

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 8, 2025

11 10:32 a.m.

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14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The
Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: Reading
of the Journal.

THE SECRETARY: In Senate,
Wednesday, May 7, 2025, the Senate met pursuant
to adjournment. The Journal of Tuesday, May 6,
2025, was read and approved. On motion, the
Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good morning,
7 Madam President.

8 ACTING PRESIDENT PERSAUD: Good
9 morning.

10 SENATOR GIANARIS: On behalf of
11 Senator Fernandez, I move to amend Senate Bill
12 1814A by striking out the amendments made on
13 February 18, 2025, and restoring it to its
14 original print, Print Number 1814.

15 ACTING PRESIDENT PERSAUD: The
16 amendments are received, and the bill will retain
17 its place on the Third Reading Calendar.

18 Senator Gianaris.

19 SENATOR GIANARIS: We're going to
20 simultaneously call an immediate meeting of the
21 Finance Committee in Room 332 and take up
22 previously adopted Resolution 908, by
23 Senator Fahy.

24 Please call Finance and then
25 recognize Senator Fahy on that resolution.

1 ACTING PRESIDENT PERSAUD: There
2 will be an immediate meeting of the
3 Finance Committee in Room 332.

4 The Secretary will read.

5 THE SECRETARY: Resolution 908, by
6 Senator Fahy, recognizing May 8, 2025, as a day
7 to honor the work of Girls Inc. of the Greater
8 Capital Region.

9 ACTING PRESIDENT PERSAUD: Senator
10 Fahy on the resolution.

11 SENATOR FAHY: Good morning,
12 Madam President.

13 Thank you for allowing me to
14 introduce this resolution and to recognize
15 Girls Inc. of the Greater Capital Region.

16 ACTING PRESIDENT PERSAUD: Senator,
17 can you hold a minute, please.

18 May we have some order in the
19 chamber, please, so that Senator Fahy can speak.

20 SENATOR FAHY: Thank you,
21 Madam President.

22 And if they'd like to rise -- well,
23 they're the only ones in the chamber today, so I
24 guess it makes it easy to see those red shirts.

25 Girls Inc. is a nationally

1 recognized nonprofit dedicated to inspiring young
2 girls to be bright, strong, bold through their
3 direct service and advocacy. They have been
4 incorporated for over 85 years and have served
5 thousands of girls and young women throughout the
6 Capital Region with life-changing programs on
7 education, health, leadership development, and
8 equipping them with the skills and confidence to
9 succeed. Their mission is to inspire all girls
10 to be strong, smart and bold.

11 They've been in existence in
12 Schenectady since 1937 -- really ahead of their
13 time -- and in Albany since 1961. They're now in
14 Poughkeepsie, and I'm forgetting one -- oh, and
15 Troy, of course.

16 So it's really grown and, again,
17 serving thousands of young girls with STEM
18 education, again the leadership opportunities.
19 They serve a very diverse population. And they
20 particularly target underrepresented and
21 low-income neighborhoods to serve as many as
22 possible.

23 Last year they were selected by
24 Anthem Blue Cross as the 2024 Whole Health Heroes
25 for the holistic services that they provide.

1 So today, again, proud to honor
2 Girls Inc. and recognize today as a day to
3 celebrate the work of Girls Inc. of the
4 Capital Region and its ongoing commitment to
5 strengthening communities and investing in the
6 potential of girls and young women throughout
7 this region.

8 Thank you, Madam President, for
9 allowing me this honor to introduce this
10 extraordinary group, who is a small
11 representation of the thousands who have been so
12 successfully served over the decades.

13 ACTING PRESIDENT PERSAUD: Thank
14 you.

15 To our guests, Girls Inc., I welcome
16 you on behalf of the Senate. We extend to you
17 the privileges and courtesies of this house.

18 Please remain standing and be
19 recognized.

20 (Standing ovation.)

21 ACTING PRESIDENT PERSAUD: Senator
22 Gianaris.

23 SENATOR GIANARIS: Madam President,
24 let's stand at ease while we await the
25 Finance Committee's return.

1 ACTING PRESIDENT PERSAUD: The
2 Senate will stand at ease.

3 (Whereupon, the Senate stood at ease
4 at 10:37 a.m.)

5 (Whereupon, the Senate reconvened at
6 10:48 a.m.)

7 ACTING PRESIDENT PERSAUD: The
8 Senate will return to order.

9 Senator Gianaris.

10 SENATOR GIANARIS: Madam President,
11 there's a report of the Finance Committee at the
12 desk. Can we take that up, please.

13 ACTING PRESIDENT PERSAUD: The
14 Secretary will read.

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

18 Senate Print 3004D, Senate Budget
19 Bill, an act making appropriations for the
20 support of government, Capital Projects Budget;

21 Senate Print 3006C, Senate Budget
22 Bill, an act to amend the Education Law.

23 Both bills reported direct to third
24 reading.

25 SENATOR GIANARIS: Move to accept

1 the report of the Finance Committee.

2 ACTING PRESIDENT PERSAUD: All
3 those in favor of accepting the report of the
4 Finance Committee please 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 report of the Finance Committee is accepted.
11 Senator Gianaris.

12 SENATOR GIANARIS: Take up the
13 supplemental calendar, please.

14 ACTING PRESIDENT PERSAUD: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 972, Senate Print 3004D, 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.

1 ACTING PRESIDENT PERSAUD: All
2 those in favor of accepting the message please
3 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: The bill
13 will be laid aside.

14 THE SECRETARY: Calendar Number
15 973, Senate Print 3006C, Budget Bill, an act to
16 amend the Education Law.

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

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

21 SENATOR GIANARIS: Move to accept
22 the message of necessity.

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

1 (Response of "Aye.")

2 ACTING PRESIDENT PERSAUD: Opposed,
3 nay.

4 (Response of "Nay.")

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

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT PERSAUD: Lay it
10 aside.

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

13 SENATOR GIANARIS: Let's move to
14 the controversial calendar, beginning with
15 Calendar Number 973, please.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 973, Senate Print 3006C, Senate Budget Bill, an
21 act to amend the Education Law.

22 ACTING PRESIDENT PERSAUD: Senator
23 Palumbo, why do you rise?

24 SENATOR PALUMBO: Good morning,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: Good
2 morning.

3 SENATOR PALUMBO: Would the sponsor
4 yield for a few questions on Part LL, please? Or
5 anyone other than the sponsor who'd be interested
6 in doing so.

7 SENATOR MYRIE: Yes.

8 ACTING PRESIDENT PERSAUD: Senator
9 Myrie will yield.

10 SENATOR PALUMBO: Thank you,
11 Senator Myrie. Good morning.

12 SENATOR MYRIE: Good morning.

13 SENATOR PALUMBO: How are you?

14 I've been reading some news accounts
15 that there were discussions regarding these
16 changes to discovery with some district
17 attorneys. And I only saw that they were within
18 the five boroughs. Do you know if there was any
19 consultation regarding any amendments with any of
20 the other district attorneys around the state?

21 SENATOR MYRIE: Through you,
22 Madam President, there was extensive
23 conversations with district attorneys from all
24 over the state.

25 As you may have also seen reported,

1 these changes to the discovery law have support
2 from the president of the District Attorneys
3 Association, and our discussions were also
4 inclusive of other stakeholders. So there was
5 extensive discussion around the changes.

6 SENATOR PALUMBO: Will the sponsor
7 continue to yield.

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR MYRIE: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR PALUMBO: Thank you,
14 Senator.

15 And from looking at the bill itself,
16 it looks as though the only real substantive
17 changes -- I know there were some changes
18 regarding timing of disclosure to -- regarding
19 the defendant testifying in the grand jury, and
20 that there were also some changes to the language
21 that the items that relate to the subject matter
22 and that -- those items that are also relevant to
23 the subject matter.

24 But the way I see this, and please
25 correct me if I'm wrong, the only substantive

1 changes seem to be that there was a time limit
2 for motions, that the motion to challenge the
3 certificate of compliance is 35 days -- with
4 exceptions that we'll get into in a little bit --
5 as well as codifying essentially the due
6 diligence standard that was established by the
7 Court of Appeals in People v. Bay.

8 Is that accurate?

9 SENATOR MYRIE: Through you,
10 Madam President, those changes were made -- I
11 think it's subjective what you might consider
12 substantive or technical.

13 But in addition to some of those
14 changes in the Bay factors that were codified,
15 there was also the inclusion of a factor for
16 consideration regarding whether the evidence
17 might prejudice the defendant and impede the
18 ability for them to investigate and mount a
19 defense.

20 There was also an inclusion that
21 would make clear that prosecutors are still
22 required to meet their constitutional disclosure
23 duties. As you know, as a former prosecutor, we
24 wanted to make that clear as well.

25 And I think we're going to get into

1 some of the COC challenge exceptions that I
2 think, you know, some might argue are substantive
3 as well.

4 SENATOR PALUMBO: Through you,
5 Madam President, will the sponsor continue to
6 yield.

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR MYRIE: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR PALUMBO: Thank you.

13 So in addition to that -- just so
14 I'm clear and so our colleagues are clear,
15 because we're a little bit in the weeds here and
16 I know that's what I always enjoy having these
17 debates with Senator Myrie -- the addition of
18 prejudice to the defendant is something new, that
19 there was otherwise compliance and several
20 factors to consider, but we also added whether or
21 not there was prejudice to the defendant.

22 Is that true?

23 SENATOR MYRIE: Through you,
24 Madam President, that is correct.

25 I also want to note that we made

1 clear in the statute that no single factor is
2 determinative, that the court must adopt a
3 totality of the circumstances approach so that
4 they could be taking into consideration
5 everything and not merely automatically
6 dismissing for one fact or the other.

7 SENATOR PALUMBO: Thank you,
8 Senator.

9 Will the sponsor continue to yield?

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR MYRIE: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR PALUMBO: So now as far as
16 noncompliance with discovery, was that decoupled
17 from the speedy trial statute, from the 30.30
18 statute in this new change?

19 SENATOR MAYER: Through you,
20 Madam President, it was not.

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

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR MYRIE: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR PALUMBO: If we could get
4 into the specifics, Senator. Through you,
5 Madam President. On Section 4 -- I need my
6 glasses for this. But essentially the 35-day
7 time period to challenge a certificate of
8 compliance, it can be extended for good cause
9 shown on the prosecution's part, but the request
10 shall be made essentially within the 35 days by
11 defense counsel after consultation with the
12 prosecutor to cure any known defects to the
13 certificate of compliance.

14 Is that accurate?

15 SENATOR MYRIE: Through you,
16 Madam President, that is correct.

17 SENATOR PALUMBO: Will the sponsor
18 continue to yield?

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR MYRIE: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR PALUMBO: However, there's
25 also a carveout that says, at line 42:

1 "Notwithstanding the provisions of this
2 subdivision, a party may challenge the validity
3 of the certificate of compliance after the
4 expiration of the 35-day period where the grounds
5 for such challenge are based upon a material
6 change in circumstances, including but not
7 limited to the belated disclosure of discoverable
8 material pursuant to Section 245.20 of this
9 article, or where the party entitled to
10 disclosure could not with due diligence have
11 known of the specific and particularized matters
12 forming the basis of the challenge prior to the
13 expiration of such period."

14 So with regard to that section, I
15 actually can't think of a situation where, if the
16 defense attorney was unaware of it, that they
17 wouldn't be able to make this motion or whether
18 or not it was -- or, in the situation of belated
19 disclosure, how they wouldn't have the
20 opportunity to file that motion.

21 So really my question to you is,
22 Senator, am I reading this improperly? Or is it
23 essentially of course they can make the motion at
24 any time? Because what triggers typically these
25 motions currently, before these changes, is

1 belated disclosure of discovery. So if discovery
2 is given late, how does this 35-day rule even
3 apply?

4 SENATOR MYRIE: Through you,
5 Madam President. So just to contextualize,
6 the -- we changed the time limit for bringing the
7 motion, and this was to address some of the
8 concerns from prosecutors that they were
9 receiving these challenges belatedly or that
10 there had not been a conferral and discussion on
11 some of the items that were missing prior to
12 involving the court in making a decision.

13 This speaks to an exception, and the
14 material change in circumstance is meant to
15 incorporate instances where the prosecutor, even
16 after conferral, said this particular batch of
17 evidence was not available, and a couple of days
18 later that somehow becomes available.

19 There should still be an opportunity
20 for the defense to make this motion, but it
21 should be based on a material change in the
22 circumstance and not simply an exception to the
23 rule that ends up swallowing the rule.

24 SENATOR PALUMBO: Will the sponsor
25 continue to yield.

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR PALUMBO: Thank you,
7 Senator.

8 Now, moving on to the next page and
9 the People v. Bay factors. And just for our
10 colleagues I'll just generally say there --
11 essentially, Judge Halligan in 2023 read into the
12 statute that when we look at this as a whole,
13 that there was essentially a due diligence
14 requirement of the People.

15 Is that accurate, Senator?

16 SENATOR MYRIE: Through you,
17 Madam President, are you asking me to opine on
18 what the --

19 SENATOR PALUMBO: Sure, just -- I
20 just want to -- I don't want to -- I want to make
21 sure we're on the same page, that generally that
22 the Court of Appeals case said that there was a
23 due diligence requirement, to an extent, and
24 listed some factors by the People when it comes
25 to providing discovery.

1 SENATOR MYRIE: Through you,
2 Madam President, I'd say both due diligence and
3 good faith.

4 SENATOR PALUMBO: Yes. Thank you.
5 And good faith, thank you.

6 And would the sponsor continue to
7 yield, Madam President.

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR MYRIE: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR PALUMBO: And in that case
14 Judge Haligan still dismissed the case, but then
15 ultimately read that into that case. And it
16 looks -- so it was currently law in New York
17 state, and it looks as though those factors were
18 incorporated within these changes within Part LL.

19 And then we read here, on lines 13
20 through 16: And whether the prosecution has
21 delayed discovery or discovery was prejudicial --
22 excuse me -- delayed disclosure of discovery was
23 prejudicial to the defense or otherwise impeded
24 the defense's ability to effectively investigate
25 a case or prepare for trial, as you mentioned

1 earlier.

2 So that is something that was not
3 currently in law, based upon the Bay case, and
4 that's something else that was added, is that
5 true?

6 SENATOR MYRIE: Through you,
7 Madam President, yes.

8 SENATOR PALUMBO: Thank you,
9 Senator.

10 And I will have some questions on
11 one other section, if I may. So if I may just go
12 on the bill regarding this section now,
13 Madam President.

14 ACTING PRESIDENT PERSAUD: Senator
15 Palumbo on the bill.

16 SENATOR PALUMBO: Thank you. So --
17 and look, I know this was lauded to be, you know,
18 some drastic, dramatic fix. But unfortunately I
19 have spoken with many assistant district
20 attorneys in the past 24 hours -- in fact,
21 district attorneys of very large counties as
22 well, and they're wholly unimpressed. Because
23 this has virtually done nothing but codify
24 current law and actually add a prejudice
25 standard.

1 And quite frankly, Madam President,
2 I -- those days when I was practicing, with even
3 colleagues and friends on the other side of the
4 aisle, and I practiced on both sides of the
5 aisle, we would joke when you say that, oh, this
6 is prejudice to my client. Well, of course it
7 is. That's your job. A confession, for example,
8 is very prejudicial to a defendant. That doesn't
9 mean it shouldn't be in evidence.

10 So any late disclosure is
11 prejudicial. So any late disclosure will allow a
12 motion to strike the certificate of compliance.
13 The problem here was connecting it to speedy
14 trial.

15 And there's some language in here
16 that's saying that this should be the last
17 consideration to dismiss the case, this should be
18 the last remedy. But that's currently the law.
19 And the due diligence standard is currently the
20 law as of December of 2023 when the Court of
21 Appeals said so.

22 So this is unfortunately a nothing
23 burger. And quite frankly, during these
24 deliberations we saw many of our colleagues on
25 the other side say, we don't want any changes to

1 discovery. We're not doing it. Well, that's
2 what happened. This is not a change. This is
3 nothing. This is codifying current law. And
4 this is creating a few nuanced, really
5 insignificant changes in my opinion, still
6 allowing the court to strike the certificate of
7 compliance for late disclosure, even if it's
8 unintentional. Because now we're adding a new
9 factor of prejudice to the defendant. Check that
10 box on every single late disclosure of something
11 not significant, period.

12 So if it's a body camera which is of
13 the seventh police officer at the scene: You
14 didn't disclose that. Well, that's prejudicial.
15 It may have something that I really feel is
16 important, Judge. I want to make the motion.

17 Okay, great. In fact, it's
18 ineffective assistance of counsel, in my opinion,
19 if you're not making that motion.

20 So right now we're going to be right
21 back to where we are currently today with cases
22 being dismissed on hypertechnical issues and
23 justice not being served.

24 So I do appreciate this. And I
25 would hope that my colleagues, when the dismissal

1 numbers are roughly what they are today for
2 technical violations of this, that we can
3 actually revisit this and actually do something
4 that will make it fair and balanced for both
5 sides. That's really the importance. Justice
6 has a scale in her hands and a blindfold. So the
7 scale is really tipped in the wrong direction
8 right now that it's not fair. It's not fair to
9 everyone. So we need to fix it. This is not a
10 fix.

11 So that being said, Madam President,
12 I'll go back to the nice Senator Palumbo, and I
13 wonder if the sponsor would yield for some
14 questions on Part DD, please.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield to the nice Senator Palumbo?

17 (Laughter.)

18 SENATOR MYRIE: I yield to the nice
19 Senator, yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR PALUMBO: Well, good
23 morning, Senator Myrie. What a pleasure.

24 (Laughter.)

25 SENATOR PALUMBO: So nice to see

1 you. Yes.

2 With regard to this Part DD, so
3 we've created a new crime, evading arrest by
4 concealment of identity. And the elements of
5 this crime -- it's a B misdemeanor, so you can
6 get three months in jail. And a person is guilty
7 of evading arrest by concealment of identity
8 (reading) when in the course of the commission of
9 a felony or Class A misdemeanor or in the
10 immediate flight therefrom, such person wears a
11 mask or facial covering or otherwise obscures
12 their face completely or partially for no
13 legitimate purpose with the intent to prevent
14 their identification, apprehension or arrest for
15 such crime.

16 So based on that language, Senator,
17 my question is, can someone be charged with this
18 new crime if they are not -- and this is somewhat
19 rhetorical -- committing another A misdemeanor or
20 higher, and they're doing -- they're wearing the
21 mask during the commission or immediate flight
22 therefrom.

23 SENATOR MYRIE: Through you,
24 Madam President, they cannot.

25 SENATOR PALUMBO: Will the sponsor

1 continue to yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR MYRIE: Yes.

5 ACTING PRESIDENT PERSAUD: the
6 sponsor yields.

7 SENATOR PALUMBO: Thank you,
8 Senator. So if someone's on a college campus
9 wearing a mask, screaming, cursing and shouting
10 antisemitic comments, they can't be charged with
11 this crime because that would essentially be
12 harassment, which is a violation. They're not in
13 the commission of a crime, but they are in fact
14 still wearing their mask, with the intent to
15 prevent their identification, apprehension or
16 arrest. They still couldn't be charged with this
17 new crime that has just been created, isn't that
18 fair to say?

19 SENATOR MYRIE: Through you,
20 Madam President, they would not be charged with
21 this new crime. They may be charged with an
22 underlying crime in this hypothetical that you've
23 described.

24 SENATOR PALUMBO: Will the sponsor
25 continue to yield?

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR PALUMBO: And that's
7 understood, Senator. And I think if the
8 underlying crime were not an A misdemeanor --
9 say, it were a class B misdemeanor, like this
10 offense, if it wasn't an A misdemeanor or felony,
11 then they couldn't be charged, though, is that
12 fair to say?

13 SENATOR MYRIE: Through you,
14 Madam President, that's correct.

15 SENATOR PALUMBO: Will the sponsor
16 continue to yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR MYRIE: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR PALUMBO: So, Senator, just
23 to get a little bit more specific, somewhat
24 technical, under the Penal Law Section 70.35
25 there's a merger doctrine where determinate

1 sentences merge with indeterminate sentences.

2 So for example, if someone were
3 committing a robbery with a mask, in full
4 violation of this charge, and they were convicted
5 of robbery and sent upstate, isn't it true that
6 this crime, the evading arrest by concealment of
7 identity, would have zero effect on their
8 sentence because, under the sentencing
9 guidelines, you can't run it consecutively
10 because it's a misdemeanor, and because it's a
11 maximum of 90 days, if they were maxed out, it
12 would just simply merge and run concurrently so
13 there would be no additional penalty for
14 committing this offense?

15 SENATOR MYRIE: Through you,
16 Madam President, that's correct.

17 And I understand where the nice
18 Senator is going on this hypothetical, but I
19 think it's important to point out that that
20 underlying robbery charge would have a
21 consequential sentencing. And this is not
22 seeking to address that underlying, but to get
23 very specifically at the activity prescribed in
24 the statute.

25 SENATOR PALUMBO: Thank you,

1 Senator.

2 Madam President, on the bill.

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

5 SENATOR PALUMBO: Thank you,
6 Senator Myrie. And I appreciate that, and I
7 appreciate your candor.

8 And that's what we all need to
9 understand here, that once again, this was lauded
10 to be saving New York. It does anything but.

11 This is a crime that can't be
12 charged standing alone. It cannot -- someone is
13 wearing a mask and broadcasting that they're
14 wearing it to conceal their identity, they're
15 wearing it to avoid arrest for some action that
16 they may commit in the future, criminal
17 conduct -- they can actually admit all of that,
18 and a police officer doesn't even have probable
19 cause. The police officer cannot charge them
20 with anything.

21 So quite frankly, this new Part DD
22 is telling the world, you know what you should
23 do, you should wear a mask if you're going to
24 commit a crime. Because nothing's going to
25 happen to you unless you get caught for the

1 crime. Then, so what, it just merges and there's
2 no additional penalties.

3 The smart thing to do would have
4 been to create an enhancement, like we do in our
5 Penal Law every day. You commit a robbery,
6 acting in concert with someone, it becomes a
7 higher elevated robbery. You have a weapon, it
8 enhances the penalty for engaging in additional
9 unlawful conduct.

10 This doesn't do that.

11 So sadly, Madam President, this
12 again, to repeat my last comments, this is a
13 nothing burger. Unfortunately, this is nothing.
14 Because the level of offense that needs to be
15 committed in order to even be charged with it is,
16 under our law, a mandatory concurrent sentence
17 with whatever happens here. Meaning that they
18 run together, for those of you who don't know
19 what we're talking about.

20 So, Madam President, this was
21 well-intended, I'm sure, but it doesn't get us to
22 where we need to go.

23 Thank you.

24 ACTING PRESIDENT PERSAUD: Thank
25 you, Senator.

1 Senator Rhoads, why do you rise?

2 SENATOR RHOADS: Thank you,
3 Madam President. I was hoping that Senator Myrie
4 might yield to a few more questions on Part DD.

5 ACTING PRESIDENT PERSAUD: Will the
6 Senator yield?

7 SENATOR MYRIE: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 Senator yields.

10 SENATOR RHOADS: Thank you,
11 Senator Myrie. Thank you, Madam President.
12 Through you, of course, Madam President.

13 Through the questioning of
14 Senator Palumbo it appears as though there is no
15 ability for a police officer to effectuate an
16 arrest based simply upon the fact that an
17 individual is wearing a mask for the purpose of
18 concealing their identity. Is that correct?

19 SENATOR MYRIE: Through you,
20 Madam President, this is an additional criminal
21 charge that requires for there to be the
22 commission or the evasion of a crime happening
23 separate from wearing a mask.

24 SENATOR RHOADS: Will the sponsor
25 continue to yield?

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR RHOADS: But so I'm correct
7 in my understanding, another crime has to be
8 committed in order for that first crime to even
9 be charged, correct?

10 SENATOR MYRIE: I'm sorry, could
11 you just repeat that?

12 SENATOR RHOADS: Sure. Another
13 crime has to be committed in order for that first
14 crime of wearing a mask for the purpose of
15 concealing your identity to even be charged,
16 correct?

17 SENATOR MYRIE: Through you,
18 Madam President, that's correct. Concealing your
19 identity in and of itself is not a crime.

20 SENATOR FELDER: So -- will the
21 sponsor continue to yield. Sorry.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MYRIE: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR RHOADS: So in the case,
3 for example, just looking to a few examples over
4 the course of the past year, an attempted robbery
5 and assault of a female student on the campus of
6 Oakland University by a group of masked
7 individuals, a slashing which occurred at
8 Hofstra University by another group of masked
9 individuals, a man attacked last June on the 45
10 train in the New York City subway system --
11 again, by a mob of masked individuals -- would
12 any of those individuals have been able to be
13 charged if they were never caught because they
14 concealed their identity?

15 SENATOR MYRIE: Through you,
16 Madam President, I just want to make sure I
17 understand the hypothetical.

18 Someone having --

19 SENATOR RHOADS: Well, it's a
20 reality. These things actually happened --

21 ACTING PRESIDENT PERSAUD: Senator
22 Rhoads. Senator Rhoads.

23 SENATOR MYRIE: I just want to make
24 sure I'm --

25 ACTING PRESIDENT PERSAUD: The

1 sponsor has the floor.

2 SENATOR MYRIE: Yeah, I just want
3 to make sure I understand what you're asking.

4 Could someone be charged in any
5 circumstance if they were not caught? Is that
6 what you're asking?

7 SENATOR RHOADS: Correct.

8 SENATOR MYRIE: Yes. If you're not
9 caught, you will not be charged.

10 SENATOR RHOADS: If the sponsor
11 will continue to yield.

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR MYRIE: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR RHOADS: So if a
18 prospective criminal, someone who intends to do
19 harm, is wearing a mask for the purpose of
20 concealing their identity and then goes ahead and
21 commits the crime, but because they're wearing a
22 mask to conceal their identity, this bill does
23 nothing to allow the police to try and prevent
24 that crime from happening.

25 SENATOR MYRIE: Through you,

1 Madam President, the -- so first I think you're
2 asking a law enforcement question about their
3 ability to get someone who is either committing a
4 crime or trying to evade one.

5 But it's important to note here that
6 if you look to lines 6 and 7, that it talks about
7 not just the commission of a felony or Class A
8 misdemeanor but -- or in the immediate flight
9 therefrom. And that is added to I think get at
10 what you're trying to say, in that if you are not
11 able in the immediate instance to catch someone
12 in the commission of a crime, this also catches
13 activity for someone trying to evade a crime.
14 And it allows for them to bring their charge just
15 like all of our criminal statutes. If someone is
16 not caught, they will not be charged. But this
17 is meant to -- if someone is committing a crime
18 and concealing their identity with the purposes
19 of evading being arrested, then that is an
20 additional charge that can be brought by the
21 prosecution.

22 SENATOR RHOADS: Thank you, Senator
23 Myrie. Will the sponsor continue to yield.

24 ACTING PRESIDENT PERSAUD: Will the
25 sponsor yield?

1 SENATOR MYRIE: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR RHOADS: But if the purpose
5 of wearing the mask is to conceal one's identity,
6 why wouldn't we make that a crime in and of
7 itself?

8 SENATOR MYRIE: Through you,
9 Madam President. I think the Senator is
10 suggesting that we criminalize the mere
11 concealing of your identity. And that is not
12 what this bill does.

13 SENATOR RHOADS: Will the sponsor
14 continue to yield?

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR MYRIE: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR RHOADS: I'm aware of that
21 fact. But if someone can only be arrested upon
22 the commission of a crime if they can be
23 identified by the victim, why wouldn't we make
24 the wearing of a mask for the purpose of
25 concealing your identity itself a crime, to try

1 and prevent that or to try and help the victim
2 identify who it was that actually committed the
3 crime?

4 SENATOR MYRIE: Through you,
5 Madam President. We believe that there may be
6 constitutional issues and that that may be overly
7 broad to criminalize merely the wearing or
8 concealing of one's identity.

9 And the statute also points out that
10 there is a legitimate purpose -- analysis that
11 has to be undergone and there are legitimate
12 purposes of why someone might be wearing a mask.

13 So the coupling of that with the
14 intent to prevent their identification or
15 apprehension or arrest for a crime is I think the
16 narrow behavior, the narrow activity that this is
17 aimed at.

18 SENATOR RHOADS: Will the sponsor
19 continue to yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR MYRIE: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR RHOADS: Well, I know you

1 mentioned prospective constitutional challenges,
2 but we really don't have to reinvent the wheel.
3 We had a law, Penal Law Section 190.90 and
4 190.91, which was on the books for 175 years
5 before that law was repealed back in 2020 under
6 the guise of the COVID pandemic, which would have
7 made it a crime to wear a mask when you're in a
8 group of three or more individuals who are
9 congregating in a public place.

10 Why wouldn't we simply put that
11 back, that law, which withstood constitutional
12 challenges and was found to be perfectly
13 legitimate -- why wouldn't we put that back in
14 place to give victims the tools that they would
15 need to be able to actually help the police
16 apprehend people who are assaulting them?

17 SENATOR MYRIE: Through you,
18 Madam President. That law cited by the Senator
19 was actually a violation. And what we are
20 discussing today is a stronger penalty. This is
21 now in our penal statute and gets to the specific
22 behavior of trying to prevent criminal activity
23 while someone is concealing their identity for
24 purposes of committing that crime or evading that
25 crime.

1 SENATOR RHOADS: Will the sponsor
2 continue to yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR RHOADS: I beg to differ,
9 Senator Myrie.

10 That previous statute actually made
11 it a Class B misdemeanor to wear the mask for the
12 purpose of deceiving {sic} one's identity and a
13 Class A misdemeanor to commit another crime while
14 wearing the mask for the purpose of concealing
15 your identity.

16 SENATOR MYRIE: Through you,
17 Madam President, I believe my colleague is
18 referencing the wrong statute. You mentioned the
19 one that was initially instituted in 1845 here in
20 the State of New York, and that was suspended for
21 purposes of COVID in 2020. That was a violation.
22 This is a crime.

23 SENATOR RHOADS: Will the sponsor
24 continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR RHOADS: I've just been
6 advised that there may be a separate loitering
7 statute, 240.35, which accomplished what I was
8 talking about.

9 I do have a --

10 ACTING PRESIDENT PERSAUD: Are you
11 on the bill, Senator Rhoads?

12 SENATOR RHOADS: No, no, no.

13 I do have -- I do have legislation,
14 S723, which actually reestablishes the former
15 Section 190.90, 190.91, which establishes the
16 crime of deceptive wearing of a mask and
17 aggravated deceptive wearing of a mask, making
18 those crimes respectively a Class B and Class A
19 misdemeanor, which was a restatement of the law
20 which was repealed.

21 Would that not be a more effective
22 method in comparison to the legislation that is
23 advanced today as Part DD, which would actually
24 assist in identifying those who are committing
25 criminal activity and making the public safer?

1 SENATOR MYRIE: Through you,
2 Madam President. As you know, we are a
3 legislative body where we all have the ability to
4 introduce and discuss legislation. And I'm not
5 going to opine on the efficacy of a bill not yet
6 before the house and not yet on the precipice of
7 being signed into law. But happy to discuss the
8 bill outside of this context.

9 SENATOR RHOADS: I appreciate that,
10 Senator Myrie.

11 On the bill.

12 ACTING PRESIDENT PERSAUD: Senator
13 Rhoads on the bill.

14 SENATOR RHOADS: Madam President --
15 and I want to thank Senator Myrie for his
16 comments.

17 The sad reality is that any of the
18 crimes that I referenced previously and any of
19 the hundreds of crimes that have taken place
20 since the repeal of the mask statute as a result
21 of COVID in 2020, the legislation that's being
22 advanced today as Part DD will not assist in
23 preventing any of those crimes.

24 The whole idea, the whole purpose of
25 wearing a mask to conceal your identity is to

1 conceal your identity. If that in and of itself
2 is not a crime, if it's not legitimate, if you're
3 not wearing a mask for the purpose of health
4 reasons, if you're not wearing a mask as a result
5 of participation in some masquerade activity, if
6 you are truly wearing a mask for the purpose of
7 concealing your identity and then go out and
8 commit another crime, but the victim can't
9 identify who it was that assaulted them, who it
10 was that stabbed them, who it was that robbed
11 them, what's the point of the legislation at all?

12 You can only charge someone with
13 Part DD if they're caught. But wearing a mask to
14 conceal your identity makes it much, much harder
15 for the victim and for law enforcement to be able
16 to identify you for the purpose of being caught.
17 So what in fact is the point? If the point is to
18 try and keep people safe, Part DD accomplishes
19 nothing in helping to keep people safe.

20 I'd like to turn, Madam President,
21 if you would permit me to do so, to -- I'm
22 actually not sure what the part section is, but
23 to the issue of zero-emission buses.

24 ACTING PRESIDENT PERSAUD: Before I
25 ask the sponsor to yield, I'd like to remind the

1 members to please direct all comments and
2 questions through the chair.

3 Will the sponsor yield?

4 SENATOR MAYER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR MAYER: And I believe you
8 mean Part A, Senator.

9 SENATOR RHOADS: Thank you very
10 much. I appreciate it, Senator Mayer.

11 Is this legislation an
12 acknowledgment of the fact that school districts
13 and bus companies are going to have a difficult
14 time complying with the electric school bus
15 mandate?

16 SENATOR MAYER: Through you,
17 Madam President, this -- these provisions dealing
18 with electric school buses reflect our continued
19 commitment to ensure that we move towards full
20 implementation of the requirements of electric
21 school buses for schools, with acknowledgment of
22 the challenges that we hear from our districts
23 about some of the problems they face in meeting
24 that requirement.

25 So to the extent that we hear and

1 respond to our school districts, yes, that's what
2 we're doing here.

3 SENATOR RHOADS: Will the sponsor
4 continue to yield?

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR MAYER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR RHOADS: Thank you. And
11 through you, Madam President.

12 Can you articulate what some of
13 those challenges might be for school districts
14 and bus companies?

15 SENATOR MAYER: Through you,
16 Madam President, I can tell you what's in this
17 section of the bill, which intends to respond to
18 them. And one is a modification of the extension
19 that is permissible for districts that are having
20 challenges.

21 Current law allows one extension up
22 to 24 months for the compliance. This law will
23 allow two 24-month extensions. Basically, you
24 get an extra four years to comply with the law.
25 That is one of the provisions in here.

1 And in order to get that extension,
2 you have to show good faith in having worked with
3 NYSERDA through the process of trying to comply
4 with the law.

5 SENATOR RHOADS: Will the sponsor
6 continue to yield?

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR RHOADS: Thank you,
13 Senator.

14 And through you, Madam President,
15 some of the challenges that have been brought to
16 my attention were the supply of buses, that
17 school districts and bus companies are having a
18 difficult time getting buses from the two
19 companies that actually provide those buses
20 because we've created an artificial demand.

21 Another concern that's been raised
22 to me is the bus cost. Right? Those buses cost
23 anywhere from two to three times what a diesel
24 bus would cost, and districts have to come up
25 with the money to be able to afford that.

1 Infrastructure costs. Right now the
2 mandate is that by June 1st of 2027, no school
3 district is allowed or bus company is allowed to
4 purchase a non-electric school bus.

5 Battery danger. One of the concerns
6 that I've raised on this floor before is the fact
7 that fire suppression systems do not exist on
8 these buses to date, which would eliminate the
9 danger of electric bus fires and those
10 batteries -- the sudden combustion and the rapid
11 spread of the intense fire.

12 There are concerns about the safety
13 of students on those buses. And the cost of the
14 electric grid and the capacity to be able to
15 handle some of these.

16 With those concerns having been
17 raised -- and I don't know if you've heard some
18 of those same concerns, but I can't imagine that
19 we haven't -- why wouldn't we simply extend the
20 effective date of the statute as opposed to
21 requiring each school district and each bus
22 company to jump through the hoop of having to
23 apply, having to demonstrate an attempt at
24 good-faith compliance to problems that we already
25 know exist?

1 SENATOR MAYER: Through you,
2 Madam President. Let me first clarify that on
3 the issue of cost, yes, we have heard it. And I
4 would point out that the Environmental Bond Act
5 has \$500 million allocated for the cost of
6 electric school buses. And there's an additional
7 \$100 million in this year's capital bill, which
8 we hopefully will vote on later today, for this
9 purpose.

10 So I think that the arguments of
11 school districts, some of which are legitimate
12 and others of which I think are less authentic,
13 can be met by the fact that the state is putting
14 a substantial -- hundreds of millions of dollars
15 in to help districts meet this requirement.

16 Now, on the second point of why we
17 don't simply have an extension, the point is we
18 know that both students, staff and the community
19 at large will benefit by moving towards electric
20 school buses. And we care about those issues.
21 And we're not willing to defer them forever. We
22 have a requirement that new purchases at 2027,
23 but ultimately 2035. We have built in
24 substantial time for districts to comply. We
25 continue to work with them.

1 And the other point I'd like to make
2 is that we have also included in this bill an
3 independent range verification to require that
4 any of the sellers of these buses provide a
5 third-party range estimate to address other
6 concerns.

7 So we have heard what school
8 districts have said. We've worked cooperatively
9 with them multiple times. And I think we'd made
10 huge strides here by putting so much money in as
11 well as additional flexibility for districts,
12 because we want this requirement to be met.

13 SENATOR RHOADS: Thank you,
14 Senator.

15 Will the sponsor continue to yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR MAYER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR RHOADS: So in the capital
22 plan it's the intention of the Majority to
23 provide \$100 million for electric school bus
24 purchases, is that correct?

25 SENATOR MAYER: Yes. The answer is

1 yes. There's a hundred million dollars for
2 electric school buses within other provisions of
3 the capital budget.

4 SENATOR RHOADS: And will the
5 sponsor continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR RHOADS: Through you,
12 Madam President. A hundred million dollars at a
13 cost of \$400,000 per bus, do you know how many
14 buses that actually provides?

15 SENATOR MAYER: I'm sure someone
16 can do the math for me. But I would say that is
17 not the only source.

18 These are reimbursable purchases.
19 As you are well aware, when a school purchases a
20 bus, a percentage of it is reimbursed as a
21 capital expense. So that 100 million, coupled
22 with the 500 million, coupled with the
23 reimbursable cost, coupled with the fact that we
24 hope to be able to negotiate with bus companies
25 to get a fair price -- not an excessive price --

1 I'm very confident that school districts can meet
2 it, and in fact a number of districts have
3 already gone ahead and done so.

4 SENATOR RHOADS: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR RHOADS: I believe that the
12 answer to the question is 1500.

13 SENATOR MAYER: Through you,
14 Madam President, I think our math is not the same
15 over here. That being said --

16 SENATOR RHOADS: (Inaudible.)

17 SENATOR MAYER: That being said, I
18 stand by my answer to the question before. There
19 is adequate money to meet the needs of these
20 districts. We will continue to work with them
21 and be partners with them in order to comply.

22 SENATOR RHOADS: Will the sponsor
23 continue to yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR MAYER: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR RHOADS: Thank you.

5 Through you, Madam President. You
6 mentioned a \$100 million fund that's provided in
7 capital spending this year. You've mentioned a
8 \$500 million fund that is available through the
9 Environmental Bond Act, I believe.

10 The complete cost at \$400,000 per
11 school bus is in excess of \$20 billion to replace
12 the 45,000 school buses, according to NYSERDA,
13 that will have to be replaced as a result of this
14 plan.

15 Where is that additional money
16 supposed to come from?

17 SENATOR MAYER: Through you,
18 Madam President. As I've mentioned, one, some of
19 the purchase cost is reimbursable from the State
20 Education Department, under current law.

21 Secondly, there is the opportunity
22 to get extensions on the purchase of these buses
23 that we've included here.

24 Thirdly, for some period of time
25 there was federal money which a number of

1 districts have used in order to do studies and
2 for purchase price. And if the federal
3 government doesn't modify some of those rules and
4 continues to extend that money, that would be
5 another helpful source.

6 But I don't think we're going to
7 walk away from the safety of our children, the
8 staff, the school bus driver, and the communities
9 in which these buses operate in order to simply
10 say we can't afford it. We will -- we have and
11 we will continue to find a way to afford these
12 buses.

13 SENATOR RHOADS: Will the sponsor
14 continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR MAYER: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR RHOADS: Thank you,
21 Senator Mayer.

22 Through you, Madam President. What
23 I hear, unfortunately, is -- seems to be a lot of
24 hope and a lot of planning and a lot of "we
25 intend to," "we hope that."

1 Has the state provided the State
2 Education Department with \$20 billion to fund the
3 buses?

4 SENATOR MAYER: I'm sorry, would
5 you repeat that?

6 SENATOR RHOADS: Well, I know you
7 mentioned that the State Education Department
8 would be providing some assistance. Is there
9 anywhere in this budget, anything providing
10 \$20 billion to the State Education Department to
11 cover the cost of these buses for individual
12 school districts and bus companies?

13 SENATOR MAYER: Through you,
14 Madam President. As I think my colleague knows,
15 expenses that are legitimately reimbursable
16 through the State Education Department are
17 subject to the district supplying the necessary
18 documentation, and they are reimbursed for a
19 portion.

20 I don't believe that there is an
21 additional amount that has to be put in the
22 budget. Those costs are reimbursable on an
23 annual basis. You will see it in the school aid
24 run.

25 SENATOR RHOADS: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR MAYER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR RHOADS: Thank you.

8 And through you, Madam President.

9 But does the State Education -- you're putting a
10 mandate on schools right now. Does the State
11 Education Department right now have the ability
12 to reimburse school districts the cost of
13 \$20 billion if every school district complied
14 immediately?

15 SENATOR MAYER: Through you,
16 Madam President. The State Education Department
17 applies the money that is required under the law,
18 which is a partial reimbursement based on their
19 rate of reimbursement. The money is not
20 allocated to the State Education Department. It
21 comes from the Division of Budget.

22 And yes, I don't believe there is
23 any shortfall in reimbursing for mandatorily
24 included expenses like purchase of a school bus.

25 SENATOR RHOADS: Will the sponsor

1 continue to yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR MAYER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR RHOADS: Well, you spoke
8 about partial reimbursement and you mentioned
9 that the State Education Department has the
10 resources to be able to reimburse school
11 districts. So those two things seem to be
12 competing. Right?

13 So what do you anticipate the actual
14 cost to a district being to replace their school
15 buses?

16 SENATOR MAYER: Through you,
17 Madam President. It would depend on the purchase
18 price. And our hope is with the increased demand
19 by virtue of the existing law that school bus --
20 the companies that manufacture and distribute
21 these buses will lower their prices at the rate
22 of demand here in New York State. And in fact I
23 know I have met with a number of bus companies
24 that are very anxious to get into the market and
25 have a competitive price here in New York.

1 So I'm confident that the market
2 will respond in a way that actually facilitates
3 the purchase of these buses.

4 SENATOR RHOADS: And will the
5 sponsor continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR RHOADS: Again, we're using
12 the terminology "hope" and "confidence" and we
13 think that this will all come together. Do we
14 know right now whether there's even the capacity
15 to be able to construct 45,000 electric school
16 buses in the next four years?

17 SENATOR MAYER: Well, through you,
18 Madam President, as you may recall, I believe it
19 was last year we directed NYSERDA to take an even
20 more assertive role in assisting school districts
21 in the purchase of these buses -- identifying
22 vendors, giving them instruction on reimbursable
23 expenses. They are the partner that has been
24 named to help assist in this.

25 The issue of the funding, which I

1 believe is well addressed in this budget and in
2 the Environmental Bond Act, we will continue to
3 deal with. But there's also an external market
4 of the producers of these buses. And we are
5 confident that as the demand increases for all of
6 New York State -- and by the way, other states
7 have done this -- the cost will not be
8 prohibitive and districts will be able to move
9 forward as, I would note, a number of districts
10 already have.

11 SENATOR RHOADS: Will the sponsor
12 continue to yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR MAYER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR RHOADS: Senator -- through
19 you, Madam President -- we keep referring to the
20 \$100 million that's in this year's capital plan,
21 in comparison to a \$20 billion cost. That is a
22 \$200 expense to a school district, with a promise
23 that we're going to pay a dollar.

24 How does that equate? How is it
25 possible that the taxpayer in individual school

1 districts is not going to wind up bearing the
2 brunt of this mandate that we've created?

3 SENATOR MAYER: Through you,
4 Madam President. One, I think the idea that this
5 is half of cost, or whatever you are actually
6 suggesting, Senator, I think is inaccurate.

7 SENATOR RHOADS: (Inaudible.)

8 SENATOR MAYER: Excuse me. There's
9 a range of reimbursement available for the
10 purchase of these buses. I've mentioned that.
11 Environmental Bond Act, the money in this budget,
12 reimbursement based on existing law. When you
13 buy a bus now, a portion of it is reimbursed.
14 That is the same when you buy an electric school
15 bus.

16 And the cost of operating these
17 buses over time is going to be far less than a
18 diesel bus that you currently have.

19 So it is not accurate to say that
20 half of the cost, by this 100 million, will be
21 met and the balance will be met by the local
22 school district. There are a range of resources
23 available -- I think I've made that very clear --
24 that are available to every district in order to
25 meet this requirement. And if they have

1 additional problems, they can get up to a second
2 extension of time.

3 SENATOR RHOADS: Will the sponsor
4 continue to yield.

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR MAYER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR RHOADS: Thank you,
11 Senator.

12 We've identified a -- so far you've
13 identified a potential pool of \$600 million in
14 available aid versus a \$20 billion cost to --
15 potential cost to school districts and to bus
16 companies who then contract with our school
17 districts. What happens if a school district
18 cannot afford it?

19 SENATOR MAYER: Through you,
20 Madam President, this law gave a very long runway
21 for schools to comply. And the point of that
22 long runway was to allow schools, one, to look at
23 every option to ensure the state assisted as
24 necessary. If there were technical issues, that
25 we would deal with them through NYSERDA. And

1 that there is funding available through
2 traditional reimbursement sources.

3 As you would say today when a school
4 needs to buy a new bus, when some portion of it
5 must be borne by the district and another portion
6 is reimbursed, this is far in excess of what
7 currently occurs for a diesel school bus.

8 So again, I'm confident that the
9 money is there. The school districts on balance
10 want to comply with this. They look forward to
11 having healthier school buses for their children
12 and those that are on the bus and the communities
13 in which these buses travel.

14 So I am very confident that we've
15 given enough time for districts to comply.

16 SENATOR RHOADS: Will the sponsor
17 continue to yield.

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 SENATOR MAYER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR RHOADS: Thank you,
24 Senator. Through you, Madam President.

25 Let's take, for example, a school

1 district like the Levittown School District,
2 which owns a fleet of just over 80 buses. The
3 projected cost to that school district will be
4 \$38 million, not including the infrastructure
5 cost of building a facility that can actually
6 maintain those buses. Not to mention that
7 20 percent of those buses may be out of service
8 at any given time, so they will have to purchase
9 additional buses to make up for the ones that are
10 out of service.

11 There is no district that can absorb
12 that as part of their regular operating expense.
13 It will have to be done through bonding. How
14 does this law account for what happens if the
15 voters simply don't approve the bond?

16 SENATOR MAYER: This bill does not
17 deal with what happens in that circumstance.
18 That would be the same as currently what would
19 happen when a school wanted to have an expense
20 that was not passed by the voters. Either they
21 have to come to the Legislature and look for
22 additional assistance, which is always a
23 possibility -- and in fact, as I think you know,
24 Senator, we assist many districts with
25 district-specific needs.

1 And as well your calculation omits
2 this fact that a portion of their existing
3 reimbursement is already covered by state law.

4 SENATOR RHOADS: Will the sponsor
5 continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR RHOADS: Would there be a
12 penalty to a school district like Levittown that
13 didn't comply by 2035?

14 SENATOR MAYER: Through you,
15 Madam President. If I am standing here in 2035,
16 I will know better. But I hope not to be
17 standing here in 2035. And I do not anticipate
18 there will be a penalty. I suspect in the
19 intervening years, to the extent that there are
20 additional problems, the Legislature will
21 continue to respond to them.

22 SENATOR RHOADS: Thank you,
23 Senator.

24 On the bill.

25 ACTING PRESIDENT PERSAUD: Senator

1 Rhoads on the bill.

2 SENATOR RHOADS: We have the latest
3 example of this state attempting to mandate
4 something into existence, recognizing that what
5 they've mandated can't be accomplished in the
6 time frames, yet continuing to beat our head into
7 the wall and ignore reality.

8 The simple fact of the matter is
9 that districts cannot absorb a \$20 billion cost
10 in and of themselves. And it's \$20 billion, by
11 the way, today. Because we've now created an
12 artificial demand for these electric buses, the
13 prices, based on market forces, will not be
14 coming down by magic. Those prices will be going
15 up. Meaning that the ultimate price tag is going
16 to be more expensive.

17 And as much as we try to legislate
18 things into existence, these companies only have
19 a certain capacity to be able to build these
20 buses. So supply is an absolute problem. Which
21 again this legislation, by making districts jump
22 through hoops rather than recognizing the error
23 of our ways and simply extending the deadline,
24 continues to ignore.

25 We have issues with respect to bus

1 cost, the financial demand upon these districts.
2 We've identified a bunch of sources, right --
3 we've spoken about the \$100 million, as I equated
4 it to a dollar in exchange for the \$200 expense
5 that these districts are going to have to bear.
6 That's what a hundred million dollars equates to.

7 The Environmental Bond Act fund of
8 \$500 million, which probably at this point has
9 been spent five times over on different things.
10 But let's assume that that pool of money is
11 there.

12 Districts are going to be the ones
13 that are going to have to absorb that cost. And
14 if your district doesn't own a fleet, trust me,
15 your district is still going to have to pay that
16 cost when they contract with a private bus
17 company who is going to have to pay that cost,
18 who probably doesn't have access to the funds
19 that we're talking about that the state is
20 supposedly providing.

21 We have infrastructure costs. It's
22 not enough to simply buy the buses. You have to
23 be able to charge the buses. You have to be able
24 to service the buses. You have to have employees
25 who -- mechanics who are going to know how to

1 work on these buses. Nothing's been done to
2 address those costs.

3 You have the battery danger, which
4 we continue to whistle past the graveyard on this
5 issue. We are all aware of the prevalence of
6 e-bike fires. We have all seen the videos of
7 what a small battery pack --

8 ACTING PRESIDENT PERSAUD: Excuse
9 me, Senator Rhoads. You have exceeded your
10 debate time limit.

11 SENATOR RHOADS: Thirty minutes?

12 ACTING PRESIDENT PERSAUD: Yes. By
13 much. Thank you, Senator.

14 SENATOR RHOADS: Oh, I apologize.

15 ACTING PRESIDENT PERSAUD: Thank
16 you, Senator.

17 SENATOR RHOADS: And grid cost.

18 Thank you, Madam President.

19 ACTING PRESIDENT PERSAUD: Thank
20 you, Senator.

21 SENATOR RHOADS: I would encourage
22 my colleagues to vote no.

23 ACTING PRESIDENT PERSAUD: Thank
24 you.

25 Senator Borrello.

1 SENATOR BORRELLO: Madam President.

2 ACTING PRESIDENT PERSAUD: Why do
3 you rise?

4 SENATOR BORRELLO: Just because we
5 haven't beaten this horse to death yet, could we
6 have a further conversation on Part A,
7 zero-emission buses?

8 ACTING PRESIDENT PERSAUD: Does the
9 Senator yield?

10 SENATOR MAYER: Yes, happy to
11 yield.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR BORRELLO: Through you,
15 Madam President. New York State is a vastly
16 different place -- the five boroughs, Long
17 Island, upstate New York. Where I live, school
18 bus routes can be long and in subzero
19 temperatures.

20 So I guess my question is, we all
21 know that there are school districts that just
22 cannot afford this currently. But more
23 importantly, we don't know if it's feasible. Why
24 would we not have a pilot program to test this in
25 urban, suburban and rural areas to actually see

1 if this is viable? Why can't we take that
2 commonsense step?

3 SENATOR MAYER: Through you,
4 Madam President, in the first place, I do want to
5 reassert this independent range verification that
6 was added specifically to address the concerns of
7 rural communities that somehow buses -- there
8 would be misrepresentation of their ability to
9 handle hills, long distances, snowy weather, all
10 the things that are particular concerns of rural
11 communities. We've heard them loud and clear.
12 That's why we added this provision, Part A,
13 Section 12(c).

14 Secondly, again, let me just say
15 that our Majority has a commitment to the
16 long-term health and safety of these students and
17 our community. The decision to require electric
18 school buses over a lengthy period of time was
19 done because of our commitment to a cleaner
20 environment for these students, the people that
21 work on the buses, and the communities they
22 serve.

23 So we're not backing away from that.
24 We're showing flexibility in the implementation.
25 And I think the flexibility reflects the

1 particular concerns of districts like yours,
2 Senator, that have raised some issues about the
3 ability of buses to meet this need.

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

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR BORRELLO: So what happens
12 when a manufacturer says, We cannot provide a bus
13 to this particular school district to meet this
14 particular demand? What will happen?

15 SENATOR MAYER: Well, through you,
16 Madam President, I would point out that my
17 experience with the bus companies is that they
18 are anxious to come in this market and meet the
19 need. If they have to modify some of the
20 provisions of their bus in order to get the money
21 for selling their buses in New York State, which
22 is going to have basically an entire state move
23 to this, they're anxious to do so.

24 So we have met with companies that
25 are in other states that are anxious to get into

1 the New York market. I hope NYSERDA and OGS work
2 to develop model contracts for school bus
3 companies to use to achieve both the best price
4 and the best product for every district.

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR BORRELLO: Yeah, I didn't
13 hear an answer to my question. When a school bus
14 company that provides a school bus says we do not
15 have a bus that has the range under these
16 conditions to meet the need of the school
17 district, what will happen?

18 SENATOR MAYER: Through you,
19 Madam President, the district would have to find
20 another company that has a bus that can meet the
21 range.

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

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR MAYER: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR BORRELLO: So you're saying
5 we have to find something that doesn't exist in
6 order to meet the mandate from New York State.
7 If no one has a bus that can meet the demands of
8 a particular district, what's going to happen?

9 SENATOR MAYER: Through you,
10 Madam President. The waiver that I described,
11 which is extended here, does provide an explicit
12 provision that the waiver can be granted if there
13 is not availability within the marketplace.

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

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR MAYER: Yes.

19 ACTING PRESIDENT PERSAUD: Before
20 the sponsor yields, Senator, I would like to
21 remind you to address your questions at the chair
22 and not directly at the sponsor.

23 Thank you.

24 SENATOR BORRELLO: Thank you.
25 Through you, Madam President.

1 ACTING PRESIDENT PERSAUD: Thank
2 you. Will the sponsor yield?

3 SENATOR MAYER: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR BORRELLO: Through you,
7 Madam President. What are we going to do for a
8 technology that does not exist in order to meet a
9 mandate that cannot be met?

10 SENATOR MAYER: Through you,
11 Madam President. I believe I've answered that
12 quite clearly.

13 One, if the actual bus is not
14 obtainable for the reasons that my colleague is
15 suggesting, the district would seek a waiver and
16 a second waiver if necessary.

17 Secondly, I am confident that in our
18 market-driven economy, the bus manufacturers have
19 and will continue to perfect their product so
20 that it works for every district, as it has in
21 other parts of the United States.

22 New York is not the only state in
23 the union that is moving towards electric school
24 buses.

25 SENATOR BORRELLO: Madam President,

1 will the sponsor continue to yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR MAYER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR BORRELLO: So those two
8 extensions total a total of 48 months, two years?

9 ACTING PRESIDENT PERSAUD: Are you
10 asking the chair a question?

11 SENATOR BORRELLO: Yes, I am asking
12 you to ask her, if she doesn't mind.

13 (Laughter.)

14 ACTING PRESIDENT PERSAUD: So
15 through the chair --

16 (Laughter.)

17 SENATOR BORRELLO: Madam President,
18 what happens after 48 months?

19 SENATOR MAYER: Through you,
20 Madam President. The law we are enacting today
21 will allow a second 24-month extension. That is
22 two 24-month extensions. That is 8 years of an
23 extension, if I'm -- 24 months is two years.
24 Four years of an extension in order to comply.

25 I'm confident that if we are not

1 able to comply within four years of finding buses
2 that can meet every district, we will revisit
3 that issue. Our door remains open, as it has.
4 We've met with districts throughout the state
5 that have challenges. I believe we are
6 responding to them.

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

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR MAYER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR BORRELLO: So we have a
15 district that says I cannot meet the demand of
16 this mandate, we don't have the infrastructure,
17 we don't have the money, and the technology does
18 not exist for us to be able to safely transport
19 our children in particularly dangerous conditions
20 like the middle of winter.

21 But we're going to just say we hope
22 that something else will come up in the next four
23 years, technology will change. And then maybe
24 we'll reconsider giving them another waiver?
25 What's the choice here?

1 SENATOR MAYER: Through you,
2 Madam President. It's been pointed out to me
3 that states like Maine, which have an environment
4 that is probably colder and more mountainous than
5 most parts of New York State -- other than, I
6 would say, the Adirondacks and the Catskills --
7 have managed to do this.

8 I am confident that if in four years
9 we do not have the technology that can meet the
10 needs of every district, those who are in the
11 Legislature will adopt additional changes in
12 order to encourage and provide the opportunity
13 for districts to comply.

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

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR MAYER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR BORRELLO: So I know that
22 sometimes the laws of supply and demand evades --

23 ACTING PRESIDENT PERSAUD: Are you
24 on the bill, Senator?

25 SENATOR BORRELLO: No, no, I'm

1 questioning. This is a question.

2 ACTING PRESIDENT PERSAUD: Okay.

3 Because you didn't ask that.

4 SENATOR BORRELLO: What's that?

5 ACTING PRESIDENT PERSAUD: You
6 didn't address that.

7 SENATOR BORRELLO: Did I ask if I
8 could ask a question?

9 ACTING PRESIDENT PERSAUD: Good.
10 Go ahead.

11 SENATOR BORRELLO: May I ask a
12 question? Thank you.

13 So the law of supply and demand
14 already often evades people. We already have a
15 backlog of a couple of years for school buses
16 right now. When you mandated something I have
17 yet to see it ever make it cheaper. When the
18 government demands that you have to buy
19 something, it never gets cheaper or better.

20 So what makes us think in four years
21 we're going to have cheaper, better, more
22 reliable electric school buses when we can't meet
23 the demand that we have right now because of this
24 government mandate?

25 SENATOR MAYER: Through you,

1 Madam President. I appreciate my colleague's
2 views of how the economy works.

3 I think that the evidence is pretty
4 clear, when there is widespread purchase that is
5 going to be required, the market will lend itself
6 to lower prices and better vehicles. And in
7 general, that has been the way this process has
8 worked.

9 And again, to the extent that it
10 does not work that way, every year we adopt a
11 budget this Legislature can modify it. We
12 believe we've made substantial modifications here
13 to address these concerns. And I'm not sure that
14 restating them multiple times will change that
15 outcome.

16 SENATOR BORRELLO: Madam President,
17 on the bill.

18 ACTING PRESIDENT PERSAUD: On the
19 bill. Go ahead.

20 SENATOR BORRELLO: Thank you,
21 Madam President.

22 So to address the question that was
23 brought up about the State of Maine, which I
24 agree with you would have similar conditions,
25 they're only mandating 75 percent of their buses

1 by 2035, not 100 percent. Because they know that
2 there's going to be places where it's just simply
3 not going to work.

4 But not us here. We haven't figured
5 that out yet.

6 But what concerns me is we don't
7 really have a plan here. A goal is not a plan.
8 The safety of our children is probably the most
9 important thing. I haven't heard anything about
10 a safety plan for these electric school buses.
11 We know they burn fast, they burn hot, and we've
12 seen it happen with EV -- electric vehicles
13 across the country.

14 We know that in cold conditions the
15 reliability drops, the range drops, and we're
16 going to have children sitting somewhere in
17 districts like mine in a dead school bus in the
18 middle of winter. That's not something I think
19 any of us want to sacrifice to reach whatever
20 ridiculous goal we think we're reaching here.

21 But let's talk about the costs.
22 Forty-five thousand school buses in New York
23 State. We've allocated enough for about a
24 thousand. I know the math was kind of difficult
25 earlier. It's about a thousand of 45,000 that

1 we've allocated enough funding for. That's
2 before we start talking about making substantial
3 changes to the electrical supply needed.

4 Some districts are being told it's
5 going to be a few million dollars to put in a new
6 substation. And by the way, we've got a backlog
7 of a couple of years to do that. We haven't made
8 any accommodations for that.

9 We haven't made any accommodations
10 for the fact that right now insurance companies
11 are waking up to the fact that this is going to
12 be a disaster. And they're telling school
13 districts that have electric school buses: You
14 can't keep them inside a building, because the
15 building might catch fire. You have to keep them
16 outside. What happens if you keep them outside?
17 Well, it takes longer to charge and costs more
18 money to charge. And of course in the middle of
19 winter we're going to have to clean those school
20 buses off before they pick up our kids.

21 So we haven't thought this through,
22 not even a little bit, quite frankly. We just
23 know that it sounds really good -- we're going to
24 put our kids on electric school buses. That
25 sounds fantastic. But the cost is not even close

1 to being covered. And the sacrifice could be the
2 safety of our children to meet this ridiculous
3 boondoggle mandate.

4 This should not be done, and this
5 extension isn't enough. The money's not there.
6 And we don't have a plan.

7 Thank you, Madam President.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

10 Senator Tedisco.

11 SENATOR TEDISCO: Thank you,
12 Madam President. Would Senator Mayer yield for a
13 couple of questions, a small discussion?

14 ACTING PRESIDENT PERSAUD: Does the
15 Senator yield?

16 SENATOR MAYER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR TEDISCO: Senator, as the
20 ranking member on the Education Committee, I
21 really appreciate the opportunity to serve on
22 such an important committee. And I appreciate
23 always working with you. We don't always agree,
24 but I appreciate your leadership on that
25 committee. It's challenging, as all the

1 committees are, in some of the concerns we have
2 in New York State.

3 And many of us in this room, I don't
4 know how many, have had some experience in the
5 field of education. And I know you've heard me
6 say before I had two jobs, primary jobs in my
7 life, one -- and both of the jobs I loved
8 extremely, loved them a lot. I loved being the
9 Assembly representative there, loved being here
10 in the Senate.

11 But on days when we're troubled with
12 important things like the budget, you've heard me
13 often say -- and I say this tongue in cheek -- I
14 had a real job at one time. I was an educator, I
15 was a teacher. And they're important people in
16 our state, and we appreciate them. I just got my
17 degree in special education down the road and
18 taught a little bit beyond that at Bethlehem
19 Central. I ran a resource room and I did team
20 teaching in a program called Excel. And I think
21 if anyone in this room is honest and they talk to
22 their constituents, one of the top priorities, if
23 you ask them, what do you think about education,
24 it's a big part of our future. Our kids'
25 education, a big part of our future for them, but

1 a big part of our future for all of us. It
2 starts right there with a great education for
3 them.

4 And ask them about funding, they
5 don't mind if we fund education. But they have a
6 caveat. They want the test scores to be good, to
7 go up, they want the graduation rates to be
8 there. And you can't blame them for that, and we
9 have an obligation for that.

10 So in looking at it holistically
11 here, one of the real concerns we have in this
12 state, we've got a shortage of nurses, we've got
13 a shortage of doctors, we have a shortage of
14 welders, we have a shortage of electricians.
15 Plumbers, important. But we have a pretty good
16 BOCES program. But you know what we have a
17 shortage of for that program? Educators. We
18 have to stimulate an interest in people staying
19 in New York State to begin with, but getting some
20 educators there, and I think you agree to that.

21 For a long period of time we've had
22 a cap on the salaries for BOCES teachers. We're
23 trying to incentivize to get into that field, to
24 train our kids in these areas. And we did
25 something about that. Would you just explain to

1 us what that cap is all about, how it's been
2 changed and what the new guidelines will be in
3 the future for the salary extensions for those
4 jobs?

5 SENATOR MAYER: Thank you for that
6 question very much. Through you,
7 Madam President. In the first place I do want to
8 thank my colleague, the ranker on the committee,
9 for being really someone who's very committed to
10 public education and to teaching. And I
11 appreciate the spirit with which we work
12 together.

13 This year we're very proud that
14 after many years, we were able to change the
15 reimbursement for our BOCES salary cap as well as
16 Special Services Aid for those schools that do
17 not use BOCES. For BOCES, this year, for the
18 first time after I would say at least 10 years
19 that I have been working on this, we are
20 increasing the aidable salary cap from 30,000 to
21 60,000 over three years. And the first increase
22 will be payable in the '26-'27 school year.

23 This means, to my colleague's point,
24 that we will continue to be able to employ people
25 who need to make more money, and more of that

1 cost will be reimbursable by the state so that
2 our BOCES can continue to employ and build with
3 talented teachers and others who can provide
4 particularly career and technical education,
5 which you and I agree is so important. We are
6 truly investing.

7 And the other is Special Services
8 Aid, which is for those districts like the Big 5
9 that do not participate in BOCES, as well as
10 Albany, Newburgh and Hoosick Falls -- and I
11 believe Mamaroneck, and obviously including
12 New York City -- those districts are now going to
13 be reimbursed for career and technical education
14 in ninth grade. Over the years they've provided
15 it, but they did not get reimbursement.

16 These are very substantial
17 investments that we are applying to career and
18 technical education, which I think we all agree
19 in this chamber are areas that have not been
20 adequately addressed over the years.

21 And so thank you for your support on
22 that. This is a very important investment, and
23 we're thankful that it's made in this budget.

24 SENATOR TEDISCO: Thank you,
25 Senator.

1 Will the Senator yield for another
2 question.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MAYER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR TEDISCO: Yeah. You know,
9 I just built a house because we had another
10 adventure, and that was redistricting. And I had
11 to sell my house and I had to build a new one.

12 And I'll tell you something. Not
13 only me, but my constituents, when they say,
14 Senator, I can't get a plumber to come to my
15 house. When they do, the cost of that. Because
16 they're so scarce, I can't get an electrician.
17 So the fact of the matter is we have to
18 incentivize people through a whole variety of
19 ways to come, stay and live in New York State,
20 but we have to incentivize them to take -- be
21 here and take the jobs that are going to be
22 provided for our constituents.

23 So that's why I think that is very
24 important to incentivize them.

25 I want to ask you about the English

1 language learner weight, which was increased in
2 the Foundation Aid formula. And I think I know
3 why that was increased, but could you explain a
4 little bit about the increase in that and what
5 that was all about?

6 SENATOR MAYER: Yes. Through you,
7 Madam President. In the Foundation Aid formula,
8 as we learned if we made it through the Roosevelt
9 report, there are all of these component elements
10 that go into determining how much each public
11 school should receive for the costs of educating
12 the students that they educate given the
13 community in which they are located.

14 One of the recommendations of the
15 report is that English language learner
16 weighting, which is a component of the Foundation
17 Aid formula, be increased to reflect the
18 additional costs that every district that has
19 English language learners is incurring.

20 And I would say, from my visits
21 around the state and talking to my colleagues,
22 that so many districts have a significant
23 additional number of English language learners
24 than they had 20 years ago when the Foundation
25 Aid formula, approximately 20 years ago, was

1 started. The weighting is increased to .53. It
2 is currently .50.

3 And this benefits -- and I want to
4 clear up any misconception -- not only urban
5 districts or suburban districts, there are rural
6 districts throughout the state where the number
7 of English language learners and the needs of
8 those English language learners has increased,
9 particularly as we have young people who are
10 older enter our school districts, they need to
11 learn to read and write in English at Grade 6 or
12 7 as opposed to in kindergarten.

13 So this increase in the English
14 language learner weighting is a very good
15 development for all the schools in New York.

16 SENATOR TEDISCO: Thank you very
17 much for that.

18 Will the Senator yield for one last
19 question.

20 SENATOR MAYER: Yes.

21 ACTING PRESIDENT PERSAUD: the
22 Senator yields.

23 SENATOR MAYER: Happy to yield.

24 SENATOR TEDISCO: Just wondering
25 about the expected result for updating the

1 formula by moving from the 2000 Census data with
2 the small area income and poverty estimate data.

3 What will -- what are we looking for
4 in that? We've had data that we've used over the
5 years, but now we're bringing it in and updating
6 it, and I think this is an important part of
7 that.

8 SENATOR MAYER: Thank you. And
9 through you, Madam President.

10 We are currently using 2000 Census
11 data to measure poverty, and we are in 2025. So
12 we are way out of date, as you know. And we are
13 replacing it with what's called SAIPE data, and
14 that's basically families that receive some kind
15 of public assistance will be deemed to be much in
16 common with the old poverty measurement which is
17 no longer used in the census data. So we're
18 using current data of income needs of the
19 families in the community in a more current and
20 more correct way than using 2000 Census data.

21 In fact I know in my district people
22 wrote me absolutely -- completely unable to
23 accept that we were using 25-year-old data to
24 measure their districts. Now we're going to use
25 current data. In some districts it's helpful to

1 getting more money; in some districts it's not.
2 But it's current, it's accurate, and it's
3 data-driven.

4 SENATOR TEDISCO: Thank you very
5 much, Senator. Just to close on this part of the
6 budget.

7 ACTING PRESIDENT PERSAUD: Senator
8 Tedisco on the bill.

9 SENATOR TEDISCO: You know, we're
10 challenged in this state. We have to face that
11 we have population loss. Nothing is going to
12 keep them better if we develop and keep
13 increasing the best education system we possibly
14 can. And it's important to do everything we can
15 by funding it, but making sure that funding
16 answers those questions about graduation rates
17 and those test scores and we get kids and their
18 families to stay here.

19 Thank you so much. Thank you,
20 Senator, for your leadership.

21 ACTING PRESIDENT PERSAUD: Thank
22 you, Senator.

23 Senator Gianaris.

24 SENATOR GIANARIS: Madam President,
25 I want to take the prerogative to interrupt this

1 debate for a moment to introduce some special
2 guests very quickly that we have here in the
3 chamber.

4 Today is the Second Annual Nepali
5 Community Day here in Albany, and they chose this
6 day long before they knew they would be sitting
7 here debating the budget. But they got an
8 interesting education in state government, they
9 are here in the gallery with us.

10 I have the good fortune of
11 representing much of the Nepali community in
12 New York because between Senator Ramos's district
13 and my own in our parts of Queens -- Sunnyside,
14 Woodside, Elmhurst, and Jackson Heights -- the
15 population of the Nepali community has doubled
16 over the last decade. They are an important part
17 of the fabric of New York. And we're so pleased
18 that they have joined us here today.

19 I also want to mention that they
20 have invited me to climb Mount Everest with
21 them --

22 (Laughter.)

23 SENATOR GIANARIS: -- and I think
24 I'm going to pass them off to Senator John Liu
25 about that, because he would be happy to do it

1 with them and could probably handle it a lot
2 better than I could.

3 But if you could please take a
4 moment to welcome them to our chamber, extend the
5 privileges of the house, and then we can return
6 back to the debate.

7 Thank you.

8 ACTING PRESIDENT PERSAUD: Thank
9 you.

10 To our guests of the Nepali
11 community, I welcome you on behalf of the Senate.
12 We extend to you the privileges and courtesies of
13 this house.

14 Please rise and be recognized.

15 (Standing ovation.)

16 ACTING PRESIDENT PERSAUD: Senator
17 Weber. (Pause.)

18 Senator Martins, why do you rise?

19 SENATOR MARTINS: Thank you,
20 Madam President. If the sponsor would yield for
21 a few questions.

22 ACTING PRESIDENT PERSAUD: What
23 section, Senator?

24 SENATOR MARTINS: Section A.
25 Part A.

1 ACTING PRESIDENT PERSAUD: Part A?

2 SENATOR MAYER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR MAYER: Yes, happy to
6 yield.

7 SENATOR MARTINS: Thank you.

8 Madam President, through you.
9 Senator, can you tell us whether or not there's a
10 difference in the amount that we're being asked
11 to approve in this budget from what had
12 originally been proposed by the Governor?

13 SENATOR MAYER: Through you,
14 Madam President. Are you asking about the
15 Foundation Aid numbers?

16 SENATOR MARTINS: I'm asking about
17 the Foundation Aid number.

18 SENATOR MAYER: Yes. Through you,
19 Madam President. The total school aid over the
20 Executive's original proposal is a 140 million
21 school-year increase, 100 million in the
22 fiscal-year increase -- so they're different.
23 And Foundation Aid is a 119.2 million increase
24 over the Executive in Foundation Aid.

25 SENATOR MARTINS: What is the total

1 amount of --

2 ACTING PRESIDENT PERSAUD: Are you
3 asking the sponsor to yield?

4 SENATOR MARTINS: I'm sorry.
5 Madam President, through you, if the sponsor will
6 continue to yield.

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR MARTINS: What's the total
13 amount, Senator, of -- in this budget for pre-K
14 through 12 education that we're being asked to
15 fund?

16 SENATOR MAYER: Through you,
17 Madam President. Just to clarify, are you asking
18 solely about pre-K dollars?

19 SENATOR MARTINS: Pre-K through 12
20 public education dollars, all in, how much are we
21 being asked to put on the table to fund education
22 in New York State, not including higher
23 education?

24 SENATOR MAYER: Through you,
25 Madam President. Thank you for the

1 clarification.

2 Total school aid in this budget is
3 \$37.1 billion.

4 SENATOR MARTINS: Thank you.

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR MARTINS: Senator, if you
13 know, where does that rank nationally with regard
14 to overall spending and per-pupil spending?

15 SENATOR MAYER: Through you,
16 Madam President. My understanding is we're one
17 of the highest states in per-pupil spending.

18 SENATOR MARTINS: Madam President,
19 through you, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR MARTINS: Senator, would it
2 surprise you if we are actually the highest
3 per-pupil spending of any state in the country,
4 and we are by quite a margin, would that surprise
5 you?

6 SENATOR MAYER: Through you,
7 Madam President. I don't -- I will look at the
8 numbers myself, but as I said, we're among the
9 highest. I accept that.

10 SENATOR MARTINS: Madam President,
11 through you, if the sponsor would continue to
12 yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR MAYER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR MARTINS: Through you,
19 Madam President. Would you know how much we
20 spend on average per student in New York State?

21 SENATOR MAYER: Through you,
22 Madam President. According to the staff -- and I
23 don't think these numbers are verified --
24 approximately 30,000 per student per year.

25 SENATOR MARTINS: Through you,

1 Madam President, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MAYER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR MARTINS: Would it surprise
9 you if it's closer to \$36,000 per year per
10 student in New York State?

11 SENATOR MAYER: Through you,
12 Madam President, I don't know the number. I
13 defer to my colleague if he knows -- if he has
14 some data that shows that's the number.

15 SENATOR MARTINS: Through you,
16 Madam President, if the sponsor would continue to
17 yield.

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 SENATOR MAYER: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR MARTINS: I want to ask you
24 about the Foundation Aid and the Regional Cost
25 Index. Are you familiar with that?

1 SENATOR MAYER: Through you,
2 Madam President, yes, I am.

3 SENATOR MARTINS: Madam President,
4 through you, if the sponsor would continue to
5 yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

11 SENATOR MARTINS: And so Regional
12 Cost Index, as I understand it, is based on
13 financial information through various regions
14 across the state. Can you tell us what years we
15 are relying on for purposes of establishing the
16 Regional Cost Index?

17 SENATOR MAYER: Through you,
18 Madam President, 2006 data that set the existing
19 Regional Cost Index numbers.

20 SENATOR MARTINS: Through you,
21 Madam President, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR MAYER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR MARTINS: I understand that
4 other portions of the Foundation formula have
5 been brought current, understanding that we all
6 had concerns about the use of old or stale data.

7 Can you tell us why we're still
8 relying on data from nearly 20 years ago for the
9 purposes of establishing regional cost indexes?

10 SENATOR MAYER: Through you,
11 Madam President. I don't disagree with my
12 colleague's point that a more current number is a
13 more appropriate number.

14 Our house pushed very hard to have a
15 more current Regional Cost Index reflected in the
16 Foundation Aid formula, as we pushed for many
17 other increases in the way Foundation Aid is
18 calculated. We were unable to achieve that.

19 SENATOR MARTINS: Through you,
20 Madam President, if the sponsor would continue to
21 yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MAYER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR MARTINS: Senator, can you
3 tell us who refused to use more current data
4 amongst the parties who were negotiating this
5 budget? I think we all understand -- I think we
6 all hope that data and current data is more
7 reflective of our own communities and reality,
8 and so the reliance on older data seems to be
9 counterintuitive. Perhaps you can share with us
10 who amongst our colleagues wanted to use this
11 older data.

12 SENATOR MAYER: Through you,
13 Madam President. I think that's not quite the
14 way to characterize what happened.

15 We, as you know, in our one-house
16 suggested that even those schools that were in
17 the save-harmless should get 3 percent more. We
18 were unable to get that. We proposed other
19 additions, all of which add to the total amount
20 that the state has to pay for Foundation Aid.

21 At the end of the day, we got the
22 best we could out of the money that I suspect the
23 Division of Budget was prepared to spend on this.
24 And we did get some real wins, as I described
25 previously, including career and technical

1 education. We got some other additional money.
2 We certainly got some changes in the tier of the
3 state sharing ratio, at English language learner.
4 All of these cost more.

5 So at the end of the day we were
6 simply limited by the amount of money that was
7 available to increase education funding.

8 SENATOR MARTINS: Madam President,
9 through you, if the sponsor would continue to
10 yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR MAYER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR MARTINS: Senator, would
17 you agree that in setting these ratios in the
18 formula we're not dealing with adding money,
19 we're dealing with how existing money and money
20 that's allocated will actually get distributed.
21 And so by having different ratios and if those
22 ratios change, we're not adding money to the pie,
23 what we're doing is we're deciding who will get
24 more and who will get less based on actual
25 current data and that older data. Wouldn't you

1 agree that that's actually the case and we're not
2 talking about additional money but how it gets
3 distributed?

4 SENATOR MAYER: Through you,
5 Madam President. No, I would not agree with that
6 at all.

7 Every district in the state got
8 money more than they got last year in
9 Foundation Aid. We did not reduce any district's
10 Foundation Aid. Nor did we leave it at zero,
11 which was a fear this year, as I think you know,
12 Senator.

13 So in fact it is not a
14 redistribution. Additional money was allocated
15 for school aid and for Foundation Aid that
16 allowed us to make certain modifications that
17 benefit every school district.

18 SENATOR MARTINS: Madam President,
19 through you, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR MARTINS: I apologize to
2 the sponsor. Perhaps you misunderstood my
3 question. These ratios for the formula, the
4 formula, as I understand it, is a way of
5 allocating resources to different districts. It
6 doesn't in and of itself require greater
7 spending. It's -- you start with a total amount
8 of spending, and the formula will actually
9 educate us as to how it will be distributed
10 depending on different indices and different
11 factors.

12 One of those factors is this
13 Regional Cost Index. But I don't see how the
14 index itself will add more money, other than
15 decide whether, for example, a school district in
16 Westchester will receive more money or a school
17 district, say, in Otsego County.

18 It's a question of how that will
19 impact their ratio to the amount that they're
20 receiving. Would you agree to that?

21 SENATOR MAYER: Through you,
22 Madam President. I'm not sure I would agree with
23 that either. Because the possibility -- the
24 redoing of the Regional Cost Index for every
25 region, as established originally, would likely

1 have resulted in some districts actually getting
2 less. And respectfully, I would add they might
3 be districts that are largely represented by your
4 side of the aisle.

5 And in effect, in an effort to
6 ensure that every district got more money than
7 they got last year, we did the best we could.
8 And I think that -- I would like to give our
9 leader and our staff credit for working hard to
10 make sure that we're not losers this year, as
11 some things were recalculated, in some part due
12 to the study that was done on Foundation Aid.
13 But we did not adopt all the recommendations.

14 SENATOR MARTINS: Madam President,
15 through you, if the sponsor would continue to
16 yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR MAYER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR MARTINS: I appreciate that
23 response, and I certainly understand it.

24 There is, though -- there was a
25 proposal in the Governor's budget to change

1 ratios, specifically the Regional Cost Index with
2 regard to communities in the Hudson Valley. Do
3 you recall that?

4 SENATOR MAYER: Through you,
5 Madam President, yes. Yes.

6 SENATOR MARTINS: Through you,
7 Madam President, would the sponsor continue to
8 yield.

9 SENATOR MAYER: Oh, excuse me. May
10 I correct myself?

11 Our one-house did suggest an
12 increase in the Regional Cost Index for
13 Hudson Valley. The enacted budget has it for
14 Westchester.

15 SENATOR MARTINS: Thank you. Thank
16 you for that.

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

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR MAYER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR MARTINS: I did notice that
25 there was a change for Westchester, and I am

1 curious, you know, at the -- to the exclusion of
2 the other Hudson Valley counties. Is there a
3 reason why Westchester was changed and only
4 Westchester was changed and no other county was
5 similarly affected?

6 SENATOR MAYER: Through you,
7 Madam President, yes. The 2024 data of the
8 Department of Labor shows that the weighted
9 median wage for Westchester is most comparable --
10 and in fact I would note lower -- than
11 Long Island and New York City, but far more
12 comparable than being lumped -- not lumped, is
13 not a nice word, but put with other counties in
14 the Hudson Valley.

15 Westchester itself probably should
16 never have been put in a Regional Cost Index with
17 the balance of the state. And this reflects an
18 accurate data-driven approach to what it costs to
19 hire people in Westchester compared to other
20 counties in the Hudson Valley and counties
21 upstate.

22 SENATOR MARTINS: Thank you.

23 Madam President, if the sponsor
24 would continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR MAYER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR MARTINS: So I understand
6 that the Rockefeller Institute did prepare a
7 comparable wage index for teachers as an index
8 for this Regional Cost Index, as a substitute for
9 that. Are you suggesting that you're relying on
10 this comparable wage index for teachers through
11 the Rockefeller Institute in imposing a larger
12 index for Westchester as compared to other
13 counties?

14 SENATOR MAYER: (Conferring.)
15 Through you, Madam President, two things.

16 One is had we adopted a regional
17 increase in the Regional Cost Index for the
18 Hudson Valley as opposed to Westchester, my
19 understanding is it would have cost an additional
20 \$2 billion, as opposed to the modest amount.

21 And the other thing is the
22 Rockefeller Institute recommended a different
23 methodology for determining Regional Cost Index
24 called CWIFT, thank you. And that would have
25 been significantly more expensive than what we

1 ultimately did -- which is driven, as you know,
2 Senator, in part by how much money there is and
3 trying to get to the fairest allocation.

4 But I would say -- and not because
5 I'm a resident of Westchester County -- that the
6 cost of staff in Westchester County is quite
7 similar to the cost in Nassau, Suffolk and
8 probably modestly less than the cost in New York
9 City.

10 SENATOR MARTINS: Madam President,
11 through you, if the sponsor would continue to
12 yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR MAYER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR MARTINS: Senator, I don't
19 disagree with you. I really don't. But I would
20 suggest that if we used current data, using the
21 same 2024 data that was used for Westchester, I
22 would believe that other counties would also see
23 a similar increase that would reflect these
24 costs. And they would be reimbursed for those
25 costs.

1 Wouldn't you agree that using more
2 current data, similar to what was done for your
3 own county in Westchester, may actually have
4 provided a better index for us to follow?

5 SENATOR MAYER: Through you,
6 Madam President. As I indicated, I myself was
7 for many changes that were in the Rockefeller
8 Institute that would have resulted in more money
9 for many districts based on actual data and need.
10 I don't disagree with my colleague.

11 However, at the end of the day, this
12 is a practical exercise in how much money we can
13 get and how best we can allocate it. And it's on
14 that basis that this was done.

15 In a perfect world, I would have --
16 there's a lot of things I wanted for a lot of
17 districts, including some in the Senator's
18 district, that I was unable to achieve. And
19 that's the practical nature of enacting a budget.

20 SENATOR MARTINS: Madam President,
21 through you, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR RHOADS: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR MARTINS: Thank you for
4 that.

5 Various I guess institutions and
6 various publications tend to rank states and
7 state education systems according to proficiency.
8 Are you familiar with those rankings? You know,
9 as chair of Education, have you seen those
10 rankings and you're familiar where New York State
11 ranks in national surveys?

12 SENATOR MAYER: Through you,
13 Madam President, I am -- I wouldn't say familiar
14 at the level of detail that I'd like if we
15 weren't here all the time. But yes, I'm quite
16 familiar with how New York ranks and some of the
17 national surveys of data, particularly graduation
18 data.

19 SENATOR MARTINS: Madam President,
20 through you, if the sponsor would continue to
21 yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MAYER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR MARTINS: And I think we
3 discussed earlier that New York ranks at the very
4 top in terms of per-pupil spending. And that I
5 think reflects the commitment that we have,
6 ourselves and our communities and our entire
7 state has, towards providing resources for
8 education and prioritizes that, rightfully so.

9 Do you know where New York typically
10 ranks with regard to outcomes and results when it
11 comes to education compared to other states who
12 spend less than we do?

13 SENATOR MAYER: Through you,
14 Madam President. I don't know exactly where we
15 rank.

16 I would say -- I would say this
17 point. Focusing on challenges of particular
18 districts in a big, diverse State of New York
19 with the City of New York with extraordinary
20 challenges, is probably not the ideal way.

21 We have made significant strides, as
22 I visited schools across the state -- rural,
23 suburban and urban -- that I take great pride in
24 and I think our whole Legislature should take
25 pride in putting money into improving our

1 schools. And we are doing a very good job.

2 Do we have a long way to go?

3 Absolutely. I would agree with my colleague.

4 And I'm very committed, as I know my colleagues
5 are, to improving our ranking. But I'm not going
6 to focus on the places where we as a state have
7 challenges. We all know what they are.

8 SENATOR MARTINS: Thank you,
9 Senator. And thank you.

10 On the bill.

11 ACTING PRESIDENT PERSAUD: Senator
12 Martins on the bill.

13 SENATOR MARTINS: I want to thank
14 my colleague for her work on the Education
15 Committee. And Senator, rest assured that we all
16 know that your approach is from a very solid
17 place, and we're very happy to have you there.

18 I think unfortunately,
19 Madam President, we oftentimes conflate spending
20 with results. That somehow if we spend more and
21 if we continue to spend more, that somehow that
22 is going to result in a better education or a
23 better outcome for students.

24 And I understand, as I think every
25 one of my colleagues, that there are variables in

1 New York that are unique to New York State. And
2 there are countless variables that impact our
3 ability to reach every child.

4 But I would just ask that as we move
5 forward and we deal with education policy, we
6 stress the need to make sure that the dollars
7 that we are committed to spending are actually
8 being translated into actual results. And if
9 they're not, perhaps we need a Rockefeller Center
10 study to find out why, although we're spending in
11 many respects almost twice as much as the
12 national average for educating a child in
13 New York State, twice as much in New York as
14 anywhere else, on average we're not necessarily
15 seeing these results.

16 And there's something I think we're
17 missing and I think there's something that our
18 State Education Department is missing. And so as
19 we rely on funding, that we couple that funding
20 with a real emphasis on results.

21 There was a discussion a few moments
22 ago about electric buses and zero emissions. And
23 I'm troubled. I understand certainly the need,
24 and I understand that we're on a path towards
25 doing something -- and we should be. But I'm

1 also concerned that this mandate is putting
2 extraordinary strain and extraordinary concern
3 certainly in my school districts, and I've heard
4 from my colleagues on both sides of the aisle
5 about the concerns and stress that our school
6 districts have in reaching or meeting this
7 mandate.

8 During our budget hearings we had
9 the director from the Thruway Authority. Some of
10 you may remember that. And he was asked to give
11 an update on where he was with electric vehicle
12 chargers on the Thruway. And he said, I can't do
13 it. I can't do it. There isn't enough capacity
14 in the grid in order for us to put those electric
15 chargers that we've been mandated to put in.

16 And yet here we are talking about
17 electric buses and the need for electric buses,
18 and we're told that each one of our school
19 districts or each one of our bus depots is going
20 to need the equivalent in electricity of a small
21 city in order to have the charging capacity to be
22 able to charge those buses.

23 And so as we move forward, we also
24 have to be practical when we expect our school --
25 our local school leaders, who are charged with

1 budgeting and making sure that they're allocating
2 their resources properly, that we're not giving
3 them the impossible task and not giving them the
4 resources, if we know full well that our own grid
5 does not have the capacity to provide the
6 electricity that we are requiring.

7 So let's be thoughtful about how we
8 approach these mandates. Let's be thoughtful,
9 again, as a body when we advance these policies
10 before their time.

11 I'm also concerned about, you know,
12 the use of certain language when it comes to the
13 safety of our children. We talk about these
14 electric buses as if they are -- the basis for
15 them is the safety of our children. New York
16 State has 2 percent of its entire automobile and
17 vehicle fleet are electric vehicles. That means
18 that 98 percent of our vehicles, folks, are
19 combustion engine.

20 I drive my daughter to school -- my
21 youngest is still in high school. I have a
22 combustion-engine car. I will not accept that I
23 am putting my daughter in danger by driving a
24 combustion-engine car and driving her to school,
25 much the same way that if she was riding to

1 school in a bus that was a combustion-engine bus.

2 So let's understand that we are
3 walking towards progress and we want to approach
4 that. But when we use language about the safety
5 of our children, it does juxtapose other
6 questions logically that we should be prepared to
7 answer. So let's keep everything within the
8 context of where we are here.

9 And lastly, Madam President, on
10 masks. I'm troubled. You know, the fact that we
11 have just yesterday more protests on college
12 campuses -- this one was at Columbia again,
13 wearing masks and specifically attacking Jewish
14 students -- should be troubling to all of us.

15 This proposal that we have in this
16 bill does nothing to protect our students on
17 college campuses. Nothing. It's nice we have
18 it. We could all go home and say that we did
19 something. But did we really? We passed
20 something, but from a practical standpoint we did
21 not prioritize the safety of innocent people
22 across the state, students attending colleges
23 during protests who are being targeted for their
24 religion by people who are wearing masks.

25 We know that. Yesterday wasn't the

1 first time this happened. Yet we'll stand here
2 and say that we achieved something. The Governor
3 goes around the state highlighting the fact that
4 there is a new law. But the reality is our
5 students are no safer today, will be no safer
6 tomorrow than they were yesterday as a result of
7 what was done here. And, Madam President, that's
8 a missed opportunity and an unfortunate one,
9 because we could do better and we should do
10 better.

11 Thank you.

12 ACTING PRESIDENT PERSAUD: Thank
13 you, Senator.

14 Senator Weber.

15 SENATOR WEBER: Thank you,
16 Madam President. Will the sponsor who's in
17 charge of Section FF, East Ramapo school monitor.

18 ACTING PRESIDENT PERSAUD: Will the
19 sponsor yield?

20 SENATOR MAYER: Yes.

21 SENATOR WEBER: Before I get
22 started, I just want to make a comment on the
23 bill.

24 ACTING PRESIDENT PERSAUD: So
25 Senator Weber on the bill.

1 SENATOR WEBER: So, Madam
2 President, I will be presenting several questions
3 regarding a provision that was quietly inserted
4 and negotiated into this massive budget bill, a
5 provision that directly affects a school district
6 within my Senate district.

7 And I want to be clear that I firmly
8 oppose the embedding of this fiscal monitor
9 policy into this budget process precisely because
10 it circumvents proper legislative scrutiny and
11 lumps it together with all of the great school
12 funding that our school districts desperately
13 need, including East Ramapo, which has been
14 sorely shortchanged in the Foundation Aid going
15 back over a decade.

16 And I'm deeply concerned about the
17 expanding overreach of big government, especially
18 when those powers fail to perform their basic
19 responsibilities and especially when it's
20 affecting a democratically elected school board.

21 So, Madam President, will the
22 sponsor yield for some questions?

23 ACTING PRESIDENT PERSAUD: Will the
24 sponsor yield?

25 SENATOR MAYER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WEBER: Hi, Senator. Nice
4 to see you this morning.

5 Senator Mayer, how many school
6 districts across New York State currently have
7 state-appointed monitors?

8 SENATOR MAYER: Let me look at my
9 list here. Rochester, Hempstead, Wyandanch,
10 East Ramapo, and we're adding Mount Vernon.

11 SENATOR WEBER: Thank you.

12 And, Madam President, does the
13 sponsor yield for an additional question?

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR MAYER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WEBER: And how many of
20 those monitors have been granted veto power over
21 the actions of an elected school board?

22 SENATOR MAYER: Through you,
23 Madam President, only East Ramapo, through
24 separate legislation that was passed several
25 years ago.

1 SENATOR WEBER: Yes, thank you.

2 And, Madam President, will the
3 sponsor continue to yield?

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR MAYER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR WEBER: Okay. How did the
10 extension of the monitor make it into the
11 final-version budget that we're seeing here
12 today? Who pushed it?

13 SENATOR MAYER: Through you,
14 Madam President. All of the monitors were
15 extended for two years, and the Mount Vernon new
16 monitor was for two years. They all were treated
17 the same.

18 SENATOR WEBER: Through you,
19 Madam President, will the sponsor continue to
20 yield?

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 Senator yields.

1 SENATOR WEBER: Were you personally
2 involved in promoting and pushing towards the
3 monitors to be included in the budget?

4 SENATOR MAYER: Through you,
5 Madam President. I believe that both the Senate
6 and the Assembly in their one-house bills had
7 extensions of the monitors, I believe for longer
8 than two years. At least ours did.

9 SENATOR WEBER: Okay.
10 Madam President, will the sponsor continue to
11 yield?

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR MAYER: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR WEBER: Thank you.

18 So is it safe to say that the
19 Majority Leader of the Senate here, the Speaker,
20 the Assembly Speaker in the Assembly, and the
21 Governor all came to an agreement and signed off
22 on the language that's presented here today?

23 SENATOR MAYER: Through you,
24 Madam President. I can't speak for those three
25 individuals separately.

1 I can say we have a budget in front
2 of us that extends for two years every one of
3 these monitors, and includes this new monitor
4 that was requested by the school board of the
5 City of Mount Vernon, the school district of
6 Mount Vernon. And there is three-way agreement
7 on these extensions.

8 SENATOR WEBER: Thank you. And,
9 Madam President, will the sponsor continue to
10 yield?

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR MAYER: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR WEBER: Let me ask the
17 question a different way.

18 Is any language allowed to be in the
19 final version of a budget without those three
20 people's approval?

21 SENATOR MAYER: Through you,
22 Madam President. I think my colleague knows very
23 well the budget reflects an agreement of three
24 parties. That's why some things are not in and
25 some things are in. This is in. And it appears

1 to have had the agreement of all three parties
2 that agreed to the -- all the component elements
3 of the budget.

4 SENATOR WEBER: Thank you.

5 And, Madam President, will the
6 sponsor continue to yield?

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 Senator yields.

12 SENATOR WEBER: Senator Mayer, I
13 know you're very aware of what happened last
14 year, right, about a year ago this past February
15 where the monitor came to the legislators, came
16 to Commissioner Rosa, saying that East Ramapo had
17 a \$20 million deficit and wouldn't be able to
18 make payroll come the summer months.

19 We soon and later found out -- and
20 in fact you introduced legislation in June to
21 give East Ramapo a spin-up and if they didn't
22 pass their second budget or at least pass a
23 budget that had a 1 percent increase, that the
24 district would be taken over. So all of that
25 information that transpired was developed because

1 the fiscal monitor told us there was a
2 \$20 million deficit. And we found out after the
3 summer months that the district actually had a
4 \$31 million surplus.

5 Do you remember that entire process?

6 SENATOR MAYER: Through you,
7 Madam President, I believe my colleague has
8 mischaracterized the bill that I carried, which
9 did not call for a takeover. It was conditional
10 on a 1 percent budget, and then it provided the
11 spin-up. It did not change the governance of the
12 East Ramapo School District. So I just need to
13 correct him there.

14 I certainly remember that time, and
15 I also know the Comptroller's report, which said
16 that there was an accounting issue, not a
17 cash-flow issue, and that was instructive in
18 subsequent conversations about East Ramapo.

19 SENATOR WEBER: Okay.

20 Madam President, will the sponsor
21 continue to yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MAYER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR WEBER: But your bill did
3 say that if the voters in East Ramapo didn't
4 approve a 1 percent increase, then the Assembly
5 bill that Ken Zebrowski, former Assemblyman Ken
6 Zebrowski, had submitted that had a fiscal
7 takeover of the district, would kick in.

8 SENATOR MAYER: Through you,
9 Madam President. I don't believe that's correct.
10 And by the way, my bill didn't go anywhere.

11 But I don't -- I believe you're
12 mischaracterizing my bill.

13 SENATOR WEBER: Okay.

14 Madam President, will the sponsor
15 continue to yield?

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR MAYER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WEBER: I think -- we'll
22 move on, but we'll come back to that because I'm
23 fully aware of what I read, the language in that
24 bill, and we can have that conversation another
25 time.

1 But so knowing that the fiscal
2 monitor essentially either misled or wasn't doing
3 his job last year -- because a difference of
4 \$51 million between what we were told all of last
5 year and then what was actual in reality, based
6 on the audited financial statements that were
7 released in November, which was for the fiscal
8 year ending in June, why are we so much in
9 favor -- or why is the Majority pushing a
10 two-year extension on the monitor?

11 SENATOR MAYER: Well, through you,
12 Madam President. First of all, the fiscal
13 monitor for East Ramapo was replaced with a
14 different person after that was determined. And
15 that was extremely unfortunate. And all of us
16 were very concerned about the students of the
17 East Ramapo Public School District, at the risk
18 of layoffs and inability to meet payroll. So
19 that was a motivating force for my bill.

20 Why -- you were asking why does the
21 Senate majority support a two-year extension of
22 the monitors for East Ramapo? Because we
23 continue to be deeply concerned about the public
24 school students of East Ramapo in a board that is
25 largely controlled by parents who do not have

1 children in the East Ramapo public schools.

2 Because the results in East Ramapo
3 have been among the most challenging in New York
4 State in terms of graduation, dropout rate.
5 Because the needs of the East Ramapo public
6 school students are extraordinary and frankly
7 have been ignored, have been ignored for years
8 before the monitors were put in place. And the
9 fact is that having an academic and a fiscal
10 monitor is, in our opinion, absolutely the right
11 thing for the East Ramapo Public School District.

12 SENATOR WEBER: Thank you. And
13 Madam President, will the sponsor continue to
14 yield.

15 SENATOR MAYER: Yes.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR MAYER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WEBER: So, Senator Mayer,
22 are you aware of the news report maybe a few
23 weeks ago where the New Rochelle School District
24 I think reported having a \$30 million deficit?

25 SENATOR MAYER: Through you,

1 Madam President. Yes, I am. It is in my
2 district.

3 SENATOR WEBER: Thank you.

4 And Madam President, will the
5 sponsor continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MAYER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR WEBER: In the list of
12 schools that you mentioned earlier that have
13 fiscal monitors with veto power, how come the
14 New Rochelle School District wasn't included in
15 this bill?

16 SENATOR MAYER: Well, through you,
17 Madam President, New Rochelle School District did
18 not request, did not pass any resolution
19 requesting a monitor at this point.

20 And in fact we worked closely with
21 the New Rochelle School District to be as helpful
22 as possible to their challenges, which are quite
23 different than East Ramapo. And the school board
24 is quite different than East Ramapo. And we will
25 continue to work with them as well as every

1 school district. But we have a grave concern
2 that we have expressed, and the State Education
3 Department has clearly verified, about the public
4 school students in East Ramapo. And we continue
5 to be concerned because a significant portion of
6 the East Ramapo School District budget has been
7 allocated to transportation costs for nonpublic
8 school students, far in excess of what other
9 school districts that have nonpublic schools
10 spend.

11 SENATOR WEBER: Madam President,
12 will the sponsor continue to yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR MAYER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR WEBER: Senator, are you
19 aware that the school board last year, comprised
20 of nonpublic and public members, unanimously
21 voted to hire a superintendent? You know, they
22 don't probably agree on a lot of things, but they
23 agreed upon that. Are you aware that the
24 monitors overrode that and wouldn't allow them to
25 hire a superintendent and they don't have a

1 permanent superintendent as of today, a year or
2 so later?

3 SENATOR MAYER: Through you. Yes,
4 I am aware of that.

5 SENATOR WEBER: Great. And through
6 you, Madam President, will the sponsor continue
7 to yield?

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR MAYER: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR WEBER: Do you think that
14 that was an appropriate decision by them to do
15 that? And is that something that should be
16 allowed, that -- a duly elected board to make
17 decisions like that as to who's going to run the
18 district?

19 SENATOR MAYER: Through you,
20 Madam President. Under the existing law I
21 believe that created the monitors, as I recall --
22 since I was in the Assembly at that time -- the
23 State Education Department has to approve the
24 selection of a superintendent and the State
25 Education Department, the commissioner did

1 approve the selection of the current
2 superintendent. Who, by the way, I would say,
3 having met with him and visited the school, is
4 truly making a difference in that school
5 district, and credit to him.

6 SENATOR WEBER: Okay. Thank you.
7 Madam President, on the bill.

8 ACTING PRESIDENT PERSAUD: On the
9 bill.

10 SENATOR WEBER: Madam President,
11 policy like the East Ramapo school board monitor
12 extension should have been done during an open
13 debate, with transparency and the full
14 legislative process, and not during this budget
15 cycle, a very big budget bill.

16 The families and the taxpayers of
17 East Ramapo deserved fairness, not political
18 targeting and not last-minute backroom deals
19 buried in the budget deal. And I will not stand
20 by while this overreach is continued throughout
21 the years.

22 The East Ramapo monitors, as I've
23 laid out before, and that were approved by the
24 former Senator and pushed in this chamber, voted
25 on in this chamber, has been an abject failure,

1 plain and simple. This was misguided policy
2 pushed by Albany Democrats in both chambers and
3 signed off by the Democratic Governor. And the
4 consequences speak for themselves.

5 How do you miss a \$30 million
6 surplus and say that it's a \$20 million deficit
7 for months on end and not catch that, putting the
8 district at risk, putting the concerns of all of
9 our legislators here and families really
10 concerned. It's not just unacceptable, it's
11 inexplicable.

12 And egregiously, even after learning
13 of the error, when the error was pointed out,
14 Commissioner Rosa didn't say, Well, we know that
15 error was wrong and we are going to refund that
16 egregious 4.38 percent tax increase that she
17 directed on the board and said if you don't pass
18 this 4.38 percent directive, I'm going to fire
19 you from the board.

20 That's a duly elected,
21 democratically elected board. The taxpayers have
22 a right to vote on their budget in New York
23 State. And to take away that power was not only
24 unprecedented, it was unconscionable. A
25 compromise of two years in this final budget bill

1 is better than five years. But I think we need
2 to continue to work together to phase out the
3 failed monitors entirely.

4 At the same time, as I said earlier,
5 this budget includes great money for the
6 districts in Rockland and about \$20 million for
7 the East Ramapo School District, a number that
8 we've been saying for years -- a number that's
9 been shortchanged by this district, a district
10 that always needs more and more money just like
11 our other school districts.

12 So, Madam President, this deeply
13 oversight measure is bad governance. New Yorkers
14 deserve better. The residents of East Ramapo
15 deserve better. They deserve a lot better.

16 Thank you.

17 ACTING PRESIDENT PERSAUD: Thank
18 you.

19 Senator Helming on the bill.

20 SENATOR HELMING: Thank you,
21 Madam President, on the education bill before us.
22 On the electric school bus and electric capacity,
23 the joint utilities of New York analyzed the
24 current electrical capacity of every single
25 school bus depot in the state, both public and

1 private. And let me tell you, the findings were
2 bleak. Fifteen percent of districts currently do
3 not have the electrical capacity to support a
4 single, let alone a fleet, of zero-emission
5 school buses.

6 Additionally, districts across the
7 state, as we've heard on this floor, have been
8 told that the infrastructure upgrades will lead
9 to significant costs. For some districts those
10 costs will be in the millions of dollars. And
11 this is all against the backdrop of the
12 Independent System Operators Reliability Needs
13 Assessment finding that the grid will not be able
14 to handle demand without significant resources
15 being developed.

16 Now, in my area we need housing
17 much, much more than we need electric school
18 buses. And what's going to happen? We're going
19 to create competition, which will not be good.

20 In a recent report that the Empire
21 Center put out, they note that the Office of
22 Governmental Services, which negotiates the
23 contracts that our school districts can piggyback
24 on, they reached a five-year deal in December of
25 2022 with just nine bus dealers. And in the

1 first year, the State Department of
2 Transportation approved just a small number of
3 bus models.

4 And do you know what has happened
5 since that time? Not the price decreases that
6 we've heard so much about. We have seen price
7 hikes: 3.7 percent over the last 12 months.

8 But you know what hasn't increased
9 by 3.7 percent in this budget that's before us?
10 The funding for the majority of my school
11 districts. They have received the minimum amount
12 of funding. Between the state's underfunding and
13 this massive electric school bus mandate, our
14 taxpayers are going to be hit harder than ever
15 before.

16 For this reason and so many others,
17 I vote no.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator.

20 Senator Walczyk to close.

21 SENATOR WALCZYK: Madam President,
22 on Part EE I've got a question.

23 ACTING PRESIDENT PERSAUD: Senator,
24 do you yield.

25 SENATOR SALAZAR: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR WALCZYK: Through you,
4 Madam President. So Part EE addresses merit time
5 and also limited credit time, good behavior
6 allowances for those who have been convicted of
7 crimes and found themselves in prison in New York
8 State.

9 I notice some change in language was
10 approved in the budget proposal that's brought
11 before us here today giving, in addition to the
12 list already outlined in statute, a number of
13 different things that inmates can use to earn
14 these merit times or limited credit times,
15 reducing their sentences. Some additional
16 authority has been given to the Department of
17 Corrections commissioner in order to develop new
18 programs.

19 Why ignore the list that's already
20 in statute or maybe propose an additional program
21 in statute? Why, instead, just defer and say the
22 commissioner of the Department of Corrections,
23 directly appointed by the Governor, can create
24 programs in the future? Why give that power to
25 the Executive instead of pass a new law for a new

1 program here in the Legislature?

2 SENATOR SALAZAR: Through you,
3 Madam President. So in Part EE it only adds
4 two lines to existing law and ensures that the
5 commissioner can designate additional programs.

6 I don't know that there is a
7 meaningful distinction between creating specific
8 programs through law outside of the budget
9 process versus allowing the commissioner the
10 discretion to designate additional programs that
11 someone could participate in, in order to earn
12 merit time or limited credit time allowance.

13 SENATOR WALCZYK: And through you,
14 Madam President, would the sponsor continue to
15 yield?

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR SALAZAR: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: Actually in
22 statute currently, in Section 803 and 803-b,
23 which is what you're proposing to amend here in
24 this budget bill, for nonviolent convicts
25 obtaining a diploma, alcohol and substance abuse

1 certificate, six months of job training, 18
2 college credits, 400 hours of community
3 service -- those are all prescribed in the
4 statute. The change, the way that I read it, is
5 you're giving the DOCCS commissioner the
6 authority to develop new programs not outlined in
7 statute.

8 My question was specifically, why
9 give that authority to the DOCCS commissioner?
10 Why not prescribe it by proposing legislation
11 that passes the Assembly, the Senate, and is
12 ultimately signed by the Governor? That's the
13 legislative process here.

14 SENATOR SALAZAR: Through you,
15 Madam President. I don't think that this change
16 precludes the Legislature from passing
17 legislation to add additional -- specific
18 additional programs in statute that could make
19 someone eligible for earned time.

20 SENATOR WALCZYK: Through you,
21 Madam President, will the sponsor continue to
22 yield?

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR SALAZAR: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: Yeah, but if
4 you've already given the authority for the DOCCS
5 commissioner to create whatever programs they
6 want to create in order to allow for merit time
7 and allow for limited credit time, and the way
8 that sentences are reduced or that credit time is
9 taken off of someone's sentence and they're early
10 released from prison, the DOCCS commissioner
11 already controls that entire process.

12 The tradition of this body, by all
13 of the laws that have been laid out in these
14 sections, in 803 and 803-b has been specifically
15 to hear the voice of the people and decide what
16 would merit that credit time.

17 So my question is the same. Why
18 give the DOCCS commissioner that authority? Now
19 the list of everything that we've put in statute
20 is relatively moot if the DOCCS commissioner can
21 create whatever program they'd like in the
22 future.

23 SENATOR SALAZAR: Through you,
24 Madam President. I will just clarify that in
25 this short change to the statute in Part EE, it

1 also specifies that among the programs that the
2 DOCCS commissioner could designate that are not
3 explicitly outlined in statute right now, it
4 could include completing a program of no less
5 than 18 months, as established by the
6 commissioner.

7 So I think I would say that that
8 does set some parameter to what additional
9 program the DOCCS commissioner can designate that
10 someone could be eligible to earn time off of
11 their sentence for. It does not give discretion,
12 for example, to the commissioner to designate a
13 program that is very short, that's less than
14 18 months, right, that would make someone
15 eligible to earn time off of their sentence.

16 So I think it's a little bit more
17 specific than that.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator.

20 The debate time has expired.

21 SENATOR WALCZYK: Saved by the
22 bell.

23 ACTING PRESIDENT PERSAUD: Thank
24 you.

25 Senator Myrie on the bill.

1 SENATOR MYRIE: Thank you,
2 Madam President.

3 I just wanted to make some of our
4 legislative intent clear on Part LL of this bill.
5 As we know, we made changes to our discovery law
6 in 2019 to correct decades of an imbalance, where
7 defendants were making decisions not based on all
8 of the evidence being charged against them, but
9 oftentimes facing last-minute disclosures that
10 prevented them from fully appreciating their
11 constitutional due-process rights.

12 And while due process and public
13 safety can sometimes have some tension, these
14 things are not at odds. And our intent with this
15 change to our discovery laws is a continuation of
16 our values that we can uphold due process while
17 also keeping the public safe.

18 It is why we have narrowed some of
19 the scope required by prosecutors in their
20 disclosure, changing it to related to the subject
21 matter of the charge and not the case, but still
22 requiring prosecutors to exercise due diligence
23 and good faith as prescribed by the Court of
24 Appeals.

25 It is also why, in shortening the

1 window for the defense to challenge a
2 certification of compliance, we also made clear
3 that a material change in circumstance or good
4 cause as granted by the court would allow for
5 them to have an extension.

6 No one wants to see cases dismissed
7 on inadvertent error or technicalities. And we
8 heard the prosecution and heard concerns from
9 law enforcement to ensure that that would not
10 happen and that the court would have the
11 discretion to utilize a totality of the
12 circumstances approach, looking at a number of
13 factors up to and including whether or not the
14 failure to disclose would prejudice the
15 defendant's ability to mount a case.

16 There is also an important provision
17 that requires the prosecution to still fulfill
18 their duties in disclosing constitutionally
19 required evidence like Brady or Rosario, but also
20 to give the court some discretion to determine
21 whether or not the failure to disclose was done
22 in bad faith.

23 So I think we have struck the
24 balance with this reform, that we are protecting
25 the due process of New Yorkers, while ensuring

1 that victims and survivors do not have their
2 cases improperly dismissed in the discovery
3 process.

4 It is our hope that the courts and
5 the prosecution and the defense bar will take
6 into consideration the challenging balance that
7 our justice system has to maintain every single
8 day -- a constitutionally built, adversarial
9 system where both sides get to make a case and
10 the public ultimately should remain safe.

11 For those reasons, I'll be voting in
12 the affirmative.

13 Thank you.

14 ACTING PRESIDENT PERSAUD: Thank
15 you, Senator.

16 Senator Mayer to explain her vote.

17 SENATOR MAYER: On the bill.

18 ACTING PRESIDENT PERSAUD: On the
19 bill, sorry. On the bill.

20 SENATOR MAYER: Yes. Thank you,
21 Madam President. I rise to explain -- to speak
22 briefly about the substantial equivalency
23 provisions in this bill. And while I do intend
24 to vote for the bill, I rise to express my deep
25 disappointment about the changes in this bill to

1 the substantial equivalency provisions in the
2 law.

3 As we know, Section 3204 of the
4 Education Law specifically says that instruction
5 given to a minor elsewhere than at a public
6 school shall be at least substantially equivalent
7 to the instruction given to minors of like age
8 and attainments at the public schools of the city
9 or district where the child resides.

10 The State Education Department has
11 undergone a thorough and inclusive process to
12 determine how to ensure that nonpublic schools
13 comply with this provision. And even last week
14 we heard, in addition to the support of the
15 Catholic schools, the independent schools, and
16 the work with the Amish schools, that the vast
17 majority of nonpublic schools in New York,
18 working with the State Education Department, have
19 found a way, over a period of time, to comply
20 with the provisions of the regulations they
21 adopted.

22 And in fact these regulations have
23 been upheld by the Appellate Division Third
24 Department, which said recently: "Our state most
25 clearly supports the discretion of parents and

1 guardians in choosing the most appropriate
2 educational setting for the children under their
3 care, including the incorporation of local
4 community values, culture and identity.

5 "The compulsory education
6 requirement neither circumvents nor thwarts that
7 discretion. However, the Education Law does
8 balance this parental discretion with the child's
9 right to a sound, basic education, as necessary
10 to ensure their ability to meaningfully
11 participate in society and government, a goal
12 that is of paramount state concern."

13 And that case is going to the Court
14 of Appeals in the next week, and we expect the
15 regs to be upheld there.

16 However, the changes made in this
17 law make profound changes in the ability of our
18 students -- and that is our focus -- to achieve
19 these opportunities. For one, it provides a
20 phase-in period for schools that use the testing
21 pathway, testing pathway identified in the regs,
22 that exempts any student currently in third grade
23 or older in the '25-'26 school year from ever
24 being covered by substantial equivalency
25 requirements.

1 That is an entire generation of
2 young people, our sons and daughters, who will be
3 deprived of the opportunity to receive a sound,
4 basic education to be active participants in our
5 civil society as regulated by the State Education
6 Department that was charged with this.

7 Further, the language allows schools
8 to use tests not approved by SED or aligned with
9 New York State learning standards so long as
10 they've been approved for use by at least three
11 other states. And it also allows schools to
12 compare their results to similarly situated
13 students either in their overlapping geographic
14 district or statewide.

15 Unfortunately, this creates a
16 perverse incentive for districts where the
17 majority of school board members are made up of
18 non-public school families, to invest even less
19 in our public education system.

20 We have a responsibility, a personal
21 responsibility, to every child in this state to
22 ensure they receive a sound, basic education and
23 that they achieve substantial equivalency. I am
24 greatly distressed because I believe the
25 provisions in this bill take us backwards and do

1 not move us forward in the interest of ensuring
2 that these children graduate school fully capable
3 of engaging in our dynamic civic society.

4 We owe these children this. I hope
5 we can revisit this and make the changes
6 necessary to ensure that we have done our best by
7 every child, every child in this state.

8 I'll be voting yes with my grave
9 disappointment about this provision.

10 Thank you.

11 ACTING PRESIDENT PERSAUD: Thank
12 you, Senator.

13 Senator Krueger to close.

14 SENATOR KRUEGER: Thank you,
15 Madam President.

16 I appreciate enormously the work our
17 great Education chair, Shelley Mayer, did during
18 this whole debate, and the work she did trying to
19 fight for the best possible outcomes she could
20 get for public education throughout the budget
21 process.

22 And to start, I will be voting for
23 this bill, but I must also clearly state my
24 objection to the substantial equivalency changes
25 that Senator Mayer also just addressed.

1 And people stand on the floor of the
2 Senate for many reasons -- to debate, to clarify
3 their positions, to get in the press. I'm here
4 for a very specific reason. Courts use what is
5 said on the floor of the Senate when determining
6 their understanding of the debate or the leading
7 up to changes in law in court cases. I very much
8 am hoping the courts challenge what we are doing
9 today, and so I want to go on record for some
10 future court case.

11 The issue is not religious freedom.
12 This issue is about a child's right to an
13 education. Beginning, end, period. People are
14 free to practice their religion in New York
15 State. They are not free to withhold an
16 education from their children. That is called
17 educational neglect, and it is unconstitutional
18 in our state, as has been proven in court.

19 That is the issue, and that is where
20 this bill language goes terribly wrong. The
21 Court of Appeals, New York's highest court,
22 established in the Campaign for Fiscal Equity
23 case that under New York's Constitution, all of
24 its children have a positive right to a sound,
25 basic education, and that New York has a duty to

1 provide it to them.

2 All children in New York have the
3 right to a basic education that includes English,
4 math, science and history. This legislation
5 undermines that constitutional guarantee, trading
6 away children's futures for political expediency.

7 The court defined the constitutional
8 right in terms of civic education -- i.e., a
9 sound, basic education means the skills students
10 need to function productively as civic
11 participants capable of voting and serving on a
12 jury. Children deprived of a basic education
13 cannot be expected to do that.

14 Existing Education Law balances that
15 right with the right of parents to direct their
16 children's education and the interests of all
17 New Yorkers in ensuring our children are educated
18 by requiring all private schools to provide an
19 education that is at least substantially
20 equivalent to that of our public schools.

21 To abandon that balance in favor of
22 appeasing extremists who fear teaching English,
23 math and science or classifying doing so as
24 "woke" is a direct assault on the futures of tens
25 of thousands of children.

1 This proposal would do away with
2 that balance by redefining substantial
3 equivalency. It robs the Board of Regents and
4 the New York State Education Department of their
5 roles in enforcing the Education Law and creates
6 an education policy by substituting the judgment
7 of educators for that of politicians.

8 This represents a stain on our
9 state's longstanding commitment to equity and
10 opportunity.

11 Under this bill, schools deemed
12 substantially equivalent may still not provide
13 the sound, basic education that our children
14 deserve, and the objection of complaining parents
15 would fall on deaf ears as the New York Education
16 Department would be precluded, precluded from
17 enforcing the law and finding those schools to be
18 nonequivalent. The Legislature should not bind
19 our education experts' hands in such a fashion.

20 The proposed bill renders large
21 parts of the existing Education Law moot. Under
22 current law, a school failing to teach civics,
23 American and New York history, important
24 foundation documents and critical points in
25 history like the Holocaust would be deemed

1 nonequivalent.

2 Under the proposed bill a school may
3 evade that law in any number of ways, such as by
4 having as few as one-third of its students score
5 as proficient on tests the schools themselves get
6 to choose.

7 Society's interest in ensuring all
8 students are prepared to function as members of
9 civil society is at stake. What the new bill,
10 the new language in this bill does is define, as
11 substantially equivalent, education that may not
12 suffice as a sound, basic education as we know
13 it, as exists in our law and has been established
14 in our courts.

15 The bill is the result of intense
16 lobbying of one specific interest group. If
17 adopted, it disadvantages a specific minority
18 that cannot speak for itself -- students at a
19 small number of New York's Haredi and Hasidic
20 yeshivas. It is their futures that members of
21 the Legislature are keen on selling for political
22 gain through a closed-door process that evades
23 scrutiny by the people the Legislature
24 represents.

25 I'm a Jew. I'm the child of

1 immigrants -- well, grandchild of immigrants.
2 They all came here for a better life. They
3 focused on education. Many of them did not get
4 an education, but they fought to make sure their
5 children and grandchildren did, as so many of us
6 did in our own history. I want to point out that
7 they would have never accepted this for their own
8 children or grandchildren.

9 I would like to point out that even
10 some of the legislators who are supposedly
11 supporting this -- but I don't think any of them
12 want to identify -- would never send their own
13 children to these schools, never send their own
14 children to these schools, because they
15 understand the importance of making sure that
16 their children have a good, sound education.

17 This bill is actually antisemitic
18 because it's targeting a subuniverse of young
19 Jewish children from getting their rightful
20 education in New York State. This will have a
21 disparate impact on this insular minority and
22 traditionally marginalized group.

23 It will also, because it extends the
24 number of years before anyone is looking at all,
25 for up to literally a decade -- it not just

1 shortchanges these children, but it also has
2 devastating consequences in certain communities
3 such as East Ramapo, which has come up already
4 quite a bit. It will have devastating
5 consequences for the Black and brown kids in
6 East Ramapo whose resources and funding have been
7 almost entirely cut off to fund these yeshivas
8 that often are not even meeting substantial
9 equivalency. So they are now incentivized to
10 continue their bad behavior and will be also
11 incentivized to continue to starve the remainder
12 of the school district from meeting its
13 children's needs.

14 And so it's a circle that just keeps
15 spreading its damage. We should not be doing
16 this. It's particularly the wrong time, because
17 we're the cusp of the U.S. Supreme Court making a
18 decision about whether they are going to allow or
19 require religious schools to become charter
20 schools using government funds for their
21 education.

22 With this change in law, we're
23 actually saying: Here in New York, if you define
24 yourself as a religious school and you aren't
25 meeting our most basic subminimal standards for

1 actual education, come on down, because now
2 you'll sign up to be a charter and you'll use
3 radically more of our state education funding,
4 moving it out of public education into these
5 religious charters if apparently one more Supreme
6 Court judge decides to rule on this case in favor
7 of the religious charter schools.

8 So we are opening up a Pandora's box
9 much, much larger than anyone seems to understand
10 the implications of this today. I tried to stop
11 this from being in the budget. I failed. This
12 is why I am trying to make clear that we are
13 going to need the courts to overrule what we are
14 doing today for the sake of not just the children
15 who are now going to those schools, but for all
16 our children.

17 Thank you, Madam President.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator.

20 Are there any other Senators wishing
21 to be heard?

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

24 Read the last section.

25 THE SECRETARY: Section 38. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Senator
6 Kavanagh to explain his vote.

7 SENATOR KAVANAGH: Thank you,
8 Madam President.

9 This bill contains a very wide range
10 of provisions. Some might call it some ugly --
11 an ugly bill because it's got so many. But I --
12 and it contains a lot of things I'm very proud to
13 support, including, as just one example, the
14 universal school food program, which is part of
15 our effort to access -- to make sure all
16 New Yorkers have access to good, healthy and
17 nutritious food.

18 But as chair of the Committee on
19 Housing, Construction and Community Development,
20 I want to highlight just a couple of items here
21 that are -- that, you know, really constitute
22 major housing initiatives that are in this bill.

23 Housing items today,
24 Madam President, will be spread over several
25 bills, and we'll be discussing some of those

1 later today. But just for context, as you
2 consider this bill, by my count the budget as a
3 whole includes about \$3.6 billion of new capital
4 and operating subsidies for housing and community
5 development, including huge investments in
6 developing and preserving housing, protecting
7 tenants and homeowners from evictions and
8 foreclosures, fighting housing discrimination and
9 making sure our housing is affordable, safe,
10 accessible and sustainable for all New Yorkers.

11 One of the programs included in this
12 bill represents a very long-fought victory, the
13 Housing Access Voucher Program. I first
14 introduced this bill, Madam President, on
15 February 3, 2020. It was then and is now a
16 critical step toward ensuring that we are
17 committed to making sure that all New Yorkers can
18 afford to live in our communities without having
19 to make very tough choices between paying their
20 rent and paying for other essential services.

21 Like the Section 8 program, the
22 federal program on which it's modeled, this
23 program will provide for residents to pay up to
24 30 percent of their income toward their rent and
25 the rest will be covered by the program.

1 As a state-funded program, it's more
2 flexible than the federal program. For example,
3 if somebody is in an apartment and some rent
4 arrears are necessary to stabilize them, this
5 program will be able to pay up to five months of
6 arrears and keep somebody in their home and then,
7 again, stabilize them going forward.

8 So it's a huge victory for tenants
9 but also for property owners in New York, who
10 often get stuck with the bill when tenants are
11 unable to pay.

12 I do want to take a moment just to
13 thank Housing Justice for All and the Legal Aid
14 Society and Make the Road and VOCAL and
15 Citizen Action, who were there five years ago
16 when we were drafting this bill. Many other
17 organizations, including Enterprise and Women in
18 Need and the Community Service Society and the
19 Real Estate Board of New York, have been very
20 involved since then.

21 And of course Andrea Stewart-Cousins
22 and about three dozen sponsors in this house have
23 played a big role in pushing this over the finish
24 line, and I'm very pleased for their advocacy,
25 especially the leader, who really went to bat for

1 this budget.

2 And of course Carl Heastie and the
3 Assembly sponsor, the Housing chair,
4 Linda Rosenthal, and Governor Hochul for
5 agreeing, after a very long, hard negotiation, to
6 enact this budget as part of -- this program as
7 part of this budget.

8 Just to quickly mention a few other
9 things. This bill cuts taxes on Mitchell-Lama
10 housing in half throughout New York City, and it
11 invites local governments throughout the state to
12 do the same, it authorizes them to do the same.
13 In my district alone, that will save about
14 \$2 million in taxes on this critical housing.

15 It also -- this bill also secures
16 funding for our Neighborhood and Rural
17 Preservation Programs, which are critical in all
18 of our communities. That's something that has
19 been a big priority for this house and something
20 that I'm very proud that we're taking a lead on
21 once again.

22 Lastly, this bill -- one
23 disappointment is we are funding -- we are fully
24 funding the Homeowner Protection Program. That
25 is a critical program to cover the costs of

1 people who need protections when they're facing
2 foreclosures, homeowners, whether that be because
3 of mortgage arrears or taxes. And yet once again
4 this bill does not -- the language that was
5 included in previous drafts of this bill to
6 codify that program has been removed.

7 We did pass that bill as a
8 standalone last year. It was vetoed. And in the
9 meantime, we were told that that was a more
10 appropriate subject for budget negotiations.

11 So although we're fully funding that
12 program and it's a critical program, it's
13 mystifying and sort of disappointing that we are
14 not making that essential program part of our
15 core housing laws today.

16 Obviously a lot of other work has
17 gone into this. I want to thank the staffers. I
18 will name them individually in subsequent remarks
19 on the other housing bills today, but I think my
20 time is up.

21 So again, I appreciate your
22 indulgence, and I vote aye.

23 ACTING PRESIDENT PERSAUD: Senator
24 Kavanagh to be recorded in the affirmative.

25 And I would like to remind all

1 members you now have two minutes to explain your
2 vote, beginning with Senator Stavisky.

3 SENATOR STAVISKY: Thank you,
4 Madam President.

5 And mindful of the time, I want to
6 associate myself with the remarks made by
7 Senators Mayer and Krueger concerning substantial
8 equivalency.

9 I too am very troubled by this
10 decision because we have laws that we call
11 compulsory education, and each child is entitled
12 to a sound, basic education. And I think the
13 language that is proposed in this bill will make
14 that very difficult.

15 Secondly, many of our independent
16 nonprofit colleges are facing unprecedented cuts
17 coming from the federal government toward their
18 research projects. National Institutes of Health
19 have eliminated funding, et cetera. And the
20 state's failure to restore some of the cuts that
21 were made to the independent colleges I think is
22 very troubling.

23 There are other areas where the
24 additional funding that we added to the
25 Governor's Executive Budget may be less than we

1 would have wanted. But nevertheless, I think we
2 are trying our best to make sure that the
3 students of New York State receive the same kind
4 of opportunities that our predecessors have also
5 received.

6 So in terms of my vote,
7 Madam President, I vote aye.

8 Thank you.

9 ACTING PRESIDENT PERSAUD: Thank
10 you.

11 Senator Stavisky to be recorded in
12 the affirmative.

13 Senator Borrello to explain his
14 vote.

15 SENATOR BORRELLO: Thank you,
16 Madam President.

17 There's a saying that it's never too
18 late to do the right thing. Well, finally we are
19 addressing the Unemployment Insurance deficit in
20 this bill. Thank goodness. Of course it's been
21 five years of us clamoring. The interest
22 payments and penalties that have harmed every
23 single employer, every single employee are
24 finally being addressed -- after about half of
25 it's already been paid already by those

1 hardworking businesses and families that support
2 the Unemployment Insurance Fund.

3 It's not a government fund, it is a
4 fund that is supported by the businesses that pay
5 taxes, the employees that pay taxes. I think
6 people have to understand that. And it's been
7 under fire. New York State was the only state
8 that took federal money and didn't use at least
9 some of it to plug that hole. And every single
10 business in New York State has paid the price for
11 that.

12 I know this well, because every time
13 we get that interest penalty bill in the mail, my
14 wife brings it to me like it's my fault. So I'm
15 glad we're at least addressing that in this bill.

16 That being said, that \$11 billion
17 hole is also, coincidentally, the equivalent of
18 what was the fraud experienced, according to the
19 State Comptroller. So essentially every business
20 in New York State. And now, in this budget, we
21 are covering for the cost of unmitigated fraud
22 that occurred during the pandemic in our
23 unemployment insurance. And I hope something is
24 being done to correct that so it never happens
25 again.

1 The electric school bus mandate --
2 again, not enough to get us across the line and
3 build confidence that we can do this safely.

4 So for that reason and others, I'll
5 be voting no.

6 Thank you, Madam President.

7 ACTING PRESIDENT PERSAUD: Senator
8 Borrello to be recorded in the negative.

9 Senator Gonzalez to explain her
10 vote.

11 SENATOR GONZALEZ: Thank you,
12 Madam President.

13 Our budget is a statement of values.
14 It reflects what we prioritize as legislators,
15 whose voices we're listening to, whose futures
16 we're investing in. And New Yorkers are looking
17 to us to protect them through an uncertain time
18 and political moment. We must take bold action
19 to protect our working-class families, our
20 immigrant neighbors, and all of our constituents.

21 So I rise today because this budget
22 could have been bolder. Each week my office
23 receives calls from constituents struggling with
24 unemployment benefits. Food pantries in my
25 district are seeing lines down the block. People

1 are being priced out of their neighborhoods, and
2 families are deciding between paying their
3 medical bills, paying for childcare, and paying
4 for their rising utility bills.

5 This could have been the moment to
6 deliver on a bolder vision. This could have been
7 the moment where we made universal childcare a
8 reality. This could have been the moment we
9 invested in social housing and lowering our
10 energy costs. And this certainly should have
11 been the moment that we tax the ultrawealthy to
12 make this all possible.

13 Instead, we were pushed to respond
14 to proposals including mask bans and discovery
15 reform.

16 But we've worked hard to push past
17 these proposals and to address New Yorkers' most
18 pressing needs. And in many ways we succeeded.
19 That's a testament to the tireless work of our
20 Legislature, our central staff, advocates and
21 constituents who have made their voices heard.

22 The MTA's capital plan will be fully
23 funded, receiving 68 billion to pay for
24 much-needed upgrades. The \$180 million we've
25 secured to fund psychiatric services at hospitals

1 like Bellevue will make all of us safer. And the
2 \$50 million in this bill for the Housing Access
3 Voucher Program will help 2500 New Yorkers secure
4 housing.

5 All of these investments are
6 necessary as Trump and congressional Republicans
7 make cuts to vital programs for our constituents.

8 I know our fight for affordability
9 will continue, and for that fight I vote aye.

10 Thank you.

11 ACTING PRESIDENT PERSAUD: Senator
12 Gonzalez to be recorded in the affirmative.

13 Senator Salazar to explain her vote.

14 SENATOR SALAZAR: Thank you,
15 Madam President.

16 There are policies in this budget
17 bill that I enthusiastically support, such as the
18 creation of the Housing Access Voucher Program,
19 and others that I strongly oppose, such as the
20 mask penalty enhancer in Part DD.

21 But I do believe that the proposal
22 in Part EE to allow the commissioner to designate
23 additional programs that would allow people to
24 earn time off of their sentence is good, in that
25 it is a -- it demonstrates a commitment from the

1 Governor and the Legislature to allowing
2 incarcerated individuals to participate in
3 rehabilitative programming that is valuable to
4 the individuals themselves -- also to conditions
5 in our state prisons and to society when people
6 are ultimately released from incarceration.

7 It cannot stop here. While I laud
8 this step, this proposal in the budget, I think
9 that we need to do more beyond this budget vote
10 in supporting Senator Cooney's Earned Time Act
11 legislation that I'm proud to cosponsor, because
12 we really should -- while this is not what this
13 budget bill does, we should be expanding
14 eligibility for earned time and limited credit
15 time allowance and also increasing the impact for
16 incarcerated individuals who participate in those
17 programs, providing the opportunity for people to
18 not only return to their communities and families
19 sooner, but to do so equipped with the benefits
20 that this programming can provide.

21 And with that, I vote aye.

22 Thank you.

23 ACTING PRESIDENT PERSAUD: Senator
24 Salazar to be recorded in the affirmative.

25 Senator Jackson to explain his vote.

1 SENATOR JACKSON: Thank you,
2 Madam President.

3 I rise today at the end of a long
4 and difficult road. And after days of tense
5 negotiations, we are called to vote on a budget
6 that carries both progress and pain. And I cast
7 my vote not with ease, but with conscience,
8 harboring significant concerns about this budget.

9 And there are meaningful gains. As
10 chair of the Civil Service and Pensions
11 Committee, I welcome increases to the BOCES
12 salary cap and Special Services Aid that are
13 steps forward, expanding access to high-quality
14 careers and technical education that can alter
15 the course of a young person's life.

16 And for the first time ever, this
17 budget funds universal school meals, ensuring
18 that every child from Buffalo to the Bronx to
19 Long Island -- the entire state -- begin the
20 school day nourished and ready to learn. No
21 student should have to learn on an empty stomach,
22 and this is a quiet, powerful victory.

23 But even as we advance, we leave
24 some behind. Because when it comes to education
25 funding, this budget falls short of the justice

1 our children deserve.

2 We commissioned a 300-page study to
3 modernize the Foundation Aid formula. But
4 instead of embracing this full vision, the
5 Executive cherry-picked it to pieces.

6 The Regional Cost Index was updated
7 but excluded New York City, leaving {inaudible}
8 to figure from 2006 in a city where costs have
9 soared and student needs have only grown. The
10 result, New York City schools will receive
11 hundreds of millions of dollars less than they
12 would have if the state had simply left the
13 formula untouched.

14 And as to substantial equivalence,
15 let's be clear. This budget watered down the
16 constitutional right of every child in New York
17 to a sound, basic education.

18 This budget is a mixed ledger --
19 some gains, some grave omissions. And I thank
20 Majority Leader Stewart-Cousins and our
21 deputy leader and our Finance chair for their
22 stewardship. And there are victories here, and I
23 honor them. But I vote today with a stone in my
24 shoe and students on my mind.

25 ACTING PRESIDENT PERSAUD: How do

1 you vote, Senator?

2 SENATOR JACKSON: Madam President,
3 I vote aye.

4 ACTING PRESIDENT PERSAUD: Senator
5 Jackson to be recorded in the affirmative.

6 Senator Chan to explain his vote.

7 SENATOR CHAN: Thank you,
8 Madam President.

9 Though I admire some of the aspects
10 and ideas of this bill, but my colleagues also
11 touched on a lot of components that I don't like.

12 The Governor, first of all, has
13 proposed over \$593.5 million for Foundation Aid
14 to the City of New York. The enacted amount
15 ended up \$54.7 million less, at \$538.8 million.
16 This is at a time when New York City has an
17 unprecedented rise in English learners and
18 underprivileged children, possibly due to the
19 migrant crisis.

20 Even if the enrollment falls in the
21 City of New York, the price of education will not
22 decline. If a child moves away from his class,
23 the cost of educating that class will still be
24 the same. Programs will have to be cut --
25 enriching programs such as art and music -- and

1 our students will be deprived of a lot of
2 services.

3 I'm also not on board with the
4 100 percent mandate on electric school buses. I
5 can see down the road having problems charging
6 these buses, the infrastructure. I can see
7 stranded kids on out of state trips, overnight
8 trips. And, I mean, that also happens with, you
9 know, gasoline-powered vehicles and
10 diesel-powered vehicles. But I can see some of
11 the problems arising.

12 As a police officer of 27 years,
13 this new discovery law and the mask ban does
14 absolutely nothing to help our cops out there to
15 prevent crime and to address our quality-of-life
16 issues.

17 So I agree with my colleagues in our
18 conference that this bill doesn't resonate well,
19 especially with the sentiments of my district of
20 South Brooklyn. And I vote always with my
21 constituents in mind.

22 On behalf of the people of New York
23 State Senate District 17 in South Brooklyn, I
24 vote no.

25 ACTING PRESIDENT PERSAUD: Senator

1 Chan to be recorded in the negative.

2 Senator Walczyk to explain his vote.

3 SENATOR WALCZYK: Thank you,
4 Madam President.

5 I believe if you do the crime, you
6 do the time, and so do many New Yorkers. But we
7 do have laws on the books allowing convicts to
8 better themselves while they're incarcerated in
9 New York, prove that they're ready for release
10 and actually reduce their sentence. Throughout
11 the budget conversations, some talked publicly.
12 The Governor mentioned that there would be no
13 early release for violent criminals who have been
14 convicted.

15 However, this bill does the exact
16 opposite of that, and snuck into this bill is an
17 expansion of the power of the Corrections
18 commissioner to take the laundry list of programs
19 currently that are in state law that could prove
20 that you are rehabilitating yourself, and instead
21 give that authority to the DOCCS commissioner in
22 order to create whatever program they'd like in
23 order to reduce the population in their prison.

24 And the reason is the Governor has
25 completely broken our prison system, ignored

1 calls for safety, and now doesn't have the staff
2 to operate. So instead of addressing these
3 safety issues in our correctional facilities,
4 instead of rehiring the 2,000 corrections
5 officers she fired, she wants to shorten
6 sentences of felons and violent criminals,
7 releasing them back into the community.

8 And I would say if the programs had
9 been running really well the way that they are
10 right now, okay, maybe it will be all right and
11 our communities won't be in danger. But
12 currently in the State of New York one in five
13 released from prison will be back in prison
14 within three years. The overall recidivism for a
15 crime in New York State is 66 percent.

16 This is not helping the incarcerated
17 individuals become members of their community
18 again, and it's certainly not making our
19 communities safer.

20 You do the crime, you do the time.

21 I vote no.

22 ACTING PRESIDENT PERSAUD: Senator
23 Walczyk to be recorded in the negative.

24 Senator Weik to explain her vote.

25 SENATOR WEIK: Thank you,

1 Madam President.

2 No state in the United States
3 currently operates exclusively with electric
4 buses. Why? Because it's just not yet possible.
5 And New York is no exception.

6 With a lack of grid capacity and the
7 cost of creating a grid which is millions of
8 dollars per bus yard, the cost of electricity to
9 charge buses on a daily basis, storage for
10 charging buses so that they can charge properly,
11 fire safety and creating a reliable method of
12 putting out fires when these buses catch on fire,
13 and supply and demand -- when demand goes up,
14 supply goes down and cost goes up.

15 And so we see a trend here which is
16 unaffordable. This mandate is unaffordable.
17 This is an outrageously expensive mandate with no
18 flexibility, and it's just not even possible.
19 Even with the two extensions of time, it will
20 require a huge layout of money.

21 And for that -- and just -- this
22 mandate just cannot be met in this time frame.

23 And for that and many other reasons,
24 Madam President, I vote no.

25 ACTING PRESIDENT PERSAUD: Senator

1 Weik to be recorded in the negative.

2 Senator Mayer to explain her vote.

3 SENATOR MAYER: Thank you,
4 Madam President.

5 As I've explained areas in which I
6 have concern, I do want to say that there are
7 many positive aspects of this bill with respect
8 to education, and they were hard-fought,
9 including not having any district suffer a loss
10 from last year's money. This is a testament to
11 our Majority Leader and to our conference's
12 commitment to education, both public and
13 nonpublic.

14 I'm especially proud that we have
15 won a long-overdue reinvestment in our CTE
16 programs for both BOCES and the Big 5 school
17 districts. These are life-changing programs, and
18 we needed to invest in them, and I'm proud that
19 we have.

20 We also are providing universal free
21 school meals available to every student in our
22 state, reasonable changes to give districts
23 additional flexibilities as they implement the
24 electric school bus transition, acknowledging
25 districts that have charter oversaturation

1 requiring additional help, and credit to the
2 Governor and the teachers union for investing in
3 our children's mental health and well-being by
4 banning cellphones in schools, with the assurance
5 that parents will be able to reach their child in
6 the event of an emergency.

7 So we have accomplished a great
8 deal. While it is far from perfect and there are
9 things with which I disagree, on balance, we have
10 much to be proud of, of our commitment to our
11 children and to the state of education in
12 New York.

13 I vote aye.

14 ACTING PRESIDENT PERSAUD: Senator
15 Mayer to be recorded in the affirmative.

16 Senator Bynoe to explain her vote.

17 SENATOR BYNOE: Thank you,
18 Madam President.

19 This budget has some challenges in
20 it, but I'm heartened by some of the initiatives
21 that have been included. Specifically today I'd
22 like to speak on the alternative funding to
23 school districts that are facing saturation, high
24 rates of saturation of charter schools.

25 In Senate District 6, we have a

1 proliferation of charter schools. Thirty-six
2 percent of Hempstead school communities go to
3 charter schools, taking over a hundred million
4 dollars with them.

5 I'm heartened because this bill will
6 allow for Hempstead to receive funding that it so
7 desperately needs to avoid risk of laying off
8 teachers, closing schools, and reducing
9 programming.

10 So today we will be able to ensure
11 that Hempstead school communities will have the
12 disparate impact that had been looming for years
13 removed, and they will receive \$24 million in
14 funding. And for that and for other reasons, I
15 support this bill and I will be voting
16 affirmatively.

17 Thank.

18 ACTING PRESIDENT PERSAUD: Senator
19 Bynoe to be recorded in the affirmative.

20 Senator Bailey to explain his vote.

21 SENATOR BAILEY: Thank you,
22 Madam President.

23 A lot of good things in this budget,
24 a lot of tough things in this budget. But I want
25 to associate myself more with the educational

1 portion of it.

2 Malcolm X famously said that
3 education is our passport to the future, for
4 tomorrow belongs to people who prepare for it
5 today. Not just as a legislator, but more
6 importantly my real job, dad.

7 And so in Mount Vernon, the great
8 City of Mount Vernon, the jewel of Westchester,
9 we've had some challenges. But I'm grateful that
10 we have a monitor in place now in Mount Vernon.
11 And sometimes, Why are you thinking for a
12 monitor? Because this was something that was
13 universally agreed to by the district, the school
14 board, the city. Everybody is happy that we can
15 put our kids on the right direction to prepare
16 for the future.

17 And there's also a spin-up in that
18 so that that district can remain ready and stay
19 with the times, so I'm grateful for that.

20 I am grateful for the "Jalen Brunson
21 of education," Chair Shelley Mayer, for helping
22 us get some exceptions in the bell-to-bell
23 conversation. Because sometimes our children are
24 facing real things. Sometimes they are
25 responsible for the care of others. While this

1 may take away from their educational experience,
2 sometimes there needs to be a reason why a child
3 may need to have access to a device or a way to
4 do it. So I'm grateful to our leader and to
5 Senator Mayer for being able to carve that out.

6 And what I would say is this. None
7 of us would drive on an empty tank of gas. We
8 can't. So how could you expect a child to learn
9 on an empty stomach? It simply doesn't happen.
10 We get angry, some of us can't function without
11 coffee. So how the hell can we expect our kids
12 to learn if they can't eat? Universal school
13 meals is going to be part of that passport to the
14 future. It may not seem like a huge thing now,
15 but a kid getting something to eat where there
16 may not be a meal elsewhere, that will change
17 their life, Madam President.

18 And for those reasons and many more,
19 I proudly vote in the affirmative.

20 ACTING PRESIDENT PERSAUD: Senator
21 Bailey to be recorded in the affirmative.

22 Senator Fahy to explain her vote.

23 SENATOR FAHY: Thank you,
24 Madam President.

25 I too rise to vote up, vote yes on

1 this budget bill. But I also want to recognize
2 some of the tradeoffs in that vote.

3 First of all, on the positives, I
4 too want to emphasize a number of the education
5 pieces that are very positive in this bill,
6 including the universal free meals that I think
7 have been long in the making and will be
8 game-changers for many of our children.

9 I appreciate that we are giving some
10 flexibility on the EV school buses, which is
11 very, very needed, given the headwinds that we
12 have run into with implementation on that.

13 Also very pleased that we are giving
14 long-overdue increases on the salary cap with
15 BOCES.

16 Thrilled to see the bell-to-bell
17 cellphone plan, another overdue one, while giving
18 the necessary flexibility with the implementation
19 of that.

20 And one of my favorite pieces, as
21 the former Higher Ed chair in the Assembly, is
22 the free targeted community colleges for
23 nontraditional students, which I think will
24 really be a game-changer in many of our areas.

25 I also want to add and commend the

1 chair of the Education Committee as well as the
2 chair of the Higher Education Committee for
3 raising their concerns in opposition to the
4 substantially equivalent pieces of the budget,
5 and I share their concerns and opposition.

6 With that, I want to note the
7 support for tightening up on the discovery
8 reforms, and hope that this will lead to not
9 dismissing, arbitrarily dismissing cases,
10 including domestic violence.

11 Thrilled with the UI benefits
12 that -- again, long-term advocacy. And very
13 pleased with the housing access vouchers.

14 With that, again, with all these
15 tradeoffs noted on the good and the bad, I vote
16 in the affirmative.

17 Thank you, Madam President.

18 ACTING PRESIDENT PERSAUD: Senator
19 Fahy to be recorded in the affirmative.

20 Senator Hinchey to explain her vote.

21 SENATOR HINCHEY: Thank you,
22 Madam President.

23 I rise today to thank the leader,
24 Andrea Stewart-Cousins, and our entire conference
25 and the Legislature for fighting tooth and nail

1 for a budget that we could be proud of.

2 This budget that we're voting on
3 yesterday and today does leave a lot to be
4 desired. But there is one shining -- one shining
5 element in this budget today, and that is, as
6 we've heard from some of our colleagues, the
7 expansion of universal school meals.

8 This is something that we in our
9 conference have fought for for the last five
10 years. We have worked on increased expansions
11 year over year, providing universal meals, free
12 breakfast and lunch to students across the state.
13 But we've been unsuccessful in making sure that
14 every student in New York had free breakfast and
15 lunch.

16 This budget right now that we are
17 voting on will ensure every student does not have
18 to worry about where two meals a day during the
19 school year are going to come from.

20 While we were not successful in
21 changing and expanding the Farm-to-School program
22 to include breakfast to make sure that we could
23 expand markets for our farmers and ensure that
24 the food that our kids are eating is healthy
25 food, healthy and nutritious, locally sourced

1 food, we are providing universal school meals,
2 and we will fight next year to ensure that we can
3 expand the 30 percent threshold.

4 I'm also incredibly proud of the
5 increase in BOCES salary reimbursement for the
6 first time in 30 years, and expanding the
7 eligible grade reimbursement for our career and
8 technical education for our students. But we
9 have a lot more work to do.

10 I did want to take a moment to
11 celebrate the full expansion and phase-in of
12 universal school meals, and for that reason I'm
13 proud to vote aye.

14 Thank you.

15 ACTING PRESIDENT PERSAUD: Senator
16 Hinchey to be recorded in the affirmative.

17 Senator May to explain her vote.

18 SENATOR MAY: Thank you,
19 Madam President.

20 I also rise to thank the
21 Majority Leader and our incredible counsel and
22 staff who negotiated so fiercely on behalf of the
23 people of this state.

24 And I want to share my colleagues'
25 frustration. We've spent the last four months

1 dealing with distractions like masks and
2 discovery when we should have been laser-focused
3 on protecting the people of this state from the
4 tsunami of terrible policies coming out of
5 Washington.

6 There are a few things in this
7 budget that we are doing that really do push
8 back, and universal school meals is one of them,
9 at a time when the federal government is talking
10 about defunding school lunches and SNAP and Meals
11 on Wheels and all kinds of food-security items
12 that they have carried for a very long time.

13 We also are helping our small
14 businesses -- that are facing terrible pressures
15 from tariffs and from raids on their
16 workforces -- with the Unemployment Insurance
17 funding.

18 And we are putting money in for
19 refugee resettlement that is badly needed when
20 the federal government just abandoned the
21 refugees who arrived here in the last year.

22 So I'm pleased that we're doing all
23 of those things, but I hope now, once the budget
24 is completely done, that we will be able to come
25 together and really focus on addressing these

1 terrible, damaging policies that are coming out
2 of Washington, and really making sure that our
3 state is a model for protecting its citizens in a
4 difficult time.

5 Thank you. I vote aye.

6 ACTING PRESIDENT PERSAUD: Senator
7 May to be recorded in the affirmative.

8 Senator Webb to explain her vote.

9 SENATOR WEBB: Thank you,
10 Madam President.

11 I rise just to highlight a couple of
12 things on this particular bill, specifically the
13 investments we're making in education.

14 I want to also thank the Majority
15 Leader for her leadership during this budget
16 process and her unwavering dedication to students
17 and teachers.

18 As has been stated, over the course
19 of this budget we have been having lengthy
20 debates, negotiations, but one thing that has not
21 changed, and that is our commitment to educating
22 our students. And as it has been stated,
23 investments -- expanding investments in programs
24 like universal school meals, which allow our
25 students to be connected to resources that

1 address some of their fundamental needs for food,
2 and especially during a time where we continue to
3 see devastating cuts to these type of programs at
4 the federal level.

5 The investments to expand BOCES, the
6 salary reimbursement, in 30 years cannot be
7 understated. This has been a long, hard fight
8 and I'm appreciative that we were able to get
9 this in the budget.

10 And, of course, fully funding our
11 schools with over \$26 billion in Foundation Aid,
12 continuing our commitment to this important
13 issue.

14 In our Senate one-house, we pushed
15 for more funding for schools, and we will
16 continue to do that, as this is a priority,
17 because we know that it is important to the
18 future of our students.

19 Also, the investments in housing,
20 worker protections and many others -- all of this
21 indicates our continued investment. But we also
22 know that there's more work to do.

23 So I want to thank my colleagues for
24 the continued efforts we're making. And also I
25 want to say congratulations to my niece, who is

1 being inducted into Honor Society.

2 (Laughter.)

3 SENATOR WEBB: I vote aye.

4 ACTING PRESIDENT PERSAUD: Senator
5 Webb to be recorded in the affirmative.

6 Senator Lanza to explain his vote.

7 SENATOR LANZA: Thank you,
8 Madam President.

9 I don't believe public safety is a
10 distraction. If you're one of the tens of
11 thousands of victims of crime in New York, that
12 is not a distraction to you.

13 Discovery. We've listened to the
14 public debate about it for 38 days. In this
15 legislation, nothing has been done to change it.
16 Discovery reform, so-called, that was enacted a
17 number of years ago is exactly the same and in
18 the same form as it was then.

19 If you are a would-be criminal who
20 wants to commit a crime and get away with it by
21 putting a mask on your face, the law here says do
22 it. Because you will not suffer an additional
23 second of penalty by doing it.

24 New Yorkers watched over the last
25 38 days the standoff between the Governor and the

1 Legislature. What we were told was the holdup
2 preventing an on-time budget was a few issues --
3 namely, discovery and masks. My colleagues
4 across the aisle said, We're not budging. The
5 Governor said, I'm not signing a budget that
6 doesn't include those.

7 Well, my colleagues across the aisle
8 clearly won. The Governor lost. And sadly,
9 Madam President, I believe the people of New York
10 lost as well.

11 And for those and other reasons, I
12 vote no.

13 ACTING PRESIDENT PERSAUD: Senator
14 Lanza to be recorded in the negative.

15 Senator Krueger to explain her vote
16 and to close.

17 SENATOR KRUEGER: Thank you,
18 Madam President.

19 You know, this bill -- as I said,
20 I'm voting for it despite concerns about certain
21 sections -- has a lot of incredibly good things
22 in it. And so I just thought I'd point out this
23 is education, labor, family assistance. We've
24 already heard about the importance of universal
25 school meals, an issue I worked on before I was

1 even a Senator, and so excited that we're finally
2 getting it over the finish line.

3 Some truly desperately needed
4 assistance for vouchers for rent for the poorest
5 families in New York City.

6 And so we had leadership from chairs
7 of so many committees that made a difference in
8 getting us to this bill.

9 And I must admit I was sort of
10 fascinated that my colleagues who are voting no
11 on this bill seem to have a little obsession
12 against electric buses. It's not really the
13 biggest issue in education, labor and family
14 assistance. And actually all the research shows
15 they're actually safer, they're cleaner, they
16 don't pollute, they're quieter. They are more
17 expensive to start but have lower maintenance
18 costs. We've put money in, and the timeline for
19 ever having to get there is extraordinarily long.

20 So I'm just not sure why everybody
21 thinks this is what 19.5 million New Yorkers
22 fixate on, but so be it.

23 I vote yes, Madam President.

24 ACTING PRESIDENT PERSAUD: Senator
25 Krueger to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 973, voting in the negative are
4 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
5 Gallivan, Griffio, Helming, Lanza, Martins,
6 Mattera, Oberacker, O'Mara, Ortt, Palumbo,
7 Rhoads, Stec, Tedisco, Walczyk and Weik.

8 Ayes, 44. Nays, 18.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 Senator Serrano, a point of
12 privilege, as people have been asking. The
13 question was asked, Will we have an enacted
14 budget before we have a pope?

15 (Laughter.)

16 ACTING PRESIDENT PERSAUD: And the
17 question has been answered. We have the first
18 American pope: Leo XIV.

19 (Standing ovation.)

20 ACTING PRESIDENT PERSAUD: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 972, Senate Print 3004D, Budget Bill, an act
24 making appropriations for the support of
25 government.

1 ACTING PRESIDENT BAILEY: Another
2 point of personal privilege. The pope is a
3 Villanova graduate, so those of us who are Knicks
4 fans feel good about that.

5 (Laughter.)

6 ACTING PRESIDENT BAILEY: Senator
7 Martins, why do you rise?

8 SENATOR MARTINS: They've had a
9 great two games, Mr. President.

10 ACTING PRESIDENT BAILEY: We have.

11 SENATOR MARTINS: If the sponsor
12 would yield for a couple of questions.

13 ACTING PRESIDENT BAILEY:
14 Certainly. Will the sponsor yield?

15 SENATOR KRUEGER: Sure.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR KRUEGER: What subsection?

19 ACTING PRESIDENT BAILEY: What
20 subsection, Senator Martins?

21 SENATOR MARTINS: (Sighing.) Where
22 to start.

23 SENATOR KRUEGER: I'm still
24 fixating on pope questions. Sorry.

25 SENATOR MARTINS: Well, why don't

1 we start with transportation.

2 SENATOR KRUEGER: With education?

3 SENATOR MARTINS: Transportation.

4 SENATOR KRUEGER: Transportation.

5 Not electric buses; I'm not answering any
6 questions on electric buses.

7 (Laughter.)

8 SENATOR MARTINS: I promise I won't
9 ask any this time, thank you.

10 ACTING PRESIDENT BAILEY: Senator
11 Krueger yields on all questions not related to
12 electric buses.

13 Senator Martins.

14 SENATOR KRUEGER: Yes, indeed I
15 will. I will.

16 SENATOR MARTINS: Senator, would
17 you tell us, how much have we allocated in this
18 budget for capital needs for transportation?

19 SENATOR KRUEGER: Through you,
20 Mr. President, if I can just clarify. So this is
21 anything in transportation, including the MTA
22 capital plan that we discussed yesterday? Or
23 just the Department of Transportation?

24 SENATOR MARTINS: I would limit it
25 to the Department of Transportation -- roads,

1 bridges. Thank you.

2 SENATOR KRUEGER: \$6.97 billion.

3 SENATOR MARTINS: And included in
4 that -- I'm sorry.

5 ACTING PRESIDENT BAILEY: Senator
6 Martins.

7 SENATOR KRUEGER: Oh, of course.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Excuse me. We're
11 doing one of those sports substitutions. So
12 Senator Cooney would love to answer the
13 questions, if that's okay.

14 ACTING PRESIDENT BAILEY: We will
15 substitute in Senator Cooney.

16 SENATOR MARTINS: Thank you,
17 Mr. President.

18 If the sponsor would yield for
19 another question.

20 ACTING PRESIDENT BAILEY: Senator
21 Cooney, do you yield?

22 SENATOR COONEY: I do.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR MARTINS: So of the nearly

1 \$7 billion that's been allocated for I'm assuming
2 roads and bridges and the like, included in that
3 are expenses for CHIPS funding as well, isn't
4 that right, Senator?

5 SENATOR COONEY: That's correct,
6 Senator.

7 SENATOR MARTINS: Through you,
8 Mr. President, if the sponsor would continue to
9 yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR COONEY: The sponsor
13 yields.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR MARTINS: Traditionally in
17 this house and in these budgets, transportation
18 funding is distributed by percentages or regional
19 percentages. Are you familiar with that,
20 Senator?

21 SENATOR COONEY: Yes.

22 SENATOR MARTINS: Through you,
23 Mr. President, if the sponsor would continue to
24 yield?

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR COONEY: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR MARTINS: Can you tell us
6 how the regional shares are distributed or
7 allocated?

8 SENATOR COONEY: Through you,
9 Mr. President. The CHIPS formula is actually
10 determined by lane highway miles, which I'm sure
11 you're familiar with, as well as the number of
12 registered drivers in those various regions
13 across the DOT state.

14 SENATOR MARTINS: Thank you,
15 Mr. President. If the sponsor would continue to
16 yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR COONEY: The sponsor
20 yields.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR MARTINS: So aside from
24 CHIPS funding, which is about a hundred million
25 dollars out of that nearly \$7 billion we

1 discussed, how is transportation funding and
2 capital funding allocated regionally? Is it
3 still allocated by that same metric, registered
4 vehicles and lane miles?

5 SENATOR COONEY: Yes, it is. It's
6 come up with a statewide CHIPS formula using
7 those exact same factors and variables. Then we
8 then fund that formula and it's distributed as
9 such to each DOT region.

10 SENATOR MARTINS: Through you,
11 Mr. President, if the sponsor would continue to
12 yield.

13 ACTING PRESIDENT BAILEY: Does the
14 sponsor yield?

15 SENATOR COONEY: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR MARTINS: So how many
19 regions are there in the state that receive an
20 allocation?

21 SENATOR COONEY: There are 11 --
22 through you, Mr. President, there are 11 DOT
23 regions.

24 SENATOR MARTINS: And I guess,
25 Mr. President --

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR COONEY: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR MARTINS: Thank you.

7 Regions like Long Island, Western
8 New York, Northern New York, New York City, there
9 are different regions for different areas
10 geographically, correct?

11 SENATOR COONEY: Through you,
12 Mr. President, that's correct. So your region
13 would be Region 10 for DOT.

14 SENATOR MARTINS: Thank you.

15 Mr. President, through you, if the
16 sponsor would continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR COONEY: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR MARTINS: Can you tell me
23 what the percentage of allocation is for
24 Region 10?

25 SENATOR COONEY: (Conferring.)

1 Through you, Mr. President. We don't have that
2 specific number lined out for Region 10. But we
3 can follow up and provide that to you,
4 Senator Martins.

5 SENATOR MARTINS: Thank you.

6 Mr. President, through you, if the
7 sponsor would continue to yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR COONEY: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR MARTINS: I was curious if
14 the sponsor knew which counties in New York State
15 had both the greatest lane miles and the greatest
16 number of registered vehicles, the two metrics we
17 talked about in discussing allocation of funding
18 for transportation capital.

19 SENATOR COONEY: Through you,
20 Mr. President. To clarify, you're asking which
21 specific DOT regions have the highest number for
22 those variables, to see that they would have the
23 largest percentage increase in the CHIPS formula?
24 Is that the question you're trying to --

25 SENATOR MARTINS: Correct, yes.

1 SENATOR COONEY: Through you,
2 Mr. President. Region 8, the Hudson Valley,
3 would be number one. And number two we believe
4 would be your region, Region 10, Long Island.

5 SENATOR MARTINS: Through you,
6 Mr. President, if the sponsor would continue to
7 yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR COONEY: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR MARTINS: Because it's my
14 understanding that both Nassau County and --
15 actually, Suffolk County first, and
16 Nassau County, have the most registered vehicles
17 by county of any county in the state, one and
18 two. And both Nassau and Suffolk County have the
19 most lane miles of any county in the state, both
20 one and two.

21 So understanding that those two
22 counties themselves have the greatest number, do
23 you know what the allocation is for Region 10,
24 which comprises Nassau and Suffolk County?

25 SENATOR COONEY: Through you,

1 Mr. President. We don't have the specific
2 allocation for Region 10 available to us right
3 now, but we can look into the CHIPS formula and
4 break that out for you.

5 SENATOR MARTINS: And so --
6 Mr. President, through you, if the sponsor would
7 continue to yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR COONEY: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR MARTINS: So let's say it's
14 17 percent, just for the sake of using a
15 random and maybe not so random number. What and
16 how much of the funding here would be allocated
17 for construction projects in Region 10?

18 SENATOR COONEY: Through you,
19 Mr. President. I'm not quite sure I understand
20 the question. If we're using the hypothetical of
21 17 percent, are you saying -- is the Senator
22 saying that 17 percent increase in CHIPS for that
23 specific region?

24 SENATOR MARTINS: I'll rephrase,
25 Mr. President.

1 ACTING PRESIDENT BAILEY: Please
2 rephrase, Senator Martins.

3 SENATOR MARTINS: Is it 17 percent
4 of the \$7 billion that was allocated in
5 transportation funding? Would that go to
6 Region 10 if they were 17 percent over the
7 overall lane miles and registered vehicles?

8 SENATOR COONEY: Through you,
9 Mr. President, I understand the question better
10 now.

11 If that 17 percent was their
12 proportional share of the DOT's CHIPS formula,
13 yes, those funds would be directed to that region
14 for the municipalities to spend that, whether on
15 capital projects that they have already
16 determined or whether they have needs that they
17 have to have their municipalities seek for
18 additional dollars.

19 SENATOR MARTINS: Thank you.

20 Mr. President, I have questions now
21 with regard to economic development funding. I'm
22 not sure if Senator Cooney would still be the
23 sponsor, but I have a question specifically with
24 regard to an allocation for the Fordham Landing
25 South project.

1 ACTING PRESIDENT BAILEY: Fordham
2 Landing South project.

3 SENATOR MARTINS: Would that
4 perhaps be Senator Krueger?

5 ACTING PRESIDENT BAILEY: I believe
6 it might be. If you can just give us one second,
7 Senator Martins.

8 SENATOR KRUEGER: (Inaudible.)

9 SENATOR MARTINS: Not at all.

10 ACTING PRESIDENT BAILEY: Senator
11 Krueger, do you yield?

12 SENATOR KRUEGER: Of course I
13 yield. But I need to hear the question again.

14 ACTING PRESIDENT BAILEY: Of
15 course. Senator Martins, please --

16 SENATOR MARTINS: I haven't asked
17 it yet.

18 SENATOR KRUEGER: -- didn't hear
19 the question, thank you.

20 SENATOR MARTINS: But it is
21 specifically with regard to an item that is
22 listed under economic development, for which
23 there is a \$55 million allocation and it's called
24 Fordham Landing South. Can you tell us what that
25 project is and why we would be allocating

1 \$55 million of state capital for such a -- what I
2 believe is a private project?

3 SENATOR KRUEGER: (Conferring.) I
4 have to learn myself.

5 So apparently it is a Governor's
6 project. It is a -- it's in the Bronx. It's a
7 mixed-housing project with a significant
8 affordable component. I don't have the
9 percentage or numbers right now. And that's
10 actually what I know.

11 But we will try to get you a better
12 answer, because staff is going to find me better
13 answers and I can get back to you with more
14 later.

15 SENATOR MARTINS: Thank you.

16 Mr. President, through you, if the
17 sponsor would continue to yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR MARTINS: Senator, I also
24 looked it up. I did a quick search on my phone
25 and I did find it to be a private development.

1 But I find it again unusual. And the reason for
2 my question is allocating \$55 million for a
3 private development that is not publicly operated
4 seems extraordinary to me, and so I'll await your
5 response.

6 SENATOR KRUEGER: Through you,
7 Mr. President. Most of our affordable housing
8 funds that go through a variety of different
9 programs end up being for private developers
10 building that housing. We have almost done no
11 building of public housing in a very, very long
12 time.

13 SENATOR MARTINS: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Absolutely.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR MARTINS: No, I understand
22 that there sometimes are opportunities through
23 IDAs and the like to provide either tax benefits
24 or PILOTS and some sort of incentives. There
25 have been 421-a programs, for example, in the

1 past.

2 But would you agree that it is
3 unusual for there to be a specific allocation of
4 \$55 million for a project not facilitating
5 bonding and borrowing, not giving them some sort
6 of tax incentives or a PILOT program, for
7 example. But actually allocating \$55 million
8 towards a private development project at the
9 Governor's request should be reviewed. And so
10 I'll await your response as well.

11 SENATOR KRUEGER: Through you,
12 Mr. President. I don't actually disagree. I'd
13 be surprised if when we learn more information
14 this doesn't also include tax credits, other
15 categories of funding. Because I've never seen
16 any affordable housing project in the State of
17 New York that didn't involve a combination of
18 different funding streams.

19 So I'm going to ask staff to try to
20 get a full analysis of what the story is here,
21 because it's a perfectly reasonable question
22 about this. Thank you.

23 SENATOR MARTINS: Thank you,
24 Senator.

25 Mr. President, through you, if the

1 sponsor would continue to yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR MARTINS: I have a few
8 questions regarding housing, but I'll ask the
9 sponsor to yield shortly.

10 But since we're chatting, I'll ask
11 you, there is an allocation in this budget for
12 \$385 million. It's -- I guess it's not very
13 specific. It speaks to it being pursuant to plan
14 agreed to by the Director of the Budget, the
15 Speaker of the Assembly, and the President
16 Pro Tem of the Senate.

17 Are you familiar with that
18 allocation?

19 SENATOR KRUEGER: Yes, sir. I
20 believe that is a continuation of a program we
21 have been calling CREST, which is a discretionary
22 capital fund divided three ways: Senate,
23 Assembly, Governor. And if you give me a second,
24 I'll tell you what C-R-E-S-T stands for.

25 SENATOR MARTINS: I think it's

1 right here. Community Resiliency, Economic
2 Sustainability and Technology.

3 SENATOR KRUEGER: Great when one of
4 us knows the answers, yes. Thank you.

5 SENATOR MARTINS: Thank you.

6 Mr. President, through you, if the
7 sponsor would continue to yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield? Are you asking Senator Krueger to
10 yield or Senator Kavanagh or --

11 (Overtalk.)

12 SENATOR MARTINS: No, no.
13 Senator Krueger.

14 ACTING PRESIDENT BAILEY: Senator
15 Krueger, do you yield?

16 SENATOR KRUEGER: We're on a roll
17 here, yes, sir.

18 ACTING PRESIDENT BAILEY: All
19 right, the sponsor yields.

20 SENATOR MARTINS: Thank you,
21 Mr. President.

22 So how is the \$385 million allocated
23 between the Senate, the Assembly, and the
24 Governor?

25 SENATOR KRUEGER: It's split three

1 ways. So a third goes to the Governor's
2 discretion, a third to the Assembly discretion,
3 and a third to the Senate discretion. And at
4 least here in the Senate, that goes through our
5 leader, Andrea Stewart-Cousins.

6 SENATOR MARTINS: Through you,
7 Mr. President, if the sponsor will continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR MARTINS: So roughly, if my
15 math is right, \$130 million per -- for each of
16 the Governor, the Assembly and the Senate.

17 SENATOR KRUEGER: That's
18 approximately right.

19 SENATOR MARTINS: Thank you.

20 Through you, Mr. President, if the
21 sponsor will continue to yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR MARTINS: And so is the
3 \$130 million allocated to the Senate, is that
4 solely at the discretion of the President Pro
5 Tem? Is it allocated per Senate district, per
6 Senator? Is it allocated at the -- a person's
7 sole discretion? Is there a committee?

8 Let me ask this differently. How is
9 it allocated in the Senate?

10 SENATOR KRUEGER: It is at the
11 discretion of the Majority Leader of the New York
12 State Senate.

13 SENATOR MARTINS: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR MARTINS: Are there any --
22 to your knowledge, are there any conditions or
23 terms by which this money is distributed?

24 SENATOR KRUEGER: Through you,
25 Mr. President. I do believe that there are

1 specific standards of what kind of projects are
2 eligible, what kinds of -- whether it's
3 government-affiliated or not-for-profits.

4 (Conferring.) Usually in most
5 circumstances the project needs to be somehow
6 government-affiliated. There are maximums and
7 minimums and requirements for documentation of
8 how you would complete your project, because the
9 assumption is you would rarely be getting a full
10 amount from the state.

11 So there are standards. There's
12 actually paperwork you have to fill out.

13 SENATOR MARTINS: Thank you.

14 Mr. President, through you, if the
15 sponsor would continue to yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR MARTINS: So there are
22 63 Senate districts in New York State, each one
23 roughly having 330,000 or so residents. Is there
24 a -- any allocation, by Senate district or
25 otherwise, so that that money is distributed

1 throughout the State of New York?

2 SENATOR KRUEGER: I'm not privy to
3 a breakdown of that money in any given year.

4 Sorry, I don't know.

5 SENATOR MARTINS: Through you,
6 Mr. President, if the sponsor would continue to
7 yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR MARTINS: Last year, last
14 year I believe there was a similar \$385 million
15 allocated. Would you be able to tell us how that
16 \$385 million was allocated with regard to
17 specifically to the New York State Senate's
18 one-third portion? As chair of Finance I would
19 assume you'd have some knowledge as to how
20 \$130 million was allocated by this chamber, and
21 maybe you can share that with us.

22 SENATOR KRUEGER: Through you,
23 Mr. President, I do not have actually that
24 breakdown. I can request it. It's not something
25 that actually does go through the Finance

1 Committee per se, or me as Finance chair, because
2 it is funding through the discretion of the
3 leader. So I don't -- and my staff here don't
4 seem to know that information either.

5 Sometimes as I don't think will
6 surprise any of us, when you do capital awards it
7 can be years before the actual capital money goes
8 out the door. So even the question is reasonably
9 on last year's budget, it's quite conceivable
10 that only a small percentage of that capital
11 money has actually gone out to recipients yet
12 because of the -- all the requirements before you
13 get the money.

14 SENATOR MARTINS: Mr. President,
15 through you, if the sponsor would continue to
16 yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR KRUEGER: Oh. Oh, I'm
20 sorry, I just learned we post awards on the
21 website. So apparently we can all take a look.
22 Once they get approved? Oh, when they're
23 awarded. So we can all take a look.

24 SENATOR MARTINS: Thank you.

25 Mr. President, if the sponsor would

1 continue to yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR KRUEGER: Of course.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR MARTINS: So to your
8 knowledge, Senator, have allocations been made to
9 members of the Senate for their districts?

10 SENATOR KRUEGER: In past years?

11 SENATOR MARTINS: Yes.

12 SENATOR KRUEGER: Have allocations
13 been made to members of --

14 SENATOR MARTINS: Of the Senate for
15 allocation in their district.

16 SENATOR KRUEGER: Yes.

17 SENATOR KRUEGER: Through you,
18 Mr. President, if the sponsor would continue to
19 yield.

20 SENATOR KRUEGER: Not this year
21 yet. We haven't finished this year. Last year's
22 money.

23 ACTING PRESIDENT BAILEY: On the
24 answer. Now, Senator Krueger, will you yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR MARTINS: And so to your
4 knowledge, were those \$130 million allocated to
5 any Senators that represent districts in New York
6 State who were elected as members of the
7 Republican Party?

8 SENATOR KRUEGER: Again, I think we
9 need to take a look at the website. But I
10 believe that Senator Stewart-Cousins has said
11 that there is an allocation that goes to the
12 leader of the Republicans in the Senate and that
13 then he makes those discretionary decisions on
14 behalf of your districts.

15 SENATOR MARTINS: Mr. President,
16 through you, if the sponsor could continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR MARTINS: Do you, Senator,
24 know how much is allocated to the leader of -- or
25 the Minority Leader of the State Senate?

1 SENATOR KRUEGER: Through you,
2 Mr. President, I do not. Maybe Senator Martins
3 can ask his leader.

4 SENATOR MARTINS: Mr. President,
5 through you, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR MARTINS: So it's
13 \$385 million, it's \$130 million in this chamber.
14 As chair of the Finance Committee, it's a lot of
15 money and it's a great responsibility to
16 understand how monies are spent in New York
17 State. And certainly, Senator, I know how
18 intelligent and thoughtful you are when it comes
19 to your responsibilities.

20 Are you saying you don't know how
21 much money is actually allocated to the Minority
22 in the State Senate from last year's \$385 million
23 allocation?

24 SENATOR KRUEGER: Through you,
25 Mr. President, that is correct.

1 And also just to clarify. So the
2 money can be recommended by each leader. It then
3 goes through a formal process outside of the
4 hands of the Legislature. Again, as I described,
5 there's an application process. You have to meet
6 certain standards. The entity applying has to
7 meet certain standards. The agencies -- and
8 often, because this is capital, it goes through
9 DASNY, although it could go through other
10 agencies as well. It has to meet that agency's
11 standards -- again, I'm using the example of
12 DASNY -- and ultimately be signed off by the
13 Comptroller.

14 So there are many different
15 government entities with their hands, so to
16 speak, in this process.

17 SENATOR MARTINS: Thank you.

18 Mr. President, through you, if the
19 sponsor would continue to yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR KRUEGER: Yes, of course.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR MARTINS: So, Senator, the

1 allocation is pursuant to a plan by the Speaker
2 of the Assembly, the Division of Budget -- which
3 effectively is the Governor -- and the President
4 Pro Tem of the Senate. And all three of them
5 have to sign off on this plan in order for the
6 money to actually be allocated.

7 And I'm going to go out on a limb
8 and I'm going to ask you to go out there with me,
9 because I think we'll both be safe in saying that
10 all three of them know full well how it's going
11 to be allocated because they require all three of
12 them to sign off in order to disburse the money.

13 Would you agree?

14 SENATOR KRUEGER: All three of them
15 would need to sign off on the disbursement of the
16 money.

17 SENATOR MARTINS: On a plan, as
18 it's referenced in the legislation.

19 SENATOR KRUEGER: I actually don't
20 know whether this is some kind of three-way MOU
21 or this is literally -- remember the word MOU?
22 We used to use it all the time here, memorandum
23 of understanding? I don't know whether it's an
24 MOU or it's just -- it's in the budget so then
25 the Governor's people know that they have X

1 amount of the pot, the Assembly knows they have Y
2 amount of the pot, and the Senate knows they have
3 Z. And I'm not actually sure if we each sign off
4 on it as a group or it's just sort of one-off by
5 each of those three entities. I just don't know.

6 (Conferring.) So no, I'm told it is
7 more of a one-off. It's not that all three
8 entities have to agree on each piece of spending.

9 SENATOR MARTINS: Thank you.

10 Mr. President, if the sponsor would
11 yield for one more question.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR MARTINS: Last question.
18 Is it the Secretary of the Finance, you know, in
19 the Majority's -- I guess in the Majority
20 Leader's inner circle? Is that person the person
21 who signs off on these allocations?

22 SENATOR KRUEGER: Through you,
23 Mr. President. Again, I believe it is the
24 Majority Leader who signs off. It is staff
25 within the Secretary of Finance who makes sure

1 that paperwork is distributed, collected,
2 directed and, very often, years later, trying to
3 resolve issues within DASNY or the Comptroller's
4 office or some other place. So they end up
5 having the administrative functions to follow the
6 path.

7 SENATOR MARTINS: Mr. President, I
8 apologize, I said last question. But this is my
9 last question. One more, Senator, if you'll
10 indulge me.

11 ACTING PRESIDENT BAILEY: Senator
12 Krueger, do you yield?

13 SENATOR KRUEGER: Absolutely.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR MARTINS: So \$130 million
17 is a lot of money. Is it your expectation that
18 that money will be used throughout the state,
19 regardless of partisan affiliation of
20 representatives of this chamber, for the best
21 interests of the districts they represent and the
22 people they represent? Is that your
23 understanding as well, Senator?

24 SENATOR KRUEGER: I hope that is
25 the goal of this chamber. I actually know that I

1 have, quote, unquote, gone to bat to follow
2 through on money for a number of my Republican
3 colleagues for money in their own districts,
4 including recently \$5 million for a project in
5 your district, Senator Martins, that I was able
6 to help one of your towns get completed.

7 SENATOR MARTINS: Much appreciated,
8 Senator, thank you.

9 Mr. President, how much time do I
10 have left?

11 ACTING PRESIDENT BAILEY: Senator
12 Martins, you roughly have five to six minutes
13 left. We give you a little extra time because of
14 the substitution.

15 SENATOR MARTINS: I thank you very
16 much.

17 And with that, I will ask my
18 colleague on some housing issues if he will yield
19 to a few questions.

20 ACTING PRESIDENT BAILEY:
21 Certainly. Senator Kavanagh, do you yield?

22 SENATOR KAVANAGH: Happily,
23 Mr. President.

24 ACTING PRESIDENT BAILEY: The
25 Senator yields.

1 SENATOR MARTINS: Thank you.

2 You know, I see that there's about a
3 billion dollars that's allocated for the City of
4 Yes out of the State Budget. Is that correct?

5 SENATOR KAVANAGH: It's -- there's
6 about 1.025 billion that was allocated and was
7 announced in connection with the City of Yes
8 program.

9 It doesn't -- there's nothing in the
10 budget that kind of makes it directly related to
11 implementing the items that were part of the land
12 use and zoning reforms in New York that were
13 called City of Yes. But it was announced in the
14 fall as part of that, and it was proposed in the
15 Executive Budget as part of that, as in
16 connection with that.

17 So yes, of the -- by my count
18 there's about \$2.6 billion of capital for housing
19 and community development in this program, and
20 about 1 billion of it was initially designated as
21 related to, in support of City of Yes.

22 SENATOR MARTINS: Since I only have
23 about five or six minutes, I'm just going to ask
24 a few quick questions.

25 Mr. President, through you, if the

1 sponsor would continue to yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR KAVANAGH: Yes,
5 Mr. President.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR MARTINS: So the money
9 we're investing, the billion dollars we're
10 investing in New York City for housing, which is,
11 from what I can tell, significantly more than we
12 were spending for the rest of the state combined,
13 that billion dollars, is it subject to a project
14 labor agreement? And will that work be
15 conditionally done with local labor?

16 SENATOR KAVANAGH: Through you,
17 Mr. President. I know my colleague has limited
18 time. But it is not significantly more than is
19 being spent in the rest of the state.

20 There's \$2.6 billion of capital for
21 housing and community development in the state.
22 Some of that non-City of Yes money will be spent
23 in New York. But by my count the City of Yes
24 money is 39 percent of the capital being spent
25 statewide on housing and community development in

1 this budget.

2 I don't think we have time for the
3 rest of the nuances, at least in this particular
4 colleague's time. But just to say we are --
5 we've made a great effort to make sure that we're
6 spending money on critical capital needs
7 throughout the state, including in New York City
8 and rural areas in upstate programs.

9 This money will be divided into a
10 wide range of programs in New York, including
11 capital for public housing, capital for
12 Mitchell-Lama. Those monies will be spent kind
13 of in the normal way those are spent, to support
14 that housing.

15 There's also a half a billion
16 dollars for new construction in New York, and
17 there's very little detail in this budget about
18 what those programs will look like or what the
19 labor standards or anything else will be.

20 SENATOR MARTINS: Mr. President,
21 through you, if the sponsor would yield --

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR KAVANAGH: Yes.

25 SENATOR MARTINS: -- towards the

1 same question, which is are there PLAs tied to
2 the work, and will this work be done with project
3 labor agreements to ensure that it's done with
4 union labor and local labor?

5 SENATOR KAVANAGH: Through you,
6 Mr. President. Again, we're talking about 12 or
7 14 different kinds of funding. I mentioned half
8 of that is in a program that has been designated
9 for construction of new housing without any
10 detail whatsoever. So there's certainly no
11 detail about the labor standards that that will
12 be spent -- although I suppose that will be
13 developed as programs are developed.

14 Generally speaking, work in public
15 housing is done with unionized labor. Generally
16 speaking, some of the Mitchell-Lama -- I'd say
17 the Mitchell-Lama money varies, which is a
18 significant chunk of this. But I think it's
19 going to vary depending on the program into which
20 this money is being inserted, most of which are
21 existing programs.

22 SENATOR MARTINS: Thank you,
23 Senator.

24 Mr. President, on the bill.

25 ACTING PRESIDENT BAILEY: Senator

1 Martins on the bill.

2 SENATOR MARTINS: Briefly. I would
3 just ask that whether it's the City of Yes,
4 whether it's housing programs, whether it's the
5 Sustainable Futures Program where there is,
6 again, another billion dollars that is being
7 spent, if we're going to make billions of dollars
8 of infrastructure investment in New York City and
9 in New York State, that we prioritize doing so
10 pursuant to PLAs to ensure that not only is it
11 done for a fair wage, but that it's being done by
12 local New York residents who are going to then
13 spend those monies in our communities and
14 supporting our local economies.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Martins.

18 Next up, Senator Mattera. Why do
19 you rise?

20 SENATOR MATTERA: Thank you so
21 much, Mr. President. And I would like to have,
22 please, the sponsor for the Sustainable Futures
23 Program.

24 ACTING PRESIDENT BAILEY: The
25 Sustainable Futures program. I believe that's

1 going to be Senator Harckham.

2 Senator Harckham, do you yield?

3 SENATOR HARCKHAM: I absolutely do.

4 ACTING PRESIDENT BAILEY: The
5 Senator yields.

6 SENATOR MATTERA: How are you,
7 Senator?

8 SENATOR HARCKHAM: Good to see you,
9 Senator.

10 SENATOR MATTERA: Good to see you
11 also too.

12 The Legislature modifies the
13 Executive All Funds recommendation of a billion
14 dollars by suballocating funds in the following
15 manner: 450 million for building
16 decarbonization; 50 million for EmPower+;
17 50 million for Clean Green Schools; 200 million
18 for thermal energy networks, public and
19 state-owned buildings; 40 million for municipal
20 thermal energy networks; 250 million for
21 zero-emissions transportation, including
22 100 million for school buses and charging;
23 50 million for fast charging; 50 million for
24 Charge Ready; 200 million for renewable energy
25 projects.

1 Is there any language, PLA language
2 to protect organized labor, union construction
3 workers with the building trades, with all of
4 these projects?

5 SENATOR HARCKHAM: Through you,
6 Mr. President. Number one, in the CLCPA there is
7 union protection language. When this body
8 drafted two years ago in the budget and passed
9 the Climate Action Fund, we worked very closely
10 with the AFL-CIO and the building trades, put in
11 apprenticeship language, PLA language, local
12 hiring language.

13 The whole purpose of the CLCPA was
14 to lift all boats and include organized labor.
15 And a lot of this is public spending, so it will
16 be prevailing wage and union.

17 So for instance, the thermal energy
18 projects are shovel-ready projects SUNY and CUNY
19 -- actually, a lot of your members will benefit
20 from that work. That will be pipe trades and
21 plumbers and steamfitters, electricians.

22 The installing the fast charging,
23 again, those are public contracts either through
24 NYSERDA or NYPA or through local municipalities.
25 So really, with the exception of the purchase of

1 the school buses that has been discussed during
2 the education session. And those, we don't
3 control the labor on those. Although I do have a
4 bill on that as well, to your point, for the
5 future we can discuss.

6 But basically all of this, with the
7 exception of the purchase of the school buses, is
8 for organized labor, PLA and the such.

9 SENATOR MATTERA: Through you,
10 Mr. President -- thank you for that.

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

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR MATTERA: So --

16 ACTING PRESIDENT BAILEY: Wait one
17 second, Senator.

18 Just -- I know it's rather
19 perfunctory, but Senator Harckham, do you yield?

20 SENATOR HARCKHAM: I do yield. And
21 I'm sorry I missed your question.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR MATTERA: No, no, no.

25 And one question I'm going to be

1 asking you is obviously our good friend
2 Senator Krueger, you know, with the EV school
3 buses and everything like that, when we're
4 talking about the charging stations, a tune of up
5 to \$100 million. How much of the total funding
6 in this budget will assist every school district
7 in our state to comply with the dates of the
8 EV bus mandates?

9 For example, my school district,
10 Kings Park, they own 68 school buses, Senator,
11 68. Very frightened right now. Each bus,
12 \$450,000 per bus. They now have to have charging
13 stations, special charging stations that we need
14 to build. You understand that. Long Island
15 right now, just to give you a heads up, our whole
16 grid is antiquated.

17 But how is this money -- is it first
18 come, first served?

19 SENATOR HARCKHAM: Through you,
20 Mr. President. Number one, your school district
21 who you referenced by the time we finish voting
22 this, will have an opportunity for 100 million
23 more than they did this morning. And all our
24 school districts will.

25 This is through application to

1 NYSERDA. And we recall last year, through the
2 good work of Senator Mayer, we set up in the
3 budget, in the office of NYSERDA, an office for
4 this school district transition to help with the
5 transition, to point out sources of money.

6 So we had, as discussed before,
7 500 million in the Bond Act, a hundred million
8 now. There are tens of millions in federal money
9 that's already come to New York and is in school
10 districts. So some of my school districts have
11 gotten federal money. Some of the bus companies
12 have gotten money for buses to distribute to
13 districts. Let's hope the federal government
14 does not cancel that program.

15 So no, there is not enough money
16 today for every school district to completely
17 comply with this demand. But as Senator Mayer
18 mentioned, we've now put in four years' worth of
19 waivers to get us there.

20 And we fully recognize that this is
21 a process. There are going to be ups, there are
22 going to be downs. You know, the goal is not to
23 penalize our school districts. I hear the same
24 thing from my school districts as well. We have
25 an antiquated grid. You know, if we weren't

1 doing anything with clean energy -- through you,
2 Mr. President -- we would still have to upgrade
3 our grid because our grid is so antiquated in all
4 of our districts.

5 So, you know, we are in the process
6 of creating a new economy. We are trying to do
7 things that much of the rest of the country and
8 much of the rest of the world have a year head
9 start on all of us. But we will get there, and
10 we will continue to collaborate with our
11 districts to get there.

12 SENATOR MATTERA: Okay, thank you.

13 And through you, Mr. President,
14 would the sponsor continue to yield, please.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR HARCKHAM: Absolutely, yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR MATTERA: So on the 200 --
21 and thank you so much, Senator. On the
22 \$200 million for renewable energy projects in
23 this section, what projects are being targeted in
24 this? Because I sit -- we have very, very
25 interesting Energy Committee meetings. I don't

1 know if pretty much everybody loves to go to them
2 lately, because they're very interesting.

3 So what projects are being targeted
4 with this \$200 million?

5 SENATOR HARCKHAM: Through you,
6 Mr. President. And it's everything, right?
7 Yeah. It's anything. So I know you are a
8 proponent of hydrogen. We may differ on that.
9 But if there is an appropriate hydrogen-related
10 project on your district, they can apply to
11 NYSERDA for this. It could be solar. It could
12 be wind. It could be geothermal. Anything that
13 really qualifies as a renewable energy project
14 can apply to NYSERDA for this money.

15 SENATOR MATTERA: Okay, thank you
16 so much.

17 And through you, Mr. President,
18 would the sponsor continue to yield, please.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HARCKHAM: Yes,
22 Mr. President.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR MATTERA: You know, we're

1 having a huge, huge problem with our utility
2 bills that are skyrocketing. Is there any
3 language in this budget that shows to the public
4 what the costs will be on these renewable energy
5 projects? And how much will it cost the
6 ratepayers?

7 So right now -- right now in certain
8 areas -- we have LIPA in Long Island. National
9 Grid, Senator Oberacker's district, just for
10 example, the bills have gone up 50 percent, just
11 so you know that, 50 percent more since the
12 inception of the CLCPA.

13 NYSEG, Senator O'Mara's area,
14 Finger Lakes, over a hundred percent it has gone
15 up with the utility bills.

16 If you look at the line items, is
17 there anything in this bill that is going to
18 offset it so it's not going to be costing the
19 ratepayers for all that is happening here with
20 New York State with renewable energy?

21 SENATOR HARCKHAM: Through you,
22 Mr. President, yes, there are several answers.

23 Number one, this money is flowing in
24 the same mechanism that the cap-and-invest funds
25 should have. And I should have started with that

1 in the beginning, that this billion dollars is
2 replacing the revenue that we would have gotten
3 through cap-and-invest that we passed into law
4 two years ago that the Governor postponed. That
5 would have been anywhere from 3 to 10 billion
6 dollars a year.

7 Within that is an analysis that said
8 the impact to New York's gross domestic product
9 because of cap-and-invest would be 0.02 of
10 1 percent on gross domestic product.

11 Number two, there is money that will
12 go for home efficiency for moderate and
13 low-income households to reduce their energy
14 bills.

15 And number three -- and this is
16 something that I've said before in this
17 chamber -- that a kilowatt of clean energy is
18 less expensive than a kilowatt of fossil fuel
19 energy.

20 And the upgrades to the grid we
21 would need to make if we weren't adding a single
22 solar panel in the State of New York, much of
23 that is going to maintain an antiquated natural
24 gas network. So just yesterday, the IEA
25 announced a report now that 34 percent of the

1 world's energy comes from renewables, 34 percent.
2 If you look at the State of Texas, the State of
3 Texas has no formal policy to address climate
4 change. We know it's a conservative state, none
5 of the Governor, the Attorney General and the
6 Legislature, they don't talk about the need to
7 address climate change. They are leading the
8 country in renewables because they know it's the
9 quickest way to scale up and it's the least
10 expensive.

11 SENATOR MATTERA: Through you,
12 Mr. President, would the sponsor continue to
13 yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR MATTERA: So, you know,
20 we've been talking about different renewable
21 energies, and I hope you're open-minded to
22 retooling our existing power plants -- obviously
23 we have this money that's allocated -- to retool
24 our existing power plants with carbon capture. I
25 don't know if you realize -- and all New York

1 State realizes right now -- we care about clean
2 energy, we care about our environment.

3 Do you realize that in other words
4 right now we have frozen natural gas running up
5 and down with trucks that are polluting our
6 atmosphere right now as we speak, on our
7 roadways, and the energy that's needed to liquify
8 it to get pumped into the system because we have
9 a capacity shortage. How do you feel about the
10 Constitution Pipeline and about the NESE pipeline
11 coming back in to, guess what, to restore, guess
12 what, our natural gas?

13 SENATOR HARCKHAM: Well, through
14 you, Mr. President. Natural gas pipelines are
15 not contemplated. This is renewable energy. And
16 so natural gas pipelines are not contemplated in
17 this legislation.

18 SENATOR MATTERA: Well, through
19 you, Mr. President, would the sponsor continue to
20 yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Absolutely.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR MATTERA: So what we're
2 talking about is retooling our existing power
3 plants, which is very -- the most economical way
4 and the most efficient way to move forward. We
5 could talk about this all day long. Proven.

6 So my question is, that would be our
7 very clean-burning natural gas. So that is
8 renewable energy that I'm talking about. But do
9 you realize that right now we have trucks that
10 are coming out of Chester, New York, 250 trucks
11 that right now are being fueled up, put natural
12 gas from Pennsylvania, and running all of our
13 roadways, we see them all the time running up and
14 down the Thruway. But again, nobody is even
15 talking about this, but this is something so
16 important. Are we -- could we look into this,
17 please? I would appreciate that.

18 SENATOR HARCKHAM: Through you,
19 Mr. President.

20 Number one, I agree with the Senator
21 that we should not be -- we want to reduce truck
22 traffic. You know, we have an asthma problem in
23 this state. We have a respiratory illness
24 problem in this state. You know, one of the
25 goals of the CPA -- take away climate -- is

1 public health. And yesterday we had a lengthy
2 debate on the health budget. That by cleaning
3 our air, by 2030 we can save over \$7 billion in
4 healthcare costs -- asthma, emergency room
5 visits, excess heat. Wouldn't that be great if
6 we could plug that money back into some of the
7 programs that we were talking about yesterday?

8 But through you, Mr. President, I
9 don't accept the statement on fact that natural
10 gas is the best way to go to retool our power
11 plants, because it's not as cost-effective as
12 renewables. A kilowatt of renewable energy is
13 less expensive. And what is driving the cost of
14 our utilities is our antiquated gas network. And
15 what's happening is we're spending our -- forcing
16 our ratepayers to pay billions of dollars a year
17 just to maintain this antiquated distribution
18 system with gas when it is much cheaper to
19 electrify and use renewables, as we are seeing in
20 places like Texas, which is in the heart of the
21 fossil fuel industry, and they're now leading the
22 nation in renewables.

23 SENATOR MATTERA: Through you,
24 Mr. President, would the sponsor continue to
25 yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Absolutely.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR MATTERA: So, you know,
7 it's amazing that you're saying that Texas --
8 that we don't have that kind of environment here
9 in New York State. But, you know, to go and sit
10 there and say that we don't have transmission
11 lines that are coming from other states -- that I
12 hope that, in other words, with this money that
13 we're looking at we have transmission lines
14 coming from Jersey, Connecticut, right,
15 Pennsylvania. And no one even talks about that.

16 So do we have anything in this that
17 we're going to be self-sufficient and
18 self-reliant for the future, that we don't have
19 to rely on other states that are ran on fossil
20 fuels?

21 SENATOR HARCKHAM: Through you,
22 Mr. President. The more renewables we build in
23 New York, the more self-sufficient we will be.
24 We currently in New York receive a significant
25 amount of our power from Canada, which given the

1 trade war that's going on, will drive up rates
2 for New Yorkers.

3 There was a threat of retaliation to
4 cut off power from Canada, which means we would
5 then need to be going to Pennsylvania and
6 New Jersey and other states in the compact to be
7 buying power on the spot market at even higher
8 level.

9 So the more renewables we have here
10 in New York -- and believe me, I hear colleagues
11 loudly and clearly when they say we don't want to
12 build on our farmland, it should not be all
13 upstate. I agree, we need to do more with our
14 renewables near where our power centers are. I
15 carry a number of bills on that.

16 But it's much more efficient to
17 generate renewables where the power is needed
18 close to the population centers. So the more
19 power we can generate in New York, to your point,
20 sir, the more self-sufficient we will be.

21 SENATOR MATTERA: Okay. And I
22 thank you so much. And through you,
23 Mr. President. Thank you so much, Senator, you
24 answered my questions.

25 Please, may I have the sponsor for

1 the housing and community renewal, please.

2 ACTING PRESIDENT BAILEY:

3 Certainly, Senator Mattera. Senator Kavanagh I
4 believe would be the person to answer that. I
5 guess depending on what part. Do you know what
6 part it is?

7 SENATOR MATTERA: What part. This
8 is actually -- Senator Martins was actually
9 speaking a little bit on this. So this is
10 actually --

11 ACTING PRESIDENT BAILEY:

12 Certainly. Senator Kavanagh, do you yield?

13 SENATOR KAVANAGH: Yes.

14 ACTING PRESIDENT BAILEY: The
15 Senator yields.

16 SENATOR MATTERA: And I thank you.
17 Thank you, Mr. President.

18 And through you, Mr. President. You
19 know, Senator Martins just asked a quick question
20 about the project labor agreements for -- we have
21 \$500 million proposed for capital subsidies to
22 fund the New York construction of affordable
23 housing of the City of New York, excuse me. And
24 200 million for the purposes of capital projects
25 and other improvements at the housing

1 developments owned and operated by the New York
2 City Housing Authority.

3 My question is, I didn't hear -- the
4 project labor agreements, this is obviously, you
5 know, taxpayers' monies. You know, how will we
6 guarantee with the trades that they will be
7 working? Because construction is the backbone of
8 the economy. And I didn't really hear your
9 answer, if it was correctly, that these projects
10 will be done with the trades, with the building
11 trades of New York City.

12 SENATOR KAVANAGH: Through you,
13 Mr. President.

14 Again, this budget contains about
15 \$2.65 billion in capital spending on housing and
16 community development. My colleague is talking
17 about, you know, about 20 percent of that.

18 This budget bill does not provide
19 the specifics as to the largest item my colleague
20 mentioned, the half a billion dollars for new
21 construction in New York City, how that will be
22 spent, what those programs are, what kinds of
23 housing will be built, what scale. And without
24 that detail, there is also very little detail as
25 to what the labor standards will be in those

1 programs.

2 Notwithstanding that, large-scale
3 construction in New York, particularly
4 large-scale construction of residential
5 buildings -- and one assumes that if you're
6 spending half a billion dollars to produce
7 housing, you'll probably be producing some large
8 buildings. In most circumstances that is done
9 with union-related -- union contractors with
10 union work associated with those projects.

11 But the decision about how that
12 money will be spent will be made going forward.
13 Today, we allocate it. People are going to
14 figure out how to divide that into actual
15 programs through RFPs and other items that can
16 make sure that housing gets produced. And those
17 documents will specify the terms.

18 I, as I think my colleague knows,
19 have always been a very strong supporter of our
20 organized labor. And I will just note that,
21 again, there are \$2.65 billion of capital
22 spending in this. There are not provisions
23 related to the labor requirements of any of those
24 programs in the budget bill that is before us.
25 But that does not mean that there's not a lot of

1 union labor going into those projects. It's just
2 not something that's provided for in the budget
3 today.

4 SENATOR MATTERA: Through you,
5 Mr. President, would the sponsor continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR KAVANAGH: Yes,
10 Mr. President.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR MATTERA: So pretty much
14 out of the answer I'm getting no, there is not a
15 project labor agreement.

16 So I have something here called a
17 peace agreement that is actually in the draft
18 bill. Can you explain what that is? What is a
19 peace agreement?

20 SENATOR KAVANAGH: Through you,
21 Mr. President. I couldn't hear too well there.
22 I'm not sure -- can my colleague repeat what he's
23 referring to and where it is?

24 SENATOR MATTERA: There is actually
25 in the bill draft, it says a peace agreement. So

1 is that -- so through you, Mr. President.

2 ACTING PRESIDENT BAILEY: Pardon
3 me. So the sponsor will clarify I guess the
4 question.

5 SENATOR MATTERA: Yes.

6 ACTING PRESIDENT BAILEY: But
7 actually, Senator Mattera, do you have a
8 question, another question?

9 SENATOR MATTERA: He didn't hear me
10 say peace agreement.

11 ACTING PRESIDENT BAILEY: Okay. So
12 Senator Mattera --

13 SENATOR MATTERA: I'm sorry, the
14 Senator. Not you. The Senator didn't hear.

15 ACTING PRESIDENT BAILEY: No, all
16 good. By all means rephrase, Senator Kavanagh.

17 SENATOR KAVANAGH: Mr. President,
18 is my colleague referring to a specific provision
19 of this bill?

20 SENATOR MATTERA: Yes. So in the
21 bill it shows that there's like a peace
22 agreement, because obviously there's not a
23 project labor agreement. So if there is some
24 kind of a picket line, a job issue with the
25 trades outside, picketing, about the project

1 because we don't have a local workforce and we
2 have -- through you, Mr. President -- and we have
3 out-of-state workers that are taking our jobs
4 away, especially with taxpayers' monies, who do
5 we go to?

6 SENATOR KAVANAGH: Through you,
7 Mr. President --

8 SENATOR MATTERA: Who do the
9 trades -- excuse me, the union trades go to?

10 SENATOR KAVANAGH: Through you,
11 Mr. President. I can think of a lot of things a
12 peace agreement might mean. You know, there's
13 lots of strife in the world, and sometimes peace
14 agreements are done. I've heard of sometimes
15 this concept of a labor peace agreement in the
16 context of public spending in a lot of areas.

17 But I ask again, is my colleague
18 referring to a specific provision of the bill
19 before us, or are we just generally speculating
20 about how one might do labor relations?

21 ACTING PRESIDENT BAILEY: Senator
22 Mattera, could you clarify for Senator Kavanagh?

23 SENATOR MATTERA: Yes. And I do
24 have -- I do have that in the bill draft. And I
25 will -- as we're going along, I will get that to

1 you. Because it is in the bill draft, by the
2 way. So I don't know if they can't find that.

3 Through you, Mr. President. Would
4 the sponsor continue to yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR KAVANAGH: Through you,
8 Mr. President, yes. But just again stipulating
9 that it's not clear what provisions of this bill
10 my colleague is referring to, but I'm happy to
11 try to address his questions nonetheless.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR MATTERA: So in other
15 words, if there is any kind of a job stoppage, my
16 question again to you, Senator, is there any --
17 like, okay, the building trades, Gary LaBarbera,
18 President Gary LaBarbera gets involved, who would
19 he go to, especially if it's something like this,
20 to come up with, you know, something to make sure
21 that we get the workers on these projects, the
22 union workers on this project -- on these
23 projects with this money?

24 SENATOR KAVANAGH: Through you,
25 Mr. President. The gentleman that my colleague

1 refers to certainly has my phone number and
2 probably many of our phone numbers.

3 But the question of how these
4 capital projects are going to be developed is
5 going to be subject to subsequent decisions about
6 the terms of particular programs. There are many
7 provisions of state law that have labor standards
8 in them. And if this money goes to a program
9 that has existing labor standards, then those
10 standards will apply.

11 If the city or the state put out an
12 RFP with some of this money, perhaps those will
13 have labor standards. But until that happens,
14 it's hard to say how the particular needs of
15 workers will be covered by this provision. Any
16 more than it is unclear, for example, whether
17 these will be very-low-income developments or
18 middle-income developments, where they'll be
19 located, how tall they'll be.

20 There are lots of details to be
21 worked out, particularly about the half a billion
22 dollars that my colleague referenced earlier. It
23 is an important step forward to make half a
24 billion dollars available for this construction,
25 along with the other \$2.15 billion that we're

1 making available in this budget.

2 But I do not believe that there are
3 provisions in this bill that relate one way or
4 the other to the important question of how we'll
5 make sure that the workers are properly treated
6 in these projects.

7 SENATOR MATTERA: And I thank you
8 so much.

9 And through you, Mr. President,
10 would the sponsor just continue to yield for just
11 one more question.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR KAVANAGH: Yes,
15 Mr. President.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR MATTERA: And there's
19 actually -- it's actually in Section 5, it says
20 the labor peace agreement. It says "For the
21 purposes of this section, labor peace agreement
22 means an agreement between the owner and the
23 developer and labor organizations.

24 SENATOR KAVANAGH: Through you,
25 Mr. President, it's a little hard -- what part?

1 Through you, Mr. President. This
2 bill has, you know, page numbers, line numbers --
3 I want to be as helpful as possible here. It's
4 hard, without knowing what text we're referring
5 to, to address the question.

6 SENATOR MATTERA: All right.
7 Through you, Mr. President, just one more
8 question, would the sponsor continue to yield,
9 please.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR KAVANAGH: Yes,
13 Mr. President.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR MATTERA: So again, so this
17 way all of the building trades understand that
18 there is no language at all for them to go by to
19 make sure that they're going to be on these job
20 sites. I know I'm being redundant. But again,
21 we don't have any language for all these millions
22 of dollars that are going to protect the local
23 workforce, local jobs for local people that work
24 so hard, that are trained properly with
25 apprenticeship programs. And we have no idea

1 who's going to be on these job sites.

2 SENATOR KAVANAGH: Through you,
3 Mr. President. The -- from my experience, people
4 in the building trades appreciate when we
5 allocate \$2.65 billion for new construction, and
6 also certainly will appreciate all of our efforts
7 to make sure that good union-scale jobs come out
8 of those projects.

9 This bill, which is putting forth
10 half a billion dollars for new construction in
11 New York, as well \$2.15 billion for other capital
12 projects in the state, as of today -- this money
13 did not exist as of yesterday. But if we vote
14 for it today, there will be half a billion
15 dollars to build lots of new housing. And I
16 think that is an opportunity for our building
17 trades that they will appreciate. And I
18 certainly will support that the -- any efforts to
19 make sure there are good union contractors and
20 good union jobs, as has been the case with a lot
21 of large-scale construction in New York.

22 But as of today I also have not
23 gotten any -- I did not have this -- even though
24 I am very frequently in touch with the building
25 trades, I have not heard any concern that this

1 language in this capital budget bill does not
2 contain specific labor provisions for these
3 projects, which have yet to be worked out, as do
4 basically all the other elements of these
5 projects -- of these programs.

6 SENATOR MATTERA: Thank you so
7 much. Thank you, Mr. President.

8 ACTING PRESIDENT BAILEY: Thank
9 you, Senator Mattera.

10 Senator Walczyk, why do you rise?

11 SENATOR WALCZYK: Thank you,
12 Mr. President. Two different topics. And
13 whoever is available could go first. Sustainable
14 Futures Program and highway funding. Sustainable
15 Futures --

16 (Overtalk.)

17 ACTING PRESIDENT BAILEY:
18 Sustainable Futures is Senator Harckham.

19 Senator Harckham, do you yield?

20 SENATOR HARCKHAM: Yes, I do.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: Through you,
24 Mr. President. So NYSERDA is still collecting a
25 systems benefit charge on every electric bill in

1 the State of New York, right? We're not changing
2 that in this budget at all?

3 SENATOR HARCKHAM: No.

4 SENATOR WALCZYK: And through you,
5 Mr. President, would the sponsor continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HARCKHAM: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: But we're
13 allocating an additional -- on top of the fee
14 that they already extract from every New Yorker
15 on their energy bill, we're allocating another
16 \$25.8 million in tax money to NYSERDA for their
17 operations in this capital bill as well?

18 SENATOR HARCKHAM: Through you,
19 Mr. President. I think you are -- the Senator is
20 referring to NYSERDA's special assessment, which
21 the Governor tried to increase and we
22 successfully rejected the increase of that
23 special assessment.

24 SENATOR WALCZYK: Through you,
25 Madam -- or through you, Mr. President, if the

1 sponsor will continue to yield.

2 (Laughter.)

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR HARCKHAM: Yes,
6 Madam President.

7 (Laughter.)

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: I'm reading the
11 Legislature concurs with the Executive on All
12 Funds recommendation of \$25.8 million for
13 NYSERDA.

14 SENATOR HARCKHAM: Through you,
15 Mr. President, I believe what the Senator is
16 referring to is the state's share of a federal
17 program for Western New York that is not part of
18 the Sustainable Futures capital.

19 SENATOR WALCZYK: Through you,
20 Mr. President, would the sponsor continue to
21 yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR HARCKHAM: Absolutely.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: I'll pivot off of
3 NYSERDA, at least in part, for a moment and try
4 to stick to specifically the Sustainable Futures
5 Program.

6 So this is a \$1 billion program, is
7 that correct?

8 SENATOR HARCKHAM: That is correct.
9 Through you, Mr. President.

10 SENATOR WALCZYK: And through you,
11 Mr. President, will the sponsor continue to
12 yield?

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR HARCKHAM: Absolutely.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR WALCZYK: How much was
19 allocated in last year's budget of taxpayer
20 dollars for the Sustainable Futures Program?

21 SENATOR HARCKHAM: Through you,
22 Mr. President, there was no Sustainable Futures
23 Program last year.

24 The Governor created the Sustainable
25 Futures Program as a substitute for the revenue

1 that would have come had she implemented the
2 cap-and-invest as the law had dictated.

3 So obviously there are some in the
4 environmental community who are very disappointed
5 that the Governor didn't move forward with
6 cap-and-invest. Obviously there's some on your
7 side of the aisle who are probably relieved she
8 didn't move forward with cap-and-invest.

9 But the money that was going to be
10 generated through that was going to be allocated
11 to these types of projects anyhow.

12 So for the period that DEC and
13 NYSERDA were, quote, unquote, collecting data --
14 which is why she said there was a need for the
15 pause -- this will continue to build some of
16 those community-centered projects that were
17 contemplated in cap-and-invest and the
18 Community Action Fund.

19 SENATOR WALCZYK: Through you,
20 Mr. President, will the sponsor continue to
21 yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR HARCKHAM: Absolutely.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: So why was
3 cap-and-invest delayed?

4 SENATOR HARCKHAM: Through you,
5 Mr. President. I think you would really need to
6 get that from the Governor.

7 We were all aware that DEC and
8 NYSERDA last year had issued preliminary findings
9 on three different levels of another program --
10 you know, high, medium and low. It was -- it was
11 sort of common knowledge in the environmental
12 community that the regs were ready to go. So
13 this was a decision the Governor made. Publicly
14 they have said that they want to do two things,
15 they want to collect emissions data so they know
16 how to better administer the program. And two,
17 they want to spend time educating the public as
18 to what is going -- the program is going to
19 entail. And so that was the reason the second
20 floor publicly gave.

21 SENATOR WALCZYK: Through you,
22 Mr. President, would the sponsor continue to
23 yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR HARCKHAM: Absolutely.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR WALCZYK: So if we're
5 implementing the program using instead taxpayer
6 money for this \$1 billion program to do what
7 cap-and-invest would have done, the investment
8 portion now shifting onto the taxpayers, is
9 cap-and-invest gone? Is it unnecessary at this
10 point?

11 SENATOR HARCKHAM: Through you,
12 Mr. President, no. Number one, cap-and-invest is
13 still the law. And the Governor and the state
14 are being sued by a number of environmental
15 groups for the second floor not implementing.

16 Number two, this is a one-time
17 \$1 billion. Cap-and-invest was -- at the low
18 level would bring in 3 billion a year; at the
19 high end, could bring in as much as 10 billion a
20 year.

21 And so all of the kind of energy
22 efficiency things we talk about, the grid
23 upgrades we talk about, you know, more clean
24 energy, buying heat pumps for folks who can't
25 afford them -- all these kind of things were

1 supposed to come out of this money.

2 So this is just a one-time -- dare I
3 say a tide-us-over until we really get to
4 implementing that program where we really begin
5 to, in a formal and programmatic way, transition
6 our economy.

7 SENATOR WALCZYK: Through you,
8 Mr. President, will the sponsor continue to
9 yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: I'll save the
16 follow-up question on the "one-time" for next
17 year's budget. We have a history of creating
18 programs that we say are going to be one-time and
19 then reallocating monies and taking additional
20 taxpayer monies. But I'll save that follow-up
21 for next year.

22 How will this \$1 billion investment
23 of taxpayer money lower energy costs for
24 New Yorkers?

25 SENATOR HARCKHAM: Through you,

1 Mr. President, there are a couple of ways.

2 Number one, there is money in here
3 for energy efficiency for low- and
4 moderate-income homeowners. That will save them
5 money. There's money in here for community
6 solar, which will save them money. There's money
7 in here for the Clean Green Schools program,
8 which will make heating and cooling of schools
9 more efficient and therefore more affordable and
10 help on the tax side there. So there are a
11 number of initiatives in here that will help.

12 And then getting back to
13 Senator Mattera's point when he asked the
14 question -- through you, Mr. President -- about
15 will the clean energy generation impact
16 ratepayers, when we deregulated the grid, we
17 separated generation from transmission. And so
18 the utilities cannot generate and will not be
19 able to increase for transition there.

20 So -- and as we said in the last
21 debate, a kilowatt of clean energy, less
22 expensive than a kilowatt of fossil fuel energy.
23 So in the macro sense, you know, ultimately costs
24 come down. But there are some micro things --
25 there are many micro things in here that will

1 help.

2 And as we said, this money will be
3 invested back into communities. These jobs will
4 be given to our local trades folks. The
5 companies will be local companies. So this --
6 yes, it's a lot of money. But when we look at
7 capital investment, it's just that this is
8 investment back into our communities, back into
9 jobs, back into families, and back to all the
10 supporting entities.

11 So there are other benefits.

12 SENATOR WALCZYK: Through you,
13 Mr. President, would the sponsor continue to
14 yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR HARCKHAM: Absolutely.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: I know sometimes
21 in the parlance of government here when we say
22 invest and we're talking about taxpayer money
23 and, you know, we're going to save this group or
24 that group a little bit of money, part of my
25 question is really when I'm asking this a year

1 from now, how much should energy bills in
2 New York State be reduced by shifting the burden
3 of a billion dollars onto taxpayers for this
4 Sustainable Futures Program? How much can every
5 resident in the State of New York expect their
6 energy bill to drop over the next year?

7 SENATOR HARCKHAM: I -- through
8 you, Mr. President, I don't think it's realistic
9 that this \$1 billion investment will drive
10 everyone's energy bills down, especially given so
11 many utilities have rate cases before the PSC, or
12 will be announcing them very soon.

13 And as we just mentioned, generation
14 is decoupled from utility pricing. But these are
15 investments that we need to begin to make in
16 terms of changing our economy. So for instance,
17 we have heard -- and I'm sure you have heard --
18 concerns from folks who own trucking fleets with
19 the truck mandate, about the lack of heavy-duty
20 charging infrastructure for trucks in New York
21 State. We have allocated a hundred million
22 dollars for that purpose, to begin to build out
23 that infrastructure to show industry that we have
24 skin in the game.

25 So by making these investments we

1 are starting down a path that ultimately will
2 transform our economy in the process.

3 SENATOR WALCZYK: Through you,
4 Mr. President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Absolutely.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: I'll bite. I'll
12 go down that path with you.

13 So if we're talking about fast
14 chargers, you've got allocated out here within
15 the Sustainable Futures Program of a billion
16 dollars of taxpayer money, \$100 million, 50
17 million for fast charging and 50 million for
18 Charge Ready. How many fast chargers and
19 chargers will that equate to? How much can the
20 taxpayers expect to see as far as charging
21 stations go, for \$100 million?

22 SENATOR HARCKHAM: We can get you
23 that. I mean, obviously the heavy-duty chargers
24 are more expensive than the fast chargers. But
25 we will get a calculation. Unfortunately, I

1 don't think we can get it to you for this debate,
2 but we'll get you the calculation.

3 SENATOR WALCZYK: Through you,
4 Mr. President, will the sponsor continue to
5 yield?

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Yeah, and if you
9 can -- hold on one sec.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR HARCKHAM: (Conferring.)

13 ACTING PRESIDENT BAILEY: Senator
14 Walczyk, he's looking for further clarification
15 to your question.

16 SENATOR HARCKHAM: Just trying to
17 get a clarification.

18 SENATOR WALCZYK: Standing by.

19 SENATOR HARCKHAM: Just getting a
20 number for you, sir.

21 All right, so we don't take up any
22 more time, they're working on some very rough
23 calculations, but I don't want to hold up your
24 questioning and your time. So please go ahead,
25 and when we get the numbers we'll get them to

1 you.

2 ACTING PRESIDENT BAILEY: Senator
3 Harckham yields to your next question, Senator
4 Walczyk.

5 SENATOR WALCZYK: Excellent. I'll
6 move on to the next portion that I wanted to chat
7 with you about, because I was listening to your
8 debate with my colleague earlier talking about
9 the \$200 million that is broken out from this
10 \$1 billion taxpayer fund for NYSERDA called the
11 Sustainable Futures Program. And I was really
12 curious to see how the \$200 million of renewable
13 energy projects would be defined.

14 So if you could provide some clarity
15 for me there, that -- I would love that. Would
16 this include biomass projects as renewable?

17 SENATOR HARCKHAM: Through you,
18 Mr. President. Through the CLCPA definition of
19 renewable energy, biomass is not considered
20 renewable energy in the CLCPA. But I think it
21 has a very broad definition of many different
22 types of projects. We're talking about hydrogen,
23 solar, geothermal, agrivoltaics, photovoltaics.
24 A fairly broad -- broad array.

25 SENATOR WALCZYK: Through you,

1 Mr. President, will the sponsor continue to
2 yield?

3 SENATOR HARCKHAM: Absolutely.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield? The sponsor yields.

6 SENATOR WALCZYK: So you mentioned
7 hydrogen as being renewable. Would that be
8 hydrogen manufactured through steam methane
9 reforming, which is the common way to manufacture
10 hydrogen?

11 SENATOR HARCKHAM: Through you,
12 Mr. President. Hydrogen would qualify if it's
13 green hydrogen -- i.e., produced with renewable
14 energy. As opposed to -- as we know, hydrogen is
15 an energy-intensive process and there are a
16 number of different processes. Some have
17 successfully used excess solar capacity to
18 generate hydrogen. That's considered green
19 hydrogen. Or wind. That would count.

20 SENATOR WALCZYK: Through you,
21 Mr. President, would the sponsor continue to
22 yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Absolutely.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR WALCZYK: The Governor
4 proposed in her initial budget a plan for
5 nuclear, an overall plan for nuclear power in the
6 State of New York.

7 Would that -- would that be eligible
8 for the renewable energy projects here in the
9 Sustainable Futures Program?

10 SENATOR HARCKHAM: So in the
11 special assessment that we discussed earlier,
12 there's an allocation of roughly \$7 million to
13 study nuclear in New York. Particularly the
14 newer smaller systems, the modular systems, some
15 people call them. The Governor has taken an
16 interest in this technology. And so the
17 Legislature agreed to that, but we wanted to
18 ensure that in addition to just testing the
19 technology -- or not testing but analyzing the
20 technology, they were also sufficiently analyzing
21 environmental protection, public safety and cost.

22 Because the reason nuclear had been
23 successful for years past was the vast amounts
24 of government subsidies that they received. So
25 these systems are still very, very expensive.

1 And you talk about, rightly, taxpayer money when
2 we make these kinds of investments, so we wanted
3 that included in the study as well.

4 (Pause.)

5 SENATOR HARCKHAM: Through you,
6 Mr. President, never mind. The study was
7 dropped. I'm sorry, we thought the study was in.
8 The study is out.

9 SENATOR WALCZYK: Through you,
10 Mr. President, would the sponsor continue to
11 yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HARCKHAM: Absolutely.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR WALCZYK: Okay, so no
18 nuclear master plan in this budget, then.

19 SENATOR HARCKHAM: No.

20 SENATOR WALCZYK: And through you,
21 Mr. President, would the sponsor continue to
22 yield.

23 SENATOR HARCKHAM: If I may --

24 ACTING PRESIDENT BAILEY: Senator
25 Harckham.

1 SENATOR HARCKHAM: -- through you,
2 Mr. President, to answer your question, that
3 would not preclude the Executive from just doing
4 that analysis now. NYSERDA could do that, NYPA
5 could do that in the course of their normal
6 operations, so ...

7 SENATOR WALCZYK: Would you
8 continue to yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor continue to yield?

11 SENATOR HARCKHAM: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: These projects,
15 the \$200 million renewable energy project -- and
16 actually, all of the funding under the
17 Sustainable Futures Program billion dollars --
18 would those be subject to Buy American provisions
19 under law currently?

20 SENATOR HARCKHAM: Through you,
21 Mr. President. Everything in this provision is
22 subject to Buy American.

23 SENATOR WALCZYK: Through you,
24 Mr. President, would the sponsor continue to
25 yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Absolutely.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR WALCZYK: Can you guess
7 which country makes 85 percent of the world's
8 solar panels?

9 SENATOR HARCKHAM: I would tell
10 you, Mr. President, that that is China.

11 And through you, Mr. President, I
12 would also say that is a reason for us to
13 continue to invest here in New York and bring
14 these technologies and these companies here to
15 New York. The more we spend, whether it be on
16 heat pumps, solar panels or the like, we're then
17 creating jobs here in New York and we're not
18 reliant on the international trade pipeline.

19 SENATOR WALCZYK: And through you,
20 Mr. President, would the sponsor continue to
21 yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR HARCKHAM: Absolutely.

25 SENATOR O'MARA: The sponsor

1 yields.

2 SENATOR WALCZYK: I know you've
3 mentioned heat pump technology a couple of times.
4 Is there something for homeowners in this
5 \$1 billion investment of taxpayer money? Because
6 I know that's something people are concerned
7 about with the electrification of the State of
8 New York, whether they'll be able to even convert
9 their home to electric, if they even have the
10 capacity.

11 Is there something here specifically
12 for homeowners? Because you keep mentioning heat
13 pumps.

14 SENATOR HARCKHAM: Through you,
15 Mr. President, there is. There's \$50 million for
16 home efficiency. And also electrification that
17 is in here. And this is on top of additional
18 home energy efficiency programs and incentives
19 that NYSERDA and local utilities currently have.

20 SENATOR WALCZYK: And through you,
21 Mr. President, would the sponsor continue to
22 yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR WALCZYK: So with a
4 \$200 million renewable energy project allocation
5 here, you know, we saw the Empire Wind project
6 just get on pause, maybe canceled. That was a
7 \$5 billion project. How many megawatts could the
8 ratepayers -- could we expect to see from
9 New York State with a \$200 million investment?

10 SENATOR HARCKHAM: Through you,
11 Mr. President, that's a good question. I don't
12 know if we have that calculation, because it
13 could be for different types of renewable energy.

14 (Conferring.) So through you,
15 Mr. President. There's an allocation for
16 New York Power Authority for Build Public
17 Renewables. That's 3 gigs. But again, for
18 200 million, it's a small -- it's a small figure.
19 You know, NYPA and NYSERDA are doing much larger
20 projects. But this is more for some of the local
21 projects that are not as competitive,
22 necessarily, as some of the larger projects.

23 But again, this is 200 million of a
24 one-shot of a billion, when what we really should
25 be doing, according to the law, is

1 cap-and-invest, which would be a minimum of
2 3 billion a year, could be as much as 10 billion,
3 depending on how they tailor the auction market.

4 So that's really where we're going
5 to get the efficiency.

6 SENATOR WALCZYK: Thank you.

7 Mr. President, on the bill.

8 ACTING PRESIDENT BAILEY: Senator
9 Walczyk on the bill.

10 SENATOR WALCZYK: So I just -- I
11 want to button up that portion before I move on
12 to highway funding and some of the observations
13 that I just made from this debate.

14 One key highlight, we're taking an
15 extra billion dollars of taxpayer money -- and by
16 admission of the sponsor, people should not
17 expect that investment, investment of taking that
18 taxpayer money to reduce their energy bill at
19 all.

20 In addition, part of that is going
21 to \$200 million in new renewable energy projects.
22 But we don't even know how many megawatts of
23 energy that's going to put into our system.

24 This is a billion dollars that is
25 actually going to increase the cost of production

1 of energy in the State of New York and make your
2 bill go up even more.

3 And with that, Mr. President, I
4 would ask someone to yield on highway funding.

5 ACTING PRESIDENT BAILEY:
6 Certainly. Senator Walczyk, as a courtesy, you
7 have approximately seven and a half minutes
8 remaining.

9 Senator Cooney, do you yield?
10 Senator Cooney, do you yield?

11 SENATOR COONEY: I do yield.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: Extreme Winter
15 Recovery, flat the last two years. Did it
16 increase this year?

17 SENATOR COONEY: Through you,
18 Mr. President, it did not increase. We put all
19 of the funds that we could into the CHIPS bucket
20 that I spoke to with Senator Martins.

21 SENATOR WALCZYK: And through you,
22 Mr. President, would the sponsor continue to
23 yield?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR COONEY: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR WALCZYK: State Touring
5 Route program, flat the last two years. Did it
6 increase this year?

7 SENATOR COONEY: Through you,
8 Mr. President, same answer. All priority was
9 given towards the CHIPS.

10 SENATOR WALCZYK: And through you,
11 Mr. President, would the sponsor continue to
12 yield?

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR COONEY: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR WALCZYK: PAVE NY program,
19 flat the last two years. Did it increase this
20 year?

21 SENATOR COONEY: Through you,
22 Mr. President, same answer. All allocations were
23 given towards the CHIPS program.

24 SENATOR WALCZYK: Through you,
25 Mr. President, would the sponsor continue to

1 yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR COONEY: Yes.

5 ACTING PRESIDENT BAILEY: the
6 sponsor yields.

7 SENATOR WALCZYK: The Governor's
8 own created Pave Our Potholes program, been flat
9 the last two years. Did it increase this year?

10 SENATOR COONEY: Through you,
11 Mr. President, same answer. All allocations were
12 given towards the CHIPS program.

13 Although I will note that CHIPS can
14 be used to do pavement and pothole refilling.

15 SENATOR WALCZYK: And through you,
16 Mr. President, will the sponsor continue to
17 yield?

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR COONEY: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: BRIDGE NY program
24 has been flat the last two years. Did it
25 increase in the budget bill before us this year?

1 SENATOR COONEY: Through you,
2 Mr. President, all funds were allocated towards
3 the CHIPS program as a priority.

4 But as you noted before, CHIPS can
5 also include work to bridges and as well as some
6 culverts as well.

7 SENATOR WALCZYK: And through you,
8 Mr. President, we'll let the CHIPS fall. CHIPS,
9 they were flat --

10 ACTING PRESIDENT BAILEY: Are you
11 asking the sponsor to yield?

12 SENATOR WALCZYK: Oh, would he
13 yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR COONEY: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: CHIPS, did they
20 increase this year?

21 SENATOR COONEY: Through you,
22 Mr. President, yes. All allocations were given
23 towards the CHIPS program. We were able to get
24 an increase in the CHIPS program. I'm very proud
25 to have worked to seek a \$50 million increase

1 over last year for this fiscal year, and a
2 commitment for next year for an additional
3 \$50 million.

4 SENATOR WALCZYK: Through you,
5 Mr. President, would the sponsor continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR COONEY: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: When the orange
13 shirts came down to the Capitol, the county
14 highways, town highway supers came down here,
15 they asked for us to consolidate CHIPS, Extreme
16 Winter Recovery, and touring roads into one line
17 of funding -- it can be a little confusing for
18 them sometimes -- and also asked for an increase.
19 Did we consolidate those funding streams?

20 SENATOR COONEY: Through you,
21 Mr. President. Those conversations were had and
22 we're still open to having those conversations
23 around collapsing some of those different funding
24 buckets. Understanding from those highway
25 superintendents and a lot of the stakeholders

1 that CHIPS is the most easily allocatable funding
2 source for municipalities and for counties. But
3 in terms of which buckets were combined, that was
4 not held in the budget process. But open to that
5 conversation as we go outside the budget.

6 SENATOR WALCZYK: And through you,
7 Mr. President, if the sponsor will continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR COONEY: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: They had the same
15 request on PAVE NY and POP. Can I assume the
16 same answer?

17 SENATOR COONEY: Through you,
18 Mr. President, yes.

19 SENATOR WALCZYK: And through you,
20 Mr. President, would the sponsor continue to
21 yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR COONEY: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: Those orange
3 shirts, not just a great lobby effort and come
4 down here once a year, but they also do the very
5 important work of maintaining the safety of our
6 roads and highways across New York State.

7 After years of being flat and
8 dramatic costs of business increasing, they asked
9 for what I thought was a pretty moderate ask for
10 \$250 million in the CHIPS program. Why just 50
11 and not the 250 that they were asking for?

12 SENATOR COONEY: Through you,
13 Mr. President. We very much agree with the need
14 for more funding for our roads and bridges. I
15 stood with those highway superintendents along
16 with yourself to allocate as many dollars as
17 possible to this program.

18 You'll remember that in the Senate
19 one-house budget we were pleased to deliver
20 125 million towards the CHIPS program. And we
21 weren't able to get that across the finish line
22 in terms of the final three-way agreement. We
23 pushed as hard as we can because we do believe
24 that by doing the investments in terms of
25 structural repairs, we can make more of our roads

1 and bridges from fair and poor condition to
2 excellent condition. And we know we have to do
3 more, and we're going to continue to do more next
4 year.

5 Which is why we got that two-year
6 commitment for not only 50 million in this year's
7 budget, but for next year to start 50 million
8 higher, so that we can continue to get that
9 number up closer to where our highway
10 superintendents need us to be.

11 SENATOR WALCZYK: Mr. President,
12 how am I doing on time? How much time?

13 ACTING PRESIDENT BAILEY: Three
14 minutes.

15 SENATOR WALCZYK: I'll go on the
16 bill.

17 ACTING PRESIDENT BAILEY: Senator
18 Walczyk on the bill.

19 SENATOR WALCZYK: State DOT, we
20 gave them an additional \$800 million to support
21 their capital plan -- \$800 million for the state
22 roads. And the state, they're buying new trucks,
23 they're doing pretty well with their capital
24 plan. But we've largely ignored our local
25 municipalities who do all of the hard work across

1 the way.

2 Local highway superintendents are
3 responsible for over 100,000 center lane miles
4 across the State of New York. How can they
5 afford to maintain 8600 bridges if we can't even
6 increase them what they've asked year over year?
7 Flat after a number of years. And \$50 million is
8 a lot of money, but when you're throwing \$20
9 million at a World Cup that's not even coming to
10 the State of New York and \$20 million at a
11 hip-hop museum that nobody asked for, I think you
12 could probably afford \$50 million for the roads
13 and the bridges that make sure that our State
14 Police and our EMS get where they need to go, get
15 the products to your homes and your grocery
16 stores that you depend on in your lives every
17 day.

18 In fact, this costs New York State a
19 lot more in the long run, our municipalities and
20 the state, if we're not able to maintain our
21 roads and our bridges with some simple
22 maintenance and paving some more miles each year.
23 As your roads degrade, they only get more
24 expensive to rebuild in the long run.

25 So in addition to that, you've

1 certainly shown what your priorities are in this
2 capital budget bill. We've got a bailout for
3 Buffalo's Parking Authority, but nothing for the
4 City of Little Falls; we've got a billion dollars
5 for NYSEDA, but nothing that is going to reduce
6 the costs of energy for New York State's
7 ratepayers. We've got \$3 billion for New York's
8 MTA and little but peanuts for our local roads
9 and bridges. And we've got \$335 million for the
10 City of Albany's Rescue Plan, when what the City
11 of Albany, this capital, really needs is respect
12 for their police department and support of
13 policing.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BAILEY: Thank
16 you, Senator Walczyk.

17 I would note that the hip-hop museum
18 has affordable housing, and hip-hop is New York's
19 home-grown art form.

20 Senator Canzoneri-Fitzpatrick on the
21 resolution -- excuse me. Senator
22 Canzoneri-Fitzpatrick, why do you rise? Who are
23 you asking to yield?

24 (Laughter.)

25 SENATOR CANZONERI-FITZPATRICK:

1 Thank you, Mr. President.

2 I would like to ask some questions
3 on the Sustainable Futures Program. So I believe
4 that's Senator Harckham.

5 ACTING PRESIDENT BAILEY:

6 Certainly. Senator Harckham, do you yield?

7 Senator Walczyk got me worked up
8 saying nobody asked for the hip-hop museum.

9 (Laughter.)

10 ACTING PRESIDENT BAILEY: You know,
11 because if wasn't for the Bronx.

12 (Laughter.)

13 ACTING PRESIDENT BAILEY: Senator
14 Walczyk -- excuse me. Senator Harckham.

15 (Laughter.)

16 SENATOR HARCKHAM: Whoever I am.
17 I've been called much worse.

18 Yes, Mr. President.

19 SENATOR CANZONERI-FITZPATRICK:

20 Through you, Mr. President. We're all a little
21 tired.

22 But through you, Mr. President. I'd
23 like to ask a few questions specifically
24 regarding the \$200 million for renewable energy
25 projects. I'd like to know if it's been

1 determined how that money will be spent. I
2 believe there was some discussion before about
3 it -- sort of a first-come, first-served process.
4 But I'd like to know how it will be determined
5 where this money is spent throughout the state.

6 SENATOR HARCKHAM: Through you,
7 Mr. President. Good question.

8 The money from this, because it's a
9 replacement for the cap-and-invest money, must be
10 spent in the same manner as called for in the
11 Climate Action Fund. So 35 percent goes to
12 either disadvantaged or environmental justice
13 communities, all of the labor protections that we
14 talked about in our conversation with
15 Senator Mattera.

16 And then I believe -- and then it
17 would be a competitive process, through most
18 likely NYSERDA, who does most of this work, that
19 the projects will be decided upon.

20 SENATOR CANZONERI-FITZPATRICK:
21 Through you, Mr. President, will the sponsor
22 continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR CANZONERI-FITZPATRICK: So
4 through you, Mr. President. My question is, how
5 did we arrive at the number of \$200 million? Is
6 there an expectation of certain projects that
7 have priority?

8 SENATOR HARCKHAM: Through you,
9 Mr. President. I do not believe so. There
10 was -- when we talked about the 450 million for
11 building green homes, the 200 million thermal
12 energy projects for CUNY and SUNY -- there are a
13 number of shovel-ready projects for CUNY and SUNY
14 that have been identified. So that's more of a
15 hard number.

16 And I think the other renewable
17 energy project number, that \$200 million, was
18 more of a percentage of the funding as opposed
19 to, you know, either the Legislature or the
20 Governor has 13, 14, 20 projects in mind.

21 SENATOR CANZONERI-FITZPATRICK:
22 Through you, Mr. President, will the sponsor
23 continue to yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR HARCKHAM: Absolutely.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR CANZONERI-FITZPATRICK: So
5 through you, Mr. President, I'd like to know -- I
6 believe it says renewable energy generating
7 projects. My question is, can this be used for
8 offshore wind? Can it be used for solar panels?
9 But could it also be used for battery storage?

10 SENATOR HARCKHAM: Through you,
11 Mr. President, it theoretically could be used for
12 battery storage.

13 SENATOR CANZONERI-FITZPATRICK:
14 Through you, Mr. President, will the sponsor
15 continue to yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR HARCKHAM: Absolutely.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR CANZONERI-FITZPATRICK: So
22 if we look at this with -- in combination with
23 the RAPID Act, which was previously passed
24 through the budget process, my question is, what
25 input will local communities have regarding

1 whether or not these projects are sited in their
2 communities?

3 SENATOR HARCKHAM: Through you,
4 Mr. President. The whole point of the Climate
5 Action Fund is these are community-centered
6 projects. They need to be coming out of the
7 community for the benefit of the community. And
8 that's what -- the language in the law we wrote
9 to create the Climate Action Fund.

10 SENATOR CANZONERI-FITZPATRICK:
11 Through you, Mr. President, will the sponsor
12 continue to yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield? Senator Harckham, do you yield?

15 SENATOR HARCKHAM: I do.

16 But the other thing I would like to
17 add is that, Senator, you mentioned the RAPID
18 Act. Battery storage is not in the RAPID Act.
19 So any electrical battery storage project in
20 New York must get complete local zoning and
21 planning approval. The state has no say in that.

22 SENATOR CANZONERI-FITZPATRICK:
23 Through you, Mr. President, will the sponsor
24 continue to yield.

25 ACTING PRESIDENT BAILEY: Since the

1 Senator's already yielded, you may proceed with
2 your question.

3 SENATOR HARCKHAM: Yes, I yield.

4 SENATOR CANZONERI-FITZPATRICK:
5 Thank you.

6 So if I understand what you were
7 saying, we can use this funding for solar panels,
8 for offshore wind, for battery storage, but that
9 the RAPID Act would potentially impact the solar
10 and the offshore wind piece that we could
11 override local control, but that the battery
12 storage location would not be subject to the
13 RAPID Act.

14 SENATOR HARCKHAM: Theoretically,
15 yes.

16 What we're talking about, though,
17 here are smaller projects. As Senator Walczyk
18 mentioned in his questioning, you know, when
19 we're talking about wind, we're talking about
20 billions of dollars or hundreds of millions of
21 dollars. If we're talking about, you know, a
22 battery storage complex of utility scale, that's
23 hundreds of millions of dollars.

24 This total pot is only \$200 million.
25 So I think what was really envisioned here --

1 yes, by statute it could go to those things, but
2 I think really more for things like community
3 solar, those types of projects that are
4 community-centered and for the benefit of the
5 communities in which they sit.

6 SENATOR CANZONERI-FITZPATRICK:
7 Through you, Mr. President, will the sponsor
8 continue to yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR HARCKHAM: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR CANZONERI-FITZPATRICK: So
15 thank you for that clarification.

16 Now, looking at the language of the
17 bill, it makes reference to Section 163 and 112
18 of the law, saying that a hundred million
19 potentially will not be subject to approval by
20 the Comptroller. And I'm wondering if you have a
21 comment if that -- if my read of this is correct.

22 And I apologize, I was referencing
23 the State Finance Law.

24 SENATOR HARCKHAM: (Conferring.)
25 Through you, Mr. President. Thank you for the

1 question, Senator.

2 Nine hundred million {sic} of the
3 100 million is -- RFP is competitive. The
4 hundred million that you referenced is not
5 competitive; therefore, not subject to RFP, not
6 subject to Comptroller review.

7 So that would be -- and this
8 language is similar in the Bond Act as well.
9 There's a certain amount of money that is not
10 required for RFP, so that if things come up in
11 the course of agency operations, the Governor has
12 some flexibility to plug money into those
13 projects.

14 SENATOR CANZONERI-FITZPATRICK:
15 Through you, Mr. President, will the sponsor
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR CANZONERI-FITZPATRICK: So
23 Senator, just to clarify -- through you,
24 Mr. President -- that the \$100 million that is
25 carved out, there is no oversight by the

1 Comptroller, that this is sort of money that is
2 not necessarily going through the same hoops as
3 the first hundred million. Is that correct?

4 SENATOR HARCKHAM: Well, the other
5 900 million.

6 SENATOR CANZONERI-FITZPATRICK:
7 Nine hundred million, I'm sorry.

8 SENATOR HARCKHAM: Yes and no.
9 This is the same -- there's precedent for this.
10 This is the same language that we have in the
11 Bond Act, the same percentage that we have in the
12 \$4.2 billion Environmental Green Jobs, Green
13 Communities Bond Act that the voters passed.

14 And again, there will be oversight
15 in the fact that this stays on-book. This is not
16 like NYSERDA money that's not -- that is
17 off-book, like through the RGGI charges. So we
18 will be able to track this money through our
19 normal oversight activities of the agencies.

20 SENATOR CANZONERI-FITZPATRICK:
21 Through you, Mr. President, will the sponsor
22 continue to yield.

23 SENATOR HARCKHAM: -- add to that?
24 All right. And the Governor on these projects
25 also needs to submit an annual report and the

1 plans to the Finance Director as well. So there
2 will be that level of oversight.

3 I'm sorry.

4 ACTING PRESIDENT BAILEY: Senator
5 Harckham, do you yield?

6 SENATOR HARCKHAM: I do.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR CANZONERI-FITZPATRICK:
10 Thank you, Mr. President. Through you.

11 I just wanted to ask, why would the
12 Legislature consider \$100 million an amount that
13 they were comfortable with not having Comptroller
14 oversight?

15 SENATOR HARCKHAM: Through you,
16 Mr. President. There's precedent in law for this
17 already. It's the same precedent in the
18 Bond Act.

19 And this is to give the agencies who
20 are doing this work flexibility in a volatile --
21 as was mentioned in the debate before, the
22 volatility of costs that we're experiencing right
23 now in the energy markets, whether they be carbon
24 or renewable energy. And this will give them the
25 flexibility to plug in various projects that may

1 need assistance.

2 SENATOR CANZONERI-FITZPATRICK:

3 Mr. President, on the bill.

4 ACTING PRESIDENT BAILEY: Senator
5 Canzoneri-Fitzpatrick on the bill.

6 SENATOR CANZONERI-FITZPATRICK:

7 Thank you, Senator Harckham, for answering my
8 questions.

9 I have a difficult time when this
10 chamber continues to put forth legislation of
11 funding money that we're not getting the proper
12 oversight and the proper local input with regards
13 to these renewable energy projects.

14 As I stated, combined with the
15 RAPID Act, we have a substantial investment
16 without local input. And I pause whenever that
17 happens, because our communities deserve to have
18 input into what is going to be in their backyard.

19 You know, we've seen what happens
20 when the state lacks appropriate oversight by the
21 Comptroller. We had the Buffalo Billion scandal
22 under the former governor. We've had reports of
23 hundreds of millions of dollars in state payments
24 for COVID tests allegedly steered to a donor of
25 the current Governor. And this body needs to do

1 more to make sure that we have appropriate
2 oversight of taxpayer dollars.

3 Mr. President, I'd like to ask a few
4 questions about the funding for NUMC, which I
5 believe is \$50 million. I'm not sure who I'd ask
6 that to.

7 ACTING PRESIDENT BAILEY: Senator
8 Canzoneri-Fitzpatrick, she's asking about the
9 funding for NUMC. The Nassau County medical --

10 SENATOR KRUEGER: Oh, that was
11 yesterday. Sure.

12 ACTING PRESIDENT BAILEY: Senator
13 Krueger, would you yield for that question?

14 SENATOR KRUEGER: Yes. I'm having
15 déjà vu. Absolutely.

16 ACTING PRESIDENT BAILEY: Déjà vu
17 all over again. The sponsor yields.

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

20 Yesterday Senator Krueger was
21 reading from an article that was an opinion
22 article, an editorial from Newsday that was dated
23 May 6th, the day before we actually were
24 presented with the bill.

25 So I was wondering how it is that

1 Newsday knew about it before the members of this
2 chamber. But my question to Senator Krueger is
3 the fact that \$50 million we discussed yesterday
4 for a distressed hospital, yet it's going to be
5 capital money, not money that they can use for
6 their operating expenses. And I'm wondering why
7 that money was allocated in that way.

8 SENATOR KRUEGER: Through you,
9 Mr. President. The \$50 million is capital money.
10 So we haven't gotten to that bill yet, and it
11 will be lined out in that bill. So that's why it
12 was being budgeted that way. It's for capital
13 costs, not operating costs.

14 SENATOR CANZONERI-FITZPATRICK:
15 Through you, Mr. President --

16 SENATOR KRUEGER: And I actually
17 don't remember whether the editorial was May 6th
18 or a little earlier, because that folder's in my
19 office. Because I didn't know we were doing that
20 discussion again today.

21 SENATOR CANZONERI-FITZPATRICK:
22 Okay. Through you, Mr. President, will the
23 sponsor continue to yield?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: I will.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR CANZONERI-FITZPATRICK: So,
5 Mr. President, I believe we are talking about the
6 capital projects bill, which is why I asked the
7 question.

8 And I know that we've been at this a
9 long time, so it's easy to get confused,
10 Senator Krueger.

11 My question, though, following up on
12 this \$50 million, is why would we give money to a
13 distressed hospital for a capital investment when
14 typically a capital investment is going to create
15 more operating expenses? And you indicated that
16 this hospital is in such trouble and is having
17 such a difficult time, why would we further
18 burden the operating expenses of a distressed
19 hospital by requiring them to improve their
20 capital and their structure?

21 SENATOR KRUEGER: Through you,
22 Mr. President. My understanding from the
23 Governor's people and from various articles,
24 including the editorial referenced yesterday, is
25 that they have a very serious structural problem

1 with the hospital that needs to be addressed with
2 capital money almost immediately.

3 So you can have distressed hospitals
4 with operating, you know, deficits, which it does
5 have. But you also can't have a hospital that
6 continues to function if it's structurally
7 unsafe.

8 SENATOR CANZONERI-FITZPATRICK:

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Thank
11 you, Senator.

12 Senator Rhoads, why do you rise?

13 SENATOR RHOADS: I just wanted to
14 ask --

15 ACTING PRESIDENT BAILEY: Can we
16 have some order in the chamber, please? Excuse
17 me. May we have some order in the chamber.
18 Thank you.

19 Senator Rhoads.

20 SENATOR RHOADS: Mr. President, I
21 was hoping that Senator Krueger might yield to a
22 few more questions on NUMC.

23 ACTING PRESIDENT BAILEY: Will the
24 Senator yield?

25 SENATOR KRUEGER: Absolutely.

1 ACTING PRESIDENT BAILEY: The
2 Senator yields.

3 SENATOR RHOADS: Thank you.
4 Through you, Mr. President.

5 Senator Krueger, would you mind
6 elaborating on what this urgent structural repair
7 is that has to be made to NUMC? Because this is
8 the first I'm hearing about it.

9 SENATOR KRUEGER: Through you,
10 Mr. President. We believe that actually one of
11 the other Long Island members referenced the need
12 for it yesterday, I'm just not sure which one.

13 So we would have to send somebody
14 hunting for the answer to that.

15 SENATOR RHOADS: And will the
16 Senator continue to yield?

17 ACTING PRESIDENT BAILEY: Will the
18 Senator yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT BAILEY: The
21 Senator yields.

22 SENATOR RHOADS: Through you,
23 Mr. President. And this \$50 million in capital
24 funding, since it is to address an urgent
25 structural capital need at NUMC, apparently, when

1 can we expect from today's date that money to
2 actually appear in the account of NUMC?

3 SENATOR KRUEGER: Through you,
4 Mr. President. My understanding is that, again,
5 in this budget document, even though it's
6 separated into several different sections of the
7 budget, first there would be the changes in the
8 leadership -- who is the board, who's running the
9 hospital. Then they would submit their plan for
10 how they would use that money to Division of
11 Budget. Then Division of Budget would approve
12 that money to be spent as specifically itemized
13 and requested by the new board leadership of the
14 hospital corporation.

15 SENATOR RHOADS: Would the sponsor
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR RHOADS: Thank you.
23 Through you, Mr. President.

24 So my understanding is that this
25 urgent, pressing structural need that has to be

1 addressed at the hospital will first have to wait
2 until the new board is appointed. Then that new
3 board will have to figure out what the urgent
4 structural need is, how to fix it, develop a plan
5 on how to fix it, then submit that plan to the
6 state. Then the state has to review the plan,
7 approve the plan, and then issue the money.

8 Am I correct in my understanding?

9 SENATOR KRUEGER: That is how money
10 is spent at the state level pretty much on every
11 item.

12 And I will just point out again,
13 because maybe people forgot my points from
14 yesterday, the reason this entire plan is going
15 forward is because this is a distressed hospital
16 in enormous debt, debt growing every month.
17 People panicked about whether they will be able
18 to continue to function as an important hospital,
19 particularly in the poor communities of
20 Nassau County.

21 So this 50 million is part of an
22 overall effort to restructure, help this hospital
23 stabilize, and move forward.

24 SENATOR RHOADS: Will the sponsor
25 continue to yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR RHOADS: Thank you,
7 Senator Krueger.

8 Through you, Mr. President. Can any
9 of this \$50 million be used to pay down debt?

10 SENATOR KRUEGER: Through you,
11 Mr. President. It is conceivable that the board
12 and the Governor's Division of Budget would agree
13 to do something like that. I don't know.

14 SENATOR RHOADS: And will the
15 sponsor continue to yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR RHOADS: So can any of
22 this -- through you, Mr. President, can any of
23 this capital money be used to help with the
24 hospital's operating expenses?

25 SENATOR KRUEGER: Through you,

1 Mr. President. It's my understanding that as
2 capital money, that would not be a recognized use
3 of the money.

4 But of course there's another
5 section of the state budget that has significant
6 new monies for distressed hospitals for operating
7 costs. And I don't believe there is anything
8 within that language that would prevent NUMC from
9 applying for some of those funds as well.

10 SENATOR RHOADS: Will the sponsor
11 continue to yield.

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield? The sponsor yields.

15 SENATOR RHOADS: Thank you,
16 Senator Krueger.

17 Through you, Mr. President. Is
18 there any other money in the budget that would be
19 used, for example, to enable NUMC to meet its
20 operating expenses?

21 SENATOR KRUEGER: I believe that's
22 the question I just answered. There is money in
23 the budget for distressed hospitals. We believe
24 NUMC definitely meets the definition of a
25 distressed hospital, and so it could be eligible

1 to apply for some of the distressed hospital
2 funding for operating costs, yes.

3 SENATOR RHOADS: Will the sponsor
4 continue to yield.

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield? The sponsor yields.

8 SENATOR RHOADS: Thank you,
9 Senator Krueger.

10 I'm a little bit confused by your
11 answer, only because Nassau University Medical
12 Center has been a distressed hospital for the
13 last several years, has applied for distressed
14 hospital funding certainly over the course of the
15 last two years, and at the discretion of the
16 Governor and the Department of Health has
17 received a grand total of zero distressed
18 hospital funds.

19 So while you're saying they may
20 eligible to apply for those funds, is there any
21 commitment that you're aware of from the Governor
22 or from the Department of Health to provide any
23 distressed hospital funds in any amount to NUMC?

24 SENATOR KRUEGER: Through you,
25 Mr. President. It's our understanding that NUMC

1 was refusing to provide documentation to the
2 Governor's office and the Department of Health to
3 complete their application for distressed
4 hospital funding, which is why they did not get
5 approved for any, and I believe correlates to
6 another article I referenced yesterday that the
7 then-head of the board had an interesting robbery
8 in his house where the only documents stolen were
9 those documents that were not being provided to
10 the State Department of Health to answer those
11 kinds of questions.

12 SENATOR RHOADS: Will the sponsor
13 continue to yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR RHOADS: Senator Krueger --
20 through you, Mr. President -- you referenced that
21 people were panicked and begging for help. The
22 county executive didn't ask for help. The
23 chairman of the board of NUMC didn't ask for
24 help. The CEO of the hospital didn't ask for
25 help.

1 Can you illuminate us as to who it
2 was exactly that was panicked and asking for
3 help?

4 SENATOR KRUEGER: Through you,
5 Mr. President. I think they all did ask for
6 help. They just didn't submit the documentation
7 or answer the questions.

8 In fact, after we got off the floor
9 yesterday, because several had asked me the
10 question has anybody been talking about this with
11 County Executive Blakeman, the response --
12 actually, I didn't ask for it, I got volunteered
13 it -- was that the Governor's office has been
14 trying to have a discussion with county executive
15 Blakeman about exactly this issue for quite a
16 while, and he's refused to talk to them.

17 So I think people were saying they
18 had a problem. They were saying they were
19 distressed, they were saying they were in need of
20 help. And they weren't getting money because
21 they weren't actually providing the legal
22 documentation that would be needed to approve
23 what they asked for. And that's why the state
24 took a fairly dramatic approach to trying to
25 insert itself into redesign of the board and

1 redirection for leadership, to make sure it
2 actually went forward correctly now.

3 SENATOR RHOADS: Will the sponsor
4 continue to yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR KRUEGER: Sure.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR RHOADS: Thank you,
11 Senator Krueger. Through you, Mr. President.

12 Do we know if any of the \$50 million
13 in capital funding that's being provided will be
14 utilized for the construction of any housing?

15 SENATOR KRUEGER: I don't know.
16 But I guess I could ask, if you don't mind, the
17 questioner: Does that hospital have housing now?

18 ACTING PRESIDENT BAILEY: Senator
19 Rhoads, will you yield to -- will you yield,
20 Senator Rhoads?

21 SENATOR RHOADS: I will yield to a
22 question.

23 ACTING PRESIDENT BAILEY: Senator
24 Rhoads yields.

25 SENATOR KRUEGER: Thank you.

1 Is there housing connected to the
2 hospital or the corporation now?

3 SENATOR RHOADS: There is.

4 SENATOR KRUEGER: Then I think I
5 suspect that the answer is no.

6 SENATOR RHOADS: And will the
7 Senator continue to yield.

8 ACTING PRESIDENT BAILEY: Will the
9 Senator yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BAILEY: Senator
12 Krueger yields.

13 SENATOR RHOADS: Do we know --
14 through you, Mr. President -- whether any of the
15 capital money will be utilized for the expansion
16 of any psychiatric services that are provided at
17 the hospital?

18 SENATOR KRUEGER: Through you,
19 Mr. President. I believe that those kinds of
20 decisions about what services hospitals offer --
21 need to expand, need to improve their space
22 for -- are in fact the responsibility of the
23 board of the hospital.

24 So I certainly would not be in a
25 place to know that.

1 SENATOR RHOADS: Will the sponsor
2 continue to yield?

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR RHOADS: Thank you,
9 Senator Krueger.

10 Through you, Mr. President. You've
11 indicated that it would be the board that's in
12 the position to know. Do you mean the board that
13 the Governor is removing?

14 SENATOR KRUEGER: No,
15 Mr. President, I believe that this money that
16 we're talking about how it's spent is contingent
17 upon the creation of a new board of directors --
18 that might include some of the existing board of
19 directors, I don't know -- and new leadership for
20 the hospital and chairmanship of the board.

21 And so only once those are in place
22 would there be discussions about how they wish to
23 use money, and an application. And only then
24 would we know what they're asking for and what
25 money's approved, both capital and operating.

1 SENATOR RHOADS: Will the sponsor
2 continue to yield.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR RHOADS: Thank you,
9 Senator Krueger.

10 Perhaps -- perhaps you misunderstood
11 my question. Perhaps -- perhaps it's not clear.

12 I thought in your answer to the
13 previous question you had indicated that it would
14 be the board of the hospital that would know
15 whether this money was going to be spent for the
16 expansion of psychiatric services.

17 I'm a little confused by the answer
18 only because this \$50 million is being provided
19 for capital expenses presumably for a reason, yet
20 there's been no communication with the existing
21 board and the Governor's office, there's been no
22 communication with the county executive and the
23 Governor's office, there's been no communication
24 with the CEO of the hospital and the Governor's
25 office. Nor has there been communication with

1 the Health Department, as reported by the CEO,
2 for almost 18 months.

3 Who is it that's actually developing
4 this plan? Who decided that it would be
5 \$50 million? And -- or are we to believe that
6 this \$50 million is being given to the hospital
7 with no plan to actually spend it?

8 SENATOR KRUEGER: Through you,
9 Mr. President. I actually think I was quite
10 clear. I do not believe the Governor intends to
11 distribute any new monies, capital or operating,
12 to this hospital until such time as a new board
13 has been established and new leadership has been
14 established and then a normal process for a
15 hospital institution to request funds from the
16 state to have documentation of why they need that
17 money and how they'll use it, is gone through and
18 then the state approves.

19 It's not the opposite way. It's
20 never the opposite way. It's first you have a
21 board who submits what they are asking for and
22 proves the justification and need for it, and
23 then the state moves money -- not the reverse.

24 SENATOR RHOADS: Will the sponsor
25 continue to yield.

1 ACTING PRESIDENT BAILEY: Senator
2 Rhoads, I just want to advise you that in the
3 aggregate debate time, you have approximately
4 five minutes remaining.

5 Senator Krueger, do you yield?

6 SENATOR KRUEGER: Of course I do.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR RHOADS: My understanding
10 of how this process is supposed to work is that
11 usually there's a request for capital money for a
12 designated purpose. That request is then
13 considered, and then funds are allocated to
14 actually fill that request.

15 Am I correct in that understanding?
16 Or is this process working in reverse, where
17 we've determined an amount without knowing what
18 it's for?

19 SENATOR KRUEGER: Through you,
20 Mr. President. No, I think we both agree that's
21 the process. The dilemma is I believe the state
22 doesn't believe it has a partner working in good
23 faith at this time to get us the information to
24 document what they're asking for and how it would
25 be used.

1 And the reference was made that
2 there's been no discussion with various parties
3 between the Governor's office and those parties
4 for 18 months. I've been informed that those
5 parties have not wished to answer the questions
6 of the Governor's office or discuss it. That is
7 why we are in the place we are in.

8 On the underlying story here, this
9 is a hospital that needs assistance to go forward
10 because it does not apparently have responsible
11 leadership either from the board or the executive
12 or even perhaps the county exec. That is why the
13 Governor is recommending this change and the
14 Legislature, within this budget set of bills, has
15 agreed that that is the right answer.

16 Newsday has agreed that is the right
17 answer. My colleague from Long Island who
18 represents not the hospital but, as she explained
19 yesterday very articulately, most of the people
20 who go to the hospital, agrees.

21 And as to whether the exact number
22 is 50 million or 49.5 or 150 million, I don't
23 know. It's a beginning, the fact that the
24 Governor has put aside 50 million for capital
25 purposes for this facility.

1 And again, they will be eligible to
2 apply for distressed hospital operating funds.
3 Which I also don't think we will know any details
4 about until a newly reestablished board does
5 their own evaluation, then comes forward and
6 submits requests to -- I think it goes through
7 the Department of Health.

8 SENATOR RHOADS: How much time
9 remaining, Mr. President?

10 ACTING PRESIDENT BAILEY: Two
11 minutes. Two minutes remaining.

12 SENATOR RHOADS: Thank you very
13 much. Thank you, Senator Krueger.

14 I'll go on the bill.

15 ACTING PRESIDENT BAILEY: Senator
16 Rhoads on the bill.

17 SENATOR RHOADS: Yeah, I'm
18 certainly happy that NUMC is receiving
19 \$50 million in capital funds. But I think what's
20 concerning to me is that this is the sort of
21 latest salvo in what appears to be the Governor's
22 NUMC scam that's going on here.

23 The whole reason for taking over
24 NUMC that's been articulated on this floor and
25 articulated by the Governor is that it is a

1 financially stressed hospital. Right? That
2 people are panicked that it's not going to be
3 able to continue its services, that people are
4 panicked that it's not going to be able to meet
5 its bills. That it's saddled with debt.

6 And so what does the Governor decide
7 that she wants to do? She wants to provide
8 \$24 million in funding to the Hempstead School
9 District, but she provides zero in funding to
10 actually help with any of the operating expenses
11 of Nassau University Medical Center.

12 The problems with that hospital
13 actually have little to do with operating. It's
14 projected that the hospital will actually make a
15 small surplus, despite a billion and a half
16 dollars having been taken from that hospital over
17 the course of the last two years.

18 This was all about and continues to
19 be about nothing more than control. What the
20 county executive refused to do, what the board
21 refused to do was to vote itself out of existence
22 and give the Governor the power to control the
23 board while county taxpayers are on the hook.
24 That's why the Governor snuck this into the
25 budget instead of going through the normal

1 legislative process. And unfortunately, this
2 Senate and the Assembly across the hall are
3 co-conspirators in that plan.

4 So thank you, Mr. President.

5 ACTING PRESIDENT BAILEY: Thank
6 you, Senator Rhoads.

7 Debate time has elapsed. Debate is
8 closed. The Secretary will ring the bell.

9 Read the last section.

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

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Senator
16 Krueger to explain her vote. Senator Krueger not
17 to explain her vote.

18 Senator May to explain her vote.

19 SENATOR MAY: Thank you,
20 Mr. President.

21 I rise to crow about a wonderful win
22 for a big area of New York State in this capital
23 budget. Upstate University Hospital has the
24 emergency department that serves 14 counties as
25 the Level I trauma center, 37 counties as the

1 burn center, and all of New York State north of
2 Westchester as the poison center.

3 But this emergency department, the
4 people who work there are incredibly skilled,
5 they do a great job, but they work in the most
6 cramped and difficult conditions you can imagine.
7 And this money will build a new emergency
8 department for Upstate. And it will make a
9 difference for people all over upstate.

10 I also want to crow about one other
11 thing in -- one other capital victory. This is
12 an update on a capital project that we funded
13 several years ago when the state put \$72 million
14 into renovating Central Tech High School in
15 Syracuse into a countywide STEAM school.

16 That STEAM school is going to open
17 in September with its first class of
18 ninth-graders. And because of the -- of what we
19 got in the budget to make sure that BOCES funding
20 for CTE can go to teaching ninth-graders in CTE
21 programs, that school is going to get the funding
22 it needs to really be a success from the outset.

23 So capital funding we put in years
24 ago, that's going to really be used well because
25 we're doing good policy to shore it up. So I

1 proudly vote aye on both those cases.

2 Thank you.

3 ACTING PRESIDENT BAILEY: Senator
4 May to be recorded in the affirmative.

5 Senator Bynoe to explain her vote.

6 SENATOR BYNOE: Thank you,
7 Mr. President.

8 I will be voting affirmatively on
9 this bill, particularly because it's going to
10 make a \$50 million investment into
11 Nassau University Medical Center.

12 So Nassau University Medical Center
13 has really been highly, highly overlooked in any
14 investments over the years, insomuch that the
15 facade in front of the building is crumbling.
16 The HVAC system is in such bad shape that they
17 have to bring in fans to the patients' rooms to
18 provide some level of ventilation. Additionally,
19 the elevators, a large number of them need to be
20 replaced.

21 Nassau University Medical Center has
22 been highly neglected by the Nassau County
23 administration and the Nassau University Medical
24 board, insomuch that \$1.5 billion that they could
25 have accessed year after year for distressed

1 hospital funding to offset their deficit and pay
2 down their debts was prohibited because they were
3 not in compliance with the Department of Health.

4 So I think that this is a great step
5 forward. We're going to be able to invest in the
6 infrastructure, and we'll be able to hopefully,
7 hopefully be able to do routine maintenance that
8 has been neglected over the years by accessing
9 the \$1.5 billion in distressed hospital funding.

10 I want to thank leadership yet again
11 because it was the fifty -- sorry, \$500 million
12 of a state one-house budget request that
13 bolstered that \$1 billion commitment from the
14 Governor, to make it 1.5.

15 So I say again this is unfortunate
16 that we're in this space, but I'm happy, happy to
17 see that Nassau County and the communities that
18 rely on that hospital and the staff that work
19 there will finally, finally will get the relief
20 and we'll turn the corner on the neglectful
21 practices under Nassau County administration.

22 Thank you.

23 ACTING PRESIDENT BAILEY: Senator
24 Bynoe to be recorded in the affirmative.

25 Senator Myrie to explain his vote.

1 SENATOR MYRIE: Thank you,
2 Mr. President.

3 I will be voting in the affirmative
4 for this, in large part to be in solidarity with
5 SUNY Upstate, who has been fighting for this
6 capital investment for quite some time.

7 But I want to express my
8 disappointment and concern that there is no new
9 money for Downstate, particularly after this
10 Governor came to the first advisory board meeting
11 for the future of Downstate and promised
12 \$450 million in additional funding. The SUNY
13 chancellor subsequently made a similar promise
14 that there would be additional funding separate
15 from the \$750 million tied to the outcome of the
16 advisory board.

17 And I want to make clear that when
18 we passed legislation last year to determine the
19 future of Downstate --

20 ACTING PRESIDENT BAILEY: Senator
21 Myrie, one second, please.

22 Can we -- please, gentlemen, ladies,
23 we need some order in the house while people are
24 explaining their vote. Thank you.

25 Senator Myrie, continue, please.

1 SENATOR MYRIE: When we passed
2 legislation last year to determine the future of
3 Downstate, subject to community involvement that
4 would require transparency and would require real
5 integration of the stakeholders, we did not
6 anticipate that the Governor would come and
7 promise more capital funding and pass a budget
8 with zero capital funding.

9 So make no mistake, that we will not
10 take this lightly. And we are hoping to avoid a
11 similar situation that we faced last year. But
12 the community will have the last word on what
13 happens at Downstate.

14 Thank you.

15 ACTING PRESIDENT BAILEY: Senator
16 Myrie to be recorded in the affirmative.

17 Senator Cooney to explain his vote.

18 SENATOR COONEY: Well, thank you,
19 Mr. President. This budget is a forward thinking
20 about the future of infrastructure in New York.
21 And as the chair of Transportation, I'm so proud
22 that we are investing the resources that we can
23 in the CHIPS program, which of course improves
24 our local roads and bridges. A \$50 million
25 increase this year, 50 million committed for next

1 year's increase as well, giving New Yorkers the
2 kind of safe and efficient system that they
3 deserve for transportation.

4 We're also making lasting
5 investments in the DOT capital plan, including an
6 additional 800 million to fund projects across
7 the state. These are the core road projects that
8 our constituents consistently talk to us about.
9 From Hempstead to Yonkers to Cornwall to Buffalo
10 to Rochester, we're making sure that all of our
11 districts are taken care of by making these
12 critical road improvements.

13 But it's not just transportation.
14 We're investing in large-scale infrastructure
15 projects. We are building again in New York,
16 including a \$59 million investment for the
17 modernization of the Joseph A. Floreano Rochester
18 Riverside Convention Center in downtown
19 Rochester, in my district. This large investment
20 by the Legislature has devoted to the convention
21 center for growth in our community, and I'm just
22 so grateful for the support of Governor Hochul as
23 well as the entire Rochester delegation, who
24 worked so hard to bring this around.

25 Capital projects mean construction

1 jobs. They lead to improved infrastructure, but
2 they also create opportunities for work, for
3 apprenticeship programs. And these projects lead
4 to growth in our communities, both upstate and
5 downstate.

6 I'm proud of the investments that we
7 continue to make here in the Senate on behalf of
8 all New Yorkers. And, Mr. President, I am proud
9 to vote aye.

10 ACTING PRESIDENT BAILEY: Senator
11 Cooney to be recorded in the affirmative.

12 Senator Kavanagh to explain his
13 vote.

14 SENATOR KAVANAGH: Thank you,
15 Mr. President.

16 Again we are, spread across a few
17 bills, really continuing our efforts to use all
18 tools at our disposal to address the housing
19 crisis and the affordability crisis that we have
20 throughout the state. This bill of course is a
21 key part of that. As I mentioned before, there
22 is \$2.65 billion of funds in this budget for
23 housing and community development. That includes
24 \$306 million for public housing -- which is a
25 relative high, relative to other years we've done

1 recently -- \$160 million for Mitchell-Lama
2 developments, \$600 million for new housing and
3 community development right here in the capital,
4 including some sites very nearby here that are
5 expected to be redeveloped.

6 And we're refunding a few programs
7 that the Senate successfully advocated for last
8 year, including the Vacant Rental Improvement
9 Program which renovates one- and two-family homes
10 throughout the state, upstate and basically all
11 of the localities outside of New York City, and
12 an additional \$30 million for Block by Block,
13 which builds one- and two-family homes, to infill
14 neighborhoods that have lost housing over time.
15 Both of those were included last year,
16 particularly through the advocacy of
17 Senator Sean Ryan.

18 We are also adding something that
19 has been very important to me, which is a few
20 years back we had a hearing on lead poisoning.
21 It is still a scourge throughout our state.
22 Every year we've been doing \$20 million outside
23 New York City as a result of that hearing. But
24 we are adding this year \$20 million for lead
25 abatement in New York City. Abatement is the

1 thing that is really necessary in that
2 circumstance.

3 We also have about \$70 million for
4 small towns and villages in rural areas in
5 various programs, including the Small Rental
6 Housing Development Initiative, which again was
7 funded through the advocacy of Senator Hinchey
8 and others in this chamber.

9 And so, all told, this is a budget
10 that really is intended to address housing needs
11 throughout the state in a very substantial way.
12 And I'm very proud to vote aye.

13 ACTING PRESIDENT BAILEY: Senator
14 Kavanagh to be recorded in the affirmative.

15 Senator Serrano to close.

16 SENATOR SERRANO: Thank you very
17 much, Mr. President.

18 As chair of the committee that
19 oversees parks, I am very proud to vote aye on
20 this bill, as it has a good amount of capital for
21 our beautiful park system throughout the State of
22 New York.

23 We have I believe the best park
24 system anywhere in the nation. We have some of
25 the best hiking trails, camping facilities, you

1 name it. Connecting to the great outdoors is
2 something that is really important here in the
3 State of New York. And the pandemic taught all
4 of us how important our green spaces are. We
5 flocked to them as a safe way to all congregate
6 and be out together and be in nature. It was
7 important for our mental health as well as our
8 physical health.

9 But our park system is an aging one
10 and needs constant repair and upgrades and
11 infrastructure. And I'm very happy to see that
12 the capital funds in this budget will go to
13 enhancing our park system in ways that allow us
14 to connect even more New Yorkers to our beloved
15 parks.

16 I proudly vote aye.

17 ACTING PRESIDENT BAILEY: Senator
18 Serrano to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar 972, those Senators voting in the
22 negative are Senators Borrello,
23 Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo,
24 Helming, Lanza, Martins, Mattera, Murray,
25 Oberacker, O'Mara, Ortt, Stec, Tedisco, Walczyk

1 and Weik.

2 Ayes, 45. Nays, 17.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

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

7 SENATOR GIANARIS: Mr. President, I
8 have a couple of motions here.

9 On behalf of Senator May, I offer
10 the following amendments to Calendar Number 941,
11 Senate Print 1541, and ask that said bill retain
12 its place on the Third Reading Calendar.

13 ACTING PRESIDENT BAILEY: The
14 amendments are received, and the bill shall
15 retain its place on Third Reading Calendar.

16 SENATOR GIANARIS: On behalf of
17 Senator Fahy, I offer the following amendments to
18 Calendar 944, Senate Print 4879, and ask that
19 said bill retain its place on the Third Reading
20 Calendar.

21 ACTING PRESIDENT BAILEY: The
22 amendments are received, and the bill will retain
23 its place on the Third Reading Calendar.

24 SENATOR GIANARIS: Please call on
25 Senator Lanza.

1 ACTING PRESIDENT BAILEY: Senator
2 Lanza.

3 SENATOR LANZA: Thank you,
4 Senator Gianaris.

5 There will be an immediate meeting
6 of the Republican Conference in Room 315.

7 ACTING PRESIDENT BAILEY: An
8 immediate meeting of the Republican Conference in
9 Room 315.

10 Senator Gianaris.

11 SENATOR GIANARIS: And,
12 Mr. President, an immediate meeting of the
13 Democratic Conference in Room 332.

14 And we will stand at ease until
15 6 o'clock, at which time we will come back and
16 take up the remaining budget bills.

17 ACTING PRESIDENT BAILEY: The
18 Senate will stand at ease until 6:00 p.m.

19 The Democratic Conference will meet
20 in Room 332.

21 The Senate will stand at ease.

22 (Whereupon, the Senate stood at ease
23 at 4:04 p.m.)

24 (Whereupon, the Senate reconvened at
25 6:08 p.m.)

1 ACTING PRESIDENT MAYER: The Senate
2 will return to order.

3 Senator Gianaris.

4 SENATOR GIANARIS: Madam President,
5 we are going to call an immediate meeting of the
6 Committee on Rules, followed by a meeting of the
7 Committee on Finance, both in Room 332.

8 So I would ask members of those
9 committees all to head there at the same time,
10 because Rules will be very brief.

11 SENATOR MURRAY: There will be an
12 immediate meeting of the Finance Committee,
13 followed by an immediate meeting of the
14 Rules Committee in Room 332.

15 SENATOR GIANARIS: The other way
16 around, Madam President. Rules first.

17 ACTING PRESIDENT MAYER: Oh, excuse
18 me. Immediate meeting of the Rules Committee,
19 followed by an immediate meeting of the
20 Finance Committee in Room 332.

21 SENATOR GIANARIS: Thank you,
22 Madam President.

23 The Senate will stand at ease.

24 ACTING PRESIDENT MAYER: The Senate
25 will stand at ease.

1 (Whereupon, the Senate stood at ease
2 at 6:08 p.m.)

3 (Whereupon, the Senate reconvened at
4 6:38 p.m.)

5 ACTING PRESIDENT MAYER: The Senate
6 will return to order.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,
9 I believe there's a report of the Rules Committee
10 at the desk. Please take that up.

11 ACTING PRESIDENT MAYER: The
12 Secretary will read.

13 THE SECRETARY: Senator
14 Stewart-Cousins, from the Committee on Rules,
15 reports the following bills:

16 Senate Print 7797, by
17 Senator Krueger, an act making appropriations for
18 the support of government.

19 The bill reports direct to third
20 reading.

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

23 ACTING PRESIDENT MAYER: All those
24 in favor of accepting the report of the
25 Rules Committee please signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT MAYER: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT MAYER: The report
6 of the Rules Committee is accepted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Please take up
9 the report of the meeting of the
10 Finance Committee.

11 ACTING PRESIDENT MAYER: The
12 Secretary will read.

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

16 Senate Print 3000D, Budget Bill, an
17 act making appropriations for the support of
18 government, State Operations Budget;

19 Senate Print 3001A, Budget Bill, an
20 act making appropriations for the support of
21 government, Legislature and Judiciary Budget;

22 Senate Print 3003D, Budget Bill, an
23 act making appropriations for the support of
24 government, Aid to Localities Budget;

25 Senate Print 3009C, an act to amend

1 the Tax Law;

2 Senate Print 7798, an act to amend a
3 chapter of the Laws of 2025.

4 All bills reported direct to third
5 reading.

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

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

11 (Response of "Aye.")

12 ACTING PRESIDENT MAYER: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT MAYER: The report
16 of the Finance Committee is accepted.

17 Senator Gianaris.

18 SENATOR GIANARIS: Let's take up
19 Supplemental Calendar 49B, please.

20 ACTING PRESIDENT MAYER: The
21 Secretary will read.

22 There's a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Krueger
25 moves to discharge, from the Committee on

1 Finance, Assembly Bill Number 3009C and
2 substitute it for the identical Senate Bill
3 3009C, Third Reading Calendar 974.

4 ACTING PRESIDENT MAYER: There is a
5 message of necessity at the desk -- no.

6 SENATOR GIANARIS: Madam President,
7 I think we're awaiting the reading of the
8 supplemental calendar first.

9 (Pause.)

10 ACTING PRESIDENT MAYER: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 969, Senate Print 3000D, Budget Bill, an act
14 making appropriations for the support of
15 government.

16 Calendar Number 970, Senate Print
17 3001A, an act making --

18 SENATOR GIANARIS: Madam President,
19 969, let's lay that aside temporarily, as we are
20 awaiting a message from the Governor on that
21 bill.

22 ACTING PRESIDENT MAYER: The bill
23 is laid aside temporarily.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 970, Senate Print 3001A, Budget Bill, an act
2 making appropriations for the support of
3 government.

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

6 ACTING PRESIDENT MAYER: There is a
7 message of necessity at the desk.

8 SENATOR GIANARIS: Move to accept
9 the message.

10 ACTING PRESIDENT MAYER: All those
11 in favor of accepting the message please signify
12 by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT MAYER: Opposed,
15 nay.

16 (Response of "Nay.")

17 ACTING PRESIDENT MAYER: The
18 message is accepted, and the bill is before the
19 house.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 971, Senate --

23 SENATOR GIANARIS: Madam President,
24 please call the vote on 970. That was not laid
25 aside.

1 ACTING PRESIDENT MAYER: Read the
2 last section.

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

5 ACTING PRESIDENT MAYER: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAYER: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 970, those Senators voting in the
12 negative are Senators Borrello, Chan, Griffo,
13 Helming, Lanza, Mattera, Murray, Oberacker,
14 O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk and
15 Weik. Also Senator Gallivan.

16 Ayes, 46. Nays, 16.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 971, Senate Print 3003D, an act making
21 appropriations for the support of government.

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

24 ACTING PRESIDENT MAYER: There is a
25 message of necessity at the desk.

1 SENATOR GIANARIS: Move to accept
2 the message.

3 ACTING PRESIDENT MAYER: All those
4 in favor of accepting the message please signify
5 by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT MAYER: Opposed,
8 nay.

9 (Response of "Nay.")

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

13 SENATOR LANZA: Lay it aside.

14 ACTING PRESIDENT MAYER: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 974, Senate Print 3009C, an act to amend the
18 Tax Law.

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

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

23 SENATOR GIANARIS: Move to accept
24 the message.

25 ACTING PRESIDENT MAYER: All those

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

3 (Response of "Aye.")

4 ACTING PRESIDENT MAYER: Opposed,
5 nay.

6 (Response of "Nay.")

7 ACTING PRESIDENT MAYER: The
8 message is accepted.

9 (Laughter.)

10 ACTING PRESIDENT MAYER: And the
11 bill is still before the house.

12 (Laughter.)

13 SENATOR LANZA: Lay it aside.

14 ACTING PRESIDENT MAYER: The bill
15 is laid aside.

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

18 SENATOR GIANARIS: Can we now move
19 on to the controversial calendar, beginning with
20 Calendar Number 974.

21 ACTING PRESIDENT MAYER: The
22 Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 974, Assembly Bill Number 3009C, Budget Bill, an

1 act to amend the Tax Law.

2 ACTING PRESIDENT MAYER: Senator
3 Murray, why do you rise?

4 SENATOR MURRAY: Thank you,
5 Madam President. Would the sponsor yield for
6 some questions on Section Part VV, as in Victor,
7 Victor.

8 ACTING PRESIDENT MAYER: Senator
9 Krueger, do you yield?

10 SENATOR KRUEGER: Yes, I do.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR MURRAY: Thank you,
14 Madam President.

15 Let's start with how much do you
16 anticipate that this new MTA payroll tax increase
17 will raise per year? Do we have an estimate?

18 SENATOR KRUEGER: The estimate is
19 \$1.4 billion per year.

20 SENATOR MURRAY: Very good. Would
21 the sponsor continue to yield, Madam President.

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR KRUEGER: Yes, I do.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR MURRAY: Thank you.

3 I understand that some folks that
4 are paying it now have been taken off. Local
5 governments I believe is taken off. Community
6 colleges have also been removed.

7 But how about hospitals. Are
8 hospitals going to still be paying?

9 SENATOR KRUEGER: Local governments
10 outside of New York City have been removed, not
11 the City of New York. And hospitals have not
12 been removed.

13 SENATOR MURRAY: Have not been
14 removed.

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

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR MURRAY: Thank you.

23 How about multiple -- companies with
24 multiple locations? So you have a -- maybe a
25 Walgreens or a Rite Aid that has multiple

1 locations throughout maybe multiple zones -- some
2 in Nassau, some in Suffolk -- those would both be
3 Zone 2 -- and maybe even some in the city. How
4 are they handled?

5 SENATOR KRUEGER: Each location's
6 employees would be counted, and it would be
7 calculated that way.

8 So it's only for the operation of
9 businesses with employees within the 12 counties.
10 So if you're a national chain or a statewide
11 chain, let's say pharmacies, it's only your
12 pharmacies within the MTA region and the
13 employees therein.

14 SENATOR MURRAY: Madam President,
15 through you, would the sponsor continue to yield.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 sponsor yields.

21 SENATOR MURRAY: Thank you.

22 So just for clarification so I have
23 it right, I'm going to take Zone 2 and take
24 Long Island, for example. So we have CVS
25 pharmacies, and let's pretend they were nowhere

1 else, but there were 10 in Suffolk County and 10
2 in Nassau County. All 20 of those stores would
3 be taken as one.

4 SENATOR KRUEGER: Both of those
5 counties are MTA-region counties. They would be
6 at the same rate.

7 So I actually don't know how
8 everybody pays their taxes, whether they do it
9 as -- by county or by total number of businesses
10 they operate in the State of New York. I assume
11 that's a standard situation for any of these
12 businesses.

13 SENATOR MURRAY: Thank you,
14 Madam President. Through you, would the sponsor
15 continue to yield.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: I do.

19 ACTING PRESIDENT MAYER: The
20 sponsor yields.

21 SENATOR MURRAY: Thank you.

22 There's a section here -- and I just
23 want, for clarification purposes -- I'm reading
24 about the lockboxes. And we're talking about --
25 it says the account for the 2020-2024 capital

1 plan will receive revenues from congestion
2 pricing. That will be set I believe in one box.
3 And then the account for the 2025 through 2029
4 capital plan will receive revenues from the
5 increased payroll mobility tax by amending the
6 Public Authorities Law to direct 28.5 percent of
7 all revenue collected from the payroll mobility
8 tax into the lockbox.

9 Can you explain that a little bit,
10 why that's being done, how that's being done?

11 SENATOR KRUEGER: So the first
12 lockbox, as you pointed out, is specific to the
13 congestion pricing money that continues to come
14 in to pay for the bonds that are used for the
15 five-year capital plan that is now basically
16 over. So you want to make sure you're holding
17 that money and tracking that separately. Right?
18 Different time frame, different capital plan,
19 different revenue stream.

20 On the PMT, walking into the '25-'29
21 capital plan, it's also defined as a lockbox
22 separate from your first lockbox. And the
23 continuation of your question was you mentioned
24 28 percent -- he's going to help me understand.

25 (Conferring.) Okay. So we already

1 have a PMT that we've put into effect, and that
2 is for operations. And that will continue to be
3 for operations. That was a previous two years
4 ago's decision.

5 But we are increasing the PMT for
6 this new capital plan. Therefore, 28 percent of
7 the total PMT -- quote, the new amount -- will go
8 specifically into a lockbox for capital.

9 SENATOR MURRAY: Thank you.
10 Through you, Madam President --

11 SENATOR KRUEGER: We just want to
12 be able to separate out which part of the tax is
13 for operations versus for capital.

14 SENATOR MURRAY: Through you,
15 Madam President, will the sponsor continue to
16 yield.

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT MAYER: The
21 sponsor yields.

22 SENATOR MURRAY: And I do think I
23 understood that. I think. So the 1.4 billion
24 we're talking from the new increase of the
25 payroll tax. That will go into the second

1 lockbox. And that is for the capital plan, while
2 the other portion of the payroll tax is currently
3 funding operational.

4 Is that correct?

5 SENATOR KRUEGER: Yes. We can both
6 work for the MTA, yes.

7 SENATOR MURRAY: No, please. No.

8 (Laughter.)

9 SENATOR MURRAY: Thank you,
10 Senator Krueger.

11 Madam President, I'd like to go on
12 the bill, if you please.

13 ACTING PRESIDENT MAYER: Senator
14 Murray on the bill.

15 SENATOR MURRAY: Thank you.

16 So thank you, Senator Krueger,
17 appreciate that.

18 But here we go -- man, the MTA
19 payroll tax again. This was so very popular when
20 it got put in place in the first place.

21 So the problem here is the Governor
22 has been out there pushing this like we're doing
23 some sort of favors for smaller businesses. So
24 let's be clear and clear up a couple of
25 misconceptions.

1 First off, some of the smaller
2 businesses with a payroll -- now, it's broken
3 down per quarter. So what I'm going to do is I'm
4 going kind of roll it into annual to be easier.
5 And I'm going to estimate on some job numbers.
6 But just for the purpose of keeping it as simple
7 as possible, although nothing is simple with the
8 MTA.

9 So what they've done is actually
10 added a category for the MTA payroll tax in the
11 outside zones outside of the city, while raising
12 the payroll tax within the city as well.

13 Now, what they've done is they've
14 taken -- it used to, and follow me here, a
15 company with a payroll of about 1.25 million or
16 more was paying at a rate of -- I believe it was
17 0.11 percent. Then when you went a little
18 higher, it would increase to 0.23 percent, and
19 then the top rate was .34 percent.

20 What they've done is they've taken
21 that first category, the 0.11, they cut it in
22 half. So you're not getting away, you're just --
23 it's a little bit lower. But understand, we're
24 talking about companies -- what I did was I took
25 the average salary on Long Island. An average

1 salary in Nassau County is 74,000 and change. In
2 Suffolk County it's 72,000 and change. So you
3 know where I went: 73 and change.

4 So taking 73,000 and change, to fit
5 into the first category you're looking at
6 companies with about 17 or 18 employees. We're
7 not talking about massive companies. Seventeen
8 or 18 employees on average. They're still going
9 to be paying, they're just going to be lowered a
10 little bit. They weren't paying that much to
11 begin with. It was more than they should be, but
12 they're going to be lowered a little bit.

13 Then the next category, that's
14 Category 2. That was the category that was 0.23.
15 That also has been cut in half, to 0.115. That
16 would be about 18 to 23 employees. Still not a
17 massive company here but more like a
18 mom-and-pop-type operation. They're still going
19 to be paying, and now at 0.115 percent.

20 We get up to about 24-plus -- and I
21 say "plus" because it's not quite 24 and then
22 forever, it's 24 to about 135 employees. Now,
23 they're going to be at what was the top rate,
24 0.34 percent. Then we're going to add another
25 category at 0.635 percent, so almost double what

1 the highest rate was. And basically anybody over
2 135 or so employees is going to be paying that.

3 It is a job killer. If you're a
4 business owner and you're starting to succeed,
5 what's the first thing you want to do? You want
6 to grow and keep succeeding. You want to add
7 jobs. Now, somebody said to me earlier, Well,
8 we're just worried -- you should be worried about
9 Zone 2, right? That's where you live. Don't
10 worry about Zone 1. That's the city. Who cares?

11 Well, no, well -- as was pointed out
12 before, the LIRR is the highest subsidized
13 transportation portion of the MTA. Why? Why
14 would that be the highest subsidized? Well, let
15 me tell you something. People aren't jumping on
16 the train out in Suffolk County just to ride and
17 hop off somewhere else on Long Island. They're
18 going into the city. And when they go into the
19 city, they're either going in there to work or
20 they're going in there to spend money. And if
21 they are going into work, they're still spending
22 money. They're buying lunch, they're buying
23 dinner, going to entertainment, things like this.

24 Why is the LIRR the
25 highest-subsidized? It's a business decision.

1 You want to invest in there because you want to
2 bring these people in so they bring their wallets
3 and they spend their money. I'm not saying it's
4 a dumb decision, it's smart. It's a business
5 decision. But please don't act like you're doing
6 Long Island a favor. You're not. Long Island
7 businesses, the employees are not riding the
8 railroad to go to work if you work in
9 Suffolk County. That's just not happening.
10 Unless you work in the city. So we're not doing
11 any favors to Long Island by investing in this.
12 Let's not kid ourselves there.

13 What we're doing, though, is we are
14 hurting Long Island's businesses, and those
15 businesses in Suffolk County. But we're also
16 hurting the employees. Because as I said, these
17 are the employees that are going into the city to
18 go to work.

19 Well, in the city, when we talk
20 about the Zone 1, boy, they really hammered
21 Zone 1. Two years ago, for those that are in the
22 city, two years ago this body voted to increase
23 the highest rate in Zone 1. And here we are two
24 years later, back again to hammer them again.
25 You really must not like business in New York

1 City, I've got to tell you, because that rate,
2 the top rate now is going to be 0.895 percent.
3 So those big employers are getting hammered.

4 And I asked earlier -- one of the
5 reasons I asked was I asked specifically about
6 hospitals. What's one of the biggest expenses we
7 have? What's one of our biggest fears? Getting
8 sick and having medical bills. Right?
9 Healthcare is expensive. So what are we doing?
10 We're hammering hospitals. We have a nursing
11 shortage. What a great incentive to hire more
12 nurses.

13 The more you hire, the more taxes
14 you're going to pay. And you're going to pay it
15 at a massive rate. I've talked to some of the
16 hospitals in my district, and what they were
17 paying at what was the highest rate, hundreds of
18 thousands of dollars that could easily jump up to
19 over a million, easy.

20 And of course every time a business
21 gets hit with these expenses, who feels it?
22 Every one of us, the consumers. Because the only
23 way they can make it back is to raise prices.

24 I go back to that person that asked,
25 Why should we worry about the city and them

1 raising it? Because it's going to get to a point
2 where the city businesses are going to say it's
3 just not worth it, and they're going to leave.
4 And those employees that were riding the train
5 in, they're now collecting unemployment. That's
6 not smart.

7 Finally, while I was calculating
8 these up and I was running the numbers on the
9 figures, I said, Well, I started at 73,000, and
10 then I said, well, that really wasn't in the
11 middle. Let me go to 73.5. I was amazed at what
12 a big difference that made when you start getting
13 up into the higher numbers. So when you get into
14 the third or fourth category where it's talking
15 about more employees, one pay raise -- one pay
16 raise to a group of employees can put you over
17 that mark and put you in a whole 'nother category
18 and could cost the company thousands, tens of
19 thousands or, in some cases, hundreds of
20 thousands of dollars just for giving pay raises
21 to hardworking employees. That's what we're
22 doing.

23 Well, now I want to look at the fact
24 of where this money is going. Where's it going?
25 We talked about the capital plan. First, all of

1 this argument about congestion pricing,
2 everybody's upset about it, I am too. But
3 everybody was kind of led to believe -- every
4 story you read, they would talk about this new
5 capital plan of \$68.4 billion. And they said,
6 Well, we're short. We have to fund it. And
7 everyone was led to believe that was what
8 congestion pricing was going to do.

9 No-oo. No, no, no. In fact, as you
10 just heard, not a penny of congestion pricing is
11 going to that capital plan. You know where that
12 money's going? Now and forever forward, for the
13 next 20, 30 years, it's to pay off the bonds that
14 they got for the 2020-2025 capital plan. So
15 we're actually putting congestion pricing in
16 place to pay off debt.

17 So how are we going to fund the
18 68 and a half billion dollar capital plan moving
19 forward? You got it. Find a new way to raise
20 revenue so we can get more debt.

21 So if you think this MTA payroll tax
22 might be temporary, no. The plan is to use this
23 as an element to bond out. And then we're going
24 to have to use this to pay off those bonds for 20
25 and 30 years.

1 And what happens when some of those
2 businesses do start leaving? You can bet your
3 bottom dollar -- if you have a dollar left, you
4 can bet we're going to come back here again and
5 raise those rates again and continue to chase
6 more out of here.

7 And again, it wouldn't be so bad, it
8 wouldn't be so bad if you thought, well, that
9 investment, that money we're spending is going
10 for something really good, they're spending it
11 wisely. They're doing a lot of good things with
12 it. Okay. As I mentioned earlier -- yesterday,
13 I believe -- well, I forgot I had two minutes to
14 explain my vote and got cut off.

15 So for an MTA that is so desperate
16 for money, year after year they come back. Let's
17 talk about fare and toll evasion. I brought up
18 the number that in 2017 they lost \$150 million to
19 toll and fare evasion. Well, again, if you're
20 hurting for money, that's a pretty good amount.
21 You should probably find a way to solve that
22 problem and collect the money that should be
23 coming to you.

24 Again, they're not asking for
25 anything extra. This is just collecting the

1 money you're supposed to be getting for the
2 service you're providing. That sounds pretty
3 darn simple. Most businesses do it well.

4 Well, not the MTA. Because the very
5 next year, that number almost doubled:
6 290 million, the very next year. And you think
7 surely, surely the alarm bells went off now.
8 Surely they got the message. We're hemorrhaging
9 money here. And yet we keep coming back to the
10 taxpayers and everybody else asking for more.
11 We'll fix the problem. The very next year, 2019,
12 they lost \$525 million to toll and fare evasion.
13 Well, that's when the pandemic hit. So it
14 steadied out for the next couple of years. It
15 was 525 again the next year, and around 500
16 million.

17 By the way, if you add up those
18 three years, it's a billion and a half just in
19 those three years. But again, we get done with
20 the pandemic, we come back, we're back to
21 business, you figure. They're asking for a lot
22 of money, they're going to fix the problem,
23 right? Nope, still doesn't happen. Still
24 doesn't happen.

25 The next year, 700 million. And the

1 last year we reported -- oh, let me go back. Let
2 me go back. Because again, I mentioned two years
3 ago this body voted to raise the MTA payroll tax
4 for the city businesses. Well, as part of that
5 deal we said, Well, if we're going to do that,
6 the MTA's got to step up. You've got to clean up
7 your fiscal backyard. We want to see
8 \$600 million in savings. We never saw it.

9 What we did see was they went from
10 700 million to 800 million in lost revenue from
11 toll and fare evasion. They also saw a record
12 amount of overtime, at \$1.42 billion.

13 They're going the wrong direction,
14 folks. There's no person -- there's no
15 accountability, no responsibility here. All they
16 do is come back and ask for more. They don't
17 clean up anything.

18 So I said, where are they spending
19 this money? Well, let's take a look.

20 The MTA spent over \$900 million in
21 consultant costs for the Second Avenue Subway.
22 Now, the first phase of the Second Avenue Subway
23 cost \$2.6 billion per mile. If you add up the
24 Madrid subway, the Paris subway and the London
25 subway extensions, lump them together, it doesn't

1 equal half of what the MTA spent there.

2 So again, you think they're going to
3 get that under control, right? Think again. The
4 second phase of the Second Avenue Subway is going
5 to cost \$4.3 billion per mile. It just never
6 ends, folks. Just spending like it's water, man.
7 They don't care. Because we'll just come back
8 and ask for more.

9 A new staircase and entryway at
10 Times Square subway station cost the MTA
11 \$30 million. The MTA installed 910 cameras in
12 32 subway stations to make it safer. Right?
13 Sorry, I had to laugh at that one. That cost
14 \$21.3 million. That comes to 23,000 per camera.
15 I can get a Ring camera and do better than that.
16 The MTA spent over 650 million on security camera
17 projects since 2002.

18 These are just some of the reckless
19 spending. It can go on and on. If you want
20 to -- well, I'm kind of a geek, I guess, a policy
21 geek. I get amused by looking up these audits,
22 some of the audits that the comptroller's done on
23 the MTA. Because man, it will blow your mind.
24 Every one of them, you find millions and
25 millions. Back in 2009 when they first put the

1 first MTA payroll tax in place -- because they
2 needed money so desperately -- the LIRR forgot to
3 charge advertisers for all the billboards along
4 the Long Island Rail Road, to the extent of I
5 believe it was -- what was it, \$8 million, I
6 believe it was. They forgot to charge them.
7 Again, this is an authority that needs money
8 desperately.

9 I think you're getting the hint
10 here. Before we shell out more, before we chase
11 the jobs away, before we hammer the entrepreneurs
12 and the businesspeople that just want to earn a
13 living -- before we do that, let's demand -- not
14 ask, demand -- that they clean up their own
15 fiscal backyard. We need to see some fiscal
16 responsibility or no, you don't get this.

17 Senator Krueger yesterday -- I
18 forget, I apologize, I forget what subject it was
19 on. It might have been the hospital. Now that I
20 remember, it was. It was NUMC. We're talking
21 about the Nassau Medical Center. And she made
22 the comment that maybe they should withhold their
23 funding until they straighten themselves out.
24 That would teach them, right? That would show
25 them how to do it right.

1 Yeah, that's exactly what we should
2 do for the MTA. Why don't we say no once in a
3 while and make them fix their own problems. And
4 that's why, Madam President, I will be voting no,
5 and I urge all of my colleagues to do the same.

6 Thank you.

7 ACTING PRESIDENT MAYER: Thank you,
8 Senator Murray.

9 Senator Weber, why do you rise?

10 SENATOR WEBER: Thank you,
11 Madam President. Will the sponsor who handles
12 Part A -- Part A.

13 ACTING PRESIDENT MAYER: Part A.
14 That is Senator Krueger.

15 Do you yield?

16 SENATOR KRUEGER: Yes, I will.

17 ACTING PRESIDENT MAYER: The
18 senator yields.

19 SENATOR WEBER: Through you,
20 Madam President, will the sponsor answer some
21 questions.

22 SENATOR KRUEGER: Yes, I will.

23 ACTING PRESIDENT MAYER: The
24 sponsor will yield.

25 SENATOR WEBER: Thank you.

1 So, Senator Krueger, good evening.
2 I'd like to talk to you about -- I know it's been
3 the hottest topic in New York State since the
4 Governor announced it, and that's those inflation
5 refund checks.

6 Could you tell me what the Governor
7 had in her Executive Budget and then tell me
8 where we are today?

9 SENATOR KRUEGER: (Conferring.)
10 Through you, Madam President. Under the original
11 proposal of the Executive, if you were a married
12 filer with income below \$300,000, you would be
13 getting a \$500 check. And if you were a
14 non-married filer below 150,000, you would be
15 getting a \$300 check.

16 (Pause.)

17 SENATOR KRUEGER: And now, in the
18 final budget, if you are married up to 150,000 in
19 income, you get a \$400 check. And if you're a
20 single filer -- no?

21 Excuse me. If you're married with
22 incomes between 150,000 and 300,000, you get a
23 \$400 check. (Conferring.) Okay, so we covered
24 married. So the refund will be 400 for married
25 filers with combined household incomes up to

1 150,000. For married filers reporting between
2 150,000 and 300,000, the refund will be 300. And
3 single filers, individuals making up to 75,000
4 will get \$200. Single filers making between
5 75,000 and 150,000 will get \$150.

6 SENATOR WEBER: Thank you.

7 And through you, Madam President,
8 will the sponsor continue to yield?

9 ACTING PRESIDENT MAYER: Do you
10 yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR WEBER: Thank you, Senator
15 Krueger.

16 How much in total was the original
17 Executive Budget's estimate for the inflation
18 refund checks, and how much are they today?

19 SENATOR KRUEGER: In the Governor's
20 original proposal, the cost was going to be
21 \$3 billion dollars. And in the final agreement
22 it's \$2 billion.

23 SENATOR WEBER: Two billion.

24 SENATOR KRUEGER: Yes, sir.

25 SENATOR WEBER: And through you,

1 Madam President, will the sponsor continue to
2 yield?

3 SENATOR KRUEGER: Yes, I will.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield? Yes, the sponsor yields.

6 SENATOR WEBER: Thank you.

7 So what happened? Where did the
8 money go?

9 SENATOR KRUEGER: Through the
10 budget process the amount was negotiated down
11 because we used the billion dollars for a number
12 of other things that we thought were
13 exceptionally important.

14 SENATOR WEBER: And through you,
15 Madam President, will the sponsor continue to
16 yield?

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT MAYER: Yes, the
21 sponsor yields.

22 SENATOR WEBER: So Senator Krueger,
23 I have some questions on Part B. I don't know if
24 that would be you as well.

25 SENATOR KRUEGER: Yes.

1 SENATOR WEBER: All right. So I
2 know the Governor mentioned and I know a lot of
3 middle-class taxpayers in New York State were
4 excited to start hearing about the
5 always-promised middle-class tax cuts. And from
6 what I understand, in the final budget the
7 middle-class tax cut has been delayed.

8 Can you clarify and discuss that a
9 little bit?

10 SENATOR KRUEGER: Yes, it has been
11 delayed from 2025 to 2026.

12 SENATOR WEBER: And through you,
13 Madam President, will the sponsor continue to
14 yield.

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: I will.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR WEBER: So in 2026 -- it's
22 till 2027, I think, right?

23 SENATOR KRUEGER: No, '26.

24 SENATOR WEBER: Okay. So can you
25 tell me how much a middle-class taxpayer in 2026

1 will get, in 2027, and the brackets as well? Can
2 you kind of give me an estimate on that?

3 SENATOR KRUEGER: I'll clarify
4 there's one reduction in '26 and then an
5 additional reduction in '27. So it's like on
6 Jeopardy, we were both right. Okay. And I'm
7 getting charts. (Conferring.)

8 So there's three different levels of
9 filers, so the chart's fairly extensive. I don't
10 know whether it just makes more sense to hand you
11 the charts as opposed to my reading down this
12 several pages of examples.

13 SENATOR WEBER: Through you,
14 Madam President, will the sponsor continue to
15 yield?

16 ACTING PRESIDENT MAYER: Are you
17 finished answering, Senator Krueger?

18 SENATOR WEBER: I'm sorry.

19 SENATOR KRUEGER: I'm also getting
20 answers of maybe easier ways to explain it.

21 (Conferring.) A 1 percent rate cut
22 for the bottom four income brackets. That's for
23 married -- for all.

24 They're really good at this, and
25 they're having trouble translating the charts.

1 For married couples, it's people who
2 have below 323,000. Then for head of household
3 filers, it's under 269,000. And for singles it's
4 under 215,000.

5 SENATOR WEBER: And through you,
6 Madam President, will the sponsor continue to
7 yield?

8 ACTING PRESIDENT MAYER: Do you
9 continue to yield?

10 SENATOR KRUEGER: Absolutely.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR WEBER: Will the
14 middle-class tax cuts be equal in '26 and '27, or
15 are they top-heavy in one year compared to the
16 other year?

17 SENATOR KRUEGER: It's 0.1 percent
18 in '26, another 0.1 percent in '27. So
19 0.2 percent over the course of the two years.

20 SENATOR WEBER: Okay. Thank you,
21 Senator Krueger.

22 And, Madam President, will the
23 sponsor continue to yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT MAYER: Do you

1 yield? The Senator yields.

2 SENATOR WEBER: So I have one final
3 question related to Part WW. Would that be you?

4 SENATOR KRUEGER: MTA sales tax
5 redirect?

6 SENATOR WEBER: Yeah.

7 SENATOR KRUEGER: Okay. We'll
8 trade bodies. Okay, ready.

9 SENATOR WEBER: Senator Krueger,
10 can you explain kind of what's going on here? It
11 looks like the sales tax brought in vis-a-vis --
12 sales and use tax, actually, brought in by the
13 MTA was an additional 3/8ths percent. And it's
14 now being redirected. Can you kind of explain
15 what's going on with that?

16 SENATOR KRUEGER: Interesting. So
17 it's going from one type of an account to
18 another, with the advantage being this will
19 actually allow them a better bond rating when
20 they go to the bond market, and actually expand
21 their room to bond because if it goes in one
22 direction, it gets counted against the bond cap,
23 and if it's in this other direction, it gives
24 them better coverage.

25 So they're saving money is the

1 technical answer. They're saving money.

2 SENATOR WEBER: Thank you,
3 Senator Krueger.

4 Madam President, will the sponsor
5 continue to yield?

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR KRUEGER: On WW, or did we
9 change topics?

10 SENATOR WEBER: The same, WW.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR WEBER: So I had done some
14 research on this myself, and it looks like the
15 sales tax kind of went -- had been all going into
16 this Metropolitan Commuter Transportation
17 District, or Mass Transportation Operating
18 Assistance Fund, and now it's kind of being split
19 where 85 percent of it's basically going to go to
20 New York City and the other 15 percent is going
21 to go everywhere else.

22 Am I reading that right?

23 SENATOR KRUEGER: Yes, you're
24 reading that correctly.

25 SENATOR WEBER: Okay. 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, I do.

6 ACTING PRESIDENT MAYER: The
7 sponsor yields.

8 SENATOR WEBER: So 85 percent of
9 the money is now going to go towards New York
10 City, and everyone else gets 15 percent? What's
11 the rationale on that?

12 SENATOR KRUEGER: That's always
13 been the historical share for New York City. So
14 it doesn't change that.

15 SENATOR WEBER: I'm sorry, could
16 you repeat that?

17 SENATOR KRUEGER: That's always
18 been the historical share for New York City,
19 85 percent, so it does not change.

20 SENATOR WEBER: Eighty-five. Okay,
21 fine.

22 All right, thank you,
23 Senator Krueger.

24 Madam President, on the bill.

25 ACTING PRESIDENT MAYER: Senator

1 Weber on the bill.

2 SENATOR WEBER: So,
3 Madam President, here we are, you know, in April
4 -- in May. And as Senator Krueger would say,
5 March -- I don't even know what it would be at
6 this point. But we're in May. People expected
7 or at least counted on inflation reduction
8 refunds. They at least planned to hopefully get
9 a middle-class tax cut -- not this year, but at
10 least next year. And it seems to be the old game
11 where things get kicked down the road.

12 We have the residents of Rockland
13 paying congestion pricing now. We have the
14 residents of Rockland and the businesses in
15 Rockland who are going to be now subject to the
16 MTA payroll mobility tax. It just keeps getting
17 worse and worse for the residents of Rockland.

18 And I will be voting against this
19 budget bill, this revenue bill, because the
20 taxpayers in Rockland can't pay any more. You
21 know, there's that old slogan, You can't get
22 blood from a stone. Well, New York State
23 continues to try even more and more in Rockland.

24 So I'll be voting no on this revenue
25 bill.

1 ACTING PRESIDENT MAYER: Thank you,
2 Senator Weber.

3 Senator Martins, why do you rise?

4 SENATOR MARTINS: Thank you,
5 Madam President.

6 If the sponsor would yield on just a
7 few questions on Section VV.

8 ACTING PRESIDENT
9 MAYER: Senator Krueger, do you yield?

10 SENATOR KRUEGER: VV, MTA payroll
11 mobility tax. Sure.

12 ACTING PRESIDENT MAYER: Yes, the
13 Senator yields.

14 SENATOR KRUEGER: There seems to be
15 a theme here.

16 SENATOR MARTINS: As it should be,
17 Senator. As it should be.

18 Through you, Madam President, if the
19 sponsor would yield.

20 ACTING PRESIDENT MAYER: Will you
21 yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR MARTINS: Thank you.

1 Do we -- Senator, do you have a
2 sense of how many projects have yet to be
3 completed in the pipeline from 2010 through two
4 thousand -- well, through to the present that
5 have been approved as MTA projects? Do you know
6 how many are still pending and have not been
7 commenced?

8 SENATOR KRUEGER: So that would be
9 two -- oh, you have the answers? You want to
10 offer me the answers?

11 SENATOR MARTINS: I will absolutely
12 help you.

13 The Comptroller, in a March 2025
14 report -- through you, Madam President, excuse
15 me -- indicated that there are \$34.2 billion
16 worth of capital programs since 2010 that remain
17 to be committed. That's nearly \$35 billion since
18 2010.

19 So Madam President, through you, if
20 the sponsor would continue to yield. My question
21 is, has anyone gone back, to your knowledge, at
22 the MTA or have we requested that they go back to
23 look at the nearly 35 billion dollars that are
24 still to be started, out of the capital programs
25 over the last 15 years, to see whether or not

1 they're even necessary, whether or not they're
2 going to be included with regard to the
3 \$64 billion MTA capital plan that we're currently
4 considering and trying to fund?

5 Has that analysis been done, to your
6 knowledge?

7 SENATOR KRUEGER: Okay. So
8 obviously we know capital projects can take years
9 and years and years. So it is quite conceivable
10 that some of the projects that got started or in
11 the 2010 capital plan started at perhaps the very
12 end of the plan.

13 Hence, the real question is not why
14 are we still not completely done with previous
15 projects. It's really can we account for the
16 money that was promised and then used? And I
17 think that is an important question. Because I
18 believe the MTA dashboard does allow you to track
19 the money on each project and where it came from.
20 And it often is over -- I believe the word is
21 "tranches," for how many different tranches are
22 continuing with the specific project.

23 For example, we did the East Side
24 Access project for Long Island. It ended up
25 costing us \$12 billion. It took many more years

1 than anyone imagined, frankly because of a
2 variety of reasons. I never understood how we
3 were doing that for \$12 billion. And we then hit
4 COVID, and so we know that that put us back
5 several years during the -- starting in 2020. So
6 you would almost have to ask me can I pull up the
7 dashboard for each individual project.

8 But I do believe that when you look
9 at monies that were put into capital plans for
10 specific projects and then hold that up against
11 the projects and where they are in the timeline,
12 they actually all match. We are behind, no
13 question about it, on many different projects.
14 And some projects are actually scheduled to take
15 literally up to 25 years. So it would be
16 five capital plans before you ever got them
17 completed.

18 So, you know, there's not one right
19 answer. Each project has to be looked at
20 individually.

21 SENATOR MARTINS: Thank you,
22 Madam President. And thank you, Senator Krueger.

23 Madam President, on the bill.

24 ACTING PRESIDENT MAYER: Senator
25 Martins on the bill.

1 SENATOR MARTINS: You know, look,
2 my question really wasn't the projects that were
3 in the pipeline, Madam President. My question
4 was, has anyone gone back and looked at
5 \$35 billion worth of projects that were to be
6 started and have yet to be started to see how
7 those integrate with the \$65 billion in projects
8 that are about to start?

9 We're being asked to fund
10 \$65 billion in projects when we haven't even
11 started \$35 billion in projects that date back to
12 2010, to the original MTA payroll tax.

13 And so the idea that we have 35 -- I
14 mean, think about it. Together, over
15 \$100 billion in projects by this agency. And I
16 just want to know how no one could have looked
17 and analyzed to see whether or not some of those
18 projects that are in those pipelines should be
19 reconsidered, removed, and perhaps some of the
20 funding that had been committed to that actually
21 applied to the 58 billion dollars that we have
22 going forward, because we may not need that.

23 Certainly we've talked about how if
24 the MTA simply did a better job at collecting its
25 fares, not only on buses but on the subway, and

1 made sure that those fares were in hand, we'd
2 have an at extra 800 to a billion dollars --
3 \$800 million to a billion dollars a year.

4 Now, I think the math that we've
5 discussed over the last few days, certainly the
6 MTA does borrow over 20 or 30 years. So we
7 understand a billion dollars a year in revenue
8 cannot truly go to pay for a significant portion
9 of what we're discussing here without the need to
10 go back and hit our small businesses and large
11 businesses with an additional payroll tax to the
12 tune of \$1.4 billion.

13 So I'm concerned about management.
14 We've talked about that before. We've talked
15 about the management and the leadership at the
16 MTA. And I just want to make sure that as we go
17 forward, we don't just take it for granted that a
18 15-year-old project that maybe made sense in 2010
19 perhaps doesn't make sense anymore. So why are
20 we still committing resources there, as opposed
21 to looking -- and I have not heard from anyone
22 that -- first of all, that there was \$35 billion
23 in projects that had yet to start.

24 But it seems highly unlikely, with
25 \$35 billion in projects that are out there and

1 monies that had been committed previously, that
2 that and those projects can't be advanced to this
3 \$58 billion and move forward without the need to
4 go back into pockets of our businesses in our
5 communities. And we can talk about congestion
6 pricing, we can talk about the payroll mobility
7 tax. Certainly I can echo Senator Murray's
8 concerns. And certainly I have those concerns
9 about the impact to our hospitals because we all
10 know our hospitals have razor-thin margins. We
11 know that.

12 And yet time and again we'll write
13 blank checks and allow the MTA to come out
14 because it's in the best interests of this state.
15 And again, I've said it before, the MTA is
16 vitally important to this state and to our
17 region. And I will say it to my communities, I
18 get it, I understand that. That doesn't mean
19 that I'm never going to ask a question, I'm not
20 going to question them on how they spend money,
21 and I'm not writing them a blank check.

22 Enough is enough, Madam President.
23 And that's why I'll be voting no on this bill.

24 Thank you.

25 ACTING PRESIDENT MAYER: Thank you,

1 Senator Martins.

2 Senator Krueger?

3 SENATOR KRUEGER: Thank you very
4 much. On the bill.

5 ACTING PRESIDENT MAYER: Okay,
6 Senator Krueger on the bill.

7 SENATOR KRUEGER: So I feel that I
8 did not explain my answer to Senator Martins
9 correctly, so I wanted to make sure I did go on
10 record with this.

11 If \$35 billion over two capital
12 plans, 10 years, so it's about 3.5 billion a
13 year -- there is constant auditing. There is --
14 we know some of those numbers because the
15 State Comptroller did audit. There is constant
16 review and the board actually can and does make
17 decisions reallocating priorities for MTA
18 projects.

19 Just because we put it in a capital
20 plan doesn't mean we went and borrowed the money
21 and hence owe the money back. It was just a
22 capital plan giving them the authority to borrow
23 if they need it.

24 So I have no question that if a
25 project was started or on the boards in 2010 but

1 not completed by 2024, that somewhere along the
2 line somebody said, Maybe we're not doing this,
3 or maybe we have a better way to do this, and
4 they shifted that in their plans, publicly in
5 their dashboard, with board approval.

6 So I think there's a big difference
7 between having a plan where it shows there's
8 32 billion over two plans over 10 years,
9 3 billion a year in capital that maybe didn't get
10 spent exactly on time but may have been used for
11 different purposes.

12 But again, just to reinforce, we
13 don't go to the bond market and borrow that money
14 and owe it back unless we're actually spending it
15 on projects moving forward.

16 Thank you, Madam President.

17 ACTING PRESIDENT MAYER: Thank you,
18 Senator Krueger.

19 Senator Comrie on the bill.

20 SENATOR COMRIE: Senator Krueger
21 said a lot of what I was going to say. I just
22 want to reemphasize that we have been since --
23 doing our best to try to get audits to try to ask
24 these pertinent questions whenever there is a
25 hearing with the MTA.

1 The MTA has been doing projects on
2 time and on budget. They did the Long Island
3 Rail Road station on Elmont on time and on
4 budget. They brought in Grand Central Madison
5 earlier on time -- or a little late, but they
6 finally got that together and got that within
7 their budget.

8 They have been more transparent.
9 They're the most transparent state agency. I'm
10 not saying that that's a good thing, because we
11 need a lot more, Senator Martins. I agree with
12 you, we want to make sure that the MTA is
13 spending their dollars wisely.

14 But we can't forget that the MTA is
15 dealing with a system that's hundreds of years
16 old, with 20 years of neglect when they weren't
17 fully funded. The previous administration
18 underfunded the MTA to a point where we had power
19 outages in I think the summer of 2017. We're
20 still recovering from that. We're still
21 recovering from the flooding that happened due to
22 the last three floods that hit the city. The MTA
23 is still recovering from that.

24 We're recovering from the time
25 during COVID when the fares were free and people

1 are still believing in their minds that they
2 should ride the system for free. That's why we
3 have a high issue with fare evasion.

4 And then we also, frankly, on this
5 side of the aisle don't want everybody arrested
6 for taking the subway because there are a lot of
7 people that are indigent and they need to get
8 that free ride so that they can get to work. And
9 that's a problem we've all been grappling with.
10 It's not a fare problem, but it's a reality in
11 New York City.

12 So I agree with you, Senator
13 Martins, we need to make sure that the MTA is as
14 transparent as possible. We are doing everything
15 we can on this side of the aisle to be more
16 transparent. We're working on focusing on and
17 looking at their projects. And I want to thank
18 the staff, the Finance staff and the staff that
19 looks over Transportation, because they have been
20 helping to bring up a better level of scrutiny.

21 When we bring board members before
22 us, we ask them to make sure that they're part of
23 that scrutiny and that they report back to us
24 about the activities of the MTA.

25 And yes, they are moving projects

1 that they said they were going to do in 2011 to
2 now 2025. There's a lot of budget fooling
3 around, I think, at the MTA, based on my personal
4 opinion looking at it as chair. And we need to
5 illuminate that as much as possible so that we
6 can stop the madness.

7 We need to make sure that we have a
8 system that's functioning. It requires a lot of
9 repair. As you may know, the entire area under
10 Grand Central is literally falling apart, if
11 anyone has gone there.

12 We also have other locations within
13 the system where they can't operate to fix the
14 trains anymore because the new trains that are
15 coming in are built -- are too big for the repair
16 depots that they're supposed to fit in.

17 So there are a lot of structural
18 problems, there are a lot of infrastructure
19 problems. We need the MTA to run, but we also
20 need to, as Senator Krueger said, make sure that
21 we do the things necessary to ensure that
22 everybody's comfortable with how we're giving
23 \$64 billion in capital money to them.

24 And unfortunately, I just want to
25 remind folks the congestion pricing dollars is

1 only going to pay off the debt for the last
2 bonding plan. And that's going to run for at
3 least another 10 years, that we're using
4 congestion pricing dollars to pay the bonding.

5 So we will be back here next year or
6 the year after looking for more money for the
7 MTA. We will be back here trying to make sure
8 that the MTA system is being more responsible
9 within that time. And I look forward to working
10 with all my members to raise the level of MTA
11 responsibility.

12 Thank you, Madam President.

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

15 Are there any other Senators wishing
16 to be heard?

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

19 Read the last section.

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

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Senator

1 Ryan to explain his vote.

2 SENATOR SEAN RYAN: Thank you.

3 In this bill in Section PP there's a
4 section that allows the City of Lackawanna to
5 come into the old brownfield tax credit for
6 what's called a Renaissance Commerce Park, and
7 that has been a priority of my county executive,
8 Mark Poloncarz, for the last several years. This
9 is a highly contaminated site on the old steel
10 plant site, Bethlehem Steel. And we've been
11 working very hard to get that parcel back on the
12 tax rolls and to get private activity going
13 there.

14 So I'm happy to report that we're
15 going to allow them to maintain entrance into the
16 old program, and it was under the leadership of
17 County Executive Poloncarz and his team,
18 Andy Federick and Ben Swanekamp, two who worked
19 very hard on that, and my legislative director,
20 Sarah Lesser. So thanks to all them for getting
21 this done.

22 I'm happy to vote in the
23 affirmative.

24 ACTING PRESIDENT MAYER: Senator
25 Ryan to be recorded in the affirmative.

1 Senator Rhoads to explain his vote.

2 SENATOR RHOADS: Thank you,
3 Madam President. I appreciate it.

4 I believe it was Senator Krueger and
5 Senator Murray in their comments were joking
6 about it sounded as though they worked for the
7 MTA. Trust me, you may not get a paycheck from
8 the MTA, but if you live in Nassau, Suffolk
9 County, if you live in Westchester, Rockland, if
10 you live in Orange County, if you live in the
11 five boroughs of New York City, you may not get a
12 paycheck from the MTA, but trust me, you are
13 working for the MTA. And we see the evidence of
14 that here today.

15 New York, highest-taxed state in the
16 country. We have the fourth-highest cost of
17 living. We have the second-worst business
18 climate in country, according to Forbes magazine.
19 We are number one in outward migration.

20 In the last 10 years we have lost
21 1.5 million New Yorkers. And so what are we
22 seeing today? What are we seeing in this budget?
23 We're seeing a \$10 billion increase in spending.
24 And we are seeing, in this particular bill,
25 congestion pricing, which is making it more

1 expensive for people to go to work. And we are
2 now seeing an MTA payroll tax, which is making it
3 more expensive for employers to create jobs. It
4 is a tax on jobs.

5 We have a Governor and we have an
6 MTA that is addicted to spending. And we have an
7 Assembly and a Senate who are nothing more than
8 enablers. Again, we have nothing in this budget
9 to call for fiscal accountability, to call for an
10 audit of the MTA. And as my colleague Senator
11 Comrie had mentioned, we all know that next year
12 we're going to be back here doing the same thing,
13 looking for more money to feed the beast.

14 It has to stop. And that's why,
15 Madam President, I will be voting no, and I would
16 encourage my colleagues to do the same.

17 ACTING PRESIDENT MAYER: Senator
18 Rhoads to be recorded in the negative.

19 Senator Kavanagh to explain his
20 vote.

21 SENATOR KAVANAGH: Thank you,
22 Madam President. Just again, this bill contains
23 several key provisions of our efforts to address
24 the housing crisis. We are -- in Part D, we are
25 doubling the state Low-Income Tax Credit at a

1 cost of about \$500,000 per project. We get
2 several multiples of private investment as a
3 result of that each time. So that \$15 million
4 addition to that program will really generate a
5 great deal of economic activity in the private
6 market to support affordable housing.

7 We are also expanding the
8 availability of the Historic Tax Credit by
9 expanding the geographic scope in which that can
10 be used.

11 And finally, there's an important
12 provision which was in the Executive Budget and
13 hasn't been spoken about in a while, but it's
14 Part F. And this is a provision to put a waiting
15 period on sales of one- and two-family homes by
16 institutional purchasers. It's very often the
17 case that somebody puts a house on the market and
18 it is snapped up almost on day one by an all-cash
19 offer from an institutional investor who may or
20 may not be making it available for New Yorkers to
21 live there. That has made it a lot harder for
22 families to acquire one- and two-family homes.

23 By the simple change of putting in
24 that waiting period, it should make a lot of our
25 communities more accessible for homeownership.

1 So I'm proud to be supporting that
2 today, and I vote aye on this bill.

3 ACTING PRESIDENT MAYER: Senator
4 Kavanaugh to be recorded in the affirmative.

5 Senator Walczyk to explain his vote.

6 SENATOR WALCZYK: Thank you,
7 Madam President.

8 This bill includes a continuation of
9 the program that's already handed out
10 \$7.7 billion to the film industry -- \$700 million
11 for the film tax credit has proven to be a net
12 negative ROI, returning 31 cents per dollar.

13 We talk about state investments
14 around here quite a bit, but this program has
15 proven to not have transparency and millions have
16 been wasted on terrible projects, seasons that
17 have been canceled and shows that nobody watches.

18 There's a lot of ways, when you're
19 talking about priorities, you could spend those
20 \$700 million. You could spend 250 million of
21 that to increase CHIPS. You could fully fund the
22 7.8 COLA request for ARCs at 235 million. You
23 could add a \$1.5 million increase for FLOWPA to
24 meet their request for our Soil and Water
25 Conservation Districts. You could spend \$200,000

1 for Boys State, in addition to funding
2 Girls State. You could spend 100K that the Civil
3 Air Patrol asked for, \$40 million for Centers for
4 Disability Services that was lacking, 5 million
5 for our YMCAs that was missing, 70 million for
6 certified home health agencies, 1.5 million for
7 Farm-to-School grants, or 20 million and
8 20 million for EMS Medicaid emergency response
9 rates.

10 That would be a smarter investment.
11 Or, if you couldn't bring it upon yourselves to
12 support those excellent programs that support our
13 communities, you could just save the taxpayers
14 \$700 million and shut down the film tax program.

15 Thank you, Madam President. I vote
16 no.

17 ACTING PRESIDENT MAYER: Senator
18 Walczyk to be recorded in the negative.

19 Announce the results.

20 THE SECRETARY: In relation --

21 ACTING PRESIDENT MAYER: Oh, excuse
22 me. Sorry.

23 Senator Brisport to explain his
24 vote. Sorry.

25 SENATOR BRISPORT: Thank you,

1 Madam President. I rise with the grave awareness
2 that the billionaire class now has a near total
3 chokehold on our federal government at the same
4 time they're working to control our individual
5 states as well. This budget is the product of
6 their influence over Governor Hochul.

7 It is past time we begin naming out
8 loud the billionaires quietly pulling the strings
9 at every level of government. Here in New York
10 they include billionaire Andrew Tisch, a Hochul
11 donor who grew his family fortune by lying to
12 congress about the harmful effects of smoking
13 cigarettes. Today his net worth is nearly
14 \$1.3 billion, nearly twice as much wealth as it
15 would cost New York to ensure all recipients of
16 SNAP food stamps had at least \$50 a month for
17 food -- a moderate proposal that Governor Hochul
18 chose not to fund even as food prices rise.

19 Then there are donors like
20 John Catsimatidis, the oil CEO who funded both
21 Hochul and Trump. He has a net worth of
22 \$4.5 billion. That is nearly eight times the
23 size of the proposal Governor Hochul forced out
24 of this budget that would have raised the wages
25 of human services workers to match inflation.

1 But even his massive fortune is
2 dwarfed by that of Wall Street billionaires
3 Marilyn and Jim Simons. These Hochul donors
4 hoarded more money than it would cost to build
5 and implement an entire statewide universal
6 childcare system. Notably, not only did Governor
7 Hochul privately negotiate against funding for
8 universal childcare, but under her budget
9 childcare workers will receive a pay cut this
10 year. Childcare workers will receive a pay cut
11 this year. Childcare workers will receive a pay
12 cut this year. And the state will underfund
13 existing childcare programs.

14 While the public will suffer, these
15 billionaires and their heirs got what they paid
16 for when they bankrolled her campaign -- a
17 Governor in their pocket committed to preserving
18 tax breaks for the ultra-rich even as they drain
19 our economy.

20 Over the next year they will
21 continue to escalate their power grab unless we
22 are willing to rise up against them.

23 I vote no.

24 ACTING PRESIDENT MAYER: Senator
25 Brisport to be recorded in the negative. I

1 assume I missed that. Yes? Senator Brisport to
2 be recorded in the negative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 974, those Senators voting in the
6 negative are Senators Ashby, Borrello, Brisport,
7 Bynoe, Canzoneri-Fitzpatrick, Chan, Gallivan,
8 Griffo, Helming, Lanza, Martinez, Martins,
9 Mattera, Murray, Oberacker, O'Mara, Ortt,
10 Palumbo, Rhoads, Rolison, Scarcella-Spanton,
11 Skoufis, Stec, Tedisco, Walczyk, Weber and Weik.

12 Ayes, 35. Nays, 27.

13 ACTING PRESIDENT MAYER: The bill
14 is passed.

15 SENATOR GIANARIS: Madam President,
16 let's take up next Calendar Number 971.

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

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 971, Senate Print 3003D, Budget Bill, an act
22 making appropriations for the support of
23 government.

24 ACTING PRESIDENT PERSAUD: Senator
25 Murray, why do you rise?

1 SENATOR MURRAY: Thank you,
2 Madam President. I was hoping -- by the way,
3 I've refilled my coffee and it is not decaf.

4 (Laughter.)

5 SENATOR MURRAY: I was hoping the
6 sponsor would yield for just a question on the --
7 it might actually be you -- on OTDA.

8 ACTING PRESIDENT PERSAUD: Here we
9 go.

10 SENATOR MURRAY: The Office of
11 Temporary and Disability Assistance.

12 ACTING PRESIDENT PERSAUD: Will the
13 sponsor --

14 SENATOR KRUEGER: Since the
15 appropriate sponsor is otherwise engaged, I will
16 do my best.

17 SENATOR MURRAY: Thank you.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR MURRAY: And I will
21 compliment the appropriate sponsor as well,
22 because I know she's been working very hard on
23 this issue as well.

24 I was wondering, anywhere in this
25 bill can we find the funding to institute the

1 chip technology for the SNAP EBT cards?

2 SENATOR KRUEGER: (Conferring.)

3 Thank you. Through you, Madam President.

4 So, one, we agree, of course, that
5 we should be trying to move as quickly as
6 possible to get chip cards in the EBT system,
7 because as we have all discussed before there are
8 I guess criminals who have figured out how to
9 steal the benefits from poor people off of the
10 cards because the official EBT card, electronic
11 benefit transfer used for SNAP and public
12 assistance and maybe WIC now, doesn't have a
13 chip.

14 And yet all of our credit cards have
15 chips. And there's a reason they have chips,
16 because it helps secure -- make it much tougher
17 to sort of steal off of those cards.

18 First off, if there was money in
19 this budget it would not be in this bill, it
20 would be in state ops, because this is Aid to
21 Localities. And it's not something that would be
22 handled on a county-by-county basis but a state
23 basis.

24 But we will get to state ops, and
25 the answer would be the same. There is not money

1 in the budget for this. There's an -- the state
2 continues to work on trying to get a contract
3 done to get this done. We all want them to move
4 faster. We are advised that it would be an
5 approximately \$48 million to \$50 million cost to
6 get it done.

7 And I'm optimistic that the state
8 will figure out how to successfully negotiate the
9 contract and get this rolling in this coming
10 year. And I don't believe it would require any
11 kind of amendment to a budget to get that done.

12 SENATOR MURRAY: Thank you,
13 Madam President. On the bill.

14 ACTING PRESIDENT PERSAUD: Senator
15 Murray on the bill.

16 SENATOR MURRAY: Thank you,
17 Senator Krueger.

18 So yes, you're absolutely right, the
19 thieves have found a way to steal the money off
20 of the cards. What they'll do is because we have
21 the strips, the electronic strips, magnetic
22 strips, still, and not the chip technology. So
23 when they're swiping it, they're putting a
24 skimmer on top.

25 And I've seen a video; they can do

1 it within 10 seconds. They can replace it, put
2 it on that quick. And what will happen is the
3 minute you skim that -- or scan it, they skim
4 the money off and empty your account.

5 In fact, to the tune of \$40 million
6 New Yorkers have lost. New Yorkers that need
7 this money to feed their families. Since 2022
8 they've stolen \$40 million.

9 Here's the part that has me upset.
10 I mean, I'm glad that you said that we'll make
11 the effort, but we haven't. Well, wait. Yes, we
12 have. See, we haven't done it for the SNAP
13 benefit cards. But the Department of Labor has
14 had the chip technology on their unemployment EBT
15 cards. They've had it for a couple of years now.
16 And they use a vendor called Conduent.

17 Ironically, OTDA had Conduent as a
18 vendor and just switched vendors. So they could
19 have made this switch.

20 Something else that's interesting.
21 The number I got quoted was 40 million would be
22 the cost. The feds split that 50/50 and have
23 said they will. So that would be 20 million is
24 what we needed.

25 Senator Walczyk read off a list on

1 this last bill of all the different things we
2 could have done. Twenty million in a
3 \$254 billion budget to make sure New York
4 families get the food they need?

5 Listen, I applaud all of you, all of
6 us for passing the bill that gave universal free
7 meals for our children in schools, because they
8 need to be fed. But we don't need to feed them
9 there so they can go home and be hungry there.
10 That's absurd. We have the fix. We know what
11 the fix to the problem is. We're already doing
12 it through the Department of Labor. There is no
13 excuse for it not to be in this budget.

14 Which is another reason I will be
15 voting no. But I pray we get our act together
16 and find that money and get this done.

17 Thank you, Madam President.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator.

20 Are there any other Senators wishing
21 to be heard?

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

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 971, those Senators voting in the
9 negative are Senators Borrello,
10 Canzoneri-Fitzpatrick, Chan, Gallivan, Griffio,
11 Helming, Lanza, Martins, Mattera, Murray,
12 Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco,
13 Walczyk and Weik.

14 Ayes, 44. Nays, 18.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 Senator Gianaris.

18 SENATOR GIANARIS: At this time
19 let's move on to Supplemental Calendar 49C.

20 ACTING PRESIDENT PERSAUD: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 975, Senate Print 7797, by Senator Krueger, an
24 act making appropriations for the support of
25 government.

1 SENATOR GIANARIS: Is there a
2 message of necessity and appropriation at the
3 desk?

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

6 SENATOR GIANARIS: Move to accept
7 the message.

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

11 (Response of "Aye.")

12 ACTING PRESIDENT PERSAUD: Opposed,
13 nay.

14 (Response of "Nay.")

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

18 Read the last section.

19 THE SECRETARY: Section 12. This
20 act shall take effect immediately.

21 ACTING PRESIDENT PERSAUD: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 975, voting in the negative are
3 Senators Borrello, Helming, Lanza, Ortt and Weik.
4 Ayes, 57. Nays, 5.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,
9 at this time we're going to stand at ease
10 temporarily while we await the messages on the
11 final two bills.

12 ACTING PRESIDENT PERSAUD: The
13 Senate will stand at ease.

14 (Whereupon, the Senate stood at ease
15 at 7:53 p.m.)

16 (Whereupon, the Senate reconvened at
17 8:05 p.m.).

18 ACTING PRESIDENT PERSAUD: The
19 Senate will return to order.

20 Senator Gianaris.

21 SENATOR GIANARIS: Madam President,
22 let's move on to Supplemental Calendar 49D, as in
23 David, please.

24 ACTING PRESIDENT PERSAUD: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 976, Senate Print 7798, Budget Bill, an act to
3 amend a chapter of the Laws of 2025.

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

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

8 SENATOR GIANARIS: Move to accept
9 the message.

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

13 (Response of "Aye.")

14 ACTING PRESIDENT PERSAUD: Opposed,
15 nay.

16 (Response of "Nay.")

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

20 Read the last section.

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

23 ACTING PRESIDENT PERSAUD: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT PERSAUD: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 976, those Senators voting in the
5 negative are Senators Borrello,
6 Canzoneri-Fitzpatrick, Gallivan, Griffio, Lanza,
7 Martins, Mattera, Murray, Oberacker, O'Mara,
8 Ortt, Rhoads, Stec, Tedisco, Walczyk and Weik.

9 Ayes, 46. Nays, 16.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 Senator Gianaris.

13 SENATOR GIANARIS: Let's now return
14 to Supplemental Calendar 49B, remove the
15 lay-aside on Calendar Number 969, and take that
16 up, please.

17 ACTING PRESIDENT PERSAUD: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 969, Senate Print 3000D, Budget Bill, an act
21 making appropriations for the support of
22 government.

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

25 ACTING PRESIDENT PERSAUD: There is

1 a message of necessity at the desk.

2 SENATOR GIANARIS: Move to accept
3 the message.

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

7 (Response of "Aye.")

8 ACTING PRESIDENT PERSAUD: Opposed,
9 nay.

10 (Response of "Nay.")

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

14 SENATOR LANZA: Lay it aside.

15 ACTING PRESIDENT PERSAUD: Lay it
16 aside.

17 SENATOR GIANARIS: Let's move on to
18 the controversial calendar.

19 ACTING PRESIDENT PERSAUD: The
20 Secretary will ring the bell.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 969, Senate Print 3000D, an act making
24 appropriations for the support of government.

25 ACTING PRESIDENT PERSAUD: Senator

1 Lanza, why do you rise?

2 SENATOR LANZA: Thank you,
3 Madam President.

4 Would the sponsor yield concerning
5 the appropriation for \$10 million for attorney
6 fees?

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR KRUEGER: Yes, I do,
10 Madam President.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR LANZA: Through you,
14 Madam President.

15 Senator Krueger, is it true that
16 this legislation would take \$10 million from
17 taxpayers to create a legal defense fund for
18 elected officials?

19 SENATOR KRUEGER: Through you,
20 Madam President. This would be -- (loud noise.)
21 Sorry. Theatrical drama.

22 It is true it is a \$10 million line
23 item. It would be used to provide for legal
24 representation in certain situations for any
25 state employees, I believe including elected

1 officials.

2 SENATOR LANZA: Will the sponsor
3 yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR LANZA: Through you,
8 Madam President.

9 Senator Krueger, do you know who
10 requested that this appropriation be placed in
11 the budget?

12 ACTING PRESIDENT PERSAUD: The
13 Executive requested this, Madam President.

14 SENATOR LANZA: Through you,
15 Madam President. By that you mean the Governor,
16 Governor Hochul?

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR KRUEGER: Yes, the Governor
20 is the Executive. Thank you.

21 SENATOR LANZA: Would the sponsor
22 yield?

23 SENATOR KRUEGER: Yes.

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

1 SENATOR LANZA: Through you,
2 Madam President. I think you said this. So the
3 Governor -- I'll just -- for the purpose of
4 brevity, I'll do the list, and if anyone on this
5 list does not belong, you can correct me.

6 But so the Governor, a Senator, the
7 Attorney General, the State Comptroller, they
8 would all be able to avail themselves of this
9 \$10 million?

10 SENATOR KRUEGER: Yes. Again, I
11 believe almost all state employees would be
12 covered by this. We're all state employees.

13 SENATOR LANZA: Would the sponsor
14 yield?

15 SENATOR KRUEGER: Yes.

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

18 SENATOR KRUEGER: Yes.

19 SENATOR LANZA: Thank you.

20 Through you, Madam President. Would
21 that include mayors across the state? The mayor
22 of the City of New York, the mayor of Buffalo,
23 for instance?

24 SENATOR KRUEGER: No. My
25 understanding is exclusively to cover the

1 situation for state employees. I don't think any
2 mayors in New York State are also state
3 employees, although I can't say that for sure.

4 ACTING PRESIDENT PERSAUD: Will the
5 sponsor yield?

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR LANZA: Through you,
12 Madam President, what about a state employee that
13 works at OCS, someone who helps keep the building
14 working, somebody in maintenance, just an average
15 worker that takes a state paycheck?

16 SENATOR KRUEGER: Yes, it would
17 cover all state employees, just a regular worker
18 getting a paycheck.

19 SENATOR LANZA: Would the sponsor
20 yield?

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR LANZA: So this would --
2 thousands of state employees, in other words,
3 would be able to receive \$10 million, up to
4 \$10 million for -- to pay for private attorneys?

5 SENATOR KRUEGER: Well, hopefully
6 we wouldn't have thousands of state employees
7 that were facing this unusual situation that is
8 of concern to us all now.

9 SENATOR LANZA: Would the sponsor
10 yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR LANZA: So continuing with
15 that -- through you, Madam President -- is it a
16 one-time \$10 million appropriation? What if five
17 different elected officials were accused with
18 five different crimes? Would they each be able
19 to receive \$10 million for their attorneys?

20 SENATOR KRUEGER: It's not
21 \$10 million per case, it's a \$10 million
22 appropriation. So the maximum that would go out
23 the door is \$10 million, not on a per-person
24 situation.

25 SENATOR LANZA: Will the sponsor

1 yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR LANZA: So just to clarify,
6 if 10 different elected officials were charged
7 with 10 different crimes and hired 10 different
8 attorneys, the total outlay would be \$10 million?
9 Perhaps just for argument's sake, to make the
10 math easy, each would get \$1 million to pay for
11 their attorneys?

12 SENATOR KRUEGER: Through you,
13 Madam President, there's a number of different
14 requirements in order to be eligible to draw down
15 on these funds. So one would be reasonable
16 attorney fees. So I'm not sure what attorneys
17 are getting away with a million dollars per case
18 in 10 different cases, one.

19 Two, you actually have to show that
20 the case is of a certain kind that is not -- that
21 should not have been filed against you as a
22 personal responsibility. So it's not anybody who
23 gets accused of anything being able to draw down
24 these funds.

25 SENATOR LANZA: Will the sponsor

1 yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR LANZA: Through you,
6 Madam President. I'm glad you mentioned that.
7 So it's not any investigations, but it certainly
8 would cover investigations that are not even
9 related to the work that the elected official is
10 doing, correct?

11 SENATOR KRUEGER: It could be for
12 issues outside the scope of their official
13 responsibilities. But of course under Public
14 Officers Law, if you're an elected official,
15 there are a variety of scenarios where the state
16 already does have to represent you. So that's
17 not even new.

18 This is additional new situations.

19 SENATOR LANZA: Will the sponsor
20 yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR LANZA: Through you,
25 Madam President. But isn't that only and

1 exclusively with respect to when the action being
2 investigated is pursuant to that elected
3 official's duties and responsibilities as
4 according to their position?

5 SENATOR KRUEGER: So current law
6 covers situations that are specifically related
7 to your official duties.

8 This situation would be you're
9 accused of something that may be correlated to
10 being an elected official. May not be at all.
11 But it's not a per se crime that should be -- or
12 a civil charge that should be handled on a
13 personal level.

14 SENATOR LANZA: Will the sponsor
15 yield?

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR KRUEGER: (Inaudible.)

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR KRUEGER: I'm sorry. Yes,
22 I'm happy to answer questions.

23 SENATOR LANZA: Through you,
24 Madam President. I'll give you an opportunity,
25 if you'd like, to clarify what you mean by

1 "correlated." But maybe I can help.

2 Wouldn't this legal defense fund be
3 available to any state elected official or
4 employee that is being investigated for, for
5 instance, any crime, even when that crime was
6 committed outside their official
7 responsibilities?

8 SENATOR KRUEGER: (Conferring.)
9 Through you, Madam President. This money would
10 only become available to you to pay your legal
11 fees if in fact you were convicted of a crime,
12 criminal or civil.

13 Is that correct, gentlemen?

14 Excuse me. If you are convicted you
15 are not entitled to these funds.

16 SENATOR LANZA: Will the sponsor
17 yield?

18 SENATOR KRUEGER: Yes.

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

21 SENATOR LANZA: Senator Krueger,
22 would you be able to point out where in the
23 legislation it says that?

24 SENATOR KRUEGER: One moment. We
25 don't have a printed version, so we're working

1 off a laptop.

2 (Pause.)

3 SENATOR KRUEGER: Thank you,
4 Senator Martins. He has a print copy.

5 ACTING PRESIDENT PERSAUD: Thank
6 you, Senator.

7 (Pause.)

8 SENATOR KRUEGER: Okay. So toward
9 the end of the section which in my printout now
10 is on page 833, starting with sort of line 1,
11 going down.

12 (Reading.) That the Attorney
13 General, or a determination by the Governor that
14 the Attorney General's determination was
15 reasonable, that if the subject matter of the
16 process relates to the employee's state
17 employment or duties, the employee has acted
18 outside the scope of their state employment
19 and/or used their state employment to violate any
20 applicable law, regulation or valid executive
21 order, and if the subject matter of the process
22 is unrelated to the employee's state employment
23 or duties, but is reasonably likely to have been
24 commenced in response to the employee's state
25 employment or exercise of their duties, the

1 employee has violated any applicable law,
2 regulation or valid executive order, the employee
3 has failed to cooperate with the state in
4 connection -- this is a list of reasons why they
5 would not be eligible for the reimbursement or
6 legal costs. So it goes down to line 35.

7 SENATOR LANZA: Will the sponsor
8 yield?

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR KRUEGER: Sure.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR LANZA: Through you,
15 Madam President. So Senator Krueger, I
16 understand that you might be interpreting that
17 provision or those lines in this legislation to
18 mean that if -- if the employee or the elected
19 official is found guilty, that that would provide
20 the opportunity to perhaps the Governor or the
21 Comptroller -- or even the Attorney General, by
22 the way, because it's sort of convoluted -- to
23 determine that we're going to, I suppose
24 ab initio, find that it was not a valid
25 disbursement.

1 It doesn't -- I don't see anything
2 here that says that is -- that must happen. It
3 seems to suggest to me that the Governor may
4 decide after the fact that if you're found
5 guilty, well, I'm going to sort of stop this from
6 happening. But the Governor doesn't have to stop
7 this from happening. That's at least my read of
8 this legislation.

9 SENATOR KRUEGER: So I'm not going
10 to challenge your legal interpretations because
11 as you well know, I'm not an attorney. But when
12 you read the final sentence, which I didn't read:
13 "In the event of any such determination" -- by
14 the AG or the Governor in that long list --
15 "neither the employee nor the employee's private
16 counsel shall be eligible for payment of
17 reasonable attorney's fees and expenses to this
18 appropriation."

19 So yes, as I read this -- I really
20 have to go to law school one of days, don't you
21 think? -- either the AG or the Governor would
22 have the ability to make that determination and
23 evaluation based on this law.

24 But if they find that you didn't
25 meet these standards, then the state is not

1 paying.

2 SENATOR LANZA: Will the sponsor
3 yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR LANZA: Through you,
8 Madam President. Senator Krueger, you are as
9 good an attorney as I've ever met.

10 SENATOR KRUEGER: You don't get
11 around enough, Senator.

12 (Laughter.)

13 SENATOR LANZA: So I'm going to
14 move on from this point because I think it's
15 clear -- I think even in your answer you've
16 acknowledged that it is possible that -- for a
17 number of reasons, by the way, and we're going to
18 get to that, because I sort of jumped the gun
19 here with respect to how you even begin to be
20 qualified for these funds.

21 But just -- so there are a number of
22 provisions here that talk about who it is that
23 gets the money, who it is that approves the
24 money, and who it is that then makes a final
25 determination. But none of them, none of them

1 say there's nothing in here that says that at
2 each step of the way, even upon conviction, that
3 you can still receive, keep and have properly
4 disbursed the funds.

5 So for instance, let me get back to
6 the beginning and talk about what the legislation
7 says about who it is that would qualify.

8 SENATOR KRUEGER: Are you on the
9 bill for now?

10 SENATOR LANZA: I suppose I was for
11 a minute, but now I have a question.

12 SENATOR KRUEGER: Okay, fine.

13 SENATOR LANZA: I apologize.
14 Through you, Madam President.

15 SENATOR KRUEGER: Yes.

16 SENATOR LANZA: So in order to
17 qualify for this \$10 million, it says that it
18 must be determined that the prosecution or the
19 investigation or the subpoena being brought
20 against you was motivated or that it is
21 reasonably likely that it was motivated because
22 of your work in your official capacity or
23 because, for instance, of your political
24 position. Is that true?

25 SENATOR KRUEGER: Yes.

1 SENATOR LANZA: Would the sponsor
2 yield.

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 Senator yields.

6 SENATOR KRUEGER: Yes.

7 SENATOR LANZA: Through you,
8 Madam President, I've always found that
9 reasonableness is determined or is in the eye of
10 the beholder. In this instance, in this
11 legislation, which eye or eyes will make that
12 determination?

13 SENATOR KRUEGER: The Attorney
14 General, unless the employee is a part of the
15 Attorney General's office, and then it would be
16 the Executive.

17 SENATOR LANZA: Would the sponsor
18 yield.

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR LANZA: Would you agree
23 with me, Senator Krueger, that the
24 Attorney General, whomever that might be, should
25 not have the sole authority or should not have

1 the authority only together with the Governor,
2 given the fact that either one of them may be the
3 subject of a prosecution who -- either of whom
4 may then want to have this money?

5 SENATOR KRUEGER: This wouldn't
6 apply for the Attorney General or the Executive
7 to approve money for themselves.

8 And under current Public Officers
9 Law, the state finds itself making that
10 determination and approving money or not
11 approving money in these -- or variations on
12 these situations all the time. So I'm not
13 exactly sure how this is so different.

14 SENATOR LANZA: Will the sponsor
15 yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR LANZA: Through you,
20 Madam President. Well, I would suggest that the
21 difference is that we are using taxpayer dollars
22 to pay for private attorneys for an elected
23 official to defend themselves against charges of
24 crimes that they may have committed having
25 nothing to do with their authority or their

1 position.

2 And I suppose my question therefore,
3 then, is let's just hypothetically, because it's
4 the Governor and the Attorney General, it seems,
5 that would make the initial determination as to
6 whether or not you pass the first test to receive
7 these funds, which is that it was reasonably
8 likely to be politically motivated.

9 Isn't it true that there could be a
10 scenario where either the Governor or the
11 Attorney General were charged with crimes and
12 they would then be the person to determine
13 whether or not they qualify for this money?

14 SENATOR KRUEGER: Through you,
15 Mr. -- excuse me -- Madam President. I think,
16 based on what I already answered, if the
17 Attorney General was the person being accused of
18 this crime, they would not be the ones making the
19 determination, it would be the Executive.

20 And if the Executive was being
21 accused of this crime, they would not be making
22 the determination, it would be the
23 Attorney General.

24 So I don't think there's an actual
25 problem there.

1 SENATOR LANZA: Will the sponsor
2 yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR LANZA: So -- through you,
7 Madam President -- this would allow you to -- an
8 elected official, for instance, to receive up to
9 \$10 million to pay for their private attorney to
10 defend themselves against investigations by
11 federal agencies.

12 So would that include an
13 investigation by the Federal Bureau of
14 Investigation?

15 SENATOR KRUEGER: Yes.

16 SENATOR LANZA: Would the sponsor
17 yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR LANZA: Would it allow an
22 elected official to use this -- taxpayer dollars
23 to pay for an attorney to defend themselves
24 against an action by the United States Attorney
25 General?

1 SENATOR KRUEGER: Yes, if there was
2 reason to believe that the investigation was
3 related to their service as an elected official.

4 SENATOR LANZA: Will the sponsor
5 yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: the
8 sponsor yields.

9 SENATOR LANZA: Through you,
10 Madam President. Would this allow an elected
11 official to use taxpayer dollars to pay for a
12 private attorney to defend against investigations
13 by -- and I'll just at this point list agencies
14 like the Department of Treasury, the Securities
15 and Exchange Commission, Immigration and Customs
16 Enforcement, the Alcohol, Tobacco and Firearms --
17 all those agencies?

18 SENATOR KRUEGER: That would be the
19 same standards and rules in all of those
20 situations, yes, Madam President.

21 SENATOR LANZA: Will the sponsor
22 yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR LANZA: Through you,
2 Madam President. And what about the crimes that
3 would be covered? For instance, would a charge
4 of bribery against an elected official allow them
5 to use this money to pay for private attorneys to
6 defend against those charges?

7 SENATOR KRUEGER: So bribery is not
8 a recognized allowable activity by an elected
9 official. Therefore, this would not apply
10 because it wouldn't have been their official
11 duties to be taking bribes.

12 SENATOR LANZA: Would the sponsor
13 yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 Senator yields.

17 SENATOR LANZA: Through you,
18 Madam President. I know we had a brief exchange
19 over that. But I think it's clear that that
20 determination is made down the road with respect
21 to the process.

22 And so the very purpose, it seems,
23 as stated in this legislation is that this money
24 is available to elected officials so in fact they
25 can defend against allegations of crimes or other

1 infractions that do fall outside their official
2 capacity.

3 SENATOR KRUEGER: Through you,
4 Madam President. The accusation can be false.
5 So it's not the question of did your behavior
6 fall outside the scope of your professional
7 duties. It's whether in fact you can show that
8 this was a false accusation and you did not
9 commit bribery or another crime.

10 SENATOR LANZA: Will the sponsor
11 yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR LANZA: But before that
16 happens, Senator Krueger, isn't it true that if
17 you were to be accused by a federal law
18 enforcement agency of, for example, bribery, that
19 if the other provisions of legislation were
20 met -- for instance, the Attorney General or the
21 Governor decided that it was politically
22 motivated, you would then be able to avail
23 yourself of the \$10 million?

24 SENATOR KRUEGER: Through you,
25 Madam President. If I was found guilty of

1 bribery after first being determined, oh, sounds
2 like she has a case here, and we should help with
3 money -- if I'm found guilty, I owe the money
4 back to the State of New York.

5 SENATOR LANZA: Would the sponsor
6 yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR LANZA: And I'm not even
11 comfortable -- when I say "you," of course,
12 Senator Krueger, I do not mean you --

13 SENATOR KRUEGER: (Inaudible.)

14 SENATOR LANZA: Yeah, I don't even
15 feel comfortable. "You" is obviously for people
16 outside this chamber.

17 Through you, Madam President. As we
18 discussed, though, that's a maybe, not a
19 definite. That will be determined -- whether or
20 not you're found guilty or not, that is going to
21 be determined by the folks mentioned in this
22 legislation, the Governor or the Attorney
23 General.

24 SENATOR KRUEGER: Through you,
25 Madam President. It would be the state, through

1 either the Attorney General or the Executive,
2 making an initial determination that their
3 reading of the charges in the case lead them to
4 believe it is an appropriate use of state money
5 to assist.

6 If, despite that, I'm actually --
7 I'll make it me again -- I am found guilty in
8 court, then the original conclusion that I should
9 be helped financially would be reversed into us
10 having to give the money back.

11 SENATOR LANZA: Will the sponsor
12 yield?

13 SENATOR KRUEGER: So I don't know
14 how anyone in our government could actually know
15 that answer before the case was determined --

16 SENATOR LANZA: Would the --

17 SENATOR KRUEGER: -- in a court.

18 SENATOR LANZA: I'm sorry,
19 Senator Krueger.

20 SENATOR KRUEGER: Yes, sorry.

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR KRUEGER: Yes, of course.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR LANZA: So through you,
2 Madam President. Senator Krueger, you know, as
3 I've suggested, you know, reasonableness and all
4 the triggers, all the things you need to satisfy
5 in this legislation are up for interpretation and
6 are a matter of opinion.

7 So, for instance, very famously the
8 President of the United States was prosecuted by
9 state officials and state law enforcement in the
10 State of New York. Some people believe that that
11 was politically motivated. Others don't.

12 And so it is true, isn't it, that an
13 elected official can be charged with, let's say,
14 insider stock trading by federal law enforcement.
15 The Governor or the Attorney General can, because
16 it is completely within their jurisdiction,
17 decide that that prosecution is being brought for
18 political reasons or because it is politically
19 motivated. They would then get up to \$10 million
20 to hire an attorney. There would ultimately be a
21 prosecution. That elected official can be found
22 guilty and still, under this legislation, the
23 Governor or the Attorney General can say, because
24 no one else gets to make this decision, can say,
25 Okay, whoever you paid that \$10 million, they can

1 keep it.

2 SENATOR KRUEGER: Through you,
3 Madam President. While I don't know that I have
4 the details of the specific example that my
5 colleague used in this scenario, listening, as I
6 understand it, this money is a supplement to
7 existing law in New York for public officers, so
8 that this is to assist with representation during
9 an investigation.

10 If it actually goes into a court
11 case where you need, obviously, legal
12 representation, that's already covered under
13 existing law for public officers. So this is a
14 supplement to be able to ensure someone who may
15 be investigated for political reasons by some
16 agency of the federal government, who we I think
17 all agree has basically endlessly deep pockets to
18 do this kind of work, that they are not left out
19 there high and dry without the ability to have
20 legal representation.

21 If it continues on into a court
22 case, the Public Officers Law kicks in for
23 assistance with representation. If they lose the
24 case and are found guilty of the charge, they
25 would owe that money back to the state.

1 I'm not sure there's anything
2 particularly inconsistent with this law in
3 holding it up next to the existing
4 Public Officers Law. I think perhaps what is new
5 is the concern that the current federal
6 government seems to disproportionately like to go
7 on hunting exhibitions -- so, it's not an
8 exhibition, it's a -- expedition, thank you -- a
9 hunting expedition for anyone that they don't
10 seem to like politically.

11 SENATOR LANZA: Would the sponsor
12 yield?

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR LANZA: Through you,
19 Madam President. I think that the very clear
20 distinction, though, is the present system allows
21 for the defense to be covered when the actions
22 that -- the actions being investigated are those
23 that fall within the exercise of your office.
24 And this clearly says where it is unrelated but
25 is reasonably likely.

1 I have a few more questions.

2 SENATOR KRUEGER: Through you,
3 Madam President, I believe that my colleague is
4 correct. This broadens the situations where
5 assistance could be provided beyond what current
6 Public Officers Law covers.

7 SENATOR LANZA: Would the sponsor
8 yield?

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor --

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR LANZA: Through you,
15 Madam President. Can you hire any attorney with
16 this \$10 million? Your friend, a relative, a
17 Senator?

18 SENATOR KRUEGER: There is language
19 that the fees would have to be reasonable. So I
20 suppose if your friend or relative is a qualified
21 lawyer and has reasonable fees, this doesn't
22 prevent you from paying them. Right?

23 SENATOR LANZA: Would the sponsor
24 yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR LANZA: Through you,
4 Madam President. So it says clearly in the
5 legislation in order to qualify for this, you
6 need to be this person. And it reminds me of an
7 old show I used to like, "Name That Tune." As I
8 read this, if you can name the song, stop me.

9 It's a person who has previously
10 initiated or otherwise participated in or
11 supported a criminal or civil investigation or
12 prosecution of the United States government or a
13 United States government official -- come on, you
14 know the song -- where the employee is currently
15 or was previously involved in an investigation by
16 the United States -- I'll stop this.

17 This sounds very specific and
18 vaguely, if not very, familiar. Was this
19 language -- was this legislation created for a
20 certain elected official?

21 SENATOR KRUEGER: Through you,
22 Madam President. I sincerely did not write this
23 document. It was submitted by the Executive.
24 And I don't want to make assumptions about who
25 anybody had in mind in this situation. So I

1 don't know how to answer that question.

2 SENATOR LANZA: Would the sponsor
3 yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR LANZA: Senator Krueger, it
8 says that this covers actions or prosecutions
9 that occurred after January 1, 2025. Do we know
10 why that is so, and why it does not cover the
11 period of time during which President Trump was
12 not the president?

13 SENATOR KRUEGER: There is a reason
14 or a belief that state officials would be
15 targeted by the President of the United States,
16 who consistently declares in public that he's
17 going to get his revenge on anyone who hasn't
18 supported him.

19 So I think the world did change on
20 January 20th, 2025, Madam President.

21 SENATOR LANZA: Would the sponsor
22 yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR LANZA: I'll take that as
2 a -- as a -- as an acknowledgement that it did
3 have something to do with that.

4 Senator Krueger, taxpayers or
5 New Yorkers have more of their hard-earned money
6 taken out of their pockets by government than any
7 other taxpayers in America. Do you believe that
8 New Yorkers believe that a good use of their
9 hard-earned dollars is to pay for criminal
10 defense for elected officials to be given to
11 private attorneys to pay for the defense of
12 elected officials who are being charged with
13 crimes having nothing to do with their office?
14 Do you think New Yorkers think that is a good use
15 of their money?

16 SENATOR KRUEGER: Through you,
17 Madam President. Again, if the official is found
18 guilty of the crime, the taxpayers dollars
19 weren't being used because we will require the
20 money back.

21 And I think most taxpayers in
22 New York State actually believe that their
23 elected officials should feel that they are free
24 from risk of retaliation and threat when they try
25 to do their jobs representing their constituents,

1 the 19.5 million New Yorkers, our Constitution,
2 our laws.

3 And so I think most New Yorkers, if
4 you divide 19.5 million across the 10 million --
5 what is it, 50 cents per New Yorker? I think
6 most of them would say 50 cents to try to make
7 sure that our elected officials are not wrongly
8 accused and threatened by the federal government
9 based on a trying to do their work on our behalf.

10 I don't know. We could ask them.
11 I'd spend the 50 cents.

12 SENATOR LANZA: On the bill,
13 Madam President.

14 ACTING PRESIDENT PERSAUD: Senator
15 Lanza on the bill.

16 SENATOR LANZA: As always, thank
17 you so much, Senator Krueger. We're going to
18 have to disagree on that last point. I can't
19 imagine a majority of New Yorkers not being
20 outraged that their hard-earned dollars that go
21 to the government are now being used or can be
22 used to pay for private attorneys to defend
23 public officials against charges of crimes that
24 they committed having nothing to do with their
25 elected position.

1 In fact, I would venture to say that
2 I am certain that the overwhelming number of
3 New Yorkers are disgusted by this. If you're an
4 ordinary citizen in New York and you're charged
5 with a crime, where's your \$10 million to pay
6 your buddy who happens to be an attorney?

7 Listen, I know we live,
8 Madam President, in strange times. But this
9 really is -- and I'm not suggesting on behalf of
10 my good friend Senator Krueger, but this
11 certainly is the height of hypocrisy, having come
12 from a place where we all know, because it's
13 written right there -- we all know the song.
14 It's almost autobiographical. It's almost an
15 autobiography. And it's why people are just sick
16 and tired of what government is doing to them.

17 Everyone saw what happened a few
18 years ago. There is no one -- I don't care what
19 people say, neither Democrats or Republicans in
20 New York who doesn't know that certain
21 prosecutions about certain people now in the
22 White House were politically motivated. Everyone
23 understands that. And now the source of those
24 politically motivated prosecutions all of a
25 sudden wants to throw up a flag and say, Hey,

1 wait a minute, somebody wants to prosecute me, I
2 want taxpayers to pay for it.

3 So I'm going to vote in the
4 negative. This is just -- I bet most of my
5 colleagues even across the aisle don't think this
6 is a good idea. I know New Yorkers know it's
7 not.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

10 Senator Walczyk.

11 SENATOR WALCZYK: Thank you,
12 Madam President. Would the sponsor yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR WALCZYK: It's on the
16 indemnification section.

17 SENATOR GIANARIS: Madam President,
18 can we pause just one second while we get the
19 appropriate staffing for the next round of
20 questioning.

21 SENATOR WALCZYK: It's the same
22 section.

23 SENATOR GIANARIS: I understand,
24 Senator Walczyk. One moment, please.

25 (Pause.)

1 SENATOR GIANARIS: Senator Walczyk,
2 I'll do my best to answer your questions.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR WALCZYK: Thank you.

6 So New York State's Constitution was
7 amended in 1797 at the Constitutional Convention
8 to require legislation age for three days before
9 it's voted on, allowing elected members of the
10 Senate, the Assembly, the media, the public, time
11 to review the policy.

12 Has this bill aged for the
13 three days that's required in the state's
14 Constitution?

15 SENATOR GIANARIS: No, it hasn't.

16 SENATOR WALCZYK: Through you,
17 Madam President, will the sponsor continue to
18 yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR WALCZYK: So the bill that
25 we're talking about right now is a budget bill

1 for state operations -- funds things like the
2 Office of Children and Family Services, Council
3 on the Arts, Green Thumb program. These programs
4 and offices were originally funded by a
5 recommendation from the Governor when she
6 proposed her budget 108 days ago on January 21st.

7 Did the Governor propose changes to
8 Sections 17 and 19 of the Public Officers Law
9 when she proposed her budget then?

10 SENATOR GIANARIS: If you're asking
11 if it was in her Executive Budget proposal, no,
12 it was not.

13 SENATOR WALCZYK: And through you,
14 Madam President, would the sponsor continue to
15 yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR GIANARIS: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: The Senate and
22 the Assembly held 14 budget hearings in response
23 to talk about the Governor's budget proposal and
24 our own ideas, as a representative democracy, for
25 what changes there might be. Were changes

1 suggested at any of those budget hearings,
2 changes to Section 17 and 19 of the Public
3 Officers Law?

4 SENATOR GIANARIS: I did not attend
5 all of them. But I take it, if you're asking,
6 you know the answer is no.

7 SENATOR WALCZYK: Through you,
8 Madam President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR GIANARIS: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR WALCZYK: The answer is no.

16 The Governor also proposed
17 amendments to the budget; we call those the
18 30-day amendments. Did she offer any changes to
19 Sections 17 or 19 of the Public Officers Law when
20 she issued her 30-day budget amendments?

21 SENATOR GIANARIS: No, she did not.

22 SENATOR WALCZYK: And through you,
23 Madam President, would the sponsor continue to
24 yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR GIANARIS: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR WALCZYK: Then following
6 our process, the Senate brought forward a
7 one-house budget resolution including changes
8 that this house and the Majority saw fit. Did
9 the one-house budget resolution offer any changes
10 to Sections 17 and 19 of the Public Officers Law?

11 SENATOR GIANARIS: Certainly not.

12 SENATOR WALCZYK: And through you,
13 Madam President, would the sponsor continue to
14 yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR GIANARIS: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR WALCZYK: Now we're talking
21 about a \$10 million allocation for attorney's
22 fees and changes to the Public Officers Law. The
23 last speaker said this was submitted by the
24 Executive. Who wrote the language that's before
25 us today that amends Sections 17 and 19 of the

1 Public Officers Law?

2 SENATOR GIANARIS: How would I know
3 that, Senator Walczyk? You asked me which staff
4 member in the Executive put the words on the
5 paper? I don't know.

6 SENATOR WALCZYK: And through you,
7 Madam President, would the sponsor continue to
8 yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR WALCZYK: Without naming
15 any specific staff member, do we know if it came
16 out of any agency in the state? The Governor
17 obviously runs the executive branch. A number of
18 agencies fall underneath. Would it be from any
19 of her agencies?

20 SENATOR GIANARIS: Well, I
21 understand that Senator Walczyk is not as
22 familiar with what happens in the three-way
23 budget conversations because he's sitting in the
24 Minority. But it doesn't -- we don't deal
25 directly with agencies. The Executive would

1 present at the table language that the Executive
2 supports, even if it's suggested by one of the
3 agencies.

4 So I don't know which agency may or
5 may not have presented this to the Executive.
6 What I do know is it was proposed by the
7 Governor.

8 SENATOR WALCZYK: Through you,
9 Madam President, would the sponsor continue to
10 yield.

11 SENATOR GIANARIS: Yes.

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

14 SENATOR WALCZYK: By my own
15 admission, I'm not in the room where it happens,
16 but I am curious to know at those backroom
17 meetings if the Executive brought this language
18 to the table saying, This was offered up by X
19 department. Can you say any area of the
20 executive branch that this language was brought
21 forward from?

22 SENATOR GIANARIS: I don't know
23 that the rooms were in the back, by the way. It
24 could be a front-room meeting, a middle-room
25 meeting. You know, I don't know why you'd

1 characterize it as a backroom.

2 But I don't know the answer to your
3 question.

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 GIANARIS: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR WALCZYK: When did you
13 first learn of this language or first see it?

14 SENATOR GIANARIS: It's a good
15 question, because the days have blended into one
16 another. So some -- what's today, Thursday?
17 Sometime within the last week or so?

18 SENATOR WALCZYK: Through you,
19 Madam President, would the sponsor continue to
20 yield.

21 SENATOR GIANARIS: Yes.

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

24 SENATOR WALCZYK: And when did
25 the -- I talked a little bit earlier about the

1 three days necessary to age a bill by normal
2 legislative process.

3 When did we receive a message of
4 necessity for the bill that's before us now?

5 SENATOR GIANARIS: Moments ago.

6 SENATOR WALCZYK: Through you,
7 Madam President, would the sponsor continue to
8 yield.

9 SENATOR GIANARIS: If you recall,
10 Senator Walczyk, we stood at ease while we were
11 awaiting the arrival of the message.

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR WALCZYK: Are you familiar
18 with Section 8 of Article VII of the New York
19 State Constitution?

20 SENATOR GIANARIS: Maybe.

21 (Laughter.)

22 SENATOR WALCZYK: Through you,
23 Madam President, would the sponsor continue to
24 yield.

25 SENATOR GIANARIS: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: Let me see if I
4 could jar your memory. Section 8 of Article VII
5 reads "The money of the state shall not be given
6 or loaned to or in aid of any private corporation
7 or association or private undertaking, nor shall
8 the credit of the state be given or loaned to or
9 in aid of any of individual or public or private
10 corporation or association or private
11 undertaking."

12 Does this appropriation in this
13 budget bill violate that provision of the
14 Constitution?

15 SENATOR GIANARIS: No.

16 SENATOR WALCZYK: Through you,
17 Madam President, would the sponsor continue to
18 yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR WALCZYK: Are you familiar
25 with Section 74 of the Public Officers Law?

1 SENATOR GIANARIS: That one I am
2 more familiar with, yes.

3 SENATOR WALCZYK: And through you,
4 Madam President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR WALCZYK: Good. So
12 Section 74 of the Public Officers Law states that
13 no officer or employee or state agency, member of
14 the Legislature or legislative employee, should
15 use or attempt to use his or her official
16 position to secure unwarranted privileges or
17 exemptions for himself or herself or others,
18 including but not limited to the misappropriation
19 to himself, herself or others of the property,
20 services or other resources of the state for
21 private businesses or other compensated
22 nongovernmental purposes.

23 This bill appropriates \$10 million
24 for private attorney fees. Could this
25 \$10 million be considered a misappropriation of

1 funds?

2 SENATOR GIANARIS: No.

3 SENATOR WALCZYK: Through you,
4 Madam President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR WALCZYK: So Sections 17
12 and 19 of the Public Officers Law define an
13 employee and include former employees. Could
14 someone who is removed from office, impeached,
15 fired or unelected access these \$10 million for
16 attorney's fees?

17 SENATOR GIANARIS: I don't know.

18 SENATOR WALCZYK: Through you,
19 Madam President.

20 ACTING PRESIDENT PERSAUD: Are you
21 asking the sponsor to yield?

22 SENATOR WALCZYK: Would the sponsor
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR GIANARIS: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR WALCZYK: I'm sorry? Yeah,
5 I didn't catch your last --

6 SENATOR GIANARIS: Yes, I yield.

7 SENATOR WALCZYK: No, I didn't
8 catch your last response.

9 SENATOR GIANARIS: Oh. I said I
10 don't know.

11 SENATOR WALCZYK: And through you,
12 Madam President, will the sponsor continue to
13 yield.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR GIANARIS: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WALCZYK: So the Attorney
20 General normally represents employees of the
21 State of New York when they're in their normal
22 course of business, official business on the
23 state clock.

24 Sometimes the Attorney General
25 actually defers, and so Sections 17 and 19 of the

1 Public Officers Law allow the Attorney General
2 not to represent everyone in some cases,
3 especially where there's conflict of interest or
4 the Attorney General doesn't see fit. They then
5 can access private attorney fees.

6 And there's a -- you know, a
7 longstanding statute here that outlines what
8 would be eligible and which employees are
9 eligible for that.

10 The Public Officers Law
11 indemnification to protect employees of the state
12 while they're on the clock, what does this change
13 actually do to the statute?

14 SENATOR GIANARIS: I think you're
15 asking what the change is from current law that
16 this would enact. We're not technically amending
17 the law, because it's in an appropriation bill.

18 But to answer your question, what I
19 think you're getting at, it adds, in addition to
20 officials who are being sued or facing actual
21 criminal action, it adds the investigations that
22 might be associated with potential action.

23 So if someone receives a subpoena or
24 is subject to investigation, they would receive
25 the same ability to access attorneys as people

1 who are being actually party to a proceeding.

2 SENATOR WALCZYK: And through you,
3 Madam President, would the sponsor continue to
4 yield.

5 SENATOR GIANARIS: Yes.

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

8 SENATOR WALCZYK: And just for
9 clarification, that would be for time that
10 employees are not on the clock, not doing
11 official business, nothing related to their state
12 employment.

13 SENATOR GIANARIS: I mean, that's
14 an interesting question. And I have delved into
15 this a fair amount because of another former
16 official who is currently accessing significant
17 public funds for his defense.

18 And from what I gather, the court
19 interpretations of the existing law say that the
20 line is not so clear. It's not like when you're
21 an official you work 9:00 to 5:00 and if you do
22 something at 5:30, you're all of a sudden not on
23 the clock, as you call it.

24 And so many -- because sometimes
25 allegations against an official, particularly if

1 they are part of a political retaliation, may
2 take the form of something that would be, on its
3 face, personal in nature. If in fact the action
4 is being taken against that official because of
5 what they have done in their official capacity,
6 that is deemed covered currently. That's not
7 anything we're changing here. But that's the way
8 courts have interpreted the existing protections.

9 SENATOR WALCZYK: Through you,
10 Madam President, new Madam President, will the
11 sponsor continue to yield?

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT MAYER: Yes, the
16 Senator yields.

17 SENATOR WALCZYK: Can political
18 campaign funds be used for attorney fees for
19 activity unrelated to holding political office?

20 SENATOR GIANARIS: For attorneys,
21 you said? I'm just trying to --

22 SENATOR WALCZYK: Yeah, can
23 political campaign funds be used for attorney
24 fees.

25 SENATOR GIANARIS: Yes.

1 SENATOR WALCZYK: For activity
2 unrelated to holding the office.

3 SENATOR GIANARIS: Well, again,
4 it's kind of the same answer I just gave you.
5 Which is that definition is -- the answer to that
6 question of what constitutes your official
7 capacity is vague and has been defined very
8 liberally by the courts.

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 GIANARIS: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR WALCZYK: But this
18 Legislature did recently prohibit public
19 officials from using campaign money to pay for
20 legal fees on sexual harassment litigation. Now
21 we're going to pass a bill that uses taxpayer
22 money for legal fees for investigations of
23 actions unrelated?

24 SENATOR GIANARIS: I don't think we
25 did that. Much as I might think we should, I

1 don't think we did that.

2 SENATOR WALCZYK: Through you,
3 Madam President, would the sponsor continue to
4 yield.

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR WALCZYK: Why is this law
11 needed?

12 SENATOR GIANARIS: Senator Walczyk,
13 this law is needed because we are currently in an
14 environment politically where the legal system,
15 the prosecutorial system, investigative bodies of
16 government are being used to target political
17 enemies.

18 And -- I know you're eager to jump
19 in. Let me finish. And I think that when
20 someone is subject to investigations for that
21 reason because of things they have done
22 officially that are now the subject of
23 retaliation, that we believe that should be
24 covered.

25 SENATOR WALCZYK: And through you,

1 Madam President, would the sponsor continue to
2 yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR GIANARIS: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR WALCZYK: Why would this
9 only apply to charges if we're looking to protect
10 public employees even in their private lives by
11 giving them taxpayer funded attorney fees? Why
12 would this only apply to charges that are brought
13 after January 1, 2025?

14 SENATOR GIANARIS: I'm sorry, I
15 missed the end of your question.

16 SENATOR WALCZYK: What's the
17 significance of the date January 1, 2025?

18 SENATOR GIANARIS: I don't know.

19 SENATOR WALCZYK: Through you,
20 Madam President, would the sponsor continue to
21 yield.

22 SENATOR GIANARIS: Yes.

23 ACTING PRESIDENT MAYER: The
24 sponsor yields.

25 SENATOR WALCZYK: Line 49 of

1 page 830 has a term that I'm hoping you can shed
2 some light on. What is "reasonably likely"
3 defined as there?

4 SENATOR GIANARIS: "Reasonably
5 likely" is a legal term that has generally been
6 held to have certain meaning that if a reasonable
7 person would find it likely that that is the
8 reason something would have commenced.
9 Ultimately courts decide whether decisions made
10 on that basis are proper or not.

11 SENATOR WALCZYK: Through you,
12 Madam President, would the sponsor continue to
13 yield.

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR GIANARIS: Yes.

17 ACTING PRESIDENT MAYER: The
18 sponsor yields.

19 SENATOR WALCZYK: In the context of
20 this legislation that's being proposed, could
21 "reasonably likely" be because they've launched
22 political or personal attacks against someone at
23 the federal government in the past?

24 SENATOR GIANARIS: Let me take a
25 look at the language here.

1 I don't believe simply lobbying
2 attacks would count, because it requires it to be
3 in response to the employee's state employment or
4 exercise of their duties.

5 SENATOR WALCZYK: Through you,
6 Madam President, would the sponsor continue to
7 yield.

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT MAYER: The
10 sponsor yields.

11 SENATOR WALCZYK: What about
12 somebody's party registration? Would "reasonably
13 likely" be just because they have a different
14 party registration? I know the former sponsor of
15 this bill, when answering questions, you know,
16 mentioned those types of things.

17 SENATOR GIANARIS: In other words,
18 if someone was being targeted because of their
19 party?

20 I don't believe so. Because, again,
21 it requires it to be in response to the
22 employee's state employment or exercise of their
23 duties. I don't think simply being registered in
24 a party.

25 SENATOR WALCZYK: And through you,

1 Madam President, would the sponsor continue to
2 yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR GIANARIS: Yes, I'll yield.

6 ACTING PRESIDENT MAYER: The
7 sponsor yields.

8 SENATOR WALCZYK: Who ultimately
9 determines what "reasonably likely" is in this
10 new statute?

11 SENATOR GIANARIS: That would be
12 the Attorney General. Unless it's the
13 Attorney General who is availing herself of the
14 protections of this, and then it would be the
15 Governor.

16 And again, if it's -- if there's a
17 question about whether that decision is made
18 improperly, ultimately it would be the courts
19 that would decide if the decision was correct.

20 SENATOR WALCZYK: And through you,
21 Madam President, would the sponsor continue to
22 yield.

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR GIANARIS: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR WALCZYK: So if an employee
4 commits a crime that is outside of their job or
5 position and they're prosecuted by a U.S.
6 attorney and convicted of that crime, they would
7 be still entitled to \$10 million in attorney fees
8 unless the Governor or the AG say that they're
9 not? Am I reading that correctly?

10 SENATOR GIANARIS: My understanding
11 is if they are convicted or found to have
12 committed wrongdoing, then the money would have
13 to be returned.

14 SENATOR WALCZYK: Through you,
15 Madam President, if the sponsor would continue to
16 yield.

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR GIANARIS: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR WALCZYK: I didn't catch
23 that last part.

24 SENATOR GIANARIS: I said my
25 understanding is that the money would have to be

1 returned if ultimately they are found to have
2 committed -- engaged in wrongdoing or convicted
3 of a crime.

4 SENATOR WALCZYK: Through you,
5 Madam President, would the sponsor continue to
6 yield.

7 ACTING PRESIDENT MAYER: Do you
8 continue to yield?

9 SENATOR GIANARIS: Yes.

10 ACTING PRESIDENT MAYER: The
11 sponsor yields.

12 SENATOR WALCZYK: So I'm reading
13 about reimbursement for reasonable attorney fees
14 and expenses paid pursuant to this appropriation.
15 There's a 90-day determination by the Attorney
16 General's office. And in the case of an employee
17 of the Attorney General, that determination would
18 be made by the Governor at the -- if the -- by
19 the Governor that the Attorney General's
20 determination was reasonable that, and then it
21 lists the reasons that the Governor or the
22 Attorney General, as the case may be, may not
23 reimburse those attorney fees.

24 But a conviction, by my read,
25 doesn't preclude that whatsoever.

1 SENATOR GIANARIS: What lines are
2 you referring to? I just want to follow along.

3 SENATOR WALCZYK: Page 833.

4 SENATOR GIANARIS: If you give me a
5 second, I could give you an exact cite. But I
6 think the language suggests that if a person is
7 found to have misused their office or otherwise
8 engaged in wrongdoing, that this language would
9 not apply.

10 And so obviously if someone's
11 convicted of wrongdoing, that would indicate that
12 that would be the case.

13 SENATOR WALCZYK: And through you,
14 Madam President, will the sponsor continue to
15 yield.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR GIANARIS: Yes.

19 ACTING PRESIDENT MAYER: The
20 sponsor yields.

21 SENATOR WALCZYK: Yeah, that's my
22 read as well. But this entire statute is really
23 about accessing taxpayer dollars to the tune of
24 \$10 million outside of their office.

25 So if they had in fact done things

1 within their office that would preclude them here
2 on page 833 that are lined out, then they
3 wouldn't get reimbursed the attorney's fees. But
4 if they're indeed convicted of that crime that
5 they did as a private citizen not related to
6 their office, could they be reimbursed the
7 attorney's fees?

8 SENATOR GIANARIS: No.

9 SENATOR WALCZYK: Through you,
10 Madam President, would the sponsor continue to
11 yield.

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT MAYER: The
16 sponsor yields.

17 SENATOR WALCZYK: Are all former
18 employees of the state eligible for this fund?

19 SENATOR GIANARIS: I believe they
20 are, but staff is checking to confirm that.

21 We can continue and -- let's assume
22 yes. And if anything changes, I'll let you know.

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 GIANARIS: Yes.

4 ACTING PRESIDENT MAYER: The
5 sponsor yields.

6 SENATOR WALCZYK: So that would be
7 all former employees of the State of New York for
8 actions not pertaining to their employment. They
9 could be fired, unelected, no longer serving.
10 And this would be for actions outside of their
11 employment anyways, but as long as the charges
12 weren't brought until January 1, 2025, or later,
13 they'd be eligible for this \$10 million fund?

14 SENATOR GIANARIS: I'm trying to
15 understand your question.

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1 You're saying if they engage in
2 activity outside the scope of their employment?
3 And that would be why they were investigated?

4 SENATOR WALCZYK: Yes.

5 SENATOR GIANARIS: I think the
6 language here requires the activity to be
7 something they did in the scope of the employment
8 which is what -- or you're talking about the
9 action, the underlying action that's being
10 investigated?

11 You understand what I'm saying?
12 There's the action taken, which needs to be
13 official in nature, that is the subject of
14 retaliation.

15 SENATOR WALCZYK: I'll yield if I'm
16 being asked a question.

17 SENATOR GIANARIS: I'm just trying
18 to understand your question, Senator Walczyk.
19 Perhaps you could restate it; I'll get a better
20 sense of it.

21 ACTING PRESIDENT MAYER: Senator
22 Walczyk, do you want to restate your question?

23 SENATOR WALCZYK: Sure, I can
24 restate.

25 My understanding of the change here

1 is that this totally addresses actions that are
2 outside of their role in employment. They're
3 already protected by Sections 17 and 19 of the
4 Public Officers Law if they're an employee of the
5 State of New York or a former employee of the
6 State of New York for actions that they did on
7 the job. The change here and the \$10 million
8 taxpayer fund to the change here is for actions
9 outside of their employment.

10 So my question is about former
11 employees and whether they will be eligible to
12 tap into privately funded attorneys to the tune
13 of \$10 million from the taxpayers simply because
14 they at one point worked for the State of
15 New York.

16 SENATOR GIANARIS: Two things about
17 that. Number one, the language covers
18 investigations, not just charges being brought.
19 Even if in the context of existing employees in
20 the scope of their official duties. So that's
21 one change that we're making.

22 As it relates to the second part of
23 your question, yes, I think former employees who
24 are being investigated for something they are
25 alleged to have done, if there's a finding by the

1 Attorney General or the Governor that that action
2 is being taken in response to something they did
3 in their official capacity, then yes, this would
4 apply.

5 And if it is subsequently found that
6 they engaged in wrongdoing, then that
7 reimbursement would not be valid.

8 SENATOR WALCZYK: And through you,
9 Madam President, would the sponsor continue to
10 yield.

11 ACTING PRESIDENT MAYER: Do you
12 continue to yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT MAYER: The
15 sponsor yields.

16 SENATOR WALCZYK: But this would be
17 for alleged crimes that they did as private
18 citizens, correct?

19 SENATOR GIANARIS: If the
20 investigation is because of -- or deems to be
21 because of actions they took in their official
22 capacity.

23 SENATOR WALCZYK: And through you,
24 Madam President, would the sponsor continue to
25 yield?

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR GIANARIS: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR WALCZYK: And is it true,
7 is my reading right here that the Governor or --
8 the Attorney General first, but if the Attorney
9 General not, then the Governor -- would be the
10 ones who get to decide which employees can be
11 eligible or former employees can be eligible to
12 tap into the \$10 million for crimes that they
13 allegedly committed outside of the office and not
14 within their scope of work?

15 SENATOR GIANARIS: Well, yes. But
16 it's not like they would choose based on who
17 their favorite former employees were. It's their
18 standards that would require a finding that it
19 was -- that the action was being taken in
20 retaliation for something they did in their
21 official capacity.

22 SENATOR WALCZYK: And through you,
23 Madam President, would the sponsor continue to
24 yield.

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR GIANARIS: Yes.

3 ACTING PRESIDENT MAYER: The
4 sponsor yields.

5 SENATOR WALCZYK: That's why
6 "reasonably likely" is an important term to
7 define in the context of this legislation.

8 But would you say that it is the
9 Attorney General or the Governor that gets to
10 determine what "reasonably likely" means in the
11 context of this and getting access to the
12 \$10 million for a private attorney?

13 SENATOR GIANARIS: Yes, you've
14 asked that -- you've asked that question before.
15 The answer is yes, subject to court oversight.

16 SENATOR WALCZYK: And through you,
17 Madam President, would the sponsor continue to
18 yield.

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR WALCZYK: What court
25 oversight?

1 SENATOR GIANARIS: I suppose if
2 somebody wanted to bring -- I don't know whether
3 it would be an Article 78 proceeding or what have
4 you to say that the decision was made in error, a
5 court would decide whether the Attorney General
6 or the Governor's determination was proper.

7 SENATOR WALCZYK: Through you,
8 Madam President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR GIANARIS: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR WALCZYK: But as far as
16 accessing these attorney fees, where does the
17 court insert itself into this process?

18 SENATOR GIANARIS: Well, let's say
19 you are affronted and you somehow have
20 standing -- that someone is accessing these funds
21 and you have standing to go to court to
22 challenge. And you can run to court, seek an
23 injunction against the funds being released, say
24 this is an improper decision by the
25 Attorney General or by the Governor, and then the

1 court system would make a decision about whether
2 you were right or wrong.

3 SENATOR WALCZYK: Through you,
4 Madam President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR WALCZYK: The former
12 speaker said that -- made a claim that this is
13 only related to if a person -- if it's related to
14 their position as an elected official.

15 But if you look at page 831,
16 starting on line 5, there's a key word. This
17 says it may (reading) consider the totality of
18 the circumstances, including but not limited to
19 such factors as whether the employee has
20 previously initiated or otherwise participated in
21 or supported a criminal or civil investigation or
22 prosecution of the United States government or a
23 United States government official, whether the
24 employee is currently or was previously involved
25 in an investigation by the United States

1 government or a United States government
2 official, whether the employee previously had --
3 and it continues on.

4 I was left from -- with the
5 impression from the last section of debate that
6 that had to be considered, but my read says this
7 may be considered.

8 SENATOR GIANARIS: What may be
9 considered? Whether they were acting in the
10 scope of their employment? Is that --

11 SENATOR WALCZYK: I could --
12 through you, Madam President.

13 ACTING PRESIDENT MAYER: Would you
14 like that clarified?

15 SENATOR WALCZYK: I would --

16 SENATOR GIANARIS: Yes, thank you.

17 SENATOR WALCZYK: -- not want to
18 read that section again.

19 SENATOR GIANARIS: I see it. But
20 I'm trying to -- because just before the section
21 you read, the section you didn't read says that
22 the investigation must have been commenced
23 because of or in response to the employee's state
24 employment or exercise of their duties. That's a
25 pretty firm standard.

1 Then it goes on to say in making
2 that determination you can consider, among other
3 things, the items listed.

4 SENATOR WALCZYK: And through you,
5 Madam President, would the sponsor continue to
6 yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT MAYER: The
9 sponsor yields.

10 SENATOR WALCZYK: Actually,
11 Madam President, I'll go on the bill.

12 ACTING PRESIDENT MAYER: Senator
13 Walczyk on the bill.

14 SENATOR WALCZYK: Nobody is above
15 the law. Public employees are entitled to legal
16 protection; that's what 17 and 19, those sections
17 of Public Officers Law, do. Official acts, on
18 the clock time -- it makes sense that we've had
19 that protection for elected officials and for
20 public employees of the State of New York.

21 The normal course of business is
22 that the Attorney General represents public
23 employees. If that's not the case, then private
24 attorney fees can be afforded to make sure that
25 people are represented and not bankrupt for

1 something that they do in their official duty.

2 But there is a totally new precedent
3 being set here today, if this bill passes, saying
4 that outside of the course of their official
5 duties and outside of their governmental work,
6 we're setting aside \$10 million to pay for
7 private attorneys for something that someone did
8 as a citizen that could be a former employee of
9 the State of New York, fired by the State of
10 New York, unelected by the residents of the State
11 of New York, impeached by the Senate, this
12 chamber, in the State of New York, and they would
13 still have access to \$10 million of taxpayer
14 money for private attorney fees as long as the
15 Attorney General or the Governor says so, for
16 crimes committed off the clock.

17 It's not about public service or
18 upholding the principles. It's bad, and I'll be
19 voting no.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator Walczyk.

22 Senator Martins, why do you rise?

23 SENATOR MARTINS: Madam President,
24 on the bill.

25 ACTING PRESIDENT MAYER: Senator

1 Martins on the bill.

2 SENATOR MARTINS: Madam President,
3 I want to start by thanking Senator Krueger and
4 thanking Senator Gianaris for answering questions
5 that were posed to them on this issue. I know
6 this is something that perhaps -- I'm going to
7 guess, Madam President, there's nobody in this
8 chamber that feels really comfortable about what
9 we're being asked to do here, if we were all to
10 just look at each other and answer that question
11 honestly.

12 I'm taken aback, and I can only
13 imagine how it was received when it was brought
14 back to the Majority Conference Room a little
15 more than a week ago and presented for everyone
16 to take a look at and say, Hey, you're going to
17 have to include this as part of the budget.

18 But I will say this. I know -- I
19 know that it has been a real concern of this body
20 and everyone in this body, including the
21 Majority, that we not use campaign funds to pay
22 for legal defense, that we not use public monies
23 to reimburse criminal defense. I think it was
24 even alluded to just a few minutes ago by
25 Senator Gianaris with regard to certain monies

1 that have been requested and have been
2 reimbursed. But those were after the fact.

3 What we're being asked to do here is
4 actually write somebody a blank check for up to
5 \$10 million. And I would just ask everybody to
6 just sit back and consider that for a moment,
7 what that means. If someone is in fact
8 investigated, that person's going to walk in and
9 say, I didn't do it. I'm being investigated, I
10 didn't do it. Because if they do walk in and say
11 I did it, we're not defending them. So they're
12 going to say, We didn't do it.

13 Now, you know the investigators
14 aren't going to come in and say -- and share
15 their investigation, because that's not what they
16 do. We know that. So if you're comfortable
17 advancing \$10 million of taxpayer money on
18 something that to my knowledge this has never
19 been done before in this state -- ever -- sure.
20 If somebody is prosecuted, investigated for
21 official acts as an employee or an officer of
22 this state, we have an absolute responsibility to
23 make sure that we protect them for official acts.
24 If they were in the course of their duties, yes,
25 I don't think you'd get a single person in this

1 room that would say no.

2 But for outside acts? Frankly,
3 Madam President, that makes me very
4 uncomfortable. And I am surprised that it
5 doesn't make every one of my colleagues in this
6 chamber very uncomfortable to be associated with
7 that and to say, Well, don't worry about it,
8 don't worry about it, we'll be able to get it
9 back. We'll go back and get the \$10 million from
10 them if they're actually found guilty. That's
11 not how this works. That's not how this works.

12 The precedent we are creating by
13 proposing this legislation demeans this state and
14 this chamber and the efforts here. And if it
15 wasn't, you wouldn't have gotten it within the
16 last week. We wouldn't have had it presented to
17 us this way. And everyone in this room wouldn't
18 be fidgeting right now with the responsibility of
19 actually having to vote on something as absurd as
20 what they've put before us right now.

21 You know, there does come a time
22 when we have to sit back and say, What is worth
23 it? What are we willing to do, what are we
24 willing not to do. Because if we are going to
25 put taxpayer money and validate criminal action

1 with no more than just, Hey, I think I'm being
2 personally persecuted -- well, I guess that's why
3 we take votes.

4 But I'm very disappointed in how
5 this came about. Very disappointed to hear that
6 it was the Governor who presented it within the
7 last week. Hell, today is March 69th, so
8 sometime around March 60th it was proposed.

9 If you don't believe that campaign
10 funds should be used for criminal defense, if you
11 don't believe that taxpayer funds should be used
12 to pay for former government officials in their
13 legal defense -- and you know who you are here in
14 this chamber who have bills that have been
15 proposed in print, have made public statements
16 critical of those who have sought reimbursement
17 who have gone into their campaign funds to
18 reimburse themselves for legal expenses. You
19 know who you are, and so does everyone else,
20 because you're on record as having done that.

21 If you believe that that is wrong,
22 there is no way, Madam President, that you can
23 vote for something like this in good conscience.
24 Be guided accordingly.

25 I'll be voting no.

1 ACTING PRESIDENT MAYER: Thank you,
2 Senator Martins.

3 Are there any other Senators wishing
4 to be heard?

5 Senator Helming, why do you rise?

6 SENATOR HELMING: Thank you,
7 Madam President. On the bill.

8 ACTING PRESIDENT MAYER: Senator
9 Helming on the bill.

10 SENATOR HELMING: Thank you,
11 Madam President.

12 Over the last couple of days as
13 we've debated the budget bills, we've heard over
14 and over again about how crucial proposals have
15 been excluded from the budget. Several of my
16 colleagues have asked questions about adequate
17 funding for our fire departments. We've
18 expressed our concerns about a lack of adequate
19 funding for some of our schools. We've talked
20 about how we needed more funding for local roads,
21 how we shortchanged direct care workers. We
22 failed to establish reasonable reimbursement
23 rates for our community health centers. We did
24 not restore previous capital funding cuts for
25 nursing homes.

1 And you know what? Those concerns
2 weren't just coming from this side of the aisle.
3 Senators from both sides expressed concern and
4 frustration about this budget process and about
5 the priorities that are in this budget. And now
6 here we are, and before us is a proposal that
7 includes \$10 million of taxpayers' money to be
8 used by state employees and elected officials to
9 hire private attorneys for defense against crimes
10 they may be accused of, not even related to their
11 employment.

12 And I just want to put that into
13 some perspective. And I can do a lot more, but I
14 want to get out of here too. But let me put this
15 into some perspective for everyone. That is
16 almost double the cost of the proposal to fund
17 increased EMS services across our state and
18 create a statewide comprehensive emergency
19 medical system plan, which was intentionally
20 omitted by the majorities in both houses and the
21 Governor.

22 Taxpayers should not be on the hook
23 for the personal legal troubles of their elected
24 officials, who are supposed to be public
25 servants, especially at the expense of our

1 crucial health and safety programs. Budgets are
2 opposed to be about priorities. This is a
3 completely unacceptable use of taxpayer funding,
4 and I don't think it reflects the priority of
5 anyone in my district, and I'm sure the majority
6 of New Yorkers would agree with that.

7 Madam President, I will be voting
8 no.

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 There's a substitution at the desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Krueger
16 moves to discharge, from the Committee on
17 Finance, Assembly Bill Number 3000D and
18 substitute it for the identical Senate Bill
19 3000D, Third Reading Calendar 969.

20 ACTING PRESIDENT MAYER: The
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 969, Assembly Bill 3000D, Budget Bill, an act
25 making appropriations for the support of

1 government.

2 ACTING PRESIDENT MAYER: Read the
3 last section.

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

6 ACTING PRESIDENT MAYER: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAYER: Senator
10 Myrie to explain his vote.

11 SENATOR MYRIE: Thank you,
12 Madam President.

13 I will be voting in the affirmative
14 for this bill; a lot of important resources for
15 our state to continue to function. But I just
16 want to voice my serious concerns with the
17 appropriation language that has been discussed,
18 for many of the reasons that have been discussed.

19 Thank you.

20 ACTING PRESIDENT MAYER: Senator
21 Myrie to be recorded in the affirmative.

22 Senator Gounardes to explain his
23 vote.

24 SENATOR GOUNARDES: Thank you,
25 Madam President. I'm supporting this bill.

1 I just want to correct something
2 that was said during the debate. It was
3 referenced that the three-day waiting period was
4 created during 1797. Actually, it was 1894.

5 (Laughter.)

6 SENATOR GOUNARDES: So I didn't
7 want this debate, which I know many people will
8 look back on, to have that error contained in it.

9 So 1894 was when that provision was
10 first included in our State Constitution.

11 I vote aye.

12 (Scattered applause.)

13 ACTING PRESIDENT MAYER: Senator
14 Gounardes to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 969, voting in the negative are
18 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
19 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
20 Mattera, Murray, Oberacker, O'Mara, Ortt,
21 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
22 Weber and Weik.

23 Ayes, 40. Nays, 22.

24 ACTING PRESIDENT MAYER: The bill
25 is passed.

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

3 SENATOR GIANARIS: And that
4 completes the budget process for this fiscal
5 year.

6 (Applause.)

7 SENATOR GIANARIS: It's like golf
8 applause.

9 (Laughter.)

10 SENATOR GIANARIS: At this time
11 please recognize Minority Leader Ortt for
12 concluding remarks.

13 ACTING PRESIDENT MAYER: Minority
14 Leader Ortt for concluding remarks.

15 SENATOR ORTT: Thank you,
16 Madam President.

17 I've never felt done so early and
18 yet done so late at the same time. Right?
19 Nine-thirty, great. Forty days late, less great.
20 But -- but it's done, and we can all be thankful
21 for that part.

22 I want to thank all my colleagues,
23 the Majority Leader. I want to thank Deputy
24 Minority Leader Mike Gianaris as well as my
25 deputy, Senator Andrew Lanza. They're out here

1 all the time, long hours, and they work across
2 the aisle to try manage this and land this plane.
3 As we all know, it is not without difficulty.
4 And I appreciate the work they both do. And I
5 certainly again want to thank my deputy, Senator
6 Lanza.

7 I want to thank our Finance ranker,
8 Senator Tom O'Mara, who sits through -- this was
9 a real long one. They had to sit through all the
10 hearings in February and then they, you know,
11 deal with March, which is supposed to be sort of
12 the bad month, but that kind of bled into April.
13 That was a bad month, and now May is kind of a
14 tough month.

15 But they do a lot of questions. And
16 of course his dance partner, Senator Liz Krueger,
17 the chair of the Finance Committee, who does I
18 think a very good job trying to answer all the
19 questions we have to the best of her ability, no
20 doubt, and even if we're not always satisfied or
21 thrilled with the answers, I believe she does the
22 absolute best job she can to provide the answers
23 to the fullest extent that she knows.

24 So again, I want to thank the staff
25 on all sides -- my staff, who gets the bills and

1 has to dig through the bills. I want to thank --
2 I have to say I want to thank the other side.
3 They got -- we got the bills this year in really
4 a great way where we were able to go over them,
5 brief them, and we were able to sort of move this
6 along. I thought that was really excellent
7 compared to maybe some years past. I know
8 sometimes it's out of our control, but I
9 appreciate it.

10 I certainly want to thank the staff
11 on the other side. I know from four years in the
12 Majority the staff does a lot of the work. They
13 are up all hours of the night, they're up on the
14 weekends, and they get very little sleep. And so
15 to all the staff who have been involved in
16 negotiations, in drafting up the bills, on the
17 Majority and Minority side, thank you for what
18 you do.

19 And to my members I want to thank
20 all of you for your participation, for your
21 engagement, and for representing your
22 constituents and doing the job that you were sent
23 here to do. There's a role of the Minority, and
24 our role is to ask questions and highlight
25 things, whether the Governor, anybody in the

1 Majority or anybody at all wants those things
2 asked.

3 And these are bills that are
4 produced. I've been on both sides of the aisle,
5 Majority, Minority. These are bills that are
6 very often put together sometimes last minute and
7 they don't go through the aging process and we do
8 the best job we can to try to dig through and
9 highlight them for not only our constituents, but
10 for all the people here in the State of New York.

11 I want to touch on -- obviously
12 there was a lot of themes that the Governor laid
13 out and I think everyone laid out when session
14 started. Affordability, right, that's a big
15 topic. It's certainly a good buzz word.
16 Everybody uses it. That's how you know it's
17 good, because everybody uses it -- Democrats,
18 Republicans, socialists, you know, whoever it is,
19 they all use "affordability."

20 And yet when I look at this budget,
21 it is hard for me to come to the conclusion that
22 we have made things more affordable for
23 New Yorkers. I've said it a lot, and I'll say it
24 again: If spending more money made things more
25 affordable, we would be one of the most, if not

1 the most, affordable state in the country.

2 Now, I do believe some of my
3 colleagues in the Majority really believe that
4 the more we spend, the more good we can do. But
5 whether you believe that or not, most people in
6 New York, they don't believe that. And you want
7 to know why? Because they're leaving New York.
8 See, if they believed it, they'd stay here. If
9 they believed that what was happening in the
10 ever-increasing taxes and the spending was
11 working, they would make their own investment in
12 New York. They'd invest in a new company, more
13 jobs, a new house.

14 But they're not doing that. And
15 despite everything I've heard, all the data backs
16 me up. We are hemorrhaging people. Those people
17 pay taxes. Those people foot the bill for the
18 ever-increasing tab that we call state
19 government.

20 We have increased this budget by
21 \$10 billion over last year's budget. Ten
22 billion. And we watered down the Governor's --
23 the checks, right, the big rebate checks that
24 were going to help people, I don't know, get
25 ice cream or maybe buy a bag of groceries,

1 whatever it might be. Those got watered down
2 even further after the budget negotiations. So
3 we spent \$10 billion, but we couldn't -- those
4 checks, those pesky checks going back to the
5 taxpayer, they were a little too lucrative. We
6 had to trim those back a little bit.

7 And when I say this budget doesn't
8 do a lot for affordability, don't just take my
9 word for it. Even some people in the majority
10 agree with me. This budget doesn't address the
11 main issue of affordability. Even though it was
12 the word on the tips of everybody's lips.

13 Now, public safety. The Governor,
14 yet again, said she was going to make major
15 improvements to public safety. She was going to
16 deal with discovery, and she was going to deal
17 with masks.

18 Now, we had a mask law in this state
19 for a hundred years or more, and no one had an
20 issue with it because we don't walk around
21 wearing a mask unless you're up to no good or
22 it's Halloween. We don't wear it -- no one had
23 an issue with it because it wasn't an issue
24 unless you were a bad guy. And once upon a time
25 we didn't care about helping out bad guys. We

1 sure do today.

2 So the Governor made the effort to
3 restore that law, and instead we have whatever
4 this is. Which I think some of my colleagues
5 have said is really nothing. Now, I'm not a
6 lawyer -- which is good news for a lot of people,
7 probably, out there. But I'm not a lawyer and I
8 don't pretend to be one. But we have a lot of
9 lawyers in this conference and in this
10 Legislature. And the lawyers that I trust, my
11 colleagues, have all said this will do nothing.
12 In fact, it won't even do what was once reported
13 it was going to do. Once it was reported that it
14 would be like an additional charge, like a hate
15 crime. It's not even that. It's not even that.
16 It's nothing.

17 Sadly, while I applaud her efforts
18 to fix it, I do not applaud the Governor's
19 efforts to go around declaring victory. This is
20 not a victory, certainly for the Governor. It's
21 definitely not a victory for New Yorkers and for
22 public safety. It may be a victory for those who
23 helped water it down or didn't want to go back,
24 people who think that somehow wearing a mask is a
25 civil right. It's not. You have no

1 constitutional right to wear a mask in the
2 commission of a crime, to conceal your identity
3 in the commission of a crime.

4 I've read the Constitution, no
5 lawyer though I am, and it says nothing, cover to
6 cover, about wearing a mask. You have -- that is
7 not protected. Now, again, medically, go ahead.
8 No one has a problem with that.

9 But for anyone to declare victory,
10 that somehow we did something on masks, shouldn't
11 be a lawyer either.

12 Discovery. Now I remember, I can
13 distinctly remember reading an article in the
14 New York Daily News -- not one of my favorite
15 publications -- but I read it anyways. And it
16 was from a couple of my colleagues, who said:
17 We've got to do something on discovery. And you
18 know what I thought when I read it? He's right,
19 we should do something on discovery. Because the
20 number of felony cases that are dismissed simply
21 because prosecutors can't meet unrealistic
22 deadlines is a shame and an affront to public
23 safety and justice.

24 And by the way, all those things, if
25 you rewind the tape, go back to 2019, I bet -- I

1 bet you'll hear Senator Lanza saying that
2 was what was going to happen, I bet you'll hear
3 members of the Republican Conference saying that
4 was what was going to happen. And lo and behold,
5 we were right. I wish we weren't, but we were
6 right.

7 And again, don't take my word for
8 it. You can go to DAs, you can go to members of
9 the Majority. They said the same thing: There's
10 too many felony cases being tossed out. We've
11 got to do something about it.

12 Well, there's a lot of -- like a lot
13 of times with lawyers, there's a lot of words and
14 there's a lot of paper that was printed, but you
15 know what it does? Nothing. Nothing. It
16 doesn't roll it back, it doesn't change it
17 substantially, it doesn't make it safer. The
18 same cases that are being tossed out will still
19 be tossed out. And there's even some prosecutors
20 who have the temerity to call it out and say it's
21 nothing, like Ray Tierney from Suffolk County.
22 And I'm sure in the coming days more DAs will
23 come forward and say this is not what we agreed
24 on, this is not what we worked with the Governor
25 on, this is a failure to ensure public safety and

1 make sure more cases aren't being tossed out.

2 I mean, we can talk about the
3 ridiculous energy policies that continue in this
4 state that this budget does nothing for, or
5 continues. We could talk about what's happening
6 to the Nassau hospital. Maybe the most egregious
7 thing, obviously, is what we just concluded with.
8 So egregious that there had to be a tag team to
9 debate it, that there had to be a two-people
10 defense of it because it was so bad and so
11 disgusting. And it is.

12 And I know my colleagues, some of
13 them that have been here for a minute, I know,
14 because I've talked to them over the years, and
15 I've heard them debate on this floor when they
16 were on this side of the chamber. And I heard
17 them express outrage sometimes that we would
18 allow (lowers voice) campaign dollars to defend
19 somebody.

20 But now we're going to allow
21 taxpayer dollars to defend somebody. And not
22 just any somebody. It doesn't say somebody. But
23 this -- where did it come from? Why? Why is
24 this being done? What is the cause? And then
25 there's a legal term for that, which of course I

1 don't know. But there's no doubt a reason you
2 need to do something. Something triggers it.
3 What is it?

4 You know what the best part is? The
5 public knows. You're not fooling anybody.
6 You're not fooling anybody. And if they don't
7 know, I'm going to tell them. And so is
8 everybody else on this side of the aisle.
9 Because this is gross. I mean, there's \$255
10 billion, a lot of gross things in here. This is
11 gross, that we would say 10 billion of taxpayer
12 dollars goes to defend somebody privately, a
13 crime not committed of any relation to their job.

14 And I know something about that,
15 Madam President. I know something about that.
16 Because I was prosecuted. And you know what my
17 feeling of that was? It was a political
18 prosecution. And you know what? I was right,
19 because I'm here to tell you about it. And the
20 person who prosecuted me, he's not.

21 So I know about political
22 prosecution. And I've seen them up close. And I
23 see them happening ever more across our
24 landscape. The lawfare is real. The tit for tat
25 is real. And this is disgusting.

1 Imagine if the U.S. House of
2 Representatives had set aside a hundred million
3 dollars for former President Trump at the time,
4 to defend himself against the multiple
5 indictments. What would have been said over
6 here? I can only imagine what it would have been
7 like.

8 So you're darn right we're going to
9 call this out for what it is. You are darn
10 right. And you're going to vote for it. And
11 I've been there. I know, I know how that feels
12 when you've got to hit that yes button, you got
13 to put your -- your hand's got to be down because
14 you're in the majority and you've got to vote for
15 that budget no matter what's in there. Now,
16 maybe there will be some brave souls, and they'll
17 raise their hand. Well, I guess it's too late
18 now, it's already been voted on. Not enough
19 brave souls.

20 And it's really a shame that a
21 budget, we could sit here and debate the dollars
22 and the programs and where money's going and
23 where money's not going. We can talk about
24 whether we're really helping the people who need
25 to be helped in this state, the people who are on

1 the fringes, the people who are wondering if they
2 have a future here. We could talk about it all
3 day long, talk about whether we're going to
4 provide affordable energy, reliable energy,
5 whether we can help provide affordable grocery
6 prices in this state, whether we can help provide
7 jobs to people who darn well need them. We could
8 talk about that.

9 But instead of that, you know what
10 everyone's going to be talking about tomorrow is
11 this. So whether you think you did the best
12 thing for New Yorkers or we think you did the
13 worst thing on the budget, that this found its
14 way in there is offensive to me as an American
15 and as a New Yorker and especially as a taxpayer.
16 And I am proud of the comments that were made on
17 this floor in relation to that part of the budget
18 as well as the budget as a whole.

19 So, Madam President, I am glad we
20 are done. I look forward to seeing everybody
21 next week when no doubt we start 25- and 30- and
22 50- and 100-bill active lists. But New Yorkers
23 are not going to forget this or the other litany
24 of things in this budget that do nothing to help
25 them, that do nothing to make things more

1 affordable, that do nothing to make things safer,
2 and in fact do things that make the opposite.
3 They're going to drive up costs, make things more
4 expensive, continue to make things unsafe, less
5 safe -- except if you're a person of power or
6 influence. They still get what they need, they
7 still get what they want, no matter what anybody
8 says.

9 And so for that reason,
10 Madam President, I am proud to vote no on every
11 single bill in this budget. I am -- thank you
12 for your indulgence of my remarks. I wish
13 everyone a nice long weekend, and I will see you
14 next week.

15 (Applause, standing ovation from
16 Republican members.)

17 ACTING PRESIDENT MAYER: Thank you.
18 Senator Gianaris.

19 SENATOR GIANARIS: At this time
20 please recognize Majority Leader Andrea
21 Stewart-Cousins.

22 ACTING PRESIDENT MAYER: Majority
23 Leader Stewart-Cousins.

24 SENATOR STEWART-COUSINS: Thank you
25 so much, Madam President.

1 And, you know, to my colleague
2 across the aisle, when you said you were happy
3 about the earliest, the latest, I understand.
4 Two things can be true.

5 (Laughter.)

6 SENATOR STEWART-COUSINS: And, you
7 know, I too am very happy that we have come to
8 conclude this budget season.

9 Of course I too want to acknowledge
10 all of the great work that has gone on to make
11 this happen, and I will start certainly with my
12 Deputy Majority Leader, Senator Gianaris.

13 Thank you so much, as usual, for
14 making sure that all the trains ran the way they
15 were supposed to and that, you know, the debate
16 happened in ways that enlightened us as well as
17 got the work done.

18 And of course I want to say the same
19 for Senator Lanza. Thank you for your
20 coordinated efforts.

21 I also want to make sure to thank my
22 Conference Chair Senator Serrano, who has, you
23 know, really guided us through so many of the
24 things that happened over the past few weeks.

25 Also, obviously, I talked about what

1 your statement was, Mr. Leader, but it's always
2 good to work with you even during these times.

3 And I also want to commend
4 Senator O'Mara for holding it down and making
5 sure that Senator Krueger has some partnership.

6 But I really, really, really want to
7 thank you, Senator Krueger. Because we watch
8 you, all of us, in awe, the way --

9 (Applause.)

10 SENATOR STEWART-COUSINS: It
11 doesn't matter what you ask her, how you ask her,
12 you know, she's ever-patient, she's always the
13 teacher.

14 And you're just so smart and so good
15 at it. So thank you. Thank you.

16 Of course I want to thank
17 Governor Hochul and Speaker Heastie for their
18 partnership in this process. We spent weeks, as
19 I usually say, rowing in the same direction in
20 order to get results.

21 I also want to thank -- and again,
22 as was said, all of the staff do incredible work
23 during these very, very difficult and stressful
24 times. I do want to shout out my senior staff.
25 And I'm really happy to hear that you are happy

1 the way things were rolling out. So I want to
2 really thank my senior staff, Jonathan Lang,
3 Dorothy Powell, Dave Friedfel, Mike Murphy,
4 Leah Goldman -- I'm sure all of you are
5 everywhere. Thank you.

6 To the Secretary of the Senate,
7 Alejandra Paulino -- and I will tell you that
8 she's got something for all of you when we're
9 done.

10 (Laughter.)

11 SENATOR STEWART-COUSINS: And to my
12 staff that, again, makes my life so much easier
13 right here, led by Jonathan Alvarenga -- and
14 again, thank you for -- all of you, for keeping
15 us going.

16 Also, obviously, to my colleagues on
17 this side of the world, tireless efforts on every
18 area, every subject, every -- every part of this
19 budget. I really thank you for all of your work,
20 your cooperation, your input, your insights. It
21 is -- again, you know, every budget season is
22 different. And this one, you know, I think it
23 really took a lot. So again, I thank each and
24 every one of you for what you've done.

25 And of course my colleagues on the

1 other side of the aisle as well. Your input, we
2 hear you. And we appreciate that, you know,
3 we're trying to doing what we need to do
4 together, and everyone's efforts matter.

5 I want to talk about the budget.
6 And in talking about it, I know that we could
7 talk about process. We could talk about
8 lateness. But in this moment I want to talk
9 about contrasts. Because while here in New York
10 we've spent the last month fighting for working
11 families, in Washington, under the current
12 leadership, it seems to be doing the opposite.

13 For example, while they propose
14 slashing SNAP benefits, cutting programs that
15 help families access healthy food, we're
16 investing \$50 million in food security through
17 hunger prevention and nutrition assistance in
18 Nourish NY.

19 You can't call for a nationwide baby
20 boom while actively undermining the
21 infrastructure families rely on. Here, in this
22 budget, we provided \$8 million in baby benefits,
23 distributing 10 million diapers to new families
24 while also providing free school meals to our
25 children. Because caring for our kids and

1 feeding them shouldn't be up for debate.

2 And while they talk about cutting
3 veterans healthcare and support for services,
4 we're expanding eligibility for the Gold Star
5 Annuity, funding mental health training for
6 veterans, and enhancing services that help our
7 veterans transition home with dignity and
8 support.

9 And while they push tax giveaways
10 for the ultra-wealthy and mega-corporations,
11 we're maintaining the lowest middle-class tax
12 rates in more than 70 years. We're issuing
13 inflation checks to put real dollars back into
14 the pockets of working families. We've expanded
15 the child tax credit because New York's families
16 come first.

17 And while they try to gut
18 environmental protections, walk away from climate
19 science, defund clean energy -- we're making the
20 largest Environmental Protection Fund investment
21 in state history. We're directing a billion
22 dollars towards climate resiliency and clean
23 energy infrastructure, including 450 million for
24 building decarbonization, 250 million for
25 zero-emission transportation, and 200 million for

1 renewable energy. We also secured 500 million in
2 clean water grants, because we understand the
3 health of our economy is linked to the health of
4 our planet.

5 While they look to cut education
6 funding and ban books, we're increasing support
7 for public schools and libraries, fully funding
8 Foundation Aid, expanding BOCES career and
9 technical education programs to ninth grade, and
10 increasing salaries for BOCES teachers. We're
11 allocating 400 million in childcare funding,
12 creating capital grant programs for both SUNY and
13 CUNY infrastructure improvements. We're
14 launching the New York Opportunity Promise
15 Scholarship to open pathways for adult learners,
16 boosting community college support across the
17 board.

18 While Washington seems to be more
19 interested sometimes in laying roadblocks for
20 state infrastructure improvements, we're moving
21 forward, committing 3 billion to modernize the
22 MTA and improve transit infrastructure across the
23 state. We've also increased CHIPS funding to
24 repair our roads and extended work-zone speed
25 enforcement programs to protect workers and

1 drivers alike.

2 While they ignore the mental health
3 crisis, criminalize people in crisis, we're
4 expanding access to inpatient psychiatric beds,
5 launching Daniel's Law pilot programs, and
6 enhancing crisis response systems. We're
7 improving discharge planning, expanding assisted
8 outpatient treatment, and creating new standards
9 to ensure care is accessible, respectful, and
10 effective.

11 While they cut funding to
12 reproductive health grants and continue to
13 criminalize a woman's right to choose, our budget
14 puts additional funding towards accessing
15 abortion care, including new money towards our
16 Abortion Provider Training Fund, while also
17 ensuring that New York hospitals are equipped to
18 provide lifesaving care in emergency pregnancy
19 situations.

20 While they sow fear and neglect
21 public safety needs, we're supporting victims and
22 communities, funding youth development and
23 community violence intervention programs,
24 increasing discovery reform resources, and
25 establishing a new Office of Gun Violence

1 Prevention to coordinate smart, data-driven
2 safety strategies.

3 And while they threaten to gut
4 affordable housing programs, we're continuing
5 historic investments in housing, from \$1 billion
6 to support new housing development in New York
7 City -- including NYCHA -- to expanded programs
8 across the state for renters, homeowners,
9 Mitchell-Lama and land banks. We're piloting a
10 statewide Housing Access Voucher Program,
11 boosting home ownership and supportive housing
12 opportunities, and tackling vacant units with
13 targeted repair funds.

14 We didn't stop there. While
15 Washington has imposed tariffs that threaten to
16 cripple our small businesses, our budget stands
17 up for these same businesses by providing tax
18 relief and paying off their \$8 billion
19 unemployment insurance debt.

20 While they target our middle-class
21 workers, our budget increases weekly unemployment
22 benefits, expands apprenticeship programs,
23 supports farmworkers and food production,
24 restores funding for the arts and cultural
25 institutions, strengthens protections against

1 wage theft and deceptive business practices and
2 waives civil service exam fees to open doors for
3 more public service careers.

4 This is what this budget is about:
5 Choices, values, priorities. In this budget
6 New York has made a choice to stand with working
7 people and to invest in people. We've decided to
8 strengthen our schools and our hospitals, not to
9 starve them. To expand access to food and
10 housing and not rip it away.

11 And while Washington continues to
12 take more from New York than it gives back, we'll
13 keep doing the work. We'll keep investing in
14 people. And we'll carry that responsibility
15 forward when we leave this chamber today, because
16 that is the promise that we make to every
17 New Yorker. That is our promise.

18 So again, I want to thank you.

19 To all the mothers -- and that's
20 probably about everybody, in some way, shape or
21 form -- Happy Mother's Day.

22 And we will see you next week.

23 Thank you, Madam President.

24 (Extended standing ovation.)

25 ACTING PRESIDENT MAYER: Senator

1 Gianaris.

2 SENATOR GIANARIS: Is there any
3 further business at the desk?

4 ACTING PRESIDENT MAYER: There is
5 no further business at the desk.

6 SENATOR GIANARIS: I move to
7 adjourn until Monday, May 12th, at 3:00 p.m.,
8 with intervening days being legislative days.

9 ACTING PRESIDENT MAYER: On motion,
10 the Senate stands adjourned until Monday,
11 May 12th, at 3:00 p.m., intervening days being
12 legislative days.

13 (Whereupon, at 10:00 p.m., the
14 Senate adjourned.)

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