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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 2, 2023

2:11 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT MAYER: The Senate
3 will come to order.

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

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

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

12 Reverend?

13 REVEREND ELLIS-GIBBS: Let us pray.

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

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

1 the people choose equity and peace over
2 divisiveness.

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

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

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

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

1 doing the work behind the scenes.

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

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

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

19 May all say amen.

20 (Response of "Amen.")

21 (Vocal enthusiasm; applause.)

22 ACTING PRESIDENT MAYER: Reading of
23 the Journal.

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

1 adjournment. The Journal of Sunday, April 30,
2 2023, was read and approved. On motion, the
3 Senate adjourned.

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

6 Presentation of petitions.

7 Messages from the Assembly.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Motions and resolutions.

14 Senator Gianaris.

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

18 ACTING PRESIDENT MAYER: Senator
19 Kennedy on a quick introduction.

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

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

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

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

7 Thank you, Madam President.

8 (Applause.)

9 ACTING PRESIDENT MAYER: Thank you,
10 Senator Kennedy.

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

14 Please rise and be recognized.

15 (Standing ovation.)

16 ACTING PRESIDENT MAYER: Senator
17 Gianaris.

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

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

1 in Room 332.

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

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

9 (Response of "Aye.")

10 ACTING PRESIDENT MAYER: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT MAYER: The
14 Resolution Calendar is adopted.

15 Senator Gianaris.

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

20 ACTING PRESIDENT MAYER: The
21 Secretary will read.

22 THE SECRETARY: Senate Resolution
23 647, by Senator Stavisky, memorializing Governor
24 Kathy Hochul to proclaim May 2, 2023, as
25 Queens Day in the State of New York.

1 ACTING PRESIDENT MAYER: Senator
2 Stavisky on the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Queens County.

2 ACTING PRESIDENT MAYER: Thank you,
3 Senator Stavisky.

4 Senator Comrie on the resolution.

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

9 (Cheers, applause from gallery.)

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

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

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

8 (Laughter.)

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

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

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

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

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

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

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

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

1 end of the year.

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

9 From the folk that are here in
10 Queens to showcase the -- so many -- as Senator
11 Stavisky said, we have over 138 languages, over
12 100 cultures that are in Queens, and we do the
13 best to represent them.

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

19 (Reaction from members.)

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

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

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

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

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

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

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

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

16 (Laughter.)

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

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

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

4 Thank you very much.

5 (Cheers, applause from the gallery.)

6 ACTING PRESIDENT MAYER: Thank you,
7 Senator Comrie.

8 Senator Ramos on the resolution.

9 SENATOR RAMOS: Thank you,
10 Madam President.

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

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

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

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

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

11 Queens is the birthplace of
12 Scrabble, says Thomas from Long Island City --
13 and that's true. Scrabble was invented in a
14 church basement in Jackson Heights, and the
15 35th Avenue street sign is designed to look like
16 Scrabble tiles in my neighborhood.

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

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

1 always, let's go, Mets!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (Laughter.)

11 SENATOR RAMOS: I vote aye,
12 Madam President.

13 (Cheers; applause from the gallery.)

14 ACTING PRESIDENT MAYER: Thank you,
15 Senator Ramos.

16 Senator Gianaris on the resolution.

17 SENATOR GIANARIS: Thank you,
18 Madam President.

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

23 (Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

22 (Laughter.)

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

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

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

8 Thank you, and welcome.

9 (Applause from the gallery.)

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator Gianaris.

12 Senator Addabbo on the resolution.

13 SENATOR ADDABBO: Thank you,
14 Madam President.

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

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

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

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

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

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

1 (Laughter.)

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

4 (Laughter.)

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

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

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

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

1 (Applause from the gallery.)

2 ACTING PRESIDENT MAYER: Thank you,
3 Senator Addabbo.

4 Senator Bailey on the resolution.

5 SENATOR BAILEY: Thank you,
6 Madam President.

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

17 And I truly appreciate that. I
18 truly appreciate the Borough of Queens, the
19 world's borough. What I don't appreciate is when
20 my colleagues intimate or outright say that
21 hip-hop started anywhere else except 1520
22 Sedgwick Avenue. I'm sorry, y'all, y'all have
23 done it very well. But August 11, 1973, which is
24 50 years of hip-hop. And you know where it was
25 born.

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

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

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

16 (Laughter.)

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

19 (Cheers; applause.)

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

22 (Laughter.)

23 SENATOR BAILEY: Queens is just
24 good.

25 It's a great place. I went to law

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

3 (Reaction from audience.)

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

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

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

25 Thank you for coming up. Again, I'm

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

6 I vote aye, Madam President.

7 (Appause.)

8 ACTING PRESIDENT MAYER: Thank you,
9 Senator Bailey.

10 Senator Persaud on the resolution.

11 SENATOR PERSAUD: Thank you,
12 Madam President.

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

19 (Laughter.)

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

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

1 But I can't say it publicly.

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

6 Thanks, everyone. I vote aye.

7 (Applause from the gallery.)

8 ACTING PRESIDENT MAYER: Senator
9 Martins on the resolution.

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

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

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

25 (Laughter.)

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

5 (Cheers; applause.)

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

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

12 Madam President, I vote aye.

13 ACTING PRESIDENT MAYER: Thank you,
14 Senator Martins.

15 Senator Sanders on the resolution.

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

19 So, my friends --

20 (Laughter.)

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

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

3 (Laughter.)

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

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

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

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

1 because we certainly, certainly appreciate it.

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

5 (Laughter; applause.)

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

10 (Laughter.)

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

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

18 Thank you. Travel safely.

19 Madam President, I vote aye.

20 (Applause.)

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

24 (Laughter.)

25 ACTING PRESIDENT MAYER: Skipping

1 to the next speaker --

2 (Laughter.)

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

5 SENATOR GONZALEZ: Thank you,
6 Madam President.

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

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

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

1 I now am as a public servant.

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

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

1 So thank you.

2 (Appause.)

3 ACTING PRESIDENT MAYER: Thank you,
4 Senator Gonzalez.

5 Senator Liu on the resolution.

6 (Loud reaction from members.)

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

9 (Laughter.)

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

19 (Laughter.)

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

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

4 (Laughter.)

5 SENATOR LIU: Thank you,
6 Madam President.

7 ACTING PRESIDENT MAYER: Senator
8 Liu.

9 (Applause.)

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

14 Please rise and be recognized.

15 (Loud standing ovation.)

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

18 Senator Gianaris.

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

23 ACTING PRESIDENT MAYER: The
24 Secretary will read.

25 THE SECRETARY: Senate Resolution

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

4 ACTING PRESIDENT MAYER: Senator
5 Ramos on the resolution.

6 SENATOR RAMOS: Thank you,
7 Madam President.

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

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

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

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

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

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

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

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

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

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

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

22 I vote aye.

23 ACTING PRESIDENT MAYER: Thank you,
24 Senator Ramos.

25 The question is on the resolution.

1 All in favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT MAYER: Opposed?

4 (No response.)

5 ACTING PRESIDENT MAYER: The

6 resolution is adopted.

7 Senator Gianaris.

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

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

15 Senator Gianaris.

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

19 ACTING PRESIDENT MAYER: The
20 Secretary will read.

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

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

1 2016;

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

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

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

10 All bills reported direct to third
11 reading.

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

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

17 (Response of "Aye.")

18 ACTING PRESIDENT MAYER: Opposed,
19 nay.

20 (No response.)

21 ACTING PRESIDENT MAYER: The report
22 is adopted.

23 Senator Gianaris.

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

1 while our colleagues conclude their conference.

2 So the Senate will stand at ease.

3 ACTING PRESIDENT MAYER: The Senate
4 will stand at ease.

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

7 (Whereupon, the Senate reconvened at
8 3:20 p.m.)

9 ACTING PRESIDENT PERSAUD: The
10 Senate will return to order.

11 Senator Gianaris.

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

14 ACTING PRESIDENT PERSAUD: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 719, Senate Print 4008C, Budget Bill, an act to
18 amend Part PP of Chapter 54 of the Laws of 2016.

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

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

23 SENATOR GIANARIS: Move to accept
24 the message of necessity.

25 ACTING PRESIDENT PERSAUD: All

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

3 (Response of "Aye.")

4 ACTING PRESIDENT PERSAUD: Opposed,
5 nay.

6 (Response of "Nay.")

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

10 SENATOR GIANARIS: Senator Lanza
11 wants to lay that aside.

12 SENATOR LANZA: Lay it aside.

13 (Laughter.)

14 ACTING PRESIDENT PERSAUD: Lay it
15 aside.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 720, Senate Print 4001B, Budget Bill, an act
19 making appropriations for the support of
20 government.

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

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

25 SENATOR GIANARIS: Move to accept

1 the message of necessity.

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

5 (Response of "Aye.")

6 ACTING PRESIDENT PERSAUD: Opposed,
7 nay.

8 (Response of "Nay.")

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

12 SENATOR LANZA: Lay it aside.

13 ACTING PRESIDENT PERSAUD: Lay it
14 aside.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 721, Senate Print 4003D, Budget Bill, an act
18 making appropriations for the support of
19 government.

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

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

24 SENATOR GIANARIS: Move to accept
25 the message of necessity.

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

4 (Response of "Aye.")

5 ACTING PRESIDENT PERSAUD: Opposed,
6 nay.

7 (Response of "Nay.")

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

11 SENATOR LANZA: Lay it aside.

12 ACTING PRESIDENT PERSAUD: Lay it
13 aside.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 723, Senate Print 4006C, Budget Bill, an act to
17 amend the Education Law.

18 SENATOR GIANARIS: Is there a
19 message at the desk?

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

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

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

1 necessity please signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT PERSAUD: Opposed,
4 nay.

5 (Response of "Nay.")

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

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT PERSAUD: Lay it
11 aside.

12 Senator Gianaris, that completes the
13 reading of the calendar.

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

17 ACTING PRESIDENT PERSAUD: The
18 Secretary will ring the bell.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 723, Senate Print 4006C, Budget Bill, an act to
22 amend the Education Law.

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

25 SENATOR LANZA: Madam President, I

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

5 ACTING PRESIDENT PERSAUD: Thank
6 you, Senator Lanza.

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

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

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

17 Senator.

18 SENATOR CANZONERI-FITZPATRICK:
19 Thank you, Madam President.

20 I rise to appeal the ruling of the
21 chair.

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

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

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

13 According to the CDC, in 2021
14 42 percent of students felt consistently sad or
15 hopeless, and nearly one-third experienced poor
16 mental health. Twenty-two percent of students
17 seriously considered attempting suicide, and one
18 in 10 attempted suicide.

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

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

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

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

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

16 Thank you.

17 ACTING PRESIDENT PERSAUD: Thank
18 you.

19 Senator Lanza.

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

23 ACTING PRESIDENT PERSAUD: Senator
24 Rolison.

25 SENATOR ROLISON: Madam President,

1 I rise to appeal the ruling of the chair.

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

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

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

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

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

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

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

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

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

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator.

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

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

7 (Response of "Aye.")

8 SENATOR LANZA: Request a show of
9 hands.

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

12 Announce the results.

13 THE SECRETARY: Ayes, 21.

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

17 Senator Palumbo.

18 SENATOR PALUMBO: Thank you,
19 Madam President.

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

24 ACTING PRESIDENT PERSAUD: Will the
25 sponsor yield?

1 SENATOR BAILEY: It would be my
2 honor.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

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

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

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

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

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

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

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

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

22 SENATOR PALUMBO: Thank you,
23 Senator.

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

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

2 ACTING PRESIDENT PERSAUD: Senator
3 Palumbo on the bill.

4 SENATOR PALUMBO: Thank you.

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

16 So there were these other factors.
17 Because from a global standpoint, our criminal
18 justice system works hand in hand with justice
19 and society and safety to society. So bail did
20 have additional factors prior to the changes made
21 by this Legislature and the new majorities in
22 2019. It did consider public safety, which I
23 think should always be considered in every single
24 criminal justice policy, is public safety should
25 be at the forefront.

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

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

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

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

22 SENATOR BAILEY: I will certainly
23 yield.

24 ACTING PRESIDENT PERSAUD: The
25 Senator will yield.

1 SENATOR PALUMBO: Thank you,
2 Senator.

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

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

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

18 SENATOR PALUMBO: Would the sponsor
19 yield for another question.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR BAILEY: Absolutely.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR PALUMBO: And I appreciate

1 that. Through you, Madam President.

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

7 SENATOR BAILEY: Through you,
8 Madam President, none.

9 SENATOR PALUMBO: Thank you.

10 Would the sponsor yield for another
11 question.

12 ACTING PRESIDENT PERSAUD: Will the
13 sponsor yield?

14 SENATOR BAILEY: I do.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

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

24 SENATOR BAILEY: Through you,
25 Madam President, correct.

1 SENATOR PALUMBO: Will the sponsor
2 yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR BAILEY: I yield.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR PALUMBO: Thank you.

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

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

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

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

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

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

5 SENATOR PALUMBO: Thank you.

6 Would the sponsor yield for another
7 question, please.

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR BAILEY: I certainly do.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR PALUMBO: Thank you,
14 Senator.

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

25 SENATOR BAILEY: Through you,

1 Madam President, no.

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

4 SENATOR PALUMBO: Yes, I certainly
5 will.

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

8 SENATOR PALUMBO: What do I
9 consider to be dangerousness?

10 SENATOR BAILEY: Certainly.

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

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

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

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

4 Thank you, Senator Palumbo, for
5 yielding.

6 SENATOR PALUMBO: Will the sponsor
7 yield for another question.

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR BAILEY: Absolutely.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR PALUMBO: Thank you.

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

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

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

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

5 ACTING PRESIDENT PERSAUD: Will the
6 sponsor yield?

7 SENATOR BAILEY: Absolutely.

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

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

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

23 SENATOR PALUMBO: Okay, very good.
24 Thank you.

25 Would you yield for another

1 question, please.

2 ACTING PRESIDENT PERSAUD: Will the
3 sponsor yield?

4 SENATOR BAILEY: Certainly.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

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

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

19 SENATOR PALUMBO: Will the sponsor
20 yield to another question.

21 SENATOR BAILEY: Certainly.

22 ACTING PRESIDENT PERSAUD: Yes, the
23 sponsor yields.

24 SENATOR PALUMBO: Thank you.

25 And just so we're clear, Chairman,

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

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

10 SENATOR PALUMBO: Thank you.
11 Will the sponsor yield for another
12 question.

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 SENATOR BAILEY: Absolutely.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

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

1 person is arrested, they must be released.

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

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

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

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR BAILEY: All day.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR PALUMBO: Thank you,
19 Senator Bailey.

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

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

25 SENATOR PALUMBO: Certainly. If

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

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

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

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 SENATOR BAILEY: Certainly.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

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

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

4 SENATOR PALUMBO: I'm sorry?

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

8 SENATOR PALUMBO: Correct.

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

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

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

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

25 SENATOR BAILEY: Through you,

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

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR GIANARIS: Yes, ma'am.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

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

16 SENATOR BAILEY: Through you,
17 Madam President, yes.

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

20 Would you yield for another
21 question, please.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

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

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

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

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

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

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

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

24 SENATOR BAILEY: Absolutely,
25 Senator Palumbo.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR PALUMBO: Thank you.

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

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

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

18 SENATOR PALUMBO: Will the sponsor
19 yield for another question.

20 ACTING PRESIDENT PERSAUD: Will the
21 sponsor yield?

22 SENATOR BAILEY: I yield.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR PALUMBO: Thank you,

1 Senator.

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

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

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

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

24 SENATOR PALUMBO: Would the sponsor
25 yield for another question.

1 ACTING PRESIDENT PERSAUD: Will the
2 sponsor yield?

3 SENATOR BAILEY: Yes, ma'am.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

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

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

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

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

23 SENATOR PALUMBO: Would you yield
24 for another question.

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR BAILEY: I yield.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

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

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

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

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

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

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

1 just have a few questions about Part UU.

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

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

8 SENATOR BAILEY: Thank you.

9 ACTING PRESIDENT PERSAUD: Senator
10 Krueger, would you yield?

11 SENATOR KRUEGER: Yes, I will,
12 Madam President.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR PALUMBO: Thank you,
16 Senator Krueger.

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

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

24 SENATOR PALUMBO: Would
25 Senator Krueger yield for another question,

1 please.

2 ACTING PRESIDENT PERSAUD: Will the
3 Senator yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

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

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

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

17 ACTING PRESIDENT PERSAUD: Will the
18 sponsor yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

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

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

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

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

14 SENATOR PALUMBO: Will the sponsor
15 yield for another question.

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR PALUMBO: Thank you.

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

1 this legislation?

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

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

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

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

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

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR PALUMBO: Thank you,
23 Senator Krueger.

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

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

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

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

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

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

19 ACTING PRESIDENT PERSAUD: Will the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

15 SENATOR KRUEGER: Certainly.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 The sponsor yields.

19 SENATOR PALUMBO: Thank you.

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

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

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

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

21 SENATOR PALUMBO: Thank you,
22 Senator Krueger.

23 On the bill, please,
24 Madam President.

25 ACTING PRESIDENT PERSAUD: Senator

1 Palumbo on the bill.

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

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

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

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

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

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

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

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

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

14 If I murdered my first wife, served
15 my time, paid my debt to society, got out
16 30 years later, and I'm now knocking around my
17 new girlfriend and I break her nose, you can't
18 even set bail on me in New York State. How fair
19 is that? We forgot about victims, folks.

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

22 ACTING PRESIDENT PERSAUD: Thank
23 you, Senator.

24 Senator Lanza.

25 SENATOR LANZA: Madam President, I

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

3 ACTING PRESIDENT PERSAUD: Senator
4 Bailey, do you yield?

5 SENATOR BAILEY: Certainly.

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

12 Senator Lanza, I certainly do yield
13 for your questions.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR LANZA: Thank you.

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

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

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

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

16 SENATOR LANZA: Would the sponsor
17 yield.

18 SENATOR BAILEY: I yield.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

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

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

1 are dangerous or not?

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

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

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

16 SENATOR LANZA: Will the sponsor
17 yield?

18 SENATOR BAILEY: I yield.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

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

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

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

10 SENATOR BAILEY: (Conferring.)

11 Through you, Madam President. Those instances
12 are certainly unfortunate and certainly things
13 that none of us would want anybody in our
14 communities, in our homes, to go through, on the
15 first level.

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

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

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

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

14 SENATOR LANZA: Will the sponsor
15 yield.

16 SENATOR BAILEY: I yield.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

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

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

1 night, after a dinner with my --

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

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

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR BAILEY: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

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

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

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

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

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

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

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

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

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

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

8 SENATOR LANZA: Madam President,
9 will the sponsor yield.

10 ACTING PRESIDENT PERSAUD: Will the
11 sponsor yield?

12 SENATOR BAILEY: Certainly.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

16 SENATOR LANZA: Madam President,
17 will the sponsor yield.

18 SENATOR BAILEY: Absolutely.

19 ACTING PRESIDENT PERSAUD: Will the
20 sponsor yield?

21 The sponsor yields.

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

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

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

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

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

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

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

8 SENATOR LANZA: Would the sponsor
9 yield?

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR BAILEY: Certainly.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR LANZA: Through you,
16 Madam President.

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

25 SENATOR BAILEY: Through you,

1 Madam President, it's very difficult to
2 contextualize racism. As, again, as a Black man
3 in America who has faced it since August 26,
4 1982, the day I was born in New York Hospital.

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

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

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

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

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

8 ACTING PRESIDENT PERSAUD: Senator
9 Lanza on the bill.

10 SENATOR LANZA: Madam President,
11 thank you.

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

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

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

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

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

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

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

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

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

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

21 And New Yorkers are tired of it.
22 Because you know what I believe? I believe
23 417,975 crimes is too much. And it means
24 New York is not safe. And I believe the people
25 who commit those crimes, the lion's share of

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

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

9 ACTING PRESIDENT PERSAUD: Thank
10 you.

11 Senator Stec.

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

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR BAILEY: Absolutely.

18 ACTING PRESIDENT PERSAUD: the
19 sponsor yields.

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

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

1 language improve public safety?

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

4 SENATOR STEC: And how?

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

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

21 SENATOR STEC: Will the sponsor
22 continue to yield.

23 ACTING PRESIDENT PERSAUD: Will the
24 sponsor yield?

25 SENATOR BAILEY: Certainly.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

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

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

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

16 SENATOR STEC: Will the sponsor
17 yield.

18 ACTING PRESIDENT PERSAUD: Will the
19 sponsor yield?

20 SENATOR BAILEY: I yield.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

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

25 Would this bill make it easier to

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

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

8 SENATOR STEC: Will the sponsor
9 yield?

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR BAILEY: I do.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR STEC: Thank you.

16 Current law uses least restrictive
17 means. It's been reported over the buildup of
18 the last month that this was going to be changed
19 in this legislation. In your opinion, does this
20 bill significantly change or does this just
21 re-jumble the words? Are we getting away from
22 least restrictive means or are we still under
23 least restrictive means?

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

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

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

12 SENATOR STEC: Will the sponsor
13 yield?

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR BAILEY: I do.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

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

22 SENATOR BAILEY: Through you,
23 Madam President, three.

24 SENATOR STEC: And this would be
25 the fourth time?

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

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

6 ACTING PRESIDENT PERSAUD: Will the
7 sponsor yield?

8 SENATOR BAILEY: I yield.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

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

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

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

1 someone.

2 SENATOR STEC: Will the sponsor
3 yield.

4 ACTING PRESIDENT PERSAUD: Will the
5 sponsor yield?

6 SENATOR BAILEY: I yield.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR STEC: Thank you.
10 What stakeholders were involved in
11 drafting the legislation that's in front of us
12 today? Who was -- what groups or significant
13 stakeholders were involved in crafting this?

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

21 SENATOR STEC: If the sponsor would
22 yield.

23 ACTING PRESIDENT PERSAUD: Will the
24 sponsor yield?

25 SENATOR BAILEY: I yield.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

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

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

10 SENATOR STEC: Sorry, I couldn't
11 hear.

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

17 SENATOR STEC: If the sponsor would
18 yield.

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

1 ACTING PRESIDENT PERSAUD: Will the
2 sponsor yield?

3 SENATOR BAILEY: Yes, certainly.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR STEC: Thanks,
7 Senator Bailey.

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

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

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

18 SENATOR BAILEY: Absolutely.

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

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

24 SENATOR STEC: If the sponsor would
25 yield.

1 ACTING PRESIDENT PERSAUD: Will the
2 sponsor yield?

3 SENATOR BAILEY: I yield.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR STEC: Thank you.

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

10 SENATOR BAILEY: Through you,
11 Madam President, yes.

12 SENATOR STEC: If the sponsor would
13 continue to yield.

14 ACTING PRESIDENT PERSAUD: Will the
15 sponsor yield?

16 SENATOR BAILEY: I yield.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

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

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

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

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

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

17 SENATOR STEC: Will the sponsor
18 yield?

19 SENATOR BAILEY: I yield.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields .

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

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

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

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

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

16 SENATOR STEC: If the sponsor would
17 yield.

18 SENATOR BAILEY: I yield.

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

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

25 SENATOR BAILEY: Through you,

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

8 SENATOR STEC: If the sponsor would
9 yield.

10 ACTING PRESIDENT PERSAUD: Will the
11 sponsor yield?

12 SENATOR BAILEY: I yield.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

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

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

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

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

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

10 ACTING PRESIDENT PERSAUD: Will the
11 sponsor yield?

12 SENATOR BAILEY: I yield.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 SENATOR STEC: On the bill.

4 ACTING PRESIDENT PERSAUD: Senator
5 Stec on the bill.

6 SENATOR STEC: Thank you,
7 Madam President.

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

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

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

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

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

11 Thank you, Madam President.

12 ACTING PRESIDENT PERSAUD: Thank
13 you.

14 Senator Rolison.

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

18 ACTING PRESIDENT PERSAUD: Will the
19 sponsor yield?

20 SENATOR BAILEY: Yes, ma'am.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

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

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

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

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

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

7 SENATOR BAILEY: So thank you,
8 Senator Rolison.

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

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

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

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

6 SENATOR BAILEY: Absolutely.

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 The sponsor yields.

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

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

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

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

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

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

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

21 SENATOR ROLISON: So as I said, I
22 started my police career at age 21, I did almost
23 29 years in the police force. And I will say
24 that there definitely were times, especially
25 early on in my career, when there were

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

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

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

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

1 reform.

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

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

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

22 ACTING PRESIDENT PERSAUD: Senator
23 O'Mara.

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

1 if that's okay with everybody.

2 ACTING PRESIDENT PERSAUD: That's
3 fine.

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

9 ACTING PRESIDENT PERSAUD: Senator
10 Kavanagh, do you yield?

11 SENATOR KAVANAGH: Yes, I do,
12 Madam President.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR O'MARA: Thank you,
16 Senator.

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

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

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

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

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

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

24 Just first of all, for context, in
25 2019 we passed the Climate Leadership and

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

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

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

1 are commercial buildings that are greater than
2 100,000 square feet, after 2025. And after 2028,
3 you can't build any other kinds of buildings
4 regardless of size. Although there are a number
5 of exceptions which we can get into if my
6 colleague would like.

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

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

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

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

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KAVANAGH: Yes,
9 Madam President.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

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

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

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

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

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR KAVANAGH: Yes, Madam
6 President.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

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

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

25 But if a building were to be built

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

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

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR KAVANAGH: Yes,
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

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

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

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

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

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

14 ACTING PRESIDENT PERSAUD: Will the
15 sponsor yield?

16 SENATOR KAVANAGH: Yes, Madam
17 President.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

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

25 SENATOR KAVANAGH: Through you,

1 Madam President, yes.

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

5 ACTING PRESIDENT PERSAUD: Will the
6 sponsor yield?

7 SENATOR KAVANAGH: Yes, Madam
8 President.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

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

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

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

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

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

5 SENATOR KAVANAGH: Yes,
6 Madam President.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

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

18 SENATOR KAVANAGH: Through you,
19 Madam President, yes.

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

23 SENATOR KAVANAGH: Yes, Madam
24 President.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

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

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

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

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

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

9 ACTING PRESIDENT PERSAUD: Will the
10 sponsor yield?

11 SENATOR KAVANAGH: Yes, Madam
12 President.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

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

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

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

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

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

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

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

1 dramatically and rapidly increase our ability to
2 create energy through clean means, which we're
3 doing through offshore wind, through solar. We
4 need to increase our capacity on battery storage.
5 We also need to improve the reliability of the
6 network. And we need to stop building structures
7 that are going to need fossil fuels for 10, 20,
8 30 years, which is the life cycle of many
9 buildings that are being built today.

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

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

21 ACTING PRESIDENT PERSAUD: Will the
22 sponsor yield?

23 SENATOR KAVANAGH: Yes, Madam
24 President.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

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

5 New York State only accounts for
6 0.4 percent of global emissions. So you can
7 quantify for me what benefit we're going to get
8 in New York by eliminating our 0.4 percent of
9 global emissions? What's the benefit going to
10 be?

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

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

1 decades.

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

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

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

17 SENATOR KAVANAGH: Yes,
18 Madam President.

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

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

4 So we eliminate our 0.4 percent,
5 we're really going to have no effect on global
6 climate. Wouldn't we be better off solving those
7 issues rather than trying to eliminate our
8 0.4 percent?

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

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

1 intended to address that.

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

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

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

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

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

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR KAVANAGH: Yes,
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

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

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

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

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

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

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

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

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

4 ACTING PRESIDENT PERSAUD: Senator,
5 will you yield?

6 SENATOR HARCKHAM: Absolutely,
7 Senator O'Mara.

8 ACTING PRESIDENT PERSAUD: The
9 Senator yields.

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

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

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

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

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

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

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

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

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

4 ACTING PRESIDENT PERSAUD: Does the
5 Senator yield?

6 SENATOR HARCKHAM: Absolutely.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

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

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

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

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

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

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

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

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR HARCKHAM: Absolutely,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the
18 Senator yield?

19 SENATOR HARCKHAM: Yes,
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

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

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

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

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

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

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

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the
18 Senator yield?

19 SENATOR HARCKHAM: Yes,
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

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

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

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

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

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

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

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

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

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

5 ACTING PRESIDENT PERSAUD: Does the
6 Senator yield?

7 SENATOR HARCKHAM: Yes, Madam
8 President.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

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

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

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

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

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

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

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

1 from natural gas.

2 The accounting standard used in the
3 rest of the world is a 30-year-old accounting
4 standard. It comes from the Kyoto Accords
5 30 years ago. And so the science has advanced.
6 Back then, it was all about carbon.

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

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

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

20 ACTING PRESIDENT PERSAUD: Senator,
21 do you yield?

22 SENATOR HARCKHAM: I do yield.

23 And I would like to add --

24 ACTING PRESIDENT PERSAUD: The
25 Senator yields.

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

5 I do yield, Madam President.

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

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

22 Does that not concern you?

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

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

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

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

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

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Yes,
3 Madam President.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

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

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

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

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

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

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

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

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

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR HARCKHAM: Absolutely.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

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

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

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

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

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

19 SENATOR O'MARA: Thank you,
20 Senator.

21 On the bill, Madam President.

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

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

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

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

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

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

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

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

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

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

1 varying views on this -- somewhere between 24 and
2 35 percent increase in emissions of carbon
3 dioxide. Which is just a glaring example of how
4 proceeding down this path not knowing what it's
5 going to cost, not knowing how we're going to
6 produce our energy, the electricity to provide
7 it, how reliable it's going to be, and how
8 affordable it's going to be.

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

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

22 Thank you, Madam President.

23 ACTING PRESIDENT PERSAUD: Thank
24 you.

25 Senator Mattera.

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

5 ACTING PRESIDENT PERSAUD: Senator,
6 will you yield?

7 SENATOR KAVANAGH: Yes,
8 Madam President.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

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

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

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

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

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

11 But also I've had direct opportunity
12 over the last two years, since I originally
13 introduced this bill in 2021, to discuss it with
14 Con Edison and National Grid, which are big
15 utilities here. And Con Edison ceased opposing
16 this bill -- you know, I think it was in early
17 2022. And National Grid also withdrew their
18 opposition to this bill.

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

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

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

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

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

21 ACTING PRESIDENT PERSAUD: Will the
22 sponsor yield?

23 SENATOR KAVANAGH: Yes,
24 Madam President.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

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

15 But that's the question I have,
16 Senator.

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

25 But the thing to keep in mind about

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

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

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

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

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

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

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

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

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

25 ACTING PRESIDENT PERSAUD: Do you

1 yield, Senator?

2 SENATOR KAVANAGH: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR MATTERA: The Governor
6 proposed a new way to calculate greenhouse
7 emissions, moving from a 20-year cycle to a
8 100-year cycle, putting New York in line with the
9 federal government and in line with other states.

10 Is there a provision in this budget
11 for that?

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

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

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

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR KAVANAGH: Yes,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR MATTERA: So, Senator
4 Kavanagh, are you aware that the Governor said
5 change in the accounting would save New Yorkers
6 25 cents on a gallon of gas and \$250 per year on
7 natural gas? New York residents need to make
8 sure that there's a savings. And to sit there
9 and say that electrification with buildings is
10 going to save money, I would love to know where
11 you got that survey from.

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

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

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

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

24 SENATOR MATTERA: Thank you,
25 Senator.

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

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR KAVANAGH: Yes, Madam
6 President.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

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

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

1 to be able to go upstairs to go cook.

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

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

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

25 And the reason for that is that

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

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

23 ACTING PRESIDENT PERSAUD: Senator
24 Gianaris.

25 SENATOR GIANARIS: Just to inform

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

7 Thank you.

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

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

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

15 ACTING PRESIDENT PERSAUD: Senator
16 Kavanagh, do you yield?

17 SENATOR KAVANAGH: Yes,
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The
20 Senator yields.

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

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

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

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

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

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

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR KAVANAGH: Yes, Madam
10 President.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

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

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

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

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

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

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

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

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

25 ACTING PRESIDENT PERSAUD: Hold on,

1 Senator. Hold on.

2 Will the sponsor yield?

3 SENATOR KAVANAGH: Yes,

4 Madam President.

5 ACTING PRESIDENT PERSAUD: The

6 sponsor yields.

7 SENATOR MATTERA: I am so sorry.

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

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

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

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

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

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

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

20 ACTING PRESIDENT PERSAUD: Will the
21 sponsor yield?

22 SENATOR KAVANAGH: Yes,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

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

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

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

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

1 with these skills.

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

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

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

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

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

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

14 SENATOR MATTERA: Thank you,
15 Senator Kavanagh.

16 On the bill. I was hoping that --

17 ACTING PRESIDENT PERSAUD: Senator
18 Mattera on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

15 ACTING PRESIDENT PERSAUD: Thank
16 you.

17 Senator Martins.

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

20 ACTING PRESIDENT PERSAUD: Senator
21 Martins on the bill.

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

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

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

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

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

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

3 You know, Madam President, I live on
4 an island. My island that I live on has, if you
5 include Brooklyn and Queens, has 8 million
6 people. Include Nassau and Suffolk County, it's
7 3 million people. We get our energy, typically
8 our electricity, from overhead wires. They're
9 strung along poles along the street. And, you
10 know, we're jutting out into the middle of the
11 Atlantic, so every once in a while we get hit
12 with a Nor'easter or with a hurricane. And when
13 those winds hit, those trees come down, those
14 power lines get broken, and we end up without
15 power.

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

23 So I'm concerned. I'm concerned
24 that as we move from natural gas and other heat
25 sources and power sources to purely electric,

1 that we have a system and a grid that is not
2 capable of handling that additional load.

3 Some people forget that when Sandy
4 hit, it was late October in 2012. Some people
5 forget we had about six inches of snow with that
6 storm. It wasn't just a windstorm, it was a
7 winter Nor'easter.

8 There's those of us who went weeks
9 without power, Madam President. And if it wasn't
10 for the fact that we had access to natural gas to
11 heat our homes, I think more and more people
12 would have perhaps died or there would have been
13 far greater tragedy.

14 So I'm concerned about this move
15 without ensuring that we have the capacity to
16 actually handle the load.

17 Now, we don't live in buildings in
18 my community -- we do have some, around our train
19 stations, some multifamily housing. But
20 predominantly we have single or two-family homes.
21 And those single and two-family homes, 40 by 100,
22 50 by 100 lots, we don't have generators. We
23 don't have backup. We have homes and we have
24 connections to our electrical grid and we have
25 some power source to heat our homes, whether it's

1 electric, whether it's oil, whether it's gas.

2 My concern is I don't know and I'm
3 being told from people who operate the electrical
4 system on Long Island that they don't have the
5 capacity for this, for this change. That they
6 haven't developed that capacity yet, and it's not
7 there. And so when that storm hits and those
8 wires come down and people are without
9 electricity and they can no longer heat their
10 homes, people are going to be impacted.

11 And yes, as my colleague
12 Senator O'Mara said before, people will die.
13 That's a fact, and we've got to deal with that.
14 In our rush to reach a certain end, we're going
15 and getting there before we actually have the
16 ability and capacity to get there.

17 And I think we all agree that that's
18 the goal. We want to get there. Our concern is,
19 Madam President, does it put people at risk? And
20 I believe this does.

21 So with that, I would ask the
22 sponsor if he would yield for a couple of
23 questions.

24 ACTING PRESIDENT PERSAUD: Senator
25 Kavanagh, do you yield?

1 SENATOR KAVANAGH: Yes,
2 Madam President.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR KAVANAGH: I missed the
6 call to yield there, but thank you.

7 SENATOR MARTINS: Senator, I
8 appreciate it. Madam President, through you.

9 Those being my concerns, as I just
10 stated, you know, as we transition to a grid that
11 is going to now be not only loaded in the summer
12 but also in the winter -- summer to cool, winter
13 to heat -- without the guarantee that there is
14 going to be capacity to be able to address that,
15 what do we tell our constituents with regard to
16 reliability when they want that alternative fuel
17 source in order to heat their homes in the winter
18 and they don't have access to natural gas?

19 SENATOR KAVANAGH: Through you,
20 Madam President. First of all, you tell them
21 that if they live in an existing home and they
22 like their arrangement, there's nothing about the
23 legislation we're passing today that is going to
24 alter that in any way.

25 You -- secondly, you would tell them

1 that if they are choosing to buy a new home, they
2 should assess whether that home is properly
3 resilient for the times we're in. And that they
4 should do that now if they're purchasing a home
5 that's ostensibly going to be powered by gas and
6 oil, and they should do that if they're choosing
7 an all-electric home now or after this bill goes
8 into effect.

9 And you should also -- we would want
10 to tell them that this bill does allow people to
11 continue to build structures that -- where
12 natural gas is available for backup or standby
13 power.

14 And lastly you tell them that we
15 fortunately live in a state that is taking very
16 aggressive action to increase our capacity to
17 generate electricity, most notably off the shore
18 of Long Island, where we're doing enormous
19 amounts of offshore wind, 6 gigawatts of new
20 offshore wind capacity is coming online.

21 That we're doing -- we're already
22 taking enormous steps to increase our ability to
23 transmit that both from offshore, on-shore, and
24 increase on-shore transmission. And that, over
25 time, we are making the grid more reliable, not

1 less. And that people who currently have
2 reliability problems, which we know they do, will
3 benefit from those investments, and we need to
4 continue to make those investments.

5 And yes, burying power lines would
6 be a good idea regardless of whether we require
7 buildings to be all-electric starting three years
8 from now or not.

9 SENATOR MARTINS: Madam President,
10 through you, if the sponsor would continue to
11 yield.

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR KAVANAGH: Yes, Madam
15 President.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR MARTINS: I appreciate
19 that. You know, I guess if -- and I don't want
20 to put words in the sponsor's mouth,
21 Madam President. But, you know, essentially if
22 someone's going to buy a new home or if there's
23 going to be a multifamily building of less than
24 100,000 square feet or less than seven stories
25 built in one of our downtowns, that they better

1 have a few extra bucks in their pocket to put in
2 a generator in order to make sure that they're
3 okay, because otherwise they can't rely on the
4 power that is being supplied to them. Not only
5 because the capacity of the grid isn't there, but
6 also because of the fragility and the
7 infrastructure that we have in place that
8 provides electricity over overhead lines.

9 And I don't want to put words in his
10 mouth, but is that what you're saying?

11 SENATOR KAVANAGH: Through you,
12 Madam President, no.

13 Through you, Madam President, there
14 are many -- first of all, I would just remind my
15 colleague that this only applies to new buildings
16 that would be built based on new codes that would
17 be written in response to this law. That those
18 codes will be written by the same people that
19 write our current codes, to create buildings that
20 are safe and reliable and good places to live.

21 And that there are a variety of ways
22 to make a home resilient, there are a variety of
23 ways to do backup. There are battery storage
24 systems. There's solar, which works even when
25 grids are down. And there's an ability in this

1 bill to the person choosing to move into that
2 home could be quite aware that there is natural
3 gas available as a backup in that home even after
4 this takes effect.

5 So -- and somebody who is worried
6 about resiliency and the reliability of our
7 systems should be worried about that. We need to
8 do upgrades on that.

9 And just one more thing again.
10 We've talked about this a couple of times today.
11 But if a building were not able to be built in a
12 way where the grid is reasonably reliable, in
13 that circumstance this bill would permit a
14 non-all-electric building to be built in that
15 circumstance even after these dates take effect.
16 There's a broad exception if it is unreasonable
17 in a particular context because the grid is not
18 sufficiently reliable in that place.

19 SENATOR MARTINS: Madam President,
20 if the sponsor would continue to yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 Senator yield?

23 SENATOR KAVANAGH: Yes, Madam
24 President.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR MARTINS: You know, on that
3 point -- and I appreciate you bringing that up.
4 The concern I have, Madam President, is that the
5 grid itself doesn't have a bright line indicating
6 when it's at capacity or not at capacity,
7 depending on any number of factors, including
8 temperature, usage, peak capacity and the like.

9 And without knowing where that is,
10 how would we or how would someone determine
11 whether or not there is a reasonable application
12 for an exemption under these circumstances?

13 Because I did read in the bill that there was a
14 mechanism to go to the PSC -- we can talk about
15 what that means on Long Island, where the PSC
16 doesn't have jurisdiction other than through DPS.

17 But since there isn't a bright line,
18 how is that determination going to be made?

19 SENATOR KAVANAGH: Again through
20 you, Madam President, the bill says that if it is
21 not reasonably -- if the grid is not reasonably
22 available to provide all-electric, that -- and
23 PSC will set the standard of reasonable over the
24 next -- presumably over the next three years.
25 But the codes will be rewritten, PSC will have a

1 reasonableness standard. And if you are trying
2 to -- again, the person constructing the home
3 would be making this choice. If they believe
4 it's not reasonably available in that case, they
5 would apply and they would get the exemption and
6 they would be allowed to build a gas- or
7 oil-burning structure in that circumstance.

8 SENATOR MARTINS: Through you,
9 Madam President, if the sponsor would just yield
10 for one last question.

11 ACTING PRESIDENT PERSAUD: Will the
12 sponsor yield?

13 SENATOR KAVANAGH: Happily,
14 Madam President.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR MARTINS: You know, would
18 you agree that the capacity of the grid will
19 change significantly between peak use and
20 non-peak usages, peak usages being in those times
21 when either it's extremely hot or extremely cold,
22 and making it difficult for someone to make an
23 application for a reasonable standard without
24 having those parameters securely fixed?

25 SENATOR KAVANAGH: Through you,

1 Madam President. If I understand the question, I
2 think I would agree with that premise. But it's
3 not so complicated that the Public Service
4 Commission cannot make a standard.

5 And obviously if you're building a
6 new building, you would want it to have the power
7 that's going to be necessary at the time that
8 thing needs to draw the most power from the grid.

9 I would notice that one of the
10 things about electricity is that it is -- first
11 of all, it can be generated on-site, unlike
12 natural gas for most of us. You can generate it
13 with wind and even more commonly, if you're
14 talking about a home, you can generate it with
15 solar. You also can store it on-site. There are
16 various technologies.

17 And one of the things -- you know,
18 there's a little bit of response to a
19 conversation we were having earlier. But one of
20 the benefits of places like New York creating
21 these standards is that we will see innovation
22 over time. We will see battery systems get
23 better and cheaper. You know, they're exploring
24 sodium-based rather than lithium-based batteries
25 in some contexts. That's probably more likely

1 for vehicles.

2 But there's a lot of talk about how
3 to innovate and make this effective, just as
4 homes got better insulated and more efficient in
5 the fossil fuel era, they will certainly get
6 better insulated and more efficient in the
7 all-electric phase too.

8 But we are currently able to build
9 highly efficient, highly reliable homes with
10 existing technology, including battery storage,
11 so people who have a properly designed home may
12 not notice that the storm is having any effect at
13 all.

14 Or as those of us who have a current
15 home might still have gas but lose power so our
16 boiler doesn't work, we might be dependent on
17 electricity or gas for things and those not be
18 deliverable, and those systems are vulnerable as
19 well. We've seen that in other states where
20 they've had -- where they rely on natural gas and
21 those systems became unavailable as well.

22 SENATOR MARTINS: Thank you,
23 Madam President. I thank Senator Kavanaugh for
24 his answers.

25 On the bill.

1 ACTING PRESIDENT PERSAUD: Senator
2 Martins on the bill.

3 SENATOR MARTINS: Madam President,
4 my concern is pretty clear, and I think the
5 answers I heard only reinforce it.

6 We're not there yet. It's something
7 we're working towards, and that we're
8 prioritizing as a state, but we're not there yet.
9 There's offshore wind that's coming online, there
10 are batteries that are being developed at a
11 future date. There are things that are going to
12 happen over time that will make this possible at
13 a future date. That date isn't now. And by
14 insisting on moving this forward now, we're
15 putting people at risk.

16 Now, when somebody buys a home,
17 they're buying a home because they want to feel
18 safe in that home, they want to provide for
19 themselves and for their families, they want to
20 make sure their children have a safe place to
21 actually live and grow up without the risk of
22 worrying about when that next storm hits, whether
23 or not they're going to be out of electricity,
24 without electricity for a prolonged period of
25 time, and especially in the winter when it's

1 cold.

2 We're not there yet. And because of
3 that -- and bear this in mind. I haven't even
4 talked about the cost. I'm just talking about
5 from a purely safety standpoint, we're putting
6 our constituents at risk.

7 For that reason, I'll be voting no.
8 Thank you.

9 ACTING PRESIDENT PERSAUD: Senator
10 Walczyk.

11 SENATOR WALCZYK: Thank you,
12 Madam President.

13 First on Part RR, if the sponsor
14 would be willing to yield.

15 SENATOR KAVANAGH: Yes,
16 Madam President.

17 SENATOR WALCZYK: So I noticed in
18 this legislation that you proposed, manufactured
19 homes are exempt from the gas ban. Is that
20 correct?

21 SENATOR KAVANAGH: Through you,
22 Madam President, yes, that is correct.

23 SENATOR WALCZYK: Is that
24 manufactured homes of any size?

25 SENATOR KAVANAGH: Through you,

1 Madam President, that is manufactured homes that
2 meet the existing definition in state law of a
3 manufactured home. I don't have that before me,
4 but I think it's the sort of structure that
5 you -- you know, that you think of as a
6 manufactured home. And --

7 SENATOR WALCZYK: Thank you. And
8 through you, Madam President, would the sponsor
9 continue to yield.

10 SENATOR KAVANAGH: -- if I may
11 finish, if I may --

12 ACTING PRESIDENT PERSAUD: Will the
13 sponsor yield?

14 SENATOR KAVANAGH: I know that my
15 colleague is anxious, but I still -- I still have
16 the floor and am speaking.

17 And I would just note that the
18 reason that provision is in there is that there
19 is a federal preemption that we believe makes it
20 such that we can't apply this to them. So that
21 is why this is a special exemption in this bill.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KAVANAGH: Yes,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: Actually,
4 Madam President, I'll move on to Part TT, if the
5 sponsor for that section would be willing to
6 yield.

7 SENATOR HARCKHAM: Yes,
8 Madam President.

9 ACTING PRESIDENT PERSAUD: Will the
10 sponsor yield?

11 The sponsor yields.

12 SENATOR WALCZYK: -- New York
13 Climate Action Fund, the Governor proposed a cap
14 on emissions for the industry, a cap on
15 emissions, a tax on emissions for the industries.

16 When we're talking about capping and
17 taxing, how exactly will that portion work? I
18 can see what the Governor calls the investment
19 portion outlaid in this budget.

20 How will the taxing portion be
21 prescribed?

22 SENATOR HARCKHAM: Through you,
23 Madam President. As has been mentioned in the
24 prior debate, the Governor already has the
25 statutory authority to do this. This body will

1 not be involved in that process. That will be
2 set up the way RGGI was set up, through the
3 regulatory mechanism.

4 But the way it's outlined in the
5 scoping plan is there will be a budget target of
6 carbon reductions that need to be met in order to
7 meet the goals, and that amount will decline
8 annually. And then the market will determine the
9 price of the allowances.

10 But again, that's not being done
11 statutorily. So we know roughly what the
12 outlines of a cap-and-invest program look like,
13 but the Governor and DEC and NYSERDA and those
14 folks, PSC, will establish that plan.

15 SENATOR WALCZYK: And I don't think
16 NYSERDA and DEC are the --

17 ACTING PRESIDENT PERSAUD: Are you
18 asking the sponsor to yield?

19 SENATOR WALCZYK: I am. Through
20 you, Madam President --

21 ACTING PRESIDENT PERSAUD: Will the
22 sponsor yield?

23 SENATOR WALCZYK: -- would the
24 sponsor continue to yield.

25 SENATOR HARCKHAM: Absolutely.

1 SENATOR WALCZYK: I don't think DEC
2 and NYSERDA are generally who we look to for
3 proper taxation methods in the State of New York.

4 But I did notice that we're sending
5 those taxes into three different buckets. One of
6 those buckets, 67 percent of the fund goes to the
7 Climate Investment Account, is that correct?

8 SENATOR HARCKHAM: Through you,
9 Madam President. Through you, Madam President.
10 First of all, these are not taxes. Let's be very
11 clear. This is an auction of carbon at the free
12 market. So they're not taxes.

13 Yes, 67 percent will go to an
14 account that will address some of the things in
15 fact that our colleagues have been talking
16 about -- resiliency of the grid, reliability of
17 the grid, expanding the grid. That is part of
18 what some of this money will go for, because we
19 know that's part of the work that we have to do.

20 SENATOR WALCZYK: And through you,
21 Madam President, would the sponsor continue to
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR HARCKHAM: Absolutely.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: So you say
4 po-tay-to, I say po-tot-to. You say cap and
5 invest, I say cap and tax.

6 This is going to be paid for by
7 New Yorkers at the end of the day. They're going
8 to see higher energy bills and higher taxes as a
9 result. So it's my choice to call it a tax
10 today.

11 But I did notice that PLAs are
12 required for most of these builds, with some
13 exceptions, when you're qualifying for the
14 climate investment account. Why aren't you
15 requiring union labor for low-income housing
16 projects?

17 SENATOR HARCKHAM: Through you,
18 Madam President, this is an energy bill. It's
19 not a housing bill.

20 So if we want to go down that route,
21 I actually have a bill for prevailing wage for
22 brownfield cleanup, so we can talk about other
23 labor provisions that we're working on. But
24 that's not a provision that's in this bill or in
25 this budget.

1 SENATOR WALCZYK: Through you,
2 Madam President, would the sponsor continue to
3 yield.

4 ACTING PRESIDENT PERSAUD: Will the
5 sponsor yield?

6 SENATOR HARCKHAM: Absolutely.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR WALCZYK: I wouldn't say
10 that this is either an energy bill or a housing
11 bill, this is a budget bill. And many are
12 referring to this bill as the Big Ugly, which is
13 why we've been debating it for nearly three hours
14 here today.

15 And I had a simple question about
16 project labor agreements and why they aren't
17 required -- when we're talking about the Climate
18 Investment Account, why project labor agreements
19 or union labor is not required, only when we're
20 talking about New York City housing projects.

21 SENATOR HARCKHAM: Through you,
22 Madam President. In this bill there is nothing
23 about housing. There's absolutely nothing. So
24 if we want to debate prevailing wage for
25 construction of affordable housing or for

1 renovating affordable housing, perhaps we can do
2 that in another part of the budget or we can do
3 it offline. But it's not in this part of the
4 budget.

5 SENATOR WALCZYK: Through you,
6 Madam President, would the sponsor continue to
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR HARCKHAM: Absolutely.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR WALCZYK: So I covered
14 climate risk-related and energy transition
15 products shall be subject to prevailing wage
16 requirements. I'm reading on page 140 of this
17 Big Ugly bill, known as Senate Bill 4006C. Is
18 the sponsor telling me that that does not include
19 housing projects?

20 SENATOR HARCKHAM: Through you,
21 Madam President, correct. That is other
22 energy-related and resiliency projects. It's
23 not, as we mentioned before, a housing bill.
24 Housing is not anywhere in this bill.

25 SENATOR WALCZYK: And through you,

1 Madam President, would the sponsor continue to
2 yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR HARCKHAM: Yes, Madam
6 President.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR WALCZYK: So I'm sure the
10 sponsor is aware that New York State has more
11 than \$100 billion in project labor agreement work
12 already forecasted over the next several years.
13 We only have 30 percent of our construction
14 workers in New York State that are unionized --
15 and to name a few, the Buffalo Bills stadium,
16 I-81 in Syracuse, the Kensington Expressway, the
17 Skyway reconstruction. A lot of things that
18 we've talked about in here.

19 Is there enough union labor to be
20 able to do these projects?

21 SENATOR HARCKHAM: Through you,
22 Madam President. Yes, there is. There's also
23 the apprenticeship pipeline, which we've talked
24 about a great deal in this chamber.

25 But there is. And again, this is

1 about prevailing wage, so it doesn't necessarily
2 have to be through a union. Prevailing wage is
3 just the wage that is the prevailing wage. So we
4 often associate that with unions, but it's not
5 exclusive to unions.

6 SENATOR WALCZYK: Thank you,
7 Madam President. And I'll move on to Part TT --
8 isn't that what we were just talking about?

9 Well, we'll move on to Part QQ,
10 please, if there's a member that wants to take
11 that section. Build Public Renewables.

12 ACTING PRESIDENT PERSAUD: Senator
13 Parker, will you yield?

14 SENATOR PARKER: Yes,
15 Madam President, I'll yield.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR WALCZYK: And through you,
19 Madam President, thank you for yielding.

20 So the New York Power Authority
21 hasn't built a power production project in over
22 15 years. What's the justification for putting
23 the onus on building many public renewable
24 projects on the New York Power Authority in this
25 budget?

1 SENATOR PARKER: Madam President,
2 through you. As we all know and has been
3 mentioned several times in this body before, the
4 ruling guide for what we're going to do both
5 around energy and the environment is the CLCPA.
6 And the CLCPA actually creates a timeline in
7 which the State of New York is supposed to get to
8 net zero in terms of carbon and methane by 2050.
9 And there's some intermediate dates in between
10 that in which we need to reach those levels.

11 Now, for all that to happen, as you
12 heard Senator Harckham talk about, you heard
13 Senator Kavanagh talk about, we're going to need
14 to use less carbon, less methane, in everything
15 that we do. We have a working group that was
16 created by the CLCPA that created the 400-plus
17 documents of just the scoping plan that tells us
18 some of the things that we need to work at.

19 As we look at how we in fact
20 transition into a clean energy economy here in
21 the State of New York, it's going to be necessary
22 from my perspective to have an all-of-the-above
23 approach. What do I mean by that? There's going
24 to be things that we're going to need to do about
25 vehicles, water vehicles, air vehicles,

1 buildings, farming. And we're going to have to
2 upgrade things.

3 And so we've done a kind of
4 multifaceted approach in the context of this
5 budget of electrifying buildings down the line,
6 doing cap-and-invest, in which we in fact use a
7 model that's a similar model that we're using
8 already with energy as it relates to RGGI, the
9 Regional Greenhouse Gas Initiative. Which is not
10 just a state model, but a multistate compact in
11 which many states are in fact engaged in capping
12 carbon, you know, that comes from energy
13 resources, using that money to develop clean
14 energy sources. Right?

15 What this particular part does, it
16 says that we're going to need at some point to
17 get to the level of energy production,
18 particularly electricity production. Because
19 what we generally understand is if we're going to
20 use less energy, we're going to need to use more
21 electricity. I know that went over some of y'all
22 head. Let me say it again.

23 For us to use less energy, we're
24 going to have to use more electricity. Right?

25 SENATOR WALCZYK: Thank you,

1 Senator --

2 SENATOR PARKER: And so within the
3 context of that, to answer your question, is that
4 what we're doing in this bill is saying NYPA
5 should be part of that mix. Utilities are doing
6 some of it, hopefully down the line. But they
7 have parts that they're doing. We have -- you
8 know, we have industry that's working on
9 producing this. But at some point NYPA is going
10 to also need to do this, and we're creating both
11 a permission and a process for NYPA to be engaged
12 in sustainable energy development in the State of
13 New York in order for the state to move forward
14 in this transition to a clean energy economy.

15 SENATOR WALCZYK: Thank you.
16 Through you, Madam President, I always appreciate
17 the concise answers from the Energy chair.

18 (Laughter.)

19 SENATOR WALCZYK: If he would
20 respond to an additional question.

21 SENATOR PARKER: Get to the point.

22 (Laughter.)

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR PARKER: I do,

1 Madam President.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR WALCZYK: In the answer for
5 this question I'm looking for a number somewhere
6 between zero and infinity, and only a number.
7 How many nuclear power facilities are we siting
8 in this budget?

9 SENATOR PARKER: Zero. But that's
10 also not the job of this budget, though.

11 I mean, in the context of the
12 budget, right -- in the context of the budget --

13 SENATOR WALCZYK: If the sponsor
14 would yield for some additional questions.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR PARKER: I'm happy to
18 yield.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: In the answer for
22 this question I'm looking for a number of
23 megawatts, specifically a number.

24 How many megawatts or gigawatts are
25 we requiring the New York Power Authority to

1 build in this budget, if it's prescribed at all?

2 SENATOR PARKER: We're not
3 prescribing it.

4 SENATOR WALCZYK: And through you,
5 Madam President, would the sponsor continue to
6 yield.

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR PARKER: I do.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR WALCZYK: How much money in
13 dollar amount are we requiring the New York Power
14 Authority to spend on renewable energy projects,
15 or is that prescribed at all in this budget?

16 SENATOR PARKER: The New York Power
17 Authority is off-book. So the New York Power
18 Authority does not use General Funds in any of
19 its operations. Thus we are not prescribing or
20 directing their budget in any way.

21 SENATOR WALCZYK: And through you,
22 Madam President, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR PARKER: I will yield.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR WALCZYK: I know that
5 you're aware that the New York Power Authority's
6 customers are governments and utilities,
7 nonprofits and some industry across the State of
8 New York. If we're requiring the New York Power
9 Authority to build additional renewable energy
10 projects as is prescribed in the bill that's
11 before us right now, do we anticipate that the
12 rates for those customers will increase,
13 decrease, or stay the same?

14 SENATOR PARKER: We expect that
15 they will stay the same.

16 SENATOR WALCZYK: Thank you,
17 Madam President.

18 ACTING PRESIDENT PERSAUD: Thank
19 you.

20 Senator Borrello.

21 SENATOR BORRELLO: Yes,
22 Madam President, I'm looking to get some answers
23 on Part JJ, Western New York Regional OTB.

24 ACTING PRESIDENT PERSAUD: Senator,
25 will you yield?

1 SENATOR KENNEDY: Yes, I will,
2 Madam President. Thank you.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR BORRELLO: All right,
6 through you, Madam President. Thank you,
7 Senator Kennedy. Obviously we had -- we look
8 like we're having some major changes to the
9 structure of OTB. Can you explain the rationale
10 behind changing this from an even distribution of
11 all the participating municipalities to a
12 weighted vote?

13 SENATOR KENNEDY: Absolutely.
14 Through you, Madam President.

15 First and foremost, let me start by
16 recognizing the leadership of the Senate, the
17 Governor, and the Assembly for working to
18 negotiate this package that will reform the
19 Western Region OTB to finally empower the people
20 that are represented by the board.

21 As many of us know, the State
22 Comptroller has audited this board and the OTB
23 that it represents and has found wide-ranging
24 misuse of power and funds over time.

25 This is on the heels of both other

1 audits, recommendations by the Attorney General,
2 and what we're told is an ongoing investigation
3 by the federal government into malfeasance by
4 this board.

5 So what we did in this bill is we
6 took the board -- we are taking the current
7 makeup of the board, at least as it exists today,
8 and we are putting in place a weighted-vote
9 system that will ensure that each board member is
10 representative of the population that they
11 represent in each particular municipality, the 15
12 counties and the two cities that currently make
13 up the board. And it makes it more equitable and
14 a fair distribution of that board system.

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

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR KENNEDY: Of course.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR BORRELLO: Well, I think
23 it's well known that -- the issues that occurred.
24 And certainly you could argue that, you know,
25 things have been addressed in so many ways by

1 actions by this Legislature, as well as by the
2 OTB board itself.

3 But it doesn't really explain why
4 we're changing the breakdown. Because at the end
5 of the day, you want to talk about fairness and
6 equity, can you please tell me where the largest
7 percentage of revenue for the Western Region OTB
8 comes from?

9 SENATOR KENNEDY: Sure. Well,
10 absolutely. Through you, Madam President, let me
11 just go back for a moment.

12 You know, what we plan to do here
13 through the approval of this bill is remove the
14 current board and replace them with
15 representation from each and every county and
16 municipality, have a weighted vote by population,
17 and root out what could be considered the worst
18 and most corrupt system that's in place across
19 the entire state: A blatant disregard for the
20 public good and really a corrosion of the public
21 trust.

22 To answer your question simply, each
23 and every community is given revenue-sharing by
24 statute, as defined in Section 1516 of the
25 Racing, Pari-Mutuel Wagering and Breeding Law,

1 that 50 percent of the revenues that are based in
2 each municipality and collected, along with
3 50 percent of the revenues by population, are
4 disbursed.

5 So the disbursement of all of the
6 revenue across the system is in separate statute;
7 that will not be changed. Simply the voting
8 board, which has a long history of ignoring the
9 law, ignoring the ethical obligations that they
10 have to the public that they're there to
11 represent, and it will replace that current board
12 with a representation that again empowers the
13 people that those board members are there to
14 represent.

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

17 SENATOR KENNEDY: I will.

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 The sponsor yields.

21 SENATOR BORRELLO: That was a very
22 lengthy detailed answer to a question that I
23 actually didn't ask. I asked you who was the
24 largest contributor to revenue for the Western
25 Region OTB. I'd like to have those minutes back,

1 if I could.

2 SENATOR KENNEDY: Through you,
3 Madam President, based on my colleague's answers
4 from the previous debate that we had last
5 June 2nd, I have a feeling he's going to tell me
6 it's at Batavia Downs in Genesee County.

7 However, that being said, let me
8 tell you that regardless of where the funding
9 comes from, it has no impact on how the funding
10 is disbursed. So while we've heard a lot of
11 rhetoric publicly from both my colleague I'm
12 speaking with now and others, what we're doing
13 now is simply reconstituting the board that is
14 representative of the Western Region OTB, which
15 should have, by virtue of the law that's in place
16 in Section 516 of the Racing Law, no impact on
17 how those funds are disbursed.

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

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KENNEDY: I do.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR BORRELLO: And again, I

1 didn't get an answer to my question. You did
2 allude to the fact that it was Batavia Downs.

3 But you mentioned "equitable."
4 Well, the fact that, you know, in 2021
5 \$12.1 million was generated by OTB, which is
6 represented -- which is hosted by Genesee
7 County -- Genesee County only gets two of those
8 votes.

9 And beyond that, because of this
10 weighted system, they actually only received a
11 little over \$200,000, I believe in revenue. Yet
12 they were responsible for generating over
13 12 million.

14 And keep in mind that that city has
15 to now host the -- you know, they have to provide
16 emergency services, they have to do everything
17 else that's involved in maintaining the
18 infrastructure to ensure that that revenue can be
19 generated.

20 So with that being said, if we're
21 talking about equity, is there any other OTB that
22 has a weighted vote system in New York State?

23 SENATOR KENNEDY: Through you,
24 Madam President, this will be a first-of-its-kind
25 system that we are putting in place across

1 New York State. And it's for good reason. You
2 know, we didn't end up here on a whim. We ended
3 up here because of a pattern of pervasive
4 disregard for the law; for financial and ethical
5 improprieties, as evidenced by multiple audits by
6 the Office of the State Comptroller, advisory
7 opinions by the Attorney General and outside
8 legal counsel that was ignored by the same OTB
9 board that hired that outside counsel.

10 And I could go through a litany of
11 those instances, if you could indulge me.
12 Through you, Madam President. In 2008 the
13 Attorney General's office concluded that the
14 OTB board members are not legally authorized to
15 receive health insurance benefits, yet they
16 continue to receive them to this day.

17 In 2009 the Western OTB hired an
18 outside law firm to provide an opinion on whether
19 board members were entitled to those health
20 insurance benefits. The outside law firm agreed
21 with the Attorney General's opinion. However,
22 still today those same benefits are provided to
23 the board.

24 In 2020, \$3.1 million in federal aid
25 through the federal Paycheck Protection Program,

1 PPP, was received. And despite receiving this,
2 they still furloughed 300 employees.

3 In 2020, one of the officers that
4 was simply cooperating with an outside law
5 enforcement entity was fired.

6 In 2021 the Comptroller,
7 Madam President, issued several reports outlining
8 that malfeasance at the Western Region OTB,
9 specifically --

10 SENATOR BORRELLO: Madam President,
11 point of order. My question is not being
12 answered. Point of order, my question is not
13 being answered.

14 ACTING PRESIDENT PERSAUD: Senator
15 Borrello, if he --

16 SENATOR KENNEDY: Madam Leader --

17 ACTING PRESIDENT PERSAUD: Senator
18 Borrello --

19 SENATOR GIANARIS: Madam President.

20 ACTING PRESIDENT PERSAUD: Senator
21 Gianaris. Senator Gianaris.

22 SENATOR GIANARIS: My colleagues,
23 please. I understand Senator Borrello's
24 frustration. But we don't get to tell you how to
25 ask the questions, and you don't get to tell us

1 how to answer them. You asked a question of
2 Senator Kennedy, he's giving you the answer as he
3 sees fit.

4 If you'd like to speak on the bill,
5 you're more than welcome to do that. But if
6 you're engaging our member, you have to let them
7 answer the question in the way that they think
8 appropriate.

9 SENATOR BORRELLO: (Inaudible.)

10 SENATOR GIANARIS: I will also
11 remind my colleagues that we gave you an extra
12 hour for debate, which leaves five minutes on
13 this bill.

14 (Inaudible overtalk.)

15 SENATOR KENNEDY: Madam
16 President -- Madam President, may I continue to
17 answer my question as the --

18 ACTING PRESIDENT PERSAUD: Senator
19 Lanza.

20 SENATOR KENNEDY: -- leader has --

21 SENATOR LANZA: Madam President,
22 Senator Borrello has indicated that he's going on
23 the bill. He therefore has the floor.

24 SENATOR KENNEDY: Excuse me.
25 Madam President, I have the floor. I'm answering

1 the question. The deputy leader suggested I
2 still have the floor. I will continue to answer
3 my question.

4 I know my colleague doesn't like to
5 hear this answer. There's a reason we're
6 addressing the Western Region OTB specifically,
7 and that is because of the litany of ethical
8 instances that I am citing in this paperwork here
9 today.

10 (Overtalk.)

11 ACTING PRESIDENT PERSAUD: Senator
12 Gianaris. Senator Gianaris.

13 SENATOR GIANARIS: Madam President,
14 let's do this. Let's let Senator Kennedy finish
15 his answer. It will not count against Senator
16 Borrello's time that he can speak on the bill at
17 that time. But we are terminating the debate
18 five minutes after Senator Kennedy finishes his
19 answer.

20 SENATOR LANZA: Thank you, Senator.

21 SENATOR KENNEDY: Certainly I'm at
22 the end of this answer. I would have been done
23 long ago. But let me conclude the answer by
24 telling you in 2021 the State Comptroller, who is
25 supportive of this legislation, mind you, said

1 that the Western Region OTB improperly received
2 tickets for sporting events and concerts, that
3 they failed to account for personal use of
4 agency-assigned vehicles, and that he concluded
5 that the Western Region OTB needs to clean up its
6 operations.

7 This legislation that we're passing
8 here today as a part of this budget bill does
9 just that. It cleans up the Western Region OTB
10 by ensuring that the board -- that's
11 representative of the people by weighted vote and
12 by population in each and every county that will
13 continue to have a voice at the table -- empowers
14 the people.

15 SENATOR BORRELLO: Madam President,
16 on the bill.

17 ACTING PRESIDENT PERSAUD: Senator
18 Borrello on the bill.

19 SENATOR BORRELLO: Very briefly.

20 But the bottom line is this does not
21 clean up the corruption. What this does is
22 creates new corruption by empowering Erie County,
23 the City of Buffalo, Monroe County and the City
24 of Rochester, to have controlling power. What
25 you're ignoring is the will of the people, the

1 people that actually do the hard work to generate
2 that revenue. This is just another shameless
3 power grab. And running out the clock was also
4 shameless.

5 Thank you, Madam President.

6 SENATOR KENNEDY: Madam President,
7 thank you so much. On the bill, let me --

8 ACTING PRESIDENT PERSAUD: Senator
9 Gianaris.

10 SENATOR GIANARIS: If I could, for
11 my colleague Senator Kennedy, we have a list of
12 people who still want to get in the last couple
13 of minutes. Or we can add you, or you can
14 explain your vote once we take the vote,
15 Senator Kennedy.

16 SENATOR KENNEDY: (Inaudible.)

17 SENATOR GIANARIS: You don't have
18 the floor right now, Senator Kennedy, I'm sorry.
19 You can return to explain your vote.

20 SENATOR KENNEDY: Under protest, I
21 will be explaining my vote later.

22 ACTING PRESIDENT PERSAUD: Senator
23 Oberacker.

24 SENATOR OBERACKER: Thank you,
25 Madam President. I'm going to speak on the bill.

1 (Laughter.)

2 ACTING PRESIDENT PERSAUD: Senator
3 Oberacker on the bill.

4 SENATOR OBERACKER: I believe it
5 will be one of the most inspiring speeches that
6 we have today, and I've heard many. So thank
7 you.

8 I was going to talk on the free bus
9 fare pilot program, concerns that I have on this
10 part of the bill. Being asked to vote for a
11 \$15 million line item without having all the
12 information I think is reckless. In my business
13 I would not do it. As a Senator representing the
14 51st Senate District, I cannot do it.

15 There's a lot of questions I had
16 that unfortunately I will not be able to ask.
17 But with that, I will end it this way.

18 I have had my colleague from the
19 across the aisle, Senator Bailey, use some song
20 verse to support his position at times, so I'm
21 going to kind of channel maybe a little bit of
22 Senator Bailey here. I won't sing it, but I'll
23 say it.

24 It's a free ride when you've already
25 paid. It's the good advice that you just didn't

1 take. And isn't it ironic, don't you think?

2 Madam President I'll be voting no on
3 the bill. Thank you.

4 (Laughter.)

5 SENATOR GIANARIS: Madam President.

6 ACTING PRESIDENT PERSAUD: Senator
7 Gianaris.

8 SENATOR GIANARIS: That does run
9 out the clock on this bill, and so if we can call
10 the vote, please.

11 ACTING PRESIDENT PERSAUD: The
12 debate is closed.

13 The Secretary will ring the bell.

14 There is a substitution at the desk.
15 The Secretary will read.

16 THE SECRETARY: Senator Krueger
17 moves to discharge, from the Committee on
18 Finance, Assembly Bill Number 3006C and
19 substitute it for the identical Senate Bill
20 4006C, Third Reading Calendar 723.

21 ACTING PRESIDENT PERSAUD: The
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 723, Assembly Print Number 3006C, Budget Bill, an

1 act to amend the Education Law.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Senator
10 Jackson to explain his vote.

11 SENATOR JACKSON: Thank you,
12 Madam President.

13 I rise after three and a half hours,
14 and my back hurts sitting down. But we find
15 ourselves a month late voting on the State
16 Budget, and I'm not so sure it was worth the
17 wait. Voting on the ELFA budget bill, which is
18 called the Big Ugly, is not a decision that comes
19 without difficulties. And I have huge concerns
20 with this budget and its process.

21 It misses the opportunity to tax the
22 wealthy, ultra-wealthy, to fund proven social
23 programs. It gives the horse-racing industry a
24 handout. The inclusion of zombie charters will
25 continue to usurp money from Foundation Aid at an

1 alarming rate, undermine local public schools'
2 efforts to increase student enrollment and
3 opportunities, and further privatize public
4 education and charter-saturated school
5 districts -- all without the accountability and
6 transparency that the use of millions of public
7 dollars merit.

8 There are no real solutions to
9 protecting affordable housing. I'm talking about
10 good cause eviction. Holding the Legislature
11 hostage for a month, and not getting this done
12 for tenants in New York is inexcusable. And
13 let's use the remaining six weeks to get it done.

14 We have some major victories to
15 celebrate, Madam President. Education. Finally,
16 after three long decades, our public schools
17 having received the full funding owed, injecting
18 \$2.63 billion into Foundation Aid, the state has
19 finally made good on its promise to fully fund
20 our schools statewide.

21 This historic investment is thanks
22 to tireless efforts of generations of advocates
23 and parents who persisted and insisted on a
24 quality public education system for New York
25 students.

1 Higher education. The TAP gap will
2 be decreased, benefiting students at SUNY and
3 CUNY. NYCHA finally securing ERAP for residents.

4 Jobs. We are improving our state's
5 workforce by waiving the exam fees for civil
6 service exams, funding efforts for recruitment
7 and retention, and increasing the cost-of-living
8 adjustment.

9 Climate. Including the Build Public
10 Renewables Act and the All-Electric Buildings Act
11 to meet the goals of the CLCPA. Healthcare.
12 Protecting reproductive rights, requiring
13 coverage of abortion medication --

14 ACTING PRESIDENT PERSAUD: Senator
15 Jackson, how do you vote? Your time is up.

16 SENATOR JACKSON: I -- I --

17 ACTING PRESIDENT PERSAUD: Senator
18 Jackson, how do you vote?

19 SENATOR JACKSON: Madam Chair --
20 Madam -- Madam President. Considering everything
21 that has happened here today, I request 30
22 seconds more.

23 ACTING PRESIDENT PERSAUD: Senator
24 Jackson, how do you vote? Senator Jackson, how
25 do you vote?

1 SENATOR JACKSON: Considering that,
2 I vote aye on this budget, with --

3 ACTING PRESIDENT PERSAUD: Thank
4 you, Senator Jackson.

5 Senator Gonzalez.

6 SENATOR GONZALEZ: I -- I was
7 planning today, Madam President, on explaining my
8 vote. I'm not speaking on the bill. Is this
9 now? Sorry, just checking.

10 Well, thank you, Madam President. I
11 appreciate this opportunity. And it is not lost
12 on me how much effort has gone into crafting this
13 budget. And I want to thank the leader for her
14 steadfast leadership in this budget. I want to
15 thank this conference for some significant wins
16 for all New Yorkers, and all the staff and time
17 that we've put into this.

18 You know, I am coming from a
19 district that is working class. I represent
20 thousands of NYCHA residents. I represent young
21 people whose only path to a better future is
22 public education. I represent New Yorkers who
23 have for generations been dealing with the
24 effects of the climate catastrophe at hand.

25 And it is with that, and

1 representing all of those people, that I came to
2 Albany to fight for a vision of a better
3 New York, a New York that serves the most
4 marginalized of us. A New York where it's
5 livable, our air is clean, our water is clean,
6 our schools are funded, everyone has access to
7 universal healthcare. And my district also sent
8 me here to not accept politics as usual.

9 And so in this budget I am
10 absolutely thrilled and honored to be part of a
11 body that is passing some pretty historic things,
12 including the All-Electric Buildings Act, funding
13 the MTA, including the Build Public Renewables
14 Act, which is landmark in its advancement of the
15 climate crisis but also in its labor protections,
16 in its moving forward on a just transition.

17 But at the same time, as much as I
18 am thrilled at these wins for our movement, I am
19 also deeply heartbroken over some of the
20 concessions, including bail and charter schools.

21 So I cannot wholeheartedly support a
22 budget that doesn't represent the interests of my
23 district, and doesn't necessarily represent the
24 interests, I believe, of all New Yorkers in the
25 future that we deserve.

1 I am upset to see that we're out of
2 time, that the Governor is saying that she is
3 happy to hold up the budget simply about a single
4 issue of bail reform, and that we are willing to
5 kneecap it. I think that the path forward to
6 safety is to not incarcerate more people
7 pretrial. I have been to Rikers. I have spoken
8 to people who have been directly affected. This
9 isn't the path forward.

10 What we need to do is fully fund our
11 communities --

12 ACTING PRESIDENT PERSAUD: Senator
13 Gonzalez, how do you vote?

14 SENATOR GONZALEZ: And so with
15 that, I vote nay on this budget.

16 ACTING PRESIDENT PERSAUD: Thank
17 you, Senator Gonzalez.

18 SENATOR GONZALEZ: Thank you,
19 Madam President.

20 ACTING PRESIDENT PERSAUD: Senator
21 Salazar to explain her vote.

22 SENATOR SALAZAR: Thank you,
23 Madam President.

24 While I have a responsibility to my
25 constituents to vote in the negative on this bill

1 and to reject efforts to weaken the civil rights
2 of defendants, I nonetheless want to thank staff,
3 counsel, and every single person who worked
4 relentlessly on this budget, who resisted
5 proposed policy changes that are not actually
6 motivated by public safety and which threaten to
7 expand the injustice of wealth-based detention in
8 our state.

9 But I want to also recognize some of
10 the positive components in this budget bill for
11 all New Yorkers. Working people rely on public
12 transit every day. MTA transit is a public good.
13 And we are demonstrating that by establishing
14 five fare-free bus lines in New York City's five
15 boroughs and dedicating funding to make our
16 trains and buses more reliable and more frequent.

17 Through this budget we are acting
18 with urgency to confront the climate crisis and
19 build a more sustainable future for our planet.
20 Communities across our district in Brooklyn and
21 Queens have faced the brunt of the climate
22 crisis, its devastating impacts. The BPRA and
23 All-Electric Buildings Act included in this bill
24 will bring climate justice that our communities
25 need and deserve. The Build Public Renewables

1 Act will transform New York's energy system and
2 put us on the path to a just transition.

3 We are also targeting the biggest
4 source of greenhouse gas emissions through the
5 All-Electric Buildings Act, one of the most
6 meaningful steps taken by any state in the nation
7 toward a renewable future.

8 This budget also includes increases
9 in the minimum wage. And yet we must continue to
10 fight for the permanent pay increases that all
11 workers deserve across all sectors.

12 And while this budget does not meet
13 the needs of NYCHA residents as a whole, we are
14 prioritizing the needs of NYCHA residents and
15 Section 8 tenants who have applied for relief
16 through the Emergency Rental Assistance Program.

17 I want to thank our Majority Leader
18 for guiding us through an arduous budget process,
19 and now into the weeks ahead as we continue to
20 fight for the better state and the better world
21 that we know is possible.

22 Thank you.

23 ACTING PRESIDENT PERSAUD: Senator
24 Salazar, how do you vote?

25 SENATOR SALAZAR: In the negative.

1 ACTING PRESIDENT PERSAUD: Thank
2 you, Senator.

3 Senator Mayer to explain her vote.

4 SENATOR MAYER: Thank you,
5 Madam President.

6 I am voting aye, and proudly so, on
7 this bill. I've been around a long time.
8 Budgets are compromises. You don't win every
9 fight. And you don't lose every fight.

10 But there is much to be proud of in
11 this budget, particularly in the area of
12 education. And there also is a sense that our
13 constituents are smart enough and thoughtful
14 enough to understand that budgets contain
15 nuances.

16 On many of the issues debated here
17 today, I have confidence in my constituents to
18 understand these are complex issues. And we are
19 dealing with legislation. And I have confidence
20 that they will have faith that we are making the
21 best choices we can.

22 But I want to say, on education,
23 this is, as my colleagues have said, a historic
24 third year of investment in Foundation Aid, which
25 we have been fighting this battle to fund these

1 schools all over this state for all these years,
2 and we have now achieved that. That is not
3 something that we can step away from. We should
4 feel proud about that.

5 We are investing \$135 million to
6 expand access to school meals for almost 300,000
7 new students. Over 80 percent of the state's
8 schoolchildren will have breakfast and lunch
9 provided. That is an extraordinary
10 accomplishment.

11 We are expanding full-day pre-K
12 outside New York City and making it more
13 feasible. We are making steps to protect our
14 853, 4410, and other schools for special needs.

15 Yes, I'm disappointed in the
16 issuance of zombie charters, the reissuance. I
17 wish we had not done that. I think it is a very
18 wrongheaded decision.

19 But on balance, this budget reflects
20 an extraordinary commitment to public education
21 and nonpublic education on the benefit of every
22 child in this state.

23 I want to thank the Majority Leader
24 for her steadfast leadership; all my colleagues
25 who have been united for full Foundation Aid. We

1 have achieved something extraordinary and
2 meaningful, and I'm proud to vote aye.

3 ACTING PRESIDENT PERSAUD: Senator
4 Mayer to be recorded in the affirmative.

5 Senator Bailey to explain his vote.

6 SENATOR BAILEY: Thank you,
7 Madam President.

8 NBA superstar Giannis Antetokounmpo
9 was asked last week after the Bucks were
10 eliminated from the playoffs if he considered
11 his -- the Bucks' losing to be a failure. His
12 response was one of the most artful and
13 thoughtful I ever heard, and he in sum and
14 substance said it wasn't a failure just because
15 he didn't win this time. They were steps to
16 success.

17 We've heard from many of our
18 colleagues that this is an imperfect process,
19 it's an imperfect budget. But by and large these
20 are steps to success to make our great state the
21 state that it is -- record amounts of education
22 aid.

23 Finally an increase in the rates for
24 18B pay, something that both sides of the aisle
25 can agree upon. Because we've had lots of

1 conversations about public safety. And public
2 safety is a really multifaceted, interesting
3 concept that requires a number of things to work
4 properly. If the assigned counsel pool is
5 underpaid and under-respected, they -- it helps
6 to grind the wheels of justice in so many ways.

7 So I'm excited about that and so
8 many other things in this budget. And I'm truly
9 grateful for the leadership of Andrea
10 Stewart-Cousins as a true bridge over troubled
11 waters in many troubled times.

12 And I thank my colleagues from the
13 other side of the aisle for their thoughtful
14 questions in relation to some of the debates that
15 we have.

16 I stand at the ready to continue to
17 fight for justice in all shapes, forms, and
18 aspects. I vote aye, Madam President.

19 ACTING PRESIDENT PERSAUD: Senator
20 Bailey to be recorded in the affirmative.

21 Senator Brouk to explain her vote.

22 SENATOR BROUK: Thank you, Madam
23 President.

24 This budget bill contains important,
25 impactful funding measures that will benefit

1 working families and community organizations
2 throughout my district. Real people's lives in
3 Rochester will be helped by the investments we
4 are making in today's budget bill.

5 I can't vote no on a budget bill
6 that fully funds our public schools and commits
7 additional dollars to school lunches and
8 universal pre-K. I can't vote no on a budget
9 bill that expands the child tax credit and access
10 to childcare, because these investments are what
11 keep our community strong.

12 I'm proud to vote in favor of these
13 items and other good things that we are doing
14 here in Albany this week that will keep our
15 communities safe and healthy.

16 But with this bill and the changes
17 to bail reform, we are once again letting
18 politics and headlines drive policy when we know
19 what will truly keep New Yorkers safe. Things
20 like fully funded education, affordable and
21 accessible healthcare and childcare, access to
22 mental health care, affordable housing, and
23 tenant protections.

24 I do want to say I'm grateful to our
25 leader Andrea Stewart-Cousins and the staff for

1 holding the line and reducing the harm that could
2 have been done by the original Executive
3 proposal. But what we ended up with in this
4 legislation are unnecessary edits to a law that
5 was designed to equalize our justice system. And
6 sadly, these changes will do little to keep
7 New Yorkers safer.

8 I look forward to a day when our
9 decisions as leaders all throughout Albany will
10 be informed by the needs of our constituents
11 rather than headlines and fearmongering. And
12 while I'll be voting in support of all the good
13 that this budget will do for my hometown in
14 Rochester, it is not without great frustration
15 and disappointment.

16 I do vote aye.

17 ACTING PRESIDENT PERSAUD: Senator
18 Brouk to be recorded in the affirmative.

19 Senator May to explain her vote.

20 SENATOR MAY: Thank you,
21 Madam President.

22 Like my colleagues, I have to say
23 this budget, as is true of all the budgets I've
24 voted on, has some big disappointments in it.
25 But I want to highlight some of the big wins for

1 my constituents.

2 The child tax credit. My city of
3 Syracuse has the highest child poverty rate of
4 any city of its size in the country. This
5 decision to extend the child tax credit to
6 children from age zero to four will affect the
7 lives of thousands of people in my district for
8 the better, giving them assistance for caring for
9 babies and toddlers when they need it the most.

10 Children and families will also
11 benefit from the free school lunches, from
12 universal pre-K, and from expanded childcare.

13 All-electric buildings is a change
14 that will result in dramatic energy savings,
15 reductions in greenhouse gas pollution, more
16 comfortable heating and cooling, and safer and
17 healthier indoor air quality. It's a
18 win/win/win.

19 Build Public Renewables also will
20 put NYPA in a position to build green energy with
21 union jobs. NYPA will be accountable to the
22 people, not just shareholders. We can assure
23 that they will deliver the energy more cheaply
24 than profit-driven energy companies, and they can
25 shut down polluting power plants in vulnerable

1 communities. Again, win/win/win.

2 We didn't get every win we wanted in
3 this budget, and I, like my colleagues, will keep
4 fighting for a more just New York State. But in
5 the meantime, I vote aye on this budget.

6 ACTING PRESIDENT PERSAUD: Senator
7 May to be recorded in the affirmative.

8 Senator Murray to explain his vote.

9 SENATOR MURRAY: Thank you,
10 Madam President. You know, there's a saying that
11 even a broken clock is right twice a day. If you
12 stuff enough policy and garbage into a bill,
13 you're going to find a few nuggets here that
14 might be okay.

15 You know, we talk about fully
16 funding education. We should be doing that
17 anyway. That doesn't deserve a pat on the back.
18 We should be doing that.

19 We didn't make New Yorkers safer
20 with this bill, not at all. Cosmetic at best are
21 the changes there.

22 You know who else we didn't help?
23 We didn't help businesses, not at all. Help with
24 unemployment insurance? Nope, not there.

25 You know, we're turning off the

1 spigot to energy sources while we're turning up
2 the spigot, increasing the flow of people leaving
3 this state. Why? Too expensive, and it's going
4 to get worse with many of these policies.

5 We didn't get a chance in the debate
6 to touch on the minimum wage, so I'll touch a
7 little bit here. Everybody wants people to be
8 able to earn a good living. They deserve that,
9 of course. But let me clear up a couple of
10 fallacies.

11 Minimum wage is not a permanent
12 wage. Minimum wage is basically an agreement.
13 It's an entry-level. Many times it lasts as long
14 as a probationary period. It's a foot into the
15 workplace. It's an agreement between the worker
16 and the employer that I know I'm not bringing a
17 lot of skills, but if you'll give me a chance, I
18 can prove myself.

19 Okay, we'll do that, but I can't
20 afford to pay you a lot because I'm going to be
21 training as you get it. You'll get experience
22 and pay. And as it comes together, if it works
23 out, usually it ends up getting pay increases.

24 In fact we've given increases. The
25 minimum wage has increased six times in the last

1 seven years. The federal minimum wage, 7.25 an
2 hour. Here, we have different zones but,
3 generally speaking, about 15 an hour. If we go
4 by the plan here -- and again, I do appreciate
5 the effort to make sure that people are earning a
6 decent amount of money. But it is not, it is not
7 a living wage. It's not what -- they're not
8 raising their families on minimum wage.

9 The number of head-of-household
10 earners making minimum wage is a fraction of a
11 fraction. The largest segment is under the age
12 of 24, mostly teenagers, mostly part-time
13 positions.

14 We're tying it then to the inflation
15 rate after 2026. Did a little calculation. If
16 we took the CPI at just 3 percent -- which, by
17 the way, right now is 4.5 percent -- if we took
18 it at just 3 percent for the next 10 years --

19 ACTING PRESIDENT PERSAUD: Senator
20 Murray how do you vote?

21 SENATOR MURRAY: -- we'll be up to
22 \$23 an hour.

23 ACTING PRESIDENT PERSAUD: Senator
24 Murray, how do you vote?

25 SENATOR MURRAY: For that, I vote

1 no. Thank you very much.

2 ACTING PRESIDENT PERSAUD: Senator
3 Murray to be recorded in the negative.

4 Senator Martinez to explain her
5 vote.

6 SENATOR MARTINEZ: Good evening,
7 Madam President.

8 First of all, you've all heard
9 budgets are never easy, and it's very easy to
10 complain and then take credit for things later.
11 We don't always get what we want, and I know I
12 surely did not get everything I wanted.

13 But I will be voting in the
14 affirmative. As the only Suffolk County Senator
15 in the Majority, a former educator, and chair of
16 Local Government, despite our fiscal constraints,
17 I can say we delivered for Long Island's most
18 pressing issues.

19 We saw an increase in school
20 funding, we delivered Foundation Aid to those
21 schools who were still owed. We fully retained
22 local zoning in response to the Governor's
23 housing proposal. And we also prevented the MTA
24 tax from coming onto our small businesses and
25 taxpayers.

1 We also amended our bail laws once
2 again, even though my colleagues had a hard time
3 doing that and staying strong and defending those
4 that are always kept incarcerated because they
5 cannot afford to post bail and because of their
6 skin color.

7 As you heard before, the intent to
8 reform bail laws was to promote fairness and
9 reduce pretrial detentions, and to prevent
10 incarceration. This budget actually presents an
11 opportunity to change those laws again. We
12 literally gave our judges more discretion.

13 And instead of putting politics into
14 what is happening, we need to really look at what
15 the issue is at hand. And that is making sure
16 that we're providing the resources, the services
17 that are needed to keep people out of jails.

18 We need to take care of mental
19 health, our drug issues. We need to -- excuse
20 me. I get emotional during this stuff. We need
21 to enforce what we have started.

22 Also, we recognize there's a housing
23 crisis in this state. We need to make sure that
24 everything we do, one, is affordable. Two, we're
25 keeping local control. People want that. We

1 need to make sure that that stays with us.

2 Creating housing demands a
3 multifaceted approach. Zoning authority should
4 remain in their hands. Sustainable development
5 needs to keep in place. Workplace housing,
6 tenant rights also need to be protected when
7 we're discussing housing. But we also need to
8 keep the separation of government differently
9 between local and state.

10 We must recognize that the MTA
11 agency cannot be continually bailed out on the
12 backs of taxpayers and small businesses. We
13 always -- the Long Islanders are always the ones
14 who are getting hit with everything that needs to
15 be reimbursed or even funded. But as a former
16 teacher, funding our schools is of utmost
17 importance and we must continue to do so.

18 We must be cognizant that our
19 students attend public schools and private
20 schools, 4201s, 4210s, and every single child in
21 the State of New York deserves an equitable and
22 inclusive classroom. We must be providing
23 additional services --

24 ACTING PRESIDENT PERSAUD: Senator
25 Martinez, how do you vote?

1 SENATOR MARTINEZ: -- to meet the
2 social and emotional needs.

3 And I said before I vote yea.

4 ACTING PRESIDENT PERSAUD: Senator
5 Martinez to be recorded in the affirmative.

6 Senator Cleare to explain her veto.

7 SENATOR CLEARE: Thank you,
8 Madam President.

9 SENATOR CLEARE: I can't go that
10 fast. But --

11 (Laughter.)

12 SENATOR CLEARE: I have to say that
13 speaking for Harlem and Senate District 30, we do
14 not need any more charter schools of the zombie
15 variety, ghostly or supernatural.

16 (Laughter.)

17 SENATOR CLEARE: We must remember
18 that charter schools were an experiment. They
19 were not guaranteed permanency. But the damage
20 is in. My district has and continues to be
21 oversaturated with charter schools, with
22 real-world consequences, including less financial
23 support for traditional public school students,
24 decreased resources for traditional public school
25 students, less space, programs and services for

1 traditional public school students due to
2 collocations.

3 I do want to thank Leader
4 Stewart-Cousins and others in the Democratic
5 Conference for hearing my message and limiting
6 the proliferation of zombies in District 5.
7 However, I am distraught that the state will be
8 paying to locate all of these new schools. That
9 money could go to far more worthy causes:
10 After-school programs, universal school meals,
11 arts, sports, advanced learning.

12 The conclusion is really simple.
13 The time has come to repeal the 2014 law that
14 rigged the system in New York City in favor of
15 charters, to give power and oversight back to the
16 city, coupled with a redouble commitment to
17 traditional public schools.

18 There's no more important need and
19 demand than for affordable housing in my
20 district. A recent survey put rents in Manhattan
21 at a median average of \$4200 a month.

22 The budget has made some progress
23 with regard to housing. ERAP for those in
24 traditional public housing and on Section 8 are
25 positive steps. More money for NORCs is useful.

1 But overall we did not provide a new path for
2 affordable housing as a social good.

3 The precipitous outmigration from
4 Harlem by Black residents -- from New York City
5 by Black residents, as evidenced by the fact that
6 the city's Black population has declined by
7 nearly 200,000 people in the past two decades --
8 is not because they do not want to live or return
9 to their home, but because it is unaffordable to
10 do so.

11 The median household income for a
12 Black family in New York City is \$43,764 --

13 ACTING PRESIDENT PERSAUD: Senator
14 Cleare, how do you vote?

15 SENATOR CLEARE: -- a year. No one
16 can afford to live --

17 ACTING PRESIDENT PERSAUD: Senator
18 Cleare, how do you vote?

19 SENATOR CLEARE: -- and thrive
20 under those circumstances.

21 ACTING PRESIDENT PERSAUD: How do
22 you vote?

23 SENATOR CLEARE: I vote aye.

24 ACTING PRESIDENT PERSAUD: Senator
25 Cleare to be recorded in the affirmative.

1 Senator Webb to explain her vote.

2 SENATOR WEBB: Thank you,
3 Madam President.

4 I want to thank our Majority Leader,
5 Andrea Stewart-Cousins, for her leadership during
6 this very interesting budget process, and my
7 colleagues and staff for all their work on this
8 budget.

9 So I rise today, I'm going to lift
10 up specifically education. As I've shared, part
11 of my journey here revolves around education
12 advocacy. And so there have been some great wins
13 with regards to education that I'm proud to be a
14 part of voting for in this budget bill.

15 I am at the same time disappointed
16 that we are siphoning funds towards zombie
17 charter schools instead of putting more money
18 into our public schools.

19 Despite this disappointment, just
20 with our upholding our funding obligation with
21 regards to the Foundation Aid formula and for our
22 schools, in my district alone, in Senate District
23 52, this translates into \$46 million for small
24 city schools in my district.

25 We also recognize in this budget

1 bill that our students cannot learn if they go
2 hungry. And so I'm happy to see that this budget
3 bill addresses food insecurity in our schools
4 with \$134 million in expanding resources around
5 this particular issue.

6 And as I've said during the duration
7 of this process, that it is important that we
8 recognize that the decisions that we've made in
9 this budget, it needs to be recognized as a
10 continued stepping stone towards equity. Because
11 we know that we have significantly disinvested in
12 a number of resources that all New Yorkers
13 deserve, especially those who are vulnerable,
14 folks who are people of color and otherwise
15 marginalized.

16 And so again, there have been
17 several historic investments in education.
18 Higher ed is no different. As a representative
19 that has five SUNY schools in their district, I
20 was happy to see that we rejected the tuition
21 hike.

22 And so for this reason and others, I
23 will be voting aye on this bill, with a continued
24 commitment to ensuring that we put more resources
25 into programs and resources such as affordable

1 housing that includes tenant protections,
2 supporting things like good cause and other
3 investments.

4 Thank you.

5 ACTING PRESIDENT PERSAUD: Senator
6 Webb to be recorded in the affirmative.

7 Senator Borrello to explain his
8 vote.

9 SENATOR BORRELLO: Thank you,
10 Madam President.

11 Well, this bill has certainly lived
12 up to its nickname, the Big Ugly. It's really
13 big and really ugly. There's even zombies.

14 With that said, what we've seen here
15 is a shameless power grab. At the same time,
16 we've seen power being shamelessly grabbed away
17 from the people of New York State, reliable forms
18 of power in this budget.

19 We've seen a criminal justice shell
20 game to pretend that we're doing something about
21 the massive spike in crime by saying we're doing
22 something to reform bail reform. But in the end,
23 this bill is really big and does nothing to do
24 what people of New York really want. They want a
25 safer place to live, a more affordable place to

1 live. And they want to know that one day when
2 they go to flip on the light, the power's
3 actually going to come on. And this budget,
4 particularly this bill, puts that all in
5 jeopardy.

6 So I'll be voting no. Thank you.

7 ACTING PRESIDENT PERSAUD: Senator
8 Borrello to be recorded in the negative.

9 Senator Gounardes to explain his
10 vote.

11 SENATOR GOUNARDES: Thank you,
12 Madam President.

13 You know, I join my colleagues in
14 saying that this budget is a series of
15 compromises. There's a lot to celebrate and
16 there's also a lot -- a great deal to be
17 disappointed in.

18 I'm very happy that for another year
19 that we've been here in the Majority we have
20 increased funding to our SUNY and CUNY campuses.
21 We have fought back against tuition increases at
22 our public universities. I'm incredibly proud of
23 the fact that not only did we put the MTA on
24 sturdy financial footing, due in no part -- or
25 because of COVID. We've also secured commitments

1 to increased funding -- increased frequency, I
2 should say, for our mass transit rider users in
3 the five boroughs.

4 But really what I want to talk about
5 today is something that I'm incredibly proud of,
6 and that is the expansion of our child tax
7 credit. Experts agree that refundable tax
8 credits like the Empire State child tax credit
9 are a critical part of our strategy to slash
10 childhood poverty in half by 2030. When the
11 federal government expanded the child tax credit,
12 it lifted 2.9 million people out of poverty in
13 2001, cutting the poverty rate in this country in
14 half in the course of six months.

15 Ever since Congress failed to
16 reauthorize the expanded child tax credit, we
17 have now seen poverty rates increase 41 percent.
18 The United Way put out a study two weeks ago
19 saying that 50 percent of New York City residents
20 cannot make enough to put food on their table or
21 to meet their basic needs.

22 Which is why I'm so proud that
23 20 years after New York was the first state in
24 the country to adopt a state-based child tax
25 credit, we are eliminating the carveout that

1 prevented the youngest New Yorkers, children
2 under the age of four and their families, from
3 being able to claim the state child tax credit.

4 We are joining other states like
5 New Mexico, New Jersey and Vermont who have
6 recently created or expanded their own child tax
7 credits to fill the void left by the federal
8 government's inaction.

9 Our bill, this budget right now,
10 will now make the child tax credit -- expand it
11 to 27 percent more families. That is 584,000
12 households. Eight hundred thousand children --
13 800,000 children will now benefit from monies
14 being put back in the pockets of their families.

15 And I know the budget's a
16 complicated document. There's a lot we could
17 take here, a lot --

18 ACTING PRESIDENT PERSAUD: Senator
19 Gounardes, how do you vote?

20 SENATOR GOUNARDES: -- back and
21 forth. This --

22 ACTING PRESIDENT PERSAUD: How do
23 you vote, Senator Gounardes?

24 SENATOR GOUNARDES: -- put money
25 back in the pockets of families, and for that

1 reason, Madam President, I proudly vote aye.

2 Thank you.

3 ACTING PRESIDENT PERSAUD: Senator
4 Gounardes to be recorded in the affirmative.

5 Senator Mannion to explain his vote.

6 SENATOR MANNION: Thank you,
7 Madam President.

8 And I will be voting aye on this
9 budget, and thank you to Majority Leader
10 Stewart-Cousins.

11 As was stated, budgets are both
12 priorities -- but they are complicated documents.
13 And there's certainly things within this document
14 that I am philosophically opposed to. But I
15 strongly believe in the power of public
16 education, and I believe that public schools give
17 every student a chance to succeed regardless of
18 their income.

19 I believe that we have amazing
20 teachers and teaching assistants in our public
21 schools. We also have amazing coaches,
22 administrators and other staff. Public schools
23 are the bedrock of our communities. And as
24 Senator Cleare stated, the original concept of
25 creating charter schools was done with the

1 intention for them to serve as incubators and be
2 creative.

3 But unfortunately, they were
4 hijacked by the corporate world. They play by a
5 different set of rules. They cherry-pick their
6 students. They don't have the same numbers of
7 students that receive special education services
8 or English language learners. They're allowed to
9 keep additional dollars in their reserve funds.
10 They receive payments early from school
11 districts. And if they have students that are
12 disciplined and returned to those public schools,
13 the dollars don't go back with them.

14 So I look forward to working in the
15 future, including the remainder of this session,
16 in advancing legislation to try to amend those
17 differences and bring equity to the system.

18 Therefore, I oppose the expansion of
19 charter schools in any form until we make those
20 changes.

21 There are major wins in this budget
22 for public education. We're talking about, for
23 the first time ever, fully funding our Foundation
24 Aid formula and continuing the school meals
25 program, which was a huge success during the

1 pandemic, saved many families during an awful
2 crisis, and it may be the most consequential
3 thing that we've achieved in this budget.

4 I would like to move on and briefly
5 state that I was a teacher for 28 years, a
6 biology teacher. And every year I taught about
7 how it took millions of years to sequester the
8 carbon that is embedded in our fossil fuels. And
9 over the course of the last 100 to 125 years
10 we've dug that or pumped it out of the ground and
11 burned it.

12 ACTING PRESIDENT PERSAUD: Senator
13 Mannion, how do you vote?

14 SENATOR MANNION: And as a result,
15 it's impacting our climate.

16 As I stated, Madam President, I vote
17 aye. Thank you.

18 ACTING PRESIDENT PERSAUD: Senator
19 Mannion to be recorded in the affirmative.

20 Senator Rhoads to explain his vote.

21 SENATOR RHOADS: Thank you,
22 Madam President.

23 I certainly agree with Senator
24 Borrello's comments: This was a Big Ugly. I
25 wish this was only about education, because we

1 did accomplish some remarkable things.

2 However, one opportunity I think
3 that we missed is with the school lunch program.
4 We had the opportunity to provide it for every
5 student, which I think had broad bipartisan
6 support, yet we're putting schools in the
7 position now of having to determine which of the
8 four out of the five is eligible, which of the
9 one out of the five isn't. And I think that's a
10 missed chance.

11 I unfortunately can't support this
12 bill, as much as I would like to, with respect to
13 the accomplishments in education. Because I
14 agree with Senator Brouk: This bill accomplishes
15 nothing with respect to bail reform.

16 New York is an outlier. New York
17 was an outlier back in 2019 when we passed a
18 reckless and irresponsible bail reform law that
19 has made New Yorkers less safe, and demonstrably
20 so. And we are an outlier again in that this
21 Senate, this Legislature and this Governor
22 refuses to do anything to address the real
23 problems.

24 The notion that without eligibility
25 for bail you can be arrested for assault,

1 reckless endangerment, menacing, stalking,
2 possession of a weapon on school grounds, robbery
3 in the second degree. Burglary in the second
4 degree. Criminal sale of a controlled substance
5 on school grounds.

6 I could have two ounces of fentanyl
7 right now, right now, enough to take out the
8 entire population of the Capitol, and I'm not
9 eligible for bail. It's an absurdity.

10 Yes, dangerousness is subjective.
11 But the individuals who should have the
12 responsibility of making a determination as to
13 whether someone is a danger to the community or
14 not are judges. That's their job. And this bill
15 does nothing to restore that.

16 When it comes to climate change,
17 yes, we're all in favor of renewable sources of
18 energy. We should be investing in renewable
19 sources of energy. But we can't put the cart
20 before the horse that we're doing now. You can't
21 put in through mandates a transition to electric
22 power, full electric power, until we know that
23 the grid can support it.

24 The bottom line is by pushing the
25 cart before the horse, we are going to create

1 issues, we're going to create capacity --

2 ACTING PRESIDENT PERSAUD: Senator
3 Rhoads, how do you vote?

4 SENATOR RHOADS: -- and we're going
5 to cause a --

6 ACTING PRESIDENT PERSAUD: Senator
7 Rhoads, how do you vote?

8 SENATOR RHOADS: Thank you,
9 Madam President. I vote in the negative.

10 ACTING PRESIDENT PERSAUD: Senator
11 Rhoads to be recorded in the negative.

12 Senator Kennedy to explain his vote.

13 SENATOR KENNEDY: Thank you, Madam
14 President.

15 First I want to begin by thanking
16 the Majority Leader, Andrea Stewart-Cousins, for
17 her leadership and stewardship through this
18 process, our -- all of our partners in
19 government.

20 There's a lot to be proud of in this
21 budget bill, Madam President, from fully funding
22 Foundation Aid to give our children a world-class
23 education, to expanding access to childcare
24 across New York State, to protecting the
25 environment, to protecting and enhancing public

1 safety, to providing an increased minimum wage to
2 our workforce, to putting in place a record
3 investment in transportation -- be it our roads
4 and our infrastructure or our public
5 transportation in each and every community across
6 New York State, with still more work to do.

7 Or enhancing the public trust by
8 reforming the Western Region OTB board, which is
9 just the beginning of the reforms that need to
10 happen at that board. Putting the power of the
11 vote back into the hands of the people in the
12 Western New York community.

13 I'm very proud to stand on the floor
14 of the Senate here today and support this bill.
15 Again, more work to do. But this is something
16 that we can hang our hats on and be proud of.

17 With that, Madam President, I vote
18 aye.

19 ACTING PRESIDENT PERSAUD: Senator
20 Kennedy to be recorded in the affirmative.

21 Senator Fernandez to explain her
22 vote.

23 SENATOR FERNANDEZ: Thank you,
24 Madam President.

25 As has been said, democracy is a

1 compromise. That is a true belief of mine. And
2 I really want to give credit to my conference for
3 fighting so hard, so much so that we are at this
4 day, in May now, making sure that this budget is
5 passed.

6 And while I too feel dismayed about
7 some of the political battles that have been
8 brought to this budget, I cannot help but be very
9 happy about some of the good things that are in
10 here -- a lot of the good things. And a lot of
11 the good things are in relation to our children.

12 Foundation Aid, it's about time,
13 yes, that we got that money. And I'm sorry to
14 those across the aisle, but when you were in the
15 majority, you didn't put that money in for the
16 kids.

17 Same thing with feeding our
18 children. School meals for all. This is
19 monumental that children now can learn and be fed
20 and be able to learn better.

21 The child tax credit, another
22 monumental step, to make sure that families can
23 provide for their children, their baby children.

24 And universal UPK. Finally,
25 children all over the state can experience and

1 learn at the age that children in New York City
2 have been doing. And we've been seeing that
3 they're excelling because of it.

4 And when it comes to SUNY, yes, I'm
5 so happy that we fought against tuition raises,
6 because that's unfair. And even more so, we
7 helped expand the Summer at Sea program at SUNY
8 Maritime, the best, in my opinion, SUNY campus
9 that is in the 34th, the only SUNY campus in
10 New York City.

11 These are big wins. And one last
12 one to mention, protecting our kids. Because
13 unfortunately, since passing the MRTA, we've seen
14 the opening of illegal cannabis sales. And very
15 unfortunately, some of those items are getting in
16 the hands of our young kids.

17 And what we did in this bill is to
18 make sure that we're stopping that, we're
19 stopping those that are illegally selling
20 cannabis and encouraging them to be licensed, to
21 do it the right way, the way we intended with the
22 great MRTA bill.

23 So I vote in the affirmative, I vote
24 aye, because we are helping New Yorkers here. We
25 are protecting our young children, and we are

1 taking steps to make sure that New York is
2 getting better. These are steps that we have to
3 be proud of, including the minimum wage, that
4 while we didn't get there, we're close. And in
5 the 10 years that I've been around, we've only
6 had this fight twice. So I think this is a
7 really great achievement to get to this point
8 now.

9 Thank you, Madam President. I vote
10 aye.

11 ACTING PRESIDENT PERSAUD: Senator
12 Fernandez to be recorded in the affirmative.

13 Senator Weber to explain his vote.

14 SENATOR WEBER: Thank you,
15 Madam President.

16 I'd like to start off by thanking
17 the taxpayers of the State of New York for
18 everything that they do, for getting up early
19 every day, paying their taxes, and funding this
20 great government in the State of New York.

21 You know, this is my first
22 government budget year and process, and I took a
23 lot of notes throughout this process. I have to
24 say that this so-called bail reform change is
25 probably the most anticlimactic event that I've

1 seen in a long time. It's kind of like when
2 Geraldo Rivera opened up that Al Capone vault and
3 found nothing.

4 (Laughter.)

5 SENATOR WEBER: It reminded me of
6 that.

7 No dangerousness standard. A
8 revolving door for violent criminals to prey on
9 our kids and our neighborhoods. This was not a
10 serious attempt by either the Governor or by my
11 colleagues on the other side to deal with the
12 disastrous bail reform. I had hoped that it was.
13 I gave everyone the benefit of the doubt. It
14 became empty promises.

15 Dumping more unfunded mandates and
16 costs on our counties, who can't afford it, who
17 really tighten their belts all the time. A small
18 business killer, so many programs in here that
19 are just going to strangle and keep a
20 stranglehold on our businesses.

21 You know, I heard about the rush to
22 an ill-conceived all-electric-building rush. You
23 know, I heard one of my colleagues say it
24 essentially exempts New York City because it has
25 its own codes. Rockland County has its own

1 codes. Why aren't we exempt?

2 Many good things in this budget.
3 I'm the husband of a 31-year public school
4 educator. Fully funding Foundation Aid,
5 universal pre-K, free and reduced lunch -- very
6 important items. It angers me and I'm resentful
7 that this bill was poisoned by so many bad
8 policies when we could have all come to a common
9 agreement on great education things.

10 I will fight for those things till
11 the last day that I'm in this office. I have to
12 vote no because of the poisonous things that are
13 attached in this bill.

14 ACTING PRESIDENT PERSAUD: Senator
15 Weber to be recorded in the negative.

16 Senator Kavanagh to explain his
17 vote.

18 SENATOR KAVANAGH: Thank you,
19 Madam President.

20 First of all, it's been observed
21 several times that we're falling short in certain
22 ways on housing in this budget. But there are
23 key housing provisions spread through various
24 bills, including this one.

25 We are funding the Neighborhood and

1 Rural Preservation Programs, 200 organizations
2 that serve the constituents of all 63 Senators in
3 this chamber, funding that at \$25 million this
4 year -- it's a big increase from prior years --
5 because those organizations are really critical.

6 We're also adding \$22 million in new
7 money for the Rural Rental Assistance Program and
8 \$51 million for the Homeless Housing Program in
9 this budget.

10 So there is positive news. We will
11 continue to work in the 37 or so days left in the
12 session to get additional progress on housing.

13 On all-electric building. My
14 colleague just said that we can't put the cart
15 before the horse. That may be true, but we need
16 both the cart and the horse to move. We need to
17 move simultaneously on increasing generation of
18 renewable energy, improving transmission of
19 renewable energy, and the end uses of making sure
20 they are ready and able to use green, clean
21 energy.

22 The All-Electric Building Act, we've
23 worked on it for two years. It is a
24 first-in-the-nation that a state is doing this
25 statewide. But it is in other ways long overdue.

1 My colleague just mentioned New York
2 City is exempt. That is technically true, but
3 only in the sense that New York City already
4 passed this citywide, and it goes into effect in
5 New York City more than two years before this
6 bill will go into effect.

7 So this will now be statewide with
8 this bill, and it will apply throughout -- the
9 same notion that it has to be all-electric will
10 apply throughout New York State.

11 I want to thank my colleagues for
12 expressing their concerns, the fears of their
13 constituents, their questions. It's important
14 that we're in this room able to talk about the
15 details of this, and we understand that change is
16 hard. We understand this transition's going to
17 be hard and uncertain in some ways. But we're
18 doing what we need to do here.

19 And lastly, if you'll indulge me, we
20 could spend all day thanking staffers that worked
21 on this bill -- on these bills. But given that
22 we've spent two years working on the All-Electric
23 Building Act, I just want to take a moment to
24 thank Mobeen Bhatti, Tyler Del Giudice,
25 Dan Ranellone and Mike Press, Rob Habermann and

1 Dan Mosher from my office who have been working
2 on this for a very long time, and our colleagues
3 in the other chamber and the Governor's office
4 for getting this right.

5 And with that, Madam President, I
6 vote aye.

7 ACTING PRESIDENT PERSAUD: Senator
8 Kavanagh to be recorded in the affirmative.

9 Senator Stavisky to explain her
10 vote.

11 SENATOR STAVISKY: Thank you,
12 Madam President. And thank you to our Majority
13 Leader and to the staff who have been working, as
14 has been said.

15 I've been listening to complaints
16 about the process, et cetera. And I want to
17 remind you that it was Winston Churchill who said
18 democracy is the worst form of government until
19 you consider all the others.

20 I am particularly proud of this bill
21 in terms of the higher ed component. Almost as
22 long as the time I have been in the Senate, there
23 have been increases in tuition at CUNY and SUNY.
24 They had what they called a "rational tuition
25 plan." To me, it was an irrational plan because

1 it increased tuition \$200 every year. And in
2 2019, that stopped.

3 And the fact that there is no
4 tuition increase in this budget for in-state
5 students to me is a credit to everybody working
6 together. That is extremely important, because
7 students in the past have borne the burden of
8 increases. The state should be paying its fair
9 share, and it hasn't.

10 We've increased operating aid
11 substantially, phased in over a three-year
12 period. But SUNY and CUNY are receiving
13 increases in the many millions, and I'm very
14 proud of that. There's capital money for your
15 districts, and mine, for the colleges and
16 universities. And, you know, you can feel free
17 to reject it, since you're rejecting the budget,
18 but I don't think so.

19 Lastly, there has been aid for the
20 independent colleges and universities. We
21 restored the cuts. And I think the investment
22 that we make today will help students tomorrow,
23 will keep them in New York to become citizens who
24 care about government and about New York State.

25 For that reason, Madam President, I

1 vote aye.

2 ACTING PRESIDENT PERSAUD: Senator
3 Stavisky to be recorded in the affirmative.

4 Senator Martins to explain his vote.

5 SENATOR MARTINS: Thank you,
6 Madam President.

7 I'll get it out of the way early.
8 I'll be voting no on this bill. Not because
9 there are things in this budget bill that I don't
10 like. There are things I do like.

11 I like the fact that we are fully
12 funding Foundation Aid. I would much rather have
13 seen a lot of these policy items out of this bill
14 and handled -- for example, our bail reform
15 discussions handled in public protection, where
16 they belong, and not here. But here we are.

17 I do believe that this bill and this
18 policy will make the residents of my district
19 less safe. I believe that this rush to electrify
20 at all expenses immediately, without making sure
21 that we have the infrastructure in place to
22 ensure that we will have access to energy when we
23 need it most, puts our communities at risk.

24 I find it odd that we can't agree on
25 what "dangerous" means. And even though we have

1 49 other states that have a "dangerous" standard,
2 we can't agree in this chamber whether or not
3 somebody is dangerous when they're committing a
4 crime and assaulting somebody.

5 But overall, I can't support this
6 bill because it does put my communities at risk.
7 So I'll be voting no and hoping that we can work
8 together in addressing some of these issues as we
9 go forward.

10 Thank you.

11 ACTING PRESIDENT PERSAUD: Senator
12 Martins to be recorded in the negative.

13 Senator Ramos to explain her vote.

14 SENATOR RAMOS: Thank you,
15 Madam President.

16 You know, the Big Ugly is probably
17 one of the most insidious things we have as part
18 of our state budget process. I feel like it puts
19 us legislators in quite a pickle because we have
20 to figure out whether we're voting for a bill
21 that of course includes a ton of things that you
22 champion, but then they're put against items that
23 quite frankly are very hard to support.

24 So let me begin by denouncing a very
25 regressive and violent rollback of bail reform

1 that will surely result in more poor, Black and
2 brown New Yorkers sitting in jail. It's language
3 that unfortunately responds to fearmongering
4 splashed across the front page of racist rags;
5 like the New York Post, not the need for mental
6 health care or real poverty reduction.

7 I also want to denounce the
8 expansion of charter schools, which suck
9 resources from our society's most valuable public
10 institutions, our public schools. Especially
11 when right now we actually have a teacher
12 shortage and our teachers are paying for school
13 supplies out of their own pockets.

14 So with that, of course, let me
15 highlight that I'm very happy to see
16 Foundation Aid fully funded. I think that's
17 going to put us certainly on a path to a brighter
18 future for our children, along with more meals
19 for our kids. Happy to see public renewables
20 passed with full labor language, which is what we
21 wanted. And of course the expansion of the
22 working families tax credit, which I'm sure our
23 colleagues across the aisle will promote to their
24 constituencies despite not championing it as a
25 cause for them.

1 We expanded subway frequency and
2 helped secure the first-ever free bus pilot,
3 which is huge for me and my neighbors who rely on
4 public transit to move our families throughout
5 the city. And we set parameters around the
6 minimum wage.

7 I want to say -- and it's
8 unfortunate that Senator Murray stepped out --
9 there is no business worth saving if it goes
10 against the well-being of human beings. I want
11 to be very clear. If your business cannot pay a
12 living wage, you have no business being in
13 business, it is not a viable business.

14 There is no way, shape or form that
15 anybody here, especially those across the aisle
16 who derided us for voting a raise for ourselves,
17 right, and said --

18 ACTING PRESIDENT PERSAUD: Senator
19 Ramos, how do you vote?

20 SENATOR RAMOS: -- and said that we
21 would -- you know, that they would be supportive
22 of something to help their own constituents.
23 Here they are --

24 ACTING PRESIDENT PERSAUD: Senator
25 Ramos, how do you vote?

1 SENATOR RAMOS: -- not even being
2 cooperative.

3 ACTING PRESIDENT PERSAUD: Senator
4 Ramos, how do you vote?

5 SENATOR RAMOS: I will be voting in
6 the affirmative despite my disappointment, and
7 I'm thankful to the leader and the staff for
8 their work.

9 ACTING PRESIDENT PERSAUD: Senator
10 Ramos to be recorded in the affirmative.

11 Senator Comrie to explain his vote.

12 SENATOR COMRIE: Thank you,
13 Madam President.

14 I rise to continue to deride the
15 fact that we have a term "Big" and "Ugly." I
16 just can't put those two words together.

17 (Laughter.)

18 SENATOR COMRIE: Because anything
19 big is not ugly.

20 (Laughter; applause.)

21 SENATOR COMRIE: I would -- I'll be
22 brief. I want to thank first our leader, my
23 colleagues on both sides of the aisle for raising
24 cogent arguments about the future of our state.

25 I think it was unfair that we got so

1 much policy and other critical issues dropped on
2 us in a six-week period that we had to solve. We
3 have critical issues in affordable housing that
4 we have to solve. We have to figure out a way to
5 protect small property owners. We have to figure
6 out a way to come up with righteous reasons to
7 protect tenants and landlords. We couldn't do
8 that in a six-week period, understanding all of
9 the variables that happened to us.

10 I want to thank the staff on both
11 sides for putting in the hours necessary to help
12 us form the debates to make that happen. I hope
13 that we don't let this go and wait until the next
14 budget to bring back the need for housing in this
15 state. We need to, as a body, continue to raise
16 this cause so that we can make sure we build
17 affordable housing like they're doing in my
18 district.

19 If you look at Downtown Jamaica, by
20 Long Island Rail Road station, there's a ton of
21 housing going up, multifamily housing, apartment
22 housing, that is workforce available that's
23 bringing in incomes from \$30,000 and sometimes
24 homeless housing. And it's being built by
25 developers that are concerned about making sure

1 we have a program that can allow for sustained
2 development in this city and state.

3 We also got saddled with other
4 issues around zombies. My concern was that we
5 have minority and small locally based vendors
6 that were in the pipeline that got shut out by
7 the bureaucracy in this state and were never
8 allowed to sit and create a locally based charter
9 because they got elbowed out by the big guys that
10 are putting up charter schools.

11 ACTING PRESIDENT PERSAUD: Senator
12 Comrie, how do you vote?

13 SENATOR COMRIE: Is it two minutes
14 already?

15 (Laughter.)

16 ACTING PRESIDENT PERSAUD: It's
17 more than that.

18 (Laughter.)

19 ACTING PRESIDENT PERSAUD: It is
20 more. How do you vote?

21 SENATOR COMRIE: I'm sorry. I'm
22 sorry. But if we don't fix the fact that our
23 local vendors can't get a fair shot from state
24 government, we are failing as a government.

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator. How do you vote?

2 SENATOR COMRIE: I vote aye.

3 ACTING PRESIDENT PERSAUD: Senator
4 Comrie to be recorded in the affirmative.

5 Senator Brisport to explain his
6 vote.

7 SENATOR BRISPORT: Thank you,
8 Madam President.

9 In school, children are taught that
10 the founding fathers felt access to education was
11 an essential part of democracy. Black children
12 are often taught this in densely overcrowded
13 classrooms and crumbling facilities, while
14 sharing a textbook with two other students, if
15 they have textbooks at all. My students didn't.

16 In school, children are often taught
17 that the founding fathers believed in liberty and
18 that people should be considered innocent unless
19 and until proven guilty. Black children are
20 often taught this while their friends, their
21 parents or their siblings are being held behind
22 bars without being convicted of a crime. For
23 them, civil rights, like quality education and
24 the presumption of innocence, have been a promise
25 never fully realized.

1 Our Governor unfortunately has
2 decided not to work toward realizing that promise
3 but rather to actively roll back gains that have
4 been made on these civil rights. Through
5 Foundation Aid, our state was finally forced to
6 meet its obligation to equitably fund every
7 school district, but this budget will divert more
8 of that money away from public schools into new
9 charter schools that target Black communities
10 with sleek, well-funded marketing campaigns while
11 dismantling their public school systems.

12 At the same time, hard-won
13 protections for the right to the presumption of
14 innocence are being rolled back in this budget.
15 As a result, more Black people will be ripped
16 away from their families and held for years on
17 end in dangerous and inhumane conditions without
18 being convicted of a crime.

19 This is what our Governor has chosen
20 to do with her extraordinary power in this
21 process. This bill will jeopardize the
22 education, the families, and the futures of
23 Black children, and I cannot abide by that.

24 I acknowledge the hard work of our
25 leader, our conference, and staff. But I vote

1 no.

2 ACTING PRESIDENT PERSAUD: Senator
3 Brisport to be recorded in the negative.

4 Senator Ryan to explain his vote.

5 SENATOR RYAN: Thank you,
6 Madam President.

7 Sometimes the measure of a good
8 budget is what's not in the budget. I was very
9 happy to see that we took out a ban on natural
10 gas implements on existing housing. We need to
11 develop a plan in New York State for how to
12 retrofit houses. We're not there yet, but I'm
13 confident that we'll be there.

14 And I join Senator Stavisky in
15 saying I'm happy there's no SUNY and CUNY
16 increases. So two things that are out.

17 Every budget's got the bitter and
18 every budget's got the sweet. But boy, the
19 charter school increase is pretty bitter. It
20 reopens an acrimonious debate, intentionally
21 divisive, a debate we didn't need to have. But
22 it may open up to really look at charter schools
23 to look at their transparency, to look at who
24 they educate. So if we're going to reopen the
25 new zombies, let's reopen the whole look at how

1 charter schools operate in New York State.

2 But Madam Speaker, the sweet in this
3 budget is a lot. The ERAP funding -- we're not
4 leaving people hanging with old rent bills. I
5 Thank Senator Kavanagh for his tireless advocacy
6 on that. Section 8 people are going to be
7 included in there. You're going to see HOPP
8 funding coming up for people facing foreclosure.

9 Senator Kennedy's Western New York
10 OTB bill is going to root out some of the in -- I
11 wouldn't say inbred, but -- I don't know what the
12 correct word is. But boy, is corruption in the
13 Western New York OTB. We're going to take it
14 out.

15 Minimum wage indexing, you can't get
16 around the fact that that is historic, that is
17 good. And the universal school meal program. We
18 all know that hungry kids can't learn.

19 So a lot of good in this budget.
20 Some stuff that's undeniably bad. But other
21 things that open the door for future debate. So
22 I proudly vote in the affirmative,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: Senator
25 Ryan to be recorded in the affirmative.

1 Senator Hinchey to explain her vote.

2 SENATOR HINCHEY: Thank you,
3 Madam President.

4 I rise today first and foremost to
5 thank the leader, Andrea Stewart-Cousins, and the
6 incredible staff who worked so diligently to put
7 together a budget and a document that we could be
8 proud of. They held the line on so many issues
9 in so many areas, and because of that we have
10 real, tangible, life-changing things in this
11 budget that we can all bring back to our
12 constituents.

13 Not a day, really a week goes by
14 that I'm here that I'm not reminded that we are
15 dealing with decades of disinvestment and
16 underinvestment. We are standing here today,
17 myself included, upset and sad and angry because
18 we're not able to deliver all the things that we
19 want to for our constituents, for the communities
20 that sent us here to fight for them. I know
21 myself and my colleagues came here to make life
22 better for those who live in our districts, and
23 when we show up and we come back without getting
24 everything that we wanted that we promised, that
25 we've talked about, it can be really

1 disheartening.

2 But in this budget we have made
3 significant expansions building back from those
4 decades of disinvestment and underinvestment:
5 Finally committing and fulfilling our commitment
6 to funding Foundation Aid and funding our public
7 schools -- as a public school graduate, I am
8 incredibly proud to be a part of that -- to
9 expanding the child tax credit that will put
10 money back in people's pockets, to scaling
11 renewal energy projects while also protecting
12 farmland, but making sure that we can actually
13 hit our goals so that we have a planet to live on
14 for the future.

15 And something that I have been
16 really proud to champion, a significant expansion
17 of school meals. We know that our students
18 cannot learn, they cannot be successful if they
19 are concerned about where their next meal is
20 coming from, if they are hungry, if they are
21 trying to figure out social emotional behavioral
22 issues because they're hungry. These are things
23 that we have a responsibility to fix.

24 And so in this budget, while we were
25 not able to get a full and complete expansion,

1 thousands and thousands and thousands of kids
2 will now have breakfast and lunch, free breakfast
3 and lunch in their schools. And that is
4 something that we should all be tremendously
5 proud of.

6 ACTING PRESIDENT PERSAUD: Senator
7 Hinchey, how do you vote?

8 SENATOR HINCHEY: With that,
9 Madam President, I vote aye.

10 ACTING PRESIDENT PERSAUD: Thank
11 you. Senator Hinchey to be recorded in the
12 affirmative.

13 Senator Thomas to explain his vote.

14 SENATOR THOMAS: Thank you,
15 Madam President.

16 I vote in the affirmative, and these
17 are the reasons why. We are fully funding
18 Foundation Aid. Yes, this Majority did it, and
19 yes, we get to take credit for it because the
20 last majority did not.

21 We are providing more money to pre-K
22 and expanding it out in the suburbs. There are
23 no increases to tuition for SUNY and CUNY.
24 Minimum wage increases. Expansion of free
25 lunches. I know this is just a start, and we can

1 expand it even more next year.

2 More money for distressed hospitals
3 that -- like Nassau University Medical Center.
4 Empire State child care credit. We are
5 protecting the environment with so much policy
6 here and we are keeping local control of our
7 zoning.

8 Lastly, crime is complicated and
9 multifaceted. And blaming reform for all the
10 ills in the world is just disingenuous. And to
11 my colleagues from Nassau County and
12 Suffolk County, Nassau County is the safest
13 county in the United States. So quit crying wolf
14 all the time, all right?

15 But, listen, we're giving more
16 discretion to judges. And we're going to hold
17 them accountable if they're not following what we
18 are now doing.

19 So I'm voting in the affirmative
20 because this is a good budget for Long Island.

21 Long live Long Island. Thank you,
22 Madam President.

23 ACTING PRESIDENT PERSAUD: Thank
24 you. Senator Thomas to be recorded in the
25 affirmative.

1 Senator Canzoneri-Fitzpatrick to
2 close.

3 SENATOR CANZONERI-FITZPATRICK:
4 Thank you, Madam President. I want to compliment
5 you. You have been standing this entire time.

6 (Cheers, applause.)

7 SENATOR CANZONERI-FITZPATRICK: And
8 you have kept order in this chamber, so I thank
9 you for what you've done.

10 As we've heard, there are many good
11 things and a lot of bad things in this bill.
12 Housing being -- the housing proposal initially
13 proposed by the Governor being out is a good
14 thing for Long Island. I am glad that my
15 constituents and their voices were heard and that
16 that is not part of the budget today.

17 As we've said, Foundation Aid being
18 fully funded and feeding our students is
19 extremely important.

20 But there are several negatives that
21 will cause me to vote in the negative today.
22 Bail reform was not changed. There are no -- no
23 dangerous standard that was included. And our
24 communities will be less safe based on what has
25 been proposed today.

1 As a small business owner in the MTA
2 region, I will tell you that this budget does
3 nothing to relieve the burdens on small business
4 owners and does nothing to give them a tax break.

5 Most troubling, as we've heard
6 extensively, is the elimination of gas without a
7 proper plan for our electrical grid to support
8 the need. That, to me, is extremely troubling.
9 Superstorm Sandy devastated Long Island. And
10 without a proper plan to back it up, it does not
11 seem reasonable to have all of your eggs in one
12 basket and to rely solely on electricity.

13 So for those reasons I will be
14 voting in the negative. Thank you.

15 ACTING PRESIDENT PERSAUD: Senator
16 Canzoneri-Fitzpatrick in the negative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 723, those Senators voting in the
20 negative --

21 ACTING PRESIDENT PERSAUD: Senator
22 Helming to explain her vote.

23 SENATOR HELMING: Thank you,
24 Madam President.

25 I really didn't intend to stand and

1 explain my vote on this bill, but I feel the need
2 to make a couple of observations and statements.

3 There's a lot of celebrating going
4 on on this floor about fully funding the
5 Foundation Aid formula, which I think that's
6 great and that's wonderful if your schools
7 benefit from that. I have schools that don't.

8 The Foundation Aid formula is
9 broken. We have shared that information with the
10 Majority over and over and over again. I know
11 hearings were held, meetings were held, because
12 we all know that Foundation Aid formula needs to
13 be fixed.

14 I have schools like the Gananda
15 Central School District, the Foundation Aid
16 formula doesn't work for them, and they're
17 shortchanged. And their kids, their kids in that
18 school are shortchanged. So I'm not celebrating
19 that.

20 I'm also not celebrating that
21 thousands of kids will now receive school meals.
22 I'm disgusted, sickened, that we couldn't come up
23 with about \$280 million to fully fund the
24 universal school meal program. We're giving a
25 billion dollars to the MTA, we're giving millions

1 and millions to rich Hollywood producers -- but
2 we couldn't take care of our kids. That's not
3 worth celebrating, to me.

4 And when it comes to what's
5 important to the people in my district, it's
6 public safety and it's affordability, and this
7 bill and this budget falls far short.

8 I am voting no.

9 ACTING PRESIDENT PERSAUD: Senator
10 Helming to be recorded in the negative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar 723, those Senators voting in the
14 negative are Senators Ashby, Borrello, Brisport,
15 Canzoneri-Fitzpatrick, Gallivan, Gonzalez,
16 Griffo, Helming, Lanza, Martins, Mattera, Murray,
17 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
18 Rolison, Salazar, Stec, Tedisco, Walczyk, Weber
19 and Weik.

20 Ayes, 39. Nays, 24.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 Senator Gianaris.

24 SENATOR GIANARIS: Madam President,
25 at this time we're going to take a brief break

1 while we call a meeting of the Finance Committee
2 in Room 332.

3 I expect that to be a quick meeting,
4 and we'll be back on the floor very shortly. So
5 please call that meeting and stand at ease.

6 ACTING PRESIDENT PERSAUD: There
7 will be an immediate meeting of the Finance
8 Committee in Room 332.

9 The Senate will stand at ease.

10 (Whereupon, the Senate stood at ease
11 at 7:38 p.m.)

12 (Whereupon, the Senate reconvened at
13 7:53 p.m.)

14 ACTING PRESIDENT MAYER: The Senate
15 will return to order.

16 Senator Serrano.

17 SENATOR SERRANO: Thank you, Madam
18 President.

19 Can we please take up Calendar
20 Number 719.

21 ACTING PRESIDENT MAYER: The
22 Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 719, Senate Print 4008C, Budget Bill, an act to

1 amend Part PP of Chapter 54 of the Laws of 2016.

2 ACTING PRESIDENT MAYER: Senator
3 Lanza, why do you rise?

4 SENATOR LANZA: Madam President, I
5 believe there's an amendment at the desk. I
6 waive the reading of that amendment and ask that
7 you recognize Senator Helming.

8 ACTING PRESIDENT MAYER: Thank you,
9 Senator Lanza.

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

13 SENATOR LANZA: Accordingly, Madam
14 President, I appeal the ruling of the chair and
15 ask that you recognize Senator Helming to be
16 heard on the appeal.

17 ACTING PRESIDENT MAYER: The appeal
18 has been made and recognized, and Senator Helming
19 may be heard.

20 SENATOR HELMING: Thank you,
21 Madam President.

22 I rise to appeal the ruling of the
23 chair. The proposed amendment is germane to the
24 bill at hand. The bill at hand deals with
25 various labor provisions, and the amendment that

1 I have offered establishes a statutory fixed rate
2 of contribution from employers to the
3 unemployment insurance fund. And it also creates
4 a solvency fund that could draw on other state's
5 revenues, settlement dollars or unencumbered
6 federal funds.

7 This amendment would protect
8 businesses from unemployment insurance tax
9 increases resulting from pandemic-related job
10 losses. As we all know, in this budget -- and I
11 heard some of my colleagues earlier say that the
12 MTA is receiving more than a billion dollars to
13 help with their recovery from the pandemic. Yet
14 this budget fails to recognize that businesses
15 especially small businesses, continue to struggle
16 post-pandemic to get back to where they were
17 prior to COVID and prior to the state shutting
18 them down.

19 That in this budget New York State
20 is again increasing the minimum wage and that
21 such increases will impose further costs and
22 burdens on employers, hitting small and
23 family-owned businesses and our farmers the
24 hardest.

25 New York State has 33.3 billion in

1 reserves, of which, according to the Senate
2 majority's financial plan, 14.8 billion are
3 discretionary uncommitted reserves. This
4 amendment is absolutely necessary to support and
5 ensure the continued survival of many small
6 family-owned businesses and our family-owned
7 farms.

8 Specifically, the amendment I have
9 before you would use existing reserves or surplus
10 revenue to pay the unemployment insurance
11 interest assessment surcharge, which is projected
12 at \$250 million for fiscal year 2024. It would
13 use existing revenues -- use existing reserves or
14 surplus revenues to pay down part of the deficit
15 in the Unemployment Insurance Benefit fund, which
16 is approximately \$8 billion. And it would create
17 a lockbox, something we've used successfully in
18 the past, where the unemployment insurance
19 program's solvency reserve fund, into which
20 50 percent of surplus revenue would be deposited
21 to pay future interest assessment charges and
22 unemployment insurance deficits.

23 As the economy struggles and
24 inflation continues to soar, we need to help our
25 small businesses. Now, yesterday during one part

1 of the debate my colleagues across the aisle
2 indicated that it was time for New York to step
3 up and prioritize innovation in our unemployment
4 policies. I agree. And the measure that I have
5 presented does just that. It brings stability,
6 consistency, and reliability to the forefront for
7 businesses across this state.

8 I urge my colleagues to break from
9 party lines, show your support for our farmers
10 and businesses, and vote yes.

11 Madam President, I strongly urge you
12 to reconsider your ruling.

13 ACTING PRESIDENT MAYER: Thank you.
14 Senator Helming.

15 I want to remind the house the vote
16 is on the procedures of the house and the ruling
17 of the chair.

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

20 (Response of "Aye.")

21 SENATOR LANZA: Request a show of
22 hands.

23 ACTING PRESIDENT MAYER: A show of
24 hands has been requested and so ordered.

25 Announce the results.

1 THE SECRETARY: Ayes, 21.

2 ACTING PRESIDENT MAYER: The ruling
3 of the chair stands, and the bill-in-chief is
4 before the house.

5 Senator O'Mara, why are you rising?

6 SENATOR O'MARA: I have a question
7 on the bill, Madam Speaker, if -- whoever wants
8 to talk about the MTA payroll tax would like
9 to --

10 ACTING PRESIDENT MAYER: Senator
11 Krueger, do you yield?

12 SENATOR KRUEGER: I do yield.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR O'MARA: Thank you,
16 Senator.

17 There's an increase in here for the
18 MTA payroll tax that applies just to the counties
19 of New York City, correct?

20 SENATOR KRUEGER: Correct.

21 SENATOR O'MARA: Now, that -- while
22 it's a -- through you, Madam Speaker, if the
23 Senator will continue to yield.

24 ACTING PRESIDENT MAYER: Do you
25 yield?

1 SENATOR KRUEGER: Yes, I do.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR O'MARA: While it's a
5 relatively low percentage increase, 0.26 percent,
6 it's actually a 76 percent increase in that tax,
7 raising it from 0.34 to 0.6. How much is that
8 anticipated to raise?

9 SENATOR KRUEGER: Approximately 1.1
10 billion annually.

11 SENATOR O'MARA: Through you,
12 Madam Speaker, if the Senator will continue to
13 yield.

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR O'MARA: How many employees
20 are taken into account with this -- or caught up
21 in this payroll tax increase?

22 SENATOR KRUEGER: So the employees
23 do not pay the tax. The employers pay the tax.

24 My colleague is correct, the
25 calculation of what any business owes is based on

1 their -- the size of their payroll. But the cost
2 is not transferred over to the employee, it is
3 kept at the employer level.

4 Do we know how many employees, if I
5 understood correctly, how many employees are
6 employed by these companies in New York City?

7 (Conferring.) Okay. So it's been
8 explained to me that it's a relatively small
9 number of companies that make up the vast
10 majority of the employees in New York City. So
11 these are basically all very large corporations
12 with large payrolls.

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

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR O'MARA: So you don't know
22 the -- do you know the total number of companies
23 that are impacted by this increase?

24 SENATOR KRUEGER: Thank you,
25 Madam President. So in order to be hit with this

1 increase, you have to make a certain threshold of
2 money. And so it's only 5 percent of the
3 companies in New York City that will be hit with
4 this increase.

5 But I don't know the exact number of
6 companies, because -- I guess I would need to
7 know the base, how many companies are there in
8 New York City, hence what is 5 percent of them.
9 And I don't know the top part of that equation.

10 SENATOR O'MARA: I just didn't hear
11 you. Did you say 5 percent or 25 percent of
12 companies?

13 SENATOR KRUEGER: Five percent.

14 SENATOR O'MARA: Five percent.

15 SENATOR KRUEGER: Yes, sir.

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

19 ACTING PRESIDENT MAYER: Will you
20 continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR O'MARA: Senator, in Part R
25 dealing with casinos, we're changing the revenue

1 distribution from what casinos across New York
2 have been paying towards education and towards
3 local community benefit payments. What is the
4 rationale for reducing the amount going to
5 education from -- I think it was -- it's
6 typically 80 percent. It's going down to
7 50 percent, and then 50 percent going to the MTA.

8 SENATOR KRUEGER: (Conferring.) So
9 there's two different funding streams from the
10 casinos. One is obviously the licensing fees,
11 and that was not in existence for those new three
12 casinos, so we're not taking that away from
13 education. And we're not changing the formula
14 for any existing casinos; hence, also not taking
15 that away from education.

16 But there is a formula for new
17 casinos to actually pay a formula split between
18 education and the MTA. Again, these are the --
19 these are only the three casinos that would be in
20 the MTA region. And I think it would be a higher
21 share if it's a New York City casino, versus
22 another county in lower New York formula.

23 Again, we're not taking it away from
24 education because that -- these funds haven't
25 existed until these casinos are licensed and

1 operating.

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

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR O'MARA: You know, I just
11 -- it -- this change in the formula kind of
12 concerns me because, you know, when we first
13 started with gambling in this state with the
14 lottery, all the proceeds were supposed to go to
15 education, and that was the justification for
16 allowing the evils (finger quotes) of gambling in
17 the state.

18 And then we went and we authorized
19 casinos and lowered that percentage from what --
20 100 percent going to education. I think
21 80 percent is what it was, and now we're going
22 down to 50 percent. It seems to be a trend here
23 in gambling that was initially approved on all
24 the proceeds going to education, though now
25 they're being diverted to a variety of programs.

1 SENATOR KRUEGER: Yes. And when we
2 first started the lottery in New York State and
3 the decision was made for the funding to go to
4 education, I'm not sure most of us would have
5 imagined that we would open up so many additional
6 models of gambling in this state, so that in fact
7 the revenue from all these different sources of
8 gambling have dramatically increased the money
9 that is available. And so if some of it is not
10 going to education, I actually don't believe that
11 at this point in history it is a limitation on
12 what we are able to invest in our schools.

13 You know, it's always a dilemma for
14 me whenever we have these discussions, because I
15 actually don't think we should have legalized any
16 of these gambling options. I'm not a
17 pro-gambling person. But apparently we did do
18 that, and we keep doing that with new kinds of
19 gambling -- sports betting, online betting,
20 casinos, racinos, more casinos, and bigger and
21 bigger amounts in lottery.

22 So I think a very valuable question
23 and policy discussion for us to have at some
24 point is what the hell are we doing with all this
25 gambling in New York State? But at the moment,

1 we seem to have all this gambling in New York
2 State and shockingly large amounts of revenue
3 coming to us because of that.

4 So I don't believe that investing
5 some of this gambling revenue in the desperate
6 needs for the MTA is going to have any negative
7 impact on the funding for our schools.

8 SENATOR O'MARA: Thank you,
9 Senator.

10 Madam Speaker, if the Senator will
11 continue to yield.

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR KRUEGER: Yes, Madam
15 President.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR O'MARA: I really am
19 ambivalent to gambling. I have no problem with
20 it in this state. I just have concerns with what
21 seems to be a growing diversion of those proceeds
22 and those revenues away from education, when that
23 was really the basis of authorizing it in the
24 first place.

25 Can you tell me what these casino

1 licenses and separately the revenue distribution
2 from the proceeds is going to generate, in total?
3 And that will be split fifty-fifty between
4 education and the MTA.

5 SENATOR KRUEGER: So we'll take the
6 licenses first. So there are three licenses that
7 are up for RFP and bidding. My understanding is
8 the minimum bid needs to be \$500 million for a
9 license. We don't know what that top will be. I
10 hear some very large numbers being thrown around.

11 But at the time that these three
12 licenses are awarded and paid for, then the
13 formula will be -- sorry, just double-checking.

14 (Conferring.) So the licensing
15 fees, whether the new casinos are inside New York
16 City or not, 100 percent of the licensing fees go
17 to the MTA. We don't know what that total amount
18 will be. But I -- doing easy math, a minimum of
19 \$1.5 billion once, but could be significantly
20 higher.

21 And then on the formulas that I
22 described before of the ongoing casino revenue
23 split are estimated to be an estimated 450 to
24 600 million a year on an ongoing basis to the
25 MTA -- excuse me, 450 to 600 million on an

1 ongoing basis from those three casinos being
2 split between education and the MTA.

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

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR O'MARA: This next question
12 may be related to the Aid to Localities budget,
13 but it relates to MTA, if you don't mind taking
14 it up now, save us the time later since I'm on
15 the MTA.

16 And the MTA I agree in supporting.
17 It's very important. And in fact I have several
18 railcar manufacturers in my district that
19 manufacture railcars for the MTA. So it's
20 critical to New York City's economy, which is
21 critical, frankly, to New York State's economy.
22 So I get it.

23 But how much state money --

24 ACTING PRESIDENT MAYER: Are you
25 asking the Senator --

1 SENATOR O'MARA: Yes, I am.

2 ACTING PRESIDENT MAYER: Do you
3 yield?

4 SENATOR KRUEGER: Yes, I do.

5 ACTING PRESIDENT MAYER: Yes, the
6 Senator yields.

7 SENATOR O'MARA: How much lump sum
8 direct state dollars is going to the MTA in this
9 budget?

10 SENATOR KRUEGER: So adding up all
11 sources of revenue that go annually, plus the new
12 numbers that we're discussing now -- so
13 everything, kit and caboodle?

14 SENATOR O'MARA: Well, everything
15 except what we've discussed.

16 SENATOR KRUEGER: So not the PMT
17 changes and not the gambling changes --

18 SENATOR O'MARA: Not the PMT, and
19 not the gambling. Everything else.

20 SENATOR KRUEGER: So what is the
21 total amount that goes to the MTA. (Conferring.)

22 Annually, 4.4 billion. That's the
23 combination of the STOA and the one-time payment
24 that the city -- the state committed, excuse me.

25 SENATOR O'MARA: Through you,

1 Madam President, if the Senator will continue to
2 yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR O'MARA: What is that
9 one-time payment?

10 SENATOR KRUEGER: Three hundred
11 million dollars.

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

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR O'MARA: And I believe that
21 in exchange for that one-time \$300 million there
22 was a requirement that New York City kick some
23 money in too? How much was that?

24 SENATOR KRUEGER: Three hundred
25 sixty-five million dollars.

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

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KRUEGER: I do.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR O'MARA: What if any
10 cost-containment proposals or requirements are in
11 this budget? You know, we have read in the news
12 a lot about cost overruns on many of these
13 projects, and that the MTA in their projects is a
14 real significant outlier compared to other
15 transit systems in the world on what the costs of
16 these projects are.

17 So what are we putting in this
18 budget to kind of contain those costs?

19 SENATOR KRUEGER: My colleague
20 Senator Leroy Comrie, who is the chair of Public
21 Authorities apparently is rising because he would
22 love to answer that question. Is that right?

23 SENATOR COMRIE: Yes.

24 SENATOR KRUEGER: Okay. I'm
25 passing it to my good colleague.

1 SENATOR O'MARA: Sure.

2 SENATOR COMRIE: Madam President,
3 thank you.

4 Senator O'Mara is asking us what are
5 we doing to try to make sure that the MTA, which
6 has had -- been under a fiscal cloud since the
7 pandemic, when they were forced to operate their
8 trains full-time, even though there was no
9 ridership, because people wanted to make sure
10 that essential workers could get into the city --
11 and it's now one of the reasons why they're
12 facing this budget crisis -- has agreed to do
13 over \$400 million in reductions, primarily making
14 sure that they utilize new technology to reduce
15 duplication of services, to make sure that they
16 are in-sourcing subway car cleaning.

17 They're working to do \$400 million,
18 and also by reducing car cleaning, by fine-tuning
19 their maintenance schedule, by reevaluating their
20 workforce schedule, by expanding use of new
21 technology and by limiting non-revenue vehicles,
22 among other things. We'll be doing regular
23 monitoring of the MTA to ensure that they do
24 other efficiencies by their workforce. And also
25 their policy that they put together three years

1 ago in an audit where they agreed to reduce their
2 executive staff as well.

3 SENATOR O'MARA: Thank you,
4 Senator.

5 Madam President, if the Senator will
6 continue to yield.

7 ACTING PRESIDENT MAYER: Senator
8 Comrie --

9 SENATOR COMRIE: Yes, thank you.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR O'MARA: There's been
13 efforts in this Legislature in prior years to
14 require forensic audits of the MTA. You just
15 mentioned an audit -- I don't believe that was a
16 forensic audit. But why aren't we doing more
17 significant auditing of the budgets of the MTA?

18 SENATOR COMRIE: I'm sorry,
19 Senator, I hate to correct you, but that was a
20 forensic audit in 2019. There were
21 recommendations that have come from that audit
22 that the MTA has been slow to adopt. They agreed
23 to adopt more this year, such as illuminating
24 their dashboard to include more projects, to
25 ensure that their capital projects would be --

1 there would be capital projects, and that their
2 projects dealing with resiliency and especially
3 accessibility, which they face multiple lawsuits,
4 would be laid out on their capital program
5 dashboard where the public could see.

6 We've been pushing them to do more
7 detailed financial data. We've been making sure
8 that the -- also the forensic audit they've
9 agreed to be updated, since it was done in 2019.
10 That was a few years ago. And we're also working
11 to incorporate the audit into the next financial
12 plan, and we're going to continue to go after
13 them for more operating efficiencies.

14 SENATOR O'MARA: Thank you,
15 Senator.

16 Madam President, if the Senator will
17 continue to yield.

18 SENATOR COMRIE: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator continues to yield.

21 SENATOR O'MARA: Do you think it
22 would be wise to get a regularly scheduled audit,
23 say, every five years, since it's been four years
24 now? You're talking about doing one next year?

25 SENATOR COMRIE: Yes.

1 SENATOR O'MARA: And then just
2 build that in so it's automatically going to be
3 done and we don't have to fight over it every few
4 years?

5 SENATOR COMRIE: I do agree. We
6 are working towards that goal.

7 We have been talking about the need
8 for the MTA to ensure that they can show
9 transparency and trust to the public to justify
10 the monies that they're getting from the city,
11 state and federal government. That's been one of
12 my recurring themes as chair, and working with my
13 colleagues to make that happen, to make that part
14 of their understanding that as an agency they
15 have to engender trust in the public by making
16 sure that they are doing as much as they can to
17 show every dollar that's being spent -- where,
18 how, and when.

19 SENATOR O'MARA: Thank you.

20 Madam President, if the Senator will
21 continue to yield.

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR COMRIE: Yes.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR O'MARA: Senator, what is
3 specifically in this budget that is directed
4 towards cost overruns and excessive costs of
5 capital projects and looking at these projects on
6 kind of a global cost basis to figure out why the
7 MTA is paying so much more than other transit
8 agencies do for similar projects?

9 SENATOR COMRIE: They have agreed
10 to -- they have agreed to -- the MTA was the
11 first agency to work with design-build, which is
12 a bill that we passed in 2019 which is up for
13 renewal this year in both houses.

14 And we are going to add more --
15 design-build was able to reduce costs in
16 projects. An average cost of a project that was
17 \$500 million, it's been averaging \$100 million in
18 savings. Because what they did was, as opposed
19 to making a bidder blind-bid on a project, they
20 would actually open up the job so that they could
21 see all elements of a project.

22 They also make sure that they've
23 built in an MWBE component and a project labor
24 agreement, so that they would have those costs
25 built in up-front, which would also lower the

1 project costs as well.

2 They've also made sure that they've
3 maintained their MWBE component and has even
4 risen it. They have been the best MWBE agency in
5 the state for the past four years, and doing more
6 to make sure that -- they are working to raise
7 the cap for small businesses, and they're trying
8 to get the cap raised from 1 million to
9 1.5 million so that they can get more small
10 businesses to be subcontractors and learn how to
11 do the budgeting.

12 Again, I'll go back to the
13 dashboard. They're also opening up their capital
14 program dashboard, which is an online, accessible
15 program for anybody to look at, at any time, to
16 see the progress of their capital projects.

17 SENATOR O'MARA: Thank you.

18 Madam President, if the sponsor will
19 continue to yield.

20 SENATOR COMRIE: Yes.

21 ACTING PRESIDENT MAYER: Senator
22 Comrie continues to yield.

23 SENATOR O'MARA: Senator,
24 specifically with regards to length of time and
25 going over-time to complete projects, and the

1 overall costs of projects, is there anything
2 underway to benchmark MTA projects compared to
3 other transit systems to see just how far out of
4 line or how close in line that the MTA might be
5 with other systems?

6 SENATOR COMRIE: So they are in the
7 process of going to meet an international design
8 standard that we have worked on and been fighting
9 to make sure that they've acquired, to ensure
10 that there are benchmarks on projects.

11 We've also -- at the end of the
12 Third Track, they did put in a time constraint
13 and a -- a what do you call it, a -- a penalty if
14 they didn't finish a project on time. That was
15 one of the first they did. We're trying to get
16 them to do more of that.

17 But they're working on this --
18 there's an international benchmarking that has
19 been adopted by other countries all over the
20 world to make sure that projects can be done on
21 time, and we're pushing them to get to that
22 level.

23 It's been well noted, as you
24 mentioned, that the cost of working on MTA
25 projects is higher than any other municipal

1 transit system in the world. We've been bringing
2 that up to them whenever possible, trying to work
3 with the unions to lower costs. And as costs
4 have gone up because of COVID, with the supply
5 chain and other issues, we're going to continue
6 to be adjusting costs. But we're going to
7 continue to work at it. And I want to just take
8 a moment to compliment our staff, because they've
9 been laser-focused on trying to make the MTA more
10 responsible, project by project.

11 SENATOR O'MARA: Thank you,
12 Senator. Thank you, Madam President.

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

15 Senator Murray, why do you rise?

16 SENATOR MURRAY: Thank you, Madam
17 President. Would the support -- and we'll stay
18 with the same theme here, and that's the MTA
19 payroll tax. So would the sponsor rise for a few
20 questions.

21 ACTING PRESIDENT MAYER: Senator
22 Krueger, do you yield?

23 SENATOR KRUEGER: I do.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR MURRAY: Thank you very
2 much.

3 Sticking on that theme, we've
4 covered a lot of it, so it's kind of trimmed it
5 down. But I wanted to stay on the Part Q, the
6 MTA payroll tax increase that focuses on the
7 city.

8 Were there any changes to the MTA
9 payroll tax on Long Island?

10 SENATOR KRUEGER: No.

11 SENATOR MURRAY: Okay, so it's
12 just -- I'm sorry. Through you, Madam President.

13 ACTING PRESIDENT MAYER: Does the
14 Senator yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR MURRAY: Thank you.

19 Just New York City, that's where the
20 increase will be, and I believe it goes from 0.34
21 to 0.6, is that correct?

22 SENATOR KRUEGER: Correct.

23 SENATOR MURRAY: Okay. Through
24 you, Madam President, would the sponsor continue
25 to yield.

1 ACTING PRESIDENT MAYER: Do you
2 yield?

3 SENATOR KRUEGER: I do.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR MURRAY: Now, you had
7 mentioned how much that increase was proposed to
8 raise. But how much does the MTA payroll tax in
9 general, how much does that raise for the MTA?

10 SENATOR KRUEGER: One moment.

11 (Conferring.)

12 As the night goes on, we have to
13 move all the people and the numbers together.

14 You don't by chance know the answer
15 for me?

16 SENATOR MURRAY: No, I don't.

17 SENATOR KRUEGER: Okay. Well, it
18 didn't hurt to ask.

19 SENATOR MURRAY: Madam President, I
20 could ask another question while we're waiting
21 for that, if the sponsor would continue to yield.

22 SENATOR KRUEGER: Great, thank you.

23 ACTING PRESIDENT MAYER: Senator
24 Krueger, do you yield?

25 SENATOR KRUEGER: I do yield.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR MURRAY: Thank you.

4 So let's go to this. Did we -- in
5 this bill do we eliminate any congestion pricing?
6 Is that still coming?

7 SENATOR KRUEGER: Yes. This bill
8 has absolutely nothing to do with congestion
9 pricing.

10 SENATOR MURRAY: That's what I
11 thought. Okay.

12 At this point, I do have to wait for
13 the answers -- for the previous answer.

14 SENATOR KRUEGER: I have the answer
15 for the previous question.

16 The MTA anticipates receiving about
17 1.8 billion in PMT revenue in '23. And that's
18 with the added levy or before we increase? So
19 it's 1.8 billion, and we're hoping it will grow
20 another 1.1 billion, so that would bring them to
21 3 billion.

22 SENATOR MURRAY: Well, thank you
23 very much.

24 Madam President, on the bill.

25 ACTING PRESIDENT MAYER: Senator

1 Murray on the bill.

2 SENATOR MURRAY: Thank you,
3 Senator Krueger. Appreciate that.

4 So we're talking about that MTA
5 payroll tax. I heard another member in the last
6 debate use the term "crying wolf." And if that
7 doesn't describe the MTA -- every year we're
8 going off a fiscal cliff. Every year we need
9 more money to give to them so they can continue
10 to operate.

11 I heard another member mention that
12 Long Island should be happy because they didn't
13 get hit with this MTA payroll tax. But here's
14 the thing. We also didn't eliminate the MTA
15 payroll tax.

16 We're still finding new ways to
17 bring more money to the MTA, and all of it is
18 taxpayer money. And we're throwing it into --
19 again, I've said it before -- the black hole of
20 the MTA, to the tune of 4.4 billion now, as was
21 stated earlier. And that's not counting some of
22 the new things that are coming, like the increase
23 from the city, like the congestion pricing, which
24 is proposed to bring another billion dollars to
25 them.

1 So again, it seems like the same
2 old, same old. I don't look at it as a win when
3 they don't punish us more; I would like to see
4 things eliminated.

5 For example, here's what we're
6 paying right now -- when I say we, I mean the
7 taxpayers -- to the MTA: The payroll tax, we'll
8 see the increase in the city; large employers are
9 paying the payroll tax on Long Island.

10 Self-employed who are making 50,000 or more,
11 paying the payroll tax on Long Island. Local
12 governments on Long Island paying the MTA payroll
13 tax. Hospitals on Long Island paying the MTA
14 payroll tax. Community colleges still paying the
15 MTA payroll tax. In fact, Long Islanders pay
16 through state mortgage recording taxes, cellphone
17 fees, there's the urban tax, the mansion tax, the
18 corporate tax surcharge which we're adding, the
19 regional sales tax, the for-hire vehicle
20 surcharge, the internet marketplace tax, the
21 motor vehicle license and registration fee, the
22 hailed-vehicle-trips tax, and the passenger car
23 rental tax.

24 And as I said, soon to come,
25 congestion pricing for another billion and, as we

1 discussed earlier in the previous debate with
2 Senator O'Mara, more money coming from the
3 casinos.

4 The point being, they have money
5 over money over money and continue to ask for
6 more, and it comes from the taxpayers. At what
7 point do we say no?

8 We talked about the construction,
9 some of the projects through the MTA. And I very
10 much appreciated Senator Comrie's remarks
11 regarding the audits being done. Unfortunately,
12 they haven't been very responsive with those
13 audits. You remember the old -- those -- the
14 Seinfeld thing when he's talking about the rental
15 car? You know, you're good at taking the
16 reservation, but you don't hold it.

17 Well, we're good at telling them
18 what's wrong there through the audit, but they
19 don't do anything with it, and so we end up
20 giving them more money again.

21 We have to stop. At some point we
22 have to say, no, enough is enough. There has to
23 be some accountability here, because we're simply
24 not winning. It wasn't -- it isn't a win for
25 Long Islanders, for the taxpayers, for the

1 businesses, when we continue to give them more
2 money. So at some point I ask that we please say
3 enough is enough, let's get some accountability.
4 It is vital. I will admit, it's vital.

5 But as someone else brought up, take
6 a look, head down to D.C., ride their Metro.
7 That's how you do it right.

8 I go back to the projects. I think
9 it was the Second Avenue subway expansion. It
10 was estimated that's the most expensive
11 construction project ever in -- in fact, there
12 were similar expansion projects in London, Paris,
13 and Spain. Yet that project, the Second Avenue,
14 it cost more than all three of those combined.
15 If that doesn't tell you something is wrong, I
16 don't know what does.

17 So again, I'm saying no, enough.
18 Show us some accountability, show us you can do
19 it right. Treat our tax dollars like they're
20 worth something. So for now I'm saying no.

21 Thank you, Madam President.

22 ACTING PRESIDENT MAYER: Thank you,
23 Senator Murray.

24 Senator Skoufis on the bill.

25 SENATOR SKOUFIS: Thanks very much,

1 Madam President. And I will be on the bill.

2 A number of months ago the
3 Orange County IDA induced the expansion of a
4 company in Orange County called Milmar Foods. On
5 their application to the IDA they indicated that
6 they would proceed with that project whether they
7 got a dime of IDA benefits or not. Furthermore,
8 they indicated that 90 percent of the 50 jobs
9 they would create would be at an average salary
10 of \$35,000.

11 The Orange County IDA decided, in
12 their infinite wisdom, to issue 15 years of
13 property tax breaks to a project that was going
14 to happen, they admitted would happen, regardless
15 of any of inducements.

16 Several months ago another company
17 in Orange County applied for property tax breaks
18 called Royal Wine. They also got a significant
19 set of property tax breaks that on a per-job
20 basis, taxpayers induced to the tune of
21 \$580,000 -- per job.

22 Not long ago the Orange County IDA
23 voted to approve a transfer of a PILOT from a
24 medical provider to a hedge fund company in order
25 to -- and there is no other explanation -- in

1 order to boost the sale price of the building
2 that that provider was selling to the hedge fund.
3 It would be worth more if there were property tax
4 breaks associated with that sale.

5 So that leads me to Part III of this
6 budget bill. And I know we talk about a lot of
7 issues of statewide significance, and certainly
8 I'm appreciative of the large majority of what's
9 in these budget bills. But this is an enormously
10 important item for taxpayers and my constituents
11 in Orange County.

12 And to that end, I want to thank the
13 Majority Leader and a number of folks, including
14 Eric Katz and Paul McCarthy, Dan Ranellone, and
15 also, you know, the Governor and the Assembly
16 negotiators who collaborated on this final
17 product.

18 The extraordinary circumstances --
19 and I only listed a very small handful of many,
20 many, many examples where the Orange County IDA
21 has for years, if not decades, completely
22 disregarded the taxpayers of Orange County and
23 has engaged in what I call blank check economic
24 development.

25 And so because of these

1 extraordinary circumstances, Part III installs a
2 first-of-its-kind state monitor within the
3 Orange County IDA, so that someone can watch
4 every movement, every action, every financial
5 transaction like a hawk.

6 And furthermore, when there's an
7 illegal action, when there's a conflict of
8 interest and when, importantly, there is a
9 violation or a deviation from what's called the
10 UTEP, the uniform tax exemption policy, which
11 mandates that the IDA consider impacts on the
12 environment, consider return on investment,
13 consider the value of an exemption, consider
14 revenue impacts to local municipalities and
15 school districts, consider the number of jobs and
16 the salaries of those jobs and the quality of
17 those jobs. That the monitor can step in if
18 those are not considered and override actions,
19 override awards, veto decisions by the
20 Orange County IDA.

21 Over the past 11 years that I've
22 been in the State Legislature, I've had a lot of
23 battles, usually alongside taxpayers, against
24 this Orange County IDA. And we've won some of
25 those battles and we've lost some of those

1 battles. But today I'm very happy, delighted,
2 really proud to say that the taxpayers have won
3 the war.

4 I vote yes. Thank you.

5 ACTING PRESIDENT MAYER: Thank you,
6 Senator Skoufis.

7 Senator Comrie on the bill.

8 SENATOR COMRIE: Thank you, Madam
9 President.

10 I rise to congratulate the staff.
11 Since 2019, since we've been in the Majority, the
12 staff has been hyperfocused working with me, I'm
13 honored to be chair of the Corporations
14 Committee, to make the MTA more responsible.
15 We've pushed them to do their first forensic
16 audit, we've pushed them to do a capital
17 dashboard, we've pushed them to make sure that
18 they incorporated design-build, which saved
19 millions of dollars for the state. We're forcing
20 them to make sure that they do their
21 accessibility programs that they've been sued
22 about. But to do all of these things in a way
23 that the public can start to have faith in an
24 agency that used to have two sets of books.
25 We've eliminated that since we've taken the

1 Majority.

2 We're going to work more to fix the
3 MTA, because we need to make sure that we have an
4 MTA that works for all of New York State and for
5 all of the Eastern Seaboard, because New York has
6 to continue to be the economic capital for this
7 country. We can't afford to have congestion
8 coming in from all over the state to try to take
9 three hours to get into the city. We need a
10 municipal transit system that will work well for
11 all of us.

12 So I'm glad that we've had questions
13 and concerns. I'm glad that we're pushing the
14 MTA to do more. I want to thank Dan Ranellone
15 and Mobeen Bhatti and Louis and Julia and the
16 whole team, and especially our new captain, Eric
17 Katz, and all of the Finance and analysts staff
18 for making sure that we're doing more to make the
19 MTA responsible.

20 We have a ways to go. We need to
21 make sure that -- it's hard to move a bureaucracy
22 that doesn't want to move. But I'm used to
23 moving big things, and I'm here to let you
24 know --

25 (Laughter.)

1 SENATOR COMRIE: I'm using that
2 again.

3 (Laughter.)

4 SENATOR COMRIE: I'm here to let
5 you know and to let the public know, especially,
6 we're going to make the MTA be a more responsive
7 agency. We're going to make the MTA be a more
8 accessible agency. We can't afford to do any
9 less.

10 Thank you, Madam President.

11 ACTING PRESIDENT MAYER: Thank you,
12 Senator Comrie.

13 Senator Walczyk on the bill.

14 SENATOR WALCZYK: Madam President,
15 actually if the sponsor would yield for some
16 questions on Part FF, MM and OO.

17 ACTING PRESIDENT MAYER: What are
18 the subjects of your questions?

19 SENATOR WALCZYK: FF is the
20 Excelsior Linked Deposit Program, MM is
21 snowmobile registration fees, and OO is
22 agriculture in schools.

23 SENATOR KRUEGER: I need to find
24 the right people.

25 ACTING PRESIDENT MAYER: Yes.

1 Which issues would you like to start with,
2 Senator Walczyk?

3 SENATOR WALCZYK: Whoever's ready
4 to go, Madam President.

5 ACTING PRESIDENT MAYER: One
6 minute.

7 Senator Krueger.

8 SENATOR KRUEGER: Since the
9 agriculture people have gotten here, can we
10 started with that?

11 SENATOR WALCZYK: Congratulations
12 on ag being first to the punch.

13 SENATOR KRUEGER: All right.

14 SENATOR WALCZYK: On Part 00 --

15 ACTING PRESIDENT MAYER: Are you
16 asking Senator Krueger to yield?

17 SENATOR WALCZYK: Would the sponsor
18 yield for some questions.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, will you yield?

21 SENATOR KRUEGER: Yes, I will.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR WALCZYK: So in Part 00
25 we're eliminating some of the onerous

1 requirements for schools on some Buy New York
2 provisions, as I read it.

3 And we're also increasing from
4 100,000 to 150,000 in this budget the amount of
5 New York foods that they can purchase. Am I
6 reading that right?

7 SENATOR KRUEGER: That is correct.

8 SENATOR WALCZYK: Why are we
9 doing -- through you, Madam President, would the
10 sponsor continue to yield.

11 ACTING PRESIDENT MAYER: Do you
12 continue to yield?

13 SENATOR KRUEGER: Yes, I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR WALCZYK: What's the goal
17 in doing that?

18 SENATOR KRUEGER: To encourage and
19 support schools to buy more local food through
20 our agricultural system right here in New York.

21 SENATOR WALCZYK: Great. And
22 through you, Madam President, would the sponsor
23 continue to yield.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR WALCZYK: What then would
5 be the reason it's stopping at \$150,000 of
6 New York ag products?

7 SENATOR KRUEGER: We tried for
8 more, but this is as far as we got.

9 SENATOR WALCZYK: And through you,
10 Madam President, would the sponsor continue to
11 yield.

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR KRUEGER: I do.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR WALCZYK: I'm sorry to hear
18 that.

19 There was also a change in milk, a
20 slight change there, promoting New York-bought
21 milk, which I very much appreciate. Is there any
22 provision in here that will allow whole milk to
23 be purchased and delivered in our New York State
24 school system?

25 SENATOR KRUEGER: There's no

1 distinction between types of milk at all in the
2 rules.

3 SENATOR WALCZYK: And through you,
4 Madam President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR WALCZYK: In this budget
12 bill or anywhere else in the proposal that I may
13 have missed, will we allow schools to provide
14 whole milk to students in New York State?

15 SENATOR KRUEGER: Schools can make
16 their own decision about what type of milk they
17 would like to purchase and serve with their
18 meals.

19 SENATOR WALCZYK: That's great to
20 hear.

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

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR WALCZYK: We heard
4 testimony from many agencies and departments
5 throughout the budget hearing process, and I know
6 that was a couple of months ago in your memory.
7 The Department of Ag & Markets has expressed
8 interest a couple of times publicly about getting
9 involved in providing school lunches.

10 Is there any provision in this bill
11 or the New York State budget as it's been
12 presented yesterday and today that would allow
13 Ag & Markets to provide or be involved in the
14 nutrition of students across New York State?

15 SENATOR KRUEGER: No, that
16 responsibility and authority lies strictly with
17 the State Education Department.

18 SENATOR WALCZYK: Through you,
19 Madam President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT MAYER: Do you
22 continue to yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR WALCZYK: Was that
2 something that was taken off the table from this
3 house or the Executive or the Assembly?

4 SENATOR KRUEGER: Apparently that
5 was a discussion last year that was never really
6 brought up in negotiations in this year's budget.

7 SENATOR WALCZYK: I'm sorry to hear
8 that.

9 Madam President -- and thank you so
10 much for your answers. Looking for someone to
11 chat briefly about Part MM, snowmobiles, and
12 Part FF, Excelsior Linked Deposits.

13 SENATOR KRUEGER: It's not the same
14 person who does the school meals and snowmobiles?
15 They're so correlated.

16 (Laughter.)

17 SENATOR KRUEGER: We're ready for
18 snowmobiles, Madam President.

19 SENATOR WALCZYK: Well, if we took
20 these up as separate budget bills, I'm sure we
21 could -- any -- through you, Madam President, if
22 the sponsor would continue to yield.

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR WALCZYK: It's fun to have
4 so many diverse topics in one bill. This
5 certainly hasn't been the only one in front of
6 us.

7 Who's in front of us now, Part FF or
8 MM?

9 SENATOR KRUEGER: Part MM,
10 snowmobiles.

11 SENATOR WALCZYK: Excellent. So if
12 you'd continue to yield.

13 ACTING PRESIDENT MAYER: Do you
14 continue to yield?

15 SENATOR KRUEGER: Yes. I love to
16 discuss snowmobiles.

17 (Laughter.)

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR WALCZYK: The current
21 registration fee for a snowmobile, if you're not
22 a member of the association, is \$100, and this
23 budget bill is increasing that to \$125. Am I
24 reading that right?

25 SENATOR KRUEGER: One hundred and

1 thirty-five dollars, Madam President.

2 SENATOR WALCZYK: One hundred and
3 thirty-five. I'm glad I asked.

4 And through you, Madam President,
5 would the sponsor continue to yield.

6 ACTING PRESIDENT MAYER: Do you
7 yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR WALCZYK: Did I get this
12 one right, then? If you're a member of the
13 association it's \$45 and it's going to go up to
14 \$55?

15 SENATOR KRUEGER: (Conferring.) We
16 believe that it's \$35 now for members and going
17 up to \$55.

18 SENATOR WALCZYK: Through you,
19 Madam President, would the sponsor continue to
20 yield.

21 ACTING PRESIDENT MAYER: Do you
22 continue to yield?

23 SENATOR KRUEGER: Yes, Madam
24 President.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR WALCZYK: With the
3 additional revenue of something like 90,000
4 snowmobiles that are registered in the State of
5 New York, what can snowmobilers expect to get for
6 those fees that we're taking in?

7 SENATOR KRUEGER: My understanding
8 is those fees go for trail maintenance and
9 development. So I'm not a snowmobiler, but I
10 guess it means improved places you can ride your
11 snowmobile.

12 SENATOR WALCZYK: Through you,
13 Madam President, would the sponsor continue to
14 yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: I do.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR WALCZYK: Would we
21 anticipate that there would be new trails added
22 to the snowmobile trails in the State of New York
23 with this increase in fee?

24 SENATOR KRUEGER: No, the language
25 is that this is for improvements in maintenance

1 of existing trails.

2 SENATOR WALCZYK: Thank you.

3 And if I could move to Part FF, that
4 would be wonderful.

5 SENATOR KRUEGER: We'll get the
6 right people for that. Can you remind me what FF
7 is?

8 SENATOR WALCZYK: This would be the
9 Excelsior Linked Deposit Program.

10 SENATOR KRUEGER: We've got the
11 people, okay. Madam President, I'm ready.

12 SENATOR WALCZYK: Through you,
13 Madam President, if the sponsor continues to
14 yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: I do.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR WALCZYK: So under the
21 Excelsior Linked Deposit Program the current
22 maximum award is \$2 million, is that correct?

23 SENATOR KRUEGER: Yes, that is
24 correct.

25 SENATOR WALCZYK: And through you,

1 Madam President, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR KRUEGER: I do.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR WALCZYK: And the current
9 total of all awards that you can receive from the
10 program is also \$2 million, is that correct?

11 SENATOR KRUEGER: Yes, that is
12 correct.

13 SENATOR WALCZYK: Through you,
14 Madam President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR WALCZYK: In this budget
22 bill that's before us right now, the TED bill,
23 Senate Bill 4008, this increases a single award
24 from \$2 million to \$4 million, is that correct?

25 SENATOR KRUEGER: That is correct.

1 SENATOR WALCZYK: And through you,
2 Madam President, would the sponsor continue to
3 yield.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR WALCZYK: This bill also
10 increases the total of all awards from \$2 million
11 to \$6 million for any eligible recipient, is that
12 correct?

13 SENATOR KRUEGER: For lifetime
14 award purposes, yes.

15 SENATOR WALCZYK: Through you,
16 Madam President, would the sponsor continue to
17 yield.

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR WALCZYK: So many small
24 bank are able to offer these loans and small
25 businesses are able to take advantage of them.

1 Will this advantage larger banks and larger
2 businesses over the smaller ones that it's been
3 specifically targeted towards in the past?

4 SENATOR KRUEGER: (Conferring.) So
5 they have to be an economically distressed
6 building that can be -- economically distressed
7 business that can show that they couldn't get a
8 loan from another bank. So I think the answer is
9 that yes, this will still remain targeted to
10 exactly the same small distressed businesses.

11 SENATOR WALCZYK: Through you,
12 Madam President, if the sponsor would continue to
13 yield.

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR WALCZYK: Many small
20 financial institutions that are the closest to
21 the people across New York State, many of them in
22 rural areas, smaller banks and community bank
23 have taken a part in this. Will they be priced
24 out by larger banks as we increase the total
25 amount here?

1 SENATOR KRUEGER: Just so I can
2 clarify, if I might, that your question -- excuse
3 me. Through you, Madam President, if my
4 colleague would allow me to ask him to clarify
5 the question. Is that all right?

6 SENATOR WALCZYK: Yeah, I'll yield.

7 SENATOR KRUEGER: Okay. So the
8 question I think relates to because somehow
9 there's some additional money that's available,
10 that larger banks who wouldn't have been
11 interested in the past would now be interested
12 and somehow be preventing our smaller community
13 and local banks from participating as they have.
14 Is that the concern?

15 SENATOR WALCZYK: That's the
16 concern.

17 SENATOR KRUEGER: Okay.

18 (Conferring.)

19 So there's nothing that stops the
20 concept of competition amongst the banks. But
21 given that this is still the same standards for
22 any individual loan, and a relatively small
23 lifetime pot for any given project, we don't
24 think that the bigger banks are actually going to
25 be rushing to get involved in this business.

1 SENATOR WALCZYK: Thank you to the
2 sponsor. And thank you, Madam President.

3 ACTING PRESIDENT MAYER: Thank you,
4 Senator Walczyk.

5 Are there any other Senators wishing
6 to be heard?

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

9 Read the last section.

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

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Senator
16 Krueger to explain her vote.

17 SENATOR KRUEGER: Thank you,
18 Madam President.

19 So just to highlight some of the
20 concerns that were raised around the MTA, I think
21 my colleague Senator Comrie explained very
22 carefully why we are doing a great deal to try to
23 increase accountability, and that we have already
24 worked closely with the MTA to ensure any number
25 of improvements are made going forward.

1 But just to say it out loud because
2 I need to. Yes, the taxpayers have to pay to
3 help the MTA because, frankly, New York City and
4 the 12-county region of the State of New York
5 wouldn't exist without a functioning MTA public
6 transportation system.

7 And it is more important going
8 forward than ever before because of the climate
9 issues and the necessity of decreasing the damage
10 to our climate that is caused by cars and other
11 vehicles, and the importance of switching to
12 trains and buses and subways.

13 And in fact when you actually
14 evaluate the cost per mile of using the MTA, it's
15 lower-cost than any other public transportation
16 system in the country. And it's actually, with
17 the investment that we're making this year, going
18 to be more stable than any other public
19 transportation system in the country.

20 Other transportation systems during
21 COVID actually shut down for months. They shut
22 down night service. We are talking about, with
23 this budget, ensuring that they increase service,
24 that they speed up -- bless you -- that they
25 speed up the amount -- the time -- or they

1 decrease the wait time by speeding up the amount
2 of time in between trains and buses, which will
3 be a huge victory.

4 And with no disrespect for my
5 colleagues from Long Island who raised issues,
6 I'm fine if they want to take over their own
7 trains and buses. I don't think it's
8 economically a really good idea. They raised
9 this during the one-house budget also. But in
10 fact New York City subsidizes half the cost of
11 every train ride on the Long Island Rail Road. I
12 think New York City would be okay not doing that,
13 but I'm not sure the people of Long Island would
14 be happy with it.

15 And we spent \$12 billion to expand
16 East Side access to come into my district. It's
17 not actually good for my district; it's very good
18 for the people of Long Island. And we built the
19 Third Rail. And we continue to ensure that we
20 are making major investments in mass transit not
21 just in the City of New York, but throughout the
22 region, because we do recognize that the future
23 of the region -- and I would argue the future of
24 the State of New York -- is dependent on making
25 sure we have a strong mass transit system.

1 So we also make investments in
2 upstate transit as well in this budget -- and
3 thank you, Tim Kennedy, chair of Transportation,
4 for being such a strong partner and advocate for
5 mass transit throughout the State of New York, as
6 well as recognizing the importance of the MTA.

7 So I'm a little confused when I keep
8 hearing everyone say, Why do we keep having to
9 help take care of the MTA? Because we wouldn't
10 be the great State of New York if we didn't have
11 a functioning MTA and if we didn't make sure that
12 it was there for everyone.

13 And so I proudly do vote yes for
14 this budget bill specifically because of the
15 commitment we are making to the future of mass
16 transit in this state, because it affects and
17 helps everyone.

18 Thank you very much, Madam
19 President.

20 ACTING PRESIDENT MAYER: Senator
21 Krueger to be recorded in the affirmative.

22 Senator May to explain her vote.

23 SENATOR MAY: Thank you,
24 Madam President.

25 I'd like to shout out two items in

1 this bill. The first is Part DDD, the New York
2 Youth Jobs Connector Program, which will support
3 boys and girls clubs and other youth and employer
4 organizations to provide job skills training,
5 career counseling, job placement, and other
6 support for at-risk youth from ages 16 to 24.

7 In the cities that I represent,
8 programs like this, together with creative
9 efforts like Senator Bailey's youth sports
10 funding -- and our conference's strong advocacy
11 for upstate arts, recreation and culture -- will
12 go farther toward addressing the root causes of
13 crime than any efforts to lock more people up
14 without trial just because they don't have bail.

15 Part OO in this bill, which will
16 make it easier for schools to source their food
17 and milk from New York State farms, is another
18 one I want to shout out, because it will help
19 give our children healthier meals and our farmers
20 more business.

21 I have the unusual honor to chair
22 both the Cities 2 Committee, which concerns
23 itself with cities other than New York City, and
24 the Commission on Rural Resources. This item is
25 one of the ways we are standing up in this budget

1 to connect our rural and urban interests for the
2 benefit of all New Yorkers.

3 I vote aye. Thank you.

4 ACTING PRESIDENT MAYER: Senator
5 May to be recorded in the affirmative.

6 Senator Martinez to explain her
7 vote.

8 SENATOR MARTINEZ: Thank you,
9 Madam President.

10 We sure have heard Long Island this
11 evening. But I would like to thank
12 Leader Stewart-Cousins and the Governor for
13 understanding the needs of Suffolk County and its
14 concerns to protect our sole aquifer and the lack
15 of sewer infrastructure. I heard from elected
16 officials, advocates, community organizations,
17 businesses, union leaders and residents for the
18 need to implement a long-term plan to address
19 this issue.

20 In this budget we included the
21 Suffolk County Water Quality Act, which will give
22 voters this November the opportunity to create a
23 local funding match through a referendum, which
24 then can be leveraged to secure additional state
25 and federal funding.

1 The Suffolk County Clean Water Plan
2 will give us a chance to reverse the impact of
3 nitrogen loading, which is critically needed for
4 the infrastructure that we have, and this
5 investment will lift up businesses, community
6 services and residents, and will protect our
7 drinking water and waterways from pollution
8 resulting from untreated sewage.

9 I hope my Suffolk County colleagues
10 vote in the affirmative for this measure.

11 As I mentioned earlier, though no
12 increase in the MTA tax on Long Island, and
13 businesses, I agree with my colleague on the
14 other side when he said we need to stop bailing
15 out the MTA due to their financial woes. There
16 needs to be greater accountability -- which
17 Senator Comrie, thank you for that. And I also
18 implore my colleagues on Long Island to jump on
19 my bill which will repeal the MTA tax once and
20 for all, and to also give the MTA accountability.

21 I vote in the affirmative.

22 ACTING PRESIDENT MAYER: Thank you.

23 Senator Martinez to be recorded in
24 the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 719, those Senators voting in the
3 negative are Senators Ashby, Borrello,
4 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
5 Lanza, Martins, Mattera, Murray, Oberacker,
6 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
7 Tedisco, Walczyk, Weber and Weik.

8 Ayes, 42. Nays, 21.

9 ACTING PRESIDENT MAYER: The bill
10 is passed.

11 Senator Gianaris.

12 ENATOR GIANARIS: Can we next move
13 to Calendar 721, please, Madam President.

14 ACTING PRESIDENT MAYER: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 721, Senate Print 4003D, Budget Bill, an act
18 making appropriations for the support of
19 government.

20 ACTING PRESIDENT MAYER: Senator
21 Ashby, why do you rise?

22 SENATOR ASHBY: Thank you,
23 Madam President. Will the sponsor yield
24 regarding questions on Dwyer funding?

25 ACTING PRESIDENT MAYER: Senator

1 Ashby, that's on Dwyer funding?

2 SENATOR ASHBY: Yes.

3 ACTING PRESIDENT MAYER: Senator
4 Krueger?

5 SENATOR KRUEGER: I guess I will be
6 answering questions on this section, yes.

7 SENATOR ASHBY: Thank you,
8 Senator Krueger.

9 I was happy to see that the funds
10 had been decoupled by the counties, but I'm
11 wondering why we're not seeing an increase.

12 SENATOR KRUEGER: (Conferring.) So
13 this is the second year of an expansion. We were
14 moving from 27 counties to 57 counties, is that
15 correct? So there wasn't any opportunity for an
16 increase of funds in this two-year deal during
17 this budget.

18 SENATOR ASHBY: Would the sponsor
19 continue to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR KRUEGER: I do.

23 ACTING PRESIDENT MAYER: The
24 sponsor yields.

25 SENATOR ASHBY: Why was there no

1 opportunity?

2 SENATOR KRUEGER: Because
3 apparently the Governor wasn't open to expanding.

4 SENATOR ASHBY: Will the sponsor
5 continue to yield.

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR ASHBY: Was the Senate
12 willing to?

13 SENATOR KRUEGER: The Senate --

14 SENATOR ASHBY: Was the Senate
15 willing to expand it?

16 SENATOR KRUEGER: It did not
17 successfully move to the bill from the ask list,
18 as did many of our asks, not actually -- just --
19 English. I apologize. I clearly need to get a
20 little caffeine.

21 We made many asks, we had many hopes
22 and dreams for expansion, and this is one of the
23 ones that did not make it.

24 SENATOR ASHBY: Will the sponsor
25 yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR ASHBY: Regarding an
7 allocation to the University at Albany School of
8 Social Welfare, could you explain the purpose for
9 that? When I see that Albany County is
10 already -- already receiving an allocation.

11 SENATOR KRUEGER: At the moment all
12 we know is that the University of Albany's
13 Department of Social Work has some sort of
14 systemwide responsibility for the Dwyer programs,
15 but I don't know what that specifically is.

16 SENATOR ASHBY: Will the sponsor
17 yield?

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR ASHBY: Does this provide
24 the opportunity for other institutions in other
25 counties to be allocated funding?

1 SENATOR KRUEGER: To my
2 understanding, this program serves all of the
3 programs. So it's not unique for Albany County.

4 So Albany County Dwyer has X amount,
5 and then the School of Social Work has a specific
6 role not just for Albany but for the entire
7 state.

8 SENATOR ASHBY: Will the sponsor
9 yield?

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR KRUEGER: I do.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR ASHBY: I understand that.

16 But if one educational institution
17 has the opportunity to do that, wouldn't this
18 suggest that other institutions could be brought
19 in on this?

20 SENATOR KRUEGER: Madam President,
21 I unfortunately don't know what specifically the
22 role of Albany Social Work School is.

23 But I guess I would argue not
24 necessarily. If you have one institution who is
25 successfully doing something needed by

1 57 counties, I don't know why you would choose to
2 use more monies for a more administrative role
3 with more institutions.

4 So it's an interesting question, and
5 perhaps if I understood more about how this
6 program works we could have a debate about how --
7 the best use of the money. But no, I don't
8 believe that automatically we should imagine
9 multiple institutions playing a role that may be
10 perfectly well-suited for one institution.

11 SENATOR ASHBY: Madam President, on
12 the bill.

13 ACTING PRESIDENT MAYER: Senator
14 Ashby on the bill.

15 SENATOR ASHBY: I appreciate the
16 response of the sponsor and the fact that we have
17 been able to decouple funding here. But I
18 disagree, when we know that this program has been
19 enormously successful.

20 And now we are suggesting that
21 because one educational institution is doing its
22 part and doing a fine job in doing so, that
23 others would be excluded from doing so. I think
24 that -- I don't agree with that philosophy at
25 all. Especially considering that the men and

1 women benefiting from this have risked their
2 lives for us to be here, every single one of us
3 in this body, I would think that we'd have a more
4 open approach to that.

5 And as a whole, when we look at how
6 the new state agency is being funded, although
7 separate from Dwyer -- just to put some
8 perspective in this, \$30 million total funding
9 for this new state agency. New Jersey has three
10 times the funding and roughly half the veterans.
11 Ohio, two times the funding, roughly the same
12 number of veterans. Massachusetts, three times
13 the funding, less than half the number of
14 veterans we have in New York State.

15 I would hope that we could consider
16 to be a little more generous to the men and women
17 that are still serving our country, risking their
18 lives each day.

19 Thank you, Madam President.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator Ashby.

22 Senator Rhoads, why do you rise?

23 SENATOR RHOADS: Thank you,
24 Madam President.

25 Will the sponsor yield to a question

1 with regard to local government assistance first.

2 ACTING PRESIDENT MAYER: Senator
3 Krueger, do you yield?

4 SENATOR KRUEGER: I do.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR RHOADS: Thank you,
8 Madam President. Through you.

9 Senator Krueger, the bill includes
10 funding in the amount of \$2 million for the
11 North Shore Water Authority, is that correct?

12 SENATOR KRUEGER: Yes.

13 SENATOR RHOADS: Incidentally -- if
14 the sponsor will yield to another question.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: I do.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR RHOADS: The North Shore
21 Water Authority and the South Shore Water
22 Authority were both created in 2021, is that
23 correct?

24 SENATOR KRUEGER: Yes.

25 SENATOR RHOADS: And if the sponsor

1 will yield to another question.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR KRUEGER: I do.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR RHOADS: The purpose of the
8 North and South Shore Water Authorities were to
9 investigate whether a public takeover of a
10 private water company -- in fact, the same
11 private water company for both the North Shore
12 and South Shore Water Authorities -- would be
13 feasible, and to engage in negotiations with that
14 entity to accomplish that objective. Is that
15 accurate?

16 SENATOR KRUEGER: Yes, it is.

17 SENATOR RHOADS: Will the sponsor
18 yield to another question?

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR KRUEGER: I do.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR RHOADS: Thank you.

25 Through you, Madam President. At

1 the time the North Shore Water Authority was
2 provided with \$1 million in funding for that
3 purpose, but the South Shore Water Authority was
4 not. Are you aware of a reason for that?

5 SENATOR KRUEGER: My understanding
6 is at the time we tried to get the South Shore
7 Water Authority the same amount of funding, but
8 the Governor vetoed that.

9 SENATOR RHOADS: If the sponsor
10 will yield to another question.

11 ACTING PRESIDENT MAYER: Do you
12 continue to yield?

13 SENATOR KRUEGER: I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR RHOADS: I know you're
17 probably referring to the bill that was passed
18 last year. That's right?

19 SENATOR KRUEGER: Yes.

20 SENATOR RHOADS: Which was approved
21 by both houses and vetoed by the Governor.

22 Do you recall the reason why that
23 was vetoed by the Governor?

24 SENATOR KRUEGER: The Governor said
25 in her veto message that this was an issue that

1 should be discussed in the context of the budget.

2 SENATOR RHOADS: Thank you.

3 Will the sponsor yield to another
4 question.

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR RHOADS: I had introduced
11 bill S5173 to equalize the funding with the
12 North Shore and South Shore Water Authority, in
13 an attempt to pass essentially the same bill that
14 was passed by this house and the Assembly, and
15 sent letters to the Governor and to Andrea
16 Stewart-Cousins, our Temporary President, as well
17 as to Speaker Heastie, to try and get that
18 included in this year's budget negotiations,
19 based on the Governor's message.

20 Was this the subject of any
21 negotiations to equalize the funding between the
22 North Shore and South Shore Water Authorities?

23 SENATOR KRUEGER: (Conferring.) So
24 no, apparently that never successfully moved
25 forward because of the belief that the Governor

1 had that she did not wish to expand this --
2 excuse me, expand this money to both authorities.
3 I can't speak for her, so I don't know.

4 And I certainly can't speak to your
5 request for a specific bill of all the leaders.
6 I'm not privy to that either, I'm sorry.

7 SENATOR RHOADS: Thank you,
8 Senator Krueger.

9 Will the sponsor yield to another
10 question.

11 ACTING PRESIDENT MAYER: Do you
12 continue to yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR RHOADS: Did the -- did the
17 Governor -- so it's my understanding, based on
18 what you just said, that it was the Governor
19 specifically that decided to exclude funding from
20 the South Shore Water Authority?

21 SENATOR KRUEGER: (Conferring.)
22 All I actually know is that we did get the one
23 shot for North Shore out of this, but that was
24 the end of that story, as far as I know.

25 SENATOR RHOADS: If the sponsor

1 will yield to another question.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR RHOADS: Thank you.

8 Are you aware of any rationale for
9 why the North Shore Water Authority and the
10 South Shore Water Authority are being treated
11 differently, when they're both to accomplish the
12 same objective?

13 SENATOR KRUEGER: The only answer I
14 can offer apparently is that there was an
15 existing funding stream for the North Shore
16 Authority and that existing funding stream did
17 not exist for the South Shore, and there seems
18 not to have been a real interest in changing that
19 story and creating one for South Shore.

20 SENATOR RHOADS: Will the sponsor
21 yield to another question.

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR KRUEGER: I do.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR RHOADS: There was
3 certainly an interest on my part, which I voiced
4 that concern. And there are other Senators here
5 who share portions of that -- of that district.

6 Is there a path forward at this
7 point for funding for a South Shore Water
8 Authority -- South Nassau Water Authority?

9 SENATOR KRUEGER: Realistically,
10 probably not until a discussion of next year's
11 budget starts and moves forward.

12 I mean, I suppose a bill that's
13 already been vetoed once could be passed again,
14 but likely would face a veto again.

15 SENATOR RHOADS: But -- will the
16 sponsor yield to another question.

17 ACTING PRESIDENT MAYER: Will you
18 continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR RHOADS: So the bill would
23 likely be vetoed again because it's existing
24 outside the budget, but the Governor has refused
25 to put it in the budget. I see a catch-22 here.

1 SENATOR KRUEGER: I want to be
2 careful of -- I don't know that someone actually
3 refused, but it did not seem to be brought to the
4 table for a discussion or approval. So I just
5 don't want to misspeak that I know for a fact the
6 Governor refused something, as opposed to it
7 never rose to the level where she and her people
8 brought it to the table.

9 SENATOR RHOADS: Will the sponsor
10 yield.

11 ACTING PRESIDENT MAYER: Do you
12 continue to yield?

13 SENATOR KRUEGER: I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR RHOADS: Do we know if we
17 brought it to the table, in terms of the Senate?

18 SENATOR KRUEGER: No, we did not
19 either.

20 SENATOR RHOADS: I'm sorry, I
21 missed that. I apologize.

22 SENATOR KRUEGER: I said no, we did
23 not either.

24 SENATOR RHOADS: Will the sponsor
25 yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR KRUEGER: I do.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR RHOADS: Do we even know if
7 the request was received? I know I sent it. I
8 know I sent the request. Do we know whether that
9 request was ever received?

10 SENATOR KRUEGER: Okay.
11 (Conferring.) I'm receiving a note saying that
12 South Shore did not receive funding because the
13 Town of Hempstead did not want it.

14 SENATOR RHOADS: -- but it's really
15 not a question. I don't believe that that's the
16 case. But we'll take --

17 SENATOR KRUEGER: I don't know.
18 I'm just being handed a note, and I'm sharing the
19 information that I have.

20 SENATOR RHOADS: I appreciate that.
21 If we can move on to the topic of
22 Medicaid. Different people.

23 SENATOR KRUEGER: Through you,
24 Madam President, I'm happy to engage with new
25 questions.

1 SENATOR RHOADS: All set?

2 SENATOR KRUEGER: Yes.

3 SENATOR RHOADS: Okay. If the
4 sponsor will yield to a question.

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR KRUEGER: I do.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR RHOADS: And through you,
11 Madam President. Senator Krueger, can you
12 describe how the cost of Medicaid is split
13 between the federal government and the states?

14 SENATOR KRUEGER: I'm so sorry, I'm
15 having a little trouble hearing. How the what is
16 split?

17 SENATOR RHOADS: How the cost of
18 Medicaid is split between the federal government
19 and the state.

20 SENATOR KRUEGER: That's not a
21 simple question because it depends on what
22 Medicaid is paying for. So it ranges quite a bit
23 as to what percentage of Medicaid is federal
24 versus state versus local, depending on the
25 category within Medicaid both for services and

1 for the population.

2 So I don't know if I can even pull
3 out a chart fast enough. So it's not one answer.

4 SENATOR RHOADS: Fair enough. Will
5 the sponsor yield to another question.

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 sponsor yields.

9 SENATOR RHOADS: Senator Krueger --
10 through you, Madam President -- does New York
11 State shift any portion of its Medicaid
12 responsibilities to the 62 counties in the State
13 of New York?

14 SENATOR KRUEGER: The short answer
15 is yes.

16 SENATOR RHOADS: Will the sponsor
17 yield to another question.

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR RHOADS: And do we know by
24 percentage of Medicaid costs what portion of the
25 Medicaid costs that would normally be incurred by

1 the state are shifted to the counties?

2 SENATOR KRUEGER: (Conferring.) We
3 believe that the only change that took place was
4 that a specific program we know as FMAP -- excuse
5 me, eFMAP, which was a supplement from the
6 federal government, that the cost ratio was
7 changing so that 75 percent of that money would
8 continue to go to the counties instead of
9 100 percent of the money from that specific
10 supplemental program.

11 (Conferring.) Let me try again.
12 The eFMAP program, the state was keeping
13 20 percent of the funds and 80 percent were going
14 to the counties. And under the new arrangement,
15 the state will keep 25 percent of the funds and
16 75 percent will go to the counties.

17 SENATOR RHOADS: Will the sponsor
18 yield?

19 SENATOR KRUEGER: Yes, I will.

20 ACTING PRESIDENT MAYER: The
21 sponsor yields? Yes the, sponsor yields.

22 SENATOR RHOADS: Thank you so much.

23 And through you, Madam President.

24 The initial question, I believe the response was
25 that counties in the State of New York pay about

1 18 percent of the total Medicaid bill. In fact,
2 the money that is paid by the counties, that
3 18 percent, is larger in total dollar value, at
4 \$7.6 billion than the counties pay in any other
5 state in the 49 other states in the
6 United States, combined. So it's 18 percent that
7 we shift.

8 With respect to the eFMAP, however,
9 what was the rationale behind changing the amount
10 that we actually reimburse the counties for the
11 eFMAP program?

12 SENATOR KRUEGER: So there wasn't
13 necessarily any rationale. It was just the
14 Governor announcing that through executive
15 action, she would be changing the formula of how
16 much was being passed on to the counties.

17 SENATOR RHOADS: Will the sponsor
18 yield to another question?

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR RHOADS: Thank you,
25 Senator Krueger.

1 Through you, Madam President. So
2 this was purely an administrative decision?

3 SENATOR KRUEGER: Yes.

4 SENATOR RHOADS: If the sponsor
5 would yield.

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR RHOADS: But it's an
12 administrative decision that is now being
13 codified as part of the budget, as a three-year
14 phase-out of the commitment of the pass-through
15 of federal monies for the expansion of the eFMAP
16 program, is that correct?

17 SENATOR KRUEGER: No, it is still
18 an administrative decision. It is not actually
19 in the budget. So the proposal as we understand
20 it made by the Governor is still within her
21 administrative authority. And so there's no
22 language in these budget bills that talk about
23 this.

24 SENATOR RHOADS: Okay. If the
25 sponsor will yield to another question.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR KRUEGER: Of course.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR RHOADS: However, the
7 Senate does have some role in affirming this, in
8 the sense that even as an administrative
9 decision, the revenue that's being generated by
10 withholding the money to the counties that would
11 typically be paid as part of the eFMAP program,
12 is included within our revenue sources, is it
13 not?

14 SENATOR KRUEGER: (Conferring.) It
15 is, through the overall financial plan of the
16 Governor, yes. But there is no legislative vote
17 per se on this administrative change because it
18 is not being put into the budget.

19 We did strongly object, which is why
20 the outcome is a much smaller reduction to the
21 counties than the original Executive proposal.
22 So we did use our voice as advocates per se.

23 But it's not actually within the
24 budget.

25 SENATOR RHOADS: Will the sponsor

1 yield to another question.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR RHOADS: Thank you,
8 Senator Krueger.

9 And through you, Madam President.
10 Whether it was a one-year withdrawal of those
11 funds or a three-year phaseout -- because my
12 understanding is that the Aid to Municipalities,
13 the aid to the counties for eFMAP will be reduced
14 by 25 percent in fiscal year 2024, will be
15 reduced by 50 percent in fiscal year 2025, and
16 will be reduced by 100 percent in fiscal year
17 2026.

18 Is that correct? Whether it's one
19 year or three years, counties will no longer be
20 receiving the funds that the federal government
21 intended for them.

22 SENATOR KRUEGER: Because it's not
23 part of the budget, it's not necessarily shut
24 down as a discussion. As we all know, very often
25 Governors project what they will do in outyears

1 and then those storylines change a year later.

2 So while there's nothing in this
3 budget document that establishes this formula
4 this year or any outyears, we are still not
5 giving up on the fight to not have these monies
6 taken away from the counties in future years.

7 SENATOR RHOADS: Will the sponsor
8 yield to another question.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR RHOADS: Thank you.

15 And through you, Madam President.
16 Whether this is included as part of the budget or
17 not -- and it's certainly referenced in the
18 budget documents, the impact on individual
19 counties is still felt nonetheless. Wouldn't you
20 agree, Senator Krueger?

21 SENATOR KRUEGER: Yes, since they
22 are being -- since they are, excuse me, losing
23 5 percent of what they got in this year,
24 obviously that will be felt by individual
25 counties.

1 And while you referenced 18 percent,
2 I don't -- I think that's an average. The
3 storyline is actually different in different
4 counties. And my understanding is the storyline
5 of the amounts are also -- vary by different
6 counties, because I guess there's been
7 adjustments going on even in previous years
8 around these funds.

9 So it's not one straight number or
10 percentage in each county.

11 SENATOR RHOADS: Will the sponsor
12 yield to another question.

13 ACTING PRESIDENT MAYER: Do you
14 continue to yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR RHOADS: Well, actually
19 it's not a 5 percent loss, it's a 25 percent loss
20 this year. In other words, the money that was
21 going to municipalities, 25 percent of the full
22 allotment to those counties is being held back
23 this year -- 50 percent next year, and
24 100 percent in 2026, at least according to what's
25 in the budget.

1 SENATOR KRUEGER: (Conferring.)
2 I'm still not sure, once the reconciliation is
3 completed, what the exact percentage for this
4 coming year of reduction will be. And it may in
5 fact vary by county based on monies owed or not
6 owed or spent or not spent from previous years.

7 SENATOR RHOADS: Will the sponsor
8 continue to yield for another question.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR KRUEGER: Yes, I do.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR RHOADS: Thank you,
15 Senator Krueger.

16 Through you, Madam President.
17 According to the New York State Association of
18 Counties, however, New York State hasn't made a
19 reconciliation payment since 2017. So that
20 reconciliation is completely separate and apart
21 from the money that they're supposed to be
22 receiving through the federal government -- from
23 the federal government as a pass-through, going
24 directly to counties.

25 SENATOR KRUEGER: So you're right

1 that there hasn't been a reconciliation since the
2 program started in -- excuse me. So not 2017,
3 but for three years. So we are working with DOB
4 to try to get a full accounting and
5 reconciliation. We believe that that will result
6 in a lesser reduction in this coming year for the
7 counties. Because many but not all of them are
8 owed money by the state, so this should actually
9 help make this reduction less for now.

10 SENATOR RHOADS: Will the sponsor
11 yield to another question.

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR KRUEGER: I will do my
15 best.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR RHOADS: So paying the
19 counties the monies that they're already owed in
20 a reconciliation will not make up for the fact
21 that moving forward, counties will be losing
22 money as a result of the phaseout of the federal
23 pass-through.

24 SENATOR KRUEGER: You're correct.
25 But since the starting point was she wanted to

1 take all of the savings, we actually think that
2 this is a major improvement over the original
3 proposal by the Executive.

4 SENATOR RHOADS: Will the sponsor
5 yield to another question.

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR RHOADS: But a deal that's
12 half as bad is still half as bad.

13 So did we have any role to play in
14 formulating this three-year phaseout or not?
15 Because we're being told that this was an
16 administrative decision by the Governor and that
17 it's not included as part of the budget, yet we
18 negotiated the three-year phaseout, as opposed to
19 the immediate phaseout, and it appears in the
20 budget documents.

21 So do we have a role to play in this
22 or not?

23 SENATOR KRUEGER: We brought it to
24 the table to negotiate to help the counties, even
25 though it was not part of the budget. So we

1 thought that this was critical enough that we
2 added it to our fight, so to speak, on behalf of
3 the counties. But that doesn't change the fact
4 that it's not actually part of the budget.

5 SENATOR RHOADS: Will the sponsor
6 yield to another question.

7 ACTING PRESIDENT MAYER: Do you
8 continue to yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR RHOADS: There were plenty
13 of things that the Governor wanted that are not
14 included in this budget. Why is this here, if we
15 were fighting, since it's such a bad idea?

16 SENATOR KRUEGER: I think it's been
17 discussed quite a few times since our one-house.
18 We win some, we lose some. We win some of some
19 things, we lose some of some things.

20 So we took on an additional
21 assignment that we believe was important on
22 behalf of the counties, and we won significantly
23 against the original Executive proposal for this
24 year. It's not completed. We still think that
25 there's room through reconciliation to decrease

1 the harm to the counties even further in this
2 coming year.

3 But it doesn't change the fact that
4 we will still need to confront this in future
5 years as -- whether it was on-budget or not,
6 pretty much everything is done on an annualized
7 basis in New York State. So if you ask why we
8 weren't 100 percent successful, you could ask me
9 that on every single item that comes before us in
10 a budget. We're not always successful. We
11 fight, and eventually we negotiate to a final
12 budget document. And this isn't even part of the
13 budget document, we just threw it on the table at
14 the same time, because obviously it relates to
15 budgets, it relates to county budgets, and it's
16 of course money. So we choose to add it on to
17 the assignment to fight for.

18 And we were somewhat successful and
19 not fully successful.

20 SENATOR RHOADS: Thank you, Senator
21 Krueger.

22 Will the sponsor yield to another
23 question.

24 ACTING PRESIDENT MAYER: Will you
25 yield to another question?

1 SENATOR KRUEGER: Sure.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR RHOADS: Thank you.

5 Through you, Madam President. Do we
6 have any idea how counties actually pay for
7 Medicaid?

8 SENATOR KRUEGER: Counties use
9 their revenues. They use sales tax, they use
10 property tax. New York City uses income tax. I
11 guess Yonkers has an income tax. That is up to
12 the counties to determine how they're going to
13 pay a percentage of the full Medicaid cost.

14 SENATOR RHOADS: Will the sponsor
15 yield for another question.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: I do.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR RHOADS: I can tell you
22 from my own experience -- and I believe that the
23 experience is the same, having come from the
24 county legislature, is the same with many of my
25 colleagues who come from county government --

1 every single dollar that Nassau County collects
2 in property taxes goes to fund Medicaid. Every
3 dollar. So all of county government is run off
4 of sales tax, and potentially fees. Many
5 counties -- many counties I trust are the same.

6 Isn't it the case that with the
7 Governor's unilateral decision to take away this
8 funding from the counties will invariably force
9 counties to engage in property tax hikes to make
10 up the difference?

11 SENATOR KRUEGER: I don't know,
12 because the amount of money being taken from each
13 county is different. And some counties with
14 significant sales tax increases over the last
15 several years actually have quite large fund
16 balances that would probably not require any
17 increase in taxes, while other counties might
18 find themselves in a different story.

19 SENATOR RHOADS: Will the sponsor
20 yield to another question.

21 ACTING PRESIDENT MAYER: Do you
22 continue to yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR RHOADS: However, the state
2 was projecting a \$36 billion surplus this year,
3 were we not?

4 SENATOR KRUEGER: It wasn't a
5 surplus because we -- well, if you're talking
6 about the year that just ended, no, we did not
7 end with a \$36 billion surplus.

8 If you're talking about money in
9 this budget we are hopefully passing before I go
10 to sleep tonight -- we'll see -- we are putting
11 money into reserve funds. Which, as again I
12 think we discussed yesterday, good government and
13 accounting entities who track what government
14 should and shouldn't be doing feel very, very
15 strongly that states, to be responsible, should
16 be putting at least 15 percent away in reserve
17 funds.

18 And I believe our number right now
19 would be 16.5 percent, I believe is what I said
20 yesterday. So it's not surplus as much as it is
21 a reserve fund for emergency situations or rainy
22 days, which I think is smart government to do.

23 SENATOR RHOADS: Will the sponsor
24 yield to another question.

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR RHOADS: Through you,
6 Madam President, why is it okay for the state to
7 create a 15 percent or, as you mentioned,
8 16.5 percent reserve fund at the expense of
9 depleting the budgets of counties by depriving
10 them of dollars that the federal government
11 intended for them?

12 SENATOR KRUEGER: Well, I think
13 that the State of New York needs to watch out
14 over its money for 20 million New Yorkers and all
15 kinds of different scenarios.

16 I don't know if counties actually
17 also hold reserve funds. I think probably some
18 do, and perhaps some don't. Again, as I said,
19 based on the chart I have before me, some
20 counties have quite large fund balances that
21 could clearly address this loss for this year
22 without having a reason to have to raise taxes.

23 So I suppose a fund balance at the
24 county level is a reserve fund at the state
25 level, even though I think they're legally

1 defined as different things.

2 SENATOR RHOADS: Will the sponsor
3 yield to another question.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR RHOADS: Thank you,
10 Senator Krueger.

11 Through you, Madam President. The
12 issue, however, is that this is not the state's
13 money. This is money that's provided by the
14 federal government. The state is simply the
15 pass-through.

16 And as a result of withholding this
17 money, we are now blowing a hole in counties'
18 budgets that have already been passed for the
19 year. They didn't have the benefit of passing a
20 one-month-late budget like we're doing. They had
21 to get their budgets in on time.

22 And so for Nassau County, this will
23 blow a \$7.5 million hole in their budget. In
24 Erie County, this will blow a \$6.7 million hole
25 in their budget for this year. And this -- and I

1 can go through a list. You know, Suffolk, it's
2 going to blow a hole of almost \$8 million in
3 their budget.

4 In fact, it's going to be
5 withholding from the 57 counties over the
6 three-year period of time \$281 million in
7 funding, \$345 million from the City of New York,
8 and \$626 million in funding overall -- not just
9 this year, but when fully implemented, will
10 withhold that funding from counties and the City
11 of New York every year after 2026 and moving
12 forward.

13 And the Governor provided no
14 rationale as to why she's doing that?

15 SENATOR KRUEGER: Through you,
16 Madam President. You know, every state's story
17 is different. Most states didn't pass any of
18 this money to their counties. New York State
19 chose to. So it wasn't a mandate to do so, but
20 we chose to. Which I think was very helpful to
21 the counties. There was no obligation by the
22 state to use this federal money as pass-down to
23 the counties, just to clarify that.

24 And we don't disagree with you that
25 we thought that this was going to do harm to the

1 counties, which is why we've pushed back so hard.
2 And the Governor's original proposal was to take
3 all of this back now, and we pushed back very
4 hard. Which is why we actually think we made
5 quite a bit of progress on behalf of the counties
6 by getting that number down dramatically.

7 And we are not giving up. We are
8 still pushing for the reconciliation to adjust
9 what we believe the counties should have gotten
10 in previous years and did not, so that would also
11 help them now. And we're not giving up the fight
12 about not lowering the numbers in the future
13 years even though that is still within the
14 authority of the Governor to do at the
15 Executive level -- again, without bringing it to
16 the Legislature for a vote one way or the other.

17 SENATOR RHOADS: Thank you,
18 Senator Krueger.

19 On the bill.

20 ACTING PRESIDENT MAYER: Senator
21 Rhoads on the bill.

22 SENATOR RHOADS: And thank you
23 again, Senator Krueger. I appreciate your
24 responses.

25 The issue here is that the State of

1 New York gets to determine who's covered, gets to
2 determine what benefits participants receive,
3 gets to determine what the reimbursement
4 rates are, gets to determine how much it costs.
5 And now, by Executive decision, apparently
6 without the input from the Legislature, the
7 Governor now gets to take the money that was
8 provided by the federal government and that was
9 intended for the counties, and keep that money,
10 putting the counties in an impossible position.
11 Which is going to directly relate to property tax
12 increases.

13 Once fully phased out in 2026, this
14 will mean a \$30 million hole in the county's
15 budget that will have to be filled through
16 property tax increases.

17 For a municipality like -- oh, gosh,
18 Monroe County, their residents can expect, in all
19 likelihood, a \$23 million hole that will likely
20 be filled by Governor Hochul's property tax
21 increases. For Erie County, a \$26 million hole.
22 For Onondaga County, a \$13 million hole. For
23 Orange County, a \$9 million hole. Every single
24 county of the 62 counties in the State of
25 New York will be directly impacted, and virtually

1 every county in the State of New York will have
2 to, in turn, raise property taxes on residents in
3 order to pay for it. With no rationale from the
4 Governor other than greed.

5 So it's like inviting somebody to
6 dinner, right -- I invite you to dinner, and I
7 tell you, Come with me to dinner. And I order
8 everything on the menu. And then when the check
9 comes, I tell you that you're paying for it. And
10 you don't have the ability to say no, because
11 we're the State of New York.

12 That's exactly what's happening here
13 with respect to counties. And the fact that the
14 Governor has decided to do this now, when budgets
15 have already been set, makes it all the worse.
16 Because now there's nothing that counties can do
17 other than try to absorb that shortfall or run a
18 deficit.

19 So I don't accept the answer that
20 the Senate and the Assembly play no role in
21 making this determination. It's our
22 responsibility to get involved, because every
23 single county -- and the City of New York -- is
24 impacted by what the Governor has decided to do
25 in this instance.

1 It is unacceptable, it's
2 unsustainable. And again, it's another unfunded
3 mandate imposed upon local governments by a state
4 that does not seem to be concerned in the least
5 about them and their budgets. Especially when
6 we're showing a reserve fund to the tune of
7 \$36 million.

8 So I'll be voting no. Thank you,
9 Madam President.

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator Rhoads.

12 Senator Martins, why do you rise?

13 SENATOR MARTINS: On the bill,
14 Madam President.

15 ACTING PRESIDENT MAYER: Senator
16 Martins on the bill.

17 SENATOR KRUEGER: (Inaudible.)

18 SENATOR MARTINS: No. No, no, no.
19 I'm on the bill.

20 ACTING PRESIDENT MAYER: On the
21 bill.

22 SENATOR MARTINS: You know, on this
23 Medicaid FMAP disbursement, Madam President, you
24 know, I've heard the explanation. I've heard
25 that this is an administrative decision

1 transferring \$345 million for the City of
2 New York, \$281 million for the counties,
3 \$8 million for my county this year. And
4 Madam President, about the same for your county
5 in Westchester as well.

6 They already have their budgets. I
7 don't buy that this is solely at the feet of this
8 Governor. We have a responsibility in this house
9 to stand up for our taxpayers back home. We have
10 a responsibility when we understand that
11 something unfair is happening. And as has been
12 said, Medicaid policy is set here in Albany.
13 It's set in this building. Those impacts impact
14 our communities. And to blow an \$8 million hole
15 this year, a \$23 million hole next year, and a
16 \$30 million hole the year after that for the
17 taxpayers of Nassau County, is unacceptable.
18 They deserve better.

19 We yesterday voted on how much we
20 would charge for a chair of a retiring member in
21 this chamber. That was part of our budget bill
22 yesterday, a chair in this chamber. And yet
23 we're talking about millions of dollars that is
24 being transferred onto the tax rolls for each and
25 every one of us and our taxpayers back home, and

1 we're sitting here saying that it's the
2 Governor's fault and we have nothing to do with
3 it.

4 It's not acceptable. Thirty million
5 dollars pays for public safety. Thirty million
6 dollars pays for healthcare back home, puts
7 people to work, infrastructure improvements. We
8 should all be careful about that.

9 So Madam President, I'll be voting
10 no on this bill.

11 ACTING PRESIDENT MAYER: Thank you,
12 Senator Martins.

13 Senator O'Mara, why do you rise?

14 SENATOR O'MARA: Yes,
15 Madam President, will Senator Krueger yield for a
16 couple of questions relative to the eFMAP
17 discussion we've been having.

18 ACTING PRESIDENT MAYER: Senator
19 Krueger, will you yield?

20 SENATOR KRUEGER: Sure.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR O'MARA: Senator, my
24 understanding on this eFMAP issue that we've been
25 talking about here for the past half-hour or so

1 is that since 2017, when the federal government
2 sent this eFMAP money in relation to the
3 Affordable Care Act being passed, that these
4 federal dollars were directed to the counties to
5 go through the state.

6 And that since 2017, the state has
7 withheld 20 percent of that, to then later
8 reconcile to see what of that was owed to the
9 counties based on what they spent. And that's
10 where the 20 percent is. Is that incorrect?

11 SENATOR KRUEGER: (Conferring.) So
12 we know that the federal government sent the
13 money, the state decided to split it among the
14 counties. They were not obligated to by the
15 federal government. And they did withhold
16 20 percent.

17 I am not clear or I don't think I
18 can get an answer on what the specific logic of
19 the state to withhold the 20 percent has been all
20 these years, whether it was for reconciliation
21 purposes or not.

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

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR O'MARA: Senator Krueger,
5 wouldn't you agree that it's somewhat common
6 practice, when federal dollars are flowing
7 through the state -- or when any dollars are
8 going from the state to local governments,
9 there's a certain amount held back so that the
10 books can be reconciled later on and that this
11 seems to be a standard routine?

12 SENATOR KRUEGER: You know, I've
13 not worked in budget for a governor or the
14 Comptroller's office, so I don't know that my
15 good colleague is right or wrong. So I don't
16 know whether 20 percent is some normal story or
17 even that holding back for this purpose is a
18 normal story.

19 So he may very well know that that
20 is in fact the norm. I just am not sure.

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

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR O'MARA: You know, I'm not
2 sure if that is the norm. I'm just saying that's
3 what the counties -- at least in this situation,
4 the counties' understanding has been since 2017
5 that 20 percent's been being withheld for
6 reconciliation down the road. And that no
7 reconciliation has taken place to date. And that
8 now the counties are estimating that
9 reconciliation aggregated number is to be
10 \$1.8 billion that they've been shorted since
11 2017.

12 Do you agree with that number?

13 SENATOR KRUEGER: So our
14 understanding is that's 1.6 billion, not
15 1.8 billion --

16 SENATOR O'MARA: One-point-six
17 billion.

18 SENATOR KRUEGER: Yes, sir.

19 But pretty close.

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

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR O'MARA: Well, yeah,
4 200 million for us around here is pretty close,
5 since we're dealing with a \$230 billion budget.
6 So we'll take that rounding error of 200 million.

7 This proposal of cutting out the
8 eFMAP money from the counties was originally in
9 the Revenue Budget Part M, the Executive's
10 Revenue Budget Part M, and it disappeared from
11 that. And it hasn't, as we've talked about,
12 hasn't reappeared anywhere in the budget.

13 SENATOR KRUEGER: No, it's not
14 anywhere in the budget. And it wasn't -- I'm
15 being told it was not Part M.

16 SENATOR O'MARA: Okay. On the
17 bill, Madam President.

18 ACTING PRESIDENT MAYER: Senator
19 O'Mara on the bill.

20 SENATOR O'MARA: This is a
21 dereliction of this Legislature's ability to help
22 our local governments. This is going to be a
23 huge hit to local governments. They're already
24 in the hole of this \$1.6 billion that we agreed
25 that the counties are waiting on reconciliation.

1 The Governor says that the total
2 amount annually is \$774 million going to
3 counties, and that next year they're going to
4 hold 25 percent of that. And the next year
5 they're going to hold 50 percent of that. And
6 the year after that, they're going to take all of
7 it. So that after three years, the hit to the
8 counties is going to be \$774 million annually.

9 Now, I'll correct the numbers that
10 were mentioned before by my colleagues here about
11 what the hits were to each county, because we had
12 a sheet from NYSAC that said the total hit was
13 going to be \$626 million, so 24 percent less
14 than what the Governor is saying it is. So the
15 numbers that were stated by Senator Rhoads were
16 actually understated by 25 percent.

17 This administrative action that this
18 legislative body has the ability to negotiate,
19 have input, and hopefully eliminate this
20 reduction, because the counties -- at least all
21 the counties that I represent, and all the ones
22 I'm familiar with upstate, have no ability to
23 absorb these costs without raising property
24 taxes. This is a direct assault on New York
25 State's property taxpayers to the tune of

1 \$774 million, that this legislative body is just
2 sitting by and saying, Oh, the Governor can do
3 it, go ahead.

4 So the hit in this, after three
5 years, for Onondaga County is going to be about
6 \$16.4 million. Orange County, 11.4 million.
7 Rockland County, 10.8 million. Suffolk County,
8 39 million. Westchester, 34.5 million. New York
9 City, 431 million. It's a hit to New York City.
10 Monroe County, 28.5 million. Nassau County,
11 \$37 million. Erie County, 33 million. And those
12 are just naming some of the bigger players here.

13 And those county property taxpayers
14 are going to foot the bill for this
15 administrative action by the Governor, by the
16 Executive. On money that the federal government
17 intended to go to the counties. So this is a
18 \$774 million hit to the counties.

19 Now, one thing we didn't discuss
20 earlier was the 18B assigned counsel fees have
21 been increased more than a hundred percent, from
22 \$75 or \$90 up to \$158. And it's been some
23 20 years before that's -- and it's long overdue.
24 But it's a massive increase and a one-time hit
25 that's going to impact the counties totally about

1 \$92 million to the counties, every year.

2 On this, raising the 18B fees, the
3 state's only providing about \$32 million to the
4 counties to offset that, for a hit to the
5 counties of \$60 million. And you'll love this
6 one. The 32 million that the state's given the
7 counties to pick up this 18B fee is apparently
8 coming out of indigent legal services fee money
9 that goes to the counties.

10 That's wrong. It's wrong to pass
11 these costs on another unfunded mandate to the
12 counties. It's wrong to intercept this eFMAP
13 money from the federal government to the
14 counties, and it's only going to result in
15 massive property tax increases that I've read
16 they're estimating in the counties will be
17 anywheres from a 7 to a 14 percent increase in
18 property taxes on all of our constituents'
19 property tax bill.

20 That's unwarranted. It's not right.
21 And this legislative body should be doing
22 something about it, and we're just sitting here
23 and saying it's the Governor's job. That's
24 wrong.

25 ACTING PRESIDENT MAYER: Senator

1 Walczyk, why do you rise?

2 SENATOR WALCZYK: Madam President,
3 would the sponsor yield for a question about
4 American Legion Boys State.

5 ACTING PRESIDENT MAYER: About --
6 what is the subject?

7 SENATOR WALCZYK: American Legion
8 Boys State.

9 ACTING PRESIDENT MAYER: Senator
10 Krueger, do you yield?

11 SENATOR KRUEGER: This is as
12 exciting as the snowmobiling challenge. Yes.

13 (Laughter.)

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR WALCZYK: In the past we've
17 funded American Legion Boys State in the New York
18 State budget at \$150,000. What is the line item
19 for American Legion Boys State this year?

20 SENATOR KRUEGER: My understanding
21 is that they have not had any funding since 2018,
22 and that there is zero funding this year as well.

23 SENATOR WALCZYK: Through you,
24 Madam President, would the sponsor continue to
25 yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT MAYER: Yes, the
5 Senator yields.

6 SENATOR WALCZYK: Is there a
7 particular reason why we didn't fund Boys State
8 this year?

9 SENATOR KRUEGER: I'm not aware of
10 a request or discussion, but I don't have any
11 other answer.

12 I did do a little homework. There
13 are a hundred different registered veterans
14 organizations in the State of New York as
15 not-for-profits, so I hazard to guess the vast
16 majority of those 100 organizations also were not
17 in this budget.

18 SENATOR WALCZYK: Thank you,
19 Madam President. On the bill.

20 ACTING PRESIDENT MAYER: Senator
21 Walczyk on the bill.

22 SENATOR WALCZYK: Incredibly
23 disappointed to see that we've cut funding for
24 American Legion Boys State. Boys State has
25 proudly been serving American citizens since the

1 1930s. It's a great partnership between the
2 Marine Corps and American Legions that serve each
3 one of our communities and the veterans in our
4 communities. There's local nominations for each
5 one of the boys that will go into Boys State.
6 High school juniors are eligible for the program.

7 And in New York -- every state
8 including New York, and hopefully this summer,
9 without the assistance of this body or this
10 government, they're still able to do this. Every
11 state except Hawaii has an active Boys State.

12 In the hottest week of the summer at
13 SUNY Morrisville these young men learn civics and
14 discipline. You know, we talk about educating
15 our youth, and we had an education bill earlier.
16 Many of you realize that in our constituencies
17 there is a lack of understanding about state
18 government. I know you're all Senators in this
19 chamber, so often your constituents think that
20 you go to Washington, D.C. and vote on federal
21 policy.

22 I promise you, graduates from
23 Boys State don't believe that. They know about
24 civics in New York State. We need more programs
25 like this, not to cut funding from them.

1 And I tell you that it works.
2 You're going to recognize a couple of names that
3 are graduates from Boys State: George Pataki,
4 Neil Armstrong, and Bill Clinton were all
5 graduates from Boys State. And a couple of
6 them -- Senator Gounardes -- a couple of
7 distinguished members from chamber, including
8 Senator Hoylman and Senator Gounardes. And there
9 was a great Senator, Dave Valesky, that once
10 served in this chamber; he was a graduate of Boys
11 State. And our very own esteemed, distinguished
12 and well-respected Secretary of the Senate Frank
13 Patience was also a graduate of Boys State.

14 These young men depended on the
15 people that supported programs like this to get
16 them into the seats that they're in and into the
17 positions that they're in, to get them interested
18 in local government and interested in state
19 government and educated on what exactly it is
20 that we do here. That's the funding that you've
21 cut when you present this bill today.

22 It disrespects the last generation
23 of some of those that I mentioned. It
24 disrespects the future generation that we're
25 lacking the investment in. And before you cast

1 your vote, I want you to think about one thing.
2 In the hottest week of the year, at SUNY
3 Morrisville boys from around the state,
4 high school juniors, have the opportunity to sit
5 in a gymnasium, get discipline from United States
6 Marines, and learn about civics.

7 If they're not in that gymnasium for
8 that week, what are they doing? I want you to
9 think about them sitting in your community with
10 idle hands, not working on learning about civics
11 in the State of New York, not having exposure to
12 disciplined Marines, not having an older
13 generation of Legionnaires who are guiding them
14 in the next phases of their life as they make
15 important decisions going into their senior year.
16 Think about that before you cast your vote.

17 And Madam President, I'll be voting
18 no.

19 ACTING PRESIDENT MAYER: Thank you,
20 Senator Walczyk.

21 Are there any other Senators wishing
22 to be heard?

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

25 There is a substitution at the desk.

1 The Secretary will read.

2 THE SECRETARY: Senator Krueger
3 moves to discharge, from the Committee on
4 Finance, Assembly Bill Number 3003D and
5 substitute it for the identical Senate Bill
6 Number 4003D, Third Reading Calendar 721.

7 ACTING PRESIDENT MAYER: The
8 substitution is so ordered.

9 Read the last section.

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

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Senator
16 Bailey to explain his vote.

17 SENATOR BAILEY: Thank you,
18 Madam President.

19 Nothing brings people together like
20 sports. A friend of mine, Jason Klingsfield,
21 says sports is the world's greatest social
22 currency. And in this budget, in this part of
23 the budget, the Aid to Localities section, one of
24 the bills that I sponsor about youth sports
25 grants will provide \$10 million in funding for

1 youth sports organizations throughout this great
2 state.

3 As we've seen in the lounge during
4 the pendency of today's Knicks game, sports can
5 bring people together who may be divergent on
6 different issues, but it can actually bring them
7 closer through conversation. Some of the
8 greatest lessons that I learned in life were on
9 the fields of play, and they had little to do
10 with the actual game, but it had a lot to do with
11 the camaraderie and learning who people were and
12 learning that life in fact is a team sport,
13 Madam President.

14 This money is incredibly important
15 to make sure that these Little Leagues and
16 tournaments that we all have in our districts are
17 adequately funded, to make sure that the next
18 generation of athletes will succeed -- but not
19 necessarily on the fields of play, but in the
20 halls of government, in any walk of life -- in
21 hospitals, in doctor's offices, anywhere around
22 our great state. We want to make sure that men,
23 women, boys, girls, nonbinary individuals, trans
24 individuals who want to play sports -- yes, we
25 want to make sure that everybody has access to be

1 able to play sports. It's really important.

2 And you all know that we play
3 basketball on Tuesday nights up here in Albany.
4 And what we do is less about the game than it is
5 about making sure that we recognize who we are.
6 So I'm eternally grateful to my colleagues in
7 government for supporting this important piece of
8 legislation. Let's continue to fund sports,
9 youth sports, for the vehicle that they are
10 towards creating success.

11 With that, Madam President, I vote
12 aye, and I'm going to go watch the Knicks.

13 ACTING PRESIDENT MAYER: Senator
14 Bailey to be recorded in the affirmative.

15 Senator Rivera to explain his vote.

16 SENATOR RIVERA: Thank you,
17 Madam President. Besides the -- I will be voting
18 in the affirmative on this piece of legislation,
19 not only for the program that was just described
20 by Senator Bailey, as he sashays away -- we're up
21 by three, by the way.

22 (Laughter.)

23 SENATOR RIVERA: But there's a
24 couple of other -- there's a few other things
25 that some of my colleagues have mentioned -- no

1 tuition increases for New York residents at CUNY
2 or SUNY schools, the reduction of the TAP gap,
3 increases for zoos, botanical gardens and
4 aquaria, including two in my district. BronxNet
5 at Lehman College getting \$150,000.

6 Kingsbridge Heights Community Center getting
7 \$250,000. So there are a few things here that I
8 certainly would be supportive of, so I'll be
9 voting in the affirmative.

10 But I would be remiss if I did not
11 point out something that was a missed
12 opportunity. This budget is filled with them,
13 Madam President. This has been a fraught
14 process. And one in particular that I'd like to
15 point out because it is included here -- or I
16 should say it is not included. I spoke about it
17 briefly yesterday when we were having a
18 conversation about addiction and about overdoses,
19 and the fact that overdose prevention centers,
20 two of which are operational in the State of
21 New York right now, saving lives as we speak --
22 and yet this administration and the Governor
23 specifically has made the amazing decision not
24 fund these organizations.

25 And Madam President, just a couple

1 of years ago I passed a bill to create an
2 advisory board which actually provides
3 recommendations, and we are supposed to follow
4 those recommendations. And unfortunately, the
5 opioid settlement funds have not been directed to
6 what they're supposed to be directed to.

7 So, Madam President, although I will
8 be voting in the affirmative, I just wanted to
9 point out that this is a moment where
10 unfortunately we have missed opportunities. The
11 Governor particularly has made this opportunity
12 missed. But we're not done with this.

13 But on this case I'll be voting in
14 the affirmative, Madam President. Thank you.

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

17 Senator Ramos to explain her vote.

18 SENATOR RAMOS: Thank you,
19 Madam President. I rise in support of this bill,
20 which holds many labor-led initiatives designed
21 to rebuild the middle class here in New York.

22 We are making huge investments in
23 apprenticeship and pre-apprenticeship programs,
24 vocational training that provides an alternative
25 to student debt, trains people for skilled labor,

1 and sets them on a pathway to a union career. We
2 will need these high-skilled workers to build a
3 union-climate economy, and you can't have any
4 kind of New Deal without labor, truly.

5 So to guide our just transition, we
6 have secured record funding for the
7 Cornell Climate Jobs Institute. And I'm
8 particularly proud that this year labor helped us
9 lead the charge to establish a historic building
10 trades childcare pilot program, including the
11 expansion of the facilitated enrollment pilot.
12 Today we actually chart a path towards a state
13 childcare subsidy program that for the first time
14 will leave no family behind in New York State and
15 will allow working parents to find a safe place
16 for their children regardless of immigration
17 status, while they work to build a better life
18 for their family.

19 So for all these reasons and more, I
20 vote aye.

21 ACTING PRESIDENT MAYER: Senator
22 Ramos to be recorded in the affirmative.

23 Senator Stec to explain his vote.

24 SENATOR STEC: Thank you,
25 Madam President.

1 As I explain my vote, before I came
2 to Albany I was in the county legislature in my
3 home county, Warren County, for nine years, back
4 in the days of talking about unfunded mandates
5 and the tax cap. And I've got to tell you, in
6 those nine years and the 11 years that I've
7 served here, I have never seen a larger slap in
8 the face to county government than what this bill
9 does in the eFMAP.

10 That \$774 million price tag that's
11 going to get spread out amongst all our counties,
12 it will be millions of dollars to all six of the
13 counties in my district. It's going to --
14 according to the nonpartisan Citizens Budget
15 Commission, counties can expect this alone to
16 pressure their property taxes to increase from 7
17 to 14 percent.

18 That is -- that is a tax cap buster.
19 That is an affordability issue. And again, it is
20 something that is completely out of the control
21 of counties. And on top of that, it's none of
22 the state's business. This money was from the
23 federal government, intended to counties, and
24 we're going to intercept it because we think that
25 the counties are flush with cash. We're just --

1 we're taking from our counties and we're sticking
2 it to the taxpayers.

3 New York has an affordability
4 problem, and you need to look no farther than
5 this bill right here and this one part of this
6 bill to understand why.

7 I am firmly in the negative.

8 ACTING PRESIDENT MAYER: Senator
9 Stec to be recorded in the negative.

10 Senator Rhoads to explain his vote.

11 SENATOR RHOADS: I think it's
12 pretty clear, obviously, I'm voting no on this.

13 And look, there are lot of
14 tremendous things in this bill. There are a lot
15 of wonderful programs that are getting funded.
16 But if there's ever time to draw a line in the
17 sand and say no, this is it. Because for all the
18 good things that are in this bill, there's some
19 bad things in this bill that impact every single
20 person in this room and that impact the
21 constituents of every single person in this room.

22 It's a chance for us to say no to
23 the Governor, who has decided on her own that
24 she's going to take nearly half a billion dollars
25 away from the City of New York, that she's going

1 to take \$30 million away from Nassau County, that
2 she's going to take millions of dollars away from
3 every county that is going to have to be made up
4 through property tax increases.

5 There's a chance for us to go back,
6 reject this bill and go back to the negotiating
7 table and pull this out. Fix this mistake.
8 Because if we don't, all of this, \$626 million,
9 maybe as much as \$700 million -- this is
10 Kathy Hochul's property tax increase. And if you
11 voted yes on this, this is your property tax
12 increase that you've got to explain to your
13 constituents.

14 Let's vote no on this. Let's get
15 this right. Let's fix this mistake and come back
16 and support the bill. But I'll be voting in the
17 negative until this is fixed.

18 ACTING PRESIDENT MAYER: Senator
19 Rhoads to be recorded in the negative.

20 Senator Chu to explain her vote.

21 SENATOR CHU: Thank you,
22 Madam President.

23 Today I rise to speak on the
24 historic investment for the AAPI community. This
25 budget includes a \$30 million investment for the

1 AAPI Equity Budget Coalition. It is a
2 recognition for this coalition that has over
3 150 local grassroots organizations throughout the
4 state, of their day-to-day hard work in uplifting
5 our AAPI constituents.

6 It is an investment for the AAPI
7 community's future and the community
8 developments. It is also a comfort for those
9 victims who have suffered from the hate crime
10 attacks or those who lived in fear, afraid of
11 being attacked, in those past few years.

12 I want to thank our leadership and
13 my colleagues in the conference for showing their
14 support and truly standing with our communities.
15 This funding is beginning to address the need for
16 real investment in our communities and provide
17 for a chance to recover and thrive in safety and
18 dignity, especially during a time when we need it
19 the most.

20 The AAPI community is one of the
21 fastest-growing demographics in our state.
22 However, our rich and diverse contribution has
23 typically been overlooked, underfunded, and
24 underrepresented. And today, unfortunately, it
25 is a disappointment to see some of my colleagues

1 across the aisle in this chamber just voting
2 against this budget because time and time again,
3 our community was told that we were a priority
4 throughout the year. However, at the end of the
5 day, when there's a mechanism to address our
6 needs and show our voice being heard, there is no
7 follow-through. There is no real support.

8 What our AAPI community needs is
9 more than pretty words. We need to see real
10 support, real actions. We need to put money
11 where our mouth is.

12 For this reason, Madam President, I
13 proudly vote aye.

14 ACTING PRESIDENT MAYER: Senator
15 Chu to be recorded in the affirmative.

16 Senator Kennedy to explain his vote.

17 SENATOR KENNEDY: Thank you,
18 Madam President.

19 I rise in support of this bill that
20 will bring tens of millions of dollars to
21 Western New York and the community that I
22 represent.

23 There's a lot to be proud of in this
24 bill. First and foremost, education. We're
25 dedicating \$10 million to Say Yes to Education

1 Buffalo, the first of the four-year installments
2 in this budget, \$2.5 million, building on the
3 investment the state has already made.

4 And Say Yes to Education has been an
5 absolute game-changer in the Buffalo public
6 schools over the last eight years. The rate of
7 graduation have gone from below water --
8 48 percent -- to 79 percent, and the trajectory
9 continues to rise through the efforts of
10 dedicated ambassadors, donors, mentors, staff and
11 volunteers.

12 Say Yes has emerged as an agent for
13 true change, and I want to recognize those that
14 worked so hard with the Say Yes program each and
15 every day. This is a victory for them and their
16 hard work, especially David Rust and all of those
17 outstanding team members that he surrounds
18 himself with. They're doing God's work.

19 We're also investing in our
20 workforce and our greater economy, dedicating
21 \$6.5 million to the Workforce Development
22 Institute as well as \$200,000 to the Western
23 New York building trades pre-apprenticeship
24 program, \$200,000 to the Western New York Council
25 on Occupational Health and Safety. We all know

1 in this post-pandemic economy, as we're working
2 to get people back to work, we need to provide
3 them with the training that they need in order to
4 take the jobs of tomorrow.

5 And we're stepping up health
6 disparity connectivity with the community of the
7 underserved, where we're dedicating \$5 million to
8 Native health clinics. We're also dedicating
9 \$2 million to Double Up Food Bucks, where data
10 shows 2.5 million New Yorkers struggle to afford
11 all the food that they need, with 32 percent of
12 those New Yorkers being children. These
13 Double Up Food Bucks have been an extraordinary
14 godsend to our community and to communities
15 across New York State.

16 And finally, Madam President, we're
17 investing in grassroots organizations like
18 Save the Michaels of the World and the Center for
19 Elder Law and Justice, who are the boots on the
20 ground connecting individuals and families with
21 the help they need in some of their darkest
22 hours.

23 I believe this budget bill moves us
24 forward as a community and as a state, and I'm
25 proud to vote aye. Thank you.

1 ACTING PRESIDENT MAYER: Senator
2 Kennedy to be recorded in the affirmative.

3 Senator Weber to explain his vote.

4 SENATOR WEBER: Thank you,
5 Madam Speaker.

6 After many fires and concerns over
7 code enforcement in the Village of Spring Valley,
8 in late 2021 the Secretary of State essentially
9 deputized the County of Rockland to take over
10 code enforcement responsibilities in the village.

11 In the 2022-2023 budget our local
12 state elected officials at the time secured
13 \$500,000 to offset expenses for the code
14 enforcement. State representatives including
15 myself, Ken Zebrowski, John McGowan, met with our
16 county executive, Ed Day, a few months ago, where
17 he had asked us to secure an additional \$500,000
18 to support these ongoing code enforcement
19 efforts. I'm glad to see this -- an additional
20 \$500,000 included in this year's budget to help
21 continue to support these code enforcement
22 responsibilities and expenses.

23 I'm extremely concerned, though,
24 with the eFMAP administrative action that's part
25 of this Medicaid budget. The county executive,

1 the bipartisan county legislators in Rockland
2 County have done a great job over the last number
3 of years being great stewards of our county's
4 finances. They can't afford right now to lose
5 \$2.2 million in aid this year, or \$8.7 million
6 when fully phased in.

7 This will be very detrimental to the
8 taxpayers in Rockland County. I can't in good
9 conscience push this down to the property
10 taxpayers in Rockland County. I will be voting
11 no on this budget bill.

12 But I want to thank this body for
13 supporting the code enforcement efforts that are
14 going on in our county. Thank you very much.

15 ACTING PRESIDENT MAYER: Senator
16 Weber to be recorded in the negative.

17 Senator Martins to explain his vote.

18 SENATOR MARTINS: Thank you,
19 Madam President.

20 You know, as I said earlier, I'll be
21 voting no on this bill. You know, if we were
22 talking about a transfer of responsibility to the
23 tune of several hundred million dollars to our
24 counties and to our local property taxpayers, at
25 a time when the state was in deficit or dealing

1 with difficult times financially, we could have
2 that discussion.

3 But as we all know in this chamber,
4 and as everyone is very proud of saying, this
5 state has a surplus. And in the context of a
6 surplus, for us to be looking at passing costs on
7 to local counties -- that's going to be passed on
8 to local property taxpayers -- is frankly
9 unbelievable.

10 The fact that we're sitting here
11 talking about passing tens of millions of dollars
12 to my county, hundreds of millions of dollars to
13 property taxpayers across this state, and think
14 it's okay, is unbelievable. Whether it's the
15 Governor's decision, whether it's this body's
16 decision, whoever it is, it's unacceptable in
17 these days for us to be looking at passing these
18 costs on to our local property taxpayers.

19 And as I've said before,
20 Madam President, I'll be voting no.

21 ACTING PRESIDENT MAYER: Senator
22 Martins to be recorded in the negative.

23 Senator Serrano to explain his vote.

24 SENATOR SERRANO: Thank you very
25 much, Madam President.

1 It is a pleasure to rise in support
2 of this legislation -- in particular, the
3 increased funding for the arts and culture. The
4 arts and culture is something that I think we all
5 can agree is significantly important to our
6 state. And during the pandemic, the arts
7 organizations were unfortunately the first to
8 close and the last to reopen.

9 And as we continue to recover from
10 the pandemic, we rely very heavily on the arts
11 and cultural sector to help us recover.
12 Obviously economically, because we know that they
13 are a major economic engine for the State of
14 New York, but also emotionally, as we continue to
15 grapple with all the trauma that the pandemic
16 brought upon our state.

17 I think it's important to continue
18 to view the arts as something that is far more
19 than something aesthetically pleasing, but
20 actually something that is transformative. The
21 arts and artists provide that perfect vehicle for
22 social discussion, for issues that need to be
23 discussed, oftentimes challenging us to face a
24 lot of the issues of our day that we wouldn't
25 normally face.

1 But the arts do it in a unique way
2 that brings all of us together, in a way that
3 allows us to coalesce on a solution and better
4 days.

5 So I'm just so grateful to all of my
6 colleagues; to our leader, Andrea
7 Stewart-Cousins, for her leadership on securing
8 additional arts funding; to my good friend
9 Senator Hoylman-Sigal, for his many years of
10 vocal advocacy for the arts.

11 And I hope that as we continue to
12 move forward and we show our priorities as a
13 state, that we continue to build upon the need to
14 support the arts and artists across the State of
15 New York.

16 I vote yes.

17 ACTING PRESIDENT MAYER: Senator
18 Serrano to be recorded in the affirmative.

19 Senator Ryan to explain his vote.

20 SENATOR RYAN: Thank you,
21 Madam President.

22 I have five reasons why the Aid to
23 Localities is a good budget bill and I'm going to
24 vote for it.

25 The first reason. We restored money

1 fully for the Refugee Resettlement Program. The
2 refugee resettlement program helps people in
3 need, helps the recipient communities grow their
4 economies grow their cultures, grow their school
5 districts. Back before 2017, New York was
6 settling 5,000 refugees a year. We left the
7 international community for four years, but we're
8 back, we're heading back up to that 5,000 number,
9 and we need to keep it growing.

10 We invested in university-based
11 research. So number two reason, the Centers for
12 Advanced Technology help link research going on
13 in universities, helps to turn that research into
14 private-sector investment. The same with the
15 COEs program, the Centers for Excellence. Same
16 thing, matching university based research,
17 applying that to our economy.

18 The fourth reason is the HOPP
19 program. The HOPP program provides assistance
20 for helping people stay in their house. The best
21 homeless prevention program is keeping people in
22 their homes. And too long New Yorkers have been
23 kicked out of their houses during foreclosure
24 process. The HOPP program has helped over
25 15,000 people stay in their homes.

1 And the fifth and final reason, the
2 reason you've been waiting for, Madam Speaker, is
3 the Upstate Theater Fund. We're taking 13
4 historic theaters, putting \$5 million of
5 operating money into them, allowing them to
6 expand their programs.

7 This program was spearheaded by my
8 colleague Jeremy Cooney, who should be sitting in
9 this chair, but he's home recuperating. And we
10 wish Jeremy Cooney well in recuperating, and we
11 congratulate him on securing this important
12 funding.

13 Thank you, Madam Speaker, and I vote
14 aye.

15 ACTING PRESIDENT MAYER: Senator
16 Ryan to be recorded in the affirmative.

17 Senator O'Mara to explain his vote.

18 SENATOR O'MARA: Thank you,
19 Madam President.

20 And clearly one of the problems with
21 rushing these bills through without -- with
22 messages of necessity is that things get
23 overlooked. And this has been brought to my
24 attention, and I think it explains the eFMAP
25 situation that we're dealing with of \$760 million

1 to the counties.

2 That in this budget of Aid to
3 Localities is a billion dollars to New York City
4 for the migrant crisis they have, that the city
5 brought upon themselves by becoming a sanctuary
6 city. So now all of New York State taxpayers are
7 suffering this \$770 million hit to their FMAP to
8 offset this billion dollars. That is why we're
9 not hearing a peep out of New York City about the
10 loss of this \$400 million.

11 It's wrong, and that's the problem
12 with rushing these bills through.

13 ACTING PRESIDENT MAYER: Senator
14 O'Mara to be recorded in the negative.

15 Senator Stavisky to explain her
16 vote.

17 SENATOR STAVISKY: Thank you. Very
18 briefly, Madam President.

19 This is the budget that provides
20 operating aid for the SUNY and CUNY colleges so
21 that there is no increase in tuition, as I
22 mentioned earlier. And when you vote no, you're
23 voting against operating aid for SUNY and CUNY.

24 Thank you, Madam President.

25 ACTING PRESIDENT MAYER: Senator

1 Stavisky to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar 721, those Senators voting in the
5 negative are Senators Borrello,
6 Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming,
7 Lanza, Martins, Mattera, Murray, Oberacker,
8 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
9 Tedisco, Walczyk, Weber and Weik.

10 Ayes, 43. Nays, 20.

11 ACTING PRESIDENT MAYER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 720, Senate Print 4001B, Senate Budget Bill, an
15 act making appropriations for the support of
16 government.

17 ACTING PRESIDENT MAYER: Senator
18 Walczyk, why do you rise?

19 SENATOR WALCZYK: Thank you,
20 Madam President. Would the sponsor yield for
21 some questions.

22 ACTING PRESIDENT MAYER: What is
23 the subject, Senator Walczyk?

24 SENATOR WALCZYK: On the Judiciary
25 portion.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you yield?

3 SENATOR KRUEGER: Why not.

4 ACTING PRESIDENT MAYER: Why not,
5 she says. The Senator yields.

6 SENATOR WALCZYK: Thank you.

7 Through you, Madam President, we've
8 had some changes in the judiciary recently. We
9 debated them in this chamber. We have a new
10 chief judge, we'll have a new administrator. And
11 so I've been looking at some of the things that
12 we've seen from the Judiciary in the past.

13 The Bronx Hall of Justice stood out.
14 In past years they had a budget for the Bronx
15 Hall of Justice of \$325 million. Its final cost
16 when construction was complete was \$420 million,
17 but then they've already seen \$50 million in
18 repairs. I know this is a long-winded question.

19 Are there measures within this
20 budget that will protect, you know, waste, fraud
21 and abuse, or provide some oversight in the
22 Judiciary when it comes to massive and expensive
23 construction projects like this?

24 SENATOR KRUEGER: Through you,
25 Madam President. We don't know of anything

1 specific in this bill that addresses evaluating
2 the capital expenses of the Judiciary.

3 I gather the Hall of Justice in the
4 Bronx is the Bronx Courthouse. I'm just checking
5 with my Bronx colleague. And so they were
6 building a new Bronx courthouse? I'm sorry,
7 maybe it's not fair, I'm sorry.

8 I'm not sure, but I'm assuming
9 that this is a new Bronx courthouse and there
10 were overruns in the cost. So I don't actually
11 know whether there is any authority within the
12 Legislature or some other state agency to
13 question expenses when there are overruns on a
14 capital building construction.

15 SENATOR WALCZYK: And through you,
16 Madam President, would the sponsor continue to
17 yield.

18 ACTING PRESIDENT MAYER: Do you
19 continue to yield?

20 SENATOR KRUEGER: Sure.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR WALCZYK: Judge DiFiore,
24 when she was chief judge, also spent a million
25 dollars a year on a 24/7 chauffeur. If we're

1 increasing the Judiciary budget to meet their
2 request here, are there any measures of
3 accountability to ensure that that type of abuse
4 won't happen in the Judiciary this time around?

5 SENATOR KRUEGER: (Conferring.) So
6 we raised many concerns about expenditures by the
7 Judiciary, particularly the ex-chief judge,
8 Janet DiFiore. But unfortunately we were not
9 able to get that language through in three-way
10 negotiations into the bill.

11 I personally don't think that this
12 house has given up on our efforts to create more
13 accountability by the Judiciary -- not just on
14 their expenditures, as you're raising it as an
15 example with that \$1 million, but with any number
16 of issues that we feel that they should have
17 greater transparency and more accountability to
18 the government for.

19 SENATOR WALCZYK: And through you,
20 Madam President, would the sponsor continue to
21 yield.

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR WALCZYK: Last year's
3 budget for the Judiciary was at \$3.3 billion.
4 I'm reading this year's is at 3.4 billion, is
5 that correct?

6 SENATOR KRUEGER: Yes.

7 SENATOR WALCZYK: And through you,
8 Madam President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR WALCZYK: How do we
16 anticipate the additional 100 million will be
17 spent?

18 SENATOR KRUEGER: (Conferring.)
19 Okay. So there would be -- an increase is mainly
20 attributable to the increase in judgeships, an
21 increase in the staffing levels, collective
22 bargaining agreements with their unions, and
23 potential cost of legislatively enacted hourly
24 rates for 18B attorneys.

25 SENATOR WALCZYK: And through you,

1 Madam President, will the sponsor continue to
2 yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR WALCZYK: Do we have any
9 guarantees from the Legislature -- or from the
10 Judiciary, or is there anything in this bill that
11 would require from the Judiciary anything in
12 regards to disposition rates or backlogs across
13 our court system, some that have plagued them
14 pre-COVID and still do today?

15 SENATOR KRUEGER: So we know,
16 again, we were asking for more transparency and
17 more accountability and reporting to the
18 Legislature. Unfortunately, we were not able to
19 come up with a three-way agreement on the
20 importance of this.

21 But again, I do believe that this
22 house is very interested in moving, through
23 statute, to get these requirements put into place
24 so that we can get answers to why do we have
25 backlogs and what is the rate at which cases are

1 being dealt with in different courts.

2 So I guess I want to go on record as
3 sharing my colleague's concern for these issues
4 and believing that the state can do much better
5 in holding our court system accountable to the
6 people for how they spend their money.

7 SENATOR WALCZYK: Thank you.

8 And through you, Madam President, if
9 the sponsor would continue to yield on the
10 Legislature portion of this budget bill.

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT MAYER: Senator
13 Krueger, do you yield?

14 SENATOR KRUEGER: Yes, I do.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR WALCZYK: When is the next
18 federal census?

19 SENATOR KRUEGER: Every 10 years.
20 And I believe it is two years before we actually
21 implement redistricting. So would that be 2030?

22 I'm getting a head nod from someone
23 I trust. So 2030.

24 SENATOR WALCZYK: And through you,
25 Madam President, would the sponsor continue to

1 yield.

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 Yes, the Senator yields.

6 SENATOR WALCZYK: That's great.
7 You skipped a couple of questions forward for me.

8 If we're not doing redistricting
9 until 2030, why would we put \$4 million in here,
10 in this bill, for the Independent Redistricting
11 Commission for this following year?

12 SENATOR KRUEGER: (Conferring.)
13 Because they're completing their work. They only
14 put out maps two weeks ago, apparently, because
15 this is a joint redistricting commission for both
16 houses of the Legislature. And as we know, the
17 Assembly is on a bit of a different schedule than
18 we turned out to be.

19 SENATOR WALCZYK: Thank you.

20 Madam President, on the bill.

21 ACTING PRESIDENT MAYER: Senator
22 Walczyk on the bill.

23 SENATOR WALCZYK: Two hundred
24 twenty-nine billion dollars of other people's
25 money, without accountability and a

1 responsibility that they expect -- there is too
2 much spending and too little accountability.

3 And I'll be voting no and encourage
4 my colleagues to do the same.

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

7 Senator Martins, why do you rise?

8 SENATOR MARTINS: Thank you. If
9 the sponsor would yield to a few questions.

10 ACTING PRESIDENT MAYER: Senator
11 Krueger, do you yield?

12 SENATOR KRUEGER: Sure. What topic
13 are we on?

14 ACTING PRESIDENT MAYER: What
15 topic, Senator?

16 SENATOR MARTINS: The Commission on
17 the Long Island Power Authority.

18 SENATOR KRUEGER: Okay.

19 ACTING PRESIDENT MAYER: The
20 Long Island Power Authority.

21 The Senator yields.

22 SENATOR MARTINS: Now, I notice
23 that in this bill there is a \$2 million
24 allocation, \$2 million, for the Long Island
25 Power Authority's -- or the Commission on the

1 Long Island Power Authority. Is that right?

2 SENATOR KRUEGER: It's a
3 legislative commission. That is correct.

4 SENATOR MARTINS: And that's
5 \$2 million that we're --

6 ACTING PRESIDENT MAYER: Are you
7 asking Senator Krueger if she yields?

8 SENATOR MARTINS: Yes,
9 Madam President, my apologies.

10 ACTING PRESIDENT MAYER: No
11 problem.

12 SENATOR MARTINS: If the sponsor
13 would continue to yield.

14 ACTING PRESIDENT MAYER: Senator
15 Krueger, do you yield?

16 SENATOR KRUEGER: I do.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR MARTINS: Now, do we expect
20 that the commission will continue to meet and to
21 exercise any function at all between now and the
22 end of our fiscal year, March of 2024?

23 SENATOR KRUEGER: Apparently
24 they've just released a draft report a couple of
25 weeks ago, so they're now planning for public

1 hearings on the report and do expect to continue
2 their work.

3 SENATOR MARTINS: If the sponsor
4 would continue to yield.

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR KRUEGER: I do.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR MARTINS: You know, there's
11 a sense out there -- at least we've heard that
12 the commission is expecting to release a final
13 report and will be introducing legislation to
14 this body before the end of this session. Have
15 you heard anything to that effect?

16 SENATOR KRUEGER: The commission
17 has done the draft report. They are planning the
18 public hearings. And we have heard nothing about
19 a timing for the final report or proposed
20 legislation at this time.

21 SENATOR MARTINS: Madam President,
22 if the sponsor would continue to yield.

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR MARTINS: So out of the
4 \$2 million I see that there's \$750,000 that's
5 allocated for personal services, regular. It's
6 allocated. Can you tell me how many employees
7 the commission has?

8 SENATOR KRUEGER: I don't know at
9 this point. I suppose the Comptroller's office
10 might be able to be of assistance in tracking how
11 monies are being spent. Although probably we
12 can't find them at 10:25 tonight.

13 SENATOR MARTINS: Madam President,
14 if the sponsor would continue to yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR MARTINS: So is this -- was
21 this a similar allocation or same allocation in
22 the prior fiscal year as they are seeking this
23 fiscal year?

24 SENATOR KRUEGER: (Conferring.) So
25 my understanding is that it is a continuation of

1 reappropriation of unspent monies from last year.

2 SENATOR MARTINS: Madam President,
3 through you, if the sponsor will continue to
4 yield.

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR MARTINS: Do we know how
11 much money was reappropriated from that prior
12 allocation and how much of this \$2 million is new
13 money?

14 SENATOR KRUEGER: The full 2
15 million.

16 SENATOR MARTINS: Madam President,
17 through you, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR KRUEGER: Yes, I do.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR MARTINS: So I know that
25 the commission has staff, has an executive

1 director. Were they paid during this last fiscal
2 year, or were they volunteers, or was it
3 something else, if the sponsor knows?

4 SENATOR KRUEGER: (Conferring.) I
5 stand corrected on the earlier statement. The
6 \$2 million was put in last year's budget. Some
7 amount of it has been spent on staff.

8 The members of the commission are
9 not paid. We don't know the exact amount of how
10 much has been spent of that 2 million. But the
11 remainder of that 2 million is what is being
12 reappropriated to be used in this new year, so to
13 speak.

14 SENATOR MARTINS: Madam President,
15 through you, if the sponsor would yield for one
16 more question.

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR KRUEGER: Of course.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR MARTINS: Thank you,
23 Senator Krueger.

24 And just to be clear, so the total
25 appropriation for the commission last year and

1 this year will not exceed the \$2 million that was
2 originally allocated last year. Is that your
3 understanding?

4 SENATOR KRUEGER: That's correct.

5 SENATOR MARTINS: Thank you. No
6 further -- thank you, Madam President. Thank
7 you, Senator Krueger.

8 SENATOR KRUEGER: Thank you.

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

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

13 Read the last section.

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

16 ACTING PRESIDENT MAYER: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAYER: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar Number 720, those Senators voting in the
23 negative are Senators Ashby, Borrello,
24 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
25 Lanza, Martins, Mattera, Murray, Oberacker,

1 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
2 Tedisco, Walczyk, Weber and Weik.

3 Ayes, 42. Nays, 21.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

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

8 SENATOR GIANARIS: Madam President,
9 can we take up the report of the
10 Finance Committee that's at the desk.

11 ACTING PRESIDENT MAYER: There is a
12 report of the Finance Committee at the desk.
13 Please take that up.

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

17 Senate Print 4000D, Senate Budget
18 Bill, an act making appropriations for the
19 support of government.

20 The bill is reported direct to third
21 reading.

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

24 ACTING PRESIDENT MAYER: All those
25 in favor of accepting the report of the Finance

1 Committee signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT MAYER: Opposed,
4 nay.

5 (No response.)

6 ACTING PRESIDENT MAYER: The report
7 is adopted.

8 Senator Gianaris.

9 SENATOR GIANARIS: Can we now take
10 the supplemental calendar.

11 ACTING PRESIDENT MAYER: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 724, Senate Print 4000D, Senate Budget Bill, an
15 act making appropriations for the support of
16 government.

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

19 ACTING PRESIDENT MAYER: There is a
20 message of necessity at the desk.

21 SENATOR GIANARIS: Move to accept
22 the message of necessity.

23 ACTING PRESIDENT MAYER: All those
24 in favor of accepting the message please signify
25 by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT MAYER: Opposed?

3 (Response of "Nay.")

4 ACTING PRESIDENT MAYER: The
5 message is accepted, and the bill is before the
6 house.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 724, Senate Print 4000D, Senate Budget Bill, an
10 act making appropriations for the support of
11 government.

12 ACTING PRESIDENT MAYER: Read the
13 last section.

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

16 ACTING PRESIDENT MAYER: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAYER: Senator
20 Walczyk to explain his vote.

21 SENATOR WALCZYK: Thank you,
22 Madam President, to explain my vote.

23 The State Board of Elections is
24 funded in this bill at \$38.8 million. That
25 includes \$14 million which will pay for staff at

1 the Public Campaign Finance Board.

2 If you do some quick math, we had a
3 gubernatorial election recently; 5.6 million
4 New Yorkers voted in it. That means just for the
5 staff at the Public Campaign Finance Board, which
6 would oversee the public dollars that are spent
7 on earning their vote, their own taxpayer money,
8 that's \$2.50 per voter.

9 And if you add in the \$35 million
10 that this body is already looking to grab in
11 taxes from those people in order to try and earn
12 their vote back for these political campaigns,
13 the grand total is \$8.75 right now, before
14 they're done spending on public campaign finance
15 or taxpayer-funded campaigns.

16 On behalf of the outraged
17 New Yorkers who don't want their taxes going to
18 your political campaigns, I vote no.

19 ACTING PRESIDENT MAYER: Senator
20 Walczyk to be recorded in the negative.

21 Senator Borrello to explain his
22 vote.

23 SENATOR BORRELLO: Thank you,
24 Madam President. Two hundred and twenty-nine
25 billion dollars. That works out to \$627 million

1 a day, 365 days a year.

2 I spoke to some bankers this
3 morning. There are banks that don't have that
4 many dollars under management. And yet we spend
5 that much every single day.

6 And what do we get for that? Well,
7 we get one in three New Yorkers on Medicaid. You
8 know, we get a lot of other supports. And there
9 are some good things, no doubt -- education and
10 so forth.

11 But yeah, we couldn't even fund
12 school lunches for all kids in this budget. We
13 stole money away from our counties, which just
14 means they're going to raise property taxes. For
15 \$627 million a day -- a day -- we couldn't find a
16 way to stop from stealing money from property
17 taxpayers in New York State. It's shameful.

18 I'm voting no. Thank you.

19 ACTING PRESIDENT MAYER: Senator
20 Borrello to be recorded in the negative.

21 Senator Kennedy to explain his vote.

22 SENATOR KENNEDY: Thank you,
23 Madam President.

24 I just quickly want to, number one,
25 thank the leadership again for their diligence in

1 making sure that the right things were included
2 in this part of the bill, budget bill.

3 And I want to recognize a piece of
4 this budget that adds additional funding for
5 10 state railroad inspectors -- nearly doubling
6 the money for railroad inspectors here in the
7 State of New York.

8 And I want to recognize
9 Senator Hinchey for her leadership in working
10 with myself and the Transportation Committee and
11 Leader Stewart-Cousins in getting this added to
12 the budget following the tragic train
13 derailment -- one of a number of derailments
14 across North America -- just several months ago.
15 We recognized that we need more inspectors across
16 the State of New York. This budget does just
17 that. We're going to make the rails and
18 communities to which those rails go through here
19 in the state safer for all involved.

20 With that, Madam President, I vote
21 aye.

22 ACTING PRESIDENT MAYER: Senator
23 Kennedy to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 724, those Senators voting in the
2 negative are Senators Ashby, Borrello,
3 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
4 Lanza, Martins, Mattera, Murray, Oberacker,
5 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
6 Tedisco, Walczyk, Weber and Weik.

7 Ayes, 42. Nays, 21.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 Senator Gianaris, that completes the
11 reading of the supplemental calendar.

12 SENATOR GIANARIS: Thank you,
13 Madam President.

14 The budget is complete, the Knicks
15 have won, this is a good night.

16 (Laughter; applause.)

17 SENATOR GIANARIS: Can you please
18 recognize Senator Ortt for remarks.

19 ACTING PRESIDENT MAYER: Senator
20 Ortt.

21 SENATOR ORTT: I want to thank you,
22 Madam President.

23 I want to thank -- first I want to
24 thank all my colleagues for their participation
25 these last several days.

1 I would like to thank Majority
2 Leader Senator Stewart-Cousins for her work and
3 communication with me during this process.

4 I would like to thank
5 Senator Gianaris for his work on the floor.

6 And of course I want to thank my
7 conference for your patience during this process,
8 for your debate today on the floor and yesterday.
9 I'd like to thank our Finance ranker,
10 Senator O'Mara, who not only sat through, like
11 Senator Krueger, a month of budget committee
12 meetings, but then all our Finance Committee
13 meetings, but then also led our floor debate
14 these last two days. So I'd like to thank him.

15 I'd like to also thank our floor
16 leader and deputy leader, Senator Lanza, for his
17 work dealing with me, dealing with
18 Senator Gianaris. No one should have to deal
19 with both, and he does.

20 (Laughter.)

21 SENATOR ORTT: So I very much
22 appreciate his patience in that process.

23 I have to thank the staff -- our
24 staff, the Majority staff. You know, we stand up
25 here and debate, and no doubt put a lot of work

1 in and a lot of effort and a lot of thought, but
2 there are a lot of people whose names New Yorkers
3 will never know who spend a lot of time going
4 through these bills, briefing individual
5 Senators, briefing the conferences, negotiating
6 the bills to begin with. And it can be sometimes
7 thankless, or maybe seem thankless. So this is
8 one of these rare moments when I think we can
9 publicly thank the staff, counsel and Finance
10 office certainly for the Minority Conference, as
11 well as our counterparts on the Majority.

12 They say good things come to those
13 who wait. Certainly from my vantage point,
14 New Yorkers should have to wait a little longer,
15 then, because I do not see this as -- this budget
16 as a good thing. Just by way of getting it out
17 of the way, yes, there's always good things in a
18 budget. When you spend \$229 billion, there's
19 going to be a few good things in there. And
20 there are some good things in this budget.

21 But there are many things in this
22 budget that do not solve the issue that is facing
23 New York State, but exacerbate the problems
24 facing New Yorkers.

25 This budget does not help with

1 inflation. In fact, it will contribute to it.
2 It will make inflation and the causes of
3 inflation worse. We talk and we hear a lot about
4 people leaving New York State. Does anyone
5 think, truly, that this budget is going to solve
6 that issue?

7 We heard the Governor and others
8 talk about the need for more affordable housing,
9 that we needed to build more housing in New York
10 State, that the dream -- that's important,
11 because the dream of homeownership is something
12 that is really tied to the idea of the American
13 dream, to own your own home.

14 And yet, putting the lack of a -- I
15 guess a housing plan or what have you aside, we
16 have a ban on natural gas and fossil fuel hookups
17 to include gas stoves. Lest anyone say or
18 continue to try to say that that is not part of
19 the ban, it is. And it's in new construction, so
20 new homes. Which means the cost of building new
21 homes will be more expensive. If you don't
22 believe me, ask a home builder.

23 Now, I doubt anyone has done that,
24 because we know we pass a lot of things in this
25 chamber without talking to the people who

1 actually know about the thing that we're doing.
2 And I won't bore everybody, because of the hour,
3 with all of the litany of legislation that we've
4 done that on, but certainly when it comes to new
5 home construction, the ban on fossil fuel natural
6 gas hookups for commercial and residential will
7 increase the costs to build here in New York.

8 And therein lies the reason why we
9 don't have more affordable housing. Because it's
10 expensive to build in New York. It's already
11 expensive. We are making it more expensive. And
12 that's why people who do these things, who do it
13 to make money, they're going to do them in
14 New Jersey and Pennsylvania and Connecticut. Not
15 even raging red states. Those are blue states.
16 Those are liberal states. And it's even more
17 affordable there.

18 So we're not helping people achieve
19 the idea of home ownership when we do things like
20 banning fossil fuel and natural gas hookups.
21 Forget the fact that banning a form of energy has
22 to be I think one of the worst ideas when you
23 think about, from an emergency management
24 standpoint, in the City of Buffalo, Western New
25 York, we lost almost 50 people as a result of a

1 blizzard. Most of those people lost electric.

2 They lost power, the ever-reliable electric.

3 And we're going to go all-electric
4 for all of our buildings going forward. And lest
5 anyone at home thinks, Well, you know, I live in
6 an old house and I have a gas stove and so I'm
7 going to be okay, the people like -- our
8 companies like National Fuel, who employ a lot of
9 people in Western New York and across New York
10 State, as well as other utilities that provide
11 natural gas, they are going to simply -- they're
12 going to make business decisions as a result of
13 what we're doing. Because they will not be able
14 to grow their customer base. So they're going to
15 make decisions about infrastructure that's going
16 to have an impact even on people that this law
17 does not directly impact today.

18 And I have no doubt that some of my
19 colleagues across the aisle will be back at
20 this -- to save the planet, of course -- as early
21 maybe as tomorrow.

22 So that's one policy. We can talk
23 about the intercept of Medicaid funding, the
24 eFMAP, which I'm sure most New Yorkers have never
25 heard of before. Right? These are government

1 terms. We all -- maybe some of us don't even
2 know what those were before today.

3 But here's what it means for
4 everyone in this chamber. Everybody. You are --
5 these who voted for this budget, you can talk
6 about 100,000 for a sewer line here or for this
7 school or for this not-for-profit, and that's
8 good. It's good. Those are good things. But it
9 doesn't whitewash the fact that you are voting to
10 raise property taxes on your constituents.

11 You have voted, the Majority has
12 voted to raise property taxes on their
13 constituents, who already pay some of the highest
14 property taxes in the country. Certainly if you
15 live on Long Island, you do. In the Hudson
16 Valley, you do. And per capita in Western
17 New York you certainly do.

18 So you can't get around it. It's
19 true. It's not my opinion, it's not from a
20 certain perspective. It is fact. On top of all
21 the mandates, at a time when we're spending
22 \$229 billion -- Madam President, \$229 billion is
23 a lot of money. I've never seen it, \$229
24 billion, but it's a lot of money. I have a hard
25 time wrapping my mind around that.

1 And we've -- I've said this over
2 time and time again. Just the increase over the
3 last five years is larger than most -- than
4 budgets in thirty -- I think 35 states. Just the
5 increase we've gone up in the last five years,
6 let alone the total amount.

7 And still the \$229 billion we had,
8 we had to find a way to take money that counties
9 had already budgeted and were counting on. It
10 wasn't enough. So we're putting more pressure on
11 people's attempts to buy new homes, build new
12 homes, on their energy bills, on reliability.
13 We're increasing their taxes, there's no two ways
14 about that. We're -- of course we're increasing
15 spending, because that's what we do better than
16 anywhere in the world. As I've said before, if
17 spending money could make our state more
18 affordable, we'd be the most affordable state.
19 And yet we're not. Nobody would say different
20 here.

21 I've heard my colleagues across the
22 aisle say we are not an affordable state. And
23 they're right. But it never seems to dawn on us
24 that maybe it's the policies coming out of
25 budgets like these that make our state less

1 affordable, that cause people to seek
2 opportunity, to seek freedom, personal freedom
3 and economic freedom, in other states. That's
4 why we're losing people. It's the climate, all
5 right. It's the economic climate here in
6 New York. It's the affordability climate.

7 This budget does not make things
8 more affordable. I know there's a minimum wage
9 increase in this budget. And I know how minimum
10 wage polls, because I know most people think, You
11 know what, putting money in the pockets of
12 working people, that's something I can get
13 behind. And that's something we all can get
14 behind.

15 But you know what happens when we do
16 it? Here's what really happens, the dirty secret
17 that one ever talks about. We raise the minimum
18 wage for low-skilled workers, and you know what
19 happens? First of all, the cost of basic goods
20 and services goes up. And so whatever they got
21 of the increase is gobbled up when they go to the
22 gas pump, when they go to the grocery store, when
23 they go to the daycare center, it's gone. They
24 don't see it.

25 But you know what else happens?

1 Companies like McDonald's, where they have a lot
2 of low-skilled jobs, they eliminate those jobs,
3 and they go to fully automatic, like they're
4 doing in Colorado and like they no doubt will do
5 here. And so what ends up happening is you have
6 less low-skilled jobs, you have less minimum-wage
7 jobs, because companies make a decision that
8 we're going to have less people.

9 So maybe somebody ends up
10 benefiting. Maybe somebody will see \$21 or 17.
11 Most companies today in New York aren't even
12 paying minimum wage because the economy mandates
13 or dictates that they pay more. But very often
14 these laws, these things we do here, hurt the
15 very people we purport that we are helping.

16 So I can't stand, or nor will I, and
17 be told that I don't care about working people.
18 My parents were working people. My mom cleaned
19 houses to put me and my sister through
20 high school and college. The first time I was in
21 a country club was when I was running for
22 State Senate.

23 But I know the dirty secret, which
24 is many times these platitudes that we put out
25 there don't help the very people that we tell

1 everybody it's helping. And sometimes the people
2 who we're supposed to be helping, they're too
3 busy working two and three jobs to really do the
4 work to find out that this isn't helping them,
5 that these things are the reason why they're
6 having a harder time finding employment, why
7 companies are going fully automated.

8 Not the least of which is what it
9 will do to our farmers we continue to hammer.
10 Yeah, we put some money into Cornell so we can
11 continue to do research, and that's important.
12 So we can continue to produce apples so we can
13 have more cider and more wineries. And that's a
14 good thing. It's a good thing for New Yorkers.
15 It's certainly a good thing for someone like
16 myself who represents a rural district, and many
17 of my members.

18 But where it's not good is the farms
19 who will not be able to continue to be in
20 business because they can't continue to pay the
21 costs. They're barely at the margins today, if
22 they're even breaking even. Most of them are
23 losing money. Most of them have the banks
24 breathing down their necks because they already
25 owe hundreds of thousands of dollars in loans.

1 And now we're going to hit them
2 again. Minimum wage increase, 2017. Farm Fair
3 Labor Act, 2019. Another minimum wage increase,
4 2023. Let's see how much they can take before
5 they're done. Let's see how much they can handle
6 before agriculture isn't the number-one economic
7 driver in New York State anymore and food has to
8 cost more than it does because we've got to bring
9 it in from other states or other countries with
10 lower food-quality standards than we have here in
11 New York. One of those examples, again, where
12 policy doesn't add up to the rhetoric.

13 And I'll close -- we know this
14 budget was late because of bail, largely,
15 criminal justice. The Governor was pushing a
16 bail change, a very modest bail change, by all
17 accounts. Now, I believe it was being pushed not
18 for public safety but because of politics. And
19 yet that modest change was too much for my
20 colleagues in both the Majority here and in the
21 Majority in the Assembly.

22 They were proud of the cashless bail
23 change they passed in 2019. Many of them still
24 are proud. They feel that there's no correlation
25 between that and increases in crime. And I

1 believe there is. But we can sit there and fight
2 about that all day long. Here's what I would
3 argue. What are we doing to stop the crime
4 problem in New York? What policies are coming
5 forward in this budget that stop it?

6 What I will tell you is this. The
7 bail change by my colleagues' own -- their own
8 characterization, is that it's not a change at
9 all. There's no change. There's no change to
10 the crimes that were bail-eligible or not
11 bail-eligible. It's a clarification. Apparently
12 the judges we have in New York aren't smart
13 enough to understand the law. That's what I
14 heard over and over again. They don't understand
15 the language. These are people who went to
16 law school, people who have been judges for a
17 long time -- people like the folks we just put on
18 the high court, I guess -- that don't quite
19 understand what "least restrictive means" meant.

20 But now it's gone, replaced by new
21 language, to be a little more clear. And I think
22 we're going to see the same exact thing. And so
23 the question I would have, unfortunately for the
24 Governor, is we held up a budget for over a
25 month, and no doubt we had to trade for some

1 really bad policies for New Yorkers that are
2 going to increase their energy bills, their
3 taxes, going to make housing more expensive,
4 going to make farming more expensive, going to
5 hurt working people.

6 And all to get a bail change that by
7 all accounts from the folks who negotiated the
8 change, who drew up the initial policy, will tell
9 you is not really a change.

10 And so I can't find enough good
11 reasons to vote certainly for this budget. This
12 budget does not help New York. It continues us
13 on the path we're on. It's not even managing the
14 decay. It's exacerbating it. As my good friend
15 Senator Lanza said, as we were waiting for the
16 budget, Madam President, we sort of felt in our
17 conference like we were waiting for the asteroid
18 to hit. And it's landed, unfortunately, and it's
19 landed for New Yorkers.

20 Because, you know, I've heard my
21 colleagues say this -- and I'll close with this.
22 There was a debate a couple of weeks ago, and I
23 heard some of my colleagues say, you know, we
24 know it's tough being in the Minority. And of
25 course some of them actually do know it's tough

1 being in the Minority. Some of the folks who
2 made the comment actually don't know, because
3 they've never been in the Minority.

4 But it is tough being in the
5 Minority. That's no news flash. But that really
6 misses the point, Madam President. Because this
7 budget isn't tough because we're in the Minority,
8 this budget's tough if you're a farmer. This
9 budget's tough if you own a small business. This
10 budget is tough if you were looking to build a
11 home here in New York. This budget is tough if
12 you care about your energy costs. This budget is
13 tough if you're a working person in New York.
14 That's who this -- that's who's tough to be in
15 New York.

16 And these folks aren't in the
17 minority. I think they're in the majority. I
18 think most New Yorkers feel exactly as I just
19 outlined. Unfortunately, this budget doesn't do
20 anything to address those concerns.

21 So, Madam President, while I
22 appreciate the work that goes into this --
23 because bad budget, good budget, the same amount
24 of work has to go into it to get us here. And I
25 have no doubt that my colleagues on the other

1 side and the staff put a lot of work in to get us
2 to this point. But make it -- make no mistake,
3 this budget is not good for the people of
4 New York. I'm not even going to limit it to the
5 people I represent. It's not good for anybody in
6 the State of New York. It does not move the
7 state forward. It does not put us on a path to
8 success. And I think we're going to look back
9 years from now and rue the day that this budget
10 was passed and signed into law.

11 So with that, Madam President, I
12 thank you for your indulgence. I will be voting
13 no.

14 ACTING PRESIDENT MAYER: Senator
15 Gianaris.

16 SENATOR GIANARIS: Madam President,
17 please recognize Majority Leader Stewart-Cousins.

18 ACTING PRESIDENT MAYER: Majority
19 Leader Stewart-Cousins.

20 SENATOR STEWART-COUSINS: Thank you
21 so much, Madam President.

22 And actually I want to thank all of
23 our presiding officers over the past couple of
24 days, Senator Bailey and Senator Persaud and
25 certainly you. It has been a spirited debate,

1 and I know that we have waited for me to say this
2 is the end. I've been chronicling throughout,
3 and finally we are here.

4 But of course we couldn't be here
5 without the incredible, intrepid Senator Liz
6 Krueger. Thank you so much for what you do.

7 (Extended applause.)

8 SENATOR STEWART-COUSINS: And I
9 won't ignore the fact that your partner,
10 Senator O'Mara there as well, sits through these
11 things and appreciate -- appreciate, I'm sure,
12 not only the partnership, but what you've learned
13 from Senator Krueger over the years. We all do.

14 And I also want to thank --

15 (Applause.)

16 SENATOR STEWART-COUSINS: And of
17 course to my own deputy and the floor leader, the
18 deputy leader, Senator Mike Gianaris. Thank you
19 for always making sure that this plane lands and
20 it lands exactly where it should and as it is
21 should. Thank you so much.

22 (Applause.)

23 SENATOR STEWART-COUSINS: And of
24 course, like Senator Ortt says, Senator Lanza has
25 to listen to him and everybody else here. And I

1 will say thank you, Senator Lanza, as well,
2 because I know that you all work very, very well
3 together to get it all done. And that is not
4 unnoticed, so thank you. Thank you.

5 (Applause.)

6 SENATOR STEWART-COUSINS: I want to
7 thank the Governor, the Speaker -- Senator Ortt.
8 I'm sorry, I was just so enthralled by what you
9 were saying that I forgot to thank you.

10 (Laughter.)

11 SENATOR STEWART-COUSINS: Thank
12 you.

13 (Applause.)

14 SENATOR STEWART-COUSINS: I can say
15 more --

16 (Laughter.)

17 SENATOR STEWART-COUSINS: But I
18 will say, you know, we do, we try and keep
19 communications. And certainly we have been on
20 that side. As I say, the better part of a
21 hundred years we were on that side. So --
22 (laughing) not all of us here, but --

23 (Laughter.)

24 SENATOR STEWART-COUSINS: It just
25 feels like it. But so -- so we know, I know

1 Senator Breslin says he remembers --

2 (Laughter.)

3 SENATOR STEWART-COUSINS: So we get
4 it. And sometimes, you know, you just, you know,
5 just sit and wait. So I'm conscious of that. So
6 we want to make sure that you're engaged and your
7 time is spent at least knowing what the next
8 thing is going to be. So thank you.

9 I wanted, as I said, to thank the
10 staff, incredible staff on both sides. But in my
11 world here, I want to give a special shout out to
12 the secretary of Finance, Dave Friedfel. Where's
13 Dave?

14 (Applause.)

15 SENATOR STEWART-COUSINS: E.K.,
16 Eric Katz.

17 (Applause.)

18 SENATOR STEWART-COUSINS: Someone
19 you may not know, but instrumental in our team,
20 Leah Goldman, who is now our director of
21 intergovernmental affairs.

22 (Applause.)

23 SENATOR STEWART-COUSINS: And of
24 course somebody that nobody knows, our
25 communications director, Mike Murphy.

1 (Laughter; applause.)

2 SENATOR STEWART-COUSINS: And I
3 think we all want to thank Ale Paulino, who makes
4 sure --

5 (Applause.)

6 SENATOR STEWART-COUSINS: -- that
7 we are comfortable in the house.

8 So I want to thank my Senators. I
9 tell them all the time that they are an
10 incredible group of public servants. And this
11 just takes nothing away from my colleagues on the
12 other side of the aisle; I don't have the
13 privilege to work with you day to day. I don't
14 doubt that you are as committed as everyone in
15 this chamber. So thank you for all that you do.

16 For me, who gets to, you know, spend
17 so much of my time with this group of people, I
18 say to you, you are extraordinary. Please, thank
19 you, give yourselves applause, that we have
20 actually made it.

21 (Applause.)

22 SENATOR STEWART-COUSINS: I have to
23 remember to look -- and I've got to look over
24 there too (indicating). I'm sorry, I forget.

25 I will tell you, you got credit for

1 them on the first day. You know, I actually had
2 someone in the chamber who, when we were -- you
3 know, our swearing-in day. And my -- yes, I'm
4 sorry, I'm forgetting you (gesturing).

5 (Laughter.)

6 SENATOR STEWART-COUSINS: And
7 they're like, there's more diversity over there
8 than I thought. I said yeah.

9 (Laughter.)

10 SENATOR STEWART-COUSINS: So you do
11 get credit for the Senate Democrats.

12 But again, I think it's good. I
13 spent some time over there sitting next to
14 Republicans, and it actually worked out well. I
15 got some things done because you build
16 relationships. And I think part of what's
17 happened certainly during COVID, we haven't had a
18 chance, really, to build relationships. So we
19 wind up showing up and doing what we do and then
20 going our separate ways. So I'd like to take
21 some time for some levity that so that we can,
22 you know, not only do the hard work but enjoy
23 each other.

24 (Applause.)

25 SENATOR STEWART-COUSINS: Thank

1 you.

2 And now I get to explain why this is
3 a great budget. And I know the hour for us is
4 early, but I won't be too long. But I think it's
5 important that New Yorkers actually know what
6 they've got here.

7 And it is a little later than we
8 expected. And it's hard to appreciate all the
9 moving parts behind the scene, and all the people
10 who made it possible.

11 But when we embarked on this
12 2023-2024 budget, our mission was to forge a more
13 affordable New York where no one could be priced
14 out of their livelihoods and where greater
15 opportunities for all were funded at every turn.

16 After guiding our state through the
17 worst of the pandemic, and successfully
18 stabilizing our workforce, passing a budget that
19 would fund New York from the bottom up was the
20 next step in our economic recovery. While many
21 of the top saw their profit lines grow throughout
22 these past years, middle- and working-class
23 New Yorkers continue to be stretched from both
24 ends. We needed to bolster an economy that
25 builds from the middle out and pulls from the

1 lowest rung to the top.

2 And that meant taking historic steps
3 to ease the pain that everyday households have
4 been enduring for years, and create new pathways
5 for prosperity in every community and for every
6 family. It meant fully funding bedrock social
7 policies like public education, free school meals
8 and childcare, while not only lifting families up
9 but helping them build generational stability for
10 years to come.

11 It also meant continuing to invest
12 in communities themselves, by strengthening
13 public safety and outreach services while
14 expanding Main Streets and supporting local
15 economies. And it meant building towards a more
16 sustainable future so that the strides we make
17 today can be fully enjoyed by the New Yorkers of
18 tomorrow.

19 I'm proud to say that today we
20 passed a state budget that funds these objectives
21 and directly benefits the hardworking people of
22 New York, starting first and foremost with
23 transformative investments into our public
24 education system, from pre-K all the way to
25 college.

1 We are the Education Conference for
2 a reason. Two years ago we set out to create a
3 cradle-to-college pipeline that supports our
4 children's excellence at every stage of
5 development. And now, for the first time ever,
6 we will fully fund Foundation Aid, ensuring that
7 each public school is equally provided for
8 throughout New York.

9 We've rejected --

10 (Applause.)

11 SENATOR STEWART-COUSINS: We've
12 rejected any tuition hikes to in-state SUNY and
13 CUNY rates, keeping higher education within the
14 economic reach of all of New York's students and
15 ensuring no one is priced out of the education
16 they've earned.

17 In a long-overdue step, we're also
18 funding universal free school meals for millions
19 of children so that no student's ability to learn
20 will be affected by hunger. And this program
21 will help keep money in the pockets of so many
22 parents and caregivers. These are commonsense
23 policies that will make seismic differences in
24 our communities.

25 We're also lifting the burden

1 further on working families with an eye towards
2 ensuring parents won't have to choose between a
3 paycheck and raising their children. That's why
4 we've expanded our efforts and increased funding
5 for universal pre-K and childcare. We're also
6 investing 25 million to support the
7 employer-provided childcare credit, and expanded
8 the child tax credit to include children under
9 four years old, a necessary threshold for so many
10 working families.

11 When we invest in local social
12 programs and services, we're investing in the
13 well-being of the community. That's why, in
14 addition to robust education funding, we also
15 took major steps to strengthen the healthcare
16 infrastructure that supports our every need.

17 The COVID stress test didn't end
18 when cases dropped. The same inequities that led
19 to provider burnout and overloaded hospitals
20 still persist today in the same places, and often
21 bear the brunt of our healthcare crisis. No one
22 should be geographically stranded from a hospital
23 or doomed and deemed too poor to receive care.

24 That's why we took crucial steps to
25 support our distressed providers with

1 \$500 million in additional aid. And we secured a
2 billion dollars for healthcare capital funding,
3 increased Medicaid reimbursement rates for
4 hospitals and nursing homes, expanded Medicaid
5 for those who are disabled and still working.
6 And we received a commitment from the Governor to
7 request federal assistance to allow us to provide
8 coverage for all.

9 In addition, we continue to lead the
10 way as a destination state for reproductive care.
11 This budget allocates \$101 million to abortion
12 services, which includes an expansion of services
13 to SUNY and CUNY students, and access to
14 over-the-counter contraception.

15 We're furthering our efforts to
16 strengthen mental health resources and crisis
17 care so that people in need can access help as
18 soon as possible. In that effort, we secured a
19 historic billion dollars for mental health
20 services, which will go towards improving
21 insurance coverage, increasing outpatient
22 services and inpatient psychiatric treatment
23 capacity.

24 Additionally, we're creating a
25 Daniel's Law task force to evaluate improved

1 intervention for mental health crises.

2 (Applause.)

3 SENATOR STEWART-COUSINS: Keeping
4 resources local and services accessible is the
5 foundation for progress. But reliable public
6 transportation is the engine that actually moves
7 us forward. As New Yorkers continue to return to
8 in-person work, entertainment and travel, we need
9 to ensure that the MTA can support their rising
10 demand. We went into these budget negotiations
11 knowing that MTA failure -- for all the reasons
12 that we heard on this floor -- was not an option.

13 Now I'm proud to say that we've
14 reached an agreement that will fund operations,
15 improve the quality of service, and provide
16 accountability and ensure that the critical
17 infrastructure will continue serving residents
18 and their busy lives while remaining affordable.

19 We're also introducing a pilot
20 program for five free MTA buses, as has been
21 explored and implemented in other major cities.
22 With these pilot routes, we're bringing more
23 New Yorkers into the public sphere, revitalizing
24 neighborhoods that may have otherwise been left
25 stranded. This is good for New York and good for

1 New Yorkers.

2 Our fight for affordability must
3 also address the nickel-and-diming of average
4 households that have been left unable to meet
5 their basic needs. You should not have to work
6 numerous jobs to keep a roof over your head, let
7 alone put food on the table.

8 The current minimum wage is not a
9 livable wage. It needs to go up. I'm proud to
10 say we secured a \$2 increase over the next three
11 years and will finally tie the wage to the rate
12 of inflation.

13 When we invest in the financial
14 well-being of our citizens and provide them with
15 resources needed to succeed, we create greater
16 opportunities for generations. It's no mystery
17 why communities with fully funded schools, robust
18 healthcare systems, reliable public
19 transportation, and livable wages are also the
20 ones with lower rates of poverty and crime.

21 My mother often said an ounce of
22 prevention is worth a pound of cure. That's why
23 we continue to provide record funding for
24 education, expanded after-school activities, the
25 arts, and youth athletics. And we will always

1 prioritize programs like these which stop crime
2 from occurring in the first place.

3 In this budget we are continuing our
4 transformative work to get guns off of our
5 streets and keep them out of the wrong hands by
6 investing \$347 million in evidence-based gun
7 violence prevention initiatives. And yes, we
8 clarified language in the bail law to underscore
9 the discretion judges have in order to uphold our
10 reforms and prioritize true justice.

11 The law is clear, the services are
12 funded, and the data is conclusive. Our criminal
13 justice policies prove that criminal justice
14 reform and public safety can and must go hand in
15 hand.

16 This budget is a blueprint for
17 greater prosperity, and lays the framework for an
18 even brighter future. But these investments
19 won't mean anything if people are displaced due
20 to climate change. That's why we're continuing
21 our nation-leading efforts to not only stop
22 further damage from occurring, but reverse what's
23 already been done, because the environmental
24 stakes are too high for anything else.

25 For the first time ever, thanks to

1 our conference's efforts, this budget will hold
2 our greatest polluters accountable for their
3 actions by making them pay for clean energy
4 projects going forward. We laid the foundation
5 for a historic cap-and-invest program, and the
6 Senate overcame resistance to make sure the
7 Public Renewables Act had real teeth and strong
8 labor standards.

9 And, yes, we advanced the
10 all-electric buildings without restrictions on
11 existing buildings. We're not burdening everyday
12 New Yorkers in our climate fight. And we're not
13 asking them to give up more than our greatest
14 polluters. So that means, just to be clear, that
15 yes, you can keep your gas stove, you can stay in
16 your home that you've always known, you can keep
17 your job, and we will simply be building
18 climate-conscious policies into the spaces.

19 The days of shifting costs and
20 carbon onto poor communities are over. Our
21 climate policy centers working-class New Yorkers
22 as the beneficiaries of this affordable green
23 economy, not the financiers, with good-paying
24 union jobs forging our clean future.

25 These are the actions desperately

1 needed for us for stay the course on climate and
2 keep New York habitable. And we must remember
3 those at the front lines of our climate fight --
4 the stewards of our land, the farmers. New York
5 is the proud home to thousands of family farms
6 which not only support numerous working-class
7 families and communities, but nourish the
8 entirety of our state. This budget stands up for
9 them and invests in them.

10 (Applause.)

11 SENATOR STEWART-COUSINS:

12 Affordability creates opportunity. New York will
13 only be at its very best when every person,
14 regardless of income, can live safely, securely,
15 and with the same opportunity for success as
16 everyone else.

17 This State Budget targets our
18 greatest areas of need to lift the burden and
19 generate future prosperity. I know it came later
20 than we expected, but there is some serendipity
21 that the 2023-2024 budget is passing at the
22 beginning of May, a month dedicated to the
23 struggle and advancement of workers.

24 In the words of labor unionist and
25 civil rights activist A. Philip Randolph, "A

1 community is democratic only when the humblest
2 and weakest person can enjoy the highest civil,
3 economic and social rights that the biggest and
4 most powerful possess."

5 That is the impetus at the core of
6 this budget. The Senate Democratic Conference
7 has always believed that by supporting the middle
8 and working class, investing in education,
9 strengthening local economies, funding our green
10 future, we'll forge a more equitable and abundant
11 state where every person can excel.

12 I'm proud of the work we've
13 accomplished in crafting this people's budget,
14 and for all that it will do on behalf of
15 New Yorkers.

16 Thank you, Madam President.

17 (Standing ovation.)

18 ACTING PRESIDENT MAYER: Senator
19 Gianaris.

20 SENATOR GIANARIS: Is there any
21 further business at the desk?

22 ACTING PRESIDENT MAYER: There is
23 no further business at the desk.

24 SENATOR GIANARIS: I move to
25 adjourn until tomorrow, Wednesday, May 3rd, at

1 11:00 a.m.

2 ACTING PRESIDENT MAYER: On motion,
3 the Senate stands adjourned until Wednesday,
4 May 3rd, at 11:00 a.m.

5 (Whereupon, at 11:18 p.m., the
6 Senate adjourned.)

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