuel Wagering and Breeding Law,

that 50 percent of the revenues that are based in each municipality and collected, along with 50 percent of the revenues by population, are disbursed.

So the disbursement of all of the revenue across the system is in separate statute; that will not be changed. Simply the voting board, which has a long history of ignoring the law, ignoring the ethical obligations that they have to the public that they're there to represent, and it will replace that current board with a representation that again empowers the people that those board members are there to represent.

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

SENATOR KENNEDY: I will.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

The sponsor yields.

SENATOR BORRELLO: That was a very lengthy detailed answer to a question that I actually didn't ask. I asked you who was the largest contributor to revenue for the Western Region OTB. I'd like to have those minutes back,

if I could.

SENATOR KENNEDY: Through you, Madam President, based on my colleague's answers from the previous debate that we had last June 2nd, I have a feeling he's going to tell me it's at Batavia Downs in Genesee County.

However, that being said, let me tell you that regardless of where the funding comes from, it has no impact on how the funding is disbursed. So while we've heard a lot of rhetoric publicly from both my colleague I'm speaking with now and others, what we're doing now is simply reconstituting the board that is representative of the Western Region OTB, which should have, by virtue of the law that's in place in Section 516 of the Racing Law, no impact on how those funds are disbursed.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KENNEDY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: And again, I

didn't get an answer to my question. You did allude to the fact that it was Batavia Downs.

But you mentioned "equitable." Well, the fact that, you know, in 2021 $12.1 million was generated by OTB, which is represented -- which is hosted by Genesee County -- Genesee County only gets two of those votes.

And beyond that, because of this weighted system, they actually only received a little over $200,000, I believe in revenue. Yet they were responsible for generating over 12 million.

And keep in mind that that city has to now host the -- you know, they have to provide emergency services, they have to do everything else that's involved in maintaining the infrastructure to ensure that that revenue can be generated.

So with that being said, if we're talking about equity, is there any other OTB that has a weighted vote system in New York State?

SENATOR KENNEDY: Through you, Madam President, this will be a first-of-its-kind system that we are putting in place across

New York State. And it's for good reason. You know, we didn't end up here on a whim. We ended up here because of a pattern of pervasive disregard for the law; for financial and ethical improprieties, as evidenced by multiple audits by the Office of the State Comptroller, advisory opinions by the Attorney General and outside legal counsel that was ignored by the same OTB board that hired that outside counsel.

And I could go through a litany of those instances, if you could indulge me. Through you, Madam President. In 2008 the Attorney General's office concluded that the OTB board members are not legally authorized to receive health insurance benefits, yet they continue to receive them to this day.

In 2009 the Western OTB hired an outside law firm to provide an opinion on whether board members were entitled to those health insurance benefits. The outside law firm agreed with the Attorney General's opinion. However, still today those same benefits are provided to the board.

In 2020, $3.1 million in federal aid through the federal Paycheck Protection Program,

PPP, was received. And despite receiving this, they still furloughed 300 employees.

In 2020, one of the officers that was simply cooperating with an outside law enforcement entity was fired.

In 2021 the Comptroller, Madam President, issued several reports outlining that malfeasance at the Western Region OTB, specifically --

SENATOR BORRELLO: Madam President, point of order. My question is not being answered. Point of order, my question is not being answered.

ACTING PRESIDENT PERSAUD: Senator Borrello, if he --

SENATOR KENNEDY: Madam Leader --

ACTING PRESIDENT PERSAUD: Senator Borrello --

SENATOR GIANARIS: Madam President.

ACTING PRESIDENT PERSAUD: Senator Gianaris. Senator Gianaris.

SENATOR GIANARIS: My colleagues, please. I understand Senator Borrello's frustration. But we don't get to tell you how to ask the questions, and you don't get to tell us

how to answer them. You asked a question of Senator Kennedy, he's giving you the answer as he sees fit.

If you'd like to speak on the bill, you're more than welcome to do that. But if you're engaging our member, you have to let them answer the question in the way that they think appropriate.

SENATOR BORRELLO: (Inaudible.)

SENATOR GIANARIS: I will also remind my colleagues that we gave you an extra hour for debate, which leaves five minutes on this bill.

(Inaudible overtalk.)

SENATOR KENNEDY: Madam President -- Madam President, may I continue to answer my question as the --

ACTING PRESIDENT PERSAUD: Senator Lanza.

SENATOR KENNEDY: -- leader has --

SENATOR LANZA: Madam President, Senator Borrello has indicated that he's going on the bill. He therefore has the floor.

SENATOR KENNEDY: Excuse me. Madam President, I have the floor. I'm answering

the question. The deputy leader suggested I still have the floor. I will continue to answer my question.

I know my colleague doesn't like to hear this answer. There's a reason we're addressing the Western Region OTB specifically, and that is because of the litany of ethical instances that I am citing in this paperwork here today.

(Overtalk.)

ACTING PRESIDENT PERSAUD: Senator Gianaris. Senator Gianaris.

SENATOR GIANARIS: Madam President, let's do this. Let's let Senator Kennedy finish his answer. It will not count against Senator Borrello's time that he can speak on the bill at that time. But we are terminating the debate five minutes after Senator Kennedy finishes his answer.

SENATOR LANZA: Thank you, Senator.

SENATOR KENNEDY: Certainly I'm at the end of this answer. I would have been done long ago. But let me conclude the answer by telling you in 2021 the State Comptroller, who is supportive of this legislation, mind you, said

that the Western Region OTB improperly received tickets for sporting events and concerts, that they failed to account for personal use of agency-assigned vehicles, and that he concluded that the Western Region OTB needs to clean up its operations.

This legislation that we're passing here today as a part of this budget bill does just that. It cleans up the Western Region OTB by ensuring that the board -- that's representative of the people by weighted vote and by population in each and every county that will continue to have a voice at the table -- empowers the people.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: Very briefly.

But the bottom line is this does not clean up the corruption. What this does is creates new corruption by empowering Erie County, the City of Buffalo, Monroe County and the City of Rochester, to have controlling power. What you're ignoring is the will of the people, the

people that actually do the hard work to generate that revenue. This is just another shameless power grab. And running out the clock was also shameless.

Thank you, Madam President.

SENATOR KENNEDY: Madam President, thank you so much. On the bill, let me --

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: If I could, for my colleague Senator Kennedy, we have a list of people who still want to get in the last couple of minutes. Or we can add you, or you can explain your vote once we take the vote, Senator Kennedy.

SENATOR KENNEDY: (Inaudible.)

SENATOR GIANARIS: You don't have the floor right now, Senator Kennedy, I'm sorry. You can return to explain your vote.

SENATOR KENNEDY: Under protest, I will be explaining my vote later.

ACTING PRESIDENT PERSAUD: Senator Oberacker.

SENATOR OBERACKER: Thank you, Madam President. I'm going to speak on the bill.

(Laughter.)

ACTING PRESIDENT PERSAUD: Senator Oberacker on the bill.

SENATOR OBERACKER: I believe it will be one of the most inspiring speeches that we have today, and I've heard many. So thank you.

I was going to talk on the free bus fare pilot program, concerns that I have on this part of the bill. Being asked to vote for a $15 million line item without having all the information I think is reckless. In my business I would not do it. As a Senator representing the 51st Senate District, I cannot do it.

There's a lot of questions I had that unfortunately I will not be able to ask. But with that, I will end it this way.

I have had my colleague from the across the aisle, Senator Bailey, use some song verse to support his position at times, so I'm going to kind of channel maybe a little bit of Senator Bailey here. I won't sing it, but I'll say it.

It's a free ride when you've already paid. It's the good advice that you just didn't

take. And isn't it ironic, don't you think?

Madam President I'll be voting no on the bill. Thank you.

(Laughter.)

SENATOR GIANARIS: Madam President.

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: That does run out the clock on this bill, and so if we can call the vote, please.

ACTING PRESIDENT PERSAUD: The 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 3006C and substitute it for the identical Senate Bill 4006C, Third Reading Calendar 723.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 723, Assembly Print Number 3006C, Budget Bill, an

act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Madam President.

I rise after three and a half hours, and my back hurts sitting down. But we find ourselves a month late voting on the State Budget, and I'm not so sure it was worth the wait. Voting on the ELFA budget bill, which is called the Big Ugly, is not a decision that comes without difficulties. And I have huge concerns with this budget and its process.

It misses the opportunity to tax the wealthy, ultra-wealthy, to fund proven social programs. It gives the horse-racing industry a handout. The inclusion of zombie charters will continue to usurp money from Foundation Aid at an

alarming rate, undermine local public schools' efforts to increase student enrollment and opportunities, and further privatize public education and charter-saturated school districts -- all without the accountability and transparency that the use of millions of public dollars merit.

There are no real solutions to protecting affordable housing. I'm talking about good cause eviction. Holding the Legislature hostage for a month, and not getting this done for tenants in New York is inexcusable. And let's use the remaining six weeks to get it done.

We have some major victories to celebrate, Madam President. Education. Finally, after three long decades, our public schools having received the full funding owed, injecting $2.63 billion into Foundation Aid, the state has finally made good on its promise to fully fund our schools statewide.

This historic investment is thanks to tireless efforts of generations of advocates and parents who persisted and insisted on a quality public education system for New York students.

Higher education. The TAP gap will be decreased, benefiting students at SUNY and CUNY. NYCHA finally securing ERAP for residents.

Jobs. We are improving our state's workforce by waiving the exam fees for civil service exams, funding efforts for recruitment and retention, and increasing the cost-of-living adjustment.

Climate. Including the Build Public Renewables Act and the All-Electric Buildings Act to meet the goals of the CLCPA. Healthcare. Protecting reproductive rights, requiring coverage of abortion medication --

ACTING PRESIDENT PERSAUD: Senator Jackson, how do you vote? Your time is up.

SENATOR JACKSON: I -- I --

ACTING PRESIDENT PERSAUD: Senator Jackson, how do you vote?

SENATOR JACKSON: Madam Chair -- Madam -- Madam President. Considering everything that has happened here today, I request 30 seconds more.

ACTING PRESIDENT PERSAUD: Senator Jackson, how do you vote? Senator Jackson, how do you vote?

SENATOR JACKSON: Considering that, I vote aye on this budget, with --

ACTING PRESIDENT PERSAUD: Thank you, Senator Jackson.

Senator Gonzalez.

SENATOR GONZALEZ: I -- I was planning today, Madam President, on explaining my vote. I'm not speaking on the bill. Is this now? Sorry, just checking.

Well, thank you, Madam President. I appreciate this opportunity. And it is not lost on me how much effort has gone into crafting this budget. And I want to thank the leader for her steadfast leadership in this budget. I want to thank this conference for some significant wins for all New Yorkers, and all the staff and time that we've put into this.

You know, I am coming from a district that is working class. I represent thousands of NYCHA residents. I represent young people whose only path to a better future is public education. I represent New Yorkers who have for generations been dealing with the effects of the climate catastrophe at hand.

And it is with that, and

representing all of those people, that I came to Albany to fight for a vision of a better New York, a New York that serves the most marginalized of us. A New York where it's livable, our air is clean, our water is clean, our schools are funded, everyone has access to universal healthcare. And my district also sent me here to not accept politics as usual.

And so in this budget I am absolutely thrilled and honored to be part of a body that is passing some pretty historic things, including the All-Electric Buildings Act, funding the MTA, including the Build Public Renewables Act, which is landmark in its advancement of the climate crisis but also in its labor protections, in its moving forward on a just transition.

But at the same time, as much as I am thrilled at these wins for our movement, I am also deeply heartbroken over some of the concessions, including bail and charter schools.

So I cannot wholeheartedly support a budget that doesn't represent the interests of my district, and doesn't necessarily represent the interests, I believe, of all New Yorkers in the future that we deserve.

I am upset to see that we're out of time, that the Governor is saying that she is happy to hold up the budget simply about a single issue of bail reform, and that we are willing to kneecap it. I think that the path forward to safety is to not incarcerate more people pretrial. I have been to Rikers. I have spoken to people who have been directly affected. This isn't the path forward.

What we need to do is fully fund our communities --

ACTING PRESIDENT PERSAUD: Senator Gonzalez, how do you vote?

SENATOR GONZALEZ: And so with that, I vote nay on this budget.

ACTING PRESIDENT PERSAUD: Thank you, Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Madam President.

While I have a responsibility to my constituents to vote in the negative on this bill

and to reject efforts to weaken the civil rights of defendants, I nonetheless want to thank staff, counsel, and every single person who worked relentlessly on this budget, who resisted proposed policy changes that are not actually motivated by public safety and which threaten to expand the injustice of wealth-based detention in our state.

But I want to also recognize some of the positive components in this budget bill for all New Yorkers. Working people rely on public transit every day. MTA transit is a public good. And we are demonstrating that by establishing five fare-free bus lines in New York City's five boroughs and dedicating funding to make our trains and buses more reliable and more frequent.

Through this budget we are acting with urgency to confront the climate crisis and build a more sustainable future for our planet. Communities across our district in Brooklyn and Queens have faced the brunt of the climate crisis, its devastating impacts. The BPRA and All-Electric Buildings Act included in this bill will bring climate justice that our communities need and deserve. The Build Public Renewables

Act will transform New York's energy system and put us on the path to a just transition.

We are also targeting the biggest source of greenhouse gas emissions through the All-Electric Buildings Act, one of the most meaningful steps taken by any state in the nation toward a renewable future.

This budget also includes increases in the minimum wage. And yet we must continue to fight for the permanent pay increases that all workers deserve across all sectors.

And while this budget does not meet the needs of NYCHA residents as a whole, we are prioritizing the needs of NYCHA residents and Section 8 tenants who have applied for relief through the Emergency Rental Assistance Program.

I want to thank our Majority Leader for guiding us through an arduous budget process, and now into the weeks ahead as we continue to fight for the better state and the better world that we know is possible.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Salazar, how do you vote?

SENATOR SALAZAR: In the negative.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

I am voting aye, and proudly so, on this bill. I've been around a long time. Budgets are compromises. You don't win every fight. And you don't lose every fight.

But there is much to be proud of in this budget, particularly in the area of education. And there also is a sense that our constituents are smart enough and thoughtful enough to understand that budgets contain nuances.

On many of the issues debated here today, I have confidence in my constituents to understand these are complex issues. And we are dealing with legislation. And I have confidence that they will have faith that we are making the best choices we can.

But I want to say, on education, this is, as my colleagues have said, a historic third year of investment in Foundation Aid, which we have been fighting this battle to fund these

schools all over this state for all these years, and we have now achieved that. That is not something that we can step away from. We should feel proud about that.

We are investing $135 million to expand access to school meals for almost 300,000 new students. Over 80 percent of the state's schoolchildren will have breakfast and lunch provided. That is an extraordinary accomplishment.

We are expanding full-day pre-K outside New York City and making it more feasible. We are making steps to protect our 853, 4410, and other schools for special needs.

Yes, I'm disappointed in the issuance of zombie charters, the reissuance. I wish we had not done that. I think it is a very wrongheaded decision.

But on balance, this budget reflects an extraordinary commitment to public education and nonpublic education on the benefit of every child in this state.

I want to thank the Majority Leader for her steadfast leadership; all my colleagues who have been united for full Foundation Aid. We

have achieved something extraordinary and meaningful, and I'm proud to vote aye.

ACTING PRESIDENT PERSAUD: Senator Mayer to be recorded in the affirmative.

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

NBA superstar Giannis Antetokounmpo was asked last week after the Bucks were eliminated from the playoffs if he considered his -- the Bucks' losing to be a failure. His response was one of the most artful and thoughtful I ever heard, and he in sum and substance said it wasn't a failure just because he didn't win this time. They were steps to success.

We've heard from many of our colleagues that this is an imperfect process, it's an imperfect budget. But by and large these are steps to success to make our great state the state that it is -- record amounts of education aid.

Finally an increase in the rates for 18B pay, something that both sides of the aisle can agree upon. Because we've had lots of

conversations about public safety. And public safety is a really multifaceted, interesting concept that requires a number of things to work properly. If the assigned counsel pool is underpaid and under-respected, they -- it helps to grind the wheels of justice in so many ways.

So I'm excited about that and so many other things in this budget. And I'm truly grateful for the leadership of Andrea Stewart-Cousins as a true bridge over troubled waters in many troubled times.

And I thank my colleagues from the other side of the aisle for their thoughtful questions in relation to some of the debates that we have.

I stand at the ready to continue to fight for justice in all shapes, forms, and aspects. I vote aye, Madam President.

ACTING PRESIDENT PERSAUD: Senator Bailey to be recorded in the affirmative.

Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Madam President.

This budget bill contains important, impactful funding measures that will benefit

working families and community organizations throughout my district. Real people's lives in Rochester will be helped by the investments we are making in today's budget bill.

I can't vote no on a budget bill that fully funds our public schools and commits additional dollars to school lunches and universal pre-K. I can't vote no on a budget bill that expands the child tax credit and access to childcare, because these investments are what keep our community strong.

I'm proud to vote in favor of these items and other good things that we are doing here in Albany this week that will keep our communities safe and healthy.

But with this bill and the changes to bail reform, we are once again letting politics and headlines drive policy when we know what will truly keep New Yorkers safe. Things like fully funded education, affordable and accessible healthcare and childcare, access to mental health care, affordable housing, and tenant protections.

I do want to say I'm grateful to our leader Andrea Stewart-Cousins and the staff for

holding the line and reducing the harm that could have been done by the original Executive proposal. But what we ended up with in this legislation are unnecessary edits to a law that was designed to equalize our justice system. And sadly, these changes will do little to keep New Yorkers safer.

I look forward to a day when our decisions as leaders all throughout Albany will be informed by the needs of our constituents rather than headlines and fearmongering. And while I'll be voting in support of all the good that this budget will do for my hometown in Rochester, it is not without great frustration and disappointment.

I do vote aye.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

Like my colleagues, I have to say this budget, as is true of all the budgets I've voted on, has some big disappointments in it. But I want to highlight some of the big wins for

my constituents.

The child tax credit. My city of Syracuse has the highest child poverty rate of any city of its size in the country. This decision to extend the child tax credit to children from age zero to four will affect the lives of thousands of people in my district for the better, giving them assistance for caring for babies and toddlers when they need it the most.

Children and families will also benefit from the free school lunches, from universal pre-K, and from expanded childcare.

All-electric buildings is a change that will result in dramatic energy savings, reductions in greenhouse gas pollution, more comfortable heating and cooling, and safer and healthier indoor air quality. It's a win/win/win.

Build Public Renewables also will put NYPA in a position to build green energy with union jobs. NYPA will be accountable to the people, not just shareholders. We can assure that they will deliver the energy more cheaply than profit-driven energy companies, and they can shut down polluting power plants in vulnerable

communities. Again, win/win/win.

We didn't get every win we wanted in this budget, and I, like my colleagues, will keep fighting for a more just New York State. But in the meantime, I vote aye on this budget.

ACTING PRESIDENT PERSAUD: Senator May to be recorded in the affirmative.

Senator Murray to explain his vote.

SENATOR MURRAY: Thank you, Madam President. You know, there's a saying that even a broken clock is right twice a day. If you stuff enough policy and garbage into a bill, you're going to find a few nuggets here that might be okay.

You know, we talk about fully funding education. We should be doing that anyway. That doesn't deserve a pat on the back. We should be doing that.

We didn't make New Yorkers safer with this bill, not at all. Cosmetic at best are the changes there.

You know who else we didn't help? We didn't help businesses, not at all. Help with unemployment insurance? Nope, not there.

You know, we're turning off the

spigot to energy sources while we're turning up the spigot, increasing the flow of people leaving this state. Why? Too expensive, and it's going to get worse with many of these policies.

We didn't get a chance in the debate to touch on the minimum wage, so I'll touch a little bit here. Everybody wants people to be able to earn a good living. They deserve that, of course. But let me clear up a couple of fallacies.

Minimum wage is not a permanent wage. Minimum wage is basically an agreement. It's an entry-level. Many times it lasts as long as a probationary period. It's a foot into the workplace. It's an agreement between the worker and the employer that I know I'm not bringing a lot of skills, but if you'll give me a chance, I can prove myself.

Okay, we'll do that, but I can't afford to pay you a lot because I'm going to be training as you get it. You'll get experience and pay. And as it comes together, if it works out, usually it ends up getting pay increases.

In fact we've given increases. The minimum wage has increased six times in the last

seven years. The federal minimum wage, 7.25 an hour. Here, we have different zones but, generally speaking, about 15 an hour. If we go by the plan here -- and again, I do appreciate the effort to make sure that people are earning a decent amount of money. But it is not, it is not a living wage. It's not what -- they're not raising their families on minimum wage.

The number of head-of-household earners making minimum wage is a fraction of a fraction. The largest segment is under the age of 24, mostly teenagers, mostly part-time positions.

We're tying it then to the inflation rate after 2026. Did a little calculation. If we took the CPI at just 3 percent -- which, by the way, right now is 4.5 percent -- if we took it at just 3 percent for the next 10 years --

ACTING PRESIDENT PERSAUD: Senator Murray how do you vote?

SENATOR MURRAY: -- we'll be up to $23 an hour.

ACTING PRESIDENT PERSAUD: Senator Murray, how do you vote?

SENATOR MURRAY: For that, I vote

no. Thank you very much.

ACTING PRESIDENT PERSAUD: Senator Murray to be recorded in the negative.

Senator Martinez to explain her vote.

SENATOR MARTINEZ: Good evening, Madam President.

First of all, you've all heard budgets are never easy, and it's very easy to complain and then take credit for things later. We don't always get what we want, and I know I surely did not get everything I wanted.

But I will be voting in the affirmative. As the only Suffolk County Senator in the Majority, a former educator, and chair of Local Government, despite our fiscal constraints, I can say we delivered for Long Island's most pressing issues.

We saw an increase in school funding, we delivered Foundation Aid to those schools who were still owed. We fully retained local zoning in response to the Governor's housing proposal. And we also prevented the MTA tax from coming onto our small businesses and taxpayers.

We also amended our bail laws once again, even though my colleagues had a hard time doing that and staying strong and defending those that are always kept incarcerated because they cannot afford to post bail and because of their skin color.

As you heard before, the intent to reform bail laws was to promote fairness and reduce pretrial detentions, and to prevent incarceration. This budget actually presents an opportunity to change those laws again. We literally gave our judges more discretion.

And instead of putting politics into what is happening, we need to really look at what the issue is at hand. And that is making sure that we're providing the resources, the services that are needed to keep people out of jails.

We need to take care of mental health, our drug issues. We need to -- excuse me. I get emotional during this stuff. We need to enforce what we have started.

Also, we recognize there's a housing crisis in this state. We need to make sure that everything we do, one, is affordable. Two, we're keeping local control. People want that. We

need to make sure that that stays with us.

Creating housing demands a multifaceted approach. Zoning authority should remain in their hands. Sustainable development needs to keep in place. Workplace housing, tenant rights also need to be protected when we're discussing housing. But we also need to keep the separation of government differently between local and state.

We must recognize that the MTA agency cannot be continually bailed out on the backs of taxpayers and small businesses. We always -- the Long Islanders are always the ones who are getting hit with everything that needs to be reimbursed or even funded. But as a former teacher, funding our schools is of utmost importance and we must continue to do so.

We must be cognizant that our students attend public schools and private schools, 4201s, 4210s, and every single child in the State of New York deserves an equitable and inclusive classroom. We must be providing additional services --

ACTING PRESIDENT PERSAUD: Senator Martinez, how do you vote?

SENATOR MARTINEZ: -- to meet the social and emotional needs.

And I said before I vote yea.

ACTING PRESIDENT PERSAUD: Senator Martinez to be recorded in the affirmative.

Senator Cleare to explain her veto.

SENATOR CLEARE: Thank you, Madam President.

SENATOR CLEARE: I can't go that fast. But --

(Laughter.)

SENATOR CLEARE: I have to say that speaking for Harlem and Senate District 30, we do not need any more charter schools of the zombie variety, ghostly or supernatural.

(Laughter.)

SENATOR CLEARE: We must remember that charter schools were an experiment. They were not guaranteed permanency. But the damage is in. My district has and continues to be oversaturated with charter schools, with real-world consequences, including less financial support for traditional public school students, decreased resources for traditional public school students, less space, programs and services for

traditional public school students due to collocations.

I do want to thank Leader Stewart-Cousins and others in the Democratic Conference for hearing my message and limiting the proliferation of zombies in District 5. However, I am distraught that the state will be paying to locate all of these new schools. That money could go to far more worthy causes: After-school programs, universal school meals, arts, sports, advanced learning.

The conclusion is really simple. The time has come to repeal the 2014 law that rigged the system in New York City in favor of charters, to give power and oversight back to the city, coupled with a redouble commitment to traditional public schools.

There's no more important need and demand than for affordable housing in my district. A recent survey put rents in Manhattan at a median average of $4200 a month.

The budget has made some progress with regard to housing. ERAP for those in traditional public housing and on Section 8 are positive steps. More money for NORCs is useful.

But overall we did not provide a new path for affordable housing as a social good.

The precipitous outmigration from Harlem by Black residents -- from New York City by Black residents, as evidenced by the fact that the city's Black population has declined by nearly 200,000 people in the past two decades -- is not because they do not want to live or return to their home, but because it is unaffordable to do so.

The median household income for a Black family is New York City is $43,764 --

ACTING PRESIDENT PERSAUD: Senator Cleare, how do you vote?

SENATOR CLEARE: -- a year. No one can afford to live --

ACTING PRESIDENT PERSAUD: Senator Cleare, how do you vote?

SENATOR CLEARE: -- and thrive under those circumstances.

ACTING PRESIDENT PERSAUD: How do you vote?

SENATOR CLEARE: I vote aye.

ACTING PRESIDENT PERSAUD: Senator Cleare to be recorded in the affirmative.

Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Madam President.

I want to thank our Majority Leader, Andrea Stewart-Cousins, for her leadership during this very interesting budget process, and my colleagues and staff for all their work on this budget.

So I rise today, I'm going to lift up specifically education. As I've shared, part of my journey here revolves around education advocacy. And so there have been some great wins with regards to education that I'm proud to be a part of voting for in this budget bill.

I am at the same time disappointed that we are siphoning funds towards zombie charter schools instead of putting more money into our public schools.

Despite this disappointment, just with our upholding our funding obligation with regards to the Foundation Aid formula and for our schools, in my district alone, in Senate District 52, this translates into $46 million for small city schools in my district.

We also recognize in this budget

bill that our students cannot learn if they go hungry. And so I'm happy to see that this budget bill addresses food insecurity in our schools with $134 million in expanding resources around this particular issue.

And as I've said during the duration of this process, that it is important that we recognize that the decisions that we've made in this budget, it needs to be recognized as a continued stepping stone towards equity. Because we know that we have significantly disinvested in a number of resources that all New Yorkers deserve, especially those who are vulnerable, folks who are people of color and otherwise marginalized.

And so again, there have been several historic investments in education. Higher ed is no different. As a representative that has five SUNY schools in their district, I was happy to see that we rejected the tuition hike.

And so for this reason and others, I will be voting aye on this bill, with a continued commitment to ensuring that we put more resources into programs and resources such as affordable

housing that includes tenant protections, supporting things like good cause and other investments.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Webb to be recorded in the affirmative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

Well, this bill has certainly lived up to its nickname, the Big Ugly. It's really big and really ugly. There's even zombies.

With that said, what we've seen here is a shameless power grab. At the same time, we've seen power being shamelessly grabbed away from the people of New York State, reliable forms of power in this budget.

We've seen a criminal justice shell game to pretend that we're doing something about the massive spike in crime by saying we're doing something to reform bail reform. But in the end, this bill is really big and does nothing to do what people of New York really want. They want a safer place to live, a more affordable place to

live. And they want to know that one day when they go to flip on the light, the power's actually going to come on. And this budget, particularly this bill, puts that all in jeopardy.

So I'll be voting no. Thank you.

ACTING PRESIDENT PERSAUD: Senator Borrello to be recorded in the negative.

Senator Gounardes to explain his vote.

SENATOR GOUNARDES: Thank you, Madam President.

You know, I join my colleagues in saying that this budget is a series of compromises. There's a lot to celebrate and there's also a lot -- a great deal to be disappointed in.

I'm very happy that for another year that we've been here in the Majority we have increased funding to our SUNY and CUNY campuses. We have fought back against tuition increases at our public universities. I'm incredibly proud of the fact that not only did we put the MTA on sturdy financial footing, due in no part -- or because of COVID. We've also secured commitments

to increased funding -- increased frequency, I should say, for our mass transit rider users in the five boroughs.

But really what I want to talk about today is something that I'm incredibly proud of, and that is the expansion of our child tax credit. Experts agree that refundable tax credits like the Empire State child tax credit are a critical part of our strategy to slash childhood poverty in half by 2030. When the federal government expanded the child tax credit, it lifted 2.9 million people out of poverty in 2001, cutting the poverty rate in this country in half in the course of six months.

Ever since Congress failed to reauthorize the expanded child tax credit, we have now seen poverty rates increase 41 percent. The United Way put out a study two weeks ago saying that 50 percent of New York City residents cannot make enough to put food on their table or to meet their basic needs.

Which is why I'm so proud that 20 years after New York was the first state in the country to adopt a state-based child tax credit, we are eliminating the carveout that

prevented the youngest New Yorkers, children under the age of four and their families, from being able to claim the state child tax credit.

We are joining other states like New Mexico, New Jersey and Vermont who have recently created or expanded their own child tax credits to fill the void left by the federal government's inaction.

Our bill, this budget right now, will now make the child tax credit -- expand it to 27 percent more families. That is 584,000 households. Eight hundred thousand children -- 800,000 children will now benefit from monies being put back in the pockets of their families.

And I know the budget's a complicated document. There's a lot we could take here, a lot --

ACTING PRESIDENT PERSAUD: Senator Gounardes, how do you vote?

SENATOR GOUNARDES: -- back and forth. This --

ACTING PRESIDENT PERSAUD: How do you vote, Senator Gounardes?

SENATOR GOUNARDES: -- put money back in the pockets of families, and for that

reason, Madam President, I proudly vote aye.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Gounardes to be recorded in the affirmative.

Senator Mannion to explain his vote.

SENATOR MANNION: Thank you, Madam President.

And I will be voting aye on this budget, and thank you to Majority Leader Stewart-Cousins.

As was stated, budgets are both priorities -- but they are complicated documents. And there's certainly things within this document that I am philosophically opposed to. But I strongly believe in the power of public education, and I believe that public schools give every student a chance to succeed regardless of their income.

I believe that we have amazing teachers and teaching assistants in our public schools. We also have amazing coaches, administrators and other staff. Public schools are the bedrock of our communities. And as Senator Cleare stated, the original concept of creating charter schools was done with the

intention for them to serve as incubators and be creative.

But unfortunately, they were hijacked by the corporate world. They play by a different set of rules. They cherry-pick their students. They don't have the same numbers of students that receive special education services or English language learners. They're allowed to keep additional dollars in their reserve funds. They receive payments early from school districts. And if they have students that are disciplined and returned to those public schools, the dollars don't go back with them.

So I look forward to working in the future, including the remainder of this session, in advancing legislation to try to amend those differences and bring equity to the system.

Therefore, I oppose the expansion of charter schools in any form until we make those changes.

There are major wins in this budget for public education. We're talking about, for the first time ever, fully funding our Foundation Aid formula and continuing the school meals program, which was a huge success during the

pandemic, saved many families during an awful crisis, and it may be the most consequential thing that we've achieved in this budget.

I would like to move on and briefly state that I was a teacher for 28 years, a biology teacher. And every year I taught about how it took millions of years to sequester the carbon that is embedded in our fossil fuels. And over the course of the last 100 to 125 years we've dug that or pumped it out of the ground and burned it.

ACTING PRESIDENT PERSAUD: Senator Mannion, how do you vote?

SENATOR MANNION: And as a result, it's impacting our climate.

As I stated, Madam President, I vote aye. Thank you.

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

Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Madam President.

I certainly agree with Senator Borrello's comments: This was a Big Ugly. I wish this was only about education, because we

did accomplish some remarkable things.

However, one opportunity I think that we missed is with the school lunch program. We had the opportunity to provide it for every student, which I think had broad bipartisan support, yet we're putting schools in the position now of having to determine which of the four out of the five is eligible, which of the one out of the five isn't. And I think that's a missed chance.

I unfortunately can't support this bill, as much as I would like to, with respect to the accomplishments in education. Because I agree with Senator Brouk: This bill accomplishes nothing with respect to bail reform.

New York is an outlier. New York was an outlier back in 2019 when we passed a reckless and irresponsible bail reform law that has made New Yorkers less safe, and demonstrably so. And we are an outlier again in that this Senate, this Legislature and this Governor refuses to do anything to address the real problems.

The notion that without eligibility for bail you can be arrested for assault,

reckless endangerment, menacing, stalking, possession of a weapon on school grounds, robbery in the second degree. Burglary in the second degree. Criminal sale of a controlled substance on school grounds.

I could have two ounces of fentanyl right now, right now, enough to take out the entire population of the Capitol, and I'm not eligible for bail. It's an absurdity.

Yes, dangerousness is subjective. But the individuals who should have the responsibility of making a determination as to whether someone is a danger to the community or not are judges. That's their job. And this bill does nothing to restore that.

When it comes to climate change, yes, we're all in favor of renewable sources of energy. We should be investing in renewable sources of energy. But we can't put the cart before the horse that we're doing now. You can't put in through mandates a transition to electric power, full electric power, until we know that the grid can support it.

The bottom line is by pushing the cart before the horse, we are going to create

issues, we're going to create capacity --

ACTING PRESIDENT PERSAUD: Senator Rhoads, how do you vote?

SENATOR RHOADS: -- and we're going to cause a --

ACTING PRESIDENT PERSAUD: Senator Rhoads, how do you vote?

SENATOR RHOADS: Thank you, Madam President. I vote in the negative.

ACTING PRESIDENT PERSAUD: Senator Rhoads to be recorded in the negative.

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

First I want to begin by thanking the Majority Leader, Andrea Stewart-Cousins, for her leadership and stewardship through this process, our -- all of our partners in government.

There's a lot to be proud of in this budget bill, Madam President, from fully funding Foundation Aid to give our children a world-class education, to expanding access to childcare across New York State, to protecting the environment, to protecting and enhancing public

safety, to providing an increased minimum wage to our workforce, to putting in place a record investment in transportation -- be it our roads and our infrastructure or our public transportation in each and every community across New York State, with still more work to do.

Or enhancing the public trust by reforming the Western Region OTB board, which is just the beginning of the reforms that need to happen at that board. Putting the power of the vote back into the hands of the people in the Western New York community.

I'm very proud to stand on the floor of the Senate here today and support this bill. Again, more work to do. But this is something that we can hang our hats on and be proud of.

With that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Kennedy to be recorded in the affirmative.

Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Madam President.

As has been said, democracy is a

compromise. That is a true belief of mine. And I really want to give credit to my conference for fighting so hard, so much so that we are at this day, in May now, making sure that this budget is passed.

And while I too feel dismayed about some of the political battles that have been brought to this budget, I cannot help but be very happy about some of the good things that are in here -- a lot of the good things. And a lot of the good things are in relation to our children.

Foundation Aid, it's about time, yes, that we got that money. And I'm sorry to those across the aisle, but when you were in the majority, you didn't put that money in for the kids.

Same thing with feeding our children. School meals for all. This is monumental that children now can learn and be fed and be able to learn better.

The child tax credit, another monumental step, to make sure that families can provide for their children, their baby children.

And universal UPK. Finally, children all over the state can experience and

learn at the age that children in New York City have been doing. And we've been seeing that they're excelling because of it.

And when it comes to SUNY, yes, I'm so happy that we fought against tuition raises, because that's unfair. And even more so, we helped expand the Summer at Sea program at SUNY Maritime, the best, in my opinion, SUNY campus that is in the 34th, the only SUNY campus in New York City.

These are big wins. And one last one to mention, protecting our kids. Because unfortunately, since passing the MRTA, we've seen the opening of illegal cannabis sales. And very unfortunately, some of those items are getting in the hands of our young kids.

And what we did in this bill is to make sure that we're stopping that, we're stopping those that are illegally selling cannabis and encouraging them to be licensed, to do it the right way, the way we intended with the great MRTA bill.

So I vote in the affirmative, I vote aye, because we are helping New Yorkers here. We are protecting our young children, and we are

taking steps to make sure that New York is getting better. These are steps that we have to be proud of, including the minimum wage, that while we didn't get there, we're close. And in the 10 years that I've been around, we've only had this fight twice. So I think this is a really great achievement to get to this point now.

Thank you, Madam President. I vote aye.

ACTING PRESIDENT PERSAUD: Senator Fernandez to be recorded in the affirmative.

Senator Weber to explain his vote.

SENATOR WEBER: Thank you, Madam President.

I'd like to start off by thanking the taxpayers of the State of New York for everything that they do, for getting up early every day, paying their taxes, and funding this great government in the State of New York.

You know, this is my first government budget year and process, and I took a lot of notes throughout this process. I have to say that this so-called bail reform change is probably the most anticlimactic event that I've

seen in a long time. It's kind of like when Geraldo Rivera opened up that Al Capone vault and found nothing.

(Laughter.)

SENATOR WEBER: It reminded me of that.

No dangerousness standard. A revolving door for violent criminals to prey on our kids and our neighborhoods. This was not a serious attempt by either the Governor or by my colleagues on the other side to deal with the disastrous bail reform. I had hoped that it was. I gave everyone the benefit of the doubt. It became empty promises.

Dumping more unfunded mandates and costs on our counties, who can't afford it, who really tighten their belts all the time. A small business killer, so many programs in here that are just going to strangle and keep a stranglehold on our businesses.

You know, I heard about the rush to an ill-conceived all-electric-building rush. You know, I heard one of my colleagues say it essentially exempts New York City because it has its own codes. Rockland County has its own

codes. Why aren't we exempt?

Many good things in this budget. I'm the husband of a 31-year public school educator. Fully funding Foundation Aid, universal pre-K, free and reduced lunch -- very important items. It angers me and I'm resentful that this bill was poisoned by so many bad policies when we could have all come to a common agreement on great education things.

I will fight for those things till the last day that I'm in this office. I have to vote no because of the poisonous things that are attached in this bill.

ACTING PRESIDENT PERSAUD: Senator Weber to be recorded in the negative.

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

First of all, it's been observed several times that we're falling short in certain ways on housing in this budget. But there are key housing provisions spread through various bills, including this one.

We are funding the Neighborhood and

Rural Preservation Programs, 200 organizations that serve the constituents of all 63 Senators in this chamber, funding that at $25 million this year -- it's a big increase from prior years -- because those organizations are really critical.

We're also adding $22 million in new money for the Rural Rental Assistance Program and $51 million for the Homeless Housing Program in this budget.

So there is positive news. We will continue to work in the 37 or so days left in the session to get additional progress on housing.

On all-electric building. My colleague just said that we can't put the cart before the horse. That may be true, but we need both the cart and the horse to move. We need to move simultaneously on increasing generation of renewable energy, improving transmission of renewable energy, and the end uses of making sure they are ready and able to use green, clean energy.

The All-Electric Building Act, we've worked on it for two years. It is a first-in-the-nation that a state is doing this statewide. But it is in other ways long overdue.

My colleague just mentioned New York City is exempt. That is technically true, but only in the sense that New York City already passed this citywide, and it goes into effect in New York City more than two years before this bill will go into effect.

So this will now be statewide with this bill, and it will apply throughout -- the same notion that it has to be all-electric will apply throughout New York State.

I want to thank my colleagues for expressing their concerns, the fears of their constituents, their questions. It's important that we're in this room able to talk about the details of this, and we understand that change is hard. We understand this transition's going to be hard and uncertain in some ways. But we're doing what we need to do here.

And lastly, if you'll indulge me, we could spend all day thanking staffers that worked on this bill -- on these bills. But given that we've spent two years working on the All-Electric Building Act, I just want to take a moment to thank Mobeen Bhatti, Tyler Del Giudice, Dan Ranellone and Mike Press, Rob Habermann and

Dan Mosher from my office who have been working on this for a very long time, and our colleagues in the other chamber and the Governor's office for getting this right.

And with that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Kavanagh to be recorded in the affirmative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Madam President. And thank you to our Majority Leader and to the staff who have been working, as has been said.

I've been listening to complaints about the process, et cetera. And I want to remind you that it was Winston Churchill who said democracy is the worst form of government until you consider all the others.

I am particularly proud of this bill in terms of the higher ed component. Almost as long as the time I have been in the Senate, there have been increases in tuition at CUNY and SUNY. They had what they called a "rational tuition plan." To me, it was an irrational plan because

it increased tuition $200 every year. And in 2019, that stopped.

And the fact that there is no tuition increase in this budget for in-state students to me is a credit to everybody working together. That is extremely important, because students in the past have borne the burden of increases. The state should be paying its fair share, and it hasn't.

We've increased operating aid substantially, phased in over a three-year period. But SUNY and CUNY are receiving increases in the many millions, and I'm very proud of that. There's capital money for your districts, and mine, for the colleges and universities. And, you know, you can feel free to reject it, since you're rejecting the budget, but I don't think so.

Lastly, there has been aid for the independent colleges and universities. We restored the cuts. And I think the investment that we make today will help students tomorrow, will keep them in New York to become citizens who care about government and about New York State.

For that reason, Madam President, I

vote aye.

ACTING PRESIDENT PERSAUD: Senator Stavisky to be recorded in the affirmative.

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

I'll get it out of the way early. I'll be voting no on this bill. Not because there are things in this budget bill that I don't like. There are things I do like.

I like the fact that we are fully funding Foundation Aid. I would much rather have seen a lot of these policy items out of this bill and handled -- for example, our bail reform discussions handled in public protection, where they belong, and not here. But here we are.

I do believe that this bill and this policy will make the residents of my district less safe. I believe that this rush to electrify at all expenses immediately, without making sure that we have the infrastructure in place to ensure that we will have access to energy when we need it most, puts our communities at risk.

I find it odd that we can't agree on what "dangerous" means. And even though we have

49 other states that have a "dangerous" standard, we can't agree in this chamber whether or not somebody is dangerous when they're committing a crime and assaulting somebody.

But overall, I can't support this bill because it does put my communities at risk. So I'll be voting no and hoping that we can work together in addressing some of these issues as we go forward.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Martins to be recorded in the negative.

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Madam President.

You know, the Big Ugly is probably one of the most insidious things we have as part of our state budget process. I feel like it puts us legislators in quite a pickle because we have to figure out whether we're voting for a bill that of course includes a ton of things that you champion, but then they're put against items that quite frankly are very hard to support.

So let me begin by denouncing a very regressive and violent rollback of bail reform

that will surely result in more poor, Black and brown New Yorkers sitting in jail. It's language that unfortunately responds to fearmongering splashed across the front page of racist rags; like the New York Post, not the need for mental health care or real poverty reduction.

I also want to denounce the expansion of charter schools, which suck resources from our society's most valuable public institutions, our public schools. Especially when right now we actually have a teacher shortage and our teachers are paying for school supplies out of their own pockets.

So with that, of course, let me highlight that I'm very happy to see Foundation Aid fully funded. I think that's going to put us certainly on a path to a brighter future for our children, along with more meals for our kids. Happy to see public renewables passed with full labor language, which is what we wanted. And of course the expansion of the working families tax credit, which I'm sure our colleagues across the aisle will promote to their constituencies despite not championing it as a cause for them.

We expanded subway frequency and helped secure the first-ever free bus pilot, which is huge for me and my neighbors who rely on public transit to move our families throughout the city. And we set parameters around the minimum wage.

I want to say -- and it's unfortunate that Senator Murray stepped out -- there is no business worth saving if it goes against the well-being of human beings. I want to be very clear. If your business cannot pay a living wage, you have no business being in business, it is not a viable business.

There is no way, shape or form that anybody here, especially those across the aisle who derided us for voting a raise for ourselves, right, and said --

ACTING PRESIDENT PERSAUD: Senator Ramos, how do you vote?

SENATOR RAMOS: -- and said that we would -- you know, that they would be supportive of something to help their own constituents. Here they are --

ACTING PRESIDENT PERSAUD: Senator Ramos, how do you vote?

SENATOR RAMOS: -- not even being cooperative.

ACTING PRESIDENT PERSAUD: Senator Ramos, how do you vote?

SENATOR RAMOS: I will be voting in the affirmative despite my disappointment, and I'm thankful to the leader and the staff for their work.

ACTING PRESIDENT PERSAUD: Senator Ramos to be recorded in the affirmative.

Senator Comrie to explain his vote.

SENATOR COMRIE: Thank you, Madam President.

I rise to continue to deride the fact that we have a term "Big" and "Ugly." I just can't put those two words together.

(Laughter.)

SENATOR COMRIE: Because anything big is not ugly.

(Laughter; applause.)

SENATOR COMRIE: I would -- I'll be brief. I want to thank first our leader, my colleagues on both sides of the aisle for raising cogent arguments about the future of our state.

I think it was unfair that we got so

much policy and other critical issues dropped on us in a six-week period that we had to solve. We have critical issues in affordable housing that we have to solve. We have to figure out a way to protect small property owners. We have to figure out a way to come up with righteous reasons to protect tenants and landlords. We couldn't do that in a six-week period, understanding all of the variables that happened to us.

I want to thank the staff on both sides for putting in the hours necessary to help us form the debates to make that happen. I hope that we don't let this go and wait until the next budget to bring back the need for housing in this state. We need to, as a body, continue to raise this cause so that we can make sure we build affordable housing like they're doing in my district.

If you look at Downtown Jamaica, by Long Island Rail Road station, there's a ton of housing going up, multifamily housing, apartment housing, that is workforce available that's bringing in incomes from $30,000 and sometimes homeless housing. And it's being built by developers that are concerned about making sure

we have a program that can allow for sustained development in this city and state.

We also got saddled with other issues around zombies. My concern was that we have minority and small locally based vendors that were in the pipeline that got shut out by the bureaucracy in this state and were never allowed to sit and create a locally based charter because they got elbowed out by the big guys that are putting up charter schools.

ACTING PRESIDENT PERSAUD: Senator Comrie, how do you vote?

SENATOR COMRIE: Is it two minutes already?

(Laughter.)

ACTING PRESIDENT PERSAUD: It's more than that.

(Laughter.)

ACTING PRESIDENT PERSAUD: It is more. How do you vote?

SENATOR COMRIE: I'm sorry. I'm sorry. But if we don't fix the fact that our local vendors can't get a fair shot from state government, we are failing as a government.

ACTING PRESIDENT PERSAUD: Thank

you, Senator. How do you vote?

SENATOR COMRIE: I vote aye.

ACTING PRESIDENT PERSAUD: Senator Comrie to be recorded in the affirmative.

Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Madam President.

In school, children are taught that the founding fathers felt access to education was an essential part of democracy. Black children are often taught this in densely overcrowded classrooms and crumbling facilities, while sharing a textbook with two other students, if they have textbooks at all. My students didn't.

In school, children are often taught that the founding fathers believed in liberty and that people should be considered innocent unless and until proven guilty. Black children are often taught this while their friends, their parents or their siblings are being held behind bars without being convicted of a crime. For them, civil rights, like quality education and the presumption of innocence, have been a promise never fully realized.

Our Governor unfortunately has decided not to work toward realizing that promise but rather to actively roll back gains that have been made on these civil rights. Through Foundation Aid, our state was finally forced to meet its obligation to equitably fund every school district, but this budget will divert more of that money away from public schools into new charter schools that target Black communities with sleek, well-funded marketing campaigns while dismantling their public school systems.

At the same time, hard-won protections for the right to the presumption of innocence are being rolled back in this budget. As a result, more Black people will be ripped away from their families and held for years on end in dangerous and inhumane conditions without being convicted of a crime.

This is what our Governor has chosen to do with her extraordinary power in this process. This bill will jeopardize the education, the families, and the futures of Black children, and I cannot abide by that.

I acknowledge the hard work of our leader, our conference, and staff. But I vote

no.

ACTING PRESIDENT PERSAUD: Senator Brisport to be recorded in the negative.

Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Madam President.

Sometimes the measure of a good budget is what's not in the budget. I was very happy to see that we took out a ban on natural gas implements on existing housing. We need to develop a plan in New York State for how to retrofit houses. We're not there yet, but I'm confident that we'll be there.

And I join Senator Stavisky in saying I'm happy there's no SUNY and CUNY increases. So two things that are out.

Every budget's got the bitter and every budget's got the sweet. But boy, the charter school increase is pretty bitter. It reopens an acrimonious debate, intentionally divisive, a debate we didn't need to have. But it may open up to really look at charter schools to look at their transparency, to look at who they educate. So if we're going to reopen the new zombies, let's reopen the whole look at how

charter schools operate in New York State.

But Madam Speaker, the sweet in this budget is a lot. The ERAP funding -- we're not leaving people hanging with old rent bills. I Thank Senator Kavanagh for his tireless advocacy on that. Section 8 people are going to be included in there. You're going to see HOPP funding coming up for people facing foreclosure.

Senator Kennedy's Western New York OTB bill is going to root out some of the in -- I wouldn't say inbred, but -- I don't know what the correct word is. But boy, is corruption in the Western New York OTB. We're going to take it out.

Minimum wage indexing, you can't get around the fact that that is historic, that is good. And the universal school meal program. We all know that hungry kids can't learn.

So a lot of good in this budget. Some stuff that's undeniably bad. But other things that open the door for future debate. So I proudly vote in the affirmative, Madam President.

ACTING PRESIDENT PERSAUD: Senator Ryan to be recorded in the affirmative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

I rise today first and foremost to thank the leader, Andrea Stewart-Cousins, and the incredible staff who worked so diligently to put together a budget and a document that we could be proud of. They held the line on so many issues in so many areas, and because of that we have real, tangible, life-changing things in this budget that we can all bring back to our constituents.

Not a day, really a week goes by that I'm here that I'm not reminded that we are dealing with decades of disinvestment and underinvestment. We are standing here today, myself included, upset and sad and angry because we're not able to deliver all the things that we want to for our constituents, for the communities that sent us here to fight for them. I know myself and my colleagues came here to make life better for those who live in our districts, and when we show up and we come back without getting everything that we wanted that we promised, that we've talked about, it can be really

disheartening.

But in this budget we have made significant expansions building back from those decades of disinvestment and underinvestment: Finally committing and fulfilling our commitment to funding Foundation Aid and funding our public schools -- as a public school graduate, I am incredibly proud to be a part of that -- to expanding the child tax credit that will put money back in people's pockets, to scaling renewal energy projects while also protecting farmland, but making sure that we can actually hit our goals so that we have a planet to live on for the future.

And something that I have been really proud to champion, a significant expansion of school meals. We know that our students cannot learn, they cannot be successful if they are concerned about where their next meal is coming from, if they are hungry, if they are trying to figure out social emotional behavioral issues because they're hungry. These are things that we have a responsibility to fix.

And so in this budget, while we were not able to get a full and complete expansion,

thousands and thousands and thousands of kids will now have breakfast and lunch, free breakfast and lunch in their schools. And that is something that we should all be tremendously proud of.

ACTING PRESIDENT PERSAUD: Senator Hinchey, how do you vote?

SENATOR HINCHEY: With that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Thank you. Senator Hinchey to be recorded in the affirmative.

Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Madam President.

I vote in the affirmative, and these are the reasons why. We are fully funding Foundation Aid. Yes, this Majority did it, and yes, we get to take credit for it because the last majority did not.

We are providing more money to pre-K and expanding it out in the suburbs. There are no increases to tuition for SUNY and CUNY. Minimum wage increases. Expansion of free lunches. I know this is just a start, and we can

expand it even more next year.

More money for distressed hospitals that -- like Nassau University Medical Center. Empire State child care credit. We are protecting the environment with so much policy here and we are keeping local control of our zoning.

Lastly, crime is complicated and multifaceted. And blaming reform for all the ills in the world is just disingenuous. And to my colleagues from Nassau County and Suffolk County, Nassau County is the safest county in the United States. So quit crying wolf all the time, all right?

But, listen, we're giving more discretion to judges. And we're going to hold them accountable if they're not following what we are now doing.

So I'm voting in the affirmative because this is a good budget for Long Island.

Long live Long Island. Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you. Senator Thomas to be recorded in the affirmative.

Senator Canzoneri-Fitzpatrick to close.

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam President. I want to compliment you. You have been standing this entire time.

(Cheers, applause.)

SENATOR CANZONERI-FITZPATRICK: And you have kept order in this chamber, so I thank you for what you've done.

As we've heard, there are many good things and a lot of bad things in this bill. Housing being -- the housing proposal initially proposed by the Governor being out is a good thing for Long Island. I am glad that my constituents and their voices were heard and that that is not part of the budget today.

As we've said, Foundation Aid being fully funded and feeding our students is extremely important.

But there are several negatives that will cause me to vote in the negative today. Bail reform was not changed. There are no -- no dangerous standard that was included. And our communities will be less safe based on what has been proposed today.

As a small business owner in the MTA region, I will tell you that this budget does nothing to relieve the burdens on small business owners and does nothing to give them a tax break.

Most troubling, as we've heard extensively, is the elimination of gas without a proper plan for our electrical grid to support the need. That, to me, is extremely troubling. Superstorm Sandy devastated Long Island. And without a proper plan to back it up, it does not seem reasonable to have all of your eggs in one basket and to rely solely on electricity.

So for those reasons I will be voting in the negative. Thank you.

ACTING PRESIDENT PERSAUD: Senator Canzoneri-Fitzpatrick in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 723, those Senators voting in the negative --

ACTING PRESIDENT PERSAUD: Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Madam President.

I really didn't intend to stand and

explain my vote on this bill, but I feel the need to make a couple of observations and statements.

There's a lot of celebrating going on on this floor about fully funding the Foundation Aid formula, which I think that's great and that's wonderful if your schools benefit from that. I have schools that don't.

The Foundation Aid formula is broken. We have shared that information with the Majority over and over and over again. I know hearings were held, meetings were held, because we all know that Foundation Aid formula needs to be fixed.

I have schools like the Gananda Central School District, the Foundation Aid formula doesn't work for them, and they're shortchanged. And their kids, their kids in that school are shortchanged. So I'm not celebrating that.

I'm also not celebrating that thousands of kids will now receive school meals. I'm disgusted, sickened, that we couldn't come up with about $280 million to fully fund the universal school meal program. We're giving a billion dollars to the MTA, we're giving millions

and millions to rich Hollywood producers -- but we couldn't take care of our kids. That's not worth celebrating, to me.

And when it comes to what's important to the people in my district, it's public safety and it's affordability, and this bill and this budget falls far short.

I am voting no.

ACTING PRESIDENT PERSAUD: Senator Helming to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 723, those Senators voting in the negative are Senators Ashby, Borrello, Brisport, Canzoneri-Fitzpatrick, Gallivan, Gonzalez, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Salazar, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 24.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, at this time we're going to take a brief break

while we call a meeting of the Finance Committee in Room 332.

I expect that to be a quick meeting, and we'll be back on the floor very shortly. So please call that meeting and stand at ease.

ACTING PRESIDENT PERSAUD: 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 7:38 p.m.)

(Whereupon, the Senate reconvened at 7:53 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

Can we please take up Calendar Number 719.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 719, Senate Print 4008C, Budget Bill, an act to

amend Part PP of Chapter 54 of the Laws of 2016.

ACTING PRESIDENT MAYER: Senator Lanza, why do you rise?

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Helming.

ACTING PRESIDENT MAYER: Thank you, Senator Lanza.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that you recognize Senator Helming to be heard on the appeal.

ACTING PRESIDENT MAYER: The appeal has been made and recognized, and Senator Helming may be heard.

SENATOR HELMING: Thank you, Madam President.

I rise to appeal the ruling of the chair. The proposed amendment is germane to the bill at hand. The bill at hand deals with various labor provisions, and the amendment that

I have offered establishes a statutory fixed rate of contribution from employers to the unemployment insurance fund. And it also creates a solvency fund that could draw on other state's revenues, settlement dollars or unencumbered federal funds.

This amendment would protect businesses from unemployment insurance tax increases resulting from pandemic-related job losses. As we all know, in this budget -- and I heard some of my colleagues earlier say that the MTA is receiving more than a billion dollars to help with their recovery from the pandemic. Yet this budget fails to recognize that businesses especially small businesses, continue to struggle post-pandemic to get back to where they were prior to COVID and prior to the state shutting them down.

That in this budget New York State is again increasing the minimum wage and that such increases will impose further costs and burdens on employers, hitting small and family-owned businesses and our farmers the hardest.

New York State has 33.3 billion in

reserves, of which, according to the Senate majority's financial plan, 14.8 billion are discretionary uncommitted reserves. This amendment is absolutely necessary to support and ensure the continued survival of many small family-owned businesses and our family-owned farms.

Specifically, the amendment I have before you would use existing reserves or surplus revenue to pay the unemployment insurance interest assessment surcharge, which is projected at $250 million for fiscal year 2024. It would use existing revenues -- use existing reserves or surplus revenues to pay down part of the deficit in the Unemployment Insurance Benefit fund, which is approximately $8 billion. And it would create a lockbox, something we've used successfully in the past, where the unemployment insurance program's solvency reserve fund, into which 50 percent of surplus revenue would be deposited to pay future interest assessment charges and unemployment insurance deficits.

As the economy struggles and inflation continues to soar, we need to help our small businesses. Now, yesterday during one part

of the debate my colleagues across the aisle indicated that it was time for New York to step up and prioritize innovation in our unemployment policies. I agree. And the measure that I have presented does just that. It brings stability, consistency, and reliability to the forefront for businesses across this state.

I urge my colleagues to break from party lines, show your support for our farmers and businesses, and vote yes.

Madam President, I strongly urge you to reconsider your ruling.

ACTING PRESIDENT MAYER: Thank you. Senator Helming.

I want to remind the house 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.

(Response of "Aye.")

SENATOR LANZA: Request a show of hands.

ACTING PRESIDENT MAYER: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 21.

ACTING PRESIDENT MAYER: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator O'Mara, why are you rising?

SENATOR O'MARA: I have a question on the bill, Madam Speaker, if -- whoever wants to talk about the MTA payroll tax would like to --

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I do yield.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Thank you, Senator.

There's an increase in here for the MTA payroll tax that applies just to the counties of New York City, correct?

SENATOR KRUEGER: Correct.

SENATOR O'MARA: Now, that -- while it's a -- through you, Madam Speaker, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: While it's a relatively low percentage increase, 0.26 percent, it's actually a 76 percent increase in that tax, raising it from 0.34 to 0.6. How much is that anticipated to raise?

SENATOR KRUEGER: Approximately 1.1 billion annually.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: How many employees are taken into account with this -- or caught up in this payroll tax increase?

SENATOR KRUEGER: So the employees do not pay the tax. The employers pay the tax.

My colleague is correct, the calculation of what any business owes is based on

their -- the size of their payroll. But the cost is not transferred over to the employee, it is kept at the employer level.

Do we know how many employees, if I understood correctly, how many employees are employed by these companies in New York City?

(Conferring.) Okay. So it's been explained to me that it's a relatively small number of companies that make up the vast majority of the employees in New York City. So these are basically all very large corporations with large payrolls.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: So you don't know the -- do you know the total number of companies that are impacted by this increase?

SENATOR KRUEGER: Thank you, Madam President. So in order to be hit with this

increase, you have to make a certain threshold of money. And so it's only 5 percent of the companies in New York City that will be hit with this increase.

But I don't know the exact number of companies, because -- I guess I would need to know the base, how many companies are there in New York City, hence what is 5 percent of them. And I don't know the top part of that equation.

SENATOR O'MARA: I just didn't hear you. Did you say 5 percent or 25 percent of companies?

SENATOR KRUEGER: Five percent.

SENATOR O'MARA: Five percent.

SENATOR KRUEGER: Yes, sir.

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

ACTING PRESIDENT MAYER: Will you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Senator, in Part R dealing with casinos, we're changing the revenue

distribution from what casinos across New York have been paying towards education and towards local community benefit payments. What is the rationale for reducing the amount going to education from -- I think it was -- it's typically 80 percent. It's going down to 50 percent, and then 50 percent going to the MTA.

SENATOR KRUEGER: (Conferring.) So there's two different funding streams from the casinos. One is obviously the licensing fees, and that was not in existence for those new three casinos, so we're not taking that away from education. And we're not changing the formula for any existing casinos; hence, also not taking that away from education.

But there is a formula for new casinos to actually pay a formula split between education and the MTA. Again, these are the -- these are only the three casinos that would be in the MTA region. And I think it would be a higher share if it's a New York City casino, versus another county in lower New York formula.

Again, we're not taking it away from education because that -- these funds haven't existed until these casinos are licensed and

operating.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: You know, I just -- it -- this change in the formula kind of concerns me because, you know, when we first started with gambling in this state with the lottery, all the proceeds were supposed to go to education, and that was the justification for allowing the evils (finger quotes) of gambling in the state.

And then we went and we authorized casinos and lowered that percentage from what -- 100 percent going to education. I think 80 percent is what it was, and now we're going down to 50 percent. It seems to be a trend here in gambling that was initially approved on all the proceeds going to education, though now they're being diverted to a variety of programs.

SENATOR KRUEGER: Yes. And when we first started the lottery in New York State and the decision was made for the funding to go to education, I'm not sure most of us would have imagined that we would open up so many additional models of gambling in this state, so that in fact the revenue from all these different sources of gambling have dramatically increased the money that is available. And so if some of it is not going to education, I actually don't believe that at this point in history it is a limitation on what we are able to invest in our schools.

You know, it's always a dilemma for me whenever we have these discussions, because I actually don't think we should have legalized any of these gambling options. I'm not a pro-gambling person. But apparently we did do that, and we keep doing that with new kinds of gambling -- sports betting, online betting, casinos, racinos, more casinos, and bigger and bigger amounts in lottery.

So I think a very valuable question and policy discussion for us to have at some point is what the hell are we doing with all this gambling in New York State? But at the moment,

we seem to have all this gambling in New York State and shockingly large amounts of revenue coming to us because of that.

So I don't believe that investing some of this gambling revenue in the desperate needs for the MTA is going to have any negative impact on the funding for our schools.

SENATOR O'MARA: Thank you, Senator.

Madam Speaker, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: I really am ambivalent to gambling. I have no problem with it in this state. I just have concerns with what seems to be a growing diversion of those proceeds and those revenues away from education, when that was really the basis of authorizing it in the first place.

Can you tell me what these casino

licenses and separately the revenue distribution from the proceeds is going to generate, in total? And that will be split fifty-fifty between education and the MTA.

SENATOR KRUEGER: So we'll take the licenses first. So there are three licenses that are up for RFP and bidding. My understanding is the minimum bid needs to be $500 million for a license. We don't know what that top will be. I hear some very large numbers being thrown around.

But at the time that these three licenses are awarded and paid for, then the formula will be -- sorry, just double-checking.

(Conferring.) So the licensing fees, whether the new casinos are inside New York City or not, 100 percent of the licensing fees go to the MTA. We don't know what that total amount will be. But I -- doing easy math, a minimum of $1.5 billion once, but could be significantly higher.

And then on the formulas that I described before of the ongoing casino revenue split are estimated to be an estimated 450 to 600 million a year on an ongoing basis to the MTA -- excuse me, 450 to 600 million on an

ongoing basis from those three casinos being split between education and the MTA.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: This next question may be related to the Aid to Localities budget, but it relates to MTA, if you don't mind taking it up now, save us the time later since I'm on the MTA.

And the MTA I agree in supporting. It's very important. And in fact I have several railcar manufacturers in my district that manufacture railcars for the MTA. So it's critical to New York City's economy, which is critical, frankly, to New York State's economy. So I get it.

But how much state money --

ACTING PRESIDENT MAYER: Are you asking the Senator --

SENATOR O'MARA: Yes, I am.

ACTING PRESIDENT MAYER: Do you yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR O'MARA: How much lump sum direct state dollars is going to the MTA in this budget?

SENATOR KRUEGER: So adding up all sources of revenue that go annually, plus the new numbers that we're discussing now -- so everything, kit and caboodle?

SENATOR O'MARA: Well, everything except what we've discussed.

SENATOR KRUEGER: So not the PMT changes and not the gambling changes --

SENATOR O'MARA: Not the PMT, and not the gambling. Everything else.

SENATOR KRUEGER: So what is the total amount that goes to the MTA. (Conferring.)

Annually, 4.4 billion. That's the combination of the STOA and the one-time payment that the city -- the state committed, excuse me.

SENATOR O'MARA: Through you,

Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: What is that one-time payment?

SENATOR KRUEGER: Three hundred million dollars.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: And I believe that in exchange for that one-time $300 million there was a requirement that New York City kick some money in too? How much was that?

SENATOR KRUEGER: Three hundred sixty-five million dollars.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: What if any cost-containment proposals or requirements are in this budget? You know, we have read in the news a lot about cost overruns on many of these projects, and that the MTA in their projects is a real significant outlier compared to other transit systems in the world on what the costs of these projects are.

So what are we putting in this budget to kind of contain those costs?

SENATOR KRUEGER: My colleague Senator Leroy Comrie, who is the chair of Public Authorities apparently is rising because he would love to answer that question. Is that right?

SENATOR COMRIE: Yes.

SENATOR KRUEGER: Okay. I'm passing it to my good colleague.

SENATOR O'MARA: Sure.

SENATOR COMRIE: Madam President, thank you.

Senator O'Mara is asking us what are we doing to try to make sure that the MTA, which has had -- been under a fiscal cloud since the pandemic, when they were forced to operate their trains full-time, even though there was no ridership, because people wanted to make sure that essential workers could get into the city -- and it's now one of the reasons why they're facing this budget crisis -- has agreed to do over $400 million in reductions, primarily making sure that they utilize new technology to reduce duplication of services, to make sure that they are in-sourcing subway car cleaning.

They're working to do $400 million, and also by reducing car cleaning, by fine-tuning their maintenance schedule, by reevaluating their workforce schedule, by expanding use of new technology and by limiting non-revenue vehicles, among other things. We'll be doing regular monitoring of the MTA to ensure that they do other efficiencies by their workforce. And also their policy that they put together three years

ago in an audit where they agreed to reduce their executive staff as well.

SENATOR O'MARA: Thank you, Senator.

Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Senator Comrie --

SENATOR COMRIE: Yes, thank you.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: There's been efforts in this Legislature in prior years to require forensic audits of the MTA. You just mentioned an audit -- I don't believe that was a forensic audit. But why aren't we doing more significant auditing of the budgets of the MTA?

SENATOR COMRIE: I'm sorry, Senator, I hate to correct you, but that was a forensic audit in 2019. There were recommendations that have come from that audit that the MTA has been slow to adopt. They agreed to adopt more this year, such as illuminating their dashboard to include more projects, to ensure that their capital projects would be --

there would be capital projects, and that their projects dealing with resiliency and especially accessibility, which they face multiple lawsuits, would be laid out on their capital program dashboard where the public could see.

We've been pushing them to do more detailed financial data. We've been making sure that the -- also the forensic audit they've agreed to be updated, since it was done in 2019. That was a few years ago. And we're also working to incorporate the audit into the next financial plan, and we're going to continue to go after them for more operating efficiencies.

SENATOR O'MARA: Thank you, Senator.

Madam President, if the Senator will continue to yield.

SENATOR COMRIE: Yes.

ACTING PRESIDENT MAYER: The Senator continues to yield.

SENATOR O'MARA: Do you think it would be wise to get a regularly scheduled audit, say, every five years, since it's been four years now? You're talking about doing one next year?

SENATOR COMRIE: Yes.

SENATOR O'MARA: And then just build that in so it's automatically going to be done and we don't have to fight over it every few years?

SENATOR COMRIE: I do agree. We are working towards that goal.

We have been talking about the need for the MTA to ensure that they can show transparency and trust to the public to justify the monies that they're getting from the city, state and federal government. That's been one of my recurring themes as chair, and working with my colleagues to make that happen, to make that part of their understanding that as an agency they have to engender trust in the public by making sure that they are doing as much as they can to show every dollar that's being spent -- where, how, and when.

SENATOR O'MARA: Thank you.

Madam President, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR COMRIE: Yes.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR O'MARA: Senator, what is specifically in this budget that is directed towards cost overruns and excessive costs of capital projects and looking at these projects on kind of a global cost basis to figure out why the MTA is paying so much more than other transit agencies do for similar projects?

SENATOR COMRIE: They have agreed to -- they have agreed to -- the MTA was the first agency to work with design-build, which is a bill that we passed in 2019 which is up for renewal this year in both houses.

And we are going to add more -- design-build was able to reduce costs in projects. An average cost of a project that was $500 million, it's been averaging $100 million in savings. Because what they did was, as opposed to making a bidder blind-bid on a project, they would actually open up the job so that they could see all elements of a project.

They also make sure that they've built in an MWBE component and a project labor agreement, so that they would have those costs built in up-front, which would also lower the

project costs as well.

They've also made sure that they've maintained their MWBE component and has even risen it. They have been the best MWBE agency in the state for the past four years, and doing more to make sure that -- they are working to raise the cap for small businesses, and they're trying to get the cap raised from 1 million to 1.5 million so that they can get more small businesses to be subcontractors and learn how to do the budgeting.

Again, I'll go back to the dashboard. They're also opening up their capital program dashboard, which is an online, accessible program for anybody to look at, at any time, to see the progress of their capital projects.

SENATOR O'MARA: Thank you.

Madam President, if the sponsor will continue to yield.

SENATOR COMRIE: Yes.

ACTING PRESIDENT MAYER: Senator Comrie continues to yield.

SENATOR O'MARA: Senator, specifically with regards to length of time and going over-time to complete projects, and the

overall costs of projects, is there anything underway to benchmark MTA projects compared to other transit systems to see just how far out of line or how close in line that the MTA might be with other systems?

SENATOR COMRIE: So they are in the process of going to meet an international design standard that we have worked on and been fighting to make sure that they've acquired, to ensure that there are benchmarks on projects.

We've also -- at the end of the Third Track, they did put in a time constraint and a -- a what do you call it, a -- a penalty if they didn't finish a project on time. That was one of the first they did. We're trying to get them to do more of that.

But they're working on this -- there's an international benchmarking that has been adopted by other countries all over the world to make sure that projects can be done on time, and we're pushing them to get to that level.

It's been well noted, as you mentioned, that the cost of working on MTA projects is higher than any other municipal

transit system in the world. We've been bringing that up to them whenever possible, trying to work with the unions to lower costs. And as costs have gone up because of COVID, with the supply chain and other issues, we're going to continue to be adjusting costs. But we're going to continue to work at it. And I want to just take a moment to compliment our staff, because they've been laser-focused on trying to make the MTA more responsible, project by project.

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

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

Senator Murray, why do you rise?

SENATOR MURRAY: Thank you, Madam President. Would the support -- and we'll stay with the same theme here, and that's the MTA payroll tax. So would the sponsor rise for a few questions.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: Thank you very much.

Sticking on that theme, we've covered a lot of it, so it's kind of trimmed it down. But I wanted to stay on the Part Q, the MTA payroll tax increase that focuses on the city.

Were there any changes to the MTA payroll tax on Long Island?

SENATOR KRUEGER: No.

SENATOR MURRAY: Okay, so it's just -- I'm sorry. Through you, Madam President.

ACTING PRESIDENT MAYER: Does the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: Thank you.

Just New York City, that's where the increase will be, and I believe it goes from 0.34 to 0.6, is that correct?

SENATOR KRUEGER: Correct.

SENATOR MURRAY: Okay. Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: Now, you had mentioned how much that increase was proposed to raise. But how much does the MTA payroll tax in general, how much does that raise for the MTA?

SENATOR KRUEGER: One moment. (Conferring.)

As the night goes on, we have to move all the people and the numbers together.

You don't by chance know the answer for me?

SENATOR MURRAY: No, I don't.

SENATOR KRUEGER: Okay. Well, it didn't hurt to ask.

SENATOR MURRAY: Madam President, I could ask another question while we're waiting for that, if the sponsor would continue to yield.

SENATOR KRUEGER: Great, thank you.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I do yield.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: Thank you.

So let's go to this. Did we -- in this bill do we eliminate any congestion pricing? Is that still coming?

SENATOR KRUEGER: Yes. This bill has absolutely nothing to do with congestion pricing.

SENATOR MURRAY: That's what I thought. Okay.

At this point, I do have to wait for the answers -- for the previous answer.

SENATOR KRUEGER: I have the answer for the previous question.

The MTA anticipates receiving about 1.8 billion in PMT revenue in '23. And that's with the added levy or before we increase? So it's 1.8 billion, and we're hoping it will grow another 1.1 billion, so that would bring them to 3 billion.

SENATOR MURRAY: Well, thank you very much.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator

Murray on the bill.

SENATOR MURRAY: Thank you, Senator Krueger. Appreciate that.

So we're talking about that MTA payroll tax. I heard another member in the last debate use the term "crying wolf." And if that doesn't describe the MTA -- every year we're going off a fiscal cliff. Every year we need more money to give to them so they can continue to operate.

I heard another member mention that Long Island should be happy because they didn't get hit with this MTA payroll tax. But here's the thing. We also didn't eliminate the MTA payroll tax.

We're still finding new ways to bring more money to the MTA, and all of it is taxpayer money. And we're throwing it into -- again, I've said it before -- the black hole of the MTA, to the tune of 4.4 billion now, as was stated earlier. And that's not counting some of the new things that are coming, like the increase from the city, like the congestion pricing, which is proposed to bring another billion dollars to them.

So again, it seems like the same old, same old. I don't look at it as a win when they don't punish us more; I would like to see things eliminated.

For example, here's what we're paying right now -- when I say we, I mean the taxpayers -- to the MTA: The payroll tax, we'll see the increase in the city; large employers are paying the payroll tax on Long Island. Self-employed who are making 50,000 or more, paying the payroll tax on Long Island. Local governments on Long Island paying the MTA payroll tax. Hospitals on Long Island paying the MTA payroll tax. Community colleges still paying the MTA payroll tax. In fact, Long Islanders pay through state mortgage recording taxes, cellphone fees, there's the urban tax, the mansion tax, the corporate tax surcharge which we're adding, the regional sales tax, the for-hire vehicle surcharge, the internet marketplace tax, the motor vehicle license and registration fee, the hailed-vehicle-trips tax, and the passenger car rental tax.

And as I said, soon to come, congestion pricing for another billion and, as we

discussed earlier in the previous debate with Senator O'Mara, more money coming from the casinos.

The point being, they have money over money over money and continue to ask for more, and it comes from the taxpayers. At what point do we say no?

We talked about the construction, some of the projects through the MTA. And I very much appreciated Senator Comrie's remarks regarding the audits being done. Unfortunately, they haven't been very responsive with those audits. You remember the old -- those -- the Seinfeld thing when he's talking about the rental car? You know, you're good at taking the reservation, but you don't hold it.

Well, we're good at telling them what's wrong there through the audit, but they don't do anything with it, and so we end up giving them more money again.

We have to stop. At some point we have to say, no, enough is enough. There has to be some accountability here, because we're simply not winning. It wasn't -- it isn't a win for Long Islanders, for the taxpayers, for the

businesses, when we continue to give them more money. So at some point I ask that we please say enough is enough, let's get some accountability. It is vital. I will admit, it's vital.

But as someone else brought up, take a look, head down to D.C., ride their Metro. That's how you do it right.

I go back to the projects. I think it was the Second Avenue subway expansion. It was estimated that's the most expensive construction project ever in -- in fact, there were similar expansion projects in London, Paris, and Spain. Yet that project, the Second Avenue, it cost more than all three of those combined. If that doesn't tell you something is wrong, I don't know what does.

So again, I'm saying no, enough. Show us some accountability, show us you can do it right. Treat our tax dollars like they're worth something. So for now I'm saying no.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Murray.

Senator Skoufis on the bill.

SENATOR SKOUFIS: Thanks very much,

Madam President. And I will be on the bill.

A number of months ago the Orange County IDA induced the expansion of a company in Orange County called Milmar Foods. On their application to the IDA they indicated that they would proceed with that project whether they got a dime of IDA benefits or not. Furthermore, they indicated that 90 percent of the 50 jobs they would create would be at an average salary of $35,000.

The Orange County IDA decided, in their infinite wisdom, to issue 15 years of property tax breaks to a project that was going to happen, they admitted would happen, regardless of any of inducements.

Several months ago another company in Orange County applied for property tax breaks called Royal Wine. They also got a significant set of property tax breaks that on a per-job basis, taxpayers induced to the tune of $580,000 -- per job.

Not long ago the Orange County IDA voted to approve a transfer of a PILOT from a medical provider to a hedge fund company in order to -- and there is no other explanation -- in

order to boost the sale price of the building that that provider was selling to the hedge fund. It would be worth more if there were property tax breaks associated with that sale.

So that leads me to Part III of this budget bill. And I know we talk about a lot of issues of statewide significance, and certainly I'm appreciative of the large majority of what's in these budget bills. But this is an enormously important item for taxpayers and my constituents in Orange County.

And to that end, I want to thank the Majority Leader and a number of folks, including Eric Katz and Paul McCarthy, Dan Ranellone, and also, you know, the Governor and the Assembly negotiators who collaborated on this final product.

The extraordinary circumstances -- and I only listed a very small handful of many, many, many examples where the Orange County IDA has for years, if not decades, completely disregarded the taxpayers of Orange County and has engaged in what I call blank check economic development.

And so because of these

extraordinary circumstances, Part III installs a first-of-its-kind state monitor within the Orange County IDA, so that someone can watch every movement, every action, every financial transaction like a hawk.

And furthermore, when there's an illegal action, when there's a conflict of interest and when, importantly, there is a violation or a deviation from what's called the UTEP, the uniform tax exemption policy, which mandates that the IDA consider impacts on the environment, consider return on investment, consider the value of an exemption, consider revenue impacts to local municipalities and school districts, consider the number of jobs and the salaries of those jobs and the quality of those jobs. That the monitor can step in if those are not considered and override actions, override awards, veto decisions by the Orange County IDA.

Over the past 11 years that I've been in the State Legislature, I've had a lot of battles, usually alongside taxpayers, against this Orange County IDA. And we've won some of those battles and we've lost some of those

battles. But today I'm very happy, delighted, really proud to say that the taxpayers have won the war.

I vote yes. Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Skoufis.

Senator Comrie on the bill.

SENATOR COMRIE: Thank you, Madam President.

I rise to congratulate the staff. Since 2019, since we've been in the Majority, the staff has been hyperfocused working with me, I'm honored to be chair of the Corporations Committee, to make the MTA more responsible. We've pushed them to do their first forensic audit, we've pushed them to do a capital dashboard, we've pushed them to make sure that they incorporated design-build, which saved millions of dollars for the state. We're forcing them to make sure that they do their accessibility programs that they've been sued about. But to do all of these things in a way that the public can start to have faith in an agency that used to have two sets of books. We've eliminated that since we've taken the

Majority.

We're going to work more to fix the MTA, because we need to make sure that we have an MTA that works for all of New York State and for all of the Eastern Seaboard, because New York has to continue to be the economic capital for this country. We can't afford to have congestion coming in from all over the state to try to take three hours to get into the city. We need a municipal transit system that will work well for all of us.

So I'm glad that we've had questions and concerns. I'm glad that we're pushing the MTA to do more. I want to thank Dan Ranellone and Mobeen Bhatti and Louis and Julia and the whole team, and especially our new captain, Eric Katz, and all of the Finance and analysts staff for making sure that we're doing more to make the MTA responsible.

We have a ways to go. We need to make sure that -- it's hard to move a bureaucracy that doesn't want to move. But I'm used to moving big things, and I'm here to let you know --

(Laughter.)

SENATOR COMRIE: I'm using that again.

(Laughter.)

SENATOR COMRIE: I'm here to let you know and to let the public know, especially, we're going to make the MTA be a more responsive agency. We're going to make the MTA be a more accessible agency. We can't afford to do any less.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Comrie.

Senator Walczyk on the bill.

SENATOR WALCZYK: Madam President, actually if the sponsor would yield for some questions on Part FF, MM and OO.

ACTING PRESIDENT MAYER: What are the subjects of your questions?

SENATOR WALCZYK: FF is the Excelsior Linked Deposit Program, MM is snowmobile registration fees, and OO is agriculture in schools.

SENATOR KRUEGER: I need to find the right people.

ACTING PRESIDENT MAYER: Yes.

Which issues would you like to start with, Senator Walczyk?

SENATOR WALCZYK: Whoever's ready to go, Madam President.

ACTING PRESIDENT MAYER: One minute.

Senator Krueger.

SENATOR KRUEGER: Since the agriculture people have gotten here, can we started with that?

SENATOR WALCZYK: Congratulations on ag being first to the punch.

SENATOR KRUEGER: All right.

SENATOR WALCZYK: On Part OO --

ACTING PRESIDENT MAYER: Are you asking Senator Krueger to yield?

SENATOR WALCZYK: Would the sponsor yield for some questions.

ACTING PRESIDENT MAYER: Senator Krueger, will you yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: So in Part OO we're eliminating some of the onerous

requirements for schools on some Buy New York provisions, as I read it.

And we're also increasing from 100,000 to 150,000 in this budget the amount of New York foods that they can purchase. Am I reading that right?

SENATOR KRUEGER: That is correct.

SENATOR WALCZYK: Why are we doing -- through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: What's the goal in doing that?

SENATOR KRUEGER: To encourage and support schools to buy more local food through our agricultural system right here in New York.

SENATOR WALCZYK: Great. And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: What then would be the reason it's stopping at $150,000 of New York ag products?

SENATOR KRUEGER: We tried for more, but this is as far as we got.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: I'm sorry to hear that.

There was also a change in milk, a slight change there, promoting New York-bought milk, which I very much appreciate. Is there any provision in here that will allow whole milk to be purchased and delivered in our New York State school system?

SENATOR KRUEGER: There's no

distinction between types of milk at all in the rules.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: In this budget bill or anywhere else in the proposal that I may have missed, will we allow schools to provide whole milk to students in New York State?

SENATOR KRUEGER: Schools can make their own decision about what type of milk they would like to purchase and serve with their meals.

SENATOR WALCZYK: That's great to hear.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: We heard testimony from many agencies and departments throughout the budget hearing process, and I know that was a couple of months ago in your memory. The Department of Ag & Markets has expressed interest a couple of times publicly about getting involved in providing school lunches.

Is there any provision in this bill or the New York State budget as it's been presented yesterday and today that would allow Ag & Markets to provide or be involved in the nutrition of students across New York State?

SENATOR KRUEGER: No, that responsibility and authority lies strictly with the State Education Department.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Was that something that was taken off the table from this house or the Executive or the Assembly?

SENATOR KRUEGER: Apparently that was a discussion last year that was never really brought up in negotiations in this year's budget.

SENATOR WALCZYK: I'm sorry to hear that.

Madam President -- and thank you so much for your answers. Looking for someone to chat briefly about Part MM, snowmobiles, and Part FF, Excelsior Linked Deposits.

SENATOR KRUEGER: It's not the same person who does the school meals and snowmobiles? They're so correlated.

(Laughter.)

SENATOR KRUEGER: We're ready for snowmobiles, Madam President.

SENATOR WALCZYK: Well, if we took these up as separate budget bills, I'm sure we could -- any -- through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: It's fun to have so many diverse topics in one bill. This certainly hasn't been the only one in front of us.

Who's in front of us now, Part FF or MM?

SENATOR KRUEGER: Part MM, snowmobiles.

SENATOR WALCZYK: Excellent. So if you'd continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes. I love to discuss snowmobiles.

(Laughter.)

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: The current registration fee for a snowmobile, if you're not a member of the association, is $100, and this budget bill is increasing that to $125. Am I reading that right?

SENATOR KRUEGER: One hundred and

thirty-five dollars, Madam President.

SENATOR WALCZYK: One hundred and thirty-five. I'm glad I asked.

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

ACTING PRESIDENT MAYER: Do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Did I get this one right, then? If you're a member of the association it's $45 and it's going to go up to $55?

SENATOR KRUEGER: (Conferring.) We believe that it's $35 now for members and going up to $55.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, Madam President.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR WALCZYK: With the additional revenue of something like 90,000 snowmobiles that are registered in the State of New York, what can snowmobilers expect to get for those fees that we're taking in?

SENATOR KRUEGER: My understanding is those fees go for trail maintenance and development. So I'm not a snowmobiler, but I guess it means improved places you can ride your snowmobile.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Would we anticipate that there would be new trails added to the snowmobile trails in the State of New York with this increase in fee?

SENATOR KRUEGER: No, the language is that this is for improvements in maintenance

of existing trails.

SENATOR WALCZYK: Thank you.

And if I could move to Part FF, that would be wonderful.

SENATOR KRUEGER: We'll get the right people for that. Can you remind me what FF is?

SENATOR WALCZYK: This would be the Excelsior Linked Deposit Program.

SENATOR KRUEGER: We've got the people, okay. Madam President, I'm ready.

SENATOR WALCZYK: Through you, Madam President, if the sponsor continues to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: So under the Excelsior Linked Deposit Program the current maximum award is $2 million, is that correct?

SENATOR KRUEGER: Yes, that is correct.

SENATOR WALCZYK: And through you,

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: And the current total of all awards that you can receive from the program is also $2 million, is that correct?

SENATOR KRUEGER: Yes, that is correct.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: In this budget bill that's before us right now, the TED bill, Senate Bill 4008, this increases a single award from $2 million to $4 million, is that correct?

SENATOR KRUEGER: That is correct.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: This bill also increases the total of all awards from $2 million to $6 million for any eligible recipient, is that correct?

SENATOR KRUEGER: For lifetime award purposes, yes.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: So many small bank are able to offer these loans and small businesses are able to take advantage of them.

Will this advantage larger banks and larger businesses over the smaller ones that it's been specifically targeted towards in the past?

SENATOR KRUEGER: (Conferring.) So they have to be an economically distressed building that can be -- economically distressed business that can show that they couldn't get a loan from another bank. So I think the answer is that yes, this will still remain targeted to exactly the same small distressed businesses.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Many small financial institutions that are the closest to the people across New York State, many of them in rural areas, smaller banks and community bank have taken a part in this. Will they be priced out by larger banks as we increase the total amount here?

SENATOR KRUEGER: Just so I can clarify, if I might, that your question -- excuse me. Through you, Madam President, if my colleague would allow me to ask him to clarify the question. Is that all right?

SENATOR WALCZYK: Yeah, I'll yield.

SENATOR KRUEGER: Okay. So the question I think relates to because somehow there's some additional money that's available, that larger banks who wouldn't have been interested in the past would now be interested and somehow be preventing our smaller community and local banks from participating as they have. Is that the concern?

SENATOR WALCZYK: That's the concern.

SENATOR KRUEGER: Okay.

(Conferring.)

So there's nothing that stops the concept of competition amongst the banks. But given that this is still the same standards for any individual loan, and a relatively small lifetime pot for any given project, we don't think that the bigger banks are actually going to be rushing to get involved in this business.

SENATOR WALCZYK: Thank you to the sponsor. And thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Walczyk.

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Madam President.

So just to highlight some of the concerns that were raised around the MTA, I think my colleague Senator Comrie explained very carefully why we are doing a great deal to try to increase accountability, and that we have already worked closely with the MTA to ensure any number of improvements are made going forward.

But just to say it out loud because I need to. Yes, the taxpayers have to pay to help the MTA because, frankly, New York City and the 12-county region of the State of New York wouldn't exist without a functioning MTA public transportation system.

And it is more important going forward than ever before because of the climate issues and the necessity of decreasing the damage to our climate that is caused by cars and other vehicles, and the importance of switching to trains and buses and subways.

And in fact when you actually evaluate the cost per mile of using the MTA, it's lower-cost than any other public transportation system in the country. And it's actually, with the investment that we're making this year, going to be more stable than any other public transportation system in the country.

Other transportation systems during COVID actually shut down for months. They shut down night service. We are talking about, with this budget, ensuring that they increase service, that they speed up -- bless you -- that they speed up the amount -- the time -- or they

decrease the wait time by speeding up the amount of time in between trains and buses, which will be a huge victory.

And with no disrespect for my colleagues from Long Island who raised issues, I'm fine if they want to take over their own trains and buses. I don't think it's economically a really good idea. They raised this during the one-house budget also. But in fact New York City subsidizes half the cost of every train ride on the Long Island Rail Road. I think New York City would be okay not doing that, but I'm not sure the people of Long Island would be happy with it.

And we spent $12 billion to expand East Side access to come into my district. It's not actually good for my district; it's very good for the people of Long Island. And we built the Third Rail. And we continue to ensure that we are making major investments in mass transit not just in the City of New York, but throughout the region, because we do recognize that the future of the region -- and I would argue the future of the State of New York -- is dependent on making sure we have a strong mass transit system.

So we also make investments in upstate transit as well in this budget -- and thank you, Tim Kennedy, chair of Transportation, for being such a strong partner and advocate for mass transit throughout the State of New York, as well as recognizing the importance of the MTA.

So I'm a little confused when I keep hearing everyone say, Why do we keep having to help take care of the MTA? Because we wouldn't be the great State of New York if we didn't have a functioning MTA and if we didn't make sure that it was there for everyone.

And so I proudly do vote yes for this budget bill specifically because of the commitment we are making to the future of mass transit in this state, because it affects and helps everyone.

Thank you very much, Madam President.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I'd like to shout out two items in

this bill. The first is Part DDD, the New York Youth Jobs Connector Program, which will support boys and girls clubs and other youth and employer organizations to provide job skills training, career counseling, job placement, and other support for at-risk youth from ages 16 to 24.

In the cities that I represent, programs like this, together with creative efforts like Senator Bailey's youth sports funding -- and our conference's strong advocacy for upstate arts, recreation and culture -- will go farther toward addressing the root causes of crime than any efforts to lock more people up without trial just because they don't have bail.

Part OO in this bill, which will make it easier for schools to source their food and milk from New York State farms, is another one I want to shout out, because it will help give our children healthier meals and our farmers more business.

I have the unusual honor to chair both the Cities 2 Committee, which concerns itself with cities other than New York City, and the Commission on Rural Resources. This item is one of the ways we are standing up in this budget

to connect our rural and urban interests for the benefit of all New Yorkers.

I vote aye. Thank you.

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

Senator Martinez to explain her vote.

SENATOR MARTINEZ: Thank you, Madam President.

We sure have heard Long Island this evening. But I would like to thank Leader Stewart-Cousins and the Governor for understanding the needs of Suffolk County and its concerns to protect our sole aquifer and the lack of sewer infrastructure. I heard from elected officials, advocates, community organizations, businesses, union leaders and residents for the need to implement a long-term plan to address this issue.

In this budget we included the Suffolk County Water Quality Act, which will give voters this November the opportunity to create a local funding match through a referendum, which then can be leveraged to secure additional state and federal funding.

The Suffolk County Clean Water Plan will give us a chance to reverse the impact of nitrogen loading, which is critically needed for the infrastructure that we have, and this investment will lift up businesses, community services and residents, and will protect our drinking water and waterways from pollution resulting from untreated sewage.

I hope my Suffolk County colleagues vote in the affirmative for this measure.

As I mentioned earlier, though no increase in the MTA tax on Long Island, and businesses, I agree with my colleague on the other side when he said we need to stop bailing out the MTA due to their financial woes. There needs to be greater accountability -- which Senator Comrie, thank you for that. And I also implore my colleagues on Long Island to jump on my bill which will repeal the MTA tax once and for all, and to also give the MTA accountability.

I vote in the affirmative.

ACTING PRESIDENT MAYER: Thank you.

Senator Martinez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 719, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

ENATOR GIANARIS: Can we next move to Calendar 721, please, Madam President.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 721, Senate Print 4003D, Budget Bill, an act making appropriations for the support of government.

ACTING PRESIDENT MAYER: Senator Ashby, why do you rise?

SENATOR ASHBY: Thank you, Madam President. Will the sponsor yield regarding questions on Dwyer funding?

ACTING PRESIDENT MAYER: Senator

Ashby, that's on Dwyer funding?

SENATOR ASHBY: Yes.

ACTING PRESIDENT MAYER: Senator Krueger?

SENATOR KRUEGER: I guess I will be answering questions on this section, yes.

SENATOR ASHBY: Thank you, Senator Krueger.

I was happy to see that the funds had been decoupled by the counties, but I'm wondering why we're not seeing an increase.

SENATOR KRUEGER: (Conferring.) So this is the second year of an expansion. We were moving from 27 counties to 57 counties, is that correct? So there wasn't any opportunity for an increase of funds in this two-year deal during this budget.

SENATOR ASHBY: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR ASHBY: Why was there no

opportunity?

SENATOR KRUEGER: Because apparently the Governor wasn't open to expanding.

SENATOR ASHBY: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR ASHBY: Was the Senate willing to?

SENATOR KRUEGER: The Senate --

SENATOR ASHBY: Was the Senate willing to expand it?

SENATOR KRUEGER: It did not successfully move to the bill from the ask list, as did many of our asks, not actually -- just -- English. I apologize. I clearly need to get a little caffeine.

We made many asks, we had many hopes and dreams for expansion, and this is one of the ones that did not make it.

SENATOR ASHBY: Will the sponsor yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR ASHBY: Regarding an allocation to the University at Albany School of Social Welfare, could you explain the purpose for that? When I see that Albany County is already -- already receiving an allocation.

SENATOR KRUEGER: At the moment all we know is that the University of Albany's Department of Social Work has some sort of systemwide responsibility for the Dwyer programs, but I don't know what that specifically is.

SENATOR ASHBY: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR ASHBY: Does this provide the opportunity for other institutions in other counties to be allocated funding?

SENATOR KRUEGER: To my understanding, this program serves all of the programs. So it's not unique for Albany County.

So Albany County Dwyer has X amount, and then the School of Social Work has a specific role not just for Albany but for the entire state.

SENATOR ASHBY: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR ASHBY: I understand that.

But if one educational institution has the opportunity to do that, wouldn't this suggest that other institutions could be brought in on this?

SENATOR KRUEGER: Madam President, I unfortunately don't know what specifically the role of Albany Social Work School is.

But I guess I would argue not necessarily. If you have one institution who is successfully doing something needed by

57 counties, I don't know why you would choose to use more monies for a more administrative role with more institutions.

So it's an interesting question, and perhaps if I understood more about how this program works we could have a debate about how -- the best use of the money. But no, I don't believe that automatically we should imagine multiple institutions playing a role that may be perfectly well-suited for one institution.

SENATOR ASHBY: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Ashby on the bill.

SENATOR ASHBY: I appreciate the response of the sponsor and the fact that we have been able to decouple funding here. But I disagree, when we know that this program has been enormously successful.

And now we are suggesting that because one educational institution is doing its part and doing a fine job in doing so, that others would be excluded from doing so. I think that -- I don't agree with that philosophy at all. Especially considering that the men and

women benefiting from this have risked their lives for us to be here, every single one of us in this body, I would think that we'd have a more open approach to that.

And as a whole, when we look at how the new state agency is being funded, although separate from Dwyer -- just to put some perspective in this, $30 million total funding for this new state agency. New Jersey has three times the funding and roughly half the veterans. Ohio, two times the funding, roughly the same number of veterans. Massachusetts, three times the funding, less than half the number of veterans we have in New York State.

I would hope that we could consider to be a little more generous to the men and women that are still serving our country, risking their lives each day.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Ashby.

Senator Rhoads, why do you rise?

SENATOR RHOADS: Thank you, Madam President.

Will the sponsor yield to a question

with regard to local government assistance first.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you, Madam President. Through you.

Senator Krueger, the bill includes funding in the amount of $2 million for the North Shore Water Authority, is that correct?

SENATOR KRUEGER: Yes.

SENATOR RHOADS: Incidentally -- if the sponsor will yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: The North Shore Water Authority and the South Shore Water Authority were both created in 2021, is that correct?

SENATOR KRUEGER: Yes.

SENATOR RHOADS: And if the sponsor

will yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: The purpose of the North and South Shore Water Authorities were to investigate whether a public takeover of a private water company -- in fact, the same private water company for both the North Shore and South Shore Water Authorities -- would be feasible, and to engage in negotiations with that entity to accomplish that objective. Is that accurate?

SENATOR KRUEGER: Yes, it is.

SENATOR RHOADS: Will the sponsor yield to another question?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you.

Through you, Madam President. At

the time the North Shore Water Authority was provided with $1 million in funding for that purpose, but the South Shore Water Authority was not. Are you aware of a reason for that?

SENATOR KRUEGER: My understanding is at the time we tried to get the South Shore Water Authority the same amount of funding, but the Governor vetoed that.

SENATOR RHOADS: If the sponsor will yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: I know you're probably referring to the bill that was passed last year. That's right?

SENATOR KRUEGER: Yes.

SENATOR RHOADS: Which was approved by both houses and vetoed by the Governor.

Do you recall the reason why that was vetoed by the Governor?

SENATOR KRUEGER: The Governor said in her veto message that this was an issue that

should be discussed in the context of the budget.

SENATOR RHOADS: Thank you.

Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: I had introduced bill S5173 to equalize the funding with the North Shore and South Shore Water Authority, in an attempt to pass essentially the same bill that was passed by this house and the Assembly, and sent letters to the Governor and to Andrea Stewart-Cousins, our Temporary President, as well as to Speaker Heastie, to try and get that included in this year's budget negotiations, based on the Governor's message.

Was this the subject of any negotiations to equalize the funding between the North Shore and South Shore Water Authorities?

SENATOR KRUEGER: (Conferring.) So no, apparently that never successfully moved forward because of the belief that the Governor

had that she did not wish to expand this -- excuse me, expand this money to both authorities. I can't speak for her, so I don't know.

And I certainly can't speak to your request for a specific bill of all the leaders. I'm not privy to that either, I'm sorry.

SENATOR RHOADS: Thank you, Senator Krueger.

Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Did the -- did the Governor -- so it's my understanding, based on what you just said, that it was the Governor specifically that decided to exclude funding from the South Shore Water Authority?

SENATOR KRUEGER: (Conferring.) All I actually know is that we did get the one shot for North Shore out of this, but that was the end of that story, as far as I know.

SENATOR RHOADS: If the sponsor

will yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you.

Are you aware of any rationale for why the North Shore Water Authority and the South Shore Water Authority are being treated differently, when they're both to accomplish the same objective?

SENATOR KRUEGER: The only answer I can offer apparently is that there was an existing funding stream for the North Shore Authority and that existing funding stream did not exist for the South Shore, and there seems not to have been a real interest in changing that story and creating one for South Shore.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR RHOADS: There was certainly an interest on my part, which I voiced that concern. And there are other Senators here who share portions of that -- of that district.

Is there a path forward at this point for funding for a South Shore Water Authority -- South Nassau Water Authority?

SENATOR KRUEGER: Realistically, probably not until a discussion of next year's budget starts and moves forward.

I mean, I suppose a bill that's already been vetoed once could be passed again, but likely would face a veto again.

SENATOR RHOADS: But -- will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Will you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: So the bill would likely be vetoed again because it's existing outside the budget, but the Governor has refused to put it in the budget. I see a catch-22 here.

SENATOR KRUEGER: I want to be careful of -- I don't know that someone actually refused, but it did not seem to be brought to the table for a discussion or approval. So I just don't want to misspeak that I know for a fact the Governor refused something, as opposed to it never rose to the level where she and her people brought it to the table.

SENATOR RHOADS: Will the sponsor yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Do we know if we brought it to the table, in terms of the Senate?

SENATOR KRUEGER: No, we did not either.

SENATOR RHOADS: I'm sorry, I missed that. I apologize.

SENATOR KRUEGER: I said no, we did not either.

SENATOR RHOADS: Will the sponsor yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Do we even know if the request was received? I know I sent it. I know I sent the request. Do we know whether that request was ever received?

SENATOR KRUEGER: Okay. (Conferring.) I'm receiving a note saying that South Shore did not receive funding because the Town of Hempstead did not want it.

SENATOR RHOADS: -- but it's really not a question. I don't believe that that's the case. But we'll take --

SENATOR KRUEGER: I don't know. I'm just being handed a note, and I'm sharing the information that I have.

SENATOR RHOADS: I appreciate that.

If we can move on to the topic of Medicaid. Different people.

SENATOR KRUEGER: Through you, Madam President, I'm happy to engage with new questions.

SENATOR RHOADS: All set?
SENATOR KRUEGER: Yes.
SENATOR RHOADS: Okay. If the sponsor will yield to a question.
ACTING PRESIDENT MAYER: Do you continue to yield?
SENATOR KRUEGER: I do.
ACTING PRESIDENT MAYER: The Senator yields.
SENATOR RHOADS: And through you, Madam President. Senator Krueger, can you describe how the cost of Medicaid is split between the federal government and the states?
SENATOR KRUEGER: I'm so sorry, I'm having a little trouble hearing. How the what is split?
SENATOR RHOADS: How the cost of Medicaid is split between the federal government and the state.
SENATOR KRUEGER: That's not a simple question because it depends on what Medicaid is paying for. So it ranges quite a bit as to what percentage of Medicaid is federal versus state versus local, depending on the category within Medicaid both for services and

for the population.

So I don't know if I can even pull out a chart fast enough. So it's not one answer.

SENATOR RHOADS: Fair enough. Will the sponsor yield to another question.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RHOADS: Senator Krueger -- through you, Madam President -- does New York State shift any portion of its Medicaid responsibilities to the 62 counties in the State of New York?

SENATOR KRUEGER: The short answer is yes.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: And do we know by percentage of Medicaid costs what portion of the Medicaid costs that would normally be incurred by

the state are shifted to the counties?

SENATOR KRUEGER: (Conferring.) We believe that the only change that took place was that a specific program we know as FMAP -- excuse me, eFMAP, which was a supplement from the federal government, that the cost ratio was changing so that 75 percent of that money would continue to go to the counties instead of 100 percent of the money from that specific supplemental program.

(Conferring.) Let me try again. The eFMAP program, the state was keeping 20 percent of the funds and 80 percent were going to the counties. And under the new arrangement, the state will keep 25 percent of the funds and 75 percent will go to the counties.

SENATOR RHOADS: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The sponsor yields? Yes the, sponsor yields.

SENATOR RHOADS: Thank you so much.

And through you, Madam President. The initial question, I believe the response was that counties in the State of New York pay about

18 percent of the total Medicaid bill. In fact, the money that is paid by the counties, that 18 percent, is larger in total dollar value, at $7.6 billion than the counties pay in any other state in the 49 other states in the United States, combined. So it's 18 percent that we shift.

With respect to the eFMAP, however, what was the rationale behind changing the amount that we actually reimburse the counties for the eFMAP program?

SENATOR KRUEGER: So there wasn't necessarily any rationale. It was just the Governor announcing that through executive action, she would be changing the formula of how much was being passed on to the counties.

SENATOR RHOADS: Will the sponsor yield to another question?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you, Senator Krueger.

Through you, Madam President. So this was purely an administrative decision?

SENATOR KRUEGER: Yes.

SENATOR RHOADS: If the sponsor would yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: But it's an administrative decision that is now being codified as part of the budget, as a three-year phase-out of the commitment of the pass-through of federal monies for the expansion of the eFMAP program, is that correct?

SENATOR KRUEGER: No, it is still an administrative decision. It is not actually in the budget. So the proposal as we understand it made by the Governor is still within her administrative authority. And so there's no language in these budget bills that talk about this.

SENATOR RHOADS: Okay. If the sponsor will yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: However, the Senate does have some role in affirming this, in the sense that even as an administrative decision, the revenue that's being generated by withholding the money to the counties that would typically be paid as part of the eFMAP program, is included within our revenue sources, is it not?

SENATOR KRUEGER: (Conferring.) It is, through the overall financial plan of the Governor, yes. But there is no legislative vote per se on this administrative change because it is not being put into the budget.

We did strongly object, which is why the outcome is a much smaller reduction to the counties than the original Executive proposal. So we did use our voice as advocates per se.

But it's not actually within the budget.

SENATOR RHOADS: Will the sponsor

yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you, Senator Krueger.

And through you, Madam President. Whether it was a one-year withdrawal of those funds or a three-year phaseout -- because my understanding is that the Aid to Municipalities, the aid to the counties for eFMAP will be reduced by 25 percent in fiscal year 2024, will be reduced by 50 percent in fiscal year 2025, and will be reduced by 100 percent in fiscal year 2026.

Is that correct? Whether it's one year or three years, counties will no longer be receiving the funds that the federal government intended for them.

SENATOR KRUEGER: Because it's not part of the budget, it's not necessarily shut down as a discussion. As we all know, very often Governors project what they will do in outyears

and then those storylines change a year later.

So while there's nothing in this budget document that establishes this formula this year or any outyears, we are still not giving up on the fight to not have these monies taken away from the counties in future years.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you.

And through you, Madam President. Whether this is included as part of the budget or not -- and it's certainly referenced in the budget documents, the impact on individual counties is still felt nonetheless. Wouldn't you agree, Senator Krueger?

SENATOR KRUEGER: Yes, since they are being -- since they are, excuse me, losing 5 percent of what they got in this year, obviously that will be felt by individual counties.

And while you referenced 18 percent, I don't -- I think that's an average. The storyline is actually different in different counties. And my understanding is the storyline of the amounts are also -- vary by different counties, because I guess there's been adjustments going on even in previous years around these funds.

So it's not one straight number or percentage in each county.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Well, actually it's not a 5 percent loss, it's a 25 percent loss this year. In other words, the money that was going to municipalities, 25 percent of the full allotment to those counties is being held back this year -- 50 percent next year, and 100 percent in 2026, at least according to what's in the budget.

SENATOR KRUEGER: (Conferring.) I'm still not sure, once the reconciliation is completed, what the exact percentage for this coming year of reduction will be. And it may in fact vary by county based on monies owed or not owed or spent or not spent from previous years.

SENATOR RHOADS: Will the sponsor continue to yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you, Senator Krueger.

Through you, Madam President. According to the New York State Association of Counties, however, New York State hasn't made a reconciliation payment since 2017. So that reconciliation is completely separate and apart from the money that they're supposed to be receiving through the federal government -- from the federal government as a pass-through, going directly to counties.

SENATOR KRUEGER: So you're right

that there hasn't been a reconciliation since the program started in -- excuse me. So not 2017, but for three years. So we are working with DOB to try to get a full accounting and reconciliation. We believe that that will result in a lesser reduction in this coming year for the counties. Because many but not all of them are owed money by the state, so this should actually help make this reduction less for now.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I will do my best.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: So paying the counties the monies that they're already owed in a reconciliation will not make up for the fact that moving forward, counties will be losing money as a result of the phaseout of the federal pass-through.

SENATOR KRUEGER: You're correct. But since the starting point was she wanted to

take all of the savings, we actually think that this is a major improvement over the original proposal by the Executive.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: But a deal that's half as bad is still half as bad.

So did we have any role to play in formulating this three-year phaseout or not? Because we're being told that this was an administrative decision by the Governor and that it's not included as part of the budget, yet we negotiated the three-year phaseout, as opposed to the immediate phaseout, and it appears in the budget documents.

So do we have a role to play in this or not?

SENATOR KRUEGER: We brought it to the table to negotiate to help the counties, even though it was not part of the budget. So we

thought that this was critical enough that we added it to our fight, so to speak, on behalf of the counties. But that doesn't change the fact that it's not actually part of the budget.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: There were plenty of things that the Governor wanted that are not included in this budget. Why is this here, if we were fighting, since it's such a bad idea?

SENATOR KRUEGER: I think it's been discussed quite a few times since our one-house. We win some, we lose some. We win some of some things, we lose some of some things.

So we took on an additional assignment that we believe was important on behalf of the counties, and we won significantly against the original Executive proposal for this year. It's not completed. We still think that there's room through reconciliation to decrease

the harm to the counties even further in this coming year.

But it doesn't change the fact that we will still need to confront this in future years as -- whether it was on-budget or not, pretty much everything is done on an annualized basis in New York State. So if you ask why we weren't 100 percent successful, you could ask me that on every single item that comes before us in a budget. We're not always successful. We fight, and eventually we negotiate to a final budget document. And this isn't even part of the budget document, we just threw it on the table at the same time, because obviously it relates to budgets, it relates to county budgets, and it's of course money. So we choose to add it on to the assignment to fight for.

And we were somewhat successful and not fully successful.

SENATOR RHOADS: Thank you, Senator Krueger.

Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Will you yield to another question?

SENATOR KRUEGER: Sure.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you.

Through you, Madam President. Do we have any idea how counties actually pay for Medicaid?

SENATOR KRUEGER: Counties use their revenues. They use sales tax, they use property tax. New York City uses income tax. I guess Yonkers has an income tax. That is up to the counties to determine how they're going to pay a percentage of the full Medicaid cost.

SENATOR RHOADS: Will the sponsor yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: I can tell you from my own experience -- and I believe that the experience is the same, having come from the county legislature, is the same with many of my colleagues who come from county government --

every single dollar that Nassau County collects in property taxes goes to fund Medicaid. Every dollar. So all of county government is run off of sales tax, and potentially fees. Many counties -- many counties I trust are the same.

Isn't it the case that with the Governor's unilateral decision to take away this funding from the counties will invariably force counties to engage in property tax hikes to make up the difference?

SENATOR KRUEGER: I don't know, because the amount of money being taken from each county is different. And some counties with significant sales tax increases over the last several years actually have quite large fund balances that would probably not require any increase in taxes, while other counties might find themselves in a different story.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: However, the state was projecting a $36 billion surplus this year, were we not?

SENATOR KRUEGER: It wasn't a surplus because we -- well, if you're talking about the year that just ended, no, we did not end with a $36 billion surplus.

If you're talking about money in this budget we are hopefully passing before I go to sleep tonight -- we'll see -- we are putting money into reserve funds. Which, as again I think we discussed yesterday, good government and accounting entities who track what government should and shouldn't be doing feel very, very strongly that states, to be responsible, should be putting at least 15 percent away in reserve funds.

And I believe our number right now would be 16.5 percent, I believe is what I said yesterday. So it's not surplus as much as it is a reserve fund for emergency situations or rainy days, which I think is smart government to do.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Through you, Madam President, why is it okay for the state to create a 15 percent or, as you mentioned, 16.5 percent reserve fund at the expense of depleting the budgets of counties by depriving them of dollars that the federal government intended for them?

SENATOR KRUEGER: Well, I think that the State of New York needs to watch out over its money for 20 million New Yorkers and all kinds of different scenarios.

I don't know if counties actually also hold reserve funds. I think probably some do, and perhaps some don't. Again, as I said, based on the chart I have before me, some counties have quite large fund balances that could clearly address this loss for this year without having a reason to have to raise taxes.

So I suppose a fund balance at the county level is a reserve fund at the state level, even though I think they're legally

defined as different things.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you, Senator Krueger.

Through you, Madam President. The issue, however, is that this is not the state's money. This is money that's provided by the federal government. The state is simply the pass-through.

And as a result of withholding this money, we are now blowing a hole in counties' budgets that have already been passed for the year. They didn't have the benefit of passing a one-month-late budget like we're doing. They had to get their budgets in on time.

And so for Nassau County, this will blow a $7.5 million hole in their budget. In Erie County, this will blow a $6.7 million hole in their budget for this year. And this -- and I

can go through a list. You know, Suffolk, it's going to blow a hole of almost $8 million in their budget.

In fact, it's going to be withholding from the 57 counties over the three-year period of time $281 million in funding, $345 million from the City of New York, and $626 million in funding overall -- not just this year, but when fully implemented, will withhold that funding from counties and the City of New York every year after 2026 and moving forward.

And the Governor provided no rationale as to why she's doing that?

SENATOR KRUEGER: Through you, Madam President. You know, every state's story is different. Most states didn't pass any of this money to their counties. New York State chose to. So it wasn't a mandate to do so, but we chose to. Which I think was very helpful to the counties. There was no obligation by the state to use this federal money as pass-down to the counties, just to clarify that.

And we don't disagree with you that we thought that this was going to do harm to the

counties, which is why we've pushed back so hard. And the Governor's original proposal was to take all of this back now, and we pushed back very hard. Which is why we actually think we made quite a bit of progress on behalf of the counties by getting that number down dramatically.

And we are not giving up. We are still pushing for the reconciliation to adjust what we believe the counties should have gotten in previous years and did not, so that would also help them now. And we're not giving up the fight about not lowering the numbers in the future years even though that is still within the authority of the Governor to do at the Executive level -- again, without bringing it to the Legislature for a vote one way or the other.

SENATOR RHOADS: Thank you, Senator Krueger.

On the bill.

ACTING PRESIDENT MAYER: Senator Rhoads on the bill.

SENATOR RHOADS: And thank you again, Senator Krueger. I appreciate your responses.

The issue here is that the State of

New York gets to determine who's covered, gets to determine what benefits participants receive, gets to determine what the reimbursement rates are, gets to determine how much it costs. And now, by Executive decision, apparently without the input from the Legislature, the Governor now gets to take the money that was provided by the federal government and that was intended for the counties, and keep that money, putting the counties in an impossible position. Which is going to directly relate to property tax increases.

Once fully phased out in 2026, this will mean a $30 million hole in the county's budget that will have to be filled through property tax increases.

For a municipality like -- oh, gosh, Monroe County, their residents can expect, in all likelihood, a $23 million hole that will likely be filled by Governor Hochul's property tax increases. For Erie County, a $26 million hole. For Onondaga County, a $13 million hole. For Orange County, a $9 million hole. Every single county of the 62 counties in the State of New York will be directly impacted, and virtually

every county in the State of New York will have to, in turn, raise property taxes on residents in order to pay for it. With no rationale from the Governor other than greed.

So it's like inviting somebody to dinner, right -- I invite you to dinner, and I tell you, Come with me to dinner. And I order everything on the menu. And then when the check comes, I tell you that you're paying for it. And you don't have the ability to say no, because we're the State of New York.

That's exactly what's happening here with respect to counties. And the fact that the Governor has decided to do this now, when budgets have already been set, makes it all the worse. Because now there's nothing that counties can do other than try to absorb that shortfall or run a deficit.

So I don't accept the answer that the Senate and the Assembly play no role in making this determination. It's our responsibility to get involved, because every single county -- and the City of New York -- is impacted by what the Governor has decided to do in this instance.

It is unacceptable, it's unsustainable. And again, it's another unfunded mandate imposed upon local governments by a state that does not seem to be concerned in the least about them and their budgets. Especially when we're showing a reserve fund to the tune of $36 million.

So I'll be voting no. Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Rhoads.

Senator Martins, why do you rise?

SENATOR MARTINS: On the bill, Madam President.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR KRUEGER: (Inaudible.)

SENATOR MARTINS: No. No, no, no. I'm on the bill.

ACTING PRESIDENT MAYER: On the bill.

SENATOR MARTINS: You know, on this Medicaid FMAP disbursement, Madam President, you know, I've heard the explanation. I've heard that this is an administrative decision

transferring $345 million for the City of New York, $281 million for the counties, $8 million for my county this year. And Madam President, about the same for your county in Westchester as well.

They already have their budgets. I don't buy that this is solely at the feet of this Governor. We have a responsibility in this house to stand up for our taxpayers back home. We have a responsibility when we understand that something unfair is happening. And as has been said, Medicaid policy is set here in Albany. It's set in this building. Those impacts impact our communities. And to blow an $8 million hole this year, a $23 million hole next year, and a $30 million hole the year after that for the taxpayers of Nassau County, is unacceptable. They deserve better.

We yesterday voted on how much we would charge for a chair of a retiring member in this chamber. That was part of our budget bill yesterday, a chair in this chamber. And yet we're talking about millions of dollars that is being transferred onto the tax rolls for each and every one of us and our taxpayers back home, and

we're sitting here saying that it's the Governor's fault and we have nothing to do with it.

It's not acceptable. Thirty million dollars pays for public safety. Thirty million dollars pays for healthcare back home, puts people to work, infrastructure improvements. We should all be careful about that.

So Madam President, I'll be voting no on this bill.

ACTING PRESIDENT MAYER: Thank you, Senator Martins.

Senator O'Mara, why do you rise?

SENATOR O'MARA: Yes, Madam President, will Senator Krueger yield for a couple of questions relative to the eFMAP discussion we've been having.

ACTING PRESIDENT MAYER: Senator Krueger, will you yield?

SENATOR KRUEGER: Sure.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Senator, my understanding on this eFMAP issue that we've been talking about here for the past half-hour or so

is that since 2017, when the federal government sent this eFMAP money in relation to the Affordable Care Act being passed, that these federal dollars were directed to the counties to go through the state.

And that since 2017, the state has withheld 20 percent of that, to then later reconcile to see what of that was owed to the counties based on what they spent. And that's where the 20 percent is. Is that incorrect?

SENATOR KRUEGER: (Conferring.) So we know that the federal government sent the money, the state decided to split it among the counties. They were not obligated to by the federal government. And they did withhold 20 percent.

I am not clear or I don't think I can get an answer on what the specific logic of the state to withhold the 20 percent has been all these years, whether it was for reconciliation purposes or not.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Senator Krueger, wouldn't you agree that it's somewhat common practice, when federal dollars are flowing through the state -- or when any dollars are going from the state to local governments, there's a certain amount held back so that the books can be reconciled later on and that this seems to be a standard routine?

SENATOR KRUEGER: You know, I've not worked in budget for a governor or the Comptroller's office, so I don't know that my good colleague is right or wrong. So I don't know whether 20 percent is some normal story or even that holding back for this purpose is a normal story.

So he may very well know that that is in fact the norm. I just am not sure.

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

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: You know, I'm not sure if that is the norm. I'm just saying that's what the counties -- at least in this situation, the counties' understanding has been since 2017 that 20 percent's been being withheld for reconciliation down the road. And that no reconciliation has taken place to date. And that now the counties are estimating that reconciliation aggregated number is to be $1.8 billion that they've been shorted since 2017.

Do you agree with that number?

SENATOR KRUEGER: So our understanding is that's 1.6 billion, not 1.8 billion --

SENATOR O'MARA: One-point-six billion.

SENATOR KRUEGER: Yes, sir.

But pretty close.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR O'MARA: Well, yeah, 200 million for us around here is pretty close, since we're dealing with a $230 billion budget. So we'll take that rounding error of 200 million.

This proposal of cutting out the eFMAP money from the counties was originally in the Revenue Budget Part M, the Executive's Revenue Budget Part M, and it disappeared from that. And it hasn't, as we've talked about, hasn't reappeared anywhere in the budget.

SENATOR KRUEGER: No, it's not anywhere in the budget. And it wasn't -- I'm being told it was not Part M.

SENATOR O'MARA: Okay. On the bill, Madam President.

ACTING PRESIDENT MAYER: Senator O'Mara on the bill.

SENATOR O'MARA: This is a dereliction of this Legislature's ability to help our local governments. This is going to be a huge hit to local governments. They're already in the hole of this $1.6 billion that we agreed that the counties are waiting on reconciliation.

The Governor says that the total amount annually is $774 million going to counties, and that next year they're going to hold 25 percent of that. And the next year they're going to hold 50 percent of that. And the year after that, they're going to take all of it. So that after three years, the hit to the counties is going to be $774 million annually.

Now, I'll correct the numbers that were mentioned before by my colleagues here about what the hits were to each county, because we had a sheet from NYSAC that said the total hit was going to be $626 million, so 24 percent less than what the Governor is saying it is. So the numbers that were stated by Senator Rhoads were actually understated by 25 percent.

This administrative action that this legislative body has the ability to negotiate, have input, and hopefully eliminate this reduction, because the counties -- at least all the counties that I represent, and all the ones I'm familiar with upstate, have no ability to absorb these costs without raising property taxes. This is a direct assault on New York State's property taxpayers to the tune of

$774 million, that this legislative body is just sitting by and saying, Oh, the Governor can do it, go ahead.

So the hit in this, after three years, for Onondaga County is going to be about $16.4 million. Orange County, 11.4 million. Rockland County, 10.8 million. Suffolk County, 39 million. Westchester, 34.5 million. New York City, 431 million. It's a hit to New York City. Monroe County, 28.5 million. Nassau County, $37 million. Erie County, 33 million. And those are just naming some of the bigger players here.

And those county property taxpayers are going to foot the bill for this administrative action by the Governor, by the Executive. On money that the federal government intended to go to the counties. So this is a $774 million hit to the counties.

Now, one thing we didn't discuss earlier was the 18B assigned counsel fees have been increased more than a hundred percent, from $75 or $90 up to $158. And it's been some 20 years before that's -- and it's long overdue. But it's a massive increase and a one-time hit that's going to impact the counties totally about

$92 million to the counties, every year.

On this, raising the 18B fees, the state's only providing about $32 million to the counties to offset that, for a hit to the counties of $60 million. And you'll love this one. The 32 million that the state's given the counties to pick up this 18B fee is apparently coming out of indigent legal services fee money that goes to the counties.

That's wrong. It's wrong to pass these costs on another unfunded mandate to the counties. It's wrong to intercept this eFMAP money from the federal government to the counties, and it's only going to result in massive property tax increases that I've read they're estimating in the counties will be anywheres from a 7 to a 14 percent increase in property taxes on all of our constituents' property tax bill.

That's unwarranted. It's not right. And this legislative body should be doing something about it, and we're just sitting here and saying it's the Governor's job. That's wrong.

ACTING PRESIDENT MAYER: Senator

Walczyk, why do you rise?

SENATOR WALCZYK: Madam President, would the sponsor yield for a question about American Legion Boys State.

ACTING PRESIDENT MAYER: About -- what is the subject?

SENATOR WALCZYK: American Legion Boys State.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: This is as exciting as the snowmobiling challenge. Yes.

(Laughter.)

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: In the past we've funded American Legion Boys State in the New York State budget at $150,000. What is the line item for American Legion Boys State this year?

SENATOR KRUEGER: My understanding is that they have not had any funding since 2018, and that there is zero funding this year as well.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR WALCZYK: Is there a particular reason why we didn't fund Boys State this year?

SENATOR KRUEGER: I'm not aware of a request or discussion, but I don't have any other answer.

I did do a little homework. There are a hundred different registered veterans organizations in the State of New York as not-for-profits, so I hazard to guess the vast majority of those 100 organizations also were not in this budget.

SENATOR WALCZYK: Thank you, Madam President. On the bill.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: Incredibly disappointed to see that we've cut funding for American Legion Boys State. Boys State has proudly been serving American citizens since the

1930s. It's a great partnership between the Marine Corps and American Legions that serve each one of our communities and the veterans in our communities. There's local nominations for each one of the boys that will go into Boys State. High school juniors are eligible for the program.

And in New York -- every state including New York, and hopefully this summer, without the assistance of this body or this government, they're still able to do this. Every state except Hawaii has an active Boys State.

In the hottest week of the summer at SUNY Morrisville these young men learn civics and discipline. You know, we talk about educating our youth, and we had an education bill earlier. Many of you realize that in our constituencies there is a lack of understanding about state government. I know you're all Senators in this chamber, so often your constituents think that you go to Washington, D.C. and vote on federal policy.

I promise you, graduates from Boys State don't believe that. They know about civics in New York State. We need more programs like this, not to cut funding from them.

And I tell you that it works. You're going to recognize a couple of names that are graduates from Boys State: George Pataki, Neil Armstrong, and Bill Clinton were all graduates from Boys State. And a couple of them -- Senator Gounardes -- a couple of distinguished members from chamber, including Senator Hoylman and Senator Gounardes. And there was a great Senator, Dave Valesky, that once served in this chamber; he was a graduate of Boys State. And our very own esteemed, distinguished and well-respected Secretary of the Senate Frank Patience was also a graduate of Boys State.

These young men depended on the people that supported programs like this to get them into the seats that they're in and into the positions that they're in, to get them interested in local government and interested in state government and educated on what exactly it is that we do here. That's the funding that you've cut when you present this bill today.

It disrespects the last generation of some of those that I mentioned. It disrespects the future generation that we're lacking the investment in. And before you cast

your vote, I want you to think about one thing. In the hottest week of the year, at SUNY Morrisville boys from around the state, high school juniors, have the opportunity to sit in a gymnasium, get discipline from United States Marines, and learn about civics.

If they're not in that gymnasium for that week, what are they doing? I want you to think about them sitting in your community with idle hands, not working on learning about civics in the State of New York, not having exposure to disciplined Marines, not having an older generation of Legionnaires who are guiding them in the next phases of their life as they make important decisions going into their senior year. Think about that before you cast your vote.

And Madam President, I'll be voting no.

ACTING PRESIDENT MAYER: Thank you, Senator Walczyk.

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 3003D and substitute it for the identical Senate Bill Number 4003D, Third Reading Calendar 721.

ACTING PRESIDENT MAYER: The substitution is so ordered.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

Nothing brings people together like sports. A friend of mine, Jason Klingsfield, says sports is the world's greatest social currency. And in this budget, in this part of the budget, the Aid to Localities section, one of the bills that I sponsor about youth sports grants will provide $10 million in funding for

youth sports organizations throughout this great state.

As we've seen in the lounge during the pendency of today's Knicks game, sports can bring people together who may be divergent on different issues, but it can actually bring them closer through conversation. Some of the greatest lessons that I learned in life were on the fields of play, and they had little to do with the actual game, but it had a lot to do with the camaraderie and learning who people were and learning that life in fact is a team sport, Madam President.

This money is incredibly important to make sure that these Little Leagues and tournaments that we all have in our districts are adequately funded, to make sure that the next generation of athletes will succeed -- but not necessarily on the fields of play, but in the halls of government, in any walk of life -- in hospitals, in doctor's offices, anywhere around our great state. We want to make sure that men, women, boys, girls, nonbinary individuals, trans individuals who want to play sports -- yes, we want to make sure that everybody has access to be

able to play sports. It's really important.

And you all know that we play basketball on Tuesday nights up here in Albany. And what we do is less about the game than it is about making sure that we recognize who we are. So I'm eternally grateful to my colleagues in government for supporting this important piece of legislation. Let's continue to fund sports, youth sports, for the vehicle that they are towards creating success.

With that, Madam President, I vote aye, and I'm going to go watch the Knicks.

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President. Besides the -- I will be voting in the affirmative on this piece of legislation, not only for the program that was just described by Senator Bailey, as he sashays away -- we're up by three, by the way.

(Laughter.)

SENATOR RIVERA: But there's a couple of other -- there's a few other things that some of my colleagues have mentioned -- no

tuition increases for New York residents at CUNY or SUNY schools, the reduction of the TAP gap, increases for zoos, botanical gardens and aquaria, including two in my district. BronxNet at Lehman College getting $150,000. Kingsbridge Heights Community Center getting $250,000. So there are a few things here that I certainly would be supportive of, so I'll be voting in the affirmative.

But I would be remiss if I did not point out something that was a missed opportunity. This budget is filled with them, Madam President. This has been a fraught process. And one in particular that I'd like to point out because it is included here -- or I should say it is not included. I spoke about it briefly yesterday when we were having a conversation about addiction and about overdoses, and the fact that overdose prevention centers, two of which are operational in the State of New York right now, saving lives as we speak -- and yet this administration and the Governor specifically has made the amazing decision not fund these organizations.

And Madam President, just a couple

of years ago I passed a bill to create an advisory board which actually provides recommendations, and we are supposed to follow those recommendations. And unfortunately, the opioid settlement funds have not been directed to what they're supposed to be directed to.

So, Madam President, although I will be voting in the affirmative, I just wanted to point out that this is a moment where unfortunately we have missed opportunities. The Governor particularly has made this opportunity missed. But we're not done with this.

But on this case I'll be voting in the affirmative, Madam President. Thank you.

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

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Madam President. I rise in support of this bill, which holds many labor-led initiatives designed to rebuild the middle class here in New York.

We are making huge investments in apprenticeship and pre-apprenticeship programs, vocational training that provides an alternative to student debt, trains people for skilled labor,

and sets them on a pathway to a union career. We will need these high-skilled workers to build a union-climate economy, and you can't have any kind of New Deal without labor, truly.

So to guide our just transition, we have secured record funding for the Cornell Climate Jobs Institute. And I'm particularly proud that this year labor helped us lead the charge to establish a historic building trades childcare pilot program, including the expansion of the facilitated enrollment pilot. Today we actually chart a path towards a state childcare subsidy program that for the first time will leave no family behind in New York State and will allow working parents to find a safe place for their children regardless of immigration status, while they work to build a better life for their family.

So for all these reasons and more, I vote aye.

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

Senator Stec to explain his vote.

SENATOR STEC: Thank you, Madam President.

As I explain my vote, before I came to Albany I was in the county legislature in my home county, Warren County, for nine years, back in the days of talking about unfunded mandates and the tax cap. And I've got to tell you, in those nine years and the 11 years that I've served here, I have never seen a larger slap in the face to county government than what this bill does in the eFMAP.

That $774 million price tag that's going to get spread out amongst all our counties, it will be millions of dollars to all six of the counties in my district. It's going to -- according to the nonpartisan Citizens Budget Commission, counties can expect this alone to pressure their property taxes to increase from 7 to 14 percent.

That is -- that is a tax cap buster. That is an affordability issue. And again, it is something that is completely out of the control of counties. And on top of that, it's none of the state's business. This money was from the federal government, intended to counties, and we're going to intercept it because we think that the counties are flush with cash. We're just --

we're taking from our counties and we're sticking it to the taxpayers.

New York has an affordability problem, and you need to look no farther than this bill right here and this one part of this bill to understand why.

I am firmly in the negative.

ACTING PRESIDENT MAYER: Senator Stec to be recorded in the negative.

Senator Rhoads to explain his vote.

SENATOR RHOADS: I think it's pretty clear, obviously, I'm voting no on this.

And look, there are lot of tremendous things in this bill. There are a lot of wonderful programs that are getting funded. But if there's ever time to draw a line in the sand and say no, this is it. Because for all the good things that are in this bill, there's some bad things in this bill that impact every single person in this room and that impact the constituents of every single person in this room.

It's a chance for us to say no to the Governor, who has decided on her own that she's going to take nearly half a billion dollars away from the City of New York, that she's going

to take $30 million away from Nassau County, that she's going to take millions of dollars away from every county that is going to have to be made up through property tax increases.

There's a chance for us to go back, reject this bill and go back to the negotiating table and pull this out. Fix this mistake. Because if we don't, all of this, $626 million, maybe as much as $700 million -- this is Kathy Hochul's property tax increase. And if you voted yes on this, this is your property tax increase that you've got to explain to your constituents.

Let's vote no on this. Let's get this right. Let's fix this mistake and come back and support the bill. But I'll be voting in the negative until this is fixed.

ACTING PRESIDENT MAYER: Senator Rhoads to be recorded in the negative.

Senator Chu to explain her vote.

SENATOR CHU: Thank you, Madam President.

Today I rise to speak on the historic investment for the AAPI community. This budget includes a $30 million investment for the

AAPI Equity Budget Coalition. It is a recognition for this coalition that has over 150 local grassroots organizations throughout the state, of their day-to-day hard work in uplifting our AAPI constituents.

It is an investment for the AAPI community's future and the community developments. It is also a comfort for those victims who have suffered from the hate crime attacks or those who lived in fear, afraid of being attacked, in those past few years.

I want to thank our leadership and my colleagues in the conference for showing their support and truly standing with our communities. This funding is beginning to address the need for real investment in our communities and provide for a chance to recover and thrive in safety and dignity, especially during a time when we need it the most.

The AAPI community is one of the fastest-growing demographics in our state. However, our rich and diverse contribution has typically been overlooked, underfunded, and underrepresented. And today, unfortunately, it is a disappointment to see some of my colleagues

across the aisle in this chamber just voting against this budget because time and time again, our community was told that we were a priority throughout the year. However, at the end of the day, when there's a mechanism to address our needs and show our voice being heard, there is no follow-through. There is no real support.

What our AAPI community needs is more than pretty words. We need to see real support, real actions. We need to put money where our mouth is.

For this reason, Madam President, I proudly vote aye.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

I rise in support of this bill that will bring tens of millions of dollars to Western New York and the community that I represent.

There's a lot to be proud of in this bill. First and foremost, education. We're dedicating $10 million to Say Yes to Education

Buffalo, the first of the four-year installments in this budget, $2.5 million, building on the investment the state has already made.

And Say Yes to Education has been an absolute game-changer in the Buffalo public schools over the last eight years. The rate of graduation have gone from below water -- 48 percent -- to 79 percent, and the trajectory continues to rise through the efforts of dedicated ambassadors, donors, mentors, staff and volunteers.

Say Yes has emerged as an agent for true change, and I want to recognize those that worked so hard with the Say Yes program each and every day. This is a victory for them and their hard work, especially David Rust and all of those outstanding team members that he surrounds himself with. They're doing God's work.

We're also investing in our workforce and our greater economy, dedicating $6.5 million to the Workforce Development Institute as well as $200,000 to the Western New York building trades pre-apprenticeship program, $200,000 to the Western New York Council on Occupational Health and Safety. We all know

in this post-pandemic economy, as we're working to get people back to work, we need to provide them with the training that they need in order to take the jobs of tomorrow.

And we're stepping up health disparity connectivity with the community of the underserved, where we're dedicating $5 million to Native health clinics. We're also dedicating $2 million to Double Up Food Bucks, where data shows 2.5 million New Yorkers struggle to afford all the food that they need, with 32 percent of those New Yorkers being children. These Double Up Food Bucks have been an extraordinary godsend to our community and to communities across New York State.

And finally, Madam President, we're investing in grassroots organizations like Save the Michaels of the World and the Center for Elder Law and Justice, who are the boots on the ground connecting individuals and families with the help they need in some of their darkest hours.

I believe this budget bill moves us forward as a community and as a state, and I'm proud to vote aye. Thank you.

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

Senator Weber to explain his vote.

SENATOR WEBER: Thank you, Madam Speaker.

After many fires and concerns over code enforcement in the Village of Spring Valley, in late 2021 the Secretary of State essentially deputized the County of Rockland to take over code enforcement responsibilities in the village.

In the 2022-2023 budget our local state elected officials at the time secured $500,000 to offset expenses for the code enforcement. State representatives including myself, Ken Zebrowski, John McGowan, met with our county executive, Ed Day, a few months ago, where he had asked us to secure an additional $500,000 to support these ongoing code enforcement efforts. I'm glad to see this -- an additional $500,000 included in this year's budget to help continue to support these code enforcement responsibilities and expenses.

I'm extremely concerned, though, with the eFMAP administrative action that's part of this Medicaid budget. The county executive,

the bipartisan county legislators in Rockland County have done a great job over the last number of years being great stewards of our county's finances. They can't afford right now to lose $2.2 million in aid this year, or $8.7 million when fully phased in.

This will be very detrimental to the taxpayers in Rockland County. I can't in good conscience push this down to the property taxpayers in Rockland County. I will be voting no on this budget bill.

But I want to thank this body for supporting the code enforcement efforts that are going on in our county. Thank you very much.

ACTING PRESIDENT MAYER: Senator Weber to be recorded in the negative.

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

You know, as I said earlier, I'll be voting no on this bill. You know, if we were talking about a transfer of responsibility to the tune of several hundred million dollars to our counties and to our local property taxpayers, at a time when the state was in deficit or dealing

with difficult times financially, we could have that discussion.

But as we all know in this chamber, and as everyone is very proud of saying, this state has a surplus. And in the context of a surplus, for us to be looking at passing costs on to local counties -- that's going to be passed on to local property taxpayers -- is frankly unbelievable.

The fact that we're sitting here talking about passing tens of millions of dollars to my county, hundreds of millions of dollars to property taxpayers across this state, and think it's okay, is unbelievable. Whether it's the Governor's decision, whether it's this body's decision, whoever it is, it's unacceptable in these days for us to be looking at passing these costs on to our local property taxpayers.

And as I've said before, Madam President, I'll be voting no.

ACTING PRESIDENT MAYER: Senator Martins to be recorded in the negative.

Senator Serrano to explain his vote.

SENATOR SERRANO: Thank you very much, Madam President.

It is a pleasure to rise in support of this legislation -- in particular, the increased funding for the arts and culture. The arts and culture is something that I think we all can agree is significantly important to our state. And during the pandemic, the arts organizations were unfortunately the first to close and the last to reopen.

And as we continue to recover from the pandemic, we rely very heavily on the arts and cultural sector to help us recover. Obviously economically, because we know that they are a major economic engine for the State of New York, but also emotionally, as we continue to grapple with all the trauma that the pandemic brought upon our state.

I think it's important to continue to view the arts as something that is far more than something aesthetically pleasing, but actually something that is transformative. The arts and artists provide that perfect vehicle for social discussion, for issues that need to be discussed, oftentimes challenging us to face a lot of the issues of our day that we wouldn't normally face.

But the arts do it in a unique way that brings all of us together, in a way that allows us to coalesce on a solution and better days.

So I'm just so grateful to all of my colleagues; to our leader, Andrea Stewart-Cousins, for her leadership on securing additional arts funding; to my good friend Senator Hoylman-Sigal, for his many years of vocal advocacy for the arts.

And I hope that as we continue to move forward and we show our priorities as a state, that we continue to build upon the need to support the arts and artists across the State of New York.

I vote yes.

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

Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Madam President.

I have five reasons why the Aid to Localities is a good budget bill and I'm going to vote for it.

The first reason. We restored money

fully for the Refugee Resettlement Program. The refugee resettlement program helps people in need, helps the recipient communities grow their economies grow their cultures, grow their school districts. Back before 2017, New York was settling 5,000 refugees a year. We left the international community for four years, but we're back, we're heading back up to that 5,000 number, and we need to keep it growing.

We invested in university-based research. So number two reason, the Centers for Advanced Technology help link research going on in universities, helps to turn that research into private-sector investment. The same with the COEs program, the Centers for Excellence. Same thing, matching university based research, applying that to our economy.

The fourth reason is the HOPP program. The HOPP program provides assistance for helping people stay in their house. The best homeless prevention program is keeping people in their homes. And too long New Yorkers have been kicked out of their houses during foreclosure process. The HOPP program has helped over 15,000 people stay in their homes.

And the fifth and final reason, the reason you've been waiting for, Madam Speaker, is the Upstate Theater Fund. We're taking 13 historic theaters, putting $5 million of operating money into them, allowing them to expand their programs.

This program was spearheaded by my colleague Jeremy Cooney, who should be sitting in this chair, but he's home recuperating. And we wish Jeremy Cooney well in recuperating, and we congratulate him on securing this important funding.

Thank you, Madam Speaker, and I vote aye.

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

Senator O'Mara to explain his vote.

SENATOR O'MARA: Thank you, Madam President.

And clearly one of the problems with rushing these bills through without -- with messages of necessity is that things get overlooked. And this has been brought to my attention, and I think it explains the eFMAP situation that we're dealing with of $760 million

to the counties.

That in this budget of Aid to Localities is a billion dollars to New York City for the migrant crisis they have, that the city brought upon themselves by becoming a sanctuary city. So now all of New York State taxpayers are suffering this $770 million hit to their FMAP to offset this billion dollars. That is why we're not hearing a peep out of New York City about the loss of this $400 million.

It's wrong, and that's the problem with rushing these bills through.

ACTING PRESIDENT MAYER: Senator O'Mara to be recorded in the negative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you. Very briefly, Madam President.

This is the budget that provides operating aid for the SUNY and CUNY colleges so that there is no increase in tuition, as I mentioned earlier. And when you vote no, you're voting against operating aid for SUNY and CUNY.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator

Stavisky to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 721, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 720, Senate Print 4001B, Senate Budget Bill, an act making appropriations for the support of government.

ACTING PRESIDENT MAYER: Senator Walczyk, why do you rise?

SENATOR WALCZYK: Thank you, Madam President. Would the sponsor yield for some questions.

ACTING PRESIDENT MAYER: What is the subject, Senator Walczyk?

SENATOR WALCZYK: On the Judiciary portion.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Why not.

ACTING PRESIDENT MAYER: Why not, she says. The Senator yields.

SENATOR WALCZYK: Thank you.

Through you, Madam President, we've had some changes in the judiciary recently. We debated them in this chamber. We have a new chief judge, we'll have a new administrator. And so I've been looking at some of the things that we've seen from the Judiciary in the past.

The Bronx Hall of Justice stood out. In past years they had a budget for the Bronx Hall of Justice of $325 million. Its final cost when construction was complete was $420 million, but then they've already seen $50 million in repairs. I know this is a long-winded question.

Are there measures within this budget that will protect, you know, waste, fraud and abuse, or provide some oversight in the Judiciary when it comes to massive and expensive construction projects like this?

SENATOR KRUEGER: Through you, Madam President. We don't know of anything

specific in this bill that addresses evaluating the capital expenses of the Judiciary.

I gather the Hall of Justice in the Bronx is the Bronx Courthouse. I'm just checking with my Bronx colleague. And so they were building a new Bronx courthouse? I'm sorry, maybe it's not fair, I'm sorry.

I'm not sure, but I'm assuming that this is a new Bronx courthouse and there were overruns in the cost. So I don't actually know whether there is any authority within the Legislature or some other state agency to question expenses when there are overruns on a capital building construction.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Sure.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Judge DiFiore, when she was chief judge, also spent a million dollars a year on a 24/7 chauffeur. If we're

increasing the Judiciary budget to meet their request here, are there any measures of accountability to ensure that that type of abuse won't happen in the Judiciary this time around?

SENATOR KRUEGER: (Conferring.) So we raised many concerns about expenditures by the Judiciary, particularly the ex-chief judge, Janet DiFiore. But unfortunately we were not able to get that language through in three-way negotiations into the bill.

I personally don't think that this house has given up on our efforts to create more accountability by the Judiciary -- not just on their expenditures, as you're raising it as an example with that $1 million, but with any number of issues that we feel that they should have greater transparency and more accountability to the government for.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR WALCZYK: Last year's budget for the Judiciary was at $3.3 billion. I'm reading this year's is at 3.4 billion, is that correct?

SENATOR KRUEGER: Yes.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: How do we anticipate the additional 100 million will be spent?

SENATOR KRUEGER: (Conferring.) Okay. So there would be -- an increase is mainly attributable to the increase in judgeships, an increase in the staffing levels, collective bargaining agreements with their unions, and potential cost of legislatively enacted hourly rates for 18B attorneys.

SENATOR WALCZYK: And through you,

Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Do we have any guarantees from the Legislature -- or from the Judiciary, or is there anything in this bill that would require from the Judiciary anything in regards to disposition rates or backlogs across our court system, some that have plagued them pre-COVID and still do today?

SENATOR KRUEGER: So we know, again, we were asking for more transparency and more accountability and reporting to the Legislature. Unfortunately, we were not able to come up with a three-way agreement on the importance of this.

But again, I do believe that this house is very interested in moving, through statute, to get these requirements put into place so that we can get answers to why do we have backlogs and what is the rate at which cases are

being dealt with in different courts.

So I guess I want to go on record as sharing my colleague's concern for these issues and believing that the state can do much better in holding our court system accountable to the people for how they spend their money.

SENATOR WALCZYK: Thank you.

And through you, Madam President, if the sponsor would continue to yield on the Legislature portion of this budget bill.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: When is the next federal census?

SENATOR KRUEGER: Every 10 years. And I believe it is two years before we actually implement redistricting. So would that be 2030?

I'm getting a head nod from someone I trust. So 2030.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to

yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Do you continue to yield?

Yes, the Senator yields.

SENATOR WALCZYK: That's great. You skipped a couple of questions forward for me.

If we're not doing redistricting until 2030, why would we put $4 million in here, in this bill, for the Independent Redistricting Commission for this following year?

SENATOR KRUEGER: (Conferring.) Because they're completing their work. They only put out maps two weeks ago, apparently, because this is a joint redistricting commission for both houses of the Legislature. And as we know, the Assembly is on a bit of a different schedule than we turned out to be.

SENATOR WALCZYK: Thank you.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: Two hundred twenty-nine billion dollars of other people's money, without accountability and a

responsibility that they expect -- there is too much spending and too little accountability.

And I'll be voting no and encourage my colleagues to do the same.

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

Senator Martins, why do you rise?

SENATOR MARTINS: Thank you. If the sponsor would yield to a few questions.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Sure. What topic are we on?

ACTING PRESIDENT MAYER: What topic, Senator?

SENATOR MARTINS: The Commission on the Long Island Power Authority.

SENATOR KRUEGER: Okay.

ACTING PRESIDENT MAYER: The Long Island Power Authority.

The Senator yields.

SENATOR MARTINS: Now, I notice that in this bill there is a $2 million allocation, $2 million, for the Long Island Power Authority's -- or the Commission on the

Long Island Power Authority. Is that right?

SENATOR KRUEGER: It's a legislative commission. That is correct.

SENATOR MARTINS: And that's $2 million that we're --

ACTING PRESIDENT MAYER: Are you asking Senator Krueger if she yields?

SENATOR MARTINS: Yes, Madam President, my apologies.

ACTING PRESIDENT MAYER: No problem.

SENATOR MARTINS: If the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Now, do we expect that the commission will continue to meet and to exercise any function at all between now and the end of our fiscal year, March of 2024?

SENATOR KRUEGER: Apparently they've just released a draft report a couple of weeks ago, so they're now planning for public

hearings on the report and do expect to continue their work.

SENATOR MARTINS: If the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: You know, there's a sense out there -- at least we've heard that the commission is expecting to release a final report and will be introducing legislation to this body before the end of this session. Have you heard anything to that effect?

SENATOR KRUEGER: The commission has done the draft report. They are planning the public hearings. And we have heard nothing about a timing for the final report or proposed legislation at this time.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: So out of the $2 million I see that there's $750,000 that's allocated for personal services, regular. It's allocated. Can you tell me how many employees the commission has?

SENATOR KRUEGER: I don't know at this point. I suppose the Comptroller's office might be able to be of assistance in tracking how monies are being spent. Although probably we can't find them at 10:25 tonight.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: So is this -- was this a similar allocation or same allocation in the prior fiscal year as they are seeking this fiscal year?

SENATOR KRUEGER: (Conferring.) So my understanding is that it is a continuation of

reappropriation of unspent monies from last year.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Do we know how much money was reappropriated from that prior allocation and how much of this $2 million is new money?

SENATOR KRUEGER: The full 2 million.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: So I know that the commission has staff, has an executive

director. Were they paid during this last fiscal year, or were they volunteers, or was it something else, if the sponsor knows?

SENATOR KRUEGER: (Conferring.) I stand corrected on the earlier statement. The $2 million was put in last year's budget. Some amount of it has been spent on staff.

The members of the commission are not paid. We don't know the exact amount of how much has been spent of that 2 million. But the remainder of that 2 million is what is being reappropriated to be used in this new year, so to speak.

SENATOR MARTINS: Madam President, through you, if the sponsor would yield for one more question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you, Senator Krueger.

And just to be clear, so the total appropriation for the commission last year and

this year will not exceed the $2 million that was originally allocated last year. Is that your understanding?

SENATOR KRUEGER: That's correct.

SENATOR MARTINS: Thank you. No further -- thank you, Madam President. Thank you, Senator Krueger.

SENATOR KRUEGER: Thank you.

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

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

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 720, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker,

O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Madam President, can we take up the report of the Finance Committee that's at the desk.

ACTING PRESIDENT MAYER: There is a report of the Finance Committee at the desk. Please take that up.

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

Senate Print 4000D, Senate Budget Bill, an act making appropriations for the support of government.

The bill is reported direct to third reading.

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

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Finance

Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The report is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take the supplemental calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 724, Senate Print 4000D, Senate Budget Bill, an act making appropriations for the support of government.

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(Response of "Nay.")

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

The Secretary will read.

THE SECRETARY: Calendar Number 724, Senate Print 4000D, Senate Budget Bill, an act making appropriations for the support of government.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Walczyk to explain his vote.

SENATOR WALCZYK: Thank you, Madam President, to explain my vote.

The State Board of Elections is funded in this bill at $38.8 million. That includes $14 million which will pay for staff at

the Public Campaign Finance Board.

If you do some quick math, we had a gubernatorial election recently; 5.6 million New Yorkers voted in it. That means just for the staff at the Public Campaign Finance Board, which would oversee the public dollars that are spent on earning their vote, their own taxpayer money, that's $2.50 per voter.

And if you add in the $35 million that this body is already looking to grab in taxes from those people in order to try and earn their vote back for these political campaigns, the grand total is $8.75 right now, before they're done spending on public campaign finance or taxpayer-funded campaigns.

On behalf of the outraged New Yorkers who don't want their taxes going to your political campaigns, I vote no.

ACTING PRESIDENT MAYER: Senator Walczyk to be recorded in the negative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President. Two hundred and twenty-nine billion dollars. That works out to $627 million

a day, 365 days a year.

I spoke to some bankers this morning. There are banks that don't have that many dollars under management. And yet we spend that much every single day.

And what do we get for that? Well, we get one in three New Yorkers on Medicaid. You know, we get a lot of other supports. And there are some good things, no doubt -- education and so forth.

But yeah, we couldn't even fund school lunches for all kids in this budget. We stole money away from our counties, which just means they're going to raise property taxes. For $627 million a day -- a day -- we couldn't find a way to stop from stealing money from property taxpayers in New York State. It's shameful.

I'm voting no. Thank you.

ACTING PRESIDENT MAYER: Senator Borrello to be recorded in the negative.

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

I just quickly want to, number one, thank the leadership again for their diligence in

making sure that the right things were included in this part of the bill, budget bill.

And I want to recognize a piece of this budget that adds additional funding for 10 state railroad inspectors -- nearly doubling the money for railroad inspectors here in the State of New York.

And I want to recognize Senator Hinchey for her leadership in working with myself and the Transportation Committee and Leader Stewart-Cousins in getting this added to the budget following the tragic train derailment -- one of a number of derailments across North America -- just several months ago. We recognized that we need more inspectors across the State of New York. This budget does just that. We're going to make the rails and communities to which those rails go through here in the state safer for all involved.

With that, Madam President, I vote aye.

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

Announce the results.

THE SECRETARY: In relation to

Calendar 724, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

The budget is complete, the Knicks have won, this is a good night.

(Laugher; applause.)

SENATOR GIANARIS: Can you please recognize Senator Ortt for remarks.

ACTING PRESIDENT MAYER: Senator Ortt.

SENATOR ORTT: I want to thank you, Madam President.

I want to thank -- first I want to thank all my colleagues for their participation these last several days.

I would like to thank Majority Leader Senator Stewart-Cousins for her work and communication with me during this process.

I would like to thank Senator Gianaris for his work on the floor.

And of course I want to thank my conference for your patience during this process, for your debate today on the floor and yesterday. I'd like to thank our Finance ranker, Senator O'Mara, who not only sat through, like Senator Krueger, a month of budget committee meetings, but then all our Finance Committee meetings, but then also led our floor debate these last two days. So I'd like to thank him.

I'd like to also thank our floor leader and deputy leader, Senator Lanza, for his work dealing with me, dealing with Senator Gianaris. No one should have to deal with both, and he does.

(Laughter.)

SENATOR ORTT: So I very much appreciate his patience in that process.

I have to thank the staff -- our staff, the Majority staff. You know, we stand up here and debate, and no doubt put a lot of work

in and a lot of effort and a lot of thought, but there are a lot of people whose names New Yorkers will never know who spend a lot of time going through these bills, briefing individual Senators, briefing the conferences, negotiating the bills to begin with. And it can be sometimes thankless, or maybe seem thankless. So this is one of these rare moments when I think we can publicly thank the staff, counsel and Finance office certainly for the Minority Conference, as well as our counterparts on the Majority.

They say good things come to those who wait. Certainly from my vantage point, New Yorkers should have to wait a little longer, then, because I do not see this as -- this budget as a good thing. Just by way of getting it out of the way, yes, there's always good things in a budget. When you spend $229 billion, there's going to be a few good things in there. And there are some good things in this budget.

But there are many things in this budget that do not solve the issue that is facing New York State, but exacerbate the problems facing New Yorkers.

This budget does not help with

inflation. In fact, it will contribute to it. It will make inflation and the causes of inflation worse. We talk and we hear a lot about people leaving New York State. Does anyone think, truly, that this budget is going to solve that issue?

We heard the Governor and others talk about the need for more affordable housing, that we needed to build more housing in New York State, that the dream -- that's important, because the dream of homeownership is something that is really tied to the idea of the American dream, to own your own home.

And yet, putting the lack of a -- I guess a housing plan or what have you aside, we have a ban on natural gas and fossil fuel hookups to include gas stoves. Lest anyone say or continue to try to say that that is not part of the ban, it is. And it's in new construction, so new homes. Which means the cost of building new homes will be more expensive. If you don't believe me, ask a home builder.

Now, I doubt anyone has done that, because we know we pass a lot of things in this chamber without talking to the people who

actually know about the thing that we're doing. And I won't bore everybody, because of the hour, with all of the litany of legislation that we've done that on, but certainly when it comes to new home construction, the ban on fossil fuel natural gas hookups for commercial and residential will increase the costs to build here in New York.

And therein lies the reason why we don't have more affordable housing. Because it's expensive to build in New York. It's already expensive. We are making it more expensive. And that's why people who do these things, who do it to make money, they're going to do them in New Jersey and Pennsylvania and Connecticut. Not even raging red states. Those are blue states. Those are liberal states. And it's even more affordable there.

So we're not helping people achieve the idea of home ownership when we do things like banning fossil fuel and natural gas hookups. Forget the fact that banning a form of energy has to be I think one of the worst ideas when you think about, from an emergency management standpoint, in the City of Buffalo, Western New York, we lost almost 50 people as a result of a

blizzard. Most of those people lost electric. They lost power, the ever-reliable electric.

And we're going to go all-electric for all of our buildings going forward. And lest anyone at home thinks, Well, you know, I live in an old house and I have a gas stove and so I'm going to be okay, the people like -- our companies like National Fuel, who employ a lot of people in Western New York and across New York State, as well as other utilities that provide natural gas, they are going to simply -- they're going to make business decisions as a result of what we're doing. Because they will not be able to grow their customer base. So they're going to make decisions about infrastructure that's going to have an impact even on people that this law does not directly impact today.

And I have no doubt that some of my colleagues across the aisle will be back at this -- to save the planet, of course -- as early maybe as tomorrow.

So that's one policy. We can talk about the intercept of Medicaid funding, the eFMAP, which I'm sure most New Yorkers have never heard of before. Right? These are government

terms. We all -- maybe some of us don't even know what those were before today.

But here's what it means for everyone in this chamber. Everybody. You are -- these who voted for this budget, you can talk about 100,000 for a sewer line here or for this school or for this not-for-profit, and that's good. It's good. Those are good things. But it doesn't whitewash the fact that you are voting to raise property taxes on your constituents.

You have voted, the Majority has voted to raise property taxes on their constituents, who already pay some of the highest property taxes in the country. Certainly if you live on Long Island, you do. In the Hudson Valley, you do. And per capita in Western New York you certainly do.

So you can't get around it. It's true. It's not my opinion, it's not from a certain perspective. It is fact. On top of all the mandates, at a time when we're spending $229 billion -- Madam President, $229 billion is a lot of money. I've never seen it, $229 billion, but it's a lot of money. I have a hard time wrapping my mind around that.

And we've -- I've said this over time and time again. Just the increase over the last five years is larger than most -- than budgets in thirty -- I think 35 states. Just the increase we've gone up in the last five years, let alone the total amount.

And still the $229 billion we had, we had to find a way to take money that counties had already budgeted and were counting on. It wasn't enough. So we're putting more pressure on people's attempts to buy new homes, build new homes, on their energy bills, on reliability. We're increasing their taxes, there's no two ways about that. We're -- of course we're increasing spending, because that's what we do better than anywhere in the world. As I've said before, if spending money could make our state more affordable, we'd be the most affordable state. And yet we're not. Nobody would say different here.

I've heard my colleagues across the aisle say we are not an affordable state. And they're right. But it never seems to dawn on us that maybe it's the policies coming out of budgets like these that make our state less

affordable, that cause people to seek opportunity, to seek freedom, personal freedom and economic freedom, in other states. That's why we're losing people. It's the climate, all right. It's the economic climate here in New York. It's the affordability climate.

This budget does not make things more affordable. I know there's a minimum wage increase in this budget. And I know how minimum wage polls, because I know most people think, You know what, putting money in the pockets of working people, that's something I can get behind. And that's something we all can get behind.

But you know what happens when we do it? Here's what really happens, the dirty secret that one ever talks about. We raise the minimum wage for low-skilled workers, and you know what happens? First of all, the cost of basic goods and services goes up. And so whatever they got of the increase is gobbled up when they go to the gas pump, when they go to the grocery store, when they go to the daycare center, it's gone. They don't see it.

But you know what else happens?

Companies like McDonald's, where they have a lot of low-skilled jobs, they eliminate those jobs, and they go to fully automatic, like they're doing in Colorado and like they no doubt will do here. And so what ends up happening is you have less low-skilled jobs, you have less minimum-wage jobs, because companies make a decision that we're going to have less people.

So maybe somebody ends up benefiting. Maybe somebody will see $21 or 17. Most companies today in New York aren't even paying minimum wage because the economy mandates or dictates that they pay more. But very often these laws, these things we do here, hurt the very people we purport that we are helping.

So I can't stand, or nor will I, and be told that I don't care about working people. My parents were working people. My mom cleaned houses to put me and my sister through high school and college. The first time I was in a country club was when I was running for State Senate.

But I know the dirty secret, which is many times these platitudes that we put out there don't help the very people that we tell

everybody it's helping. And sometimes the people who we're supposed to be helping, they're too busy working two and three jobs to really do the work to find out that this isn't helping them, that these things are the reason why they're having a harder time finding employment, why companies are going fully automated.

Not the least of which is what it will do to our farmers we continue to hammer. Yeah, we put some money into Cornell so we can continue to do research, and that's important. So we can continue to produce apples so we can have more cider and more wineries. And that's a good thing. It's a good thing for New Yorkers. It's certainly a good thing for someone like myself who represents a rural district, and many of my members.

But where it's not good is the farms who will not be able to continue to be in business because they can't continue to pay the costs. They're barely at the margins today, if they're even breaking even. Most of them are losing money. Most of them have the banks breathing down their necks because they already owe hundreds of thousands of dollars in loans.

And now we're going to hit them again. Minimum wage increase, 2017. Farm Fair Labor Act, 2019. Another minimum wage increase, 2023. Let's see how much they can take before they're done. Let's see how much they can handle before agriculture isn't the number-one economic driver in New York State anymore and food has to cost more than it does because we've got to bring it in from other states or other countries with lower food-quality standards than we have here in New York. One of those examples, again, where policy doesn't add up to the rhetoric.

And I'll close -- we know this budget was late because of bail, largely, criminal justice. The Governor was pushing a bail change, a very modest bail change, by all accounts. Now, I believe it was being pushed not for public safety but because of politics. And yet that modest change was too much for my colleagues in both the Majority here and in the Majority in the Assembly.

They were proud of the cashless bail change they passed in 2019. Many of them still are proud. They feel that there's no correlation between that and increases in crime. And I

believe there is. But we can sit there and fight about that all day long. Here's what I would argue. What are we doing to stop the crime problem in New York? What policies are coming forward in this budget that stop it?

What I will tell you is this. The bail change by my colleagues' own -- their own characterization, is that it's not a change at all. There's no change. There's no change to the crimes that were bail-eligible or not bail-eligible. It's a clarification. Apparently the judges we have in New York aren't smart enough to understand the law. That's what I heard over and over again. They don't understand the language. These are people who went to law school, people who have been judges for a long time -- people like the folks we just put on the high court, I guess -- that don't quite understand what "least restrictive means" meant.

But now it's gone, replaced by new language, to be a little more clear. And I think we're going to see the same exact thing. And so the question I would have, unfortunately for the Governor, is we held up a budget for over a month, and no doubt we had to trade for some

really bad policies for New Yorkers that are going to increase their energy bills, their taxes, going to make housing more expensive, going to make farming more expensive, going to hurt working people.

And all to get a bail change that by all accounts from the folks who negotiated the change, who drew up the initial policy, will tell you is not really a change.

And so I can't find enough good reasons to vote certainly for this budget. This budget does not help New York. It continues us on the path we're on. It's not even managing the decay. It's exacerbating it. As my good friend Senator Lanza said, as we were waiting for the budget, Madam President, we sort of felt in our conference like we were waiting for the asteroid to hit. And it's landed, unfortunately, and it's landed for New Yorkers.

Because, you know, I've heard my colleagues say this -- and I'll close with this. There was a debate a couple of weeks ago, and I heard some of my colleagues say, you know, we know it's tough being in the Minority. And of course some of them actually do know it's tough

being in the Minority. Some of the folks who made the comment actually don't know, because they've never been in the Minority.

But it is tough being in the Minority. That's no news flash. But that really misses the point, Madam President. Because this budget isn't tough because we're in the Minority, this budget's tough if you're a farmer. This budget's tough if you own a small business. This budget is tough if you were looking to build a home here in New York. This budget is tough if you care about your energy costs. This budget is tough if you're a working person in New York. That's who this -- that's who's tough to be in New York.

And these folks aren't in the minority. I think they're in the majority. I think most New Yorkers feel exactly as I just outlined. Unfortunately, this budget doesn't do anything to address those concerns.

So, Madam President, while I appreciate the work that goes into this -- because bad budget, good budget, the same amount of work has to go into it to get us here. And I have no doubt that my colleagues on the other

side and the staff put a lot of work in to get us to this point. But make it -- make no mistake, this budget is not good for the people of New York. I'm not even going to limit it to the people I represent. It's not good for anybody in the State of New York. It does not move the state forward. It does not put us on a path to success. And I think we're going to look back years from now and rue the day that this budget was passed and signed into law.

So with that, Madam President, I thank you for your indulgence. I will be voting no.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, please recognize Majority Leader Stewart-Cousins.

ACTING PRESIDENT MAYER: Majority Leader Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you so much, Madam President.

And actually I want to thank all of our presiding officers over the past couple of days, Senator Bailey and Senator Persaud and certainly you. It has been a spirited debate,

and I know that we have waited for me to say this is the end. I've been chronicling throughout, and finally we are here.

But of course we couldn't be here without the incredible, intrepid Senator Liz Krueger. Thank you so much for what you do.

(Extended applause.)

SENATOR STEWART-COUSINS: And I won't ignore the fact that your partner, Senator O'Mara there as well, sits through these things and appreciate -- appreciate, I'm sure, not only the partnership, but what you've learned from Senator Krueger over the years. We all do.

And I also want to thank --

(Applause.)

SENATOR STEWART-COUSINS: And of course to my own deputy and the floor leader, the deputy leader, Senator Mike Gianaris. Thank you for always making sure that this plane lands and it lands exactly where it should and as it is should. Thank you so much.

(Applause.)

SENATOR STEWART-COUSINS: And of course, like Senator Ortt says, Senator Lanza has to listen to him and everybody else here. And I

will say thank you, Senator Lanza, as well, because I know that you all work very, very well together to get it all done. And that is not unnoticed, so thank you. Thank you.

(Applause.)

SENATOR STEWART-COUSINS: I want to thank the Governor, the Speaker -- Senator Ortt. I'm sorry, I was just so enthralled by what you were saying that I forgot to thank you.

(Laughter.)

SENATOR STEWART-COUSINS: Thank you.

(Applause.)

SENATOR STEWART-COUSINS: I can say more --

(Laughter.)

SENATOR STEWART-COUSINS: But I will say, you know, we do, we try and keep communications. And certainly we have been on that side. As I say, the better part of a hundred years we were on that side. So -- (laughing) not all of us here, but --

(Laughter.)

SENATOR STEWART-COUSINS: It just feels like it. But so -- so we know, I know

Senator Breslin says he remembers --

(Laughter.)

SENATOR STEWART-COUSINS: So we get it. And sometimes, you know, you just, you know, just sit and wait. So I'm conscious of that. So we want to make sure that you're engaged and your time is spent at least knowing what the next thing is going to be. So thank you.

I wanted, as I said, to thank the staff, incredible staff on both sides. But in my world here, I want to give a special shout out to the secretary of Finance, Dave Friedfel. Where's Dave?

(Applause.)

SENATOR STEWART-COUSINS: E.K., Eric Katz.

(Applause.)

SENATOR STEWART-COUSINS: Someone you may not know, but instrumental in our team, Leah Goldman, who is now our director of intergovernmental affairs.

(Applause.)

SENATOR STEWART-COUSINS: And of course somebody that nobody knows, our communications director, Mike Murphy.

(Laughter; applause.)

SENATOR STEWART-COUSINS: And I think we all want to thank Ale Paulino, who makes sure --

(Applause.)

SENATOR STEWART-COUSINS: -- that we are comfortable in the house.

So I want to thank my Senators. I tell them all the time that they are an incredible group of public servants. And this just takes nothing away from my colleagues on the other side of the aisle; I don't have the privilege to work with you day to day. I don't doubt that you are as committed as everyone in this chamber. So thank you for all that you do.

For me, who gets to, you know, spend so much of my time with this group of people, I say to you, you are extraordinary. Please, thank you, give yourselves applause, that we have actually made it.

(Applause.)

SENATOR STEWART-COUSINS: I have to remember to look -- and I've got to look over there too (indicating). I'm sorry, I forget.

I will tell you, you got credit for

them on the first day. You know, I actually had someone in the chamber who, when we were -- you know, our swearing-in day. And my -- yes, I'm sorry, I'm forgetting you (gesturing).

(Laughter.)

SENATOR STEWART-COUSINS: And they're like, there's more diversity over there than I thought. I said yeah.

(Laughter.)

SENATOR STEWART-COUSINS: So you do get credit for the Senate Democrats.

But again, I think it's good. I spent some time over there sitting next to Republicans, and it actually worked out well. I got some things done because you build relationships. And I think part of what's happened certainly during COVID, we haven't had a chance, really, to build relationships. So we wind up showing up and doing what we do and then going our separate ways. So I'd like to take some time for some levity that so that we can, you know, not only do the hard work but enjoy each other.

(Applause.)

SENATOR STEWART-COUSINS: Thank

you.

And now I get to explain why this is a great budget. And I know the hour for us is early, but I won't be too long. But I think it's important that New Yorkers actually know what they've got here.

And it is a little later than we expected. And it's hard to appreciate all the moving parts behind the scene, and all the people who made it possible.

But when we embarked on this 2023-2024 budget, our mission was to forge a more affordable New York where no one could be priced out of their livelihoods and where greater opportunities for all were funded at every turn.

After guiding our state through the worst of the pandemic, and successfully stabilizing our workforce, passing a budget that would fund New York from the bottom up was the next step in our economic recovery. While many of the top saw their profit lines grow throughout these past years, middle- and working-class New Yorkers continue to be stretched from both ends. We needed to bolster an economy that builds from the middle out and pulls from the

lowest rung to the top.

And that meant taking historic steps to ease the pain that everyday households have been enduring for years, and create new pathways for prosperity in every community and for every family. It meant fully funding bedrock social policies like public education, free school meals and childcare, while not only lifting families up but helping them build generational stability for years to come.

It also meant continuing to invest in communities themselves, by strengthening public safety and outreach services while expanding Main Streets and supporting local economies. And it meant building towards a more sustainable future so that the strides we make today can be fully enjoyed by the New Yorkers of tomorrow.

I'm proud to say that today we passed a state budget that funds these objectives and directly benefits the hardworking people of New York, starting first and foremost with transformative investments into our public education system, from pre-K all the way to college.

We are the Education Conference for a reason. Two years ago we set out to create a cradle-to-college pipeline that supports our children's excellence at every stage of development. And now, for the first time ever, we will fully fund Foundation Aid, ensuring that each public school is equally provided for throughout New York.

We've rejected --

(Applause.)

SENATOR STEWART-COUSINS: We've rejected any tuition hikes to in-state SUNY and CUNY rates, keeping higher education within the economic reach of all of New York's students and ensuring no one is priced out of the education they've earned.

In a long-overdue step, we're also funding universal free school meals for millions of children so that no student's ability to learn will be affected by hunger. And this program will help keep money in the pockets of so many parents and caregivers. These are commonsense policies that will make seismic differences in our communities.

We're also lifting the burden

further on working families with an eye towards ensuring parents won't have to choose between a paycheck and raising their children. That's why we've expanded our efforts and increased funding for universal pre-K and childcare. We're also investing 25 million to support the employer-provided childcare credit, and expanded the child tax credit to include children under four years old, a necessary threshold for so many working families.

When we invest in local social programs and services, we're investing in the well-being of the community. That's why, in addition to robust education funding, we also took major steps to strengthen the healthcare infrastructure that supports our every need.

The COVID stress test didn't end when cases dropped. The same inequities that led to provider burnout and overloaded hospitals still persist today in the same places, and often bear the brunt of our healthcare crisis. No one should be geographically stranded from a hospital or doomed and deemed too poor to receive care.

That's why we took crucial steps to support our distressed providers with

$500 million in additional aid. And we secured a billion dollars for healthcare capital funding, increased Medicaid reimbursement rates for hospitals and nursing homes, expanded Medicaid for those who are disabled and still working. And we received a commitment from the Governor to request federal assistance to allow us to provide coverage for all.

In addition, we continue to lead the way as a destination state for reproductive care. This budget allocates $101 million to abortion services, which includes an expansion of services to SUNY and CUNY students, and access to over-the-counter contraception.

We're furthering our efforts to strengthen mental health resources and crisis care so that people in need can access help as soon as possible. In that effort, we secured a historic billion dollars for mental health services, which will go towards improving insurance coverage, increasing outpatient services and inpatient psychiatric treatment capacity.

Additionally, we're creating a Daniel's Law task force to evaluate improved

intervention for mental health crises.

(Applause.)

SENATOR STEWART-COUSINS: Keeping resources local and services accessible is the foundation for progress. But reliable public transportation is the engine that actually moves us forward. As New Yorkers continue to return to in-person work, entertainment and travel, we need to ensure that the MTA can support their rising demand. We went into these budget negotiations knowing that MTA failure -- for all the reasons that we heard on this floor -- was not an option.

Now I'm proud to say that we've reached an agreement that will fund operations, improve the quality of service, and provide accountability and ensure that the critical infrastructure will continue serving residents and their busy lives while remaining affordable.

We're also introducing a pilot program for five free MTA buses, as has been explored and implemented in other major cities. With these pilot routes, we're bringing more New Yorkers into the public sphere, revitalizing neighborhoods that may have otherwise been left stranded. This is good for New York and good for

New Yorkers.

Our fight for affordability must also address the nickel-and-diming of average households that have been left unable to meet their basic needs. You should not have to work numerous jobs to keep a roof over your head, let alone put food on the table.

The current minimum wage is not a livable wage. It needs to go up. I'm proud to say we secured a $2 increase over the next three years and will finally tie the wage to the rate of inflation.

When we invest in the financial well-being of our citizens and provide them with resources needed to succeed, we create greater opportunities for generations. It's no mystery why communities with fully funded schools, robust healthcare systems, reliable public transportation, and livable wages are also the ones with lower rates of poverty and crime.

My mother often said an ounce of prevention is worth a pound of cure. That's why we continue to provide record funding for education, expanded after-school activities, the arts, and youth athletics. And we will always

prioritize programs like these which stop crime from occurring in the first place.

In this budget we are continuing our transformative work to get guns off of our streets and keep them out of the wrong hands by investing $347 million in evidence-based gun violence prevention initiatives. And yes, we clarified language in the bail law to underscore the discretion judges have in order to uphold our reforms and prioritize true justice.

The law is clear, the services are funded, and the data is conclusive. Our criminal justice policies prove that criminal justice reform and public safety can and must go hand in hand.

This budget is a blueprint for greater prosperity, and lays the framework for an even brighter future. But these investments won't mean anything if people are displaced due to climate change. That's why we're continuing our nation-leading efforts to not only stop further damage from occurring, but reverse what's already been done, because the environmental stakes are too high for anything else.

For the first time ever, thanks to

our conference's efforts, this budget will hold our greatest polluters accountable for their actions by making them pay for clean energy projects going forward. We laid the foundation for a historic cap-and-invest program, and the Senate overcame resistance to make sure the Public Renewables Act had real teeth and strong labor standards.

And, yes, we advanced the all-electric buildings without restrictions on existing buildings. We're not burdening everyday New Yorkers in our climate fight. And we're not asking them to give up more than our greatest polluters. So that means, just to be clear, that yes, you can keep your gas stove, you can stay in your home that you've always known, you can keep your job, and we will simply be building climate-conscious policies into the spaces.

The days of shifting costs and carbon onto poor communities are over. Our climate policy centers working-class New Yorkers as the beneficiaries of this affordable green economy, not the financiers, with good-paying union jobs forging our clean future.

These are the actions desperately

needed for us for stay the course on climate and keep New York habitable. And we must remember those at the front lines of our climate fight -- the stewards of our land, the farmers. New York is the proud home to thousands of family farms which not only support numerous working-class families and communities, but nourish the entirety of our state. This budget stands up for them and invests in them.

(Applause.)

SENATOR STEWART-COUSINS: Affordability creates opportunity. New York will only be at its very best when every person, regardless of income, can live safely, securely, and with the same opportunity for success as everyone else.

This State Budget targets our greatest areas of need to lift the burden and generate future prosperity. I know it came later than we expected, but there is some serendipity that the 2023-2024 budget is passing at the beginning of May, a month dedicated to the struggle and advancement of workers.

In the words of labor unionist and civil rights activist A. Philip Randolph, "A

community is democratic only when the humblest and weakest person can enjoy the highest civil, economic and social rights that the biggest and most powerful possess."

That is the impetus at the core of this budget. The Senate Democratic Conference has always believed that by supporting the middle and working class, investing in education, strengthening local economies, funding our green future, we'll forge a more equitable and abundant state where every person can excel.

I'm proud of the work we've accomplished in crafting this people's budget, and for all that it will do on behalf of New Yorkers.

Thank you, Madam President.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Is there any further business at the desk?

ACTING PRESIDENT MAYER: There is no further business at the desk.

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, May 3rd, at

11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, May 3rd, at 11:00 a.m.

(Whereupon, at 11:18 p.m., the Senate adjourned.)