NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 17, 2025

11:26 a.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: 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 COONEY: 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 COONEY: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, April 16, 2025, the Senate met pursuant to adjournment. The Journal of Tuesday, April 15, 2025, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

(Pause.)

ACTING PRESIDENT COONEY: Okay, skip that.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good morning, Mr. President.

ACTING PRESIDENT COONEY: Good morning.

SENATOR GIANARIS: On behalf of Senator May, on page 30 I offer the following amendments to Calendar 669, Senate Print 6318, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: There will now be an immediate meeting of the Rules Committee in Room 332.

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

SENATOR GIANARIS: The Senate stands at ease.

ACTING PRESIDENT COONEY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:27 a.m.)

(Whereupon, the Senate reconvened at 11:32 a.m.)

ACTING PRESIDENT COONEY: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there's a report of the Rules Committee at the desk. Please take it up.

ACTING PRESIDENT COONEY: The Secretary will read.

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

Senate Print 5560, by Senator Mayer, an act to amend the Tax Law;

Senate Print 7459, by

Senator Krueger, an act making appropriations for the support of government.

Both bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT COONEY: The report of the Rules Committee is accepted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

And there's a substitution at the desk. The Secretary will read.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Rules, Assembly Bill Number 8000 and substitute it for

the identical Senate Bill 7459, Third Reading Calendar 686.

ACTING PRESIDENT COONEY: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 686, Assembly Bill Number 8000, by Assemblymember Pretlow, an act making appropriations for the support of government.

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

ACTING PRESIDENT COONEY: There is a message of necessity and appropriation at the desk.

SENATOR GIANARIS: Move to accept the message of necessity and appropriation.

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT COONEY: The

message is accepted, and the bill is before the house.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: The bill is laid aside.

That completes the reading of today's supplemental calendar.

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

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 686, Assembly Bill Number 8000, by Assemblymember Pretlow, an act making appropriations for the support of government.

ACTING PRESIDENT COONEY: Senator O'Mara, why do you rise?

SENATOR O'MARA: Thank you, Mr. President. Will the sponsor yield?

ACTING PRESIDENT COONEY: Senator Krueger, will the sponsor yield?

SENATOR KRUEGER: Happy to, Mr. President.

ACTING PRESIDENT COONEY: The

sponsor yields.

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

Good morning, Senator Krueger. Here we are doing our sixth budget extender on April 17th. How long is this extending us for today? And what's the dollar amount being appropriated in total so far of the six, and in this one in particular today?

SENATOR KRUEGER: Thank you, Mr. President.

And yes, my colleague Senator O'Mara, we're here again, Extender No. 6. This will provide appropriations to allow the state government to meet our payroll and nonpersonal expenses through April 23rd next week. And it provides funding, 9.6 billion in appropriation authority. In total, an increase of 3.4 billion over the prior extender.

And I can list out all the agencies that the funding is for, but I'm not sure I was asked that part of the question yet.

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

If the Senator will continue to

yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: Yeah, no, I've got the detail on the bill so we don't need to run through all that, just in total. Thank you.

Do you have any update for us on where we are on these policy issues that are holding this budget up? You know, we see last night that Speaker Heastie says there is a deal on discovery. No confirmation on that from the Governor at this point, or from your leader over there.

So where are we on that discovery issue?

SENATOR KRUEGER: So I'm cautiously optimistic that we do have an agreement on discovery. I don't necessarily know why the Governor has not actually officially said that or not.

But I'm again cautiously optimistic that the language that has been agreed upon

between the Assembly, the Senate and key DAs in the state have gotten us to the goal.

And what does that mean? That's one of many issues within a giant budget. But it does seem to be the issue that was holding up ongoing meetings with our staffs.

If I'm in an optimistic mood -- which is hard right, now for international and national reasons. But if I'm in an optimistic mood, we could come back to do this extender next week and even work on budget bills at the same time and even, in some world, complete budget bills before the end of next week.

But the less optimistic side of me -- because I do read the newspapers in the middle of the night, a serious mistake. Don't do it.

(Laughter.)

SENATOR KRUEGER: And I learned last night in the middle of the night, we have a federal government who's decided to kill our offshore wind projects that are already under construction, and seem to be hostile to any kind of green energy going forward. Which is not only going to do enormous destruction to the

pocketbooks of every constituent we have, but to the state budget and actually to the economic competitiveness of the entire country.

And so every day we have these chats and I try to think about where we are in New York and the progress we're trying to make as quickly as possible. Then I am knocked off my feet by the reverse activities going on at the federal level and the sheer sense of doom I have about what might happen as soon as we get our budget done, because then we have a federal government that wants to pull the rug out from every issue that we care about here in New York.

But having gone on too long, I am quasi-optimistic we could be coming to a conclusion on our budget.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: It kind of makes

me wonder, with all the concern you have over the federal cuts that may or may not be coming, why we're looking at a budget that's approaching $260 billion and not being more fiscally responsible in this budget and kind of plan for some of that, that some is probably likely coming.

SENATOR KRUEGER: Through you, Mr. President. I think we are being fiscally responsible.

We have put significant additional money into reserve funds. We are also I believe being responsible by continuing to highlight to our congressional representatives that it is their responsibility to make sure that the 50 states are provided adequate federal revenue to continue critical programs.

And frankly, my colleague knows as well as I do that in the absence of these federal funds, we would not have any ability to refill those holes. So suggesting that we ought to I guess not spend the money that we know we need on existing and important programs for New York State I do not think would be a wise plan.

And so I do support the Governor's

clear agenda to not make cuts until such time as we actually have to, while continuing to advocate as strongly as possible -- hopefully with all of us in this room -- with the federal government and our congressional representatives not to do those things to us.

And yet each morning I wake up and I read the newspapers and they seem to be doing those things -- but not with congressional approval yet, they're just ad libbing and actually, in violation of laws, declaring that they're not going to do things anymore that we desperately need.

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: Do we have an overall dollar amount for the parameters of where we're going to work on it in this budget once we

finally get through these policy issues?

SENATOR KRUEGER: Through you, Mr. President, I don't think we have a bottom-line financial plan for the budget completing negotiations between the two houses and the Governor yet.

We know where the Governor was in her original Executive Budget. We know where the two houses were in their one-house budgets. I'm going to take a leap it's somewhere between those numbers, but I don't have a number.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: So there's no table targets yet for the joint conference -- budget conference committees to meet, is that correct?

SENATOR KRUEGER: Through you, Mr. President, correct, there is no table

targets.

And again, for the record, there have been years where we did not have table targets or conference committees. I don't know whether this will be another one of those years.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: What is the purpose of the joint budget conference committees? Is it just a charade for the citizens of New York? Because that's what it seems like.

SENATOR KRUEGER: Through you, Mr. President. I have often been frustrated -- through four different Governors, being in the Minority, being in the Majority -- that it's often not been clear to me what the purpose of the conference committees are.

So I don't exactly know how to

answer my colleague's question, because I often think it's more of an academic discussion of a way to deal with the budget, as opposed to something that has netted out significant impacts on final budget decisions.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: I think it's probably set up for -- to give some appearance, anyways, that rank-and-file members of the Legislature are actually engaged in the budget discussions.

But we all know that's not how it works around here and there's really three people in a room that are making these decisions and then we'll be confronted with budget bills in the middle of the night. So, you know, that's very concerning to me that we go through, as I called it, that charade year in and year out.

So why don't we just not set them up at all?

SENATOR KRUEGER: Through you, Mr. President. I think my colleague could absolutely make that suggestion.

I don't think it's anywhere in rules or statute or constitution that that process takes place. So that if my colleague would like to propose an official end of that process, there's nothing that stops him from doing that.

I also have my own frustrations with our budget process. He highlighted in his earlier statement the fact that we get bills often late at night and we're asked to vote on them the next day. I know I carried a bill for many years saying that budget bills should actually have to age for longer than the three days that we usually require so that people can take a look and see what's in them. I think at one time I had a bill saying 10 days for budget bills.

And I do not like the concept that we sometimes even pass budget bills with messages of necessity, which I also have never been comfortable with. So if my colleague would like

to suggest either or both of those proposals I would be happy to work with him on that.

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR O'MARA: I would be happy to work with you on that. Because in my many years here in the Legislature, both the Assembly and the Senate, I don't think I recall voting on a budget bill without a message of necessity. So the three days itself would be far better than what we're doing year in and year out.

Would you agree with that?

SENATOR KRUEGER: Yes, I think that messages of necessity are supposed to be for emergency situations. And I'm not sure you can claim that a budget is an emergency situation, because obviously it's scheduled and worked on for months and months and months.

And obviously in this year we know for a fact that there wasn't an emergency to get it done on time, because otherwise he and I wouldn't be standing here with you all having this discussion on April 17th.

SENATOR O'MARA: Thank you.

Will the Senator continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: So yet we continue this process. And you're right, there is no immediate urgency for getting the budget done on a specific date. Obviously we blow past April 1st most every year. And we do these extenders. This is the sixth one. So clearly we can extend the budget.

So why wouldn't we extend the budget when it gets to that point when we actually have a budget that's agreed upon? Why wouldn't we do another extender for at least three days to get those bills in front of everybody, all of us and the public?

SENATOR KRUEGER: Through you, Mr. President. I would encourage my colleague to make that a formal recommendation.

And again, as I said, it would be consistent with my history as an individual legislator and my philosophy about how we should handle budgets. I don't know that I could get agreement across the aisle in two houses for that to happen. But I think that that's a perfectly legitimate approach to the situation.

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

You know, coming up here the way we're doing it, Senator, is really a waste of time and expense. You know, it's great we all get together, get to stay in a hotel, we get to go out to restaurants in Albany and collect our per diems. Very nice.

But frankly there's been -- for the rank-and-file members there's been little to nothing, other than two votes this week, one on Tuesday and one today, to extend the budget.

To get us all back here for three days, a rough calculation is somewheres between 150,000 and $200,000, depending on who comes, who

doesn't. So I just kind of average that out to get to it. In light of an approaching $260 billion budget, you know, that's a pittance. But I can tell you where I come from, that's more than double the household median income of my district each week we've been wasting.

So wouldn't it be better to get a deal, at least the top level of the three people in the room, before calling us all back here at that significant expense?

SENATOR KRUEGER: Through you, Mr. President, I would vote with Tom O'Mara on that proposal.

(Laughter.)

SENATOR O'MARA: No further questions.

(Laughter.)

SENATOR O'MARA: Thank you, Mr. President. Will the Senator continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: So you think maybe, possibly, sort of, there might be a final agreement on discovery. What details of that can you share with us? Where did we end up on that?

SENATOR KRUEGER: We are going to conference after session today, and we are going to ask our good counsel that exact question. So I don't have an ability to answer that right now.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: So I'll ask that question at the next extender vote, Senator, so just be prepared.

Last -- or earlier this week, Tuesday, we discussed the urgency to our school districts to have an amount of school aid and you suggested that there might be forthcoming, even short of a full budget agreement, at least a baseline for our school districts to be able to

count on in formulating their budgets, which have to be I think finalized some point next week so they're able to go to a vote in the middle of May.

SENATOR KRUEGER: Through you, Mr. President, yes. In follow-up to last week, and with information provided today, I believe that on Tuesday, April 22nd, we will be asked to vote on an additional appropriation authority to -- which would be necessary to assure funding for the school aid payments that may or may not include, I do not know yet, more additional information to help the school boards with their budget proposals.

That will happen Tuesday, with the full budget extender that we've been discussing up until now being on Wednesday.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: My understanding of this extender we're voting on today -- and one of the more important things of these extenders is to make sure state workers still get paid. And my understanding on this is we're doing two payroll extensions in this, one for beginning of next week and one that would be due in the middle of next week, to get us -- so the payroll extenders will be all the way through next week into the following week. Is that correct?

SENATOR KRUEGER: Yes. I'm being told that is correct.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: So that being the case, as I've stated before, why bring us all up here at great expense with something that really doesn't have to be done? I think there's one thing relative to school aid that might have to

be done in the middle of next week. There's no reason whatever that that couldn't have been extended into this.

Not that I don't want to be here and do my job, because I do. But I'd like to actually have something to do. And we don't.

So, you know, it just seems to me to be a waste of time and money to call us back here unless there's a complete budget deal done for us to actually -- or at least table targets so that we can actually start those types of discussions.

SENATOR KRUEGER: Through you, Mr. President. Only the Governor can initiate budget extenders and establish the amount in them and the timetable for them.

So again, I don't find myself in disagreement with my colleague. I'm just here to report the Senate can't control the situation, nor can the Assembly. It's exclusively within the authority of the Governor to determine budget extenders, their length of time, and what's in them.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: Now, you said maybe hopefully by Thursday next week we might have a full deal in place and a budget to vote on.

For us to vote on any budget bills on Thursday without a message of necessity, when would those bills have to be in print?

SENATOR KRUEGER: So my colleague is correct. In theory, without a message of necessary, the bills would need to be in print three days in advance.

So I guess I need to edit my previous answer. If we are going to change the system and not use messages of necessity on budget bills, realistically we probably could not vote on budget bills by the end of next week.

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

ACTING PRESIDENT COONEY: Will the

sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: I mean, in theory this body could not accept the Governor's message of necessity and say we're not going to accept it until you put these types of things in it, or government's going to be shut down.

Shutting down government is not a real palatable thing I think for most of us here in this room. But, you know, this is a hardball game, so why not push back on those types of things?

SENATOR KRUEGER: Through you, Mr. President, it's a very serious thing to decide to close down government. It would mean that no one who works for the State of New York would be getting paid. Right now we're the only ones not getting paid. It would mean our agencies closing their doors, people reaching out to them for help on a daily basis -- which of course they do -- getting no one to answer the phones or the emails.

I think that you need to have a

fairly, fairly serious and almost crisis-like process to decide not to do extenders and continue the work of government. So I certainly am not going to stand here and suggest that being late and having to deal with extenders is a justification for not doing extenders and closing down government.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: But that certainly could be used as a negotiating tactic. Because if we refuse to accept the message of this extender half an hour ago, I think the Governor could probably have another extender with another message of necessity prepared in a few hours. Say, just inserting that school aid portion that we have to come back here for next week that we wouldn't have to come back here for if that was in here today.

Now, I understand the Governor -- that she's got the power in all this, the ability to jerk us around, but I don't see any pushback on this.

SENATOR KRUEGER: Through you, Mr. President. I want to thank my colleague for the question. I think I did just answer it, but I'll try again.

It would be very, very dramatic and very problematic if we as a legislative body chose to not continue the operation of government and the payment to the workers of the State of New York because we are frustrated with the length of time it is taking to negotiate a full budget.

I do not see myself -- I'm not speaking for anyone else, but I do not see myself calling for a shutdown of New York State government and a stopping of payments to all the workers of the State of New York because I too am aggravated that we can't just negotiate the budget in a more timely fashion.

I might not like coming up here for extenders either, on weeks where we were technically supposedly on spring break. I have

great empathy for my colleagues who have children off from school this week and instead of doing whatever they thought they were doing for spring break they're hanging out with us in the Senate, as entertaining as we all can be.

(Waving.) Hello, child of colleague.

(Laughter.)

SENATOR KRUEGER: So yes, I would love if the budget was done. And I would also love that when the budget is done it has all the things in it that I want.

Guess what? It won't have all the things I want. And I will have to live with that reality. And clearly it's not done on time, which is frustrating to all of us in this room.

But the thought of attempting some kind of nuclear option and saying we're not going to be here and vote for extenders, I personally don't believe any of us could actually go home and explain that to our constituents at this moment in history.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: I am not suggesting that we go home and not come back for an extender. I'm suggesting we put pressure on the Governor to make this a real extender until the budget gets done, by forcing her hand. Let's come back with a revised extender to include that.

You know, we're -- in this body we seem to be -- I don't see the pushback to the Executive on issues that are even, you know, very important to the Majority Conference here. And we spoke a little bit at the last extender or the one before about the CDPAP program and where that stands, and I've got a question on that for you.

But you indicated that -- when we spoke about it last time, that the providers were still getting paid, even those that weren't in the new program yet. Yet our information that we're hearing from our constituents, and I'm sure you're hearing from them as well, those payments

are not forthcoming, they're being delayed. And, you know, people are panicking about whether their provider is going to walk off the job and not be showing up because they're not getting paid. There's certainly not a high pay for this anyways.

So, you know, do you have any update on the timeliness of the payments for these assistants?

SENATOR KRUEGER: I'm going to ask for a new staff to come in on CDPAP, so I'm asking for a few seconds to shift gears.

Through you, Mr. President, to just repeat, I believe my colleague was asking for an update on what we know about what's happening with CDPAP and the payments to workers, is that correct?

SENATOR O'MARA: Particularly the payments to workers that are not fully enrolled in the new program yet.

SENATOR KRUEGER: Okay. Hello.

(Pause.)

SENATOR KRUEGER: As of yesterday, 80 percent of -- excuse me, 87 percent of people signed up for PPL have transferred to the new

system.

Did I get that right? And what was the second number? (Conferring.)

SENATOR KRUEGER: Out of the 245,000 personal assistants, 160,000 have been moved over to the new system.

(Conferring.)

SENATOR KRUEGER: And nearly 110,000 of the personal assistants were paid as of the first payroll in the new system.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: Were those payments to those personal assistants that are not enrolled in the program, were they made on time, as they customarily have been? And what if any delays are they experiencing and should they experience until they do get fully enrolled?

SENATOR KRUEGER: So even though

normally payroll is once a week, PPL has shifted to an every-day payment. So people who may have not gotten paid appropriately on the one-week timeline are now getting paid and adjusted up on a daily basis, is what I'm being told.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: It was my understanding that those personal assistants that aren't enrolled yet are going to be being paid through their fiscal intermediary that they had before this changed to PPL. So how is PPL paying those personal assistants? Are they still being paid through their prior fiscal intermediary?

(Pause.)

SENATOR KRUEGER: So people who are still within their old FIs and have not shifted over to PPL yet are going to continue to be paid through their existing FIs as long as the FI meets certain standards.

And regulations for that came out from DOH -- yesterday? Today? Very, very late Tuesday night. This is all being overseen by a court process, so it's not necessarily something where you get a lot of advance notice.

I think that my constituents, my colleagues, are also disturbed when they hear that there are some people who have seemingly not been paid on time and that there is general confusion out there. I think we're all hearing the same thing.

I guess one thing I didn't mention -- because the question wasn't exactly asked -- a significant number of people who were in CDPAP actually chose to go into traditional home care during the transition. So they are now not in PPL, they are now in traditional home-care arrangements with home care agencies. And a significant number of the FIs who are not going to continue as FIs are continuing as home healthcare agencies. And so we believe that their ability to continue with the payments is actually probably going okay.

But there is a universe of people, no doubt about it, where they have not completed

transition to PPI -- PPL? PPL, I'm so sorry. All these code letters. They have not completed transition to PPL, and their FIs are in some kind of gray area because they're not home healthcare agencies who will be remaining open over time. And there is real concern about how the paper trail and the payments are being made.

But I think in final answer to my colleague's longer question, it's DOH who will be responsible for making sure that people who are falling into that category are getting paid.

SENATOR O'MARA: All right, thank you.

Mr. President, if the Senator will continue to yield. And I realize we're at noon and probably there's a deadline here that means something, apparently.

(Laughter.)

SENATOR O'MARA: Even though the Assembly has typically taken till 3, 4 o'clock in the afternoon on these things, we try to get it done on time here. And that's great. But I don't think it's going to kill the process by taking a few more minutes.

So, you know, with all the policy

issues being discussed -- and you say there's been significant progress and maybe even resolution to discovery, yet there's a couple of other major ones that are still out there, being involuntary commitment and the so-called mask ban that would preclude -- it would raise the level of the crime for somebody committing harassment while wearing a mask.

You know, issues both of which -- and the discovery issue -- are overwhelmingly supported by the public at large. And I believe if they -- if we actually had a referendum system in this state, that if they were put to referendum they would overwhelmingly pass. So can -- yet they're holding up this budget.

So where do we stand in relation to those two major issues that I think are still outstanding?

SENATOR KRUEGER: Through you, Mr. President. Those are both complex issues. And I won't stand here and say I can explain the details of agreement or nonagreement.

I don't know that I agree with my colleague that if this was an I&R state that both of those issues would in fact overwhelmingly be

supported or not supported.

I know on involuntary commitment -- and I represent a district where a vast majority of the storylines seem to come out in the newspapers every day -- my office is overwhelmed by people saying, We're not asking for the arrest or involuntary commitment of people. We know the police are scooping up people every day. They end up in Rikers or in a public hospital emergency room. We want to know, what are you going to do to make sure that they get the services they need as mental health patients and get placed in residential facilities that are actually prepared to handle their illness?

So even the question that -- the way it was asked with involuntary commitment, that's not what the people who live right where the issue is happening are concerned about. They're concerned about making sure services are available for these people to actually get the help they need. And they don't want to see them locked up in any involuntary situation. And frankly, the -- most of them end up in the Rikers system, not in any kind of mental health care.

So that has, I know, been a serious

part of the discussion between the Legislature and the Governor's office.

And also on the question of increased criminal penalties for using a mask while committing a crime, depending on who you talk to, they think we're talking about bank robbers or they think we're talking about protesters or, lately, they think we're talking about ICE agents who are wearing masks and scooping people off our streets. So I also don't think there's actually one universal majority opinion on that.

But hopefully we will come to some kind of agreement on both of those issues within the budget. But technically -- well, the involuntary commitment because you need the services for people is a budget issue.

The criminal case of when and if someone should face a higher level of criminal penalty for another criminal activity based on wearing a mask is not actually a budget issue, it's a Codes Committee issue. So I don't know whether that's going to be taken up in the budget, sincerely.

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: So all that I guess leads me to believe that we're not close on those two issues, and those are likely to drag out even longer. Which I think plays even more into my argument that we should be doing a full extender until those things are worked out. At least until we're ready to sit down and actually talk about a budget with dollar amounts rather than policy issues.

But, you know, I want to make it clear. On the involuntary commitment, I'm certainly not suggesting that those that are willing voluntarily to go into treatment, that -- there's issues about the availability of that, for one. And we do need to do better in that regard.

And I don't think we're talking about those individuals that will voluntarily go

into mental health treatment to avoid the issues that they have, whether it's homelessness, inability to care for themselves, or crime.

It's those who we're looking to catch that do not comprehend, understand or grasp, due to their mental illness, their need for treatment, and therefore leaving the voluntary treatment, never going in the first place. And that's the purpose for involuntary treatment, which is a far better place to get it than at Rikers Island.

But at -- you know, the policy issues that we deal with in the budget -- you know, no bail was one of them that was included in the budget. And without bail, these -- by and large these individuals that aren't committing violent crimes, they're just committing other crimes, are not getting bail because bail can't be set on them. So they're just kind of being released back into the streets to their homelessness situation where they can't care for themselves, don't know how to care for themselves, don't comprehend the needs that they have.

And involuntary treatment could

certainly help at least get treatment started for these individuals. Don't you agree with that?

SENATOR KRUEGER: Through you, Mr. President. Again, I don't think this discussion is actually about bail.

And again, I only have direct personal experience from my city and my borough, Manhattan, which actually is where most of these cases are. It's almost never an issue of someone refusing to go with the police into a hospital setting. And it is very, very rarely a situation where they are saying, No, I refuse to stay. It's just the opposite. We don't have the facilities and the services for them to go to.

It's interesting, the City Council of New York had a hearing I'm going to say two days ago on protective services for adults, which is a division under state law, Social Services Law, that's supposed to exist in every county. And what we learned from the City Council hearing is New York City's agency only responded to follow up on 5 percent of the cases brought to them.

And the standards of a case being brought to them is almost exactly the discussion

we're having right here, where if the adult is not able to care for themselves -- food, shelter -- they are being evicted from their home, they have acted out in ways that are clearly not in their best interests or their neighbor's best interests, protective services for adults, which on the books is supposed to be law that somebody's supposed to do something, at least in the City of New York they say because of inadequate funding they are only even following up on 5 percent of those cases.

Which tells me 95 percent of those cases could be people actually on our streets suffering from mental illness, not getting the services and care they need. And even when government was supposed to follow up for them and there was a report made, nobody did anything.

And now I've learned today that the federal government intends to defund that program completely. And that's going to affect us whether we are in Senator O'Mara's district or any of my colleagues' districts.

So one has to be very careful when discussing the policy to understand what the problem actually is that you're trying to get the

policy to match.

And I will continue to hold my position that the crucial policy discussion here is making sure that we have the adequate healthcare services, mental health care services and, for homeless mentally ill, residential facilities that people can go to -- far, far, far more important on a daily basis in all of our communities than whether or not the police believed they had adequate authority within existing law to bring these people somewhere.

Because again, for New York City, nobody's stopping NYPD from bringing them somewhere. The dilemma is where is that somewhere, and how long is it going to last? And if it's six hours before they get let out the back door of the emergency department, that is no solution, no matter how strict you make the laws on the books.

Thank you, Mr. President.

SENATOR O'MARA: Thank you.

Mr. President, I understand I'm up against the time limit here, so I'll thank Senator Krueger for her answers. I have more questions. But on the bill, if I can, for a

moment.

I certainly agree with you that there's a lack of services for the mentally ill. One thing that I have commended Governor Hochul on over another years has been her commitment in driving more money into the mental health system -- following a decade of the prior Governor having a direct assault on our mental health facilities, shutting down beds and making it more difficult without the requisite NGO, not-for-profit groups set up to handle this type of thing.

But I do disagree with Senator Krueger a bit on the need for involuntary commitment. While a certain percentage will certainly go into voluntary treatment and hopefully continue with it and improve their lives and their ability to care for themselves, it's the percentage that won't do that and it's the percentage that continues to commit crimes on our streets in our communities with no option. It's just a revolving door for many of them, and we're not solving the problem.

You know, the policy issues that are holding up this budget --

ACTING PRESIDENT COONEY: Senator Gianaris.

SENATOR O'MARA: -- and nobody wants policy issues in the budget --

ACTING PRESIDENT COONEY: Senator Gianaris.

SENATOR GIANARIS: I'm sorry to interrupt my colleague, but the time limit he was referring to is that for all bill debates, members have 30 minutes to speak on the bill or present questions. We've been lenient, and Senator O'Mara is now past -- well past 40 minutes.

So if -- I would ask him to please wrap up. Many of the issues he's talking about of course are not mentioned at all in this extender. We will have plenty of opportunity to debate them when the budget-in-chief comes before us. But if Senator O'Mara could wrap up his comments, that would be appreciated.

ACTING PRESIDENT COONEY: Senator O'Mara.

SENATOR O'MARA: Thank you.

Thank you, Senator Gianaris. And I was getting close to wrapping up anyways.

But, you know, these policy issues that are holding everything up, in the bodies of the Senate and the Assembly Majorities, really no pushback on policy issues that are important to your side while the Governor is trying to negotiate issues that, frankly, I'm largely in support of. And I think this side of the aisle is, because we have concerns in the area of mental health.

So it's important that these issues get resolved. But we're only dealing with the Governor's issues. You know, I've gone back a couple of times to CDPAP now on that. The Legislature -- at least this body -- is generally not happy with that single fiscal intermediary. We're going from hundreds of fiscal intermediaries down to one.

It would have been much more reasonable to have regional ones, I think, for that. I know the chair of the Senate Health Committee agrees with that because he has a bill to do just that. And there's 38 cosponsors on that bill. Yet it hasn't even moved through committee. That should be in the mix of discussions about what's going on here with all

the concerns we have over the single fiscal intermediary that has really been crammed down the throats of those that need it, those services, in New York.

So thank you very much.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

I want to speak very specifically on what the sponsor termed as a tragic loss of funding from the federal government for offshore wind.

While we would certainly disagree with that, I would remind her that that actually fell apart under the Biden administration when the developers decided to come back and try to extort more taxpayer money, the multi-billion-dollar boondoggle that it was.

But since then, we've seen the tragedy that has hit the shores of Block Island and elsewhere, when these wind turbines offshore shattered and plastic shards polluted those beaches.

But this is an opportunity in the budget to take the billions of New York State taxpayer dollars that were dedicated to that ridiculous boondoggle and put it back into this budget, and maybe offer a discount to our taxpayers that are already overburdened.

So let's kill the offshore wind on our end as well, which is nothing but a taxpayer-funded boondoggle that puts money into foreign companies -- foreign countries like China, and let's bring it back to the people of New York State.

So I'm voting to keep moving this forward, but with the understanding that we have

the opportunity to close the entire gap, entirely, for every single dollar that the federal government is, for whatever reason, not giving us, with eliminating waste, fraud and abuse in New York State's budget. And we should do that, and we should do it in this budget.

Thank you.

ACTING PRESIDENT COONEY: Senator Borrello to be recorded in the affirmative.

Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Mr. President.

The budget was due April 1st. Today is April 17th, Holy Thursday. And we're voting on our sixth extender. And I don't want government to shut down either, but we still have no table targets. We're hearing no confirmation on movement. And next week, April 26th, our school districts by law must approve budget proposals. And without those, it's so much more difficult for them to be able to create something predictable for those residents.

Deflecting to national issues once again, using them as scapegoats for the failure to produce a state budget -- you know, it's just

unacceptable. It's irresponsible.

And with a quarter of a trillion dollars -- more than a quarter-of-a-trillion-dollar budget being proposed, we as a state should be more than prepared and funded to safeguard our state. And yet I'm still hearing organizations and not-for-profits who, even in these proposed budgets, aren't fully getting funded, haven't seen any increases since the 1990s. And really, I mean, the entire State of New York is waiting for this budget.

So it's time for us to do our jobs and it's time for us to get this budget done. And for that, I'm voting no. Thank you.

ACTING PRESIDENT COONEY: Senator Weik to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 686, voting in the negative:

Senator Weik.

Ayes, 50. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

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

SENATOR GIANARIS: Let me remind my Majority colleagues there will be an immediate conference for the Majority in Room 332 upon conclusion of session.

And with that, is there any further business at the desk?

ACTING PRESIDENT COONEY: There is no further business at the desk.

SENATOR GIANARIS: Move to adjourn until Tuesday, April 22nd, at 11:00 a.m., with the intervening days being legislative days.

ACTING PRESIDENT COONEY: On motion, the Senate stands adjourned until Tuesday, April 22nd, at 11:00 a.m., with the intervening days being legislative days.

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