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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 6, 2021

12:11 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT MAYER: Reading of
14 the Journal.

15 THE SECRETARY: In Senate, Monday,
16 April 5, 2021, the Senate met pursuant to
17 adjournment. The Journal of Sunday, April 4,
18 2021, was read and approved. On motion, Senate
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 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: Thank you,
7 Madam President.

8 Amendments are offered to the
9 following Third Reading Calendar bills:

10 By Senator Gaughran, on page 12,
11 Calendar Number 320, Senate Print 989;

12 And by Senator Brooks, page 17,
13 Calendar Number 443, Senate Print 1343A.

14 ACTING PRESIDENT MAYER: The
15 amendments are received, and the bills shall
16 retain their place on the Third Reading Calendar.

17 Senator Gianaris.

18 SENATOR GIANARIS: Madam President,
19 I move to adopt the Resolution Calendar, with the
20 exception of Resolution 568.

21 ACTING PRESIDENT MAYER: All in
22 favor of adopting the Resolution Calendar, with
23 the exception of Resolution 568, please signify
24 by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT MAYER: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT MAYER: The
5 Resolution Calendar is adopted.

6 Senator Gianaris.

7 SENATOR GIANARIS: Madam President,
8 while we are taking up that resolution, there
9 will be an immediate meeting of the
10 Finance Committee in Room 332.

11 ACTING PRESIDENT MAYER: There will
12 be an immediate meeting of the Finance Committee
13 in Room 332.

14 SENATOR GIANARIS: And now let's
15 take up Resolution 568, by Senator Kennedy, read
16 its title only, and recognize Senator Kennedy.

17 ACTING PRESIDENT MAYER: The
18 Secretary will read.

19 THE SECRETARY: Senate Resolution
20 568, by Senator Kennedy, mourning the tragic and
21 untimely death of New York State Trooper Joseph
22 Gallagher on March 26, 2021.

23 ACTING PRESIDENT MAYER: Senator
24 Kennedy on the resolution.

25 SENATOR KENNEDY: Thank you,

1 Madam President.

2 I rise today to honor the courageous
3 and compassionate life of New York State Trooper
4 Joseph Gallagher, who was tragically taken from
5 us far too soon.

6 Originally hailing from South
7 Buffalo, New York, Trooper Gallagher served this
8 nation and state with integrity, honor and pride.
9 He dedicated his 38 years on this earth to
10 protecting others. Heartbreakingly, it was in
11 that spirit of helping people that Trooper
12 Gallagher ultimately suffered a critical
13 life-changing injury.

14 On December 18, 2017, Trooper
15 Gallagher was stopping to assist a disabled
16 motorist on an overpass leading to the
17 Long Island Expressway, when he was struck by a
18 distracted driver.

19 Three years later, on March 26,
20 2021, Trooper Gallagher succumbed to the
21 devastating injuries he suffered that day. His
22 loss is heavy, leaving many, including his
23 New York State Police family, in mourning.

24 Trooper Gallagher began his career
25 with the State Police in 2014 and was most

1 recently assigned to cover Nassau County and
2 Suffolk Counties, after having served in downtown
3 New York. Prior to joining the State Police, he
4 served as a rescue helicopter pilot for the
5 Coast Guard in Detroit.

6 He lived his life with purpose, and
7 he dedicated his life to service. But we know
8 that as much as Trooper Gallagher loved his
9 career, his most treasured title was first and
10 foremost a beloved husband and father.

11 He leaves behind his wife, Laura,
12 and two children, William and Catherine, as well
13 as his parents, brothers, a sister and countless
14 friends.

15 Trooper Gallagher's legacy will
16 undoubtedly live on through each and every one of
17 them and in the many in uniform who are sworn to
18 protect. May his memory serve as a beacon of
19 hope, of service, and of strength. We thank his
20 family for sharing him with all of us, and we
21 extend our deepest condolences.

22 I'd like to ask that we honor him in
23 this chamber here today, his sacrifices to our
24 state and our nation, with a moment of silence.

25 (Whereupon, the assemblage respected

1 a moment of silence.)

2 SENATOR KENNEDY: Thank you,
3 Madam President.

4 May Trooper Joseph Gallagher rest in
5 peace.

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

8 Senator Boyle on the resolution.

9 SENATOR BOYLE: Thank you,
10 Madam President. Thank you, Senator Kennedy, for
11 bringing this resolution.

12 On behalf of the citizens of
13 Long Island, I would like to give our condolences
14 to the family of Trooper Gallagher. That tragic
15 day we remember him being hit, three years ago, a
16 young man who committed his life to law
17 enforcement, to helping others.

18 And I think of how it occurred; he
19 was helping a disabled motorist. I know there's
20 been a lot of controversy since this tragedy
21 about law enforcement and their role. This is
22 what law enforcement does. He was helping a
23 disabled motorist when someone who was texting
24 and driving hit him, and caused ultimately his
25 death.

1 The day after that, I went to visit,
2 I with other elected officials went to visit the
3 hospital where the trooper was being treated. It
4 was miraculous that he lived, he was in such
5 grave condition then. But for those people who
6 are thinking about texting and driving or doing
7 anything else but paying attention to the road,
8 you do not want to ruin your life by killing
9 someone. You particularly don't want to do it
10 having that poor individual, that dedicated
11 trooper, suffer for three years and then pass way
12 before his time.

13 I want to again send our condolences
14 to Trooper Gallagher's family -- his wife, his
15 children, his parents, his siblings. A true
16 hero, and we will always remember it.

17 I've talked to Senator Gallivan; I
18 believe he was a constituent of his. We'd like
19 to perhaps rename a bridge, probably up in his
20 area, or do something. This resolution is very
21 well thought of and crafted, and thank you very
22 much, Senator Kennedy. We should do something to
23 honor him and his legacy and his great heroism.

24 Thank you.

25 ACTING PRESIDENT MAYER: Thank you,

1 Senator Boyle.

2 Senator Ortt on the resolution.

3 SENATOR ORTT: Thank you,
4 Madam President.

5 I want to thank my colleague from
6 Western New York, Senator Kennedy, for
7 introducing this resolution. I also want to
8 thank my colleague Senator Boyle for speaking on
9 it.

10 I don't think anyone thinks about
11 texting while driving, Senator Boyle. That's
12 sort of the problem, is they don't think. We've
13 passed legislation in this chamber to try and
14 help diminish -- to force people to think about
15 texting while driving and that if they were
16 caught texting while driving, there would be
17 consequences.

18 We also passed legislation that
19 would require people to move over on the Thruway
20 when a trooper is pulled off of the side or has
21 someone pulled off to the side, because we
22 understand how dangerous that part of their job
23 or any part of their job is.

24 Trooper Gallagher, 38 years --
25 younger than a lot of people in this chamber.

1 From Western New York, served his country, served
2 his state, a father and a husband -- gone,
3 because of someone who wasn't thinking. Gone
4 because somebody was too distracted by a text
5 message or an app. Someone who was acting
6 selfishly took the life of someone who dedicated
7 their life to acting unselfishly. And that
8 really is the shame and the tragedy.

9 And Trooper Gallagher, the fighter,
10 hung on for almost three years after suffering a
11 horrific injury, a traumatic brain injury, before
12 succumbing to his wounds. My thoughts are with
13 his wife, with his family.

14 And I think it's great that we did
15 this resolution. And I hope that we will always
16 remember in this chamber the very real dangers
17 that other troopers and other members of our
18 law enforcement like Trooper Gallagher face every
19 single day. No matter how mundane or routine the
20 traffic stop or the call is, it can go wrong just
21 like that.

22 And so I want to thank again my
23 colleague Senator Kennedy for introducing this
24 resolution, and I hope that everyone in this
25 chamber will say a prayer for Trooper Gallagher

1 and for his family today.

2 Thank you, Madam President.

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

5 The question is on the resolution.

6 All in favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT MAYER: Opposed,
9 nay.

10 (No response.)

11 ACTING PRESIDENT MAYER: The
12 resolution is adopted.

13 Senator Gianaris.

14 SENATOR GIANARIS: Madam President,
15 Senator Kennedy would like to open this
16 resolution for cosponsorship.

17 ACTING PRESIDENT MAYER: The
18 resolution is open for cosponsorship. Should you
19 choose not to be a cosponsor of the resolution,
20 please notify the desk.

21 Senator Gianaris.

22 SENATOR GIANARIS: While we wait
23 for the Finance Committee to wrap up its work, we
24 will stand at ease, Madam President.

25 ACTING PRESIDENT MAYER: The Senate

1 will stand at ease.

2 (Whereupon, the Senate stood at ease
3 at 12:22 p.m.)

4 (Whereupon, the Senate reconvened at
5 12:34 p.m.)

6 ACTING PRESIDENT MAYER: The Senate
7 will return to order.

8 Senator Gianaris.

9 SENATOR GIANARIS: Madam President,
10 can we take up the report of the
11 Finance Committee which is at the desk.

12 ACTING PRESIDENT MAYER: The
13 Secretary will read.

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

17 Senate Print 2501B, Senate Budget
18 Bill, an act making appropriations for the
19 support of government: LEGISLATURE AND JUDICIARY
20 BUDGET;

21 Senate Print 2505C, Senate Budget
22 Bill, an act to amend Chapter 887 of the Laws of
23 1983;

24 Senate Print 2507C, Senate Budget
25 Bill, an act to amend Part H of Chapter 59 of the

1 Laws of 2011;

2 Senate Print 2508C, Senate Budget
3 Bill, an act intentionally omitted.

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 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT MAYER: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT MAYER: The
16 Finance Committee report is accepted.

17 Senator Gianaris.

18 SENATOR GIANARIS: Let us now take
19 up the supplemental calendar.

20 ACTING PRESIDENT MAYER: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 645, Senate Print 2501B, Senate Budget Bill, an
24 act making appropriations for the support of
25 government.

1 SENATOR GIANARIS: Lay the bill
2 aside temporarily, please.

3 ACTING PRESIDENT MAYER: The bill
4 is laid aside temporarily.

5 THE SECRETARY: Calendar Number
6 646, Senate Print 2505C, Senate Budget Bill, an
7 act to amend Chapter 887 of the Laws of 1983.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT MAYER: The bill
10 is laid aside.

11 THE SECRETARY: Calendar Number
12 647, Senate Print 2507C, Senate Budget Bill, an
13 act to amend Part H of Chapter 59 of the Laws of
14 2011.

15 SENATOR LANZA: Lay it aside.

16 ACTING PRESIDENT MAYER: The bill is
17 laid aside.

18 THE SECRETARY: Calendar Number
19 648, Senate Print 2508C, Senate Budget Bill, an
20 act intentionally omitted.

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT MAYER: The bill
23 is laid aside.

24 Senator Gianaris, that completes the
25 reading of today's supplemental calendar.

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

3 Madam President, as we take up the
4 controversial calendar, let's start with
5 Calendar 647, please.

6 ACTING PRESIDENT MAYER: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 647, Senate Print 2507C, Senate Budget Bill, an
11 act to amend Part H of Chapter 59 of the Laws of
12 2011.

13 ACTING PRESIDENT MAYER: Senator
14 Borrello.

15 SENATOR BORRELLO: Yes, thank you,
16 Madam President. Would the sponsor yield for
17 some questions.

18 SENATOR RIVERA: Yes,
19 Madam President.

20 ACTING PRESIDENT MAYER: The
21 sponsor yields.

22 SENATOR BORRELLO: Hello,
23 Senator Rivera. Thank you very much. Appreciate
24 it.

25 I want to speak about the changes to

1 nursing homes in Part GG of the Health and Mental
2 Health bill that requires 70 percent of their
3 revenues to be spent directly on patient care,
4 with 40 percent on resident-facing staffing, and
5 also any residential healthcare facility with
6 revenue more than 5 percent of expenses must
7 expend the revenue in a manner determined by the
8 department through regulations by November 1st of
9 the following year. So that's the part I'd like
10 to speak about.

11 My first question is, was there any
12 studies done by the state to quantify what this
13 profit cap would do to -- and was there any
14 correlation to the quality of care?

15 SENATOR RIVERA: Through you,
16 Madam President. Well, first of all, thank you,
17 Senator Borrello. It's a pleasure to see you
18 here, sir.

19 Well, this particular part of the
20 budget -- as we all know, there are serious
21 concerns that we all have had that have been a
22 product of what we've seen as a result of the
23 COVID pandemic in nursing homes across the state.
24 There are a package of bills that we've already
25 passed on this floor. But we believe that it was

1 necessary to actually approve this, and I'm very
2 glad that it has made the final cut.

3 What we're talking about here is
4 making certain that we can dissuade bad actors
5 from entering into this business, folks that look
6 at nursing homes as strictly a business to make
7 money, as opposed to taking care of patients. We
8 want to make sure that we can dissuade those
9 folks. And we want to make sure, most
10 specifically, that the money that is allocated to
11 these facilities is used for actual care of
12 people.

13 So in this case the bill not only
14 specifies that 70 percent of the revenue needs to
15 have -- needs to go directly to resident care,
16 but also, since we know how important it is,
17 Madam President, for them to have adequate
18 staffing to take care of the folks who are in
19 nursing homes, we establish that there is
20 40 percent of total revenue that needs to go to
21 resident-facing staffing.

22 And Madam President, I will tell you
23 that this was an extensive effort that -- after
24 we have talked to every stakeholder that we could
25 find to get a better sense of how to best

1 structure this. So we have talked to folks who
2 are patient advocates, folks who are proprietors
3 of nursing homes, folks who represent the workers
4 in nursing homes.

5 And we feel that this version that
6 we have in front of us would be able to achieve
7 what we need to achieve, which is to make sure
8 that folks in nursing homes are safe and that the
9 money that is allocated to them, Madam President,
10 goes to the actual care of real patients.

11 SENATOR BORRELLO: Thank you,
12 Madam President. Would the sponsor continue to
13 yield.

14 ACTING PRESIDENT MAYER: Senator
15 Rivera, do you continue to yield?

16 SENATOR RIVERA: Yes,
17 Madam President.

18 SENATOR BORRELLO: Well, first of
19 all, thank you. And I appreciate that. I think
20 that no one can dispute that we want to ensure
21 that our most vulnerable citizens, those living
22 in nursing homes, are going to be cared for
23 properly.

24 But it appears that the nursing
25 homes that expend the most of their revenue on

1 patient care actually have the lowest ratings.
2 So my question is, do we know if there's actually
3 a correlation between spending more and actually
4 getting a better quality of care? Because in
5 fact our public nursing homes, our government-run
6 nursing homes, typically are the lowest rated,
7 and they spent the most money on labor.

8 So is there any correlation between
9 that revenue -- and how did we get to 70 percent?
10 Was there a number -- was that number chosen
11 because of some kind of a study on the quality of
12 care based on how much money is expended?

13 SENATOR RIVERA: So
14 Madam President, I will you tell that part of
15 this was a back-and-forth. There are different
16 states that have approached it in different ways
17 and different proposals that have been put
18 forward.

19 But we felt that indeed it is -- by
20 determining it the 70 percent of the -- of its
21 revenue must be used on patient care, that that
22 is precisely what we need to focus on that we
23 need to -- that this is precisely what actually
24 would secure the safety of the people inside
25 nursing homes.

1 I'll tell you, Madam President, that
2 as I said, other states have approached it
3 differently, and we felt that 70 percent was the
4 right way to do it. And the way that we
5 structured it -- and this is an important part,
6 Madam President. The way that we structured it
7 is making sure that -- because there's a lot of
8 ways that people can actually -- potentially
9 could have cut corners and could have seemed like
10 they were spending a lot of money but then not a
11 lot of it was going to actual patient care.

12 But I will tell you,
13 Madam President, through you, that we feel very
14 strongly, based on all the conversations that we
15 had with stakeholders and folks that have done
16 much thinking on this issue, that this is the
17 right percentage. And that having 70 percent of
18 revenue to direct care for residents and
19 40 percent of revenue on resident-facing staffing
20 is actually the way to make sure that people are
21 safe in these facilities.

22 SENATOR BORRELLO: Thank you.

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

25 ACTING PRESIDENT MAYER: Senator

1 Rivera, do you continue to yield?

2 SENATOR RIVERA: Yes,
3 Madam President.

4 SENATOR BORRELLO: Through you,
5 Madam President, what's the total fiscal impact
6 for nursing homes in New York that currently do
7 not meet the requirements in this legislation and
8 would have to rebate their excess revenues to the
9 state? You know, do we have any idea what that
10 fiscal impact might be?

11 SENATOR RIVERA: Madam President,
12 if -- through you, if the -- if the Senator could
13 repeat the question, please. I'm sorry.

14 SENATOR BORRELLO: Sure. What is
15 the -- I'm asking what the total fiscal impact
16 statewide would be for nursing homes that do not
17 meet that standard currently, and what would then
18 the impact of that excess revenue rebated to the
19 state be on just the economy of our nursing
20 homes? Do we have any idea? Based on their
21 current models and their current expenditures.

22 SENATOR RIVERA: Madam President,
23 at this point I could not tell you what that
24 number could potentially be.

25 And when we look at it, the issue

1 here is that because we want to make sure that
2 folks spend -- that these institutions, these
3 entities spend most of their money on actual
4 direct patient care, we are hoping that we don't
5 have to actually get any of this money back. We
6 are hoping, Madam President, that they are doing
7 the right thing.

8 So they will have to shift some of
9 their expenditures to be able to meet these
10 requirements. It is -- we don't know what the
11 number is going to be. But again, the goal of us
12 structuring it this way is to make sure that most
13 of the money goes to actual patient care. And we
14 are hoping, Madam President, that we do not have
15 to get any money back from any of these
16 institutions. Because again, we need to make
17 sure that that money goes to actual patient care.

18 SENATOR BORRELLO: Madam President,
19 will the sponsor continue to yield.

20 ACTING PRESIDENT MAYER: Senator
21 Rivera, do you continue to yield?

22 SENATOR RIVERA: Yes,
23 Madam President.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR BORRELLO: Through you,
2 Madam President. So let's assume that since
3 they're currently working under these models,
4 many of which are guaranteed in their covenants
5 with their banks, so they're going to have to
6 continue with these current models in order to be
7 profitable -- let's assume for the moment that
8 some of these nursing homes are going to have to
9 relinquish that revenue. Where will that revenue
10 go that is relinquished to the state? Where will
11 that money, their profits that are going to be
12 seized by the state, where will they be going?

13 SENATOR RIVERA: Through you,
14 Madam President. First of all, I will tell you
15 that this is actually a -- and thanks to my staff
16 for clarifying this. It is forward-looking, so
17 these will be from 2022 onwards. So in other
18 words, we would give them some time to actually
19 fix their -- you know, make sure that they're
20 doing it right.

21 As far as where this money would go,
22 this would actually remit back to the state and
23 would go -- one second, Madam President. Thank
24 you, Madam President. Through you,
25 Madam President, it would go to an actual pool of

1 money specifically for this purpose, to make sure
2 that this money comes back. And it is a quality
3 pool for nursing homes which would then
4 potentially be used by the state to actually make
5 sure that we can give it back to nursing homes.

6 SENATOR BORRELLO: Thank you.

7 Madam President, will the sponsor
8 continue to yield?

9 ACTING PRESIDENT MAYER:

10 Senator Rivera, do you continue to yield?

11 SENATOR RIVERA: Yes,
12 Madam President.

13 ACTING PRESIDENT MAYER: The
14 sponsor yields.

15 SENATOR BORRELLO: So we're going
16 to create a pool of money from the profits that
17 are taken from these nursing homes, and then
18 you're saying it's going to be used to improve
19 the quality of care. How will that be done?

20 SENATOR RIVERA: Through you,
21 Madam President. When we have this pool -- which
22 again, I am hoping that we don't -- that that
23 pool does not ever grow that big. But there will
24 be a determination at that point, probably by the
25 Department of Health, as well as involvement from

1 the Legislature, on how that money would actually
2 be spent, to make sure that we can address
3 quality concerns in nursing homes.

4 But I will underline,
5 Madam President, that this is a measure that is
6 created to let folks know ahead of time that
7 you're not going to be using these facilities
8 anymore as just cash-making machines, that you
9 have to make sure that you spend the money on
10 actually taking care of people. Which means that
11 the good actors are going to be fine. We
12 actually are seeing that most of the facilities
13 in the State of New York, even though most of
14 them are for-profit companies, actually meet this
15 criteria already. We just want to make sure that
16 the folks that are bad actors -- and when they're
17 bad actors, we're talking about that they hit the
18 most vulnerable people -- this would actually
19 dissuade them from doing it.

20 So Madam President -- and I'm not
21 sure how much would go into that pool, but I can
22 assure you that not only would the Department of
23 Health -- hopefully under a different Governor,
24 but also a different Legislature, that the
25 Legislature would be involved in determining what

1 happens with that money as well.

2 SENATOR BORRELLO: Madam President,
3 will the sponsor continue to yield.

4 ACTING PRESIDENT MAYER: Senator
5 Rivera, do you continue to yield?

6 SENATOR RIVERA: Yes,
7 Madam President.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR BORRELLO: Through you,
11 Madam President.

12 So you mentioned bad actors. I
13 previously referenced the fact that the
14 lowest-rated nursing homes typically in New York
15 State are government-run. In fact, the highest
16 number of deaths from COVID in our nursing homes
17 were government-run nursing homes.

18 So does this bill address bad actors
19 that are run either by not-for-profits or by
20 government-run facilities?

21 SENATOR RIVERA: Madam President,
22 this is a bill that actually covers every nursing
23 home, whether they be for-profit or nonprofit.
24 It just states that the percentage of money that
25 needs to be spent on patient care needs to hit

1 that 70/40 ratio.

2 SENATOR BORRELLO: Madam President,
3 on the bill.

4 ACTING PRESIDENT MAYER: Senator
5 Borrello on the bill.

6 SENATOR BORRELLO: First of all,
7 Senator Rivera, thank you so much for indulging
8 me. I appreciate it. And I certainly appreciate
9 what you're trying to accomplish here. I think
10 we all intend to ensure that our seniors living
11 in nursing homes get the best care possible,
12 however. And again, I appreciate your efforts
13 here.

14 But I have a lot of concerns. I
15 think, you know, one thing I've learned in my
16 short time in Albany is the fact that so much of
17 what we do here has unintended consequences. And
18 this particular part of the budget bill is no
19 exception.

20 You know, the reality is is that if
21 we want to point a finger as to what has impacted
22 the quality of care in our nursing homes more
23 than anything else, it's the fact that our
24 Governor has been on a mission to reduce Medicaid
25 reimbursements. Year after year, we continue

1 down that path. Now, I understand that this bill
2 will stop this most recent 1 percent cut in
3 Medicaid reimbursements. But the reality is
4 New York State already has the largest gap, more
5 than any other state, between what it costs to
6 care for a patient in a nursing home and what
7 they get reimbursed. The average is \$55 per day.
8 The average nursing home loses -- loses --
9 \$55 per day, based on what they get reimbursed by
10 Medicaid and what it actually costs them.

11 And as we all know, the whole idea
12 of being on Medicaid in a nursing home is very
13 common. In fact, in most nursing homes, the
14 Medicaid mix is better than 90 percent. So if we
15 really want to address quality of care, we should
16 start by the fact that we are continuing to
17 expand the pool of people that are qualified to
18 be on Medicaid in New York State while we're
19 shrinking the amount of money we're paying to
20 those that are actually caring for those folks.

21 There's also other issues here. You
22 know, we said we were going to start at the
23 beginning of 2022, which is less than a year
24 away. You know, eight or nine months. But the
25 way things work with nursing homes, especially

1 failing nursing homes, is that a company comes
2 in, they take on a failing nursing home, and then
3 they go to get financed. Well, they can't be
4 financed based on the value of the home that's
5 failing. So they have to sign a covenant with a
6 financial institution, an agreement, in order for
7 them to get financed.

8 And part of that agreement is for
9 them to come up with a budget and say, This is
10 how we're going to spend our money to turn this
11 facility around, and that's why this financial
12 institution should now give us that money.

13 What this bill will do is forcibly
14 change that covenant with those financial
15 institutions. They will be forced potentially
16 into insolvency. The most recent nursing home
17 that was approved was in White Plains. If this
18 bill passes as is, that nursing home will
19 automatically go into default based on their
20 covenant with the bank.

21 This is going to mean nursing homes
22 closing. Where will those people go? We already
23 have a shortage. In my part of the state, we
24 already have healthcare deserts. We already have
25 nursing homes that are not able to stay open,

1 they have closed. We're going to force that,
2 unfortunately.

3 So while I understand the intent,
4 it's misguided in this sense. And it's going to
5 lead to lower standards of care because we're
6 going to have less places willing to actually be
7 in this business.

8 So I'm very troubled by this,
9 Madam President, and that's why I'll be voting no
10 on this section of the budget. Thank you.

11 ACTING PRESIDENT MAYER:

12 Senator Akshar.

13 SENATOR AKSHAR: Madam President,
14 good morning.

15 ACTING PRESIDENT MAYER: Good
16 morning.

17 SENATOR AKSHAR: If the sponsor
18 would be so kind to answer a few questions.

19 ACTING PRESIDENT MAYER: Senator
20 Rivera, do you yield?

21 SENATOR RIVERA: Madam President, I
22 will indeed be so kind.

23 ACTING PRESIDENT MAYER: The
24 sponsor yields.

25 SENATOR AKSHAR: Senator, good to

1 see you. Just for planning purposes, I intend to
2 ask some questions in Part X and Part W to start,
3 in reference to this budget bill.

4 Would the sponsor tell me how many
5 OMH beds are slated to be closed? Excuse me.
6 I'm sorry, what are we doing here?

7 ACTING PRESIDENT MAYER: Senator
8 Brouk, are you going to be answering questions on
9 this portion?

10 SENATOR BROUK: Yes.

11 ACTING PRESIDENT MAYER: Senator
12 Brouk yields.

13 SENATOR AKSHAR: Senator Rivera,
14 nonetheless, it was good to see you.

15 (Laughter.)

16 SENATOR AKSHAR: Senator, thank you
17 for taking my questions.

18 My question to you is, how many
19 psychiatric beds statewide are slated to be
20 closed?

21 SENATOR BROUK: Our estimate is
22 that it's about 200 inpatient bed closures.

23 SENATOR AKSHAR: I'm sorry,
24 Madam President. The answer was 200?

25 SENATOR BROUK: Yes, that's the

1 answer.

2 SENATOR AKSHAR: Madam President,
3 through you, if the sponsor will continue to
4 yield.

5 ACTING PRESIDENT MAYER: Senator
6 Brouk, do you continue to yield?

7 SENATOR BROUK: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR AKSHAR: Senator, with the
11 closure of those 200 beds, what is the proposed
12 savings in relation to those closures?

13 SENATOR BROUK: The expected
14 savings would be about \$22 million.

15 SENATOR AKSHAR: Madam President,
16 through you, if the sponsor will continue to
17 yield.

18 ACTING PRESIDENT MAYER: Senator
19 Brouk, do you continue to yield?

20 SENATOR BROUK: Yes.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR AKSHAR: Senator, how much
24 of that 22 million is being reinvested into the
25 community?

1 SENATOR BROUK: That's a great
2 question. And through this enacted budget, those
3 \$22 million will be savings for the Office of
4 Mental Hygiene.

5 However, we do believe that that
6 savings will be offset by millions of dollars in
7 federal funding that will be coming through OMH,
8 and that that can make up for this one-time
9 offset for this one-time investment in these
10 communities.

11 And we will continue to have regular
12 and ongoing conversations to make sure that that
13 is indeed what happens.

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

17 ACTING PRESIDENT MAYER: Senator
18 Brouk, do you continue to yield?

19 SENATOR BROUK: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR AKSHAR: Of the \$22 million
23 that is being saved, how much of that money, how
24 much of the 22 million in relation to the closure
25 of the 200 beds is being reinvested into

1 communities across the state?

2 SENATOR BROUK: We believe that
3 with the millions of dollars that we are able to
4 secure from the federal government, that some of
5 that money will be able to be invested, again to
6 offset this one-time investment that would have
7 come from the closing of these beds. And in
8 addition to that, we will have regular
9 communication with OMH and there will be
10 quarterly reporting to be able to track that
11 investment.

12 SENATOR AKSHAR: Madam President,
13 through you, if the sponsor would continue to
14 yield.

15 ACTING PRESIDENT MAYER: Senator
16 Brouk, do you continue to yield?

17 SENATOR BROUK: Yes.

18 SENATOR AKSHAR: So the answer is
19 zero, you are reinvesting zero dollars in terms
20 of what you saved by the closure of the 200 beds.

21 SENATOR BROUK: Again, with the
22 closing of these beds, our hope is that the
23 millions of dollars that we've gotten from the
24 federal government for this one-time investment
25 will be able to cover any reinvestment that is

1 lost from these \$22 million. And there will be
2 quarterly reporting to help make sure that that
3 occurs.

4 SENATOR AKSHAR: Madam President,
5 if the sponsor would continue to yield.

6 ACTING PRESIDENT MAYER: Senator
7 Brouk, do you continue to yield?

8 SENATOR BROUK: Yes.

9 SENATOR AKSHAR: Would the sponsor
10 be so kind to educate me on what she's referring
11 to in reference to a one-time investment? What
12 is she referring to?

13 SENATOR BROUK: The one-time
14 investment I am referring to is the \$160 million
15 from enhanced federal funding. And the other
16 one-time investment that I'm referring to is that
17 these savings are a one-time community
18 reinvestment. And so that is why we believe that
19 this \$160 million that is coming in this enhanced
20 federal funding for OMH into New York State can
21 offset this one-time community investment that
22 would have been.

23 SENATOR AKSHAR: Madam President,
24 through you, if the sponsor would continue to
25 yield.

1 ACTING PRESIDENT MAYER: Senator
2 Brouk, do you continue to yield?

3 SENATOR BROUK: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR AKSHAR: Is it the
7 Senator's position that we are abdicating our
8 responsibility in terms of the monies that the
9 state is currently investing in the mental health
10 issue and just resting solely on the federal
11 government to provide these services?

12 SENATOR BROUK: I think it is
13 rather clear, and will become clearer as the day
14 goes on, that the position that we hold is that
15 the federal funding that has come into New York
16 State we are grateful for, it is much-needed at a
17 time of great loss, as we've had during COVID-19
18 and we have done everything we can to make sure
19 that communities will stay whole.

20 Which is why I have personally
21 worked very closely with OMH and will continue to
22 do so through not only these quarterly regular
23 reports, but also ongoing engagement between OMH
24 in regards to this enhanced federal funding and
25 with communities to make sure that this money

1 gets to communities who need it.

2 SENATOR AKSHAR: Madam President,
3 if the sponsor will continue to yield.

4 ACTING PRESIDENT MAYER: Senator
5 Brouk, do you continue to yield?

6 SENATOR BROUK: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR AKSHAR: How serious is the
10 mental health issue across this great state?

11 SENATOR BROUK: I think that we are
12 currently in a moment where there are enhanced
13 needs, specifically when it comes to folks in
14 mental health crisis. Which is why we have done
15 a great deal of work to make sure that we are
16 bringing the care and support that folks who have
17 experienced traumas, especially throughout
18 COVID-19, will get what they need.

19 And that is what this bill reflects,
20 is investment and also putting resources towards
21 people who may need added mental health care
22 throughout the state.

23 SENATOR AKSHAR: Thank you
24 Madam President, if the sponsor will continue to
25 yield.

1 ACTING PRESIDENT MAYER: Senator
2 Brouk, do you continue to yield?

3 SENATOR BROUK: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR AKSHAR: The Senator
7 suggested that there are currently enhanced needs
8 when it comes to people suffering from mental
9 health issues. There are so many people in
10 crisis, they need care, they need support. Does
11 the sponsor believe it's appropriate to supplant
12 funding rather than continue to invest
13 significantly in what she describes as the
14 enhanced needs of people across this great state?

15 SENATOR BROUK: Would you repeat
16 your question, please.

17 SENATOR AKSHAR: Sure. Do you
18 believe it appropriate to be supplanting money --
19 you're talking about receiving \$160 million in
20 federal money, and clearly you are not investing
21 any of the monies that are being saved by the
22 closure of 200 beds. Do you think it's
23 appropriate, in a time when you describe that
24 people have enhanced needs, people are in crisis,
25 they need care, they need support -- do you think

1 we should be supplanting federal dollars rather
2 than making direct investments with the monies
3 that we save from the closure of 200 beds?

4 SENATOR BROUK: I think it's
5 important to point out that -- as you can see in
6 Part W -- this is a one-time waiver, and after
7 that all community reinvestment will continue to
8 occur.

9 And I also think that as we think
10 about as a whole, there is increased funding,
11 more than we have seen in many years, into mental
12 health, and it is directly as a result of the
13 understanding that our communities need help when
14 it comes to mental health.

15 SENATOR AKSHAR: Madam President,
16 through you, if the sponsor will continue to
17 yield.

18 ACTING PRESIDENT MAYER: Senator
19 Brouk, do you continue to yield?

20 SENATOR BROUK: Yes.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR AKSHAR: Since you brought
24 up the issue of this proposal, this one year of
25 not reinvesting the monies that were saved by way

1 of the closure of the beds, why did we -- what
2 was the reason for that? How did we arrive at
3 this decision to grant the Governor a one-year
4 waiver of the reinvestment clause?

5 SENATOR BROUK: The Legislature was
6 not able to buy back the 22 million in savings.
7 However, we were able to buy back \$8 million,
8 which would prevent the closure of the Rockland
9 Children's Psychiatric Center.

10 SENATOR AKSHAR: Madam President,
11 if the sponsor would continue to yield.

12 ACTING PRESIDENT MAYER: Senator
13 Brouk, do you continue to yield?

14 SENATOR BROUK: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR AKSHAR: Let me try again
18 on the question. I didn't ask about the Rockland
19 center or a buy-back, but I'll come back to that.

20 How did you land on that issue of
21 granting this Governor the allowance of
22 suspending the community reinvestment portion for
23 one year?

24 SENATOR BROUK: I think, first of
25 all, we do need to acknowledge the moment that

1 we're in. We are in unprecedented times that no
2 one could have planned or expected. And we are
3 moving forward outside of this year with
4 continuing to always reinvest these community
5 funds.

6 It is a one-time waiver that I
7 believe reflects the unprecedented time we're in,
8 as does the massive \$160 million federal enhanced
9 funding, which directly reflects the kind of loss
10 and unprecedance of the time we're in due to
11 COVID-19. And therefore it is a one-year change
12 that will not live outside of this year.

13 SENATOR AKSHAR: I'm on the bill
14 for just a second.

15 I am acknowledging the fact that we
16 are in unprecedented times. That's why I'm
17 asking the questions. It is -- we are in fact
18 living in a time when people have enhanced needs,
19 when people are in crisis, when they need care,
20 when they need support.

21 But what are we doing? We're
22 closing -- again, this year, we're closing --
23 we're giving the Governor the ability to close
24 200 psychiatric beds. And rather than invest the
25 money that we're saving, like we're supposed to

1 be doing, we are in fact acquiescing to the
2 Governor and saying, well, the federal government
3 is giving us money, so let us not invest that
4 22 million that we're saving from the closure of
5 200 beds.

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

8 ACTING PRESIDENT MAYER: Senator
9 Brouk, do you continue to yield?

10 SENATOR BROUK: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR AKSHAR: I've heard a lot
14 about this federal money, this enhanced money,
15 160 million. Can you give me, my constituency,
16 and the rest of New Yorkers some idea on how that
17 \$160 million will be spent to address people in
18 crisis, the enhanced needs that people have, the
19 care and the support that they need?

20 SENATOR BROUK: Certainly.

21 I also want to clarify some of my
22 previous comments, one of which was about the
23 closing of these beds. These are beds that have
24 been closed for 90 days already. And I think
25 that it's incredibly important to recall that the

1 Governor holds that power to close beds.

2 However, what we have done through
3 this process is to watch more closely, to insist
4 on quarterly reporting, so that we can better
5 ensure that any of this added federal funding
6 that has come through will go to communities who
7 need it the most.

8 I also think it's important because
9 I do take this very seriously, I have seen the
10 effects that COVID-19, that social isolation,
11 that increased amounts of depression have had on
12 our communities, our young people, our seniors
13 and of course people who are already struggling
14 with mental health challenges.

15 Which is why one thing that we have
16 focused on in this budget are these crisis
17 stabilization centers. We are shifting a
18 paradigm in how people are getting the care they
19 need for mental health, keeping them out of
20 moments of crisis. And that is what this budget
21 does. It shifts the way we think about mental
22 health, and it better equips folks who are first
23 responders, folks in the community, to make sure
24 that people are indeed getting care that they
25 need and that they're getting a continuum of care

1 that they need.

2 SENATOR AKSHAR: On the bill for
3 just a second.

4 ACTING PRESIDENT MAYER:
5 Senator Akshar on the bill.

6 SENATOR AKSHAR: With all due
7 respect to my colleague, in terms of Part AA, if
8 we were serious about these comprehensive crisis
9 reforms, then maybe we would have given real
10 consideration to the changes in Kendra's Law that
11 the Governor was suggesting. Because, you know,
12 while I think there are great talking points, we
13 certainly didn't make that as strong as it
14 currently could have been.

15 Madam President, through you, if the
16 sponsor would continue to yield.

17 ACTING PRESIDENT MAYER: Senator
18 Brouk, do you continue to yield?

19 SENATOR BROUK: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR AKSHAR: Under current law,
23 does the commissioner of OMH -- is the
24 commissioner required to give a one-year
25 notification before closing any beds?

1 SENATOR BROUK: Under current law,
2 it's for closing facilities.

3 SENATOR AKSHAR: Madam President,
4 I'm sorry, could she repeat the answer?

5 ACTING PRESIDENT MAYER: Senator
6 Brouk, do you continue to yield?

7 SENATOR BROUK: Yes.

8 SENATOR AKSHAR: The answer is yes,
9 under current law the commissioner is currently
10 required to give a one-year notification before
11 closing any facilities?

12 SENATOR BROUK: Before closing
13 facilities, yes.

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

17 ACTING PRESIDENT MAYER: Senator
18 Brouk, do you continue to yield?

19 SENATOR BROUK: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR AKSHAR: Under current law,
23 is the Governor supposed to reinvest all savings
24 from the closing of inpatient beds?

25 SENATOR BROUK: We did give that

1 authority for three years, with the exception of
2 this year.

3 SENATOR AKSHAR: Madam President,
4 on the bill.

5 ACTING PRESIDENT MAYER:
6 Senator Akshar on the bill.

7 SENATOR AKSHAR: I want to thank
8 the sponsor for answering my questions. Clearly,
9 I know that you are passionate about this
10 particular issue, and so am I.

11 You know, I think in government we
12 have -- when it comes to taking care of those
13 with mental health issues, this really is one of
14 the most I think basic obligations. Right? It's
15 fundamental to what we do in government. But yet
16 we see, year after year, more and more beds being
17 closed. We see an increase in crime that has a
18 direct correlation to those who are not being
19 treated.

20 And, you know, something that I too
21 am passionate about is the men and women of law
22 enforcement. And how often we hear from our
23 friends across the aisle that the members of law
24 enforcement are not dealing with those with
25 mental health issues appropriately and they need

1 to do a better job.

2 But yet we find ourselves in a
3 situation where we are, yes, closing another
4 200 beds across this great state and we're not
5 taking that 22 million and investing it again in
6 mental health services.

7 Yes, I understand that the federal
8 government has come through with a significant
9 amount of money. But all too often I think we
10 find ourselves in this predicament in which we
11 are supplanting federal dollars and not
12 reinvesting state dollars.

13 I just want to remind everybody of
14 something that recently happened. I talked about
15 this the other day. Brandon Elliot, a man in the
16 City of New York who viciously attacked an
17 Asian-American woman -- and it was very, very
18 clear from all accounts that Mr. Elliot was
19 released on parole -- and that's a separate
20 conversation -- but he was out in the community.
21 And everybody who knew him said he was in this
22 homeless shelter, but he was not getting the
23 services, was not having his mental health issues
24 addressed accordingly.

25 And it would really be my hope here

1 that, as the sponsor said in the debate, that we
2 would watch very, very closely how these dollars
3 from the federal government are being spent.

4 And Senator, I know that you say the
5 Governor has extreme powers and he can close
6 whatever he wants to. Maybe it would be the
7 collective wisdom of this body and our friends in
8 the other house to put forth a piece of
9 legislation that says before any beds can be
10 closed -- OMH, OPWDD, whatever it may be --
11 before that could ever happen, it would require
12 the Legislature's approval. I think that that
13 would be beneficial to the people of this great
14 state.

15 So, Madam President, when it comes
16 time, of course, I'll be voting no on this
17 section of the bill. I did have one further
18 question in reference to another issue, if I can,
19 Part 00, the settlement agreement, the McKinsey
20 settlement agreement. I don't know who's going
21 to answer that.

22 ACTING PRESIDENT MAYER: Senator
23 Gianaris.

24 SENATOR GIANARIS: Madam President,
25 as throughout the day we'll have different

1 members answering different sections, I will try
2 and direct as appropriate.

3 I think Senator Rivera will answer
4 that question.

5 ACTING PRESIDENT MAYER:
6 Senator Rivera, do you yield?

7 SENATOR RIVERA: I will in one
8 second, Madam President.

9 SENATOR AKSHAR: I just have two
10 very basic questions. I understand it's in the
11 Aid to Localities section. I just want to ask
12 two very, very basic questions about the
13 settlement.

14 SENATOR RIVERA: Madam President, I
15 yield.

16 SENATOR AKSHAR: Thank you,
17 Senator.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR AKSHAR: I want to applaud
21 the Majority for this particular issue in the
22 one-house. And in the one-house it was very,
23 very specific that the \$32 million in the
24 McKinsey settlement would essentially be put in a
25 lockbox and used for very, very specific

1 purposes.

2 I just wondered if the sponsor would
3 be so kind as to just educate me on why this
4 proposal, as proposed in the Senate's one-house,
5 was not in the enacted budget.

6 SENATOR RIVERA: Madam President,
7 through you. As is true with everything, we
8 don't always get exactly what we would want. And
9 although yes, our position in the White House --
10 the White House? In the one-house. Our position
11 in the one-house was certainly the position of
12 this conference -- this is -- as we went to final
13 negotiations.

14 This is -- it is a good version of
15 it, it is not the best version of it. But
16 ultimately at the core, the goal here is to make
17 sure that as these funds come in from different
18 settlements, that they are utilized to -- to not
19 to put too fine a point on it, Madam President,
20 to make sure that we fix the damage that has been
21 caused by these companies.

22 And so even though it is not exactly
23 the one that we would like, I still believe that
24 it achieves a good purpose.

25 SENATOR AKSHAR: Madam President,

1 through you, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT MAYER: Senator
4 Rivera, do you continue to yield?

5 SENATOR RIVERA: Yes,
6 Madam President.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR AKSHAR: Senator, I think
10 both of us know all too well that, you know, this
11 Governor may say we're going to spend X amount of
12 dollars on A, B, C and D, but then we find out
13 later on that this Executive has spent the same
14 dollar three or four times in different areas.

15 What will the Majority do to ensure
16 that this \$32 million is in fact being spent on
17 things that it should be, and where it should be?

18 I've said this before -- I think you
19 and I agree on this -- there are certain things
20 that just transcend politics. Right? Substance
21 use disorder, mental health transcends politics.
22 It doesn't matter if you're a Republican or a
23 Democrat. I think what we both want is to ensure
24 that this \$32 million doesn't go to put up a new
25 big sign at the State Fair or an AirTrain

1 someplace or a new roller coaster.

2 The point I make, Senator, is how
3 can you not only reassure me but reassure all
4 New Yorkers, regardless of where they're from,
5 that we'll be spending that \$32 million where we
6 should be?

7 SENATOR RIVERA: One moment,
8 Madam President. (Pause.)

9 Madam President, through you, a
10 couple of issues.

11 First, I will underline what
12 Senator Akshar said. When it comes to substance
13 use disorder, the opioid crisis, the overdose
14 crisis that we have in our entire state, it
15 impacts the entire state. And then we have
16 been -- we have done much to address it in the
17 state, and we have done it in a bipartisan manner
18 because we understand that this is something that
19 impacts the entire state. I will certainly agree
20 with him on that.

21 The second set of agreements is that
22 yes, there have been many times when we have both
23 criticized, from our different perspectives, the
24 Governor's -- let's just say penchant for doing
25 things with state money that try to make him look

1 better and not necessarily address the concerns
2 of New Yorkers.

3 I can tell you on this one that I
4 share the concerns that you have. There's
5 actually legislation that I'm putting together to
6 make sure that such money can be put in a lockbox
7 for future -- in the future. As of this moment,
8 I will tell you that I'm very much looking
9 forward to approving this budget, but I am
10 looking forward to working along with, I don't
11 know, Governor Hochul, perhaps, on how she feels
12 that we should deal with this money.

13 But I do agree with you that we need
14 to have in statute a lockbox for this type of
15 funding so that it can go for the purposes of
16 addressing the damage that was made by these --
17 that these companies wrought on our communities.

18 SENATOR AKSHAR: Madam President,
19 on the bill.

20 ACTING PRESIDENT MAYER:
21 Senator Akshar on the bill.

22 SENATOR AKSHAR: Senator, I would
23 look forward to working with you and all of our
24 colleagues on this particular issue.

25 You know, I think it's incredibly

1 important -- and I know we agree on this -- that
2 every dollar of that settlement actually gets out
3 into the community, gets into the hands of
4 community-based providers. Because you and I
5 both know that those are the men and women who
6 are actually doing the work, they're on the front
7 lines of this war. Right? It is an insidious
8 disease. It is claiming far too many lives, to
9 your point, in every single corner of this great
10 state. It doesn't matter rich or poor, white or
11 black.

12 But it is incumbent upon us as
13 elected leaders to ensure that nobody steals that
14 money, nobody uses that money for things that
15 it's not meant to be.

16 This organization, McKinsey, and so
17 many others, they are responsible in part for the
18 death that we have seen. And I just think it's
19 the -- it is the collective wisdom of this great
20 house to ensure that they pay the point and the
21 monies that we're getting from this settlement
22 are going to the people who need it.

23 So, you know, despite how I may vote
24 on this particular budget bill, I want the
25 Senator to know that I stand ready, as do my

1 colleagues, to work with our colleagues across
2 the aisle to ensure that we're actually getting
3 the money where it belongs.

4 Thank you, Madam President.

5 ACTING PRESIDENT MAYER: Senator
6 Borrello.

7 SENATOR BORRELLO: Thank you,
8 Madam President.

9 I rise to speak on the HMH Article
10 VII Part AA modifications to Kendra's Law. And
11 if I could go on the bill for a moment.

12 ACTING PRESIDENT MAYER: Senator
13 Borrello on the bill.

14 SENATOR BORRELLO: Thank you,
15 Madam President.

16 So Kendra's Law is something that
17 was developed several years ago, and it basically
18 allows those with mental health issues that could
19 be a danger to public safety to be involuntarily
20 detained. It was championed by my predecessor,
21 Senator Cathy Young, and it by all accounts has
22 saved the lives of many in New York State that
23 have been threatened by those folks who have
24 untreated mental health issues.

25 But this is particularly personal

1 for me, because Kendra's Law is actually named
2 after Kendra Webdale, who was from my hometown of
3 Fredonia, who I knew, I grew up with, went to
4 school with. Kendra was a beautiful, sweet
5 person. And in 1999, January of 1999, she was in
6 New York City on assignment from Buffalo and was
7 tragically pushed in front of a subway train by a
8 29-year-old man who had a decade-long record of
9 mental health issues.

10 Her life was snatched away. And I
11 remember specifically reading about this, and
12 when he was asked why did he do it, his response
13 was it was just her time to die.

14 It's sad, but out of that tragedy
15 came Kendra's Law. And now the Executive Budget
16 has tried to strengthen Kendra's Law. So I was
17 disheartened to see that two I think important
18 subparts of Part AA have been excluded in this
19 budget.

20 Subpart B includes new language that
21 provides for the issuance and extension of an
22 assisted outpatient treatment order without
23 direct examination by a physician if the
24 individual is not able to be reached, has had an
25 AOT order expire in the last six months or has

1 concurrently experienced a substantial increase
2 in symptoms or a loss of function.

3 These are people that have gone into
4 a further crisis, which we have seen time and
5 time again as a result of this pandemic.

6 Part C -- and again, this is
7 excluded now -- Part C, which is also excluded,
8 includes new language for the likelihood to
9 result in serious harm, considering risk posed to
10 the individual in question by lack of basic
11 needs -- food, clothing, shelter, personal
12 safety.

13 Those folks can no longer be
14 detained. It's my understanding that the
15 gentleman that pushed Kendra Webdale in front of
16 that train had those type of issues.

17 So, Madam President, I would like to
18 ask the sponsor a question. So would the sponsor
19 yield for a question.

20 ACTING PRESIDENT MAYER: Senator
21 Rivera, do you --

22 SENATOR GIANARIS: Madam President,
23 I believe this is going to be handled by
24 Senator Brouk.

25 ACTING PRESIDENT MAYER: Oh, I

1 apologize.

2 Senator Brouk, do you yield?

3 SENATOR BROUK: Yes.

4 SENATOR BORRELLO: Yes. Thank you,
5 Senator Brouk. Good to see you.

6 So you just heard my explanation on
7 Kendra's Law and the strengthening of it and the
8 fact that this has now been watered down in this
9 budget, I think with some potentially serious
10 consequences.

11 So my question for you is in Part
12 AA, as I mentioned, of the HMH Article VII, where
13 you've omitted two very critical parts of this
14 strengthening of Kendra's Law, do you have any
15 concerns that the omission of this language is
16 now going to lead to the underusage of crisis
17 support centers?

18 SENATOR BROUK: First of all, I
19 want to say I share -- the story that was shared
20 is always one that kind of punches you in the
21 gut. And being from Western New York, I know a
22 lot of folks in Fredonia.

23 You know, I think what's really
24 important here is that we focus on Part AA as a
25 whole. Because what we have done with this new

1 version of Part AA is, again, changing how we
2 think about delivering crisis care.

3 And so I would put that Kendra's Law
4 is a strong law and should stay the way it was
5 intended. It was never intended to potentially
6 creep on folks' civil rights of really massively
7 broadening what we accounted for as a part of
8 that law and a part of involuntary commitment.

9 Instead, what we have done is we
10 have created a system through these crisis
11 stabilization centers in which folks will have
12 more accessible care, they will understand where
13 they may choose to go. And let's remember that
14 as Kendra's Law still stands, if someone does
15 meet the criteria within that law, they can be
16 still committed in that way and go through that
17 process.

18 But to broaden that to the level at
19 which was presented in the Executive proposal
20 really infringes on folks' civil rights and is in
21 fact the opposite of the direction that, by and
22 large, mental health providers see mental health
23 going.

24 SENATOR BORRELLO: Thank you.

25 Madam President, on the bill.

1 ACTING PRESIDENT MAYER: Senator
2 Borrello on the bill.

3 SENATOR BORRELLO: First of all,
4 Senator Brouk, thank you very much. It was
5 short, just one question for you, so I appreciate
6 your time.

7 The Senator talked about civil
8 rights and infringing on people's civil rights.
9 Well, Kendra Webdale's civil rights were taken
10 away from her by someone who should not have been
11 on the street.

12 And now we're talking about COVID.
13 And it's indisputable that we have seen a
14 tremendous and dramatic rise in mental health
15 issues. Many have resulted in violence, needless
16 violence. So the timing of the strengthening of
17 Kendra's Law couldn't have been better. And now
18 we're pulling that back. But unfortunately, this
19 is kind of the pattern we're seeing recently.
20 Instead of trying to take preventative measures
21 to ensure that dangerous people are removed from
22 our streets, we're going the opposite way.

23 We saw that with the marijuana bill
24 that we passed. We've taken away all the
25 probable cause. If someone is even driving

1 erratically and gets pulled over and there's the
2 smell of marijuana in the car, still no probable
3 cause. There actually has to be an accident with
4 injury in order for the police to take action.

5 And that's essentially what we're
6 doing here. We're saying someone who's had a
7 crisis, someone who's -- because of COVID,
8 because of anything, because of the isolation
9 that they have felt in this, is now seeing really
10 a crisis come upon them like they have never had
11 before -- unless they do something violent, we're
12 not going to be able to take them and get them
13 the treatment that they need.

14 So it's a disturbing pattern that
15 I'm seeing, that the Majority is advancing
16 actions and bills that ultimately are going to
17 allow for a tragedy first before an action can be
18 taken.

19 And unfortunately, with the
20 watering-down of these strengthenings of
21 Kendra's Law, we might see more tragedy in the
22 wake of that. So, Madam President, I also will
23 be down on this part of the bill, for this and
24 many other reasons.

25 Thank you.

1 ACTING PRESIDENT MAYER: Senator
2 O'Mara.

3 SENATOR O'MARA: Yes, thank you,
4 Madam President. I have a few questions on this
5 budget bill, and then I will have some questions
6 I believe for Chairwoman Krueger on the overall
7 financial plan that is on our desks.

8 Initially -- I'm not sure who this
9 would be addressed to, but if the Senator would
10 yield with regards to the opioid settlement funds
11 that we have here from the McKinsey settlement.

12 Are there any other anticipated
13 settlements from other sources in regards to
14 opioids that the state is involved in or
15 expecting?

16 ACTING PRESIDENT MAYER: Senator
17 O'Mara, can you hold on one minute so we can
18 confer?

19 SENATOR O'MARA: Sure.

20 SENATOR GIANARIS: Madam President,
21 I believe Senator Rivera will be answering these
22 questions.

23 ACTING PRESIDENT MAYER:
24 Senator Rivera, do you yield?

25 SENATOR RIVERA: I do, Madam

1 President, if Senator O'Mara could repeat his
2 question, through you.

3 (Laughter.)

4 SENATOR O'MARA: Yes.

5 Senator Rivera, we discussed a
6 little bit about the McKinsey settlement of
7 \$32 million for the -- in regards to the opioid
8 crisis. Is the state expecting any further
9 settlements from other sources in regards to the
10 opioid crisis, engaged in any litigation further,
11 expecting more funds to come in at a later time?

12 SENATOR RIVERA: Through you,
13 Madam President, I believe that is a question
14 more appropriate for the Attorney General. But I
15 do believe that such conversations are happening
16 in the Attorney General's office -- for this
17 state and other states -- with different
18 companies.

19 SENATOR O'MARA: If the sponsor
20 will continue to yield.

21 ACTING PRESIDENT MAYER: Senator
22 Rivera, do you continue to yield?

23 SENATOR RIVERA: I do,
24 Madam President.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR O'MARA: Do you have any
3 general expectation of what those amounts could
4 possibly be?

5 SENATOR RIVERA: Madam President,
6 through you. As much as possible, I hope.

7 (Laughter.)

8 SENATOR O'MARA: Very well.

9 If the -- if Senator Rivera will
10 continue to yield.

11 ACTING PRESIDENT MAYER: Senator
12 Rivera, do you continue to yield?

13 SENATOR RIVERA: Yes,
14 Madam President.

15 ACTING PRESIDENT MAYER: The
16 sponsor yields.

17 SENATOR O'MARA: Senator, we have
18 in Part GG here that's been discussed a little
19 bit a plan and a process with regards to nursing
20 homes and how they're able to spend their
21 revenues and where they have to spend them. We
22 have discussed for years staffing situations in
23 our hospitals as well as our nursing homes.

24 Is there anything in this section GG
25 or elsewhere in the health portion of the budget

1 that deals specifically with staffing issues or
2 staffing ratios, as has been discussed?

3 SENATOR RIVERA: Through you,
4 Madam President. The part that you are referring
5 to, Senator O'Mara -- that Senator O'Mara is
6 referring to, Madam President, through you -- was
7 discussed a little bit earlier with Senator
8 Borrello, and it does have a specific of
9 40 percent of total revenue of residents -- of
10 resident-facing staffing. So it does not have a
11 ratio, Madam President, it does indeed have a
12 percentage of revenue. And obviously, as you
13 understand, if you have a large facility as
14 opposed to a medium-sized one or a small one, the
15 numbers are going to be different.

16 But we do not have a ratio. It just
17 refers to percentage of revenue, Madam President.

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

20 If -- Madam President, if the
21 Senator will continue to yield.

22 ACTING PRESIDENT MAYER: Senator
23 Rivera, do you continue to yield?

24 SENATOR RIVERA: Yes,
25 Madam President.

1 ACTING PRESIDENT MAYER: The
2 sponsor yields.

3 SENATOR O'MARA: Again, with
4 regards to the staffing issues, is there anything
5 in this health budget, as was included in the
6 Senate one-house budget, which would have
7 required a 150 percent increase in the minimum
8 wage to home care workers? That's been left out
9 of the final budget?

10 SENATOR RIVERA: Madam President,
11 through you, that is correct.

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

15 ACTING PRESIDENT MAYER: Senator
16 Rivera, do you continue to yield?

17 SENATOR RIVERA: I do,
18 Madam President.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR O'MARA: Through you,
22 Madam President. Is there anywhere in the health
23 budget where we are taking actions to incentivize
24 workers to go into the healthcare field, whether
25 it be nursing, home care in a hospital setting,

1 in a nursing home setting? What if anything is
2 in this budget to incentivize the staffing of
3 these facilities?

4 SENATOR RIVERA: Through you,
5 Madam President. It is absolutely a concern, a
6 great concern of ours, of our conference. And I
7 will specifically say that Senator May has been
8 very, very aware, not only -- we're all aware,
9 but she has been particularly vocal on the issues
10 of making sure that we have sufficient staffing
11 around the state.

12 I will point to you -- through you,
13 Madam President, that there is money that related
14 to training that the Governor had cut in his
15 version of the budget that we have restored. And
16 I will also point to money that is federal money
17 that relates specifically to folks in the human
18 services, and this would be an additional -- so
19 federal money that would actually go towards this
20 purpose.

21 But it is a concern for all of us as
22 far as how many folks around the state and how
23 many folks are being trained around the state to
24 be able to serve in healthcare facilities, not
25 just nursing homes.

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

4 ACTING PRESIDENT MAYER: Senator
5 Rivera, do you continue to yield?

6 SENATOR RIVERA: Yes,
7 Madam President.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR O'MARA: So you're
11 basically saying there is no state funding in
12 this budget to enhance education or training of
13 healthcare workers, specifically state funds.

14 SENATOR RIVERA: Through you,
15 Madam President, that is not what I am saying.

16 I am saying specifically that we
17 were -- that we restored state money that
18 specifically relates to -- as a matter of fact,
19 if you could tell me the exact program to be able
20 to point --

21 SENATOR O'MARA: And the amount,
22 please.

23 SENATOR RIVERA: Workforce
24 recruitment and retention for 23.5 million, thank
25 you. Able staff, as always. But that is state

1 money that we put back into the budget even
2 though the Governor cut it at first.

3 SENATOR O'MARA: Will the sponsor
4 continue to yield.

5 ACTING PRESIDENT MAYER: Senator
6 Rivera, do you continue to yield?

7 SENATOR RIVERA: I do,
8 Madam President.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR O'MARA: Can you outline
12 that program as far as how that -- what did you
13 say, 22 million was going to be spent?

14 SENATOR RIVERA: I think it was
15 twenty -- I will let you finish the question,
16 sorry.

17 Through you, Madam President, I
18 believe the amount is 22.5 million. And as far
19 as how exactly it is allocated, if you'd give me
20 a second, I may be able to.

21 Through you, Madam President, this
22 is Medicaid money that flows through plans. And
23 it is used by them to encourage recruitment and
24 retention.

25 SENATOR O'MARA: Will the sponsor

1 continue to yield.

2 ACTING PRESIDENT MAYER: Senator
3 Rivera, do you continue to yield?

4 SENATOR RIVERA: I do,
5 Madam President.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR O'MARA: Can you explain
9 how, if that is Medicaid dollars, how is it
10 you're attributing it all to state funds?

11 SENATOR RIVERA: Through you,
12 Madam President. So it is 22.5 from the -- from
13 state money, but that is matched by the federal
14 government.

15 So but you asked about state --
16 well, through you, Madam President, Senator
17 O'Mara asked about state money. And that is what
18 the state money is for.

19 SENATOR O'MARA: Thank you for that
20 clarification. Moving on to Part D --

21 ACTING PRESIDENT MAYER: Senator
22 O'Mara, are you asking for the sponsor to yield?

23 SENATOR O'MARA: Yes,
24 Madam President, will the sponsor yield.

25 ACTING PRESIDENT MAYER: Senator

1 Rivera, do you continue to yield?

2 SENATOR RIVERA: I do,
3 Madam President.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR O'MARA: In Part D, dealing
7 with the capital rate to hospitals. That's,
8 according to my reading, being reduced by
9 5 percent, for which hospitals will be reimbursed
10 for capital expenses?

11 SENATOR RIVERA: Through you,
12 Madam President, that is correct. Part D, in
13 that part, the Legislature modifies the Executive
14 proposal to accept the reduction of capital rate
15 add-on for inpatient hospital expenses by an
16 additional 5 percent, and we rejected the
17 discontinuance of the state share indigent care
18 pool payments to public hospitals.

19 I will, however, point out, Madam
20 President, through you, that that is the only --
21 in our negotiations, that is the only thing that
22 ultimately -- we did modify it a little bit, but
23 it was very close to the Executive proposal.
24 Much else in the budget, as I will point out
25 later when I speak on the bill, we were able to

1 get reinstated. But in that case, although there
2 was a small modification, we did accept the
3 Executive language.

4 SENATOR O'MARA: Will the Senator
5 continue to yield.

6 ACTING PRESIDENT MAYER: Senator
7 Rivera, do you continue to yield?

8 SENATOR RIVERA: I do,
9 Madam President.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR O'MARA: My notes indicate
13 that that action that we just discussed will --
14 is intended to save the state \$8.5 million in
15 this coming up fiscal year?

16 SENATOR RIVERA: Through you,
17 Madam President, if that is what the numbers --
18 the numbers that are claimed by the Executive,
19 then yes, that is correct.

20 SENATOR O'MARA: Will the sponsor
21 continue to yield.

22 ACTING PRESIDENT MAYER: Senator
23 Rivera, do you continue to yield?

24 SENATOR RIVERA: I will,
25 Madam President.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR O'MARA: In this budget,
4 what if any Medicaid cuts are there to hospitals
5 other than that 8.5 million we just discussed?

6 SENATOR RIVERA: Through
7 Madam President, I will actually point out --
8 before I get to more specifics that the staff
9 will help me with -- that most of the cuts that
10 were actually proposed by the Governor in his
11 Executive Budget were able to be pushed back.

12 There are quality pool funds that
13 were -- that we were able to reestablish, cuts to
14 public health programs around the state that we
15 were able to reestablish.

16 So I would say that although we'll
17 get you some exact numbers following this short
18 soliloquy, the fact is that we were able to push
19 back on most of the changes from the second
20 floor.

21 One second, Madam President.
22 (Pause.) Through you, Madam President, sometimes
23 the -- the letters are quite small, so it takes a
24 little bit of -- this is where my oldness comes
25 in.

1 We are able to get back the
2 1 percent across-the-board cut that the Governor
3 tried to establish in his proposal. We were able
4 to also reestablish the Vital Access Provider
5 Assistance {sic} Plan, the VAPAP program. This
6 is -- we were able to get that back. We were
7 also able to get back the discontinuation of the
8 public indigent care pool. And these were some
9 of the bigger ones. And again, the font is
10 diminutive, so I'm sorry it took me a second to
11 track it down.

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

15 ACTING PRESIDENT MAYER: Senator
16 Rivera, do you continue to yield?

17 SENATOR RIVERA: I certainly will,
18 Madam President.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR O'MARA: That was not
22 responsive to the question I asked, which is what
23 Medicaid cuts are there in this budget to
24 hospitals.

25 SENATOR RIVERA: One second,

1 Madam President. (Pause.)

2 Madam President, through you.

3 Again, with the small print. We were -- one of
4 them you already spoke about -- or I should say
5 Senator O'Mara already spoke about,
6 Madam President, on the reducing hospital capital
7 rate add-on. That was something that we did
8 accept.

9 And also there was a discontinuation
10 of the value-based payment readiness funding,
11 which is related to the DSRIP or Delivery System
12 Reform Incentive Payment program. That is
13 because it is a program that is no longer -- that
14 has already expired, that funding was also
15 discontinued, and we accepted that one.

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

19 ACTING PRESIDENT MAYER: Senator
20 Rivera, do you continue to yield?

21 SENATOR RIVERA: Yes,
22 Madam President.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR O'MARA: Does this -- this

1 budget extends the Medicaid global cap. For how
2 long?

3 SENATOR RIVERA: Through you,
4 Madam President, I am very glad that you asked
5 about that. I was going to speak about it a
6 little bit later, but I guess I'll take the
7 opportunity now.

8 There is a very robust conversation
9 about the Medicaid global cap. There's many of
10 us who believe it should no longer exist. But as
11 I stated earlier, Madam President, one can -- you
12 know, we have to accept that we don't get
13 everything that we want.

14 What we did is we did extend the
15 Medicaid global cap, but there is a requirement
16 that we injected into the language,
17 Madam President, that details quarterly updates
18 to the Legislature on Medicaid utilization and
19 spending.

20 Even though there are requirements
21 that already exist, Madam President, it's
22 unfortunate that sometimes the Department of
23 Health does not give us these reports. We made
24 certain that the language currently that we've
25 injected into the budget will give us the ability

1 to have this information. Because as many of us
2 believe that this is something that should be
3 discontinued or, at the very least, recalculated,
4 we will have the ability, with this quarterly
5 information, to be able to make that assessment,
6 and we hope to be able to do so.

7 SENATOR O'MARA: Will the sponsor
8 continue to yield?

9 ACTING PRESIDENT MAYER: Senator
10 Rivera, do you continue to yield?

11 SENATOR RIVERA: Yes, Madam
12 President.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

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

17 The Executive Budget that was
18 proposed had a transfer of over \$455 million of
19 Medicaid funds to the General Fund. Can you tell
20 us how that ended up in your final version here?

21 SENATOR RIVERA: Through you,
22 Madam President. Is it -- I need to print these
23 a little bit bigger, so there is that. But I
24 will tell you that ultimately what we were --
25 what we ultimately accepted was a transfer of

1 310, as opposed to the initial 455 which was
2 proposed.

3 SENATOR O'MARA: If the Senator
4 will continue to yield.

5 ACTING PRESIDENT MAYER: Senator
6 Rivera, do you continue to yield?

7 SENATOR RIVERA: Yes,
8 Madam President.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR O'MARA: So this budget
12 that will be enacted still transfers --
13 310 million, is that what you said?

14 SENATOR RIVERA: Through you,
15 Madam President, 310,430,000, to be exact.

16 SENATOR O'MARA: Okay. So that
17 amount of Medicaid funding that could otherwise
18 go to our healthcare system, to the providers, to
19 the workers, that's just being transferred into
20 the General Fund.

21 Is there any explanation as to -- or
22 direction on how that \$310 million is to be spent
23 through the General Fund?

24 SENATOR RIVERA: Through you,
25 Madam President, this is another -- what the

1 Senator is pointing out is another victim of
2 negotiations. When one comes into the room and
3 the second floor says, We're going to take 455,
4 and we're like whoa, whoa, whoa, whoa, whoa,
5 you're not, let's figure this out. And the
6 conversations led us back to 310.

7 Now, I agree with you, I agree with
8 Senator O'Mara -- through you, Madam President --
9 that certainly as much of this money needs to be
10 kept in the Medicaid system and to serve
11 patients, to serve providers, to serve different
12 entities that are Medicaid-related -- to the
13 workers as well -- unfortunately, this is what we
14 ultimately wound up with.

15 But I do think it is not only a much
16 better amount than 455, but also there is plenty
17 of other positive things that I will be pointing
18 out shortly as far as what we were able to
19 achieve here.

20 SENATOR O'MARA: Through you,
21 Madam President. I have a question on Part Z
22 regarding mental health, so I'm not sure if that
23 would be Senator Broke or --

24 SENATOR RIVERA: Brouk.

25 SENATOR O'MARA: Brouk, pardon me.

1 SENATOR GIANARIS: We'll go back to
2 Senator Brouk.

3 ACTING PRESIDENT MAYER: Senator
4 Brouk, do you yield?

5 SENATOR BROUK: Yes,
6 Madam President.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR O'MARA: Thank you,
10 Senator.

11 With regards to Part Z, it talks
12 about creating a schedule of fees to cover the
13 costs of certification of Office of Mental
14 Health-regulated facilities. Could you explain
15 what that schedule of fees is, what those fees
16 are expected to be, and how much funding will be
17 generated from that and what the use of those
18 funds will be.

19 SENATOR BROUK: To answer that
20 question, through you, Madam President, the range
21 of fees would go from one to three thousand
22 dollars. And from -- DOH has estimated \$300,000.

23 SENATOR O'MARA: What will that be
24 utilized for?

25 SENATOR BROUK: That is something,

1 through you, Madam President, that would be set
2 by DOH.

3 SENATOR O'MARA: Excuse me?

4 SENATOR BROUK: That is something
5 that would be set forth by OMH, to clarify my
6 earlier comment.

7 SENATOR O'MARA: If the Senator
8 will continue to yield.

9 ACTING PRESIDENT MAYER: Senator
10 Brouk, do you continue to yield?

11 SENATOR BROUK: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR O'MARA: My reading of it
15 is that those funds to be generated from that
16 will go directly to the General Fund and not into
17 any specific fund. So that will be, I guess,
18 spending at the discretion of the Executive and
19 not the Legislature, even though we're
20 authorizing these fees.

21 The Assembly, in their one-house,
22 had language that would set up a specific fund
23 for the use of those for mental health purposes.
24 Why is -- why are we just having it out there as
25 going into the General Fund with no direction of

1 the use of those funds?

2 SENATOR BROUK: Can you clarify the
3 specific question?

4 ACTING PRESIDENT MAYER: Excuse me,
5 Senator O'Mara. Can you speak into the mic?
6 Thank you.

7 SENATOR O'MARA: Yes. With regards
8 to the funds being raised by these fees in Part
9 Z, the Assembly had in their one-house a
10 specification, a directive of how those funds
11 were to be utilized. There's no such language in
12 this enacted budget.

13 So are these funds just going to be
14 spent at the direction of the Executive without
15 legislative input?

16 SENATOR BROUK: Through you,
17 Madam President. That was dropped in
18 negotiations, and that funding will be used per
19 OMH.

20 SENATOR O'MARA: Thank you,
21 Madam President. That's all the questions I have
22 for the Senator.

23 I have some questions on the
24 financial plan that is on our desks for I believe
25 Chairwoman Krueger, if --

1 ACTING PRESIDENT MAYER: Senator
2 Gianaris.

3 SENATOR GIANARIS: That is correct,
4 Madam President. Senator Krueger will address
5 that.

6 ACTING PRESIDENT MAYER: Senator
7 Krueger, do you yield?

8 SENATOR KRUEGER: Well, what I'd
9 like to do, if Senator O'Mara doesn't mind, is
10 speak briefly on the bill and then shift to the
11 financial plan. Because I think there are no
12 more questions on this actual bill, is that
13 correct?

14 SENATOR O'MARA: That's correct.

15 SENATOR KRUEGER: Do you mind,
16 then, if I do that?

17 SENATOR O'MARA: No, that is fine.

18 ACTING PRESIDENT MAYER: Senator
19 Krueger on the bill.

20 SENATOR KRUEGER: So briefly on the
21 bill, Senator. Thank you.

22 So I listened carefully to the
23 debate, and I want to thank so much all of my
24 colleagues for raising issues and answering
25 issues. But I was particularly concerned that

1 people who might be listening might come away
2 thinking we cut funds for mental health services
3 in New York State in our budget. And I want to
4 emphasize how that is not true.

5 We did agree to some closings of
6 underutilized residential sites. And of course
7 that is not the only model for mental health
8 services. In fact, less and less mental health
9 services are provided in a residential setting,
10 because it's actually not needed and not
11 effective.

12 For some people it is, and we always
13 have to make sure we have adequate. But we took
14 that money and we reinvested it. So we're
15 talking about 22 million in savings from closing
16 some sites. But our reinvestment just in mental
17 health was 21.6 million, so pretty much the exact
18 amount.

19 Plus we did so much more for mental
20 health services, and we just don't necessarily
21 add it up that way. You know, so we did provide
22 maternal depression expansion services. Critical
23 issue, because when mom's depressed,
24 pediatricians tell us it's the number-one factor
25 for problems for that child for the first five

1 years of their life, if not their entire life.
2 So really getting into the weeds on how you
3 address maternal depression is a crucial mental
4 health service.

5 We expanded telemedicine, which has
6 an impact on all of us in healthcare, but
7 particularly in underserved areas of the state
8 where there aren't psychiatric specialists, there
9 aren't children's psychiatrists. Expansion of
10 telemedicine has been something the healthcare
11 experts have been begging us for for years, and
12 we're doing that also in this budget.

13 We're also focusing on changing
14 insurance laws to make sure that there are true
15 mental health parity standards. Because we've
16 talked mental health parity for forever, but when
17 you have insurance and it's not covering your
18 mental healthcare services the way it's supposed
19 to be, that's not parity, and you're not going to
20 get that mental healthcare service. So that
21 doesn't need to be a state budget item. We want
22 to make sure the insurance we're paying for is
23 covering mental health services as the law
24 provides.

25 And then there were some questions

1 about violence and mental health. And of course
2 a violent attack on anyone can be extremely
3 disturbing. But I just want to, for the record,
4 make clear mental health issues can affect all of
5 us, any of us, at any point in our lives. But
6 only 3 to 5 percent of people who suffer mental
7 illness ever act out in a violent way.

8 So the last thing I would want is
9 the floor of the New York State Senate to be
10 sending out a message that we think everyone
11 suffering mental illness is violent and needs to
12 be collected up by the police before they act
13 again, because all that will do is discourage
14 people from going for mental health services.
15 And that's just the opposite of what all 63 of us
16 want. We want people to get the healthcare they
17 need. We want to make sure that they don't get
18 so ill that they might find themselves delusional
19 enough to lash out in a violent way. Our goal is
20 prevention, but that means we have to be very,
21 very, very, very careful about stigma.

22 And then finally, only because it
23 surprised me, when the answer to the question
24 about how much we were investing in expansion of
25 home care and education and workforce paths for

1 people in health and home care, my colleague
2 Senator Gustavo Rivera talked about new federal
3 money coming in. And the answer was: We're not
4 spending state money?

5 If we're getting this much federal
6 money, why would we want to ask New Yorkers to
7 spend state taxpayer money? President Biden just
8 four days ago, I believe, announced a jobs plan
9 with a commitment of \$400 billion, with a B,
10 towards expansion of home healthcare and nursing
11 services, both training, support for people to go
12 into the field, expansion up a ladder in the
13 field, and of course better pay.

14 And I'm told that the estimate for
15 New York State is \$1.9 billion out of the
16 400 billion. So do I want that money now? Yes.
17 And we all do. But do I think New York State
18 should also duplicate and put its own money in
19 when you have finally, finally, so much money
20 coming from the federal government for this
21 specific purpose? No, I wouldn't know how to go
22 home and explain to people why we were investing
23 in the one thing we're finally getting a huge
24 jump in from the federal government.

25 So Madam President, I have no

1 problem voting for this bill today, but I really
2 felt, after listening to the discussion and the
3 debate, that there were a few things that just
4 might have gotten lost, which sometimes happen
5 when people are focused on individual very
6 specific questions.

7 Thank you, Madam President. And now
8 I am delighted to answer questions about other
9 topics.

10 SENATOR O'MARA: Excellent. Thank
11 you, Senator Krueger.

12 Madam President, if Senator Krueger
13 would yield for a question.

14 ACTING PRESIDENT MAYER: Senator
15 Krueger, do you yield?

16 SENATOR KRUEGER: I do indeed.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR O'MARA: Senator Krueger, I
20 have on my desk a several-page document entitled
21 "Preliminary Enacted Budget Financial Plan
22 Overview." Do I take it by the description
23 "preliminary" that this is not the final
24 financial plan overview?

25 SENATOR KRUEGER: You know what, I

1 also got two versions today. The first one was
2 preliminary, and the second one was supposed to
3 be final. But I'm looking at the second one, and
4 I'm pretty sure even though it does say
5 "preliminary," that it is final. I'm happy to
6 give you a copy of the second one I got, to make
7 sure you're working off the same one. But I
8 think we just have an error in not changing that
9 to "final."

10 SENATOR O'MARA: Thank you for that
11 clarification. If the Senator will continue to
12 yield.

13 SENATOR KRUEGER: Yes, I will.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR O'MARA: To this point in
17 our budget process we have passed one budget
18 bill, the debt service bill. We have four budget
19 bills on our calendar right now, the first of
20 which we're debating was the health and mental
21 hygiene bill. Three others to go after this.

22 How many more budget bills are we
23 expecting to come, and what is the status of
24 those bills being finalized?

25 SENATOR KRUEGER: Five more to go.

1 Five are in print, three are almost ready to go.
2 And we'll clearly need messages of necessity, and
3 we are hoping to get out of here today,
4 completing all of those.

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

7 ACTING PRESIDENT MAYER: Senator
8 Krueger, do you yield?

9 SENATOR KRUEGER: Yes, I do.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR O'MARA: So as we commence
13 voting on these bills, we have yet to see three
14 of those remaining bills to be even put in print
15 yet for us to look at.

16 The two that were recently put in
17 print, in addition to these four, frankly we have
18 not seen yet because I think they went to print
19 today. And we will need to certainly brief those
20 and review those. That will take our conference
21 some time to do. And then yet the three
22 remaining ones that we don't know of.

23 But on the financial plan that we
24 have before us, what is the overall spending
25 being proposed in this year's budget?

1 SENATOR KRUEGER: State operating
2 funds disbursement, 112 billion -- 112.220
3 billion.

4 SENATOR O'MARA: If the Senator
5 will continue to yield.

6 ACTING PRESIDENT MAYER: Senator
7 Krueger, do you continue to yield?

8 SENATOR KRUEGER: Yes, of course.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR O'MARA: So am I correct in
12 reading that on the state operating funds it's an
13 8.1 percent increase over last year, for a total
14 of 8 billion more, 8 billion more spending?

15 SENATOR KRUEGER: Approximately,
16 yes, sir.

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

20 SENATOR KRUEGER: Yes, I will,
21 Madam President.

22 ACTING PRESIDENT MAYER: The
23 Senator continues to yield.

24 SENATOR O'MARA: I am reading on
25 the financial plan, on the All Funds, that the

1 All Funds total budget this year that we're
2 enacting is \$217 billion, 623 million, which is a
3 \$23 billion increase in overall spending from
4 year to year. Is that correct?

5 SENATOR KRUEGER: That's correct.

6 SENATOR O'MARA: If the sponsor
7 will continue to yield.

8 ACTING PRESIDENT MAYER: Senator
9 Krueger, do you continue to yield?

10 SENATOR KRUEGER: Yes, I will.

11 And just to clarify, as it's written
12 in the bottom footnote, some of that is for the
13 outyears but is being accounted for this year.

14 And I want to apologize to myself
15 and Senator O'Mara, this is the smallest print in
16 history. So I'm not even going to assume that we
17 can read what we're seeing.

18 SENATOR O'MARA: Okay. On that
19 point, then, how much of that \$23 billion
20 increase is not being spent in this fiscal year?

21 SENATOR KRUEGER: Approximately
22 \$5 billion is for the outyears.

23 SENATOR O'MARA: So through you,
24 Madam President, if the Senator will continue to
25 yield.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you continue to yield?

3 SENATOR KRUEGER: Yes, I will.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR O'MARA: So therefore,
7 then, we have approximately an \$18 billion
8 increase in spending year over year in this
9 budget.

10 SENATOR KRUEGER: That sounds
11 right. Through you, Madam President.

12 SENATOR O'MARA: If the Senator
13 will continue to yield.

14 ACTING PRESIDENT MAYER: Senator
15 Krueger, do you continue to yield?

16 SENATOR KRUEGER: Yes, I will.

17 ACTING PRESIDENT MAYER: Yes, the
18 Senator yields.

19 SENATOR O'MARA: It says here the
20 capital budget, and the capital budget is not --
21 is a portion of the budget that we have yet to
22 see. I'm not sure if that's one of the ones in
23 print recently or yet to come. But it says
24 there's a 34 percent increase from year to year
25 in capital spending.

1 Can you explain why we have such an
2 increase in capital spending of 34 percent? And
3 it says this includes off-budget capital. And
4 what does that mean or include?

5 SENATOR KRUEGER: The 3 billion for
6 the Green Mother Nature Bond Act would be the
7 largest amount off-budget.

8 I don't know if we have -- just give
9 me one more minute, Senator.

10 SENATOR O'MARA: Sure.

11 (Pause.)

12 SENATOR KRUEGER: Through you,
13 Madam President, I'm going to ask the Senator
14 which way he'd like me to approach this. He
15 could wait and we can find that, because we
16 didn't expect we were doing the labor bill right
17 now, so we don't necessarily have the right
18 materials with us. Or we can continue and then
19 come back to capital either now or when we get to
20 that bill. So really three choices.

21 SENATOR O'MARA: Let's move on and
22 handle that when we get to the capital portion of
23 the budget, if and when that gets printed and
24 provided to us.

25 SENATOR KRUEGER: Absolutely.

1 Thank you, Mr. -- you're not Mr. Chair.

2 Mr. Senator.

3 Through you, Madam President, if the
4 questioner would like to continue with other
5 questions.

6 SENATOR O'MARA: Yes, I would.

7 Thank you.

8 ACTING PRESIDENT MAYER: Senator
9 O'Mara, are you asking --

10 SENATOR O'MARA: Will
11 Senator Krueger continue to yield.

12 SENATOR KRUEGER: Of course.

13 ACTING PRESIDENT MAYER: Senator
14 Krueger yields.

15 SENATOR O'MARA: Of the 23 billion
16 increase in the budget from year to year, how
17 much of that is federal funding being received
18 through the American Rescue Plan?

19 SENATOR KRUEGER: Madam President,
20 approximately 8 billion.

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

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you continue to yield?

1 SENATOR KRUEGER: Yes, I do.

2 SENATOR O'MARA: So, Senator, if my
3 math is correct, then, we have approximately a
4 \$15 billion increase in state spending included
5 in this budget?

6 SENATOR KRUEGER: Through you,
7 Madam President. So are we talking about the
8 numbers where we already subtracted 5 billion and
9 then we're working our way down? Or are we
10 talking not subtracting the 5 billion that was
11 for the outyears?

12 SENATOR O'MARA: Through you,
13 Madam President, I'm not sure that makes a
14 difference. But if we already subtracted 5 from
15 the 23 billion to get us to 18 billion, how much
16 of that 18 billion is federal money and how much
17 is state money?

18 SENATOR KRUEGER: Through you --

19 SENATOR O'MARA: Let -- let me
20 clarify the discussion here. There's more than
21 one source of federal funds that have come in.
22 So let me just clarify it rather than stating the
23 American Rescue Plan, the CARES Act and
24 everything else that brought federal money in.

25 Of this \$18 billion increase from

1 year to year in this budget proposal, how much of
2 that is coming from the federal government and
3 how much of that is coming from the taxpayers of
4 the State of New York?

5 SENATOR KRUEGER: Thank you.

6 There was 8 percent growth in the
7 state spending or planned spending between last
8 year and this year. And so that would bring us
9 from last year -- one second.

10 So we went from the 103.8 to 112.2.
11 So it's about 9 million in additional state
12 funds, 8.5 billion.

13 SENATOR O'MARA: About 8.5 billion
14 in increased state revenue from state taxes?

15 SENATOR KRUEGER: Well, state
16 spending. Not necessarily state revenue, but --

17 SENATOR O'MARA: Okay. Then to
18 make up that --

19 ACTING PRESIDENT MAYER: Senator
20 O'Mara, are you asking if the sponsor will
21 continue to yield?

22 SENATOR O'MARA: Will the sponsor
23 continue to yield.

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you continue to yield?

1 SENATOR KRUEGER: Absolutely.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR O'MARA: Of the increase in
5 state revenues of that \$8.5 billion, how much of
6 that is related to new taxes being imposed?

7 SENATOR KRUEGER: A net 3.5 billion
8 of additional tax revenue towards that.

9 SENATOR O'MARA: If the sponsor
10 will continue to yield.

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you continue to yield?

13 SENATOR KRUEGER: Yes, I will.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR O'MARA: If it's a net
17 \$3.5 billion in new taxes -- well, can you
18 explain how you get to that net? What are you
19 subtracting off the total tax increases?

20 SENATOR KRUEGER: So the answer
21 relates to where we are today versus what the
22 Executive originally proposed. And there were a
23 number of things that we did change. So we
24 rejected his stopping the middle-class tax
25 decrease. We created a circuit breaker. And we

1 also reduced taxes for small businesses.

2 So there was a combination of tax
3 decreases and some tax increases. The two tax
4 increases that are in the final budget that were
5 not in the Governor's proposal originally was the
6 PIT for high earners and an increased percentage
7 on the corporate franchise tax.

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

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you continue to yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR O'MARA: How much is being
17 attributed in new revenues from the personal
18 income tax increases?

19 SENATOR KRUEGER: For this fiscal
20 year, 2.753 billion.

21 SENATOR O'MARA: If the sponsor
22 will continue to yield.

23 ACTING PRESIDENT MAYER: Does the
24 Senator continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR O'MARA: How much in the
4 next fiscal year?

5 SENATOR KRUEGER: 3.25 billion.

6 SENATOR O'MARA: If the sponsor
7 will continue to yield.

8 ACTING PRESIDENT MAYER: Senator
9 Krueger, do you continue to yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR O'MARA: Are these
14 increased personal income tax rates permanent, or
15 do they sunset?

16 SENATOR KRUEGER: They sunset after
17 2027.

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

21 ACTING PRESIDENT MAYER: Senator
22 Krueger, do you continue to yield?

23 SENATOR KRUEGER: Yes, I will.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR O'MARA: If enacted, these
2 tax increases, will these represent the largest
3 tax increase in New York State history?

4 SENATOR KRUEGER: I feel like
5 you've stumped us, Senator O'Mara. We're
6 thinking maybe '08-'09 were greater tax
7 increases, but we're not sure.

8 We think that the '08-'09 increases
9 were larger. But I'm happy to have another
10 Finance staff go get that answer, and as soon as
11 I learn it I will share it with you.

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

15 ACTING PRESIDENT MAYER: Senator
16 Krueger, do you continue to yield?

17 SENATOR KRUEGER: Absolutely.
18 Absolutely.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR O'MARA: I don't need that
22 exact statistic from year to year. But it's safe
23 to say this is either the largest, in this budget
24 this year, or the budget in '08-'09, which was
25 when the Democratic majority held the house for

1 two years and had then either the first or
2 second-largest increase in taxes in state history
3 then, and again this year.

4 SENATOR KRUEGER: That probably is
5 accurate. It would always be interesting to see
6 whether in history, as a proportion of the total
7 budget, what the tax played out as.

8 I was always taught that in this
9 town Democrats, when they needed to spend, taxed
10 to raise revenue, and Republicans borrowed to
11 spend. I think of the two choices I would prefer
12 the tax and spend rather than the grow the
13 deficit and spend. That's just me.

14 And if I might, Madam President,
15 just to clarify, this is a tax on people whose
16 incomes start at a million dollars a year for a
17 single person, \$2 million a year for a couple,
18 and then continue to go up when you hit the
19 5 million mark and then when you hit the
20 10 million mark.

21 So this is not a tax increase on the
22 vast, vast majority of New Yorkers. It's a
23 relatively small, approximately 50,000 taxpayers
24 who were on the wealthiest end of the scale even
25 during the pandemic and economic meltdown. So I

1 think it's an interesting question of what's
2 biggest when, but it's also who are you taxing.

3 Through you, Madam President, I'm
4 happy to turn it back to Senator O'Mara.

5 SENATOR O'MARA: If the Senator
6 will continue to yield.

7 SENATOR KRUEGER: Yes.

8 SENATOR GIANARIS: Madam President,
9 if I may --

10 ACTING PRESIDENT MAYER: Senator
11 Gianaris.

12 SENATOR GIANARIS: Thank you.

13 Just for maintaining order as we get
14 through the day, we're happy to give Senator
15 O'Mara some leeway to talk broadly about the
16 spending plan, but many of the questions he's
17 asking are very specific to bills that will be
18 coming up later today, so I would ask that maybe
19 those questions get held to the bill that they
20 are more germane to.

21 ACTING PRESIDENT MAYER: Thank you,
22 Senator Gianaris.

23 SENATOR O'MARA: Madam President,
24 just on the bill for a moment, I guess.

25 ACTING PRESIDENT MAYER: Senator

1 O'Mara on the bill.

2 SENATOR O'MARA: We're being asked
3 to vote on budget bills that have been in print
4 for a couple of days, but there's five more bills
5 to come that we have yet to see.

6 We have this financial plan outline
7 that I guess presumes what is going to be in
8 those other five budget bills. However, not
9 knowing that, we don't know exactly what we're
10 voting on piece by piece without everything
11 having been in print.

12 If I may ask the Senator to yield.

13 ACTING PRESIDENT MAYER: Senator
14 Krueger, do you continue to yield with questions
15 related to the bill before the house?

16 SENATOR KRUEGER: Sure.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR O'MARA: The question
20 relates to the budget as a whole before the
21 house.

22 In the remaining budget bills that
23 we have yet to see, Senator Krueger, are there
24 unresolved issues that are still waiting to be
25 closed upon?

1 SENATOR KRUEGER: Through you,
2 Madam President. I do not believe there are
3 issues that have yet to be closed upon.

4 But there is a time frame of when
5 something is printed -- excuse me, when something
6 is signed off on, edited, and then printed.

7 So it is our understanding that all
8 of the budget bills have been agreed upon
9 three-way, are perhaps still in some level of
10 process, but will be ready to go on the floor,
11 probably with messages of necessity for the
12 remaining bills. In fact, it would have to be
13 with messages of necessity for the remaining
14 bills. And that our goal is to complete our work
15 before the end of business today.

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

18 That's all I have at this point on
19 this bill, so I will yield.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator O'Mara.

22 Are there any other Senators wishing
23 to be heard?

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

1 Read the last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Senator
8 Rivera to explain his vote.

9 SENATOR RIVERA: Thank you,
10 Madam President.

11 I want to thank Senator O'Mara,
12 Senator Borrello, Senator Akshar for their
13 questions on this piece of legislation. This is
14 -- but I wanted to take some time,
15 Madam President, if I can, to talk about how
16 positive I feel about this piece of legislation
17 and how I think that so much was achieved in the
18 conversations that we had in the last couple of
19 weeks.

20 Some of these were mentioned, and so
21 I will just kind of go through them very quickly.
22 The Medicaid global cap, which we have talked
23 about plenty of times, is something that has
24 outlived its usefulness, Madam President. We
25 need to make sure that we reconsider it. And I

1 believe that we have made some changes that will
2 give us the information -- give the Legislature
3 the information and the public the information to
4 be able to make better decisions about how
5 exactly we manage Medicaid spending in this
6 state. I think this has outlived its usefulness
7 and should go away.

8 I will also mention,
9 Madam President, that we were able to secure a
10 delay in a transition to fee-for-service for a
11 pharmacy benefit, which is a positive thing for
12 safety net hospitals as well as federally
13 qualified health centers and Ryan White providers
14 all across the state.

15 But I will take the moment, Madam
16 President, to recognize the real legitimate
17 concerns that pharmacists have all over the state
18 about this particular delay. And I can assure
19 them, Madam President, here on the floor of the
20 Senate, that we not only take their concerns very
21 seriously but look forward to working with them
22 after this budget is passed, as soon as humanly
23 possible, to address their concerns.

24 There must be a way that we can
25 actually have the system work so that we can

1 protect safety nets as well as our local
2 pharmacies.

3 I will also mention that we were
4 able to secure money to eliminate the monthly
5 premiums for the Essential Plan, and also
6 eliminating our cost-sharing for vision and
7 dental care. That's an incredibly important
8 achievement, Madam President, and we were able to
9 achieve it as well as some cuts that the Governor
10 had proposed and we were able to push back on,
11 whether it's the general Public Health Works
12 program, we talked about some of the quality
13 pools that we were able to reestablish.

14 There's also the changes that we
15 discussed at length about nursing homes and the
16 fact that we know how important it is to make
17 certain that every dollar -- particularly since
18 this is Medicaid money, most of it is Medicaid
19 money, so it is taxpayer dollars -- to make sure
20 that that money goes to the care of people and
21 that we dissuade bad actors from entering into
22 this business so that they do not think of this
23 as a business to make money. It is about taking
24 care of people, and we are working to make sure
25 that is the case.

1 I'll also recognize that there were
2 some changes made to the issues about fiscal
3 intermediaries. I'll particularly point out
4 Governor -- not Governor, I'm sorry, but
5 Senator Mannion, whose approach to this was the
6 right one. And it was a concern that many of us
7 shared, as related to the fiscal intermediaries,
8 making sure that there is geographic
9 representation as well as representation from
10 MWBEs and racial and religious minorities.

11 We want to make sure that these
12 fiscal intermediaries can serve the people in the
13 CDPAP program in the best way possible, and some
14 of the changes that we made in this budget will
15 make sure that that is the case.

16 I'll also point out that there is
17 language to establish a demonstration program for
18 the operation of two facilities to provide care
19 for medically fragile young adults. It is
20 something that our leader has been specifically
21 focused on, and I'm very thankful that she fought
22 to make sure that this was in this piece of
23 legislation.

24 Also we have a version, Madam
25 President, of something known as the Fourth

1 Trimester Bill, which would make federal money
2 accessible to the state to make sure that we can
3 provide care for those folks to subsidize
4 extended postpartum insurance coverage for
5 individuals with incomes of 200 to 233 percent of
6 the federal poverty line, for up to a year after
7 the birth of their child, recognizing how
8 important it is that folks who are in that
9 situation can have medical care for themselves
10 and their newborn child.

11 All of these were able to be
12 achieved. And I want to make sure that I point
13 out not only the amazing work of the staff who
14 negotiated this, but above all the fact that our
15 leader held strong on all of these issues and
16 many more that we will discuss during the day.

17 So I thank her for the continued
18 work that she did, the work of our staff to make
19 sure that we have a budget we can all be proud
20 of. And I'm certainly proud of this piece of
21 legislation.

22 Madam President, I vote in the
23 affirmative. Thank you.

24 ACTING PRESIDENT MAYER: Senator
25 Rivera to be recorded in the affirmative.

1 Senator Brouk to explain her vote.

2 SENATOR BROUK: Thank you,
3 Madam President.

4 I just want to take a moment to
5 acknowledge how much we have accomplished,
6 especially for mental hygiene and for the mental
7 health of New Yorkers.

8 And I want to thank this Senate and
9 I want to thank our leadership for truly leading
10 the way as the State of New York in shifting how
11 we think about mental health. This mental
12 hygiene budget represents a shift to
13 patient-centered, equitable, just and
14 forward-thinking care for millions of New Yorkers
15 who need it.

16 On top of things like the Crisis
17 Stabilization Center, on top of adding funding to
18 the OMH budget, and on top of adding funding to
19 much-needed programs for mental health, we have
20 also insisted that those who have been on the
21 front lines, essential workers who have kept our
22 family members and our communities safe, have
23 stewarded them through substance abuse crises and
24 mental health crises, that they are finally
25 getting the wages that they deserve, livable

1 wages, with this 1 percent cost of living
2 adjustment that has been withheld for over a
3 decade.

4 We have restored 5 percent cuts, and
5 we are investing in the mental health of
6 New Yorkers. And what that tells me is what's
7 important to this conference and to this
8 leadership. And what's important is putting
9 New Yorkers at the center of our decisions.

10 It's putting our money where our
11 mouth is and making sure that we make investments
12 to make sure that when we get out of this
13 pandemic, not only will we all be vaccinated and
14 physically healthy, but that we understand that
15 there are silent struggles that New Yorkers are
16 going through -- that we see them and that we
17 hear them, and that we will invest and give them
18 the resources that they need.

19 And I am proud, as chair of
20 Mental Health, to join my colleagues in voting
21 aye. Thank you.

22 ACTING PRESIDENT MAYER: Senator
23 Brouk to be recorded in the affirmative.

24 Senator Mannion to explain his vote.

25 SENATOR MANNION: Thank you,

1 Madam President.

2 I want to highlight several
3 provisions of the budget bills that have
4 championed this good public policy that will
5 improve the lives of countless New Yorkers.

6 The first is in regards to reforms
7 to 340B pharmacy benefit program. This budget
8 enacts a two-year delay to allow for community
9 reinvestment and continued care for indigent
10 New Yorkers. This important change will benefit
11 safety net hospitals like SUNY Upstate in
12 Syracuse that provide vital preventative care and
13 treatment for those who cannot afford the cost of
14 seeing a doctor or the medicines they need.

15 We are also putting forward a plan
16 regarding fiscal intermediaries or CDPAPs. These
17 are providers of personal care services. Many
18 New Yorkers, including seniors, those in the IDD
19 community, and others who are homebound, rely on
20 CDPAPs for basic care. What was lacking in a
21 selection of fiscal intermediaries was regional
22 diversity.

23 Under the last bit of these
24 services, there were no providers headquartered
25 in Onondaga County. The consensus to keep this

1 program upstate will mean locals caring for
2 locals, and New Yorkers who need these services
3 will have them continued, uninterrupted, and with
4 the staff they are comfortable and familiar with.

5 Additionally, there is ethnic
6 diversity that was a point of emphasis in making
7 this change. We are now assured that we will
8 have people in a certain community being served
9 in a diverse manner by individuals who lead
10 organizations and also the individuals that serve
11 those people in most need in their communities.
12 There will be a diversity component that we
13 believe the first round of cuts missed.

14 And finally, Madam President, a
15 quick word on the cost-of-living increases for
16 OPWDD, OMH, OASAS and the Office for the Aging
17 providers. A cost of living adjustment is
18 10 years overdue, and that time has come to an
19 end. No employee should go a decade without a
20 raise, particularly our front-line healthcare
21 heroes, and particularly those we entrust with
22 the care of some of our most vulnerable.

23 They deserve this raise. Securing
24 it was one of my top priorities. I would like to
25 thank Senator Rivera, who chairs the Health

1 Committee. You will not find a stronger advocate
2 to make sure that people have quality care. And
3 I'd like to thank Leader Stewart-Cousins for
4 entrusting me with a new position and a new
5 committee as Disabilities chair.

6 We are given one life to lead, and
7 no life goes without challenges. Those
8 challenges might be caused by discrimination or
9 by poverty, homelessness, chance. But sometimes
10 it's caused by something we call a disability.
11 The funding that has been restored to these
12 programs will cause the potential for victories.
13 Some people call them miracles. Those miracles
14 come in the form of small advances, small gains,
15 eye contact, being able to take few steps, being
16 independent to be able to ride in your own
17 vehicle or take public transportation.

18 We are closer to some of those
19 miracles, and I'm proud to champion this cause.
20 I proudly vote in the affirmative.

21 Thank you, Madam President.

22 ACTING PRESIDENT MAYER: Senator
23 Mannion to be recorded in the affirmative.

24 Senator Reichlin-Melnick to explain
25 hi vote.

1 SENATOR REICHLIN-MELNICK: Thank
2 you, Madam President. And thank you to my
3 colleagues for advancing this budget.

4 So there are a lot of good things in
5 this bill. My colleague Senator Mannion just
6 touched on some of them, particularly the
7 cost-of-living raises for employees at OPWDD, the
8 Office of Mental Health, OASAS and so many of our
9 state workforce that desperately needs this.

10 But I want to talk about one thing
11 in particular that I am happy to see in this
12 bill, and that is a rejection of the Governor's
13 misguided, inappropriate proposal to close the
14 Rockland Children's Psychiatric Center. This
15 facility in my district serves some of the
16 neediest children in our area in the entire
17 Hudson Valley. The Executive Budget proposal
18 would have closed it, would have shipped these
19 beds down to the Bronx and left families in the
20 Hudson Valley with no option for their children
21 except to send them to New York City or all the
22 way upstate to Utica.

23 So we fought hard, and I am so happy
24 to see this final budget reject that closure and
25 to make sure that we keep the beds there in our

1 community so that when families need treatment
2 for their kids, they have that option. That we
3 keep the jobs in our community so that the
4 hardworking employees at the Children's Psych
5 Center from CSEA and PEF have the option to stay
6 in the jobs they love doing and they do well.

7 So this is a big win. There are
8 some things in this bill we may not like, but
9 there are a lot of things to like, and this is
10 one that is a great victory, I think, for the
11 people of Rockland County and the entire Lower
12 Hudson Valley. I vote yes.

13 ACTING PRESIDENT MAYER: Senator
14 Reichlin-Melnick to be recorded in the
15 affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 647, those Senators voting in the
19 negative are Senators Akshar, Borrello, Boyle,
20 Felder, Gallivan, Griffio, Helming, Jordan, Lanza,
21 Martucci, Mattera, Oberacker, O'Mara, Ortt,
22 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
23 Weik.

24 Ayes, 42. Nays, 21.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 Senator Gianaris.

3 SENATOR GIANARIS: Thank you,
4 Madam President. Can we now move on to
5 Calendar 648, please.

6 ACTING PRESIDENT MAYER: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 648, Senate Print 2508C, Senate Budget Bill, an
10 act to amend Chapter 393 of the Laws of 1994.

11 ACTING PRESIDENT MAYER: Senator
12 O'Mara.

13 SENATOR O'MARA: Thank you,
14 Madam President. Will the Senator yield.

15 SENATOR GIANARIS: Yes,
16 Madam President, Senator Krueger will be
17 answering questions on this bill.

18 ACTING PRESIDENT MAYER: Senator
19 Krueger, do you yield?

20 SENATOR KRUEGER: Yes, I do,
21 Madam President.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR O'MARA: Senator Krueger, I
25 think you'll be pleased that I don't have a whole

1 lot of questions on this bill because it appears
2 that more than half of it has been intentionally
3 omitted.

4 And I guess the question I have for
5 you, with all of the omissions in this, are any
6 of those omissions that you're aware of being
7 placed elsewhere in bills yet to come that we
8 have not seen yet?

9 SENATOR KRUEGER: Excellent
10 question. And the answer is yes.

11 One of the realities, when you write
12 a budget with different bills but you put them in
13 different orders of when you get them done, the
14 bills that get done first have a lot of unknowns.
15 So we printed TEDE knowing that it had lots of
16 missing items, but they're all there somewhere in
17 the bills coming afterwards.

18 SENATOR KRUEGER: Did you say
19 they're all there somewhere?

20 SENATOR KRUEGER: Oh, no, since we
21 rejected many of the Governor's proposals
22 throughout the entire budget. So they're not all
23 there. Thank you for the clarification.

24 SENATOR O'MARA: If the Senator
25 will continue to yield.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you continue to yield?

3 SENATOR KRUEGER: I will.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR O'MARA: A couple of the
7 specific omitted items. Under Part TT there was
8 a Pandemic Recovery and Restart Program, which
9 was tax relief for small businesses. Do you know
10 where that stands and if that's going to show up
11 somewhere else?

12 SENATOR KRUEGER: One moment.

13 It is in the revenue bill, Part PP,
14 when we get to that.

15 SENATOR O'MARA: Thank you.

16 SENATOR KRUEGER: You're welcome.

17 SENATOR O'MARA: If the Senator
18 will continue to yield.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you continue to yield?

21 SENATOR KRUEGER: I will.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR O'MARA: There was a
25 section on -- I've just got it labeled here as

1 Part B, but transportation safety for workers,
2 pedestrians and the public that has been omitted
3 that would have created increased fines for
4 violations of a variety of safety issues for
5 those working on the roads as well as those
6 walking along the roads.

7 Is that somewhere else or will that
8 be handled outside of the budget?

9 SENATOR KRUEGER: That's intended
10 to be handled outside the budget, and so it has
11 been omitted.

12 SENATOR O'MARA: If the Senator
13 will continue to yield.

14 ACTING PRESIDENT MAYER: Senator
15 Krueger, do you continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR O'MARA: There was a
20 variety of Thruway and MTA procurement reforms
21 that were in the Executive Budget, Parts D and F.
22 Are those excluded completely, or are they going
23 to show up somewhere else?

24 SENATOR O'MARA: So I show that E
25 was -- involved enhanced penalties for toll

1 violations, and that has been omitted. And I
2 show that F has also been omitted, and that was
3 relating to the MTA's procuring authority
4 expansion.

5 SENATOR O'MARA: Is the Part F
6 coming back somewhere else?

7 SENATOR KRUEGER: Oh, actually it
8 was -- F was procuring authority expansion. No,
9 I believe that was omitted. But there have been
10 two extensions allowed for the current rules.

11 SENATOR O'MARA: Okay. If the
12 Senator will continue to yield.

13 ACTING PRESIDENT MAYER: Senator
14 Krueger, do you continue to yield?

15 SENATOR KRUEGER: Yes, I do.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR O'MARA: Part T, under
19 "Energy." The LIPA, Long Island Power Authority
20 restructuring, which was a proposal to allow LIPA
21 to restructure its debt without exceeding its
22 current cap, but being able to restructure their
23 debt and take advantage of more advantageous
24 rates of today.

25 Has that been completely rejected,

1 or is that authority going to come elsewhere?

2 SENATOR KRUEGER: Through you,
3 Madam President. It was omitted from the budget,
4 but it's because we have specific language that
5 we think is stronger and we intend to do it after
6 the budget as a freestanding bill.

7 SENATOR O'MARA: Finally, I
8 think -- if the Senator will continue to yield.

9 ACTING PRESIDENT MAYER: Senator
10 Krueger, do you continue to yield?

11 SENATOR KRUEGER: Of course.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR O'MARA: Part U, which is
15 the ReCharge NY benefit cap that allows the
16 Power Authority to grant certain not-for-profits
17 or small businesses access to low-cost
18 electricity. The ReCharge NY program. The
19 allocation per business, I believe, as I read it,
20 has been increased from 100 megawatts per
21 recipient to 150 megawatts per recipient.
22 However, the total amount of the program remains
23 capped at 910 megawatts, without an increase.

24 How is that going to affect the
25 number of applicants that will be approved for

1 this program or excluded because of that
2 increase?

3 SENATOR KRUEGER: Okay, so we did
4 omit it from the budget because we want to handle
5 it as a freestanding bill, and I believe there is
6 said bill.

7 It's intended for small businesses
8 and not-for-profits who suffered so much during
9 the pandemic. So I don't know that there's any
10 evidence that we would need to go beyond the
11 current cap, but we can certainly look at that,
12 since doing it outside the budget gives you and I
13 and the rest of us in the Senate a time to do a
14 thorough evaluation of what we think the needs
15 are.

16 SENATOR O'MARA: If the sponsor
17 will continue to yield.

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger -- the Senator yields.

21 SENATOR O'MARA: So then at this
22 point we are not making any enhancements to the
23 ReCharge NY program. Are we going to run up
24 against an issue if we do this outside the
25 budget, where the Governor typically says, well,

1 that impacts the budget, therefore we can't do
2 it? As we see when we try to do a lot of things
3 here not within the budget.

4 SENATOR KRUEGER: Through you,
5 Madam President, we do hit against those problems
6 when we try to do freestanding bills that are
7 costs to the state budget, but this would be a
8 cost to LIPA, not the state budget, so I don't
9 think we should have to worry about that.

10 SENATOR O'MARA: Thank you.

11 That's all I have, Madam President.

12 ACTING PRESIDENT MAYER: Are there
13 any other Senators wishing to be heard?

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

16 Read the last section.

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

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 648, those Senators voting in the

1 negative are Senators Akshar, Borrello, Boyle,
2 Gallivan, Griffo, Helming, Jordan, Lanza,
3 Martucci, Mattera, Oberacker, O'Mara, Ortt,
4 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
5 Weik.

6 Ayes, 43. Nays, 20.

7 ACTING PRESIDENT MAYER: The bill
8 is passed.

9 Senator Gianaris.

10 SENATOR GIANARIS: Madam President,
11 can we now move on to Calendar 646, please.

12 ACTING PRESIDENT MAYER: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 646, Senate Print 2505C, Senate Budget Bill, an
16 act to amend Chapter 887 of the Laws of 1983.

17 ACTING PRESIDENT MAYER: There is a
18 substitution at the desk.

19 The Secretary will read.

20 THE SECRETARY: Senate Budget Bill
21 moves to discharge, from the Committee on
22 Finance, Assembly Bill Number 3005C and
23 substitute it for the identical Senate Bill
24 2505C, Third Reading Calendar 646.

25 ACTING PRESIDENT MAYER: The

1 substitution is so ordered.

2 The Secretary shall read.

3 THE SECRETARY: Assembly Number
4 3005C, Assembly Budget Bill, an act to amend
5 Chapter 887 of the Laws of 1983.

6 ACTING PRESIDENT MAYER: Senator
7 Jordan.

8 SENATOR JORDAN: Thank you,
9 Madam President. I have two parts of this bill
10 for which I have questions. I'd like to start
11 with Part BBB, the Farmland Protection Working
12 Group.

13 ACTING PRESIDENT MAYER: Senator
14 Krueger, do you yield?

15 SENATOR KRUEGER: I'm just waiting
16 for the right staff to join me, if that's okay.
17 I wanted to make sure you knew.

18 SENATOR JORDAN: We can wait, thank
19 you.

20 SENATOR KRUEGER: Thank you.
21 Apparently we didn't know that was going to be
22 your first section.

23 Madam President, isn't it beautiful
24 in here when the light from the outside comes in
25 through the windows? It's such a sunny day out

1 there. Of course, we're all here, but ...

2 (Discussion off the record.)

3 SENATOR KRUEGER: Okay, you can ask
4 your question.

5 SENATOR JORDAN: Does the Senator
6 yield for questions.

7 ACTING PRESIDENT MAYER: Senator
8 Krueger, do you yield?

9 SENATOR KRUEGER: Absolutely.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR JORDAN: Okay. Could you
13 provide a brief description of the Farmland
14 Protection Working Group?

15 SENATOR KRUEGER: Farmland
16 protection within PPGG.

17 SENATOR JORDAN: Correct. Part
18 BBB.

19 SENATOR KRUEGER: Are you referring
20 to the amendment to the Renewable Energy Siting
21 Act?

22 SENATOR JORDAN: Yes. There was a
23 Farmland Protection Working Group,
24 specifically --

25 SENATOR KRUEGER: Great, at least I

1 feel like I have the person who might be able to
2 help me answer the questions here with me.

3 So it's a multi-agency task force
4 intending to be of assistance for the siting of
5 renewable energy without putting farmland at risk
6 of not being able to continue to be farmland.

7 SENATOR JORDAN: Will the Senator
8 continue to yield.

9 ACTING PRESIDENT MAYER: Senator
10 Krueger, do you continue to yield?

11 SENATOR KRUEGER: Absolutely.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR JORDAN: So a major
15 question that I have is will the working group
16 have any formal power to deny a siting project
17 due to the amount of prime agricultural land it
18 is utilizing?

19 SENATOR KRUEGER: So no, it is
20 advisory. But the entity that's supposed to make
21 the siting decisions has to factor in the opinion
22 and the information provided to them by this
23 working group.

24 SENATOR JORDAN: Okay. So will the
25 Senator continue to yield.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you continue to yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR JORDAN: So if it's just an
7 advisory committee, would I -- is there any
8 requirement that the Office of Renewable Energy
9 Siting consider the recommendations of the
10 working group when determining the approval or
11 denial of a new facility?

12 SENATOR KRUEGER: So the short
13 answer is no.

14 But the longer answer is if you look
15 at who are the representatives on this task force
16 making the recommendations, it is the heads of
17 other state agencies and local governments. So
18 in the realm of task forces that I have seen
19 existing in the State of New York, the ones where
20 you have other state agency heads telling you as
21 one group, Here are the concerns, here are the
22 problems, are much more likely to be taken
23 seriously than a task force that's made up of not
24 other people from the same administration.

25 SENATOR JORDAN: Will the Senator

1 continue to yield.

2 ACTING PRESIDENT MAYER: Senator
3 Krueger, do you continue to yield?

4 SENATOR KRUEGER: Yes, ma'am.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR JORDAN: So this working
8 group has nothing to say about a particular
9 project that will be in the works, this is more
10 of an overall study on what could be, on all of
11 the projects?

12 SENATOR KRUEGER: Through you,
13 Madam President. My understanding is that the
14 task force will be to set up the standards that
15 should be used by this office for determining
16 sitings in the future.

17 So it will be a year time frame,
18 they will make their expert recommendations, and
19 then those recommendations should be used as the
20 standards for how this office goes forward with
21 any siting proposals. So it would not be do the
22 work specific to any given proposal, it would be
23 do the work, use these standards for evaluating
24 any and all proposals that will might come
25 forward after that.

1 SENATOR JORDAN: Thank you for
2 answering my questions, Senator.

3 Madam President, on Part BBB of the
4 bill.

5 So the answers to those questions
6 made it very easy for me to say that the Farmland
7 Protection Working Group, as established in this
8 measure, would be positive if the working group
9 actually had the authority to do anything
10 substantive. Unfortunately, the measure doesn't
11 have such authority and is simply a study by
12 state agencies to, in quoting from the bill text,
13 recommend strategies to encourage and facilitate
14 input from municipalities in the siting process
15 and to develop recommendations that include
16 approaches to recognize the value of viable
17 agricultural land and methods to minimize adverse
18 impacts to any such land resulting from the
19 siting of major renewable energy facilities.

20 So what this would actually
21 constitute is merely a signal study, a
22 like-we-care study. It begs the question is this
23 provision simply window dressing so Majority
24 members in rural districts can claim to be
25 actually doing something on this important issue.

1 While it is good that the Majority
2 is finally recognizing the serious, far-reaching,
3 long-term farmland implications that their solar
4 plans have created, the fact remains that this
5 provision does nothing, nothing of substance to
6 resolve those shortcomings and deficiencies.

7 This is but one reason that I'll be
8 voting no on this bill. Thank you.

9 And now I'd like to ask questions on
10 Part ZZ, the deer hunting pilot program.

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you yield?

13 SENATOR KRUEGER: Yes, I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR JORDAN: Okay. Can you
17 explain the differences between the Executive
18 youth hunting provisions and this program in the
19 enacted budget?

20 SENATOR KRUEGER: Through you,
21 Madam President. The first change was that the
22 original draft included allowing 12- and
23 13-year-olds to hunt deer and bear. The bear
24 have been saved; they are removed from the bill.

25 The second part of the bill that's

1 changed is that it now is an opt-in program in
2 certain counties, so they can choose to opt in,
3 except for New York City, Westchester, Suffolk
4 and Nassau, which are not eligible for the
5 program. And that there will be an evaluation
6 after two years.

7 It also is an expansion of the
8 crossbow season proposed by the Executive, which
9 was rejected. So we're not expanding the season.
10 We're not letting the very young people shoot at
11 bear. You have to opt in, except for certain
12 counties that don't have an opt-in option, which
13 I believe was the same in the original language
14 as well.

15 SENATOR JORDAN: Will the Senator
16 continue to yield.

17 ACTING PRESIDENT MAYER: Senator
18 Krueger, do you continue to yield?

19 SENATOR KRUEGER: I do.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR JORDAN: What was the
23 theory behind allowing an opt-in for counties to
24 participate instead of an opting-out option?

25 SENATOR KRUEGER: We're not sure

1 how in the three-way it became opt-in versus
2 opt-out. But either way, the county has the
3 choice, whether you consider it an opt-in or an
4 opt-out.

5 SENATOR JORDAN: Will the Senator
6 continue to yield.

7 ACTING PRESIDENT MAYER: Senator
8 Krueger, do you continue to yield?

9 SENATOR KRUEGER: I do.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR JORDAN: The Executive
13 proposal, which included broader reforms to
14 crossbow hunting and allowing youth to hunt all
15 big game, was being sold as trying to take
16 advantage of increased interest in the outdoors
17 and hunting that COVID has brought, for
18 unfortunately the wrong reasons.

19 Is there any concern that not
20 following through with the broader reforms and
21 expansions, that some of this interest might
22 subside?

23 SENATOR KRUEGER: Madam President,
24 I sincerely know nothing about people's
25 attraction to hunting at different ages. I know

1 as -- speaking for myself -- and I was not part
2 of negotiating this section of the budget -- but
3 I have always opposed making hunting this young,
4 because of my concern for the children. That I'm
5 very glad that bear got taken out, even though
6 I'm not sure why. Because a 12-year-old versus a
7 bear, the bear stands a better chance of winning
8 the fight. And I don't think that's what we want
9 for our children.

10 But as to whether removing bear from
11 the rules of this pilot make hunting less
12 attractive to young people this age, I -- I'm
13 just not sure. If they like it more because they
14 think it's dangerous, then that might limit their
15 interest. But I don't want us to be having our
16 children do dangerous things.

17 SENATOR JORDAN: Thank you,
18 Senator Krueger, for your answers.

19 So on Part ZZ of this bill.

20 ACTING PRESIDENT MAYER: Senator
21 Jordan on the bill.

22 SENATOR JORDAN: So Part ZZ would
23 establish a Youth Deer Hunting Pilot Program.
24 While on the surface that sounds positive, there
25 are still so many unanswered questions. And

1 regrettably, this part reflects a general theme
2 of missed opportunities for New York State to
3 truly seize the moment and build upon recent
4 expanded interest in hunting and outdoor activity
5 due to COVID.

6 The questions I ask deserved
7 definitive answers, not inconclusive speculation.
8 Hunting is critically important -- it's an
9 important part of our state's economy and a
10 beloved outdoor heritage proudly passed down and
11 enjoyed generation to generation. It's a rite of
12 passage and a beloved way of life, especially in
13 upstate.

14 As noted by the State Department of
15 Environmental Conservation, hunting is among the
16 most popular forms of wildlife recreation in
17 New York State. Approximately 700,000
18 New Yorkers and over 50,000 nonresidents hunt
19 right here in the Empire State.

20 Our state offers numerous
21 opportunities to hunt a large variety of
22 wildlife, including big game, small game,
23 game birds and fur-bearers. Hunting, fishing and
24 enjoying New York's great outdoors are major
25 revenue drivers for our state and support its

1 conservation programs.

2 Back in September the DEC noted that
3 in 2020 the sale of big game hunting and trapping
4 licenses had hit an all-time record, and DEC
5 Commissioner Seggos reported record-breaking
6 sales for upcoming seasons. Sales for big game
7 hunting and trapping licenses and deer management
8 permits were triple the opening-day rate for
9 2019. Furthermore, according to the DEC, over
10 \$922,000 was reported on the first day of big
11 game sales of 2020, compared to 347,000 in 2019.

12 Purchasing hunting or trapping
13 licenses supports essential DEC conservation
14 projects. An estimated 75 million has been
15 generated to help conserve animals, enhance
16 habitats, and provide opportunities for
17 recreation.

18 So without question, hunting is a
19 major revenue generator and makes a positive
20 economic difference for our state and many of the
21 very programs that are critical to wildlife.

22 That's why it's so disappointing
23 that with the 2021-2022 State Budget -- now
24 that's, what, five or six days late -- that the
25 Majority is still unable to explain to my

1 satisfaction the differences between the youth
2 hunting provisions originally proposed in the
3 Governor's 2021-2022 Executive Budget proposal
4 and those in the enacted State Budget if this
5 measure passes.

6 Nor has the Majority articulated a
7 justifiable rationale behind the creation of an
8 opt-in mechanism for counties' participation, as
9 opposed to an opt-out.

10 By failing to follow through with
11 the broader hunting reforms outlined in the
12 Executive Budget proposal, it appears that the
13 Majority is missing a golden opportunity to help
14 our state capitalize on increased interest in
15 hunting and outdoor activities that have been
16 necessitated by the Governor's COVID closures.

17 This shortsighted mindset will cost
18 our state, fail to build upon growing interest in
19 hunting, and ultimately deny our wildlife
20 conservation programs of much-needed revenue.

21 So for all of these reasons, I'll be
22 voting no on this bill. Thank you,
23 Madam President and my colleagues.

24 ACTING PRESIDENT MAYER: Thank you,
25 Senator Jordan.

1 Senator Akshar.

2 SENATOR AKSHAR: Madam President,
3 thank you. If the sponsor would be so kind to
4 yield to a few questions. I just want to focus
5 my attention on two subject areas: First, the
6 Executive Order 203, and then prison closures.

7 ACTING PRESIDENT MAYER: Senator
8 Krueger, do you yield?

9 SENATOR KRUEGER: One minute.

10 SENATOR AKSHAR: Of course.

11 SENATOR KRUEGER: And of course I
12 do.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR KRUEGER: Of course, please
16 allow my colleague to ask me questions.

17 SENATOR AKSHAR: Senator Krueger,
18 thank you. Madam President, through you.

19 How many police departments across
20 the state have not come into compliance to date
21 with Executive Order 203?

22 SENATOR KRUEGER: Four hundred
23 forty-eight out of a total of 497 are in
24 compliance.

25 SENATOR AKSHAR: Madam President,

1 through you, if the sponsor would continue to
2 yield.

3 SENATOR KRUEGER: Certainly.

4 ACTING PRESIDENT MAYER: Senator
5 Krueger yields.

6 SENATOR AKSHAR: Senator, who is
7 determining whether the law enforcement agency or
8 the local government has complied with the
9 process that has been put forth in EO 203?

10 SENATOR KRUEGER: The police
11 departments self-certify, and we're believing
12 them.

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

16 ACTING PRESIDENT MAYER: Senator
17 Krueger, do you continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR AKSHAR: Senator, what
22 happens if a local government adopts a local law
23 or a resolution in accordance with the executive
24 order which the Director of the Budget does not
25 believe is sufficient? What would happen?

1 SENATOR KRUEGER: Under the current
2 rules that are not changing, DOB has no role in
3 this process. If the local police agency
4 self-certifies, we are accepting. We are not at
5 a stage where we are challenging anyone's
6 self-certification.

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

10 ACTING PRESIDENT MAYER: Senator
11 Krueger, do you continue to yield?

12 SENATOR KRUEGER: Yes, I do.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR AKSHAR: Do you ever
16 anticipate getting to a place where you're not
17 comfortable that the police department has done
18 what it's supposed to do?

19 SENATOR KRUEGER: There's been no
20 discussion of changing this. I suppose at some
21 point in time if Senator Akshar was to bring to
22 all of our attention that he believed that people
23 were incorrectly certifying, there would be an
24 argument for the Legislature and the Governor to
25 reevaluate. But at this time we are not aware of

1 any such discussions.

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

5 ACTING PRESIDENT MAYER: Senator
6 Krueger, do you continue to yield?

7 SENATOR KRUEGER: I do.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR AKSHAR: Just for the
11 record, Senator, believe me, I was not suggesting
12 that anybody was doing that. I was just asking a
13 question based on something that you had said.

14 The question -- just for my own
15 clarification, you said that the Budget Director
16 has no role in any of this. After a local law or
17 a resolution is passed by a county legislature, a
18 city council, what happens to that resolution or
19 that local law?

20 SENATOR KRUEGER: When the local
21 government submits the document saying that they
22 have met their obligations, DOB checks the box
23 that they got that information from the locality
24 and DOB has no authority to move any further than
25 confirm that they got the document.

1 SENATOR AKSHAR: Okay.

2 Madam President, through you, if the sponsor
3 would continue to yield.

4 ACTING PRESIDENT MAYER: Senator
5 Krueger, do you continue to yield?

6 SENATOR KRUEGER: I do. I do.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR AKSHAR: I'm just -- I'll
10 read in part. The bill states a monitor can be
11 appointed and up to 50 percent of any
12 appropriated state or federal funds can be
13 withheld until the Director of the Division of
14 Budget is in receipt of the -- the requirements
15 of the executive order.

16 So again, just so I'm clear, the
17 Division of Budget has nothing to do in terms of
18 certifying. If the Department of Budget -- or,
19 excuse me, the Division of Budget was not able to
20 check that box, then in fact the government would
21 withhold -- this state government would withhold
22 up to 50 percent of appropriated state or federal
23 funds.

24 SENATOR KRUEGER: Through you,
25 Madam President. If the community has not

1 submitted confirming what they have done, then
2 the state can withhold money. But the state
3 can't question what they have done or whether
4 it's adequate. So it's really just the question
5 of did you self-certify.

6 So if you don't self-certify, yes,
7 then you can actually lose the money. But you
8 can't lose money for self-certifying and having
9 somebody come along and say it doesn't meet the
10 standard we expect of you.

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

14 ACTING PRESIDENT MAYER: Senator
15 Krueger, do you continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR AKSHAR: If a monitor was
20 appointed to oversee that police agency, where
21 would the costs be borne?

22 SENATOR KRUEGER: They would be
23 picked up by the local government.

24 SENATOR AKSHAR: Madam President,
25 through you, if the sponsor would continue to

1 yield.

2 ACTING PRESIDENT MAYER: Senator
3 Krueger, do you continue to yield?

4 SENATOR KRUEGER: Certainly.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR AKSHAR: Senator Krueger,
8 thank you.

9 Any idea how much a monitor would
10 cost that local government?

11 SENATOR KRUEGER: No, because it
12 depends on how long a monitor was hired for. It
13 could be a day to get them to do the form. It
14 could be months. That would really be up to the
15 local government and the police force, working
16 together.

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

20 ACTING PRESIDENT MAYER: Senator
21 Krueger, do you continue to yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR AKSHAR: Based on your

1 number, Senator, there are 49 police agencies
2 statewide that have not met the requirement.
3 When should we expect to see a monitor put in
4 place for those 49 police agencies?

5 SENATOR KRUEGER: Step one, the
6 budget needs to be enacted. Step two, the DOB
7 needs to tell those localities that they are in
8 fact not in compliance. Step three would be some
9 time period for them to find monitors. I'm not
10 sure what the qualifications or the availability
11 of said monitors are.

12 So it sounds like you could get the
13 activity rolling pretty quickly, but I don't have
14 a sense about whether you would have to do groups
15 of communities because there aren't 49 monitors,
16 for example, or whether this is something that is
17 simpler than that. We just don't know yet.

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

21 ACTING PRESIDENT MAYER: Senator
22 Krueger, do you continue to yield?

23 SENATOR KRUEGER: Yes, I do.

24 ACTING PRESIDENT MAYER: Yes, the
25 Senator yields.

1 SENATOR AKSHAR: Senator, I know
2 that you're working incredibly diligently on step
3 one and it's your desire to get this budget
4 passed as quickly as possible.

5 Madam President, through you, are
6 you aware that Richard Rivera, a cop killer, was
7 a member of a police advisory group, this
8 commission to reimage, reform the police
9 department in the City of Ithaca? Number one.

10 And do you believe that the fact
11 that he was a cop killer should have disqualified
12 him from sitting on that commission?

13 SENATOR KRUEGER: So I know -- I
14 believe I know that much information from the
15 press. But I don't know what they were defining
16 as the qualifications for the commission. I
17 don't know anything about the incident of how he
18 found himself killing a police officer. So I
19 guess I would need to do more research for you
20 before I told you that I had an opinion.

21 SENATOR AKSHAR: Thank you.

22 Madam President, if the sponsor
23 would continue to yield. And I would move to
24 prison closures in terms of my line of
25 questioning moving forward.

1 SENATOR KRUEGER: Certainly.

2 ACTING PRESIDENT MAYER: Senator
3 Krueger, do you continue to yield?

4 The Senator yields.

5 SENATOR AKSHAR: Madam President, I
6 believe she said yes.

7 SENATOR KRUEGER: Yes, I'm sorry, I
8 did.

9 SENATOR AKSHAR: That's okay.

10 Senator, the Senate's one-house had
11 an 180-day notice requirement. And the Assembly
12 one-house did not include an extension of that
13 provision, so it would have gone back to a
14 one-year notice. How did we end up back at
15 90 days? I don't want to be presumptuous, but it
16 appears by all accounts that both houses kind of
17 acquiesced to the Governor on this issue.

18 SENATOR KRUEGER: So to be quite
19 blunt, the Governor needed his \$30 million in
20 savings, so we ended up at the 90-day closure so
21 that we could book the savings in this year's
22 budget.

23 SENATOR AKSHAR: Madam President,
24 through you, if the sponsor would continue to
25 yield.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you continue to yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR AKSHAR: It's one of those
7 situations where somebody had to buy back or
8 trade for the 30 million, is that fair to say?
9 Or to make the financial plan work, you had to
10 show a \$30 million savings?

11 SENATOR KRUEGER: Well, I guess you
12 could describe every negotiation within a budget
13 on every line as being are we going to get the
14 money we need here, are we going to have to take
15 it from somewhere else, are we going to have to
16 increase revenue again.

17 So I suppose that would be a way to
18 put it if you're going to describe it as every
19 budget negotiation on every line. Um --

20 SENATOR AKSHAR: I'm sorry.

21 SENATOR KRUEGER: No, that's okay.

22 SENATOR AKSHAR: Thank you. Would
23 the sponsor be so kind to answer a few more
24 questions.

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger yields.

3 SENATOR AKSHAR: Madam President,
4 through you. How many prisons have we closed
5 over the last couple of years?

6 SENATOR KRUEGER: I am told it is
7 four.

8 SENATOR AKSHAR: Madam President,
9 would the sponsor continue to yield.

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR AKSHAR: In terms of those
14 negotiations specific to this line of
15 questioning, did the Governor tell you how many
16 prisons he plans on closing throughout this next
17 fiscal year?

18 SENATOR KRUEGER: He has not shared
19 any additional information with us.

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

23 SENATOR KRUEGER: Certainly.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR AKSHAR: No information
2 outside of we need to save 30 million? And does
3 that 30 million equate to one prison, two
4 prisons, four prisons?

5 SENATOR KRUEGER: There's been a
6 bed number of -- a reduction of 1500 beds
7 statewide in the system.

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

11 SENATOR KRUEGER: Yes, I do.

12 ACTING PRESIDENT MAYER: Senator
13 Krueger yields.

14 SENATOR AKSHAR: I recall the DOCCS
15 commissioner during the Public Protection Budget
16 Hearing talked about 1800 beds being closed over
17 the next two fiscal years.

18 So does that get us to that
19 \$30 million number?

20 SENATOR KRUEGER: We think it does.

21 SENATOR AKSHAR: Thank you.

22 Madam President, through you, if the
23 sponsor would continue to yield.

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you continue to yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR AKSHAR: Senator, during
5 your negotiations in reference to prison
6 closures, was there any conversations about
7 layoffs to current staff as a result of either
8 future prison closures or the reduction of 1500
9 or 1800 beds?

10 SENATOR KRUEGER: No, there was no
11 discussion of needing to lay off staff. And no
12 staff was laid off for the four prison closures
13 that have already taken place.

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

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: Senator
19 Krueger yields.

20 SENATOR AKSHAR: I know that we're
21 not in the Aid to Localities bill, so I'm aware
22 of that. But under this proposal, is there any
23 community aid as a result to any of these
24 closures?

25 SENATOR KRUEGER: We do not think

1 so.

2 SENATOR AKSHAR: Madam President,
3 through you, if the sponsor will continue to
4 yield.

5 ACTING PRESIDENT MAYER: Senator
6 Krueger, do you continue to yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR AKSHAR: Was there any
11 conversations with DOCCS, the Governor, about --
12 when speaking about prison closures, about having
13 to move other prisoners into existing buildings
14 not being closed and dealing with the pandemic?
15 Was there any concern by either the acting
16 commissioner, members of NYSCOPBA, you know,
17 dealing with COVID-19 and how it affects people
18 within the confines of a prison system?

19 SENATOR KRUEGER: I'm going to take
20 a leap that probably within the prison system
21 there have been all kinds of conversations about
22 how to protect prisoners and corrections officers
23 and others in the prisons from least exposure to
24 COVID, decreased chances of getting COVID,
25 testing, and now vaccinating. Whether any of

1 that was correlated to movement because of
2 changes in prisoner assignments because of
3 closing prisons, I don't know.

4 I'm not sure the question would be
5 that different whether it was a general what do
6 we do to protect from COVID versus removing
7 people, what do we do to protect from COVID.

8 We have been told and assured by
9 DOCCS that there is adequate space in the prison
10 system because of the reduced number of
11 prisoners, so that there is no reason to believe
12 that reducing the number of prisons in New York
13 State translates to having inadequate space and
14 facilities for the remaining number of prisoners
15 in our system.

16 SENATOR AKSHAR: Madam President,
17 through you, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR AKSHAR: I may have asked
25 it already; I just want to take another shot at

1 it. In terms of the 1500 or 1800 beds, does that
2 equate to one prison, two prisons? I mean, is
3 there any discussions internally about that?

4 SENATOR KRUEGER: No one has shared
5 that information with us. It's a perfectly
6 reasonable question. But the Governor and his
7 people have not chosen to say, Here is our plan
8 for where we're closing these beds and how many,
9 where.

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

13 ACTING PRESIDENT MAYER: Senator
14 Krueger, do you continue to yield?

15 SENATOR KRUEGER: Of course.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR AKSHAR: Just back on the
19 COVID-19 issue for just a moment. Outside of the
20 prisoner population, is there any concern that if
21 you were to, you know, following history, close
22 another two prisons, all of the employees
23 associated with those establishments then moving
24 into new communities, has there been some thought
25 given to that, about, you know, uprooting

1 families and making them move to new communities
2 to continue their employ within the Department of
3 Corrections and Community Supervision?

4 SENATOR KRUEGER: It's my
5 understanding that the prison system is
6 committing to moving people within the same hub,
7 but I don't really know what a hub is, I've just
8 learned that.

9 I do know that when you look at the
10 statistics, even today, throughout the State of
11 New York in what I would call the third explosion
12 of new COVID cases, that there are no safer or
13 less safe communities statistically. One just
14 has to be extremely careful about how one is
15 keeping safe distance, wearing masks, avoiding
16 group scenes, making sure -- now today, I
17 believe, we have officially made it that anyone
18 of any age can get a vaccination in New York.
19 Still, the challenge of do we have enough
20 vaccines, and where, and will people accept the
21 vaccines. So we have a lot of work to do.

22 So these are real issues that you
23 raise. I just don't know that they are specific
24 or unique to people who live or work in or near
25 different prisons.

1 SENATOR AKSHAR: Madam President,
2 on the bill for just a moment.

3 ACTING PRESIDENT MAYER: Senator
4 Akshar on the bill.

5 SENATOR AKSHAR: Just in regards to
6 the hunting portion, I'm sure Senator Lanza would
7 happily invite you to his property in the
8 Hudson Valley, or I would be happy to invite you
9 to the Southern Tier to experience a big game
10 hunt at some point moving forward.

11 Madam President, I thank Senator
12 Krueger, of course, for answering our questions
13 and would yield back my time. Thank you.

14 ACTING PRESIDENT MAYER: Thank you.
15 Senator O'Mara.

16 SENATOR O'MARA: Yes, thank you,
17 Madam President. Just a few questions, if the
18 Senator would yield.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you yield?

21 SENATOR KRUEGER: I'm ready.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR O'MARA: Senator Krueger,
25 just a couple of questions on the prison closure

1 side of it.

2 We're estimating -- the Governor is
3 estimating \$30 million in savings, but you
4 indicated no layoffs are anticipated. How do we
5 reach that \$30 million in savings?

6 SENATOR KRUEGER: Reduction in
7 overtime, facility maintenance, having to just
8 have prisons open versus not open.

9 SENATOR O'MARA: If the Senator
10 will continue to yield.

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you continue to yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR O'MARA: And again, you
17 have no indication of how many or what type of
18 prisons are anticipated to be closed or which
19 ones the Governor is looking at?

20 SENATOR KRUEGER: He's not sharing
21 with us. You're welcome to ask him. Maybe
22 you'll get more information.

23 SENATOR O'MARA: If the sponsor
24 will continue to yield.

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger continues to yield.

3 SENATOR O'MARA: I wouldn't expect
4 any information from this Governor, frankly, to
5 us or to anybody, for that matter, since we
6 haven't had any in over a year, while he's had
7 his emergency powers to do whatever he pleases.

8 But on the prisons. Is there any
9 language that we've been able to acquire in this
10 prison closure plan with regards to
11 double-bunking of inmates? That has been a major
12 issue over the years that I understand is getting
13 a little better. But the double-bunking was
14 causing a lot of security and safety issues
15 within the prisons because of just the nature of
16 the double-bunking and more incidents between
17 inmates.

18 Have we taken any steps here to
19 assure that double-bunking will not be utilized
20 going forward, since we're reducing the number of
21 prisons?

22 SENATOR KRUEGER: So the good news
23 is we are advised that they are not using
24 double-bunking and that they fully expect they
25 have the capacity, even with prison closures, to

1 avoid having double-bunking with the prison
2 closures.

3 So there may have been a problem at
4 some time; I'm not saying there wasn't. But
5 apparently, thanks to changes in our criminal
6 justice system, fewer people are in our prisons,
7 so there's just not the same capacity issues that
8 people might have seen in previous dates in
9 history. And so there's not double-bunking.

10 SENATOR O'MARA: If the sponsor
11 will continue to yield.

12 ACTING PRESIDENT MAYER: Senator
13 Krueger, do you continue to yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR O'MARA: I don't see
18 anything in this budget, and I wonder if there's
19 discussions going on with regards to the
20 Raise the Age issues and the segregation of
21 younger inmates into separate facilities, whether
22 there's any effort to repurpose some of these
23 facilities for that.

24 Because I understand from my
25 communities it's becoming a real problem to find

1 locations to send these 16- and 17-year-olds when
2 incarceration is ordered.

3 SENATOR KRUEGER: So it was
4 explained to me we took some DOCCS facilities,
5 transferred them to OCFS, where they became
6 facilities for young people through the Raise the
7 Age program. So there isn't a problem finding
8 locations for the young people.

9 Very often they're in exactly the
10 same facilities, but OCFS is now running and --
11 they may be in different facilities. Sorry,
12 strike that sentence. They may be in different
13 facilities, but OCFS is now running the
14 facilities and the programming under
15 Raise the Age, and we're not aware of a shortage
16 of space to send these young people to.

17 SENATOR O'MARA: If the sponsor
18 will continue to yield.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR O'MARA: Do you have an
25 estimate of the occupancy or the number of beds

1 available in the youth detention facilities?

2 SENATOR KRUEGER: No, we don't
3 today. We'll ask for you. It's a good question.

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

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator continues to yield.

11 SENATOR O'MARA: There was a
12 Part TT in the budget regarding amnesty on having
13 individuals removed from your healthcare plan if
14 you had a -- I assume that's dealing with having
15 an older dependent that ages off of your
16 insurance but you don't remove them, that it
17 would have allowed an amnesty period to make that
18 correction.

19 How come that has been left out?

20 SENATOR KRUEGER: So I apologize.
21 When I look at PPGG, Part TT rejects the proposal
22 to allow the president of the Civil Service
23 Commission to establish 60-day amnesty to
24 identify dependents who are ineligible for health
25 benefits. So since it rejects it, there will not

1 be a 60-day amnesty. That's your question.

2 SENATOR O'MARA: Well, my question
3 is why has it been rejected.

4 SENATOR KRUEGER: We're looking for
5 that answer.

6 I'm advised that we rejected it
7 because there's an audit that's going to take
8 place with the same outcome either way, and that
9 our colleagues across the building were strongly
10 opposed to it.

11 SENATOR O'MARA: Again, through
12 you, Madam President, changing topics to the
13 retirement incentive issue, if the Senator would
14 yield.

15 ACTING PRESIDENT MAYER: Senator
16 Krueger, do you yield?

17 SENATOR KRUEGER: Yes, I will.

18 Perfect. We knew that was going to
19 be your next question, because the right staff
20 magically appeared.

21 SENATOR O'MARA: Good timing.

22 SENATOR KRUEGER: Yes, indeed.

23 SENATOR O'MARA: Senator, this --
24 there was an early retirement incentive proposed
25 in each of the one-house budgets from the

1 Assembly and the Senate.

2 However, according to my read, there
3 is no retirement incentive in this budget, at
4 least in this portion of the budget. Is it going
5 to appear later on in another budget bill?

6 SENATOR KRUEGER: Yes, it will, in
7 another budget bill.

8 SENATOR O'MARA: Okay, then I will
9 save questions on that until then.

10 And I think that, Madam President,
11 wraps up my questions on this bill. Thank you
12 very much.

13 SENATOR KRUEGER: Thank you.

14 ACTING PRESIDENT MAYER: Thank you.

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: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 646, those Senators voting in the
4 negative are Senators Akshar, Borrello, Boyle,
5 Gallivan, Griffio, Helming, Jordan, Lanza,
6 Martucci, Mattera, Oberacker, O'Mara, Ortt,
7 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
8 Weik.

9 Ayes, 43. Nays, 20.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

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

14 SENATOR GIANARIS: Thank you,
15 Madam President.

16 At this time our colleagues in the
17 Minority I believe are going to have a short
18 conference, and what we're going to do is call a
19 meeting of the Finance Committee in Room 332 for
20 4:00 p.m.

21 And please call on Senator Lanza for
22 an announcement.

23 ACTING PRESIDENT MAYER: Senator
24 Lanza.

25 SENATOR LANZA: Thank you, Senator

1 Gianaris.

2 Madam President, there will be an
3 immediate meeting of the Republican Conference in
4 Room 315 of the Capitol.

5 ACTING PRESIDENT MAYER: There will
6 be an immediate meeting of the Minority
7 Conference in Room 315 of the Capitol and a
8 Finance Committee meeting at 4:00 p.m. in
9 Room 332 of the Capitol.

10 SENATOR GIANARIS: The Senate will
11 stand at ease.

12 ACTING PRESIDENT MAYER: The Senate
13 will stand at ease.

14 (Whereupon, the Senate stood at ease
15 at 3:30 p.m.)

16 (Whereupon, the Senate reconvened at
17 5:17 p.m.)

18 ACTING PRESIDENT MAYER: The Senate
19 will return to order.

20 Senator Gianaris.

21 SENATOR GIANARIS: Okay,
22 Madam President. So a small change of plans from
23 what we announced earlier.

24 We're going to now have an immediate
25 meeting of the Rules Committee in Room 332,

1 followed immediately by the Finance Committee
2 thereafter, also in Room 332.

3 ACTING PRESIDENT MAYER: There will
4 be an immediate meeting of the Rules Committee,
5 followed by the Finance Committee. Both are
6 in Room 332.

7 SENATOR GIANARIS: After which the
8 two bills that those committees will be producing
9 will be taken up on the floor.

10 The Senate will stand at ease.

11 ACTING PRESIDENT MAYER: The Senate
12 will stand at ease.

13 (Whereupon, the Senate stood at ease
14 at 5:18 p.m.)

15 (Whereupon, the Senate reconvened at
16 5:31 p.m.)

17 ACTING PRESIDENT MAYER: The Senate
18 will return to order.

19 Senator Gianaris.

20 SENATOR GIANARIS: Madam President,
21 I believe there's a report of the
22 Finance Committee at the desk.

23 ACTING PRESIDENT MAYER: The
24 Secretary will read.

25 THE SECRETARY: Senator Krueger,

1 from the Committee on Finance, reports the
2 following bill:

3 Senate Print 2504D, Senate Budget
4 Bill, an act making appropriations for the
5 support of government: CAPITAL PROJECTS BUDGET.

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 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT MAYER: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT MAYER: The
16 Finance Committee report is accepted.

17 Senator Gianaris.

18 SENATOR GIANARIS: I now believe
19 there's a report of the Rules Committee at the
20 desk. Please take that up.

21 ACTING PRESIDENT MAYER: The
22 Secretary will read.

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

1 Senate Print 6081, by the Senate
2 Committee on Rules, an act making appropriations
3 for the support of government.

4 All bills reported direct to third
5 reading.

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

8 ACTING PRESIDENT MAYER: All those
9 in favor of accepting the report of the
10 Rules Committee signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT MAYER: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT MAYER: The Rules
16 Committee report is accepted.

17 Senator Gianaris.

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

20 ACTING PRESIDENT MAYER: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 649, Senate Print 2504D, Senate Budget Bill, an
24 act making appropriations for the support of
25 government.

1 SENATOR LANZA: Lay it aside.

2 SENATOR GIANARIS: Before we lay it
3 aside, Madam President, is there a message of
4 necessity at the desk?

5 ACTING PRESIDENT MAYER: There is a
6 message of necessity at the desk.

7 SENATOR GIANARIS: Move to accept
8 the message of necessity.

9 ACTING PRESIDENT MAYER: All in
10 favor of accepting the message of necessity
11 signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT MAYER: Opposed,
14 nay.

15 (No response.)

16 ACTING PRESIDENT MAYER: The
17 message is accepted and the bill is before the
18 house.

19 SENATOR LANZA: Lay it aside.

20 ACTING PRESIDENT MAYER: The bill
21 is laid aside.

22 THE SECRETARY: Calendar Number
23 651, Senate Print 6081, Senate Committee on
24 Rules, an act making appropriations for the
25 support of government.

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

3 ACTING PRESIDENT MAYER: There is a
4 message of necessity at the desk.

5 SENATOR GIANARIS: Move to accept
6 the message of necessity.

7 ACTING PRESIDENT MAYER: All in
8 favor of accepting the message of necessity
9 signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT MAYER: Opposed?

12 (No response.)

13 ACTING PRESIDENT MAYER: The
14 message is accepted, and the bill is before the
15 house.

16 Read the last section.

17 THE SECRETARY: Section 18. This
18 act shall take effect immediately.

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 Senator Gianaris, that completes the
3 reading of today's supplemental calendar.

4 SENATOR GIANARIS: Move to the
5 controversial calendar, please.

6 ACTING PRESIDENT MAYER: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 649, Senate Print 2504D, Senate Budget Bill, an
11 act making appropriations for the support of
12 government.

13 ACTING PRESIDENT MAYER: Senator
14 O'Mara.

15 SENATOR O'MARA: Yes,
16 Madam President, thank you. If Senator Krueger
17 would yield for some questions on this budget
18 bill.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, will you yield?

21 SENATOR KRUEGER: I will.

22 ACTING PRESIDENT MAYER: The
23 Senator will yield.

24 SENATOR O'MARA: Senator, the
25 financial plan that we discussed a little bit at

1 the beginning of today indicates that the capital
2 budget -- which I'm assuming is this bill before
3 us now -- is increasing by 34.5 percent. Can you
4 tell me how come we're having that large of an
5 increase in spending?

6 SENATOR KRUEGER: We haven't had
7 that much capital spending in quite a few years,
8 and the demands have grown. So I think when you
9 look at each area that we're putting capital
10 money into, that hopefully you will agree that
11 these are important things for us to spend on.

12 In an economic downturn, stimulus
13 funding is argued to be one of the best ways to
14 get your economy going and create jobs. So
15 dealing with infrastructure needs through capital
16 spending is not only a way to help make sure the
17 state comes out of its assorted crises of the
18 moment, it also helps us invest in jobs to do
19 this work.

20 And the interest rates are extremely
21 low, so it's actually not costing us that much.
22 So it's sort of a win/win. You can borrow money
23 at reasonable rates, you can then put that money
24 into infrastructure capital needs that the state
25 has long had and been begging -- well, various

1 people have been begging for us to put into the
2 capital plan. And as a result, you hopefully
3 move our state out of economic bad times into a
4 modern economy with more of the work done for us.

5 I think it's an excellent idea.

6 SENATOR O'MARA: Will the Senator
7 continue to yield.

8 ACTING PRESIDENT MAYER: Senator,
9 do you continue to yield?

10 SENATOR KRUEGER: I will.

11 SENATOR O'MARA: Senator Krueger,
12 I'm showing also on the financial plan that the
13 capital spending in our current year's budget was
14 \$13.949 billion, and this year it's increased by
15 roughly \$5 billion to \$18.760 billion. Is that a
16 fair statement?

17 SENATOR KRUEGER: Close enough.

18 SENATOR O'MARA: If the Senator
19 will continue to yield.

20 ACTING PRESIDENT MAYER: Senator
21 Krueger, do you continue to yield?

22 SENATOR KRUEGER: Yes, I will.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR O'MARA: Senator, in

1 regards to the transportation capital budget
2 here, is there a five-year capital plan for
3 DOT and the MTA in this capital budget?

4 SENATOR KRUEGER: Through you,
5 Madam President. It is my understanding that we
6 have a one-year plan for the transportation
7 money, but at the time that the federal money for
8 transportation and infrastructure comes through,
9 we will then be developing a five-year plan.

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

12 ACTING PRESIDENT MAYER: Senator
13 Krueger, do you continue to yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR O'MARA: When do you
18 anticipate being able to put together that
19 five-year plan?

20 SENATOR KRUEGER: It sort of
21 depends on when the federal government passes
22 their bill. We're hoping for a quick turnaround.
23 The Biden administration is pretty committed to
24 all of this, and they've been able to deliver the
25 other things they told us they would be able to.

1 So I'm hoping, you know, within a
2 matter of months we have the federal bill passed.
3 And then I would think New York State wants to
4 move as quickly as possible to not just develop a
5 plan, but get the money out the door and start
6 doing the work.

7 SENATOR O'MARA: Will the Senator
8 continue to yield.

9 ACTING PRESIDENT MAYER: Senator,
10 do you continue to yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT MAYER: Yes, the
13 Senator yields.

14 SENATOR O'MARA: How much federal
15 dollars -- how many federal dollars are
16 incorporated into this capital projects budget?

17 SENATOR KRUEGER: We think
18 approximately half of the 17.6 billion in
19 Executive-level capital is federal and half is
20 state. So let's just say 9 billion federal,
21 9 billion state.

22 But then there's another 4 billion
23 of added capital, and that's not federal at all.

24 SENATOR O'MARA: Will the Senator
25 continue to yield.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you continue to yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR O'MARA: Of that extra
7 \$4 billion that is state dollars, where is that
8 being directed?

9 SENATOR KRUEGER: So 3 billion of
10 it is going through the bond act, the Green Bond
11 Act. I think it's the Mother Nature Green Bond
12 Act. So that will all be targeted to
13 environmentally relatable projects,
14 sustainability projects. And that's the vast
15 majority.

16 And then we have \$450 million for
17 public housing and affordable housing. We have
18 \$91 million in capital for social welfare, public
19 protection, general government, other. We have
20 \$270 million for higher education and education
21 and 350 million additional for transportation.

22 SENATOR O'MARA: Thank you,
23 Senator.

24 Will the Senator continue to yield.

25 ACTING PRESIDENT MAYER: Senator

1 Krueger, do you continue to yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR O'MARA: Since you say we
6 only have a one-year capital plan with regards to
7 the DOT and the MTA, can you describe for me what
8 those levels of spending are, the DOT compared to
9 the MTA?

10 SENATOR KRUEGER: So DOT spending
11 again is about the 7.6 billion, and that's state
12 money. The MTA is a separate authority,
13 off-budget, so we don't define that as being
14 state spending within the budget. But it is also
15 true we are making a contribution to the MTA of
16 \$7.3 billion.

17 SENATOR O'MARA: Will the sponsor
18 continue to yield.

19 ACTING PRESIDENT MAYER: Senator,
20 do you continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator continues to yield.

24 SENATOR O'MARA: Can you describe
25 for me the amount of federal dollars that the

1 state receives for DOT and for the MTA?

2 SENATOR KRUEGER: So we receive a
3 \$2.526 billion appropriation from the feds to our
4 capital projects in transportation. Again, it's
5 not MTA money, but we know that the federal
6 government, separate from going through us or our
7 budget, has approved 8 billion of supplemental
8 capital for the MTA through two different federal
9 bills.

10 SENATOR O'MARA: Will the sponsor
11 continue to yield.

12 ACTING PRESIDENT MAYER: Senator
13 Krueger, do you continue to yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR O'MARA: Is that 8 billion
18 for the MTA, is that part of a federal COVID
19 relief package bill, or is that just regular
20 ordinary ongoing assistance to the MTA?

21 SENATOR KRUEGER: No, I believe it
22 was two different \$4 billion awards through two
23 different COVID stimulus funding categories of
24 the federal government.

25 SENATOR O'MARA: Thank you.

1 On the bill for a moment, please;
2 then I'll have a couple more questions.

3 ACTING PRESIDENT MAYER: Senator
4 O'Mara on the bill.

5 SENATOR O'MARA: You know, I am
6 concerned that we're not having a five-year
7 capital plan right now for either the DOT or the
8 MTA. But parity is extremely important in that
9 funding, as the state -- from 2016 to 2020, the
10 DOT and MTA capital plans had parity, with DOT
11 statewide receiving 29.3 billion and the MTA
12 receiving 30 billion. Very close.

13 At the end of 2019 the MTA approved
14 a new five-year capital plan which committed
15 \$51.5 billion, an increase of almost 70 percent.
16 The fiscal year '21 enacted budget contained only
17 a two-year capital plan for DOT worth only
18 \$11.9 billion, so about \$6 billion a year. At
19 this five-year rate, under that 2021 funding, the
20 DOT plan would be 29.8 billion, or 73 percent
21 less than the MTA capital plan.

22 If the sponsor would yield for a
23 question.

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you continue to yield?

1 SENATOR KRUEGER: Certainly.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR O'MARA: Do you anticipate
5 that disparity in the parity that I just
6 highlighted of 73 percent is going to continue
7 going forward or whether we're going to get back
8 to more in line of spending similarly on DOT
9 projects as well as the MTA?

10 SENATOR KRUEGER: Through you,
11 Madam President, I sincerely don't know.

12 It seems to me the right question
13 for the State of New York is what funding do we
14 need to address our infrastructure costs. And
15 there's not an obvious reason to believe that it
16 would be a 50-50 break out between the MTA, one
17 mass transit system, and everything else.
18 Conceivably there would be lesser costs in some
19 over time, there could be higher costs in others
20 over time.

21 Certainly when it comes to the MTA,
22 we know we have faced -- oh, my goodness, we were
23 still working on the rebuild from Superstorm
24 Sandy and all of the commitments that we needed
25 to make them whole from that. I don't think

1 we've even finished yet, and then we just keep
2 getting hit by other things.

3 So I don't know that I would argue
4 that any plan for the State of New York for any
5 topic should automatically be once upon a time we
6 did something one way, so we should always do it
7 that way. I think it would more be the evidence
8 of what is needed.

9 And again, of course, now with the
10 different federal streams of money, as I pointed
11 out on an earlier bill, if we know we're getting
12 a certain amount of money from the federal
13 government for something, we would not want to be
14 duplicative or use our state money for something
15 that we thought we could cover by the federal
16 money. And that's not a year-by-year thing, that
17 really depends on where we are and where
18 Washington is.

19 So I think you have to -- I like the
20 idea of five-year planning for capital, by the
21 way. I think that's an excellent idea. But as
22 to what amounts are correct and needed, I
23 certainly don't think one should argue, you know,
24 because we did something in X year we have to do
25 the same thing in Y year.

1 SENATOR O'MARA: Thank you,
2 Senator.

3 If the Senator will continue to
4 yield.

5 ACTING PRESIDENT MAYER: Senator,
6 do you continue to yield?

7 SENATOR KRUEGER: Yes, I do.

8 ACTING PRESIDENT MAYER: Yes, the
9 Senator yields.

10 SENATOR O'MARA: Senator, you
11 stated that it's important to know what the
12 overall need is of each of these separate
13 categories. So do you have an idea of what the
14 need at the MTA level is for capital needs?

15 SENATOR KRUEGER: So there has been
16 a multiyear capital plan proposed by the MTA. I
17 don't know what year we're in, and I don't know
18 how much it was. (Pause.)

19 The 2024 capital plan for the MTA
20 was \$51.4 billion. I believe that was pre-COVID.
21 So no doubt they have had changed needs since
22 that plan was approved.

23 SENATOR O'MARA: Thank you.

24 And will the sponsor continue to
25 yield.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you continue to yield?

3 SENATOR KRUEGER: I do.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR O'MARA: Do you have an
7 idea or a ballpark on what the statewide needs
8 are with the DOT?

9 SENATOR KRUEGER: So apparently the
10 state just last week got its information back
11 from all areas of the state as to what the
12 conditions were and what the projected needs are.

13 So that is being put together now
14 and hopefully will be ready so that when we are
15 trying to get federal money for roads and capital
16 infrastructure from the federal government, we
17 will have current data, current proposals, and
18 can move more quickly on the multiyear plan that
19 I think Senator O'Mara and I both agree would be
20 important to have for statewide transportation.
21 But I don't have a dollar number now.

22 SENATOR O'MARA: Thank you.

23 Will the Senator continue to yield.

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you continue to yield?

1 SENATOR KRUEGER: I will.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR O'MARA: There has been
5 some very nice increases to areas of local roads
6 and bridges that I've been an advocate for for a
7 long time, and increasing the CHIPS funding by
8 \$100 million and increasing the Extreme Winter
9 Recovery funds by I believe \$35 million. So a
10 very nice increase there. There is a \$50 million
11 NY Works allotment that we've been led to believe
12 is for the Pave-NY program. Can you answer that?

13 SENATOR KRUEGER: I am told that
14 you are correct, that that money is for the
15 NY Pave program.

16 SENATOR O'MARA: Thank you.
17 Will the sponsor continue to yield.

18 ACTING PRESIDENT MAYER: Senator
19 Krueger, do you continue to yield?

20 SENATOR KRUEGER: I do.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR O'MARA: The state and
24 municipal grants program -- SAM, as we refer to
25 it -- is being refunded again this year at I

1 believe \$385 million, is that correct?

2 SENATOR KRUEGER: Yes.

3 SENATOR O'MARA: Will the sponsor
4 continue to yield.

5 SENATOR KRUEGER: Yes, I will.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR O'MARA: How is that
9 \$385 million to be distributed?

10 SENATOR KRUEGER: So my
11 understanding is it is a pot of money that is
12 discretionary three-way. I guess that means the
13 Senate gets a third, the Assembly gets a third,
14 and the Governor gets a third. Yes.

15 SENATOR O'MARA: Will the sponsor
16 yield.

17 ACTING PRESIDENT MAYER: Senator
18 Krueger, do you continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR O'MARA: How much of that
23 third to each house of the Legislature will be
24 available to members of the minority conferences
25 in the Senate and the Assembly?

1 SENATOR KRUEGER: I don't know the
2 answer. I think it's above my pay grade.

3 SENATOR O'MARA: Will the sponsor
4 continue to yield.

5 ACTING PRESIDENT MAYER: Senator
6 Krueger, do you continue to yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR O'MARA: At the time --
11 about three years ago now, I guess, when the
12 minority and majority sides flipped here, there
13 was a SAM program in effect. And there were a
14 number of projects that were in the works,
15 various stages of in the works, that had been
16 promised to municipalities, and they continue to
17 be unfulfilled.

18 And we continue to get asked when is
19 that money going to be available for projects
20 that in some instances municipalities may have
21 already spent the money on, assuming the money
22 was coming. And we have basically reneged on
23 that promise of those projects.

24 Is there any commitment of the
25 Majority to move those stalled projects forward

1 to provide what is really important relief to
2 many municipalities that are now, you know,
3 hanging by a thread with those resources not
4 coming through?

5 SENATOR KRUEGER: Through you,
6 Madam President. Apparently because of COVID,
7 the whole program was put on pause, so no one's
8 getting the money, Majority or Minority members.
9 And that is very frustrating to anyone who was
10 hoping they were seeing funds in a certain fiscal
11 year.

12 So I think we can hope that as we
13 move out of COVID, as we see new monies coming
14 through from the federal government, that there
15 will be a change of position by the Executive to
16 release the earlier SAM dollars as well as the
17 SAM dollars in this budget. But as of today, I
18 have personally no commitment from the Governor's
19 office that they will be letting go of the
20 old SAM money yet. Or the new SAM money.

21 SENATOR O'MARA: Will the sponsor
22 continue to yield.

23 ACTING PRESIDENT MAYER: Senator
24 Krueger, do you continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR O'MARA: Do you know
4 whether the third of the SAM money that had
5 previously been the Governor's share, whether
6 those projects were stalled as well or whether
7 they've continued to flow?

8 SENATOR KRUEGER: One moment.
9 So I'm being -- it's being pointed
10 out to me that Division of Budget issued
11 something called the B1223 guidance Budget
12 Bulletin where it stopped all SAM funds from
13 being spent. So yes, the Governor's money also
14 was halted.

15 SENATOR O'MARA: If the sponsor
16 will continue to yield.

17 ACTING PRESIDENT MAYER: Senator
18 Krueger, do you continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR O'MARA: Will there be a
23 commitment from this Majority of this house that
24 projects through the SAM program that were put on
25 hold, projects that were accounted for before the

1 last election when the majority/minority shift
2 took place, whether there will be a commitment
3 from the current Majority to make good on the
4 promises that were made three years or more ago,
5 many of which were stalled long before COVID came
6 into the picture?

7 SENATOR KRUEGER: So part of my
8 answer is it is above my pay grade.

9 And the other part of my answer is
10 we didn't take the funds away when the house
11 changed hands, and I don't expect that we would
12 do it now. We just simply haven't gotten a
13 release of the money during this time period.

14 SENATOR O'MARA: If the sponsor
15 will continue to yield.

16 ACTING PRESIDENT MAYER: Senator
17 Krueger, do you continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR O'MARA: Well, my
22 experience, Senator Krueger, in living this
23 ordeal, that long before COVID these projects
24 were held up by the Majority here -- and maybe as
25 well by the Division of Budget, but in concert

1 with this Majority -- long before COVID. Yet
2 you, as you stand here today, can't give us any
3 assurance whether these prior commitments are
4 going to be honored as we look to spend another
5 \$385 million on this program this year.

6 SENATOR KRUEGER: Through you,
7 Madam President. I am more than happy to follow
8 through for the Senator if he has a master list
9 of what he wants to make sure he has commitments
10 on. I am happy to here on the floor of the
11 Senate say that I will go to our leader and
12 discuss it with her and get him an answer. That
13 is the best I can do at this time.

14 SENATOR O'MARA: Will the sponsor
15 continue to yield.

16 ACTING PRESIDENT MAYER: Senator
17 Krueger, do you continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR O'MARA: Thank you,
22 Senator Krueger.

23 You are one of the few individuals
24 at the upper levels of state government that
25 still has credibility left with me. I thank you

1 for that. And I will appreciate your efforts
2 going forward.

3 I will state that, you know, the SAM
4 grants have typically only gone to majority
5 members, and that was the case when we were in
6 the majority. And that's been the case the last
7 couple of years we've had it that you've been in
8 the majority. And it pretty much works that way
9 in the Assembly too, although there is some
10 smaller amounts there that go to the minority.

11 It just seems to me fundamentally
12 and patently unfair. It was unfair when we did
13 it. I argued against it in our conference then,
14 certainly knowing that someday this day would
15 come and there was no fairness about it. We all
16 represent roughly the same amount of people and
17 deserve to share in -- those kind of projects in
18 our districts are just as important as they are
19 in yours.

20 So I would appreciate your
21 willingness to at least look into the projects
22 that are upheld. So thank you for that.

23 Moving on to higher education, is
24 there a five-year capital plan for SUNY and CUNY?

25 SENATOR KRUEGER: Changing staff.

1 No, there is no five-year capital
2 plan for CUNY or SUNY.

3 SENATOR O'MARA: So will the
4 Senator continue to yield.

5 ACTING PRESIDENT MAYER: Senator
6 Krueger, do you continue to yield?

7 SENATOR KRUEGER: I do.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR O'MARA: So we're just on a
11 year-to-year basis, then, with capital for SUNY
12 and CUNY?

13 SENATOR KRUEGER: Unfortunately,
14 it's been quite a few years without capital money
15 at all. So yes, I guess we're on a year by year
16 or every once in a while there's some money we
17 get to use for capital for CUNY/SUNY.

18 SENATOR O'MARA: If the Senator
19 will continue to yield.

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT MAYER: Senator
22 Krueger continues to yield.

23 SENATOR O'MARA: Could you lay out
24 for us what the capital spending is for SUNY and
25 CUNY in this capital projects bill?

1 SENATOR KRUEGER: One hundred
2 million dollars each.

3 SENATOR O'MARA: If the sponsor
4 will continue to --

5 SENATOR KRUEGER: Sorry, just to
6 clarify. CUNY is also getting a separate
7 \$10 million for a Green Energy Plan for their
8 campuses. And SUNY is also getting 10 million,
9 but theirs is for Educational Opportunity
10 Centers. So they're each getting 110 million.

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

13 And if the Senator will continue to
14 yield.

15 ACTING PRESIDENT MAYER: Senator,
16 will you continue to yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR O'MARA: I'm glad you
21 mentioned the green projects because I forgot to
22 ask a question before on the bond act, the Green
23 Bond Act. That still has to go before the voters
24 in November for approval, correct?

25 SENATOR KRUEGER: It's actually

1 going to be in this budget, but not go to the
2 voters until the '22 November election. So the
3 spending, assuming the voters approve it, won't
4 really be until '23.

5 SENATOR O'MARA: If the sponsor
6 will continue to yield.

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT MAYER: Senator
9 Krueger, will you continue to yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR O'MARA: So then based on
14 that, then, this \$3 billion for green projects,
15 we're not moving forward on anything for at least
16 two years.

17 SENATOR KRUEGER: Unfortunately. I
18 would have preferred a different storyline, but
19 yes.

20 SENATOR O'MARA: Then why is it in
21 this year's budget?

22 SENATOR KRUEGER: Because it was
23 originally in a previous year's budget and got
24 pulled out. There was concern that it would
25 perhaps never come back. So we worked hard to

1 make sure we got the commitment that this is
2 going to happen. But the agreement with the
3 Executive was to wait until the following year to
4 actually do the bond act vote.

5 SENATOR O'MARA: If the sponsor
6 will continue to yield.

7 ACTING PRESIDENT MAYER:
8 Senator Krueger --

9 SENATOR KRUEGER: Yes. Yes.

10 ACTING PRESIDENT MAYER: --
11 continues to yield.

12 SENATOR O'MARA: Now, just explain,
13 I guess, to us the process of -- we authorized a
14 bond of \$3 billion in last year's budget that was
15 to go to the voters in November, and then we got
16 struck with COVID and that bond action to go to
17 the referendum was pulled back.

18 SENATOR KRUEGER: Correct.

19 SENATOR O'MARA: What is the
20 process on -- how does that work? After we'd
21 approved the bond act from here, whose decision
22 ultimately was it to say no, we're not going
23 forward with it.

24 SENATOR KRUEGER: So last year the
25 language in the budget allowed the Division of

1 Budget to delay the bond act going forward. This
2 year that is not the case. So we are trying hard
3 to make sure that this bond act does happen, does
4 go to the people for a vote, and hopefully they
5 will vote for it and we'll have this money to
6 spend.

7 SENATOR O'MARA: If the Senator
8 will continue to yield.

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT MAYER: Senator
11 Krueger continues to yield.

12 SENATOR KRUEGER: Yes.

13 SENATOR O'MARA: Is the date of
14 that referendum set in this capital projects
15 bill? And when is that date? And can that date
16 be changed, and by who?

17 SENATOR KRUEGER: No, I don't think
18 it's an appropriation question.

19 So the date would be whatever date
20 is the November 2022 general election, which I
21 guess then is set in stone, I'm pretty sure.

22 SENATOR O'MARA: Yup.

23 SENATOR KRUEGER: And we do not
24 give the Budget Director the authority to delay
25 it moving forward.

1 So, knock on wood -- you know, you
2 never know when a new crisis is going to hit, and
3 you shouldn't joke about them anymore, because
4 they do -- but that we should be able to get this
5 to the voters in the November general election.

6 SENATOR O'MARA: In 2022.

7 SENATOR KRUEGER: In 2022, yes,
8 sir.

9 SENATOR O'MARA: Thank you.

10 I think the last area, if the
11 Senator will continue to yield, that I have a
12 couple of questions on.

13 ACTING PRESIDENT MAYER: Senator,
14 will you continue to yield?

15 SENATOR KRUEGER: Certainly.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR O'MARA: The Empire Station
19 Complex, which is -- I assume that's the Moynihan
20 Train Station?

21 SENATOR KRUEGER: Well, it's a
22 trick question.

23 (Laughter.)

24 SENATOR KRUEGER: So there is
25 Penn Station. Then we've opened the Moynihan

1 station or hallway, which is now the
2 entrance/exit for the Amtrak trains, and it is
3 geographically across the street from
4 Penn Station. So there are two stations,
5 Moynihan, Penn.

6 And then there is a proposal for an
7 Empire Station Complex that, depending on how you
8 read the draft, might or might not merge all of
9 them together, might or might not have anything
10 to do with Penn Station at all, but rather be the
11 aboveground changes to the neighborhood.

12 SENATOR O'MARA: Okay. If the
13 Senator will continue to yield.

14 SENATOR KRUEGER: Yes. Certainly.

15 ACTING PRESIDENT MAYER: Senator
16 Krueger continues to yield.

17 SENATOR O'MARA: And what I have
18 been reading of late about this project, there is
19 quite a bit of consternation of the locals to the
20 changing of the character of that neighborhood,
21 eliminating low-income housing. Small businesses
22 that are located there are being replaced with a
23 number of super-high-rise buildings.

24 Is this project a project that's a
25 priority of the State Senate, or is this solely

1 the priority of the Governor?

2 SENATOR KRUEGER: I've not surveyed
3 the State Senate, so I don't know. I think it is
4 a priority of the Governor.

5 And I do feel confident standing
6 here saying that the immediate Senator for the
7 area, Brad Hoylman, and myself, the next-door
8 neighbor Senator, Liz Krueger, have both had
9 great concerns about this plan going forward and
10 the lack of participation by New York City
11 government, the community boards, the neighbors,
12 other electeds.

13 And he's shaking his head yes, so I
14 know I'm on safe territory to say what I just
15 said.

16 (Laughter.)

17 SENATOR O'MARA: Good evening,
18 Brad.

19 If the Senator will continue to
20 yield.

21 ACTING PRESIDENT MAYER: Senator
22 Krueger --

23 SENATOR KRUEGER: Certainly. Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator agrees to yield.

1 SENATOR O'MARA: Now, the capital
2 identified for this Empire Station Complex is
3 \$1.3 billion. With all of these concerns over
4 the project from yourself and the resident
5 Senator Hoylman, why are we approving this
6 capital expenditure for something that's that
7 controversial and apparently not even ready to go
8 yet?

9 SENATOR KRUEGER: So the language
10 in the budget is quite different than as proposed
11 by the Governor.

12 So the language is now that he could
13 only go to PACB to request the bonding authority
14 specifically for Penn Station and the train
15 functions of the station, on transportation, and
16 only after there was an approved plan for the
17 entire project.

18 And one of the frustrations we have
19 had is that there was an effort to move forward
20 with the money before there was even an approved
21 plan, but that which we had seen said nothing
22 about Penn Station or trains at all. So the new
23 language would require that there -- that PACB
24 could not approve going forward with the bonds
25 until such time as there was a

1 community-approved -- I think they call it
2 general community plan? General project plan --
3 with explicit details about the rail station and
4 the rebuild of such. And that this money could
5 only be used for those purposes, not for the
6 aboveground everything-under-the-sun proposals.

7 SENATOR O'MARA: If the Senator
8 will continue to yield.

9 ACTING PRESIDENT MAYER: Senator
10 Krueger, do you continue to yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR O'MARA: Who is responsible
15 or has the authority of that community plan
16 review and approval? What body makes up that
17 decision?

18 SENATOR KRUEGER: So there was a --
19 is a subsidiary of Empire State Development that
20 in some way is its own authority overseeing the
21 project. And they've created a -- either it's a
22 committee or a multiple set of committees to work
23 on the assignment together.

24 There was real concern about who was
25 doing what and were they going to complete the

1 process and were they even bringing anyone into
2 the room.

3 Actually, I think that because the
4 Governor put this money into the budget, and
5 because some of us saw it and said what the heck
6 is going on and started to talk to our community
7 members, our community boards, our local
8 electeds, city government and the media, that the
9 Governor's people changed approach. So there is
10 now a schedule for a series of these meetings
11 with commitments to actually lead to group
12 agreement.

13 I don't know if it will work or not.
14 I just know that I feel much more confident now
15 that this money will not be released unless there
16 is a community agreement behind what we're doing,
17 at least with the Penn Station part of the
18 project.

19 And that's frankly the important
20 part. It is true, if you've ever come to
21 New York City by train into Penn Station, you
22 really do get off and go, How can this amazing
23 city have such a god-awful train station? So we
24 don't debate whether we need a new improved
25 Penn Station. We don't debate that we need more

1 rail coming into the station, more slots for the
2 transits to pull in, more trains that can
3 actually pull in, more interconnection
4 underground between the Amtrak trains and the
5 New York Long Island Rail Road trains,
6 Metro-North trains.

7 So we need all of that. And we're
8 prepared and I believe it's in the best interests
9 of the State of New York to want to invest in
10 that. But we're just not sure what we're doing
11 aboveground with, as you described it, 10
12 super-tall towers, using eminent domain to
13 potentially tear down up to 50 buildings in a
14 five-block area.

15 Even the argument that this is
16 justified because the aboveground area is
17 blighted and poverty-stricken -- I walk that area
18 constantly. That is Brad Hoylman's territory.
19 We don't have blighted, poverty-stricken areas in
20 our districts, frankly, period. And that's
21 certainly not how I would describe that area.

22 So we had real concerns. We
23 actually think that the attention we've gotten
24 around this issue just in the last two weeks is
25 going to jump-start a much better model for going

1 forward.

2 SENATOR O'MARA: Thank you for
3 that.

4 On the bill.

5 ACTING PRESIDENT MAYER: Senator
6 O'Mara on the bill.

7 SENATOR O'MARA: I am certainly in
8 agreement with Senator Krueger on the lack of a
9 welcoming nature of Penn Station, so to speak, on
10 people arriving to New York City. Certainly
11 nothing like Grand Central Station and that great
12 gateway that that is for so many.

13 I believe the Port Authority Bus
14 Terminal yields a similar or even less welcoming
15 environment than Penn Station does, but I believe
16 that's a viable project.

17 However, I have concerns with this
18 money being in there, and I'm glad it's at least
19 a go-ahead only for Penn Station unless this
20 community plan gets approved. But I have grave
21 concerns that this is yet one more body that is
22 created by and controlled by Governor Cuomo and
23 he will ultimately get whatever outcome he wants
24 through this process.

25 The fact that it's a subsidiary of

1 Empire State Development certainly leads me to
2 believe that the Governor would have the lion's
3 share of control over this and be able to get a
4 conclusion that may be foregone already. And
5 that this language in this bill isn't strong
6 enough to prevent that from happening and
7 actually really having a solid community plan
8 with all aspects, all groups coming to a
9 consensus and agreement of that use.

10 So thank you for the answers to the
11 questions. I'm all set.

12 ACTING PRESIDENT MAYER: Thank you.

13 Are there any other Senators wishing
14 to be heard?

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

17 Read the last section.

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

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Senator
24 Kennedy to explain his vote.

25 SENATOR KENNEDY: Thank you very

1 much, Madam President.

2 I'm here today to explain my vote on
3 this capital budget item, particularly as it
4 pertains to transportation.

5 I want to start by thanking the
6 leader of the Senate, Majority Leader Andrea
7 Stewart-Cousins, for her leadership, her
8 commitment, and quite frankly for making a
9 decision to prioritize transportation across this
10 state as we put forward a visionary budget for
11 the future and we make strategic investments all
12 across this state -- some, and many, that have
13 never been made, others that haven't been
14 invested in in years, and others disinvested in
15 over decades and generations. So my hat's off to
16 the Majority Leader.

17 I want to recognize the
18 transportation team that worked so diligently on
19 the Senate one-house and ultimately that pushed
20 on the Senate side to get this over the finish
21 line. Our colleagues in the Democratic
22 Conference that worked to make sure that the
23 issues we're talking about that prioritized
24 transportation, be it public transportation, be
25 it local roads, be it the investment into

1 infrastructure of historic proportions -- and
2 that's what this capital projects budget does --
3 takes precedence.

4 You know, this budget that we're
5 approving here today from a capital perspective
6 alone adds over a quarter of a billion dollars
7 more to local roads across this state than we had
8 just last year. These are historic levels of
9 funding.

10 You know, the roads in every single
11 community matter. The roads in every single
12 community, every single municipality are getting
13 infused with more money. That's because for the
14 first time since 2013, we're getting an increase
15 in CHIPS funds. It's all done by equation and
16 program numbers. One hundred million dollars
17 more on to the \$438 million that's been there
18 every year since 2013, a 23 percent increase.
19 That's a big deal.

20 Every single highway superintendent
21 in the state has been clamoring for more money.
22 Every single municipality in the state,
23 especially in areas of upstate that get hammered
24 with the inclement weather, have been clamoring
25 for more money. Well, they're going to get it in

1 CHIPS. And then \$50 million more, a 50 percent
2 increase to Pave-NY, on top of the \$100 million.
3 Now, that funding hasn't been increased since
4 2017. Another priority for maintaining and
5 making sure that our communities have the
6 resources necessary to provide for the
7 infrastructure.

8 On top of that, another \$35 million
9 on the Extreme Winter Recovery on top of the
10 \$65 million that we restored in cuts --
11 \$100 million to that program. Again, all of
12 New York State benefits, particularly areas that
13 are battered. And now we know we have the spring
14 thaw here. We know the roads are opening up.
15 But for years and years, our communities have not
16 had the resources necessary to maintain these
17 roads to the level that our communities deserve.

18 And then what I'm particularly proud
19 of, Madam President, is the \$100 million City
20 Touring Roads initiative that is going to
21 directly infuse \$100 million into the cities
22 across this state that have been desperate for
23 funding. As we try to rejuvenate this state, and
24 especially areas of the state where we've been
25 bleeding people into the urban cores that make up

1 the central economic zones of our regions across
2 the state, and the tax base has eroded over
3 decades, and those cities have not had the
4 resources necessary to put into the
5 infrastructure to support the businesses that are
6 coming in -- they're now going to have that
7 money. Because this conference and the
8 leadership in this conference, Majority Leader
9 Stewart-Cousins, decided to prioritize our roads
10 and our infrastructure and our public
11 transportation.

12 It's a big deal. It's historic.
13 And this is the baseline moving forward for what
14 we're going to do year in and year out moving
15 forward. Just do the simple math. You put over
16 a quarter of a billion dollars into roads and
17 infrastructure across this state, year after
18 year, that's going to make a massive difference.

19 Now, you leverage the federal
20 funding that we hope is coming and I believe is
21 coming because of the federal administration's
22 commitment to infrastructure, a two to four
23 trillion dollar plan that's going to result in
24 the funding necessary to do these transformative
25 large projects in everyone's district that people

1 have been waiting for their entire lives, that
2 they've only dreamt of, now it's going to be a
3 reality.

4 There are many folks that I want to
5 thank. I thank the leadership. I thank our
6 conference. But staff deserves to be recognized.
7 I want to thank my committee clerk, Rick Rodgers,
8 who worked so diligently on these issues, along
9 with McKayla Mulhern, my policy director; Adam
10 Fogel, my chief of staff; our counsel here, the
11 chief of staff, Shontell Smith; Chris Higgins,
12 her deputy; Dan Ranellone; Dave Friedfel; Allison
13 Bradley; and Dave Frazier, who sat at the table
14 and drove this agenda day after day after day
15 because he knew, like we know, that if you invest
16 strategically into our infrastructure it will
17 leverage private-sector development, it will
18 leverage economic growth, it will leverage job
19 creation and opportunity. And that's what this
20 bill accomplishes.

21 Thank you, Madam President. I'm
22 proud to vote aye.

23 ACTING PRESIDENT MAYER: Senator
24 Kennedy to be recorded in the affirmative.

25 Senator Hoylman to explain his vote.

1 SENATOR HOYLMAN: Thank you,
2 Madam President.

3 I want to thank Leader
4 Stewart-Cousins, Finance Chair Krueger and the
5 entire staff for this transformative budget
6 that's going to lead our state out of this
7 pandemic.

8 But I have to say I'm going to be
9 voting against this bill because it has a single
10 provision that includes \$1.3 billion for the
11 Governor's Empire Station Complex project.

12 You know, I was reminded in the
13 debate earlier about coming out of Penn Station,
14 and there's that quote by the historian Vincent
15 Scully who said, "Before the old Penn Station was
16 demolished, one entered the city like a god. One
17 scuttles in now like a rat." And there is some
18 truth to that.

19 This plan is supposedly being used
20 to fund transit improvements at Penn Station,
21 which I strongly support. But in reality, I
22 believe it's a down payment on a huge commercial
23 real estate project. In total, the Empire
24 Station Complex real estate plan envisions nearly
25 20 million square feet of new commercial

1 development, consisting of 10 buildings,
2 including at least eight super-tall towers.

3 To do this, the state plans to
4 demolish rent-stabilized apartments, historic
5 buildings, and nearly 500 small businesses and
6 nonprofits. New York City's land use laws aren't
7 going to apply to the project, so local community
8 boards, city government and elected officials are
9 going to be locked out of important decisions.

10 Also this project is reliant on
11 commercial development at levels expected before
12 COVID hit and any of us knew what a Zoom meeting
13 was. The glut of office space that exists in
14 Manhattan already exceeds 17 percent. So we
15 can't absorb new offices, especially empty ones,
16 and especially, doubly, when we should be using
17 capital project funds for the construction of
18 supportive and affordable housing.

19 Finally, we've seen no Penn Station
20 master plan, including the full extent of the
21 proposed transit improvements and how and if
22 they're dependent on the real estate development.
23 Before we sign the check, I think we should see
24 the plans.

25 So for these reasons and because of

1 the impact on my local community, including some
2 of the vague language, even though I appreciated
3 the attempts to tighten it, I will be voting no.

4 Thank you, Madam President.

5 ACTING PRESIDENT MAYER: Senator
6 Hoylman to be recorded in the negative.

7 Senator Kavanagh to explain his
8 vote.

9 SENATOR KAVANAGH: Thank you,
10 Madam President.

11 I rise just to discuss the many,
12 many different aspects of this capital budget
13 bill. But I wanted to just highlight a few
14 aspects that address housing needs of the state.

15 We are going to pass today a series
16 of different bills that collectively represent a
17 very significant investment in housing and in
18 prevention of homelessness. And the housing
19 portions covering both homeowners and renters
20 throughout our state, and both dealing with the
21 emergency needs that have arisen from COVID-19
22 and also from our long-term commitment to try to
23 make New York a state where no one is out of
24 housing because they can't afford it.

25 So the capital budget bill -- you

1 know, we're going to talk later about COVID
2 emergency rental assistance and a new program for
3 homeless New Yorkers. But this bill I just want
4 to note, first of all, contains \$100 million that
5 is intended to support our efforts to convert
6 underused hotels and other commercial properties
7 to affordable housing. That's something that
8 Senator Gianaris has worked on a great deal.

9 And we're putting forth \$100 million
10 with the understanding that we need to have
11 further conversations with the Executive about
12 what that program will look like.

13 There's also a significant but sadly
14 not sufficient investment in public housing. The
15 Senate and the Assembly both proposed \$750
16 million in new capital for the New York City
17 Housing Authority, which is in desperate need of
18 capital for repairs and renovation. And
19 unfortunately, pursuant to the agreement with the
20 Executive, we're only doing \$200 million, which
21 is significant but again falls short of where we
22 hoped to be and where we need to be.

23 And there's also an additional
24 \$125 million for other public housing authorities
25 around the state.

1 We also have a new investment of
2 \$186 million in capital funding for the
3 Supportive Housing Program. That is part of a
4 15-year effort to create 20,000 new units of
5 supportive housing. The state, as I'm sure you
6 know, Madam President, is at the end of our
7 five-year capital plan that was announced
8 five years ago. And unfortunately, we don't have
9 a comprehensive capital plan going forward. But
10 we have now funded the sixth year of the
11 supportive housing commitment at \$186 million.

12 There's a new program of \$25 million
13 for vacant and blighted housing. There is
14 \$130 million of new money for the state's effort
15 on storm recovery. Unfortunately, many
16 communities are still suffering from some of the
17 damage that was done from several of the
18 superstorms that rolled through our state many
19 years ago.

20 And I think that's all for now.
21 I'll be back later to talk about COVID emergency
22 rental assistance and homelessness and some other
23 matters that are in other bills. But for now, I
24 vote aye on the capital budget.

25 Thank you.

1 ACTING PRESIDENT MAYER: Senator
2 Kavanagh to be recorded in the affirmative.

3 Senator Hinchey to explain her vote.

4 SENATOR HINCHEY: Thank you,
5 Madam President.

6 Upstate New York needs capital
7 investment. Our communities have water
8 infrastructure that's up to a hundred years old.
9 This bill provides \$500 million for water
10 infrastructure.

11 During the Christmas storm, we had
12 roads that quite literally washed away. And this
13 bill restores funding to the Extreme Winter
14 Recovery Fund.

15 We have aging roads and crumbling
16 bridges, and this bill provides an additional
17 \$100 million in CHIPS funding that will go such a
18 far way for municipalities to restore and retain
19 and repair our roads and bridges and highways.

20 What's also in this bill is the EPF
21 that provides millions of dollars in farmland
22 protection and also, for the first time ever, it
23 includes funding on par for the Catskills Park,
24 on par with the Adirondacks, for overusage.

25 As we head into tourism season and

1 the summer, our parks, specifically the Catskills
2 Park, have seen incredible usage, increased
3 tourism, and especially that's grown during
4 COVID-19. And we know people are going to
5 continue to come to our communities. This bill,
6 for the first time on par with the Adirondacks,
7 provides funding for the Catskills Park,
8 specifically for infrastructure and overusage.

9 So for that reason, this is an
10 incredibly important bill, and I vote aye.

11 ACTING PRESIDENT MAYER: Senator
12 Hinchey to be recorded in the affirmative.

13 Senator Ryan to explain his vote.

14 SENATOR RYAN: Thank you,
15 Madam President. Good to see you this afternoon.

16 As chair of the Libraries Committee,
17 I would like to highlight that the budget
18 includes \$34 million in funding for Library
19 Construction Aid. You may recall last year, in
20 the height of the pandemic, we trimmed
21 \$20 million of capital out of this program, and
22 we're so happy that this year we're adding that
23 \$20 million back in. And what better way to
24 celebrate National Library Week than to restore
25 this vital capital money.

1 The increased funding will support
2 new constructions of libraries throughout the
3 state, but it will also support vital
4 maintenance, renovation and expansion of
5 facilities. This funding will allow libraries to
6 address the critical needs of the digital divide
7 within communities throughout the state. And as
8 we know, the pandemic has highlighted just how
9 crucial libraries are to addressing digital
10 equity issues and other societal issues
11 throughout the state and the nation.

12 So this funding will allow libraries
13 to continue to do the great work that has been a
14 lifeline to New Yorkers, especially during the
15 pandemic.

16 So Madam President, I thank you, as
17 chair of the Education Committee, in helping this
18 funding come to fruition, and I withdraw my
19 request and I vote in the affirmative.

20 ACTING PRESIDENT MAYER: Thank you.
21 Senator Ryan to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 649, those Senators voting in the
25 negative are Senators Akshar, Biaggi, Borrello,

1 Boyle, Brisport, Gallivan, Griffio, Helming,
2 Hoylman, Jordan, Lanza, Martucci, Mattera,
3 Oberacker, O'Mara, Ortt, Palumbo, Ramos, Rath,
4 Ritchie, Salazar, Serino, Stec, Tedisco and Weik.

5 Ayes, 38. Nays, 25.

6 ACTING PRESIDENT MAYER: The bill
7 is passed.

8 Senator Myrie, that completes the
9 reading of the controversial calendar.

10 SENATOR MYRIE: There will be a
11 meeting of the Finance Committee in Room 332 at
12 10:00 p.m.

13 ACTING PRESIDENT MAYER: There will
14 be a meeting of the Finance Committee in Room 332
15 at 10:00 p.m.

16 SENATOR MYRIE: The Senate will
17 stand at ease.

18 ACTING PRESIDENT MAYER: The Senate
19 will stand at ease.

20 (Whereupon, the Senate stood at ease
21 at 6:35 p.m.)

22 (Whereupon, the Senate reconvened at
23 8:15 p.m.)

24 ACTING PRESIDENT MAYER: The Senate
25 will come to order.

1 Senator Gianaris.

2 SENATOR GIANARIS: Madam President,
3 there will be an immediate meeting of the
4 Finance Committee in Room 332.

5 ACTING PRESIDENT MAYER: There will
6 be an immediate meeting of the Finance Committee
7 in Room 332.

8 SENATOR GIANARIS: The Senate will
9 stand at ease.

10 ACTING PRESIDENT MAYER: The Senate
11 will stand at ease.

12 (Whereupon, the Senate stood at ease
13 at 8:15 p.m.)

14 (Whereupon, the Senate reconvened at
15 8:27 p.m.)

16 ACTING PRESIDENT MAYER: The Senate
17 will return to order.

18 Senator Gianaris.

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

22 ACTING PRESIDENT MAYER: The
23 Secretary will read.

24 THE SECRETARY: Senator Krueger,
25 from the Committee on Finance, reports the

1 following bill:

2 Senate Print 2503C, Senate Budget
3 Bill, an act making appropriations for the
4 support of government: AID TO LOCALITIES BUDGET.

5 The bill is reported direct to third
6 reading.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT MAYER: Opposed,
14 nay.

15 (No response.)

16 ACTING PRESIDENT MAYER: The
17 Finance Committee report is accepted.

18 Senator Gianaris.

19 SENATOR GIANARIS: Can we take up
20 the supplemental calendar, please.

21 ACTING PRESIDENT MAYER: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 650, Senate Print 2503C, Senate Budget Bill, an
25 act making appropriations for the support of

1 government.

2 SENATOR LANZA: Lay it aside.

3 SENATOR GIANARIS: Madam President,
4 I believe there's a message of necessity at the
5 desk.

6 ACTING PRESIDENT MAYER: There is a
7 message of necessity at the desk.

8 SENATOR GIANARIS: Move to accept
9 the message of necessity.

10 ACTING PRESIDENT MAYER: All in
11 favor of accepting the message of necessity
12 signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT MAYER: Opposed?

15 (Response of "Nay.")

16 ACTING PRESIDENT MAYER: The
17 message is accepted, and the bill is before the
18 house.

19 SENATOR LANZA: Lay it aside.

20 ACTING PRESIDENT MAYER: The bill
21 is laid aside.

22 Senator Gianaris, that completes the
23 reading of the supplemental calendar.

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

1 ACTING PRESIDENT MAYER: The
2 Secretary will ring the bell.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 650, Senate Print 2503C, Senate Budget Bill, an
6 act making appropriations for the support of
7 government.

8 ACTING PRESIDENT MAYER: Senator
9 Lanza, why do you rise?

10 SENATOR LANZA: Madam President, I
11 believe there's an amendment at the desk. I
12 waive the reading of that amendment and ask that
13 Senator Stec be recognized and heard.

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

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

19 SENATOR LANZA: Accordingly,
20 Madam President, I appeal the ruling of the chair
21 and ask that Senator Stec be recognized.

22 ACTING PRESIDENT MAYER: The appeal
23 has been made and recognized, and Senator Stec
24 may be heard.

25 SENATOR STEC: Thank you,

1 Madam President.

2 I rise to argue that this amendment
3 before the house is very germane. We're talking
4 about \$2.1 billion of taxpayer funding, the
5 spending of which, the appropriation of which is
6 very germane to any budget bill.

7 Specifically, the \$2.1 billion that
8 I'm talking about is this Excluded Workers Fund.
9 For those that may not be aware, the Excluded
10 Workers Fund is essentially unemployment for
11 those that were ineligible for unemployment.

12 This is -- excluded workers are, by
13 all accounts, people that are illegal immigrants
14 or people that were recently released from prison
15 and are not eligible to receive taxpayer funding,
16 the math of which shows that over the next few
17 months, and going back retroactively, this could
18 amount to as much as \$27,900 per person that is
19 otherwise not eligible for these public funds.

20 And frankly, it's been -- the vast
21 majority of New Yorkers that I've heard from are
22 very opposed to this spending.

23 And what we've done is we're
24 proposing by this amendment to replace the
25 spending of \$2.1 billion on illegal immigrants'

1 unemployment, people that are working illegally
2 and haven't paid into the system, by any of a
3 number of other things that are already funded
4 that we would suggest be -- their funding be
5 supplemented, including paying down the balance
6 of unemployment funds borrowed from the federal
7 government during fiscal year '21, to ensure that
8 our small businesses do not have to pay an
9 interest assessment surcharge.

10 Or perhaps a tax credit that would
11 eliminate the state income tax liability for one
12 year for New York residents that are earning less
13 than \$50,000 a year. We could conform to the
14 federal income tax exemption for the first
15 \$10,200 of unemployment received. We could
16 increase property tax relief checks. We could
17 provide funding for elder care, for distressed
18 hospitals, and funding for mental health, not
19 limited to the Joseph P. Dwyer funding for our
20 veterans' mental health. We could double the
21 Empire State Tax Credit over one or more years.
22 And we could expand broadband in rural parts of
23 the state, parts of the state that need it, that
24 don't have it, that deserve it, that we haven't
25 been able to deliver on. We could take some of

1 this funding and we could put emphasis on
2 bringing broadband to rural and underserved and
3 perhaps more low-income communities.

4 So any combination of these items
5 would be a better use of \$2.1 billion than to
6 give it to people that are working illegally and
7 that are here illegally. So for those reasons,
8 our argument is very germane.

9 Thank you, Madam President.

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator.

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

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

17 SENATOR LANZA: Request a show of
18 hands.

19 SENATOR GIANARIS: Madam President,
20 we're going to waive the showing of hands by
21 agreement and record each member of the Minority
22 in the affirmative.

23 ACTING PRESIDENT MAYER: Without
24 objection, so ordered.

25 Announce the results.

1 THE SECRETARY: Ayes, 20.

2 ACTING PRESIDENT MAYER: The ruling
3 of the chair stands, and the bill-in-chief is
4 before the house.

5 Senator Stec.

6 SENATOR STEC: Thank you,
7 Madam President. If Senator Krueger would yield
8 for a few questions, please.

9 ACTING PRESIDENT MAYER: Senator
10 Krueger, do you yield?

11 SENATOR KRUEGER: Yes, I do.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR STEC: Thank you,
15 Madam President.

16 Thank you, Senator Krueger. Good
17 evening to you.

18 I'm going to jump around a few
19 different areas, if I may, but I'd like to start
20 with mental hygiene.

21 And Madam President, through you to
22 Senator Krueger. For fiscal year 2021,
23 jail-based substance use disorder treatment
24 services were funded at \$1.5 million, and for
25 2021-2022, jail-based substance abuse disorder

1 services are funded at nearly \$8.8 million.

2 How will -- my question is how will
3 this increased funding be utilized, and can you
4 give a description of the enhanced services or
5 increased geographic area of service that comes
6 with this increase in funding?

7 SENATOR KRUEGER: Madam President,
8 through you, just give me one moment. Thank you.

9 SENATOR STEC: Yes, ma'am.

10 SENATOR KRUEGER: What section was
11 it, please?

12 SENATOR STEC: In the mental
13 hygiene section.

14 SENATOR KRUEGER: Is there a part?

15 SENATOR STEC: I don't have the
16 part handy in front of me, I'm sorry. Through
17 you, Madam President.

18 SENATOR KRUEGER: Through you,
19 Madam Chair, my understanding is it is an ongoing
20 program in our local jails. It may be run
21 differently depending on the jail and the people
22 in charge. But it is a recognized attempt to
23 start drug treatment with people when they're
24 under your care.

25 Because, to be honest, sometimes the

1 toughest thing about getting someone to be
2 willing to participate in drug treatment is to
3 keep them sober and clean long enough that they
4 can start the program.

5 So it's my understanding that a
6 variety of sheriffs and other experts at drug
7 treatment had developed this program over a
8 series of years and found it very effective. And
9 so this year there's money to expand that program
10 to more jails around the state.

11 SENATOR STEC: Madam President, if
12 the sponsor would continue to yield, please.

13 ACTING PRESIDENT MAYER: Senator
14 Krueger, do you continue to yield?

15 SENATOR KRUEGER: Yes, of course.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR STEC: Thank you, Madam
19 President, through you.

20 The Joseph P. Dwyer Veterans Peer to
21 Peer is allocated for \$5 million this year.
22 However, 4.505 has been slotted to go to specific
23 counties. So my question is the remaining
24 \$495,000 that has been appropriated but not
25 allocated to specific counties, can you account

1 for where that 495 will be going, please.

2 SENATOR KRUEGER: Through you,
3 Madam President, it's my understanding that that
4 yet-to-be-allocated funding is within the control
5 of the Assembly. So I don't think we know how
6 they will use that money.

7 SENATOR STEC: Thank you,
8 Madam President. If the Senator would continue
9 to yield, please.

10 ACTING PRESIDENT MAYER: Senator
11 Krueger, do you continue to yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR STEC: Thanks,
16 Madam President, through you. If I could now
17 jump to the health portion, Lyme and tick disease
18 funding, something that's been very important
19 certainly in my district and frankly all up and
20 down the Hudson Valley.

21 Sixty-nine thousand dollars has been
22 allocated for Lyme and tick disease research and
23 prevention in this year's budget. It's a
24 priority, certainly I think for all of us, to do
25 everything we can in the research there.

1 My question, Madam President,
2 through you: Does the budget increase funding
3 for Lyme and tick disease prevention, education
4 and research?

5 SENATOR KRUEGER: It's my
6 understanding that the Executive had cut 69,000
7 from these programs. We restored it and added to
8 it another 250,000.

9 SENATOR STEC: Thank you.
10 Madam President, if the sponsor
11 would continue to yield.

12 ACTING PRESIDENT MAYER: Senator
13 Krueger, do you continue to yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

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

19 Are you aware the Senate Republican
20 Conference previously had had this funding for
21 this research at a million dollars, and I believe
22 in the last year or two it's been cut back to
23 \$250,000. Why not increase this funding, since
24 Lyme is nothing but a growing problem? It's a
25 bigger problem today than it was two or three

1 years ago, and yet funding seems to be going in
2 the wrong direction.

3 SENATOR KRUEGER: So the truth is I
4 don't know the answer, other than there's endless
5 requests for state funds for specific research
6 and services around different illnesses. And I
7 suspect we could each make a list of the things
8 we had hoped that we'd see more money for but we
9 didn't.

10 I know the people in my district are
11 very upset because we cut out the funding for
12 stem cell research and multiple stem cell
13 research projects happen to be in my district,
14 and they're laying off their staff and they don't
15 understand how after so much success in the
16 research that's being done we would cut off the
17 funding. And I had to tell them that I agree, I
18 am very sorry that I wasn't able to keep their
19 funding for them.

20 Tick research is obviously a very
21 important issue tied into Lyme disease and other
22 diseases that we know ticks carry. But we're
23 seeing a whole revolution in climate-change-
24 related illnesses and the impact on our lives,
25 COVID being the most obvious one.

1 So I suspect that we have a lot of
2 people out there doing important research around
3 important different diseases who would argue we
4 should have given them more money, and I would
5 probably agree with each of them.

6 What I don't know is whether under
7 the Biden administration there is more
8 opportunity for funding around some of these
9 issues than there was in the past. I hope so.
10 Because I think that illnesses correlating to
11 transfer by ticks and other insects are
12 definitely environmentally correlated and climate
13 correlated, and we saw almost no interest in
14 those topics whatsoever during the Trump
15 administration. And maybe we will find that
16 Washington is more open to doing its job to help
17 with national issues like this under the new
18 administration.

19 SENATOR STEC: Madam President, if
20 the sponsor would continue to yield.

21 ACTING PRESIDENT MAYER: Senator
22 Krueger, do you yield?

23 SENATOR KRUEGER: Yes, of course.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR STEC: Thank you. Madam
2 President, through you.

3 If I could switch now to nursing
4 home reform funding, the Medicaid budget contains
5 \$64 million to help nursing homes transition to
6 the new revenue mandate that requires nursing
7 homes spend a minimum of 70 percent of revenue on
8 direct patient care, including 40 percent on
9 resident-facing staffing.

10 We've heard from dozens of nursing
11 homes that these mandates are unrealistic and
12 will devastate nursing home operations and will
13 most likely force many to close.

14 So one question would be, do you
15 think this amount is sufficient to make sure no
16 nursing homes will close? And if this amount is
17 not enough, what will happen to patients in these
18 nursing homes that will be forced to close?

19 SENATOR KRUEGER: Through you,
20 Madam President, it's my understanding most
21 nursing homes already meet these standards in
22 New York, and this requirement is an attempt to
23 deal with the fact that we have some nursing
24 homes that are not following these guidelines,
25 and we're getting worse outcomes for the people

1 who live there, so that we want to make sure we
2 have an even playing field at these higher
3 standards.

4 But again, we believe that there is
5 the capacity to meet these standards because the
6 majority of nursing homes already do.

7 SENATOR STEC: Thank you,
8 Madam President. If Senator Krueger would
9 continue to yield.

10 ACTING PRESIDENT MAYER: Senator
11 Krueger, do you continue to yield?

12 SENATOR KRUEGER: Of course.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR STEC: Thank you,
16 Madam President.

17 Senator Krueger, if I could jump now
18 to human services -- I'm on a lot of
19 committees -- and specifically the OCFS. And if
20 I could, Madam President, through you,
21 eliminating the state share of the Committee on
22 Special Education. In fiscal year '21 the
23 enacted budget eliminated the existing
24 18.4 percent state share, placing fiscal
25 responsibility with the social service district

1 and the school district responsible for
2 placement. And this year's '22 Executive Budget
3 proposes to make the current funding structure
4 permanent, and the Executive claims that this
5 will produce a \$28 million annual savings.

6 Both the Senate and the Assembly
7 one-house proposals rejected this and provided
8 the \$22 million in funding for the state share.
9 The modified proposal does not include the share
10 of 22 million.

11 So my question would be by not
12 restoring the 22 million, what impact would this
13 have on local social service districts to make up
14 the difference, and will this cost be passed on
15 to families with disabled children?

16 SENATOR KRUEGER: So it's been
17 suggested that this is a better question to ask
18 during the Article VII bill. Although it will be
19 the same question then, so I understand.

20 And I -- but I don't actually have
21 an answer to the decision that was made to not
22 successfully fight the Executive's cut. For all
23 I know, we did fight, but not successfully. But
24 I will try to get an answer for the Article VII
25 period, and maybe a better answer than I'm

1 offering right now.

2 ACTING PRESIDENT MAYER: Senator
3 Gianaris.

4 SENATOR GIANARIS: Thank you,
5 Madam President.

6 Just for purposes of clarification,
7 there's going to be a series of issues for which
8 the appropriations are contained in this bill,
9 and I think it's certainly appropriate for
10 members who are debating to ask questions about
11 the dollar amounts and the sums.

12 But the programmatic language will
13 appear in the bills that will be coming later
14 this evening, and I would suggest that the debate
15 about the programs themselves be more appropriate
16 for the bill that contains the Article VII
17 language.

18 ACTING PRESIDENT MAYER: Thank you,
19 Senator Gianaris.

20 SENATOR STEC: Madam President, if
21 I may continue, if the sponsor would yield.

22 ACTING PRESIDENT MAYER: Senator
23 Krueger, do you continue to yield?

24 SENATOR KRUEGER: Absolutely.

25 SENATOR STEC: Thank you,

1 Madam President.

2 I will point out that it is -- we're
3 being asked to vote on a bill with information we
4 don't have that we're told that we can ask later.
5 I just think that's -- that's not good
6 government, to be asked to vote on spending money
7 now but we can ask the questions we want to ask
8 hours from now on another bill. That seems a
9 funny way to do business.

10 But with that said, I'll continue
11 with my question. Let me ask this. Have
12 districts raised any complaints about the lack of
13 funding? Madam President, through you.

14 SENATOR KRUEGER: Have districts
15 raised issues about these funds.

16 SENATOR STEC: Correct. Issues or
17 concerns, yes.

18 SENATOR KRUEGER: You're absolutely
19 right that if we separate out the bills in
20 different orders and that I tell you we haven't
21 gotten to that yet because we haven't gotten to
22 that bill, but money for that is tied into this
23 bill, that that is just a fundamental catch-22 of
24 how we do bills and vote on them here.

25 So I just want to tell you that I

1 agree with you, that there's something wrong with
2 that system. I don't know what the fix is.
3 Maybe you do the numbers bill and the matching
4 Article VII bill and then you vote on both of
5 them together after you've dealt with both of
6 them. I don't know if anybody's ever tried that.
7 I don't think we're going to start at quarter to
8 nine tonight. But it is something to give
9 serious thought to.

10 On your question about whether any
11 school districts have raised issues about this,
12 again, the frustration is I have an education
13 expert here, but she happens to be the president
14 pro tem at the moment. As opposed to when we get
15 to the education section, where I believe she
16 will be answering questions.

17 But she's the best one to answer
18 your question, because to be honest, school
19 districts don't tend to come to talk to Liz
20 Krueger.

21 I will just double-check whether
22 there's -- I think we have to get our education
23 staff person. Our best person is the president
24 pro tem, but we're going to see if we can get the
25 second-best person.

1 SENATOR GIANARIS: Madam President,
2 to answering Senator Stec's question, you're
3 witnessing why we like to do things in the way
4 they're supposed to be done. Because now we have
5 to wait for the appropriate staff to come down,
6 answer his question, when they were prepared to
7 be here when the programmatic language is
8 actually before us, which it is not right now.

9 So Senator Krueger is doing her best
10 to try and accommodate the Senator, but we can't
11 go through this entire bill asking programmatic
12 questions on all the various issues that the
13 members want to debate, or we'll be here all
14 night waiting for staff to come shuttling back
15 and forth.

16 So there's an order -- there's a
17 reason why we were suggesting the order the way
18 we are.

19 SENATOR STEC: Madam President,
20 while we're waiting for our expert on education,
21 if I could just in the dialogue, through you,
22 Madam President --

23 ACTING PRESIDENT MAYER: I'm sorry,
24 may I interrupt you briefly to say that I believe
25 the staff person for Finance education is here

1 now.

2 SENATOR STEC: Thank you,
3 Madam President.

4 SENATOR KRUEGER: I'm sorry,
5 Senator, can I ask you to repeat the question --

6 SENATOR STEC: You sure can.

7 SENATOR KRUEGER: -- to make sure I
8 get it correct?

9 SENATOR STEC: Madam President,
10 through you, my question was regarding the
11 Executive Budget removing \$22 million and were
12 districts raising any complaints or concerns
13 about this lack of funding in the budget. The
14 local social service districts.

15 SENATOR KRUEGER: Through you,
16 Madam President, our understanding is that we
17 also objected to this, school districts are
18 complaining, and that the best we could do right
19 now is a one-year extender.

20 SENATOR STEC: Madam President,
21 through you, if I can continue to ask just a
22 couple more questions on a related subject.

23 ACTING PRESIDENT MAYER: Senator
24 Krueger, do you continue to yield?

25 SENATOR KRUEGER: I will do my

1 best.

2 ACTING PRESIDENT MAYER: Senator
3 Krueger yields.

4 SENATOR STEC: I appreciate that,
5 Madam President, Senator Krueger. And I
6 appreciate your time, your candor, your effort.

7 But by way of furthering our
8 dialogue, I would editorialize a little as I
9 introduce my next question that getting these
10 bills three days before and allowing them to age
11 so that we can all look at them would eliminate a
12 lot of these questions of, Well, we'll find out
13 the answer to this question when we brief the
14 next bill three hours from now in the middle of
15 the night.

16 But in my eight years in the
17 Assembly I experienced that, and I don't expect
18 it's going to change tonight here in the Senate.
19 But this is one solution to the issue that we've
20 got.

21 With that said, the next section is
22 regarding the consolidation of Community Optional
23 Preventive Services, or COPS, and the Supervision
24 and Treatment Services for Juveniles Program.
25 The COPS program serves youth who are not at

1 imminent risk of foster care but who have been
2 identified as being at general risk of entering
3 the foster care system. STSJP seeks to convert
4 at-risk, alleged or adjudicated juvenile
5 delinquents, persons in need of supervision or
6 juvenile offenders from detention, residential
7 placement, or recidivism.

8 The Executive proposed to merge the
9 COPS and STSJP program by decreasing funding to
10 COPS by \$12.1 million and increasing funding for
11 STSJP by \$16.4 million. And the modified
12 Executive proposal restores \$12.1 million for
13 COPS.

14 My question is -- Madam President,
15 through you -- it's my understanding that this
16 full restoration of COPS funding will prevent a
17 merger of the two programs. So is that true, are
18 we not merging these two programs?

19 SENATOR KRUEGER: Correct.

20 SENATOR STEC: Okay. And,
21 Madam President, my final question, through you,
22 if the Senator would yield.

23 ACTING PRESIDENT MAYER: Senator
24 Krueger, do you continue to yield?

25 SENATOR KRUEGER: Yes, I will.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger yields.

3 SENATOR STEC: Thank you,
4 Madam President.

5 Senator Krueger, what actions will
6 the Senate take to prevent a future merger
7 attempt by the Executive next year?

8 SENATOR KRUEGER: I think the
9 reality in our State Constitution is that we have
10 annual budgets. The Executive proposes language
11 in his Executive Budget and if he chooses to
12 recommend merging programs, we can do our best to
13 make the argument about why we don't agree.

14 We can do horse-trading over buying
15 back the cost of whatever he's claiming he is
16 saving by merging the programs.

17 We can draw on experts -- perhaps
18 earlier than next budget session -- to tell us
19 why it's a bad idea to merge and to get some
20 public attention to the issue so that perhaps
21 this Governor or the next Governor doesn't choose
22 to attempt to merge the programs.

23 But I don't think the Legislature
24 has the power to override a merger of programs or
25 even to rewrite the law saying you can't merge

1 the programs. I'm just trying to think if I know
2 any precedents of a statute that says you cannot
3 merge two programs. So I think we will just have
4 to continue to fight this out.

5 But perhaps the next Governor will
6 share your view and our view that these two
7 programs should not be merged.

8 SENATOR STEC: Thank you, Senator.
9 Madam President, on the bill.

10 ACTING PRESIDENT MAYER: Senator
11 Stec on the bill.

12 SENATOR STEC: Madam President,
13 thank you very much. I appreciate
14 Senator Krueger's time and candor in trying to
15 answer my questions. I do appreciate that.

16 This is my first opportunity to
17 speak on our budget this year. It's not my first
18 budget. It's my first one in this chamber,
19 however. And I've got to tell you the feedback
20 that I've been getting from all over my district
21 and all over my part of the state, and I suspect
22 all over the state, is there is a great deal of
23 frustration and anger over the idea of
24 \$2.1 billion going to this Excluded Workers Fund.

25 The Excluded Workers Fund, if you

1 don't know what it is and if you don't know how
2 it's defined, it's easy to gloss over it. But
3 it's gotten a lot of media attention, and press,
4 and people that are aware of it are getting angry
5 about it.

6 Two-point-one billion dollars to
7 essentially create a de facto unemployment system
8 for those that are ineligible for participation
9 in the unemployment system because they're either
10 ex-convicts or they're here illegally, working
11 illegally off the books -- i.e., illegal
12 immigrants -- when we are -- we were within hours
13 of delaying paychecks to 39,000 state employees
14 because we couldn't agree on this \$2.1 billion --
15 and oh, by the way, this is \$2.1 billion of what
16 is a \$217 billion spending plan, which is
17 \$23 billion more than last year's spending
18 plan -- you know, is really offensive to a lot of
19 people.

20 It really rubs a lot of people the
21 wrong way. It just doesn't seem -- there's no
22 fairness to it. People who are here legally,
23 they work hard, they live by the rules, they pay
24 their taxes, and they're the ones that are going
25 to foot the bill for -- and this isn't a small

1 bill, this is \$2.1 billion. This is one of the
2 most objectionable things in the budget.

3 I understand the funding for this
4 program is in this bill, and I understand that
5 the language we will see in a future bill -- and
6 I expect that we're going to take turns hammering
7 this in both of these bills, because it's that
8 offensive to a lot of people.

9 And for that reason, I will be
10 voting against the budget. Thank you.

11 ACTING PRESIDENT MAYER: Senator
12 Boyle.

13 SENATOR BOYLE: Thank you.

14 Through you, Madam President, would
15 the chairwoman yield for a couple of questions.

16 ACTING PRESIDENT MAYER: Senator
17 Krueger, will you yield?

18 SENATOR KRUEGER: Happily.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR BOYLE: Thank you. Through
22 you.

23 Ms. Chairwoman, I'm going to ask
24 some questions about the Excluded Workers Fund.
25 It's my understanding that there is \$2.1 billion

1 in this Aid to Localities Budget for the fund, is
2 that correct, approximately?

3 SENATOR KRUEGER: Yes.

4 SENATOR BOYLE: Okay. Can you just
5 explain just briefly the -- that program and how
6 it's going to work, who's going to be eligible
7 for it, how many people?

8 SENATOR KRUEGER: One second.

9 SENATOR GIANARIS: Madam President.

10 ACTING PRESIDENT MAYER: Yes,
11 Senator Gianaris.

12 SENATOR GIANARIS: I'm trying to
13 figure out a way to kind of make everybody happy.

14 Senator Ramos, who is the author of
15 the underlying bill on excluded workers, was
16 our -- would have been our designated person to
17 debate this bill. We intended it to be when the
18 bill was actually before us with the programmatic
19 language.

20 But if Senator Boyle would like to
21 address it now, we could stand at ease while we
22 get her here.

23 SENATOR BOYLE: Through you,
24 Madam President, I'll be happy to come back and
25 ask about -- questions on the next bill, on

1 the -- okay?

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

4 SENATOR KRUEGER: Is that all right
5 with you?

6 SENATOR BOYLE: That's good. Thank
7 you.

8 SENATOR KRUEGER: Do you want to
9 talk to me about anything else?

10 SENATOR BOYLE: That was all I was
11 asking about. Thank you, Chairwoman.

12 ACTING PRESIDENT MAYER: Senator
13 Borrello. Take a breather. Senator Borrello.

14 (Laughter.)

15 SENATOR BORRELLO: Thank you so
16 much, Madam President. I appreciate that.

17 I'd like to speak about the Public
18 Protection portion, and I'm wondering if the
19 sponsor will yield for some questions.

20 ACTING PRESIDENT MAYER: Senator,
21 do you yield for questions?

22 SENATOR KRUEGER: I do yield for a
23 question.

24 ACTING PRESIDENT MAYER: Yes, the
25 Senator yields.

1 SENATOR BORRELLO: Well, good
2 evening again, Senator Krueger.

3 SENATOR KRUEGER: Senator Borrello.

4 SENATOR BORRELLO: Appreciate the
5 time today.

6 Through you, Madam President, this
7 bill that we recently legalized recreational
8 marijuana, the language in the bill stated that
9 money would be appropriated for drug recognition
10 experts to help, you know, enforce the impaired
11 driving laws. And is there any money in this
12 budget bill for drug recognition experts?

13 SENATOR KRUEGER: I believe there's
14 \$3 million.

15 SENATOR BORRELLO: Three million.

16 SENATOR KRUEGER: Yes.

17 SENATOR BORRELLO: Madam President,
18 would the sponsor continue to yield.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT MAYER: The Senate
23 yields.

24 SENATOR KRUEGER: I just want to
25 clarify. I know we've been told there's

1 \$3 million for it, but we don't think it's in the
2 criminal justice -- it's in the Office of
3 Cannabis Management.

4 SENATOR BORRELLO: Okay. So --
5 thank you for that clarification. So
6 \$3 million -- so through you, Madam President,
7 are you aware of how many police officers we have
8 in New York State, total?

9 SENATOR KRUEGER: I thought he said
10 600,000. I was like, what's going on?
11 Sixty-nine thousand uniformed officers.

12 SENATOR BORRELLO: Well, I'll go
13 with your number. My number is 55,000.

14 But, Madam President, will the
15 sponsor continue to yield.

16 ACTING PRESIDENT MAYER: Senator
17 Krueger, do you continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR BORRELLO: Thank you.

22 So 69,000 officers, and we have a
23 total of \$3 million for drug recognition experts.
24 Do you have any idea how far \$3 million will go
25 to initially train -- how many officers can we

1 train for \$3 million?

2 SENATOR KRUEGER: I don't know.

3 I do know that when we spoke to the
4 Superintendent of State Police and other
5 representatives of the Governor in planning for
6 this program and we got a commitment from the
7 Governor of adequate funds to start off even
8 before the program had really gotten up and
9 running, to make sure that we had the money to
10 train officers, that they felt that they were
11 going to be in a good place to do exactly that.

12 But I don't know how 3 million
13 divides up. Because I believe some of it is to
14 actually hire trainers themselves, and others is
15 to actually run people through a specific type of
16 course, so that there's a couple of different
17 models that the police -- sorry, that the state
18 intends to use.

19 SENATOR BORRELLO: Madam President,
20 on the bill for a moment.

21 ACTING PRESIDENT MAYER: Senator on
22 the bill.

23 SENATOR BORRELLO: Yes, thank you.

24 So thank you very much for that.

25 But I will say this: \$3 million is barely a drop

1 in the bucket.

2 Right now we'll use your number,
3 69,000 uniformed officers. Every single one of
4 those 69,000 officers goes out every day with the
5 tools and the training to identify someone
6 operating a vehicle under the influence of
7 alcohol. Right now, out of those 69,000
8 officers, there are a grand total of 343 of them
9 in New York State that are actually trained as
10 drug recognition experts.

11 So my question if we're going to
12 ensure the safety of our roadways by providing
13 tools to each and every officer, and the only
14 tool that we really have is a drug recognition
15 expert, then wouldn't it make sense to have all
16 69,000 of those uniformed police officers trained
17 as DREs?

18 So what's that number? Well, that
19 number is in excess of \$700 million. If we're
20 going to ensure that we can identify and mitigate
21 dangerous drivers operating under the influence
22 of marijuana, then we're going to need
23 700 million, not 3 million.

24 So this is barely a drop in the
25 bucket and will certainly compromise the safety

1 as we try to roll out the legalization of
2 recreational marijuana.

3 So with that, Madam President, will
4 the sponsor continue to yield.

5 ACTING PRESIDENT MAYER: Senator
6 Krueger, do you continue to yield?

7 SENATOR KRUEGER: Yes,
8 Madam President.

9 SENATOR BORRELLO: Thank you again.
10 Through you, Madam President.

11 Is there money in this budget for
12 additional pretrial services for counties?

13 SENATOR KRUEGER: Yes, there is.
14 We put in \$40 million.

15 SENATOR BORRELLO: Forty million,
16 okay. Thank you.

17 Madam President, will the sponsor
18 continue to yield.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you continue to yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

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

1 additional money put in for anklet bracelet
2 monitoring programs for local municipalities?

3 SENATOR KRUEGER: They can use some
4 of the \$40 million if they wish, because they
5 will come up with their own plan of how they plan
6 to use their money.

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

9 ACTING PRESIDENT MAYER: Senator
10 Krueger, do you continue to yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR BORRELLO: So we have quite
15 a few additional pretrial services. We have
16 62 counties in New York State, several
17 municipalities, obviously the City of New York.
18 And \$40 million, broken down amongst just the
19 62 counties, let alone the boroughs and
20 everything else, comes to less than a million
21 dollars.

22 Do we think that that's enough money
23 to successfully be able to carry out these new
24 mandates?

25 SENATOR KRUEGER: I don't know.

1 Although since you were bringing up marijuana,
2 which is obviously just one issue in criminal
3 justice, the estimate when we have decriminalized
4 marijuana, which we just did, is that that
5 actually will save the police and DAs and courts
6 \$500 million a year. So I'm assuming they could
7 use some of that money for other purposes that
8 they have not been able to up until now.

9 SENATOR BORRELLO: Madam President,
10 will the sponsor continue to yield.

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you continue to yield?

13 SENATOR KRUEGER: I do, but I'm
14 just getting some more information.

15 SENATOR BORRELLO: Take your time.

16 SENATOR KRUEGER: So in addition to
17 the money I said before, we also provide
18 \$44.8 million for probation-related services
19 pre -- through the Department of Probation.

20 So it's more like double what I
21 originally said.

22 SENATOR BORRELLO: So I think I
23 still have an opportunity to ask a question.

24 SENATOR KRUEGER: I'm sorry, yes.
25 And now I am saying yes, please allow him to ask

1 me another question.

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

4 SENATOR BORRELLO: Thank you.

5 So you mentioned \$500 million in
6 savings in pretrial services. Is --

7 SENATOR KRUEGER: In costs of not
8 busting people for low-level marijuana.

9 SENATOR BORRELLO: Okay. Will the
10 sponsor continue to yield.

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you continue to yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR BORRELLO: Senator, do you
17 know how many of those pretrial services involve
18 strictly -- as a percentage -- strictly a
19 marijuana arrest versus arrests for multiple
20 things? You know, other illicit drugs, you know,
21 weapons charges, et cetera. Just strictly
22 marijuana.

23 Which is where the only savings
24 would be, right, because we're not going to be
25 able to save money for things that we haven't

1 decriminalized, like selling meth and heroin.

2 SENATOR KRUEGER: No, we don't.

3 Although the data shows that 40 percent of our
4 arrests up until quite recently were for
5 low-level marijuana use.

6 So I don't know if it's fair to say
7 that means that 40 percent would have been under
8 your category as well. But now these won't exist
9 as things that people get arrested for.

10 SENATOR BORRELLO: Madam President,
11 on the bill.

12 ACTING PRESIDENT MAYER: Senator
13 Borrello on the bill.

14 SENATOR BORRELLO: Again, thank
15 you, Senator Krueger.

16 But the reality is is that less than
17 10 percent of these arrests are strictly on
18 marijuana possession charges only.

19 So you have people out there that
20 are dealing marijuana, heroin, meth. They're --
21 you know, they have illegal weapons. They've
22 done other horrible things that they have been
23 arrested for.

24 So the idea we're going to save
25 \$500 million because we're no longer going to be

1 processing people that are strictly arrested for
2 marijuana possession is a myth. It's a fallacy.
3 It's not correct. So I don't see that \$500
4 million savings actually being there.

5 So -- and this goes back to a
6 greater point for me. I've seen this pattern, as
7 I mentioned before, of us taking dangerous steps
8 into new areas where we have not really
9 responsibly put forth these new laws, where we
10 are no longer -- we're not responsibly going to
11 add recreational marijuana to New York State and
12 responsibly ensure that we can actually safely do
13 that. We haven't done it here with \$3 million
14 for DREs. We certainly haven't done it with a
15 \$500 million savings that's not going to actually
16 happen, because we're still going to have to be
17 arresting those people for all the other illegal
18 things that they've done.

19 And we've had this pattern over and
20 over again in this budget. So it's disturbing to
21 me. And as a veteran of local government, I can
22 tell you that this will be borne by our local
23 governments. It will be our sheriff's deputies,
24 it will be our mental health officials. It will
25 be all those folks that are on the front lines in

1 local government, that have received little or no
2 funding, that are now going to have to deal with
3 the decisions that have been made here in this
4 chamber.

5 So Madam President, I will say when
6 we get to this part, I will certainly be voting
7 no.

8 And if you don't mind,
9 Madam President, I'd like to maybe move on to
10 another portion of the same bill, for Aging.

11 ACTING PRESIDENT MAYER: Are you
12 asking the Senator to yield?

13 SENATOR BORRELLO: Yes, would the
14 sponsor yield for a question on Aging.

15 ACTING PRESIDENT MAYER: Senator
16 Krueger, do you continue to yield?

17 SENATOR KRUEGER: Certainly.

18 ACTING PRESIDENT MAYER: Yes, the
19 Senator yields.

20 SENATOR BORRELLO: Thank you again,
21 Senator Krueger. Appreciate it.

22 You know, I will say that I will
23 commend you that we have provided a significant
24 amount of funding for certain Aging programs as
25 part of this budget. But do you anticipate that

1 that money will be available again next year?

2 SENATOR KRUEGER: Again, we do our
3 budget as an annual project, so I cannot possibly
4 commit to where we'll be on any line item next
5 year.

6 But I certainly would agree that the
7 growing population of New York that are aging
8 that need our assistance and are relatively
9 low-level investments in programs for the aging
10 over the years would certainly justify seeing
11 continued growth in programs for aging, not
12 reductions.

13 SENATOR BORRELLO: Thank you.

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

16 ACTING PRESIDENT MAYER: Senator
17 Krueger, do you continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR BORRELLO: Thank you.

22 And I would agree that we want to
23 ensure that we are providing our seniors with as
24 many services as possible.

25 That being said, you know, the

1 one-house bill proposed \$27 million for the
2 Community Services for Elderly program, the CSE.
3 However, in this final draft, there's only
4 \$8 million. Can you tell us what happened? We
5 went from \$27 million to \$8 million for this
6 critically important program.

7 SENATOR KRUEGER: We lose a lot of
8 our fights between the one-house budget bill and
9 our final results tonight. So unfortunately, as
10 much as we are excited about many of the things
11 we accomplished in this year's budget, we
12 certainly could find, each and every one of us,
13 items that we hoped to accomplish that we got
14 less money than we wished or that we got no money
15 for at all.

16 SENATOR BORRELLO: Thank you.
17 Madam President, will the sponsor continue to
18 yield.

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you continue to yield?

21 SENATOR KRUEGER: Certainly.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

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

1 You know, when we start talking
2 about these critically important programs, you
3 know, we have a very large and diverse state. Do
4 you have an estimate of what percent of the
5 funding is provided to organizations that serve
6 the whole state in this Aging proposal?

7 SENATOR KRUEGER: I don't. So
8 you're talking about what agencies are statewide
9 as opposed to community-based or regionally
10 based?

11 SENATOR BORRELLO: Regionally,
12 we'll say.

13 SENATOR KRUEGER: I don't know that
14 we track anything that way.

15 SENATOR BORRELLO: Madam President,
16 will the Senator continue to yield.

17 ACTING PRESIDENT MAYER: Senator
18 Krueger, do you continue to yield?

19 SENATOR KRUEGER: Absolutely.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR BORRELLO: Well, with that
23 said, let me ask and I'll -- maybe you don't have
24 an answer on this. But do you have an estimate
25 for what percentage of the funding is provided to

1 organizations that specifically serve individuals
2 in the New York City area?

3 SENATOR KRUEGER: Also I do not.

4 SENATOR BORRELLO: All right.

5 Well, Madam President, will the sponsor continue
6 to yield.

7 ACTING PRESIDENT MAYER: Senator
8 Krueger, do you continue to yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR BORRELLO: Well -- and I
13 guess my last question is, you know, do we have
14 an idea of how this is balanced. Is it balanced
15 fairly? I mean, we have a very large aging
16 population in upstate New York, typically much
17 poorer than our senior citizens in, say, the
18 New York City area.

19 So do we have an idea of how
20 balanced this funding will be?

21 SENATOR KRUEGER: And when you say
22 "this funding" you mean all funding for seniors?

23 SENATOR BORRELLO: I would just
24 say -- yeah, specifically in the -- yeah, the
25 Aging Budget, yes.

1 SENATOR KRUEGER: If you were
2 asking back to that program that only got
3 \$8 million, the job of that program is to serve
4 those with unmet needs. So high need, high
5 poverty. Of course \$8 million on a statewide
6 basis is not very much money.

7 But by and large, I believe that the
8 Department for the Aging attempts to assure that
9 it is distributing funds based on the need that
10 they see. I would hope the demographics of where
11 seniors are.

12 But I have to say I would love if we
13 had budget models that allowed us to do sort of
14 pop-up maps of the demographics of where the need
15 was and what state funds went into it. I think
16 that would be great. But I don't think we have
17 that capacity now, so I don't -- sincerely don't
18 know if we could really ever come up with that
19 answer.

20 SENATOR BORRELLO: Madam President,
21 on the bill.

22 ACTING PRESIDENT MAYER: Senator
23 Borrello on the bill.

24 SENATOR BORRELLO: Senator Krueger,
25 thank you very much for that sincere engagement

1 and those sincere answers. I appreciate it very
2 much.

3 You know, we hear a lot about
4 underserved communities and that typically, you
5 know, the people have a certain feeling of what
6 underserved means. But I will tell you that when
7 it comes to our senior citizens especially, we
8 have large underserved communities in rural parts
9 of upstate New York, like the area I represent in
10 the 57th Senate District.

11 So when we start talking about the
12 distribution of these funds and the fact that we
13 obviously see that we have some perhaps misplaced
14 priorities and we're spending billions on certain
15 priorities and, you know, single-digit millions
16 on something as important as our seniors, it's
17 important to remember that we have seniors that
18 live in healthcare deserts where they cannot get
19 the critical services they need.

20 Especially right now, with the
21 pandemic still weighing on us and our Governor
22 now opening up vaccines to 16-year-olds and up.
23 Well, where I am, as much as I think people think
24 that's a great idea, but where I am, I still have
25 80-year-olds that cannot get an appointment to

1 get a vaccine. And now they're going to be
2 competing with 16-year-olds for those vaccine
3 appointments. That's what I would consider to be
4 underserved.

5 So I think we need to take a
6 critical look at what our priorities are. And
7 this budget seems to have a lot of misplaced
8 priorities, particularly when it comes to our
9 vulnerable seniors, as we learned just now in the
10 lack of funding that we've seen in so many ways.

11 So Madam President, again, on this
12 part of the bill I'll be a no. Thank you.

13 ACTING PRESIDENT MAYER: Senator
14 Rath.

15 SENATOR RATH: Thank you,
16 Madam President. Will the sponsor yield?

17 ACTING PRESIDENT MAYER: Senator
18 Krueger, will you yield for some questions?

19 SENATOR KRUEGER: Yes, I will.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR RATH: Thank you very much.

23 My questions are with regard to the
24 Aid and Incentives for Municipalities. And in
25 general, as we have come to find out during COVID

1 and for the previous two years, the AIM money is
2 particularly important to our cities, our towns
3 and our villages. And two years ago we came to
4 find out that there were towns and villages that
5 were deemed less reliant on AIM, so their money
6 was taken away. And last year we had a confusing
7 formula with regards to county sales tax money
8 with regards to AIM sharing.

9 So my first question has to do with
10 if you could please provide some details on how
11 the AIM program operates.

12 SENATOR KRUEGER: Six hundred
13 forty-seven million to cities and other
14 municipalities is the base of AIM. Then there's
15 some additional towns and villages who still get
16 some state-funded AIM separately.

17 And most towns and villages receive
18 their AIM now through a county sales tax
19 intercept wherein specifically the sales tax from
20 internet sales -- no, it's not tied into internet
21 sales. Just sales tax intercept.

22 SENATOR RATH: Thank you. Will the
23 sponsor continue to yield, Madam President.

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you continue to yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT MAYER: Yes, the
3 Senator yields.

4 SENATOR RATH: Thank you. In
5 Part YY of the Senate one-house proposal there
6 was AIM program money to restore \$59.2 million
7 that the Majority advocated for in its one-house
8 resolution. Is that restored in this budget this
9 year?

10 SENATOR KRUEGER: We were not
11 successful. That is not in the final budget.

12 SENATOR RATH: It's not, thank you.
13 Madam President, will the sponsor
14 continue to yield.

15 ACTING PRESIDENT MAYER: Senator
16 Krueger, do you continue to yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR RATH: Thank you, Senator.
21 Do we know now specifically how much
22 funding is restored in the AIM program for
23 municipalities?

24 SENATOR KRUEGER: We restored
25 34.6 million of proposed cuts to the cities and

1 13.5 million of proposed cuts to the towns and
2 villages.

3 SENATOR RATH: Thank you, Senator.
4 Madam President, will the Senator
5 continue to yield.

6 ACTING PRESIDENT MAYER: Senator
7 Krueger, do you continue to yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR RATH: Between the greater
12 than anticipated state revenue levels this year
13 and \$12.5 billion in unrestricted aid from
14 Washington, I'm disappointed that the full
15 \$59 million was not restored. And can you, I
16 guess, describe the decision-making for the
17 \$34 million that was restored relative to the 59
18 that was hoped for?

19 SENATOR KRUEGER: So we tried for
20 the full restoration; we were not successful.
21 And I'm disappointed in that, because I think the
22 AIM funding is very important.

23 The good news -- and there's been a
24 lot of discussion here today about is there
25 federal money, is there state money, whose money

1 is going to be used for what. In the most recent
2 federal bill providing funding to New York State
3 from Washington, D.C., for stimulus, we're not
4 just getting money at the state level, we're not
5 just getting money on the big city level.

6 There's an actual report lining out how much
7 federal money will go to each of our towns and
8 villages.

9 And I will tell you in some cases it
10 doesn't just make the AIM funding look like a
11 drop in the basket -- there's a couple of towns
12 I've heard from who say the amount of money
13 they're going to get from the federal government
14 matches their full annual budget.

15 So I think the fight to ensure fair
16 and equal distribution of AIM funding is still a
17 crucial assignment for us here at the state. But
18 ironically, this is the year we don't have to
19 worry about it because there literally is so much
20 federal funding coming in to towns and villages
21 without strings attached that they will be able
22 to use for exactly the kinds of things they've
23 been hoping for more state AIM for.

24 So that's what I can offer right
25 now, that I'm proud that the State of New York is

1 part of this country with a federal government
2 that finally recognizes in bad economic times the
3 federal government, the only government that can
4 print money in the basement, has realized that
5 they need to send more of it to us here. And
6 they're doing it, again, not just feds to the
7 state, not just feds to the counties and big
8 cities, but feds to every single town and village
9 as well.

10 SENATOR RATH: Thank you, Senator.
11 I share your concerns about the importance of AIM
12 money for our municipalities this year and every
13 year going forward.

14 Madam President, if I can shift and
15 ask a few other questions, would the sponsor
16 yield.

17 ACTING PRESIDENT MAYER: Senator
18 Krueger, do you continue to yield?

19 SENATOR KRUEGER: Yes, I do.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR RATH: Thank you, Senator.

23 This has to do with the VLT aid.
24 And it was something that we had talked about a
25 couple of weeks ago as very, very important to

1 many of these counties, cities and towns where
2 the VLT money is shared.

3 And has the appropriation of
4 \$9.3 million for payment of aid to eligible
5 municipalities been fully restored in this
6 budget?

7 SENATOR KRUEGER: Yes, it has.

8 SENATOR RATH: Thank you.

9 Madam President, will the Senator
10 continue to yield.

11 ACTING PRESIDENT MAYER: Senator
12 Krueger, do you continue to yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR RATH: Lastly, I want to
17 ask what is the reasoning behind providing an
18 additional \$980,000 in payment to the City of
19 Yonkers?

20 SENATOR KRUEGER: So the Governor
21 had cut that money, and we are simply restoring
22 it.

23 SENATOR RATH: Okay.

24 Madam President, I'm all set.

25 Thank you very much, Senator. I

1 appreciate your time.

2 SENATOR KRUEGER: Thank you.

3 ACTING PRESIDENT MAYER: Senator
4 O'Mara.

5 SENATOR O'MARA: Thank you,
6 Madam President. If Senator Krueger would yield
7 for a couple of questions.

8 ACTING PRESIDENT MAYER: Senator
9 Gianaris.

10 SENATOR GIANARIS: Madam President,
11 I'd just add Senator O'Mara intends to ask about
12 health topics, and we've brought Senator Rivera
13 down to answer those questions.

14 SENATOR O'MARA: Yes, so I would
15 ask Senator Rivera to yield.

16 ACTING PRESIDENT MAYER: Senator
17 Rivera, do you yield?

18 SENATOR RIVERA: I'm ba-ack.

19 Indeed I will, Madam President.

20 SENATOR O'MARA: I dragged you back
21 in, Gustavo.

22 I just had a couple of questions on
23 the delay of the transition of the Medicaid
24 pharmacy benefit from managed-care to
25 fee-for-service reimbursements. And that was

1 budgeted in last year's budget to be effective in
2 the coming year with a savings of \$100 million.

3 But yet we've put that off now for
4 two years under this bill?

5 SENATOR RIVERA: Madam President,
6 through you. Indeed, we have a delay of two
7 years.

8 And I'm glad that you brought this
9 up -- through you, Madam President --
10 Senator O'Mara, since it's important to make sure
11 that there's a -- that it's understood exactly
12 what is going on here.

13 This transition, which the Executive
14 suggested to transition this particular benefit
15 over from managed-care to fee-for-service, with a
16 savings attached to it -- and I'm not too sure
17 about the math, but let's just say that it is
18 happening. There's one problem with it, and it's
19 a very, very important one.

20 There's particular providers across
21 the state that avail themselves of a federal
22 program referred to as 340B. What that does,
23 Madam President, is that it allows for them to
24 purchase drugs at a discount. And we're talking
25 about safety net providers, we're talking about

1 FQHCs, or Federally Qualified Health Centers
2 across the state, and we're talking about
3 Ryan White providers. These are folks who
4 serve -- providers who serve HIV-positive
5 patients.

6 Now, the thing, Madam President, is
7 that what they do with these savings is that they
8 create wraparound services for these populations.
9 And they've been incredibly creative with them.
10 The federal program that is in reference, the
11 340B program, allows for these facilities -- for
12 these entities to use this money very creatively.
13 And what they've done is they've figured out how
14 to use this money, Madam President, to provide
15 incredible wraparound services to the most
16 vulnerable populations across the state that --
17 who they serve.

18 The problem, Madam President, is
19 that even though this transition was going to
20 happen, and certainly there would be some bonuses
21 not only in savings, but also -- and I'll get to
22 the pharmacies in a second. The problem was,
23 Madam President, that making this transition
24 happen immediately would make it so that these
25 providers would not be able to avail themselves

1 of the program anymore.

2 So overnight, Madam President, they
3 would be devoid of somewhere in the neighborhood
4 of \$200 million that they use, as I said earlier,
5 to provide wraparound services for the most
6 vulnerable populations. This was not something
7 that we could go forward and allow to happen. So
8 we have asked for a delay of two years.

9 But, Madam President, there is
10 another issue which I'm sure that Senator O'Mara
11 is going to be referring to, and that is the very
12 real concern that pharmacists, particularly local
13 pharmacies, have across the state.

14 Transitioning to a fee-for-service
15 would actually give them a bonus onto what they
16 get paid for each prescription that they fill,
17 which ultimately would have a direct impact that
18 they have been feeling in a negative way for the
19 last couple of years from the boogeyman called
20 the pharmacy benefit managers. I will not bore
21 you with it right now, since we've voted on bills
22 on this floor to regulate them in the State of
23 New York, in regulations that go farther than any
24 other state in the country.

25 But the reality is that there is a

1 real impact to not having the transition happen
2 right now for these pharmacies, Madam President.
3 So we are committed -- and I stated this earlier,
4 and I say it again, we are committed in the
5 Majority to work along with pharmacies all across
6 the state to come up with a way so that both
7 these things can exist at the same time. And it
8 is complicated. And it might not be possible to
9 achieve, but we could not let the transition
10 happen at a time that it would have an immediate
11 impact on safety net hospitals, Federally
12 Qualified Health Centers, and Ryan White
13 providers across the state. We could not allow
14 for it to happen, so that is why we asked for
15 this transition.

16 And lastly, Madam President, we also
17 added language which says that the state must
18 work with the Legislature to within a year be
19 able to put together all of our heads, the
20 smartest people -- certainly smarter than me.
21 Probably some of the folks that are sitting down
22 over here -- to work this through. We couldn't
23 do it during the process of the budget. It is
24 unfortunate that we couldn't come to an agreement
25 that was beneficial to both. We believe that it

1 was necessary to do it this way. Even though it
2 is a two year delay, Madam President, we believe
3 we can get it done before then, and we look
4 forward to working along with pharmacies to
5 figure this out.

6 SENATOR O'MARA: Madam President,
7 will Senator Rivera continue to yield.

8 ACTING PRESIDENT MAYER: Senator
9 Rivera, do you continue to yield?

10 SENATOR RIVERA: Absolutely, Madam
11 President.

12 ACTING PRESIDENT MAYER: Yes, the
13 Senator yields.

14 SENATOR O'MARA: Now, we are
15 getting a lot of pushback from independent
16 pharmacies, as you acknowledged. They were
17 looking forward to the fee-for-service switch for
18 them, which would benefit them.

19 Now, these independent pharmacies
20 are -- typically are more of our
21 neighborhood-type pharmacies. They're not the
22 chains that are gobbling up the market share by
23 the day. But they provide direct care and a lot
24 of services to their neighborhood residents that
25 they supply to.

1 So what -- what is the impact going
2 to be to these independent pharmacies as a result
3 of this delay on what they were anticipating?

4 SENATOR RIVERA: Through you,
5 Madam President. As I stated earlier, it is a
6 reality, it is a legitimate concern that not
7 transitioning to a fee-for-service model at this
8 point for this particular benefit impacts these
9 pharmacies in that the charge, what they get paid
10 for each prescription that they actually put out
11 to patients, they will get paid less. And we
12 recognize that, Madam President.

13 And we know that it is important to
14 make sure that we address it with alacrity.
15 That's right, I said alacrity. With speed. We
16 want to make sure that we do this even hopefully
17 before the end of this year.

18 So I don't know the impact --
19 through you, Madam President, I do not know the
20 impact in particular to each one of these
21 pharmacies or across the state, but I recognize
22 that it is serious. And I recognize that we have
23 a responsibility to work along with them to make
24 sure that we can fix this as soon as possible.

25 SENATOR O'MARA: If the Senator

1 will continue to yield.

2 ACTING PRESIDENT MAYER: Senator
3 Rivera, do you continue to yield?

4 SENATOR RIVERA: Yes,
5 Madam President.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR O'MARA: Is there anything
9 in this budget to provide immediate relief to
10 these independent pharmacies that this delay is
11 causing?

12 SENATOR RIVERA: Through you,
13 Madam President, there is nothing in the bill
14 that provides an immediate relief.

15 But I will reiterate that there is
16 language which directs the department to work
17 along with the Legislature to make sure that we
18 can actually, again, put our heads together and
19 come up with a solution within a year.

20 The delay is two years, but the
21 report that is due by the Department of Health
22 related to this matter is due in a year. But I
23 believe that we don't even need -- we might not
24 even need that long. And again, it is a
25 complicated process and one that we need to

1 figure out.

2 At the end of the day, the impact
3 that was going to be felt immediately by
4 Federally Qualified Health Centers, by safety net
5 hospitals and by Ryan White providers all across
6 the state, we could not allow for it to go
7 forward at this moment. So even though it is
8 difficult, and I certainly feel -- and I have
9 been hearing from some of my local pharmacies,
10 and I recognize their concerns, I acknowledge
11 their concerns, and we will -- as a matter of
12 fact, we have a meeting with them on Thursday,
13 Madam President, to start addressing this
14 immediately.

15 SENATOR O'MARA: Thank you.

16 That's all I had on that topic,
17 Senator Rivera. Appreciate you coming back in.

18 SENATOR RIVERA: Thank you.

19 SENATOR O'MARA: If Senator Krueger
20 would yield for just a couple of closing
21 questions.

22 ACTING PRESIDENT MAYER: Senator
23 Krueger, do you yield?

24 SENATOR KRUEGER: Of course.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR O'MARA: Senator Krueger,
3 what is the source of funds for the \$2.1 billion
4 so-called Excluded Worker Fund?

5 SENATOR KRUEGER: I believe it will
6 just come from the General Fund. So whatever
7 funds go into the General Fund get used for
8 things that are paid for through the
9 General Fund. So that would be taxes, avails,
10 other sources of revenue. Yeah.

11 SENATOR O'MARA: If Senator Krueger
12 will continue to yield.

13 ACTING PRESIDENT MAYER: Senator
14 Krueger, do you continue to yield?

15 SENATOR KRUEGER: Of course.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR O'MARA: Do any of the
19 federal COVID relief bills -- COVID relief funds
20 go into our General Fund?

21 SENATOR KRUEGER: I don't believe
22 we can use or are going to use federal funds for
23 this. No, we can't.

24 SENATOR O'MARA: If the Senator
25 will continue to yield.

1 ACTING PRESIDENT MAYER: Senator
2 Krueger, do you continue to yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR O'MARA: And why is it you
7 can't use federal funds for this excluded worker
8 program?

9 SENATOR KRUEGER: They're excluded
10 from federal benefits, which is why we need to
11 use state funds.

12 SENATOR O'MARA: Thank you,
13 Senator.

14 On the bill.

15 ACTING PRESIDENT MAYER: Senator
16 O'Mara on the bill.

17 SENATOR O'MARA: This excluded
18 worker program, which is basically unemployment
19 benefits for immigrants who are here in violation
20 of our immigration laws -- who are not lawfully
21 documented immigrants in our state, who are not
22 lawfully entitled to hold a job, that we are
23 spending -- that we can't use federal funds on
24 this because clearly we couldn't use federal
25 funds to give money to illegal immigrants in our

1 state.

2 We're spending \$2.1 billion of
3 New York State taxpayer dollars to pay up to
4 \$28,000 to an illegal immigrant who's been
5 working here illegally, getting paid illegally
6 under the table. And all these other programs
7 that we're talking about -- we don't have any
8 money to help the independent pharmacies that
9 were expecting some relief from the budget last
10 year. And we just heard we can't have any money
11 for them, to help the independent pharmacies
12 survive.

13 You've heard over and over from
14 other speakers and questioners this evening on
15 our inability or unwillingness to restore certain
16 relief to local governments, to colleges, that
17 the priority of this legislative body, and this
18 issue was driven by the Senate Majority in this
19 budget process -- \$2.1 billion going to illegal
20 immigrants who we won't even be able to tell
21 whether they were actually unemployed because of
22 COVID, because there are no unemployment records
23 to verify that they lost a job that they weren't
24 legally entitled to have and get paid for in the
25 first place.

1 I think this is really an illegal
2 use of taxpayer funds. I expect it will be
3 challenged in court. Certainly hope that it is.
4 And we have billions and billions of dollars in
5 taxes being raised in this budget, raising taxes
6 to shift \$2.1 billion to illegal immigrants.

7 Thank you.

8 ACTING PRESIDENT MAYER: Are there
9 any other Senators wishing to be heard?

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

12 Read the last section.

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

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Senator
19 Krueger to explain her vote.

20 SENATOR KRUEGER: Thank you,
21 Madam President.

22 So I know that there will be
23 probably a more in-depth discussion of excluded
24 workers on a later bill, but I just need to get a
25 few facts cleared up.

1 One, the benefit is not going to be
2 \$28,000. It is a maximum of \$15,600, where very
3 few people will actually be eligible for that.
4 Probably the majority will be eligible for more
5 like \$3500. They will have to prove a paper
6 trail of having been working and then becoming
7 unemployed because of COVID during this specific
8 time period that the federal rules for expanded
9 unemployment apply.

10 Yes, they are undocumented, but the
11 State of New York can't do anything about that.
12 We have a federal government that has failed to
13 correctly address immigration policy for decades
14 and decades. The federal government knows people
15 live here in New York State without
16 documentation. We can't help get them
17 documentation. We know they live here. We know
18 they work here. They work in our homes, they
19 work taking care of our lawns, they work on our
20 farms, they work in our industries.

21 And usually they are paying taxes
22 when they have those jobs. The irony is they
23 have to pay the tax, but they're not eligible for
24 any benefits when they hit a crisis just like you
25 or I or neighbors may have hit crises.

1 So the concept that the State of
2 New York would look the other way when we have
3 probably close to a million people here in this
4 state who don't have documented status but are
5 our neighbors -- some are even our friends,
6 they're our employees. And there's not a lot
7 they can do about changing their status. We can
8 offer them a small hand up when they were living
9 in emergency crises, not being able to feed
10 themselves and their children, not being able to
11 pay their rent.

12 And I just want to highlight yes, it
13 will be some tax money going towards this goal.
14 The money will be immediately spent in our
15 neighborhood economies. These are not folks who
16 are investing in offshore stock transfer plans.
17 These are people who desperately need the money,
18 will go and use it at their local supermarkets,
19 will pay their landlords, will pay their utility
20 fees, will pay their gas and their car to maybe
21 be able to get back to that job when it's offered
22 again.

23 So there's a multiplier effect in
24 the poorest communities by moving this money this
25 way, because it will all get spent the minute it

1 goes out the door. It will address people not
2 getting sicker, which we don't want them to do.
3 It will address their ability to get back on
4 their feet and able to take care of themselves
5 again.

6 And if this house wants to have a
7 conversation about what to do about undocumented
8 people, we should be having that conversation
9 with Washington, D.C. Because you know what? If
10 we just went ahead and fixed our immigration
11 laws, they could have status so they were
12 eligible for federal benefits when they needed
13 it.

14 Because I don't know about you, but
15 there's something that's so un-American to me
16 about having people work and pay taxes and then
17 not allow them the most basic benefits to take
18 care of themselves when they get in crisis.

19 Sometimes we didn't have immigration
20 laws at different times in this country. That's
21 how we mostly got here. My grandparents came
22 from Europe during pogroms. They hoped they
23 would be allowed to stay when they got here.
24 They didn't have paperwork. They were allowed to
25 stay, and I'm a New York State Senator.

1 Thank you very much.

2 ACTING PRESIDENT MAYER: Senator
3 Krueger to be recorded in the affirmative.

4 Senator Harckham to explain his
5 vote.

6 SENATOR HARCKHAM: Thank you,
7 Madam President.

8 I will be voting in the affirmative
9 on this bill and all of the budget bills that
10 we're discussing here today, and a few general
11 comments.

12 First I'd like to thank the Majority
13 Leader for her steadfast leadership as we
14 navigated through this budget process, as well as
15 all of the Senators, our colleagues in the
16 Majority, and the staff who worked so many
17 tireless hours to put this budget together.

18 This is a recovery budget, a budget
19 for the recovery of New York State and for the
20 Hudson Valley. This budget -- and in large part
21 thanks to you, Madam President -- makes record
22 investments in education, in Foundation Aid to
23 finally fund our legal obligation to the students
24 of New York State. This is a win for students,
25 this is a win for taxpayers.

1 Pre-K outside of New York City, long
2 talked about, this budget delivers. In my
3 district alone, 14 districts, nearly 900 slots.

4 Increase in TAP assistance, increase
5 to SUNY and CUNY, making college more affordable
6 to our middle-class families.

7 Record investments in small
8 businesses -- 800 million in grants. I was proud
9 to propose a \$100 million grant program bill, and
10 the need was so great that colleagues came
11 together and the Majority Leader was able to
12 negotiate another half-billion dollars with the
13 Governor. That's a major win for our small
14 businesses: A total of \$4 billion we're
15 investing into small business recovery if you
16 include the federal dollars. This is a win and
17 an investment for small business.

18 We continue the middle-class tax
19 cuts and, for the first time, a circuit breaker
20 so that our seniors can stay in their homes who
21 are on fixed incomes.

22 We finally fully funded the
23 Cessation Fund so that the communities around
24 Indian Point will not have to worry about loss of
25 tax revenue as we shut the plants down in April.

1 And finally, we've extended
2 prevailing wage to our renewable energy projects
3 so that everybody shares in the prosperity of the
4 green economy and the green recovery.

5 So these investments of today will
6 result in the shared prosperity of tomorrow.

7 Madam President, I vote aye.

8 ACTING PRESIDENT MAYER: Senator
9 Harckham to be recorded in the affirmative.

10 Senator Ryan to explain his vote.

11 SENATOR RYAN: Thank you very much,
12 Madam President.

13 Thank the Majority Leader for so
14 much in this bill to help restart the New York
15 State economy post-pandemic, just in a sundry of
16 items from education funding on.

17 But a few things I want to highlight
18 is we're increasing library funding. And we're a
19 big fan of that. We all saw the work that
20 libraries did during the pandemic, and we're
21 happy to restore the money that was cut to them.

22 Another item we're putting into the
23 budget this year is aid to agencies that resettle
24 refugees into our communities. The number-one
25 growth factor of upstate cities is refugees.

1 More than other people moving from the different
2 parts of America to our cities, or immigrants
3 coming in, it's refugee resettlement.

4 And that program has suffered
5 greatly under the previous president. They
6 narrowed down by 75 percent the amount of
7 refugees coming into our communities.

8 We're very happy with our new
9 president that we're going to be rejoining the
10 world's nations, and more refugees will be coming
11 into upstate New York. But the agencies need
12 help. And with this budget we are putting
13 \$3 million towards the refugee resettlement
14 agencies to help them get a footing in America.
15 And that's a positive thing.

16 The other thing we did is we
17 recognized all the different people and cities
18 who are suffering because of the pandemic,
19 whether it's loss of home ownership, people
20 fighting unemployment claims, people being
21 evicted from their houses. And we put
22 \$3.5 million into legal services agencies
23 operating in Buffalo, Rochester, Syracuse and
24 Albany, to help just a little bit with the
25 increase of civil legal services that is needed

1 in our communities.

2 So, very happy to support this
3 budget bill and so many of the wonderful things
4 in there. So it's my pleasure to vote in the
5 affirmative on this action.

6 ACTING PRESIDENT MAYER: Senator
7 Ryan to be recorded in the affirmative.

8 Senator Liu to explain his vote.

9 SENATOR LIU: Thank you very much,
10 Madam President.

11 Our State Budget has Aid to
12 Localities that is meant to address needs of
13 local governments and local communities, but with
14 a statewide focus it represents our priorities,
15 it represents our values as a state.

16 And this year's Aid to Localities
17 has a number of funding items that I do believe
18 certainly represent our values and are badly
19 needed by the communities that make up our great
20 state.

21 I want to point out one specific
22 item that I think is a real marker for the State
23 of New York. Now, this past year we all know how
24 deadly and dreadful the coronavirus pandemic has
25 been. For the Asian-American community, it's

1 been doubly terrible in the bias and bigotry that
2 we see now almost on a daily basis -- headlines
3 of Asian-Americans across the country, but
4 especially right here in New York, where elderly
5 men and women are being shoved violently from
6 behind, where people commuting to work are being
7 slashed in their faces. The horrific shooting
8 spree -- not here in New York, in Atlanta. But
9 it could have been here in New York because there
10 has not been an uptick in anti-Asian racism,
11 violence and bias, there has been an onslaught
12 during this entire year of coronavirus.

13 And in order to address those --
14 this problem, this plague, we need to do
15 something -- not necessarily solutions that state
16 government can come up with on its own, but a
17 coalition of organizations, organizations in the
18 Asian-American community who have been getting
19 together, brainstorming, talking about how we can
20 address the racist pandemic that the
21 Asian-American community has been faced with.

22 And they came to us, our members
23 here in the State Senate, our colleagues in the
24 State Assembly, and also to the Executive, and we
25 have put together this \$10 million fund that is

1 meant for these organizations to begin addressing
2 the root causes of this very virulent anti-Asian
3 hate that we have all been faced with.

4 So I want to thank my colleagues, I
5 want to thank our leader for putting this forth
6 in the State Senate. I want to thank our
7 colleagues in the Assembly and the Executive as
8 well. Because once this budget passes, we will
9 do the hard work of figuring out exactly how this
10 money is going to be allocated.

11 Madam President, this is my
12 opportunity just to talk about the Aid to
13 Localities. I have lots more to say on
14 education, on revenue. I'll see you later.
15 Thank you so much.

16 ACTING PRESIDENT MAYER: Senator
17 Liu to be recorded in the affirmative.

18 Senator Hinchey to explain her vote.

19 SENATOR HINCHEY: Thank you,
20 Madam President.

21 This bill lays out a clear path for
22 upstate economic development and recovery.
23 Agriculture is a \$3.6 billion industry, and it's
24 a cornerstone of our state's economy. We've
25 increased funding for research initiatives,

1 FarmNet, the Cornell Diagnostic Lab, and we've
2 added new investments that will bolster the state
3 of agriculture across New York for years to come.

4 This is the best ag budget in recent
5 history. And as the chair of Agriculture, I'm
6 incredibly excited about that.

7 This bill also includes significant
8 and needed funding and investment for small
9 businesses, with a billion dollars in relief.
10 Our small businesses have been on the front lines
11 during COVID, often feeding people, opening their
12 doors, helping community members, being a pillar
13 of what our small towns and communities need
14 during this pandemic. And they need help, and we
15 are providing that now.

16 This bill also has a lot of local
17 wins, spanning agritourism, green job
18 development, the expansion of rural healthcare
19 and veterans services and, for the first time
20 ever, an independent stewardship line for the
21 Catskills Park.

22 Upstate New York will benefit
23 greatly from the investments in this budget bill,
24 and for that I vote aye. Thank you.

25 ACTING PRESIDENT MAYER: Senator

1 Hinchey to be recorded in the affirmative.

2 Senator Brouk to explain her vote.

3 SENATOR BROUK: Thank you,
4 Madam President.

5 I want to take quick moment to shine
6 a light on something that has happened for the
7 first time in our nation's history, which is a
8 state choosing to invest in local police
9 accountability -- and in this case, for the City
10 of Rochester.

11 This moment has been more than
12 50 years in the making, when community members
13 and leaders and organizers have been working to
14 help make a safer, more supportive community for
15 the City of Rochester. And in 2019, 75 percent
16 of voters in the City of Rochester voted for a
17 police accountability board, because they knew
18 part of the solution to make safer communities
19 was to allow community voices to be a part of
20 that process.

21 And that is why I am so grateful, in
22 this budget, for the leadership of Leader Andrea
23 Stewart-Cousins for seeing the incredible need of
24 our hometown City of Rochester in the
25 55th District and the need for an investment like

1 this.

2 For too long our city has been in
3 the headlines with tragedy over tragedy, whether
4 it's Daniel Prude losing his life in the throes
5 of a mental health crisis, whether it's a young
6 9-year-old getting pepper-sprayed in the face,
7 whether it's a woman with her 3-year-old daughter
8 by her side being pepper-sprayed for an
9 accusation of stealing, which she was found to be
10 not guilty of.

11 This kind of funding is absolutely
12 necessary, needed, and I am so grateful for the
13 courage of this body to trust that the community
14 really does deserve this kind of voice in their
15 own policing. I believe it will help us save
16 lives in the City of Rochester.

17 For that reason and so many other
18 reasons, I'm proud to vote aye on this.

19 ACTING PRESIDENT MAYER: Senator
20 Brouk to be recorded in the affirmative.

21 Senator Kavanagh to explain his
22 vote.

23 SENATOR KAVANAGH: Thank you,
24 Madam President.

25 This is the second of several

1 appearances this evening on the myriad places
2 where we find funding for housing and
3 homelessness.

4 In the Aid to Localities bill there
5 is the \$2.45 billion that we're going to spend on
6 COVID-19 emergency rental assistance. I think we
7 will be talking about that, the language that is
8 in a subsequent bill.

9 But I also did want to note that not
10 only the money but the language for a brand-new
11 program that is intended to provide permanent
12 housing for homeless New Yorkers is included in
13 the Aid to Localities bill. We're allocating
14 \$100 million for a new program through the Office
15 of Temporary and Disability Assistance that
16 provide resources for our local social service
17 districts to provide permanent housing to
18 homeless families, homeless individuals,
19 including those without children, and also folks
20 who would otherwise be facing eviction or
21 homelessness.

22 It is not what many of us had
23 sought, in that there was a great interest in a
24 bill called the Housing Access Voucher Program,
25 which many advocates had worked on and was

1 included in this house's one-house resolution.

2 But it is a start, and it's very important.

3 You know, we have 90,000 homeless
4 people at any given moment in our state. It's
5 far too many. And although there's lots of
6 reasons for that and lots of services that are
7 necessary, one of the next most basic needs is
8 resources for permanent housing. So this program
9 will begin that process.

10 Just to note also -- again, we're
11 going to be talking about renters quite a bit
12 later, but there is \$600 million in this bill for
13 homeowners, for relief for homeowners. That
14 includes, for the first time in a long time, a
15 multiyear commitment to the Homeowner Protection
16 Program, which has been quite a fight each budget
17 cycle to get the \$20 million restored. We're now
18 putting in \$20 million for this year and also
19 putting in language that commits to do that for
20 each of the next two years in addition to this
21 year. So three years of funding, and we're
22 moving that back to HCR, the state housing
23 agency, where it began and where it probably best
24 belongs.

25 But in addition to that, there's

1 \$540 million for assistance for homeowners to
2 deal with the costs of the COVID-19 crisis.

3 And just also this bill also
4 includes the Small Cities Community Development
5 Block Grant for \$40 million and \$22 million for
6 the Rural Rental Assistance Program. So again,
7 some very generous allocations for the enormous
8 housing crisis, both the aspects that have come
9 out of the COVID-19 crisis and also our long-term
10 need to provide greater resources for housing and
11 for people who are homeless.

12 So with that, Madam President, I
13 vote aye.

14 ACTING PRESIDENT MAYER: Senator
15 Kavanagh to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 650, those Senators voting in the
19 negative are Senators Akshar, Borrello, Boyle,
20 Gallivan, Griffio, Helming, Jordan, Lanza,
21 Mannion, Martucci, Mattera, Oberacker, O'Mara,
22 Ortt, Palumbo, Rath, Ritchie, Serino, Stec,
23 Tedisco and Weik.

24 Ayes, 42. Nays, 21.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

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

4 SENATOR GIANARIS: Madam President,
5 we're going to call a meeting of the Finance
6 Committee in Room 332 at 11:25 p.m.

7 And can you please recognize
8 Senator Lanza for an announcement.

9 ACTING PRESIDENT MAYER: There will
10 be a meeting of the Finance Committee at 11:25 in
11 Room 332 of the Capitol.

12 Senator Lanza.

13 SENATOR LANZA: Thank you,
14 Senator Gianaris. Thank you, Madam President.

15 There will be an immediate meeting
16 of the Republican Conference in Room 315 of the
17 Capitol.

18 ACTING PRESIDENT MAYER: There will
19 be an immediate meeting of the Republican
20 Conference in Room 315 of the Capitol.

21 SENATOR GIANARIS: The Senate will
22 stand at ease.

23 ACTING PRESIDENT MAYER: The Senate
24 will stand at ease.

25 (Whereupon, the Senate stood at ease

1 at 9:58 p.m.)

2 (Whereupon, the Senate reconvened at
3 11:58 p.m.)

4 ACTING PRESIDENT PERSAUD: The
5 Senate will return to order.

6 Senator Gianaris.

7 SENATOR GIANARIS: Thank you,
8 Madam President.

9 Pursuant to Rule 5, Section 2, I
10 move that we remain in session past midnight.

11 ACTING PRESIDENT PERSAUD: Without
12 objection, so ordered.

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

16 ACTING PRESIDENT PERSAUD: The
17 Secretary will read.

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

21 Senate Print 2500D, Senate Budget
22 Bill, an act making appropriations for the
23 support of government: STATE OPERATIONS BUDGET;

24 Senate Print 2506C, Senate Budget
25 Bill, an act to amend the Education Law;

1 Senate Print 2509C, Senate Budget
2 Bill, an act to amend the Tax Law.

3 All bills reported direct to third
4 reading.

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

7 ACTING PRESIDENT PERSAUD: All
8 those in favor of accepting the report of the
9 Finance Committee signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT PERSAUD: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT PERSAUD: The
15 Finance Committee report is accepted.

16 Senator Gianaris.

17 SENATOR GIANARIS: At this time can
18 we please go back and take up Calendar 645, which
19 was previously laid aside.

20 ACTING PRESIDENT PERSAUD: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 645, Senate Print 2501B, Senate Budget Bill, an
24 act making appropriations for the support of
25 government: LEGISLATURE AND JUDICIARY BUDGET.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

3 THE SECRETARY: Section 5. This
4 act shall take effect immediately.

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 645, those Senators voting in the
12 negative are Senators Akshar, Borrello, Boyle,
13 Gallivan, Griffio, Helming, Jordan, Lanza,
14 Martucci, Mattera, Oberacker, O'Mara, Ortt,
15 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
16 Weik.

17 Ayes, 43. Nays, 20.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 Senator Gianaris.

21 SENATOR GIANARIS: Madam President,
22 at this time can we take up the supplemental
23 calendar, please.

24 ACTING PRESIDENT PERSAUD: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 652, Senate Print 2500D, Senate Budget Bill, an
3 act making appropriations for the support of
4 government: STATE OPERATIONS BUDGET.

5 SENATOR GIANARIS: Lay it aside
6 temporarily.

7 ACTING PRESIDENT PERSAUD: The bill
8 will be laid aside temporarily.

9 THE SECRETARY: Calendar Number
10 653, Senate Print 2506C, Senate Budget Bill, an
11 act to amend the Education Law.

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

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

16 SENATOR GIANARIS: Move to accept
17 the message of necessity.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT PERSAUD: Opposed?

23 (Response of "Nay.")

24 ACTING PRESIDENT PERSAUD: The
25 message is accepted, and the bill is before the

1 house.

2 SENATOR LANZA: Lay it aside.

3 (Laughter.)

4 ACTING PRESIDENT PERSAUD: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 654, Senate Print 2509C, Senate Budget Bill, an
8 act to amend the Tax Law.

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

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

13 SENATOR GIANARIS: Move to accept
14 the message of necessity.

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

18 (Response of "Aye.")

19 ACTING PRESIDENT PERSAUD: Opposed?

20 (Response of "Nay.")

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT PERSAUD: The
23 message is accepted and the bill is before the
24 house.

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT PERSAUD: Lay it
2 aside.

3 Senator Gianaris, this completes the
4 reading of today's supplemental calendar.

5 SENATOR GIANARIS: Can we now take
6 up the controversial calendar, please.

7 We will begin the controversial
8 calendar with Calendar 654, please.

9 ACTING PRESIDENT PERSAUD: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 654, Senate Print 2509C, Senate Budget Bill, an
13 act to amend the Tax Law.

14 ACTING PRESIDENT PERSAUD: Senator
15 Boyle.

16 SENATOR BOYLE: Yes,
17 Madam President, would the sponsor yield for a
18 couple of questions.

19 ACTING PRESIDENT PERSAUD: Will the
20 sponsor yield?

21 SENATOR RAMOS: Good morning,
22 Madam President. I do.

23 ACTING PRESIDENT PERSAUD: Good
24 morning.

25 The sponsor yields.

1 SENATOR GIANARIS: I'm sorry,
2 Madam President, I believe Senator Boyle is
3 asking about the Excluded Workers Fund, which
4 Senator Ramos will be handling.

5 SENATOR BOYLE: Yeah.

6 ACTING PRESIDENT PERSAUD: Senator
7 Ramos, will you yield?

8 SENATOR RAMOS: I do yield,
9 Madam President.

10 ACTING PRESIDENT PERSAUD: Senator
11 Ramos yields.

12 SENATOR RAMOS: Thank you.

13 SENATOR BOYLE: Thank you,
14 Madam President.

15 Senator, a couple of quick questions
16 about the so-called Excluded Worker Fund. It's
17 approximately \$2.1 billion, is that correct?

18 SENATOR RAMOS: That's correct.
19 Through you, Madam President.

20 SENATOR BOYLE: And through you,
21 Madam President, I don't think I've ever seen
22 this much money spent --

23 ACTING PRESIDENT PERSAUD: Senator
24 Boyle, are you asking the sponsor to yield?

25 SENATOR BOYLE: Yes, I do, I'm

1 sorry. Through you, Madam President.

2 ACTING PRESIDENT PERSAUD: Will the
3 sponsor yield?

4 SENATOR RAMOS: I yield.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor will yield.

7 SENATOR BOYLE: Thank you.

8 I don't believe I've seen this much
9 money spent with the rules changing till very
10 recently, as far as -- as long as 15 minutes ago
11 it seemed like things were changing about the
12 bill. Can you just give me the Reader's Digest
13 version of how this is going to work, there's two
14 tiers -- how is the Excluded Fund supposed to
15 work?

16 SENATOR RAMOS: Well, you know,
17 I've never seen a fund this size to help the most
18 vulnerable workers in New York State in my life
19 either. But I'm very proud of it. Because with
20 it, we're actually revitalizing several local
21 communities across the state, including in both
22 your and my districts.

23 So through this, what we're doing is
24 recognizing the labor of those excluded workers,
25 who weren't able to qualify for stimulus checks,

1 for PUA or for unemployment insurance. They'll
2 have to prove identity, they'll have to prove
3 residency, and they'll have to prove loss of
4 income as well.

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

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR RAMOS: I do.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR BOYLE: There was a point
14 in time, I don't know if it's still the case,
15 where recently released convicted felons were
16 part of this fund. Is that the case still, or
17 has that changed?

18 SENATOR RAMOS: No one --
19 Madam President, through you, no one is a part of
20 this fund, as it doesn't exist yet.

21 SENATOR BOYLE: Through you,
22 Madam President, if she'll continue to yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR RAMOS: I continue to

1 yield.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR BOYLE: Assuming this bill
5 passes and it's put into law with regulations,
6 would convicted felons, recently released, who
7 may have lost employment during the pandemic be
8 eligible for funds under this fund?

9 SENATOR RAMOS: Through you,
10 Madam President, only if they are able to show
11 the different proofs that are needed in order to
12 qualify for the fund.

13 Based on our calculations and how
14 we've designed the fund, we wouldn't estimate
15 that to be a significant amount of people at all.
16 In fact, the idea is that you worked for a
17 significant period of time and you are able to
18 prove loss of income throughout the past few
19 months, almost a year of the pandemic,
20 retroactively. And so this will largely help
21 other different types of working families.

22 SENATOR BOYLE: Through you,
23 Madam President, would the Senator continue to
24 yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR RAMOS: I do.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR BOYLE: Senator, so do you
6 have an approximate number of people who would be
7 eligible for this fund.

8 SENATOR RAMOS: Well, we
9 approximately have five -- I think over
10 500,000 -- well, I'm being told that we are
11 expecting approximately 160,000 New Yorkers to be
12 eligible for this bill. But remember, they'll
13 have to apply first.

14 SENATOR BOYLE: Through you,
15 Madam President, would the Senator continue to
16 yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR RAMOS: I do.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR BOYLE: So fair to say that
23 a large number of these workers are undocumented
24 that would be eligible for this fund, is that
25 correct?

1 SENATOR RAMOS: That's right,
2 Senator. And I appreciate your nomenclature.

3 SENATOR BOYLE: So through you,
4 Madam President, would the Senator continue to
5 yield.

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR RAMOS: I do,
9 Madam President.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR BOYLE: California, I
13 believe, did something similar, but they limited
14 the funds going to these excluded workers to
15 approximately \$500. Under this piece of
16 legislation it would be \$15,000 plus, and for
17 those without identification numbers it would be
18 \$3,200, is that correct? Why didn't you go the
19 California route, is my question.

20 SENATOR RAMOS: Through you,
21 Madam President, the California program is
22 actually not very comparable to what we're trying
23 to create here tonight. The California model
24 only allocated \$125 million for such a large
25 state and worked with local organizations,

1 not-for-profits in California, in order to
2 distribute that money.

3 This is a fully state-run program in
4 order to put the proper safeguards in place and
5 again be able to recognize retroactively the hard
6 work of those who have been paying taxes and
7 contributing to our economy so generously.

8 SENATOR BOYLE: Through you,
9 Madam President, will the Senator continue to
10 yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR RAMOS: I do.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR BOYLE: So Senator, there's
17 two tiers. One is for those that have ITINs and
18 those that do not. Is that correct, the 15,600
19 versus the 3,200, if you have an Individual
20 Taxpayer Identification Number?

21 SENATOR RAMOS: That is correct.

22 SENATOR BOYLE: So explain to me,
23 please, the ones who do not have Individual
24 Taxpayer Identification Numbers, how do they
25 prove they deserve to have this money, that

1 they've been working or -- this is -- \$3,200 is a
2 lot of money, obviously. How is that going to
3 work in practice?

4 SENATOR RAMOS: Well, it's the same
5 amount of money that was given through the
6 federal stimulus check. Those workers who apply
7 for the Tier 2 benefit would be subject to a list
8 of proof promulgated by the Commissioner of the
9 Department of Labor.

10 SENATOR BOYLE: Through you,
11 Madam President, would the Senator continue to
12 yield?

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR RAMOS: I do.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR BOYLE: So the criteria
19 during the period of unemployment, what do they
20 have to prove -- if you don't have an Individual
21 Taxpayer Identification Number, how do you prove
22 that you were working, that you are deserving of
23 these funds on an individual basis?

24 SENATOR RAMOS: Well, like I
25 mentioned, Senator, the Commissioner of Labor

1 would have to promulgate a list and develop a
2 point system. That's what we're entrusting her,
3 in this case, to do.

4 But ideally they could use pay stubs
5 and correspondence with their employers,
6 hopefully school records, and all sorts of other
7 means of communication showing, you know, their
8 residency and their loss of income here.

9 SENATOR BOYLE: Madam President, on
10 the bill.

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

13 SENATOR BOYLE: Thank you.

14 While I appreciate the Senator's
15 efforts to take care of some excluded workers, I
16 think this aspect of the revenue bill is highly
17 misguided. And I believe that I speak for all
18 the members on my side of the aisle and perhaps a
19 few members on the other side of the aisle.

20 \$2.1 billion is a tremendous amount
21 of money -- perhaps not in the context of this
22 budget. I noted my first budget as a member of
23 the State Legislature was in 1994, and it was \$33
24 billion for the New York State Budget. This is
25 \$212 billion, in one political career. Well

1 beyond the rate of inflation. And part of that
2 goes to this \$2.1 billion.

3 Obviously we've seen, in the media,
4 reports about a large number of individuals
5 coming across our southern border by the hundreds
6 of thousands. And I believe that that is an area
7 for immigration policy out of Washington, not for
8 us to solve in New York State.

9 Because I believe what's going to
10 happen is that the word is going to spread in
11 South and Central America, in Europe, in Asia,
12 everywhere, to say -- they don't get into the
13 details of how you're going to qualify for funds
14 under this excluded worker program, they're just
15 going to hear New York State, you can come, you
16 can get a driver's license, you can get free
17 college, and now you can get \$15,000. And so
18 they're going to pour into New York State. And
19 God knows what that's going to do to our budget
20 the next few years.

21 I would point out that in the State
22 of New York we have fewer people than both the
23 State of Texas and the State of Florida, yet our
24 State Budget as of tonight will be more than both
25 of them combined. Texas and Florida are not

1 Third World countries. No one's starving there.
2 They're doing very well, actually. And yet our
3 State Budget, including programs like this, has
4 reached a level of more than both of their state
5 budgets combined.

6 This is going to be a huge problem
7 going into the outyears and a huge problem in the
8 short term.

9 Again, I think your heart is in the
10 right place, Senators, but this Excluded Workers
11 Fund is ripe for disaster. It's going to be a
12 regulatory and administrative nightmare, and
13 we're going to see it soon enough.

14 I'm going to vote no on this bill
15 and the rest of the budget.

16 Thank you, Madam President.

17 ACTING PRESIDENT PERSAUD: Thank
18 you, Senator.

19 Senator O'Mara.

20 SENATOR O'MARA: Thank you,
21 Madam President. Would Chairwoman Krueger yield
22 for some questions.

23 ACTING PRESIDENT PERSAUD:
24 Senator Krueger, would you yield?

25 SENATOR KRUEGER: Certainly.

1 ACTING PRESIDENT PERSAUD: Senator
2 Krueger yields.

3 SENATOR O'MARA: Thank you,
4 Senator.

5 We've been through some of these
6 figures at the outset of our debating earlier
7 today, and I'm going to try not to reiterate too
8 much of that. But this revenue bill before us,
9 how much revenue is being raised by this budget?

10 SENATOR O'MARA: In total, the
11 total revenue for this budget?

12 SENATOR O'MARA: Yes, in total.

13 SENATOR KRUEGER: 88.114 billion in
14 All Funds receipts, taxes.

15 SENATOR O'MARA: Okay. This --
16 through you, Madam President, if the Senator
17 would continue to yield.

18 ACTING PRESIDENT PERSAUD: Senator
19 Krueger, do you yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT PERSAUD: Senator
22 Krueger yields.

23 SENATOR O'MARA: This -- according
24 to the financial plan that was delivered to us
25 earlier, the State Funds portion of this budget

1 includes approximately an \$8 billion increase,
2 which is an 8.1 percent increase over last year?

3 SENATOR KRUEGER: That's correct.

4 SENATOR O'MARA: And what is the --

5 ACTING PRESIDENT PERSAUD: Senator
6 O'Mara, are you asking Senator Krueger to yield?

7 SENATOR O'MARA: Yes,
8 Madam President, will the Senator continue to
9 yield. Sorry, it's getting late.

10 ACTING PRESIDENT PERSAUD: Senator
11 Krueger, do you yield?

12 SENATOR KRUEGER: Yes, I will.

13 ACTING PRESIDENT PERSAUD: Senator
14 Krueger yields.

15 SENATOR O'MARA: What is the CPI
16 anticipated for the next fiscal year?

17 SENATOR KRUEGER: 2.2 percent.

18 SENATOR O'MARA: Through you,
19 Madam President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT PERSAUD: Senator
22 Krueger, do you yield?

23 SENATOR KRUEGER: Yes, I will.

24 ACTING PRESIDENT PERSAUD: Senator
25 Krueger yields.

1 SENATOR O'MARA: So we are roughly
2 four times outpacing the CPI with this budget
3 proposal. And to do that, in addition to some
4 \$12.7 billion-plus coming from the federal
5 government, we're raising a variety of taxes in
6 this budget, correct?

7 SENATOR KRUEGER: We are.

8 SENATOR O'MARA: The -- through
9 you, Madam President, if the sponsor -- if the
10 Senator will yield.

11 ACTING PRESIDENT PERSAUD: Senator
12 Krueger, would you yield?

13 SENATOR KRUEGER: Yes, I will.

14 ACTING PRESIDENT PERSAUD: Senator
15 Krueger yields.

16 SENATOR O'MARA: We're
17 substantially increasing personal income taxes on
18 wealthy New Yorkers earning over a million
19 dollars. Through that personal income tax
20 increase that we have, how much revenue is
21 anticipated to be generated in this year and next
22 year's fiscal years?

23 SENATOR KRUEGER: Okay. So for
24 this year, 2.753 billion will be new revenue from
25 the temporary PIT high-income surcharge, and next

1 year that will grow to 3.251 billion.

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

5 ACTING PRESIDENT PERSAUD: Senator
6 Krueger, do you yield?

7 SENATOR KRUEGER: Certainly.

8 ACTING PRESIDENT PERSAUD: Senator
9 Krueger yields.

10 SENATOR O'MARA: So we are raising
11 taxes in excess of \$2 billion, closer to
12 \$3 billion this year on the income tax increase,
13 and we are turning around and giving \$2.1 billion
14 to basically illegal immigrants that are here
15 that did not qualify for unemployment benefits
16 during the pandemic?

17 SENATOR KRUEGER: We are creating a
18 fund to provide benefits to people who can prove
19 that they are here, lost their jobs, were not
20 eligible for federal benefits because of national
21 immigration policies that do not allow them to be
22 defined as here legally.

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

1 ACTING PRESIDENT PERSAUD: Senator
2 Krueger, do you yield?

3 SENATOR KRUEGER: Yes.

4 ACTING PRESIDENT PERSAUD: Senator
5 Krueger yields.

6 SENATOR O'MARA: So those that are
7 here in violation of our national immigration
8 laws are here in violation of our national
9 immigration laws and are not properly documented
10 to be in this country or in the State of
11 New York, is that correct?

12 SENATOR KRUEGER: Well, they don't
13 have legal status under our federal immigration
14 laws. I am not sure they have violated any
15 status under New York State laws because I don't
16 think we have immigration laws in the State of
17 New York.

18 SENATOR O'MARA: Through you,
19 Madam President, if the sponsor would yield.

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

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT PERSAUD: Senator
24 Krueger yields.

25 SENATOR O'MARA: Is an immigrant

1 that is in the State of New York without proper
2 documentation eligible under New York State law
3 to have a job, to be employed?

4 SENATOR KRUEGER: I know what the
5 federal rules are. I -- I'm not sure if there's
6 an explicit law that says that you can't have a
7 job.

8 SENATOR O'MARA: Okay.

9 SENATOR KRUEGER: We certainly know
10 that there are many people hiring these people
11 who are citizens, who are hiring people who don't
12 have federal immigration status. So there's
13 certainly an ongoing economic relationship
14 between people who live in the State of New York
15 legally becoming employers for people who don't
16 have federal legal status.

17 ACTING PRESIDENT PERSAUD: Senator
18 Ramos, why do you rise?

19 SENATOR RAMOS: I rise as the
20 author of this part of our budget bill and I
21 would like to offer some clarity to the questions
22 from the gentleman.

23 You know, ultimately documentation
24 is irrelevant to whether a human being needs to
25 eat or pay rent. And I am sure that the Senator

1 would like for people to catch up on their rent
2 and not find another means to be able to provide
3 for themselves and their families.

4 And so what we're doing here is
5 actually contributing millions of dollars into
6 all sorts of sections across New York, money that
7 will be spent on the aforementioned things but
8 also will become disposable income for
9 undocumented New Yorkers -- no human being is
10 illegal -- for them to be able to spend this
11 money in their local economic corridors where
12 small businesses have been hurting so much.

13 Thank you.

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

16 Senator O'Mara.

17 SENATOR O'MARA: Thank you,
18 Senator Ramos.

19 SENATOR KRUEGER: If you would like
20 to continue to question Senator Ramos -- who to
21 be honest is the originator of the original bill,
22 so she may have more answers for you, but I'm
23 happy to do my best. Whichever you wish.

24 SENATOR RAMOS: (Inaudible.)

25 SENATOR O'MARA: Madam President,

1 would Senator Krueger continue to yield.

2 ACTING PRESIDENT PERSAUD: Senator
3 Krueger, do you yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: Senator
6 Krueger yields.

7 SENATOR O'MARA: I was moving on
8 from the income tax increases to -- to the
9 corporate business taxes that are being increased
10 in this revenue bill pursuant to Part HHH, which
11 purports to raise \$750 million in new corporate
12 franchise taxes in the next fiscal year.

13 Can you outline for us the corporate
14 franchise increase, who it applies to, and
15 exactly what the rates are going to be?

16 SENATOR KRUEGER: Businesses with
17 net business income of 5 million or more will see
18 their tax rate go up from 6.5 percent to
19 7.25 percent. Then businesses -- (pause).

20 The proposal also reintroduces the
21 capital base test, the corporate franchise tax
22 instituting a rate of 0.1875 percent, but
23 cooperative housing corporations would be exempt
24 from that category. So it doesn't apply to them.
25 Sorry, co-ops and small businesses will not face

1 the capital base test.

2 SENATOR O'MARA: If the Senator
3 would continue to yield.

4 ACTING PRESIDENT PERSAUD: Senator
5 Krueger, do you yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: Senator
8 Krueger yields.

9 SENATOR O'MARA: What is the
10 definition of small business in this capital base
11 test?

12 SENATOR KRUEGER: So it's a
13 three-part test: Income of less than 390,000 a
14 year, business income; less than a hundred
15 workers; and less than a million dollars in
16 additional capital in a given year.

17 SENATOR O'MARA: Thank you,
18 Senator.

19 Will Senator Krueger continue to
20 yield.

21 ACTING PRESIDENT PERSAUD: Senator
22 Krueger, do you yield?

23 SENATOR KRUEGER: I shall.

24 ACTING PRESIDENT PERSAUD: Senator
25 Krueger yields.

1 SENATOR O'MARA: Since it's
2 estimated that this -- this tax -- this tax
3 that's being set up in Part HHH will provide an
4 increase in revenue of \$750 million. Of that
5 \$750 million, which -- how much is related to the
6 capital base test and how much to the increase in
7 the franchise rate from 6.5 to 7.25?

8 SENATOR KRUEGER: We don't have a
9 number for you, I'm sorry. But we assume the
10 vast majority is the percentage increase.

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

14 SENATOR KRUEGER: Yes, I will.

15 ACTING PRESIDENT PERSAUD: Senator
16 Krueger yields.

17 SENATOR O'MARA: So we're
18 implementing this capital base test, yet have no
19 forecast on what types of revenue is going to be
20 generated from that?

21 SENATOR KRUEGER: So it's part of
22 the same package on the same businesses. And to
23 be quite honest, when we were looking at this we
24 weren't necessarily aware of the interconnection
25 of the corporate base tax, so that we built that

1 in as well, to make sure that we were being
2 consistent with how we approached our corporate
3 franchise tax in New York State.

4 Then we realized, after our first
5 run at it, that we hadn't intended to hit
6 corporate housing or small businesses, so we
7 worked backwards and removed that. So it sort of
8 ends up being a package in tax policy.

9 SENATOR O'MARA: Will Senator
10 Krueger continue to yield.

11 ACTING PRESIDENT PERSAUD: Senator
12 Krueger, do you yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT PERSAUD: Senator
15 Krueger yields.

16 SENATOR O'MARA: Prior to this
17 increase, under current law, the Citizens Budget
18 Commission reported in June of 2020 that New York
19 State businesses pay the highest corporate
20 franchise taxes in the country.

21 How is it wise at this point of
22 economic turmoil due to the pandemic, how is it
23 wise for us in New York to increase taxes that
24 are already the highest in the country on
25 corporations?

1 SENATOR KRUEGER: So I didn't read
2 the CBC report, so I'll just take it at face
3 value that New York may have the highest.

4 But interestingly, prior to that
5 report the Trump administration reduced corporate
6 franchise taxes on businesses in the United
7 States by something like 13 to 20 percent. So
8 we're doing a less than 1 percent increase where
9 these same companies saw a dramatic decrease in
10 their corporate franchise taxes.

11 And these are not the businesses
12 that are in trouble. We're trying to make sure
13 that we are applying it to non-small businesses
14 who -- many of whom are doing extremely well in
15 today's economy.

16 SENATOR O'MARA: Thank you.

17 Through you, Madam President, will
18 the sponsor continue to yield.

19 ACTING PRESIDENT PERSAUD: Senator
20 Krueger, do you yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT PERSAUD: Senator
23 Krueger yields.

24 SENATOR O'MARA: Does that
25 corporate franchise tax increase apply to

1 manufacturing entities?

2 SENATOR KRUEGER: No.

3 I also just want to clarify, if I
4 might. If you -- the corporate franchise tax is
5 based on making your money off of New Yorkers,
6 not whether or not you're here in New York. So
7 that this is not a situation where somebody would
8 pick up and leave New York State, because they
9 would still owe the tax.

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

13 ACTING PRESIDENT PERSAUD: Senator
14 Krueger, do you yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT PERSAUD: Senator
17 Krueger yields.

18 SENATOR O'MARA: I asked about
19 manufacturers in particular because several years
20 ago we eliminated the corporate franchise tax for
21 manufacturers. And that really only ended up
22 applying to larger corporations and did not apply
23 to so-called pass-through entities that were
24 manufacturers, such as C-corps -- or, I mean,
25 S-corps and LLCs, partnerships and the like.

1 And we continued discussions on how
2 to make up for those entities because they got
3 passed by because of their pass-through income,
4 and we never did anything for them. Are we doing
5 anything in this budget to help those
6 manufacturers that make up about 75 percent of
7 manufacturers in the state?

8 SENATOR KRUEGER: I am told happily
9 yes, that in Part C we allow a new option with
10 pass-through for many of these types of
11 corporations that will allow them to change their
12 structure and significantly reduce the federal
13 taxes that they owe.

14 SENATOR O'MARA: Will the sponsor
15 continue to yield.

16 ACTING PRESIDENT PERSAUD: Senator
17 Krueger, do you yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT PERSAUD: Senator
20 Krueger yields.

21 SENATOR O'MARA: Just to clarify,
22 it will reduce the federal taxes they owe? What
23 about the state taxes they owe?

24 SENATOR KRUEGER: The state taxes
25 stay the same. But they would be able to

1 overcome some of the increased taxes they face
2 because of the SALT policies that went into
3 effect.

4 And so when you're a business and
5 you're looking at your total tax bill, I'm not
6 totally sure that you care which of it is the
7 state versus which is the federal, as long as
8 it's reducing for you.

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

12 ACTING PRESIDENT PERSAUD: Senator
13 Krueger, do you yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT PERSAUD: Senator
16 Krueger yields.

17 SENATOR O'MARA: Since you've taken
18 this action in light of SALT, certainly
19 doesn't -- and the SALT had arguably the biggest
20 impact on the wealthy in costing them in federal
21 taxes, how is it wise to be now increasing the
22 personal income taxes on those same wealthy that
23 have the double whammy of the SALT issue?

24 SENATOR KRUEGER: So SALT per se
25 wasn't particularly relevant for people at the

1 very high end of wealth, because they were doing
2 alternative taxes or it didn't translate into a
3 significant impact on their overall taxes.

4 The fact that we are increasing
5 taxes on the highest earners, again, doesn't
6 necessarily mean that they're going to see a
7 significant tax increase, because they too
8 received significant reductions in taxes through
9 the federal Trump tax policy changes of 2018.

10 So the federal government reduced
11 taxes for the wealthy even as they were doing
12 SALT, so it didn't translate into a net negative
13 for wealthy New Yorkers. We are doing a slight
14 bump in their PIT which, yes, means a little more
15 tax from these families. But, with all due
16 respect, not particularly significant given the
17 amount of money that they are earning or have.

18 SENATOR O'MARA: Thank you,
19 Senator Krueger.

20 Would the Senator continue to yield,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: Senator
23 Krueger, will --

24 SENATOR KRUEGER: Yes, I will.

25 ACTING PRESIDENT PERSAUD: Senator

1 Krueger yields.

2 SENATOR O'MARA: First of all, the
3 alternative minimum tax really has no impact on
4 earners over \$10 million. Secondly, I have a
5 Brookings report here that indicates that
6 removing the SALT cap would be a massive tax cut
7 for the rich, that 57 percent of the SALT impact
8 affects the top 1 percent of all taxpayers in
9 New York.

10 (Pause.)

11 SENATOR KRUEGER: I'm sorry, was
12 there a question that I left you hanging on?

13 SENATOR O'MARA: Your argument that
14 the SALT didn't impact the highest of earners is
15 disputed by the Brookings report.

16 And so that will be, again, a much
17 more significant impact to the wealthy. And I am
18 not -- I'm not crying for the income tax impact
19 to these wealthy individuals, because certainly I
20 am not one and I'm not sure how many are even in
21 the Senate district that I represent, maybe a
22 handful of them.

23 My concern is with these wealthy
24 individuals fleeing New York State, which is a
25 concern over increased taxes. What is the

1 Majority's concern or lack thereof with these
2 increased taxes and running more wealthy
3 individuals out of New York that provide a
4 substantial portion of our overall revenues
5 generated in the state through income taxes?

6 SENATOR KRUEGER: So even though
7 there's tax brackets that go up above
8 \$10 million, the vast majority of taxpayers will
9 actually be in the 2 to 5 million range.

10 So the fact that SALT is -- or the
11 loss of SALT has had a real impact on people with
12 revenue -- with taxes -- excuse me. That's what
13 happens when you try to talk at 12:30 in the
14 night.

15 Even though, as you point out, the
16 impact of SALT is very significant on people with
17 10 million or more in income -- I believe that's
18 what you just told me -- that's not that many
19 people who will be impacted by our tax change.
20 The tax change definitely has a larger impact --
21 total number of households -- on people below the
22 10 million mark, between 2 million and 10.

23 So the SALT impact is only on a
24 relatively small number of the total number of
25 households that will be impacted by this, which I

1 believe is a total of 50,000 households in the
2 state who will be impacted.

3 As far as their behavior of -- would
4 this be something that would make them decide to
5 leave, the research shows that over history, no,
6 marginal increases of 1 or 2 percent on PIT does
7 not motivate them to leave.

8 Some of the complexity for New York
9 is, according to the data, about half of these
10 people are already nonresidents. So they're
11 paying New York taxes because they're making
12 their money here, but they're not residents of
13 New York. So the decision is not necessarily
14 would they pick up and leave.

15 Would they literally stop doing
16 everything that they do in New York to make them
17 this kind of money because we increased their
18 marginal tax rate by 1 or 2 percent? And I think
19 there the research is pretty clear that this
20 would not be enough of a change in income to
21 motivate people to pick up and stop doing
22 everything that they do here, all their business,
23 stop doing their business here. They made their
24 wealth here, and they would give it all up and
25 start somewhere new for a marginal tax increase

1 with a sunset date? Again, research shows that
2 is not what motivates wealthier people to pick up
3 and leave.

4 Would we lose some? I think yes.
5 But the interesting research is we are producing
6 millionaires and billionaires faster in New York
7 than we lose them. I'm not suggesting there's a
8 correlation between if you have high taxes, you
9 get even more wealthy people. But I do think
10 there's a correlation that this is the State of
11 New York and for most of these people, their home
12 is in the New York City area. And they come here
13 to make their wealth, and then they get addicted
14 to the glories of New York State and they can't
15 imagine wanting to live anywhere else, certainly
16 not full-time.

17 And yes, it's been a bad year with
18 the pandemic, I'm the first to admit it. But
19 none of those fundamentals have changed, and so
20 we're already seeing them returning. We're
21 already watching more residential sales
22 happening.

23 And so I think people come to
24 New York and stay in New York because we have an
25 infrastructure that will support the businesses

1 that they need and want to have, that we have an
2 educated workforce for them, that we have the
3 beauties and advantages of New York State, one of
4 the only states in the country at this point
5 which isn't suffering fire, flooding, water
6 crises.

7 I mean, we have a lot of really
8 important natural resources in our favor heading
9 into the next millennium. And that they balance
10 all that, and they say a couple dollars more off
11 my taxes -- or a couple dollars more of paying
12 tax, and that isn't their decision-making.

13 So I'm not that concerned that we
14 lose our tax base. I am concerned that we don't
15 have the infrastructure and services for the
16 people of the state, and this is a way to help us
17 accomplish that.

18 SENATOR O'MARA: Through you,
19 Madam President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT PERSAUD: Senator
22 Krueger, do you yield?

23 SENATOR KRUEGER: Yes, of course.

24 ACTING PRESIDENT PERSAUD: Senator
25 Krueger yields.

1 SENATOR O'MARA: I certainly agree
2 with you with all of the positives and
3 attractiveness of New York State.

4 However, making it less attractive
5 to the wealthy, who could easily spend one day
6 less than six months of the year in New York and
7 one day more than six months of the year
8 elsewhere, to avoid this increased tax
9 liability -- the concern of the loss of those
10 revenue generators could be catastrophic to
11 New York State, particularly with what could be
12 substantial impact to the financial industry,
13 which creates over 20 percent of our overall
14 state revenues. And the risk of running them out
15 of the state is a significant risk that we keep
16 pushing, or your side of the aisle keeps pushing
17 more, more, more.

18 And that we're raising, in this
19 budget, billions of dollars in new taxes at the
20 same time receiving a windfall of nearly
21 \$13 billion of federal coronavirus money, seems
22 very shortsighted when we're trying to rebuild
23 our economy.

24 Do you not think, Senator Krueger,
25 that our economy would rebound faster with not

1 increasing taxes, with allowing job creators,
2 business owners to do what they do and invest and
3 create jobs and we could build revenue in the
4 state that way as well?

5 SENATOR KRUEGER: There's lots of
6 different economic theories of what results in
7 what. I believe you were just describing we'd be
8 better off sticking with a trickle-down theory of
9 economics: Don't tax people to cover the costs
10 of programs that you know are needed, and let the
11 wealthy entrepreneurs make as much money as they
12 can and then the economy will trickle down to
13 others.

14 The problem is that theory has been
15 disputed and debunked, I think since Ronald
16 Reagan. Because raising money for yourself
17 doesn't mean you do create jobs. It doesn't mean
18 you reinvest in activities that create jobs. It
19 doesn't mean that you get economic outcomes for
20 other people. Ironically, the excluded worker
21 program is much more likely to have an immediate
22 economic-generator effect in our local economy
23 than someone making billions of dollars deciding
24 to do offshore investing.

25 And so I'm not at all convinced that

1 having taxes that allow you to provide
2 infrastructure, good education, save healthcare,
3 clean water, clean air, aren't far more important
4 for creating a sustainable economy with jobs and
5 job growth. And I certainly don't think telling
6 50,000 people, You hold on to that extra money
7 and that we're counting on you to be our stimulus
8 and to create our jobs -- because I'm telling
9 you, if you read the research, that's not what
10 has ever been a successful outcome of
11 trickle-down theory.

12 SENATOR O'MARA: Thank you,
13 Senator.

14 Madam President, if the Senator will
15 continue to yield.

16 ACTING PRESIDENT PERSAUD: Senator
17 Krueger, do you yield?

18 SENATOR KRUEGER: Yes, I will,
19 Madam President.

20 ACTING PRESIDENT PERSAUD: Senator
21 Krueger yields.

22 SENATOR O'MARA: I would think it a
23 far stretch for us here in this Legislature to in
24 any way intimate that we have a trickle-down
25 economy here in New York State, with the highest

1 tax burden of all but one other state in the
2 country when you combine income taxes, property
3 taxes, sales taxes, everywhere-you-turn-around
4 taxes in this state, and we continue to burden
5 them with this budget and the increase in taxes
6 that are here.

7 But I will move on from the tax
8 issue in the interests of the hour and covering
9 more topics here. Part KKK, an early retirement
10 incentive. The -- everybody scatters.

11 (Laughter.)

12 SENATOR O'MARA: Oh, I mentioned
13 KKK. I didn't even think about that.

14 (Laughter.)

15 SENATOR O'MARA: Okay. All right.
16 Let's rename that section. It's like the 13th
17 floor.

18 SENATOR KRUEGER: We weren't
19 thinking about it either, Tom. Thanks for
20 sharing.

21 (Laughter.)

22 SENATOR O'MARA: The early
23 retirement incentive that's in here --

24 SENATOR KRUEGER: Yes.

25 SENATOR O'MARA: -- is much more

1 narrow than what the one-house budgets had had in
2 them. And in fact, the early retirement
3 incentive that's being authorized in this final
4 budget applies only to employees of the City of
5 New York.

6 What happened to the rest of the
7 employees in the State of New York?

8 SENATOR KRUEGER: So first, we're
9 allowing it for the City of New York because they
10 have their own system. It is different than the
11 rest of the state's. They had already made an
12 agreement with the unions in the City of New York
13 and set up a plan, and everybody said this is
14 what we need to do and we have the resources to
15 do it and we believe it's a win/win. It's not
16 costing the state money. So we're basically just
17 saying, Okay, you wanted to do this for
18 yourselves, and we're allowing you to do it.

19 Some parts of the state have also
20 said they are interested in it. And we said,
21 all right, have you set this up for yourself in
22 the following ways, do you have the resources to
23 do it, have you come to agreements with your
24 unions? And the answer was all over the place,
25 depending on who you talked to -- whether they

1 were interested at all, whether they thought it
2 was a terrible idea, whether they thought it was
3 a good idea.

4 And so we simply concluded that
5 there wasn't really a justification or a way to
6 give them this equivalent at this time. And
7 we're not sure that they were asking for the
8 equivalent. But let me just double-check what I
9 forgot to tell you.

10 So the city's budget is balanced on
11 the labor savings, and that's what's been
12 planned. The state's is not. So it's not almost
13 a necessity for the state nor something that was
14 asked for by the state. Some unions are more
15 interested in it than others. And then we got
16 into localities and learned that the stories
17 could be radically different from city to city,
18 county to county.

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

21 If the Senator will continue to
22 yield.

23 ACTING PRESIDENT PERSAUD: Senator
24 Krueger, do you yield?

25 SENATOR KRUEGER: I'm going to do

1 my best, Madam President.

2 ACTING PRESIDENT PERSAUD: Senator
3 Krueger yields.

4 SENATOR O'MARA: So it was
5 important enough to have in the one-house budget
6 but didn't make it through the final factor here.
7 Who was most opposed to the statewide early
8 retirement incentive? Was it the Executive, or
9 was it one or the other or both branches of the
10 Legislature? Because it seems to me that from
11 your description, the public employees unions of
12 New York City carried the day but the public
13 employees unions for the rest of the workers in
14 the state did not.

15 SENATOR KRUEGER: It wasn't an
16 either/or. Because the public employees unions
17 in the city had been in discussions with city
18 government for an extended period of time and
19 basically had already made their agreement and
20 were coming to us so that we could say okay and
21 check the box.

22 At the time, when we were exploring
23 the one-house budget bills, some of us assumed
24 everybody else in the state would want the same
25 options available. But we hadn't gone and

1 checked, to be quite honest, we just assumed
2 everybody will want something like this.

3 So it went into the one-house, and
4 then people started saying, here's why this would
5 be a huge problem over here where we are. Here's
6 why we're not sure it's the best idea as a union,
7 over here where we are. So we started hearing
8 very different stories coming from different
9 parts of the state.

10 So I don't know if there's an answer
11 to who was most or least interested in it. I
12 don't think the Governor had ever proposed a
13 statewide, so I can't say he was. But I'm not
14 sure he was sitting around discussing saying no
15 either. It just wasn't a scenario at the state
16 level.

17 So because the state has a hiring
18 freeze, the state unions were not necessarily so
19 interested in this storyline. Which is a
20 different situation than the city.

21 So we really were -- in doing our
22 due diligence, once we opened up the Pandora's
23 box of maybe everybody wants this, we learned
24 that's not necessarily true, and it can be very
25 different stories.

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

4 ACTING PRESIDENT PERSAUD: Senator
5 Krueger, do you yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT PERSAUD: Senator
8 Krueger yields.

9 SENATOR O'MARA: On that last
10 point, I certainly think that that could have
11 easily been worked around, since one of the
12 advantages of an early retirement incentive is to
13 get rid of those that are longer in the tooth and
14 higher on the salary range and replaced with
15 newer, younger employees in the lower salary
16 scale. So that state hiring freeze certainly
17 could have been manipulated to take that into
18 account, I would think.

19 Why couldn't that have been adjusted
20 in the process?

21 SENATOR KRUEGER: Apparently you
22 don't see any savings in a government
23 union-structured workforce, even if you're hiring
24 at Tier 6, the newest tier, because the money
25 savings is only 30 years from now when they

1 retire, not now. And if you do have a hiring
2 freeze, both you as an agency are saying, oh,
3 people are retiring, but I can't replace them.
4 And even you as a union are saying, oh, people
5 are retiring, but I can't get new union workers.

6 So again, it's not always as obvious
7 as it appears.

8 SENATOR O'MARA: Thank you.

9 One final topic here for this
10 section of the budget, Part X, deals with an
11 issue that we certainly feel is unfair for local
12 governments and is removing local control. And
13 Part X is establishing a standardized real
14 property tax assessment for solar, wind and farm
15 waste infrastructures.

16 Why is it necessary or why are we
17 endeavoring into the area of local property
18 assessment and taxation where we don't do it in
19 any other areas?

20 SENATOR KRUEGER: I believe that
21 the answer -- oh, look, someone who will know for
22 sure instead of you just letting me guess. So
23 I'm going to test my answer against his.

24 He liked my answer, so I'll give it
25 to you. One, we actually need a mechanism that

1 will help us go forward with the sitings of
2 renewable energy options. We need it because the
3 world is crying out for alternative, green
4 energy.

5 And two, because these often end up
6 being fairly complicated negotiations, the local
7 property tax assessors and the local entity of
8 government get themselves in extended debate
9 about even being sure how to do it and what's
10 fair and reasonable.

11 So I actually think the state coming
12 along and saying, Here, we can set up standards
13 for you, we can show you how you can get this
14 done successfully, is a win/win both for the
15 localities wanting to make sure that they are
16 getting a fair shake on the property tax
17 realities and the State of New York, who has a
18 mega-incentive to want to move forward with green
19 energy projects.

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

23 ACTING PRESIDENT PERSAUD: Senator
24 Krueger, do you yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT PERSAUD: Senator
2 Krueger yields.

3 SENATOR O'MARA: I certainly
4 disagree with that analysis on this, and I
5 believe and members on this side of the aisle
6 believe that this is a significant intrusion into
7 local control, that these issues have always been
8 left up to local governments on assessing real
9 property. That in my experience, both in my
10 profession as an attorney and dealing with local
11 governments throughout my district, industrial
12 development agencies have been very effective in
13 handling PILOT agreements for these types of
14 projects.

15 And there is a variable that I
16 believe we're trying to get around with this
17 legislation, and that is some communities simply
18 don't want these large-scale wind and solar
19 facilities in their communities. They feel that
20 they're a blight on their viewscapes that they
21 have, which is part of the beauty of upstate
22 New York.

23 And by standardizing these
24 agreements, that's one less thing the community
25 has in their ability to effectively negotiate and

1 deal with these projects. Aside from the fact
2 that just the State of New York wants them,
3 therefore we're going to ram them in the
4 communities whether they want them or not, is not
5 fair to us in rural communities in upstate
6 New York.

7 So what is your response to the
8 concerns of those communities that want more
9 control, that want more ability to negotiate size
10 and placement of these facilities, and this is
11 taking away part of that negotiating ability?

12 SENATOR KRUEGER: So it was not my
13 understanding that we are removing all the tools
14 a community has to object to a specific siting.
15 This is simply on the resolution of the property
16 tax arrangements and/or PILOTs.

17 And I have to tell you, New York
18 State is frequently referenced as a poster child
19 for how not to set up property taxes. We have
20 more assessing units than states -- I'm trying to
21 think. We have over a thousand assessing units
22 in New York State. California has 60.

23 So we have made ourselves into this
24 just crossword puzzle of endless small assessing
25 units, assessors. We have these economic

1 development corporations that don't necessarily
2 account to anyone. We have confusing PILOT deals
3 that sometimes don't pay. I think that this
4 actually cries out for some standardization. But
5 I don't think it means that communities lose all
6 say over the location of these projects.

7 SENATOR O'MARA: Thank you,
8 Senator. That's all I have.

9 SENATOR KRUEGER: You're welcome.

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator.

12 Senator Palumbo.

13 SENATOR PALUMBO: Thank you,
14 Madam President. Would the chairwoman yield for
15 a few quick questions, please.

16 ACTING PRESIDENT PERSAUD: Senator
17 Krueger, do you yield?

18 SENATOR KRUEGER: Can I ask whether
19 you mind if I sit while you ask the questions?

20 SENATOR PALUMBO: I certainly have
21 no objection to that. Thank you.

22 SENATOR KRUEGER: Okay, I
23 appreciate that. Because it's now 1 a.m., and
24 Senator O'Mara wore me out a little bit.

25 SENATOR PALUMBO: Yes, certainly.

1 And I'll try to be brief, in light of the hour.
2 And thank you. And, Madam Chair, would you yield
3 for a few questions?

4 SENATOR KRUEGER: I am happy to
5 answer questions.

6 ACTING PRESIDENT PERSAUD: Senator
7 Krueger yields.

8 SENATOR PALUMBO: Standing, sitting
9 or otherwise. That's certainly great. Thank
10 you.

11 And I'd like to ask a few questions,
12 if I may, on Part BBB, as in "boy," regarding the
13 Professional Policing Act of 2021. And this
14 creates a council, just to give some -- as a
15 reminder, so I can preface my question -- that
16 requires essentially almost all law enforcement
17 agencies in New York State to have a certified
18 hiring practice through an accreditation council.
19 Is that accurate? Does that refresh your
20 recollection?

21 SENATOR KRUEGER: Yes, I am being
22 told you're correct.

23 SENATOR PALUMBO: Would the Senator
24 still yield, please.

25 ACTING PRESIDENT PERSAUD: Senator

1 Krueger, do you yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT PERSAUD: Senator
4 Krueger yields.

5 SENATOR PALUMBO: Thank you,
6 Senator Krueger.

7 And that particular council then,
8 ultimately, in the next few years -- or those
9 law enforcement agencies, and it's almost all of
10 them, with just limited exceptions, I believe the
11 State Police special investigators and some
12 agencies, but virtually all the little village
13 departments, towns, statewide, will have to
14 certify their police officers in the next few
15 years. Is that also accurate?

16 SENATOR KRUEGER: So we're
17 establishing certification for departments, not
18 for individual officers. So that if you're -- it
19 will review your hiring practices for new
20 officers, right, who will have to then meet the
21 new standards. But it is not requiring going
22 retroactively back to your existing police
23 officers and requiring new certifications or
24 standards for them.

25 SENATOR PALUMBO: Will the Senator

1 continue to yield, please.

2 ACTING PRESIDENT PERSAUD: Senator
3 Krueger, do you yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT PERSAUD: Senator
6 Krueger yields.

7 SENATOR PALUMBO: So then just so
8 I'm clear, then, Senator Krueger, it would be
9 essentially for all prospective employees, and
10 they would have to ultimately hire in accordance
11 with those practices once they're certified. Is
12 that accurate?

13 SENATOR KRUEGER: Yes, that would
14 be correct.

15 SENATOR PALUMBO: And in the
16 event -- will the sponsor continue to yield?

17 ACTING PRESIDENT PERSAUD: Senator
18 Krueger, do you yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT PERSAUD: Senator
21 Krueger yields.

22 SENATOR PALUMBO: Thank you,
23 Senator.

24 And in the event that those
25 departments -- say, a small village department is

1 not accredited in time, what's the sanction? Are
2 they prohibited from hiring any further? Do they
3 lose some sort of ability to even operate? Would
4 you please explain that to me?

5 SENATOR KRUEGER: If the police
6 agency loses its certification, then the
7 individual police officers who were working for
8 them are no longer technically defined as police
9 officers because they're not working for an
10 agency that is a police agency.

11 SENATOR PALUMBO: Would the Senator
12 continue to yield.

13 ACTING PRESIDENT PERSAUD:
14 Senator Krueger, do you yield?

15 SENATOR KRUEGER: Yes, I will.

16 ACTING PRESIDENT PERSAUD: Senator
17 Krueger yields.

18 SENATOR PALUMBO: And the way I
19 read this, Senator -- and please, again, correct
20 me if I'm wrong -- that ultimately individual
21 police officers would be certified police
22 officers and then this council could subsequently
23 remove that certification based upon an
24 investigation or a complaint, on their own
25 initiative or otherwise, concerning allegations

1 of corruption, fraud, use of excessive force,
2 criminal activity, conflicts of interest, or
3 abuse by any police officer. Is that accurate?

4 SENATOR KRUEGER: So we believe it
5 is simply a clarification of existing law, where
6 they do go through training and are certified.

7 And it is clear that if they are
8 found guilty of any of the items you just listed
9 out, that would not be activities becoming of a
10 police officer, that they absolutely could lose
11 their job or their certification over that.

12 So we don't think it's new in law,
13 but rather a clarification in a different
14 section.

15 SENATOR PALUMBO: Would
16 Senator Krueger continue to yield for another
17 question, please.

18 ACTING PRESIDENT PERSAUD: Senator
19 Krueger, do you yield?

20 SENATOR KRUEGER: Yes, I will.

21 ACTING PRESIDENT PERSAUD: Senator
22 Krueger yields.

23 SENATOR PALUMBO: And thank you,
24 Senator. I do appreciate that. And the wrinkle
25 is this -- and this is the concerns that I've

1 been hearing from some law enforcement agencies,
2 is that this council is allowed to receive and
3 investigate complaints and then take some action.

4 So the concerns were -- and just
5 previously during some discussion you indicated
6 that, regarding the early retirement, you spoke
7 to some unions and stakeholders regarding their
8 positions. I guess I have two questions, and if
9 you'd like, I'd certainly break them up.

10 One, were any law enforcement
11 unions -- was any of this discussed with any
12 law enforcement unions, this particular council,
13 in the creation of this bill? And secondly, in
14 that regard, are there any concerns that you may
15 have regarding due process? Because there
16 already are processes in place with regard to
17 police misconduct.

18 SENATOR KRUEGER: So we do believe
19 that the review process was built into this new
20 model in a number of ways and places. And
21 probably I could just refer you to our staff to
22 go over that, because that's fairly complex.

23 But as far as talking to individual
24 police unions, I confess that that was not a role
25 for me. I think that some did notify us of

1 concerns. And probably at 1:00 in the morning I
2 can't check with chairs of the relevant
3 committees or even members of the relevant
4 committees. And I am not a member of those
5 committees.

6 SENATOR PALUMBO: Will the Senator
7 continue to yield, please.

8 ACTING PRESIDENT PERSAUD: Senator
9 Krueger, do you yield?

10 SENATOR KRUEGER: I will.

11 ACTING PRESIDENT PERSAUD: Senator
12 Krueger yields.

13 SENATOR PALUMBO: Thank you,
14 Senator. And I do appreciate that.

15 I think the only wrinkle is, though,
16 that this is going to become law in just a few
17 hours. And again, those concerns are that
18 obviously there are -- the administrative body --
19 and again, this is just really a process issue.
20 If someone's acting inappropriately in
21 law enforcement, they need to be removed. We all
22 get that. And everyone agrees, and particularly
23 police officers agree with that.

24 But my point is that this particular
25 commission looks a lot like the Office for

1 Prosecutorial Misconduct that we had a few years
2 back that ultimately was subject to a lawsuit and
3 as a result of that lawsuit, it was declared
4 unconstitutional.

5 And now we have collective
6 bargaining agreements, we have certain -- for
7 example, in the New York City Police Department,
8 the Civilian Complaint Review Board, that is an
9 outside agency that investigates these types of
10 claims that this commission would also -- or
11 council would also investigate, and then
12 subsequently there's administrative action. And
13 all of that is done by way of civil service
14 issues and so forth.

15 So my question is -- and I know that
16 we may not have real specifics, and I know that
17 this may not have been discussed with these
18 relevant agencies. But are there any concerns
19 that a council such as this would ultimately be
20 unconstitutional with respect to investigating
21 officer misconduct and, in the event that there
22 are -- if it ultimately becomes law, which we
23 believe it will, and there is -- this council is
24 created and they ultimately take, upon even their
25 own initiative or otherwise, they seek to remove

1 the certification of a police officer, which
2 would otherwise essentially remove them from
3 duty?

4 SENATOR KRUEGER: So I just got a
5 clarification which I think is very important to
6 understand.

7 The role of this commission is not
8 to investigate police officers on the job who are
9 accused of something, it is only to do follow-up
10 for police who have already left their job,
11 perhaps under what's termed a dark cloud, and to
12 make sure that there is full detail of exactly
13 why they chose to leave or were asked to leave,
14 so that the state register of these cases can
15 make sure that you don't become a police officer
16 in another location without people knowing that
17 this is why you were no longer a police officer
18 over there.

19 So you talked about the equivalent
20 of a district attorney facing accusations of
21 being -- you know, of violations. I think it's
22 more parallel to the system we have set up for
23 some other professionals, doctors and nurses and
24 doctor's practitioners, where they go in and
25 determine were they accused of something, is it a

1 basis -- did they have their right to practice in
2 that hospital taken away from them, should they
3 actually have their medical license taken away,
4 should there be notice that they should not be
5 hired at other hospitals in the State of
6 New York.

7 Which I think is actually a very
8 valuable, powerful and important tool in making
9 sure that the small number of bad apples in
10 medicine are prevented from moving down the road
11 to the next hospital or town to reopen shop and
12 continue bad practice.

13 And so if there is a storyline --
14 and I'm sure there is, because there's one in
15 every profession -- where there are some bad
16 apples and they have actually been forced out of
17 a specific police community -- I guess department
18 is the right term -- police department, but
19 they're just hoping to move along and nobody
20 should really notice and stop them from getting a
21 job three towns over, I think it's actually an
22 important thing that is very helpful to the
23 police community overall to make sure that in
24 fact the small number of bad-apple officers are
25 not allowed to continue in the field.

1 SENATOR PALUMBO: Thank you,
2 Senator. Would you yield for two quick
3 questions, then I'm done.

4 SENATOR KRUEGER: Certainly.

5 ACTING PRESIDENT PERSAUD: Senator
6 Krueger, do you yield?

7 SENATOR KRUEGER: Yes, I will.

8 ACTING PRESIDENT PERSAUD: Senator
9 Krueger yields.

10 SENATOR PALUMBO: Thank you,
11 Senator.

12 And in that regard, then -- so just
13 so I'm clear, then -- this is more to compile
14 data for the purposes of rehiring a police
15 officer who was removed for cause or misconduct,
16 and this is to create a central registry of those
17 bad apples? Is that really where -- what this is
18 for?

19 SENATOR KRUEGER: Apparently we
20 already have a registry. It's to make sure that
21 it's a complete and detailed analysis so that we
22 have the correct information.

23 SENATOR PALUMBO: Thank you.

24 Would you yield for one more
25 question, please?

1 SENATOR KRUEGER: Certainly.

2 ACTING PRESIDENT PERSAUD: Senator
3 Krueger yields.

4 SENATOR PALUMBO: Thank you,
5 Senator.

6 So with that in mind, then, in light
7 of the fact that we've repealed 50A and that all
8 of police officer personnel files are FOILable
9 and public, what's the need for this particular
10 registry if we have a registry, we now are
11 requiring certification -- and I understand
12 that -- which is already controlled by the
13 training council in general.

14 But what's the purpose for this, and
15 how is this not redundant?

16 SENATOR KRUEGER: So I don't think
17 it's parallel. I don't think your other police
18 departments are going to FOIL the records in
19 order to try to find out about another police
20 officer from a different department applying for
21 a job.

22 This will ensure that in a state
23 with a large number of different police forces, I
24 believe all with the same goals, to uphold the
25 laws of the State of New York, that there's a way

1 to keep track of the bad apples to make sure that
2 you have correct information in that registry,
3 and to protect, frankly, not only the next police
4 department from making the mistake of hiring
5 them, but protect that next community as well.

6 But I don't really see it as
7 parallel or correlated to the 50A situation.

8 SENATOR PALUMBO: Thank you, Madam
9 Chairwoman.

10 On the bill, please, Madam
11 President.

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

14 SENATOR PALUMBO: Thank you, Madam
15 President.

16 And, you know, I certainly
17 understand the intention behind the creation of
18 this, just speaking specifically to this part,
19 the creation of this council, but I think that
20 the way that this section is worded is very
21 troublesome. Because quite frankly, if someone
22 is reapplying, say, that they did lose their job
23 for misconduct or reasons that are otherwise
24 outlined in this section, certainly a new agency
25 is going to do a background check and in fact, if

1 not even obtain the personnel -- the personnel
2 file, as a new employer, they can simply FOIL it.
3 Or someone else would ultimately broadcast that,
4 as we've seen since we've repealed 50A.

5 Generally speaking on this bill, I
6 actually was concerned that we would be looking
7 to tax our way out of the pandemic when we
8 obviously dealt with what we've been dealing with
9 for the past year. And we had a structural
10 deficit of 6 billion prior to the pandemic, and
11 the Governor said, I need \$15 billion -- with a
12 B -- from the federal government, and we'll be
13 just fine. Which also included, which was very
14 artful, the pre-pandemic \$6 billion losses that
15 we were looking at.

16 And then the money rained down from
17 Washington, or I should say rained up:
18 12.6 billion. Our revenue projections were
19 2.5 billion higher than expected. And so the
20 bottom line was we had \$15.1 billion more money
21 than we expected, and we were going to be made
22 whole, as if the pandemic never existed.

23 And I said hallelujah. A high-tax
24 state like New York, my kids are going to be able
25 to stay. And then, my friends, we dropped a

1 money bomb and a tax bomb on the residents of
2 this state.

3 We are losing more people than any
4 other big state in the country. And we drop
5 another \$4 billion in taxes on our small
6 businesses. We hear grumblings from Washington
7 that they want to increase the corporate tax rate
8 to 28 percent. So you add on top of that all of
9 our local taxes and burdens on businesses, why in
10 the name of Pete would I ever invest in a
11 business in New York? And I love this state. I
12 was born and raised here. Of course this is the
13 greatest state on the planet, in my opinion.

14 And we also have the Yankees, which
15 are, quite frankly, the best sports team in the
16 history of professional sports. A story for
17 another day. We can agree to disagree, Senator.
18 I see you over there.

19 But truly, at the end of the day,
20 this is not the time to impose these additional
21 taxes on the residents of this state -- and
22 additional burdens, and additional regulations,
23 and take even more control of our local
24 governments, as pointed out by the ranker on the
25 Finance Committee.

1 So, my friends, this is bad for
2 New York. And unfortunately, I will be a no.
3 And I'd urge my colleagues to rethink this type
4 of government, because we won't be around for
5 much longer if we continue to govern in this
6 fashion.

7 Thank you, Madam President.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

10 Senator Lanza.

11 SENATOR LANZA: Thank you,
12 Madam President.

13 I know the hour is late, and I will
14 be as brief as I can be.

15 I first want to begin by thanking
16 Senator Krueger and Senator O'Mara for the
17 lengthy debate and the analysis and all their
18 work in -- both on the budget, but as important,
19 I believe, in helping to educate the people of
20 New York with respect to what is in the budget.

21 And of course I thank the staff on
22 both sides of the aisle for the hours and hours
23 of work they put into this budget.

24 And of course I thank my colleague,
25 the floor leader, Senator Gianaris.

1 Madam President, I can go line by
2 line and talk about all the things that I do not
3 like in this budget, and I can talk about a few
4 things that I do like and that I think are for
5 good for the people of the State of New York.

6 But I want to sort of take a step
7 back and look at the big picture here and ask the
8 question that I think is the most relevant
9 question that we can ask here in the Senate:
10 What does this budget mean for the people back
11 home? How will their lives change once this
12 becomes enacted? Are the overwhelming majority
13 of New Yorkers' lives going to be better, are
14 they going to be the same, are they going to be
15 worse?

16 As I said, I think there's a lot of
17 good here. But sadly, Madam President, I think
18 the overall impact that this budget will have on
19 the people of the State of New York is to put us
20 off the road and in the wrong direction. Because
21 the bottom line here is that once this is
22 enacted, it is going to cost billions and
23 billions of dollars more to live in New York.

24 You know, we've heard that it's a
25 slight increase there and a small increase there,

1 and it's only going to affect these people over
2 there. But the bottom line and the irrefutable
3 truth is that it costs -- it will cost billions
4 of dollars more to simply live in New York. And
5 I argue, Madam President, that the cost is going
6 to be borne by every New Yorker.

7 You know, we've heard that only a
8 select few are going to pay the price. We know
9 that it doesn't work that way. You know, when
10 you punish the job creators, the job seekers are
11 hurt. When you increase the cost to business to
12 provide goods, to provide services, everyone pays
13 more. I truly believe that this is going to hurt
14 both the people who are successful in New York
15 and the people who are not.

16 We hear a lot about who may be
17 getting money with this budget. And you know, I
18 commend my colleagues on both sides of the aisle.
19 You know, people say a lot of things about
20 politicians and elected officials in terms of
21 what their motives are and why they want to
22 serve. And I know my colleagues here. And I
23 know, irrespective of the way we want to get
24 things done, I know we all want to get the same
25 thing done. I know people serve here because

1 they want to help, they want to do good. And in
2 many respects what happens here on both sides of
3 the aisle is driven by good old-fashioned
4 charity, and that's a very normal motive.

5 But I feel this budget misses the
6 mark. I think about the people who are not
7 getting the relief they need. Again, we hear
8 about who's getting money, where the checks may
9 be going. Whether you're a person who doesn't
10 even live in New York at this moment, you can
11 come to New York tomorrow, play a little
12 razzle-dazzle with some documents, and all of a
13 sudden you get a check.

14 But I want to talk about who is not
15 getting the relief they need. I think about -- I
16 think about that woman back home on Staten Island
17 who's raising a family, has one, maybe two jobs,
18 follows all the rules, works all day long, doing
19 everything she can to provide for her family.
20 Barely making it month to month, paycheck to
21 paycheck. Again, following all the rules, she's
22 a citizen, she works. She's not getting any
23 relief. There's no check for her.

24 I think about the thousands of
25 college students right here in New York -- my

1 children, your children -- who are seeking a
2 better life for themselves, following the rules
3 going to school, studying, sacrificing, taking on
4 a mountain of student debt -- a debt I don't know
5 how they're going to pay. Madam President,
6 there's no check for them. There's no relief for
7 them. In fact, things are no better and probably
8 worse.

9 I think about the alarming uptick in
10 crime in New York. That affects everyone. It
11 affects the rich and the poor and in some
12 respects it affects the poor more than it affects
13 the rich. I don't see anything here in this
14 budget that is going to change and flatten that
15 curve.

16 I think about the human tragedy of
17 homelessness, Madam President. There's -- there
18 is not a member here, Republican or Democrat,
19 that doesn't yearn to do something about that,
20 and I don't see anything happening here.

21 You know, we talk about the
22 disparity between the rich and the poor and the
23 alarming gap between the two and how it's
24 growing. And that is a problem, Madam President.
25 But I don't think the answer is to knock down the

1 people at the top. That doesn't solve the
2 problem for the people at the bottom.

3 I think the solution is to help the
4 people, to provide more opportunity, to enact
5 policies that create more jobs. I think that's
6 the right way to do it. Punishing the successful
7 does not help the people who are less fortunate.

8 This idea -- and no matter what the
9 situation was, Madam President, whether or not
10 there was a budget shortfall of 3 billion,
11 4 billion, 7 billion, we were going to get
12 federal relief, we weren't going to get federal
13 relief. All I heard from my colleagues was that
14 no matter what the situation, we're going to
15 raise taxes.

16 That tells me that raising taxes was
17 not the solution to a problem, but that it was
18 part of a narrative, part of a desire and a goal
19 to punish a class of people that are successful.
20 Not because that money was needed to solve any
21 problems, but simply because it was offensive to
22 some that there are people who are that
23 successful. And so no matter what happened, no
24 matter what we were told, we knew this was going
25 to be the result, a ridiculous increase in taxes.

1 And I just want to touch on one last
2 thing. You know, the biggest issue we've had
3 over the last year, both here in this state and
4 in the country, is this pandemic. I don't see a
5 lot done here with respect to that. There are a
6 lot of studies proposed, Madam President. We do
7 that in this body, and there are certainly a lot
8 of studies proposed in the budget.

9 What about the study to once and for
10 all find out exactly what happened here in
11 New York State? Because no matter what you say,
12 no matter what you think, the facts are right
13 there. We've passed, sadly, 50,000 deaths in the
14 State of New York. And you know the Health
15 Department over here in the State of New York,
16 they want to point their fingers over at Florida
17 and other states. You know, if you had a crystal
18 ball, Madam President, at the beginning of this
19 pandemic, the last state -- if you could look
20 into the future, the last state you would have
21 wanted to live in with your family was here in
22 New York. New York, with all its botched
23 policies and its bully tactics, failed the people
24 of New York in this pandemic. More people died
25 as a percentage of our population than anywhere

1 in America.

2 The Health Department, I would
3 suggest, Madam President, Dr. Zucker, the Health
4 Department of New York City, has a lot of
5 explaining to do to the people of New York. We
6 need those answers. I demand to have those
7 answers, if for only to be able to avoid this
8 sort of thing in the future. I think the budget
9 falls short with respect to helping the people of
10 New York understand why their government failed
11 them so miserably during this pandemic.

12 So, Madam President, when it comes
13 time to vote on this portion of the budget, I'll
14 be voting in the negative.

15 And I thank my colleagues for all
16 their work. I just think this budget, all in
17 all, fails the people of New York. And I believe
18 when we come back here next year and talk about
19 another budget, we're going to have an even
20 taller mountain to climb because we didn't set
21 New York right and put it on the right path
22 toward prosperity and health and safety.

23 Thank you, Madam President.

24 ACTING PRESIDENT PERSAUD: Thank
25 you, Senator.

1 Are there any other Senators wishing
2 to be heard?

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

5 Read the last section.

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

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD:

12 Senator Ramos to explain her vote.

13 SENATOR RAMOS: Yes, thank you,
14 Madam President. I appreciate the opportunity to
15 explain my vote.

16 I'll be honest, I was expecting a
17 little more debate on excluded workers. I was
18 ready. But I -- and so I want to make sure that
19 folks understand exactly what the program is and
20 what we plan to accomplish with it.

21 The fund for excluded workers is a
22 one-time fund in order to help people who have
23 been residing in New York State before March 27th
24 of 2020 and are able to demonstrate not only
25 proof of identity, but proof of loss of income in

1 various ways. Many of these items of proof of
2 income will have to be decided by the
3 Commissioner from the Department of Labor.

4 And we are going to be offering two
5 different tiers, one which is only a third -- the
6 first tier, only a third of the maximum possible
7 award on unemployment insurance, and the second
8 tier being the same amount as stimulus payments
9 made by the federal government.

10 All of this money will be taxed at a
11 rate of 5 percent, similar to unemployment. And
12 this not only recognizes excluded workers' labor,
13 but also their contributions to our tax coffers.
14 In 2019, undocumented New Yorkers paid
15 \$1.4 billion in state taxes, meaning income
16 taxes, property taxes, and sales taxes. And so
17 if that's only one year, you can imagine just how
18 much they've been able to give us.

19 I want to remind my friends from
20 across the aisle that this bill, above anything
21 else, is a real stimulus for our local economies.
22 You know, Madison, Oneida and Onondaga are going
23 to get a \$16 million boost from this fund alone.
24 Twenty-two million is going right here to the
25 Capital Region. Northern and Western New York

1 should receive around 62 million. The Hudson
2 Valley will get \$437 million, approximately. And
3 Long Island will receive approximately
4 \$406 million from this.

5 And I have to say I'm so proud to
6 have worked on this bill, especially with more
7 than 200 organizations across our state,
8 especially Make the Road -- Deb Axt, there,
9 Angeles Solis, and many others who have been
10 organizing.

11 Our -- we've also had 22 -- I'm
12 sorry, we've also had excluded workers who have
13 been on a hunger strike for 22 days in order to
14 highlight the importance of this bill. And I'm
15 very proud of the sacrifice that they've made,
16 because it's really helped us draw attention to
17 the work that Assemblywoman Carmen De La Rosa and
18 I have been trying to do in order to create this
19 fund and circumvent any further economic
20 catastrophe in our communities.

21 I also want to thank before I close,
22 of course, our Majority Leader, our Supermajority
23 Leader, Andrea Stewart-Cousins, who held the line
24 for us and made sure that we delivered for these
25 New Yorkers today. I also want to thank

1 Senator Gianaris and Senator Krueger for always
2 holding the floor down for us.

3 And I especially want to thank my
4 mom. It was my mom's birthday, technically
5 yesterday. And you know, I was born when my
6 mother was undocumented in this country, and I'm
7 proud to say I'm a State Senator today due --
8 because of the sacrifices that she has made for
9 me.

10 Above all, I'm here as a servant not
11 because of charity, I'm here in order to
12 promulgate solidarity in our policy and in our
13 laws, especially our labor laws here in New York
14 State. It is our duty to provide for each other
15 across the table, not top down, waiting, as if
16 someone's existence is dependent on the whims of
17 those who are most affluent. That is not what
18 New York is about.

19 And so I am -- while I am a little
20 disillusioned that we did not raise the amount of
21 revenue that I would have liked -- I believe we
22 should have raised taxes on billionaires, of
23 course, a lot more -- the idea behind this is
24 actually to make it easier for working-class
25 New Yorkers to be able to live in such an

1 expensive state. We all know folks who have had
2 to move to New Jersey, Pennsylvania, Connecticut,
3 to buy a home. We don't want that to be true any
4 longer. We need to do better by putting more
5 money in the pockets of everyday New Yorkers and
6 improving the rights of workers in our state.

7 Thank you, Madam President.

8 ACTING PRESIDENT PERSAUD: Senator
9 Ramos to be recorded in the affirmative.

10 Senator Jordan to explain her vote.

11 SENATOR JORDAN: Madam President, I
12 rise to explain my vote specifically regarding
13 Part EEE, the Excluded Workers Fund.

14 Without question, this measure has
15 quickly become one of the most contentious issues
16 in this year's State Budget, and for good reason.
17 The Majority's Excluded Workers Fund is the
18 latest in a long line of examples of Albany's
19 perpetual fleecing of law-abiding, hardworking
20 taxpayers.

21 In this scheme, the Majority wants
22 to hand out \$2.1 billion of taxpayers' money to
23 illegal immigrants and others. Who says crime
24 doesn't pay? In New York State, crime sure does
25 pay, courtesy of law-abiding, hardworking

1 taxpayers, a/k/a the silent majority -- the
2 decent, honorable men and women who will respect
3 and follow our laws, produce, pay their bills,
4 give back to their communities, play by the rules
5 and do the right thing.

6 Our conference rightly sees these
7 people as the strong, proud backbone of New York
8 State, whereas the Majority apparently sees them
9 as a 24/7 ATM that will pay for this latest
10 redistributionist scheme.

11 We all know the particulars of this
12 proposal. To be eligible for a benefit payment
13 from the Excluded Workers Fund, a person must
14 have suffered a loss of work-related or household
15 earnings due to, among other things, their
16 becoming unemployed or continuing the status of
17 being unemployed; partially unemployed; unable to
18 work; or unavailable to work due to COVID-19 and
19 during the state of emergency declared by
20 Executive Order 202.

21 The benefit amount can be as much as
22 \$15,600. To be eligible, an excluded worker must
23 prove identity and establish residency. The
24 Commissioner of Labor is directed to establish a
25 four-point system in which documents are assigned

1 point values that add up to four. And, oh
2 surprise, a valid New York State driver's
3 license -- which, thanks to the Majority and
4 Governor Cuomo, are now given out to illegal
5 immigrants and are worth four points.

6 And applicants would not be required
7 to prove that they are in the United States
8 lawfully to be eligible for the excluded worker
9 benefit. There's lowering the bar, and then
10 there's burying it. And this buries it.

11 Furthermore, under this measure,
12 records of excluded workers are not public
13 records. This measure would also require that
14 any entity gaining access, by subpoena or
15 warrant, to records of excluded workers certify
16 that they will not be used for civil immigration
17 purposes or disclosed to any agency that
18 primarily enforces immigration law.

19 Illegal immigrants are just that:
20 They're illegal. Each day they're here, they're
21 breaking the law, our nation's laws. They're not
22 supposed to be working, they're breaking the law,
23 and their employers are also breaking the law by
24 paying them under the table.

25 This measure sets up an unemployment

1 fund for those working illegally and for those
2 employers that have never paid into the
3 unemployment insurance fund for them. Think
4 about all we could do and all that we should do
5 with this \$2.1 billion being spent on the fund.
6 Every year veterans' advocates have to beg and
7 plead for Dwyer program funding. So many local
8 governments are not given the funding they so
9 desperately need.

10 This \$2.1 billion could have been
11 spent on programs for veterans, measures to
12 combat and control Lyme disease. We could have
13 used \$2.1 billion to replenish the state's
14 unemployment insurance fund, which I understand
15 we've used 29 years' worth this past year. Small
16 businesses are finding that their rates are being
17 raised by an average of 150 percent. Our small
18 businesses are hurting and need more help. So
19 many have closed or will close their doors
20 forever unless relief gets to them now.

21 ACTING PRESIDENT PERSAUD: Senator
22 Jordan, could you please wrap up? Thank you.

23 SENATOR JORDAN: Okay. Well, there
24 are other ways to spend this money, and state
25 government's addiction to spending has grown and

1 gotten worse.

2 The Majority's Excluded Workers Fund
3 is a carrot to all those coming into our country
4 thanks to our current broken border crisis.
5 New York, we're saying, is open for business. Of
6 course we want to help the people that are
7 hurting, but New York State cannot be Robin Hood
8 to everyone. Albany not only takes from the
9 successful but from the middle-class taxpayers
10 and working poor who pay taxes. And --

11 ACTING PRESIDENT PERSAUD: Senator
12 Jordan, how do you vote?

13 SENATOR JORDAN: -- that's exactly
14 what this Excluded Workers Fund does, and for
15 these reasons I will be voting no on this bill.

16 Thank you, Madam President.

17 ACTING PRESIDENT PERSAUD: Senator
18 Jordan to be recorded in the negative.

19 Senator Addabbo to explain his vote.

20 SENATOR ADDABBO: Thank you,
21 Madam President.

22 First I want to thank my leader,
23 Andrea Stewart-Cousins, Senator Gianaris,
24 Senator Krueger for their work on this budget;
25 our legal counsel, Shontell Smith; the Racing,

1 Gaming and Wagering Committee legal counsel,
2 Chris Higgins; Paul McCarthy; my committee
3 director, Shanna Cassidy; the Finance team for
4 their efforts on this budget.

5 I also want to thank my colleagues,
6 all my colleagues across the aisle, especially my
7 ranker, Senator Jordan. Again, I want to thank
8 them all. Because, again, this is a challenging
9 budget certainly due to what we are experiencing
10 these days with the COVID.

11 But I also want to acknowledge the
12 monumental step that we took, a positive step
13 forward for our state in terms of recognizing --
14 again, groundbreaking efforts in terms of gaming
15 in our state. Whether we talk about mobile
16 sports betting, whether we talk about the initial
17 steps to recognize downstate licenses, or whether
18 we talk about the tax relief that is needed for
19 our gaming sites in our state that, again,
20 support the jobs of so many of our New Yorkers.

21 We are again recognizing this step
22 being taken today with the vote of this budget
23 and this part, and as we take positive steps to
24 recognize the revenue sorely needed by this
25 state, the educational funds that are going to

1 help so many of our children and our students,
2 and of course the jobs that are so sorely needed
3 in this state at this point.

4 And I'd really like to highlight the
5 fact that we are taking, again, great strides in
6 addressing the addiction and problematic gaming
7 issues that plague some of our residents
8 throughout the state.

9 But unfortunately, as this budget
10 ends, to an extent our work begins with these
11 gaming issues, as certain issues have been
12 highlighted, and we all have to now work on
13 addressing these issues. But I look forward to
14 working with all my colleagues in addressing
15 every one of these issues for the benefit of the
16 people of this state.

17 So, Madam President, thank you so
18 much, and I'll be voting aye on this budget.

19 Thank you.

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

22 Senator Rivera to explain his vote.

23 SENATOR RIVERA: Thank you,
24 Madam President.

25 No one is illegal. The word has

1 been spewed on this floor for the last couple of
2 hours in the debate, and it will definitely be
3 spoken of again. But it should be repeated: No
4 one is illegal. These are human beings, these
5 are people, these are workers. They're excluded,
6 and they are essential. Essential because at the
7 height of the pandemic, when many of us were
8 stuck at home receiving our food, not being able
9 to go out, who was delivering that food? Who was
10 picking the vegetables and fruits that we
11 continued to eat during the pandemic? Who got
12 into those trains in my district, packed like
13 sardines even during the height of the pandemic,
14 because they could not afford to not go to work?
15 These essential workers.

16 How many of them got assistance?
17 Madam President, not a single one during the last
18 year. We are making history today, and I feel
19 proud of that.

20 Every single one of us benefits from
21 what these individuals do every single day. They
22 are our neighbors. They are our family members.
23 They are our constituents. And they deserve
24 assistance, and that's what we're doing here
25 today.

1 And I will also briefly,
2 Madam President, speak proudly about what we're
3 doing here today, the first steps that we are
4 taking to making this a more equitable state as
5 it relates to taxation.

6 During, again, the height of the
7 pandemic when many of us were stricken, there
8 were folks who got wealthier every single day,
9 Madam President -- by millions and billions of
10 dollars, people became wealthier while the poor
11 and the working class amongst us suffered every
12 single day.

13 Now we are moving towards a more
14 equitable taxation system. Certainly not as far
15 as some of us "crazies" would like to make it,
16 but certainly far enough -- \$4.5 billion in new
17 revenue that will go towards investing in our
18 systems, investing in infrastructure, investing
19 in education, investing in healthcare. Those are
20 the things that make us strong as a state. Those
21 are the things that give us a better population.
22 Those are the things that will make us better.

23 Madam President, I proudly vote aye
24 on this piece of legislation because we're
25 moving -- making history and moving forward to

1 make sure that this state is better.

2 Thank you, Madam President.

3 ACTING PRESIDENT PERSAUD: Senator
4 Rivera to be recorded in the affirmative.

5 Senator Sepúlveda to explain his
6 vote.

7 SENATOR SEPÚLVEDA: Thank you,
8 Madam President, for allowing me to explain my
9 vote.

10 I rise today to explain how proud I
11 am to be voting in favor of funding for excluded
12 workers. I represent one of the poorest
13 communities in the State of New York. And as a
14 result, I represent some of the most marginalized
15 people that we have in New York State. That
16 includes undocumented immigrants and people that
17 are incarcerated or formerly incarcerated.

18 Undocumented immigrants have been,
19 were, are in the front lines of this pandemonium
20 but were largely excluded from federal relief and
21 were unable to qualify for unemployment benefits
22 due to their immigration status. Excluding them
23 from relief aid was morally wrong, especially
24 since these workers have paid over \$1.4 billion
25 into the unemployment system over recent years.

1 Many of them have children, families to feed,
2 rents to pay.

3 We have about 538,000 active
4 participants in the workforce in the undocumented
5 community. Many of them work in the hospitality
6 and leisure industries that suffered anywhere
7 between 40 and 46 percent unemployment during
8 this pandemic. Many of these undocumented
9 immigrants could no longer feed their families,
10 could no longer pay their rent, did not have
11 access to health insurance, could not provide for
12 their children and their family. And denying
13 them relief was just plain morally wrong.

14 We should always remember the work
15 that they've done. I can tell you that in my
16 district a woman, undocumented, from the Garifuna
17 community was obligated to continue working and
18 ultimately she contracted the virus and passed
19 way. And for over two weeks, her family could
20 not locate her. She was in a morgue, and it took
21 some extraordinary work by my office and the City
22 of New York to locate the body, give her her
23 proper burial, and join her with her family from
24 another country.

25 I hate to think that had she

1 survived, that woman could not have benefited
2 from any relief package, either from the federal
3 or the state, until we passed this piece of
4 legislation.

5 I'm thankful that we're helping the
6 undocumented community, but I'm very disappointed
7 we could not help those formerly incarcerated,
8 because they were not included in this agreement.
9 These individuals now are taxpaying citizens, and
10 we should be doing everything possible to make
11 sure that they have the tools, the skills and the
12 finances so that they don't resort back to a life
13 of crime once they continue living in our
14 society.

15 We have to remember that any relief
16 that they receive, along with the undocumented
17 community, will be pumped back into our economy,
18 will help the State of New York, will help our
19 families, will help us heal and pursue a better
20 life once the pandemic is under control.

21 I'd like to remind everyone here,
22 there isn't a single person in this building that
23 didn't benefit from some of the labor of those
24 that were incarcerated. If you've washed your
25 hands with our hand sanitizers anywhere in the

1 state, these individuals are the ones that
2 bottled it. They felt -- in my conversations
3 they related to me that they felt like they were
4 contributing to the recovery of New York State
5 and to keeping people healthy.

6 And so to deny them relief now is
7 also morally wrong. So I will be working after
8 this to see if we can create any other kind of
9 economic package to help those who were formerly
10 incarcerated because they are still part of our
11 society, of the fabric of our society, and will
12 continue to be taxpaying citizens once this is
13 over.

14 Now I'm proud to be voting in the
15 affirmative. I want to thank our leader, the
16 sponsor, my colleagues. I want to thank
17 Senator Krueger for the wonderful work she's done
18 throughout these days arguing for these packages
19 of bills for our budget. I want to thank all my
20 colleagues, all the staff, for the wonderful work
21 they've done during this very difficult process.

22 I proudly vote in the affirmative.

23 Thank you.

24 ACTING PRESIDENT PERSAUD: Senator
25 Sepúlveda to be recorded in the affirmative.

1 Senator Brisport to explain his
2 vote.

3 SENATOR BRISPORT: Thank you,
4 Madam President.

5 I rise because in one of the
6 wealthiest places in the world, with more
7 billionaires than any other state in the nation,
8 my neighbors are dying from lack of access to
9 basic necessities. This is the single most
10 unequal state in the nation, and it is quite
11 literally killing us.

12 This is the context in which we are
13 facing a budget that raises income taxes on the
14 ultra-rich by a wildly inadequate \$2.75 billion
15 this year. Jeff Bezos earns that much every
16 29 days.

17 We have no better option than this
18 on the table, so I want to sound an alarm about
19 what it took to get even this abysmal amount
20 included in the budget that we now have to pass.
21 A massive coalition of community groups across
22 the state has been speaking out for the past year
23 about the need for an additional 50 billion in
24 revenue. Legislators, including myself,
25 sponsored six budget bills that would secure

1 100 percent of that needed revenue. An
2 extraordinary 90 percent of New Yorkers agree
3 that it is better to tax the rich than cut public
4 services. And we have the privilege of a Senate
5 Majority Leader who has listened to the people
6 and gone to battle for increased taxes on the
7 wealthiest New Yorkers.

8 So let's be clear. What we have all
9 just witnessed is a live demonstration of the
10 undeniable fact that dramatic wealth inequality
11 undermines democracy. This is the best budget we
12 were able to secure simply because it challenges
13 the interests of the ultra-rich, whose wealth
14 affords them undue influence over our government.

15 I am voting yes with my
16 determination to win budget justice renewed by
17 one simple fact: You cannot unring a bell. The
18 groundswell of New Yorkers who have taken up the
19 cause of fighting for a just budget is growing
20 fast. The working-class families across our
21 state who have seen how budget injustice harms
22 them and their loved ones are not going away. We
23 are rising.

24 Thank you.

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator.

2 Senator Brisport to be recorded in
3 the affirmative.

4 Senator Salazar to explain her vote.

5 SENATOR SALAZAR: Thank you,
6 Madam President.

7 I want to associate my comments with
8 Senator Brisport, although I will be brief, since
9 it's 2:00 in the morning.

10 You know, negotiating a \$200 billion
11 State Budget, especially with our state's current
12 Executive, is a struggle against brutal
13 austerity. It's particularly a difficult task in
14 this moment when our state is facing a crisis
15 that is truly unlike anything we had ever seen
16 until this year. And it was the task of our
17 leadership and our conference to not only protect
18 our communities from what would have been
19 devastating cuts, but to demand more. To demand
20 economic justice.

21 As ever, this budget is a deeply
22 flawed piece of legislation. And that is largely
23 a consequence of a process that is fundamentally
24 flawed, a budget process that we have a
25 responsibility to change. But New Yorkers can't

1 afford to wait for us to change our budget
2 process. And they're counting on us to have the
3 courage to reject the opposition's efforts to
4 perpetuate inequality in our state.

5 While the lives of those of us who
6 vote in this chamber will be virtually unchanged
7 tomorrow by the contents of this bill, hundreds
8 of thousands, perhaps millions of New Yorkers
9 will benefit tremendously from this budget. This
10 is why I base my vote for this big and truly ugly
11 bill on the good and urgently needed relief that
12 this budget brings for our people, rather than on
13 what it fails to do.

14 I hope that this budget will mark a
15 first step in our state demonstrating what it
16 looks like to operate with a vision of a
17 abundance instead of a vision of scarcity. That
18 New York will be a place where we not only fight
19 for workers to have bread, but where we fight for
20 roses too. Because our people, the workers who
21 have kept our state running and who have gone
22 without any relief until now, deserve so much
23 more.

24 Madam President, I vote aye.

25 ACTING PRESIDENT PERSAUD: Senator

1 Salazar to be recorded in the affirmative.

2 Senator Jackson to explain his vote.

3 SENATOR JACKSON: Good morning,
4 Madam President and my colleagues. It is
5 morning. I rise regarding this particular bill
6 on revenue.

7 And let me just say education has
8 always been my priority, but the pandemic has
9 shaped my advocacy during budget negotiations,
10 including housing, food insecurity, providing
11 healthcare, and of course mental health. We all
12 witnessed that. I will not accept a
13 belt-tightening rhetoric pitting education
14 against healthcare, excluded workers, small
15 business or housing justice.

16 Today we enact budget justice by
17 asking the state's wealthiest brothers and
18 sisters to pay their fair share to support
19 communities hardest hit by decades of
20 underfunding and the COVID-19 pandemic. But we
21 still have much to do, failing to provide revenue
22 that guarantees ambitious budgets for years to
23 come.

24 We have shown a commitment to
25 immigrants and the invisible workforce by

1 establishing the Excluded Workers Fund, expanding
2 universal pre-K statewide, and reducing cost
3 burdens and addressing copays by 10 percent,
4 while also taking steps to eliminate the TAP gap.
5 We have created legislation like no other in the
6 nation, and we are at the forefront of a
7 future-defining budget.

8 And I want to thank the Senate
9 Majority Leader Andrea Stewart-Cousins,
10 Assemblymember Speaker Carl Heastie, and
11 Governor Cuomo, who came together to ensure
12 revenues go towards people-centered policies.

13 I rise tonight to vote yes for
14 downstate and upstate children getting the
15 funding necessary for a sound, basic education;
16 yes for our excluded workers; yes for
17 environmental justice. More victories await us
18 all. With the leadership of this conference, we
19 will create a brighter future for all
20 New Yorkers.

21 Thank you, Madam President.

22 ACTING PRESIDENT PERSAUD: Senator
23 Jackson to be recorded in the affirmative.

24 Senator Liu to explain his vote.

25 SENATOR LIU: Thank you, Madam

1 President, for this opportunity to explain my
2 vote.

3 I support this bill. It's a package
4 of tax and revenue measures that has long been
5 necessary. We are certainly thankful to our
6 federal colleagues for providing assistance from
7 Washington to help us get out of this COVID
8 pandemic era and the extraordinary expenses and
9 the revenue shortfalls that the State of New York
10 has experienced.

11 But even before the pandemic we
12 already needed to raise revenues to support vital
13 needs in this state, whether it be for healthcare
14 or housing or transportation or, in my opinion
15 most importantly, education. Education funding
16 has been lacking in this state for far too long,
17 for nearly 15 years, when the state courts ruled
18 that we were short-changing the children of this
19 state. Well, finally we are now putting our
20 money where our mouths have been and fully
21 funding the shortfall in school funding that
22 should have been eradicated a long time ago.

23 And look at the taxes that we're
24 raising in this bill -- taxes from people who
25 make among the highest, not only in New York, but

1 in the entire country. People who make a million
2 dollars a year or more. Corporations who do a
3 great business in the State of New York -- and we
4 want them to do so.

5 But the revenues that we're raising,
6 the \$4.3 billion, that is almost exactly
7 identical to the education funding shortfall that
8 we needed to cover. We need to raise these taxes
9 so that we can stop short-changing the
10 schoolchildren of New York.

11 I vote yes on this measure, and I
12 thank you, Madam President.

13 ACTING PRESIDENT PERSAUD: Senator
14 Liu to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 654, those Senators voting in the
18 negative are Senators Akshar, Borrello, Boyle,
19 Brooks, Felder, Gallivan, Gaughran, Griffo,
20 Helming, Jordan, Lanza, Mannion, Martucci,
21 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
22 Ritchie, Serino, Stec, Tedisco, Thomas and Weik.

23 Ayes, 38. Nays, 25.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 There is a substitution at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senate Budget Bill
4 moves to discharge, from the Committee on
5 Finance, Assembly Bill Number 3006C and
6 substitute it for the identical Senate Bill
7 2506C, Third Reading Calendar 653.

8 ACTING PRESIDENT PERSAUD: The
9 substitution is so ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 653, Assembly Print 3006C, Assembly Budget Bill,
13 an act to amend the Education Law.

14 ACTING PRESIDENT PERSAUD: Senator
15 Stec.

16 SENATOR STEC: Thank you,
17 Madam President. Would the sponsor please yield
18 for a couple of questions.

19 ACTING PRESIDENT PERSAUD: Senator
20 Krueger, will you yield?

21 SENATOR KRUEGER: Again, if he does
22 not think me rude if I sit while I answer the
23 questions.

24 SENATOR STEC: Not at all, Senator,
25 that's fine with me.

1 SENATOR KRUEGER: Absolutely.

2 SENATOR STEC: And I thank you for
3 your evening -- your work today.

4 SENATOR KRUEGER: Thank you.

5 ACTING PRESIDENT PERSAUD: Senator
6 Krueger will yield.

7 SENATOR STEC: Thank you very much.

8 Senator Krueger, I'd just like to
9 ask a few questions on the ELFA bill regarding
10 broadband and what we're doing there. As I know
11 you're aware, broadband is an issue all over the
12 state, but it's driven geographically and by
13 population density, and certainly in the
14 North Country it's of great concern for us.

15 So the first couple of questions I
16 want to ask are centered on Part MM regarding the
17 Public Service Commission's work to develop a
18 map, similar to the bill that passed both houses
19 very nearly unanimously, and the Governor
20 pocket-vetoed this past winter.

21 My concerns are that I think his
22 veto message or his veto explanation was that he
23 wanted to do it in the budget and there was a
24 \$3 million-ish cost to it at the time. My
25 understanding is it's approximately -- what we're

1 going to do now is about a million dollars, and
2 my read -- my concern, my read is that the
3 challenge we have in developing a good path
4 forward for getting broadband all the way is how
5 granular we can get the data in a map.

6 And I think -- and my fear is that
7 by doing it for what's going to look like less
8 money, and my read of the bill, is because it's
9 not going to be as granular as perhaps it needed.

10 So Line 29 defines location, which
11 means a geographic area smaller than a census
12 tract. Just -- are you aware of what the typical
13 size of a census tract is or, you know, what the
14 definition of a census tract can be?

15 SENATOR KRUEGER: It's based on the
16 population number, so it can be -- in Manhattan,
17 in where I live, it could be a building. And
18 perhaps where you live it could be a significant
19 section of land. Right? Because I think where
20 you live is less densely populated than where I
21 live.

22 SENATOR STEC: Correct.

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

25 ACTING PRESIDENT PERSAUD: Senator

1 Krueger, do you yield?

2 SENATOR KRUEGER: Certainly.

3 ACTING PRESIDENT PERSAUD: Senator
4 Krueger yields.

5 SENATOR STEC: Thank you.

6 And in the budget bill language it
7 talks about looking at things smaller than a
8 census tract. It doesn't define are we going
9 neighborhood by neighborhood, street to street?
10 I mean, smaller than a census tract could still,
11 in my part of the state, be a large -- well, you
12 know, 4,000 people, that's almost Hamilton
13 County. Which I don't represent, but -- you
14 know, I mean if something as large as a county is
15 about the size of a census tract.

16 The lines 35 through 37 state that
17 "The commission shall study the availability,
18 reliability and cost of high-speed internet and
19 broadband services in New York State." And "The
20 commission shall, to the extent practicable" --
21 so my question is, what does "extent practicable"
22 mean, and who determines what is practicable?

23 You know, I mean, at what point does
24 somebody say, that's as good as we're going to
25 do? I mean, we've been doing that. I don't

1 think it's good enough.

2 So I'm concerned, and can you
3 explain, you know, how -- who gets to decide what
4 practicable is?

5 SENATOR KRUEGER: I would gather
6 the way it's written it would be the PSC that
7 would determine what is practicable.

8 I will agree with you that we want
9 to make sure it's done correctly. And I think we
10 need to watch over to make sure it is done
11 correctly.

12 And this will maybe surprise you at
13 2:00 in the morning, but my husband teaches GIS
14 mapping -- he's a geographer. So actually I'm
15 very familiar with different mapping models, just
16 because I watch him playing on the computer all
17 the time. And it's amazing how much more
18 sophisticated the options are even in public
19 software. So you can use Google Earth, a free
20 software system, to literally look at the
21 4,000 people that might be in a geographic area
22 the size of your county or the one building that
23 might be 4,000 people in my district.

24 So there really are many, many
25 options available to us here in New York and to

1 the PSC for correct mapping at many different
2 levels, and there's lots of different new, free
3 mapping software systems that have been
4 developed. And so I think that as long as we
5 stay on top of it and make sure we are making it
6 clear what kind of information we need, that the
7 PSC, in coordination with almost any academic
8 center that has geographic mapping or several, at
9 least in New York City, community organizations
10 who have started that their own free geographic
11 mapping options for people, that we should be
12 able to get this done correctly. Because guess
13 what? We all want to get it done correctly. It
14 doesn't help us not to get it done correctly. So
15 I'm quite optimistic.

16 SENATOR STEC: Madam President, if
17 the sponsor would continue to yield.

18 ACTING PRESIDENT PERSAUD: Senator
19 Krueger, will you yield?

20 SENATOR KRUEGER: Certainly.

21 ACTING PRESIDENT PERSAUD: Senator
22 Krueger yields.

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

25 Appreciate your familiarity and your

1 obvious interest in GIS mapping.

2 The last question on this section --
3 and then I want to go to the \$15 dollar per month
4 broadband -- the specific language, you know,
5 this is different from what the previous bill
6 was. This is different language. And I'm just
7 curious, but of the two majorities and the
8 Governor, who -- which of the three asked for it
9 to be worded this way?

10 SENATOR KRUEGER: Based on the
11 recommendation of the Public Service Commission.

12 SENATOR STEC: Madam President, if
13 the sponsor would yield and let me pivot to the
14 other questions on broadband.

15 ACTING PRESIDENT PERSAUD: Senator
16 Krueger, will you yield?

17 SENATOR KRUEGER: Certainly.

18 ACTING PRESIDENT PERSAUD: Senator
19 Krueger yields.

20 SENATOR STEC: Thank you, Madam
21 President.

22 And again, Senator Krueger, I
23 appreciate your time and the hour and your long
24 day today.

25 I've got several small providers in

1 the North Country -- and I'm sure this is true
2 throughout the state -- that are very concerned
3 with the mandate of we are going to tell you what
4 the bar is, and regardless of what your cost to
5 provide the service is, you will provide it for
6 this population at this price. Very uneconomic,
7 you know, as far as supply and demand. It's
8 certainly a different model for private business.

9 How many low-income New Yorkers do
10 we expect will qualify under this bill for the no
11 more than \$15 a month -- I mean, there's a list
12 of if you're on SNAP or if you're free or
13 reduced-lunch, but do we have an idea how many
14 New Yorkers would be eligible for this \$15 a
15 month broadband cost?

16 SENATOR KRUEGER: I'm sorry, we
17 don't. We have a list of who could be eligible.
18 And there's always a catch between who is
19 eligible and then who actually applies to get
20 something, and it's usually a much smaller number
21 who apply than the total number who on paper
22 would be eligible.

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

25 ACTING PRESIDENT PERSAUD: Senator

1 Krueger, will you yield?

2 SENATOR KRUEGER: Yes, of course.

3 ACTING PRESIDENT PERSAUD: Senator
4 Krueger will yield.

5 SENATOR STEC: Thank you, Madam
6 President. Through --

7 SENATOR KRUEGER: I just want to
8 clarify.

9 SENATOR STEC: Yup.

10 SENATOR KRUEGER: There's also an
11 exception {reading}: Shall not apply to any
12 broadband service provider providing service to
13 no more than 20,000 households, if the PSC
14 determines it would result in unreasonable or
15 unsustainable financial impact.

16 So when you talk about small
17 providers in your district, I don't think if that
18 means less than 20,000 households. But it sounds
19 like if it did, they wouldn't have to worry about
20 this.

21 SENATOR STEC: It is -- actually,
22 it's my fourth question, but I'll jump to that
23 one now, because you anticipated.

24 SENATOR KRUEGER: Okay, fine.

25 SENATOR STEC: So --

1 ACTING PRESIDENT PERSAUD: Senator
2 Krueger, will you yield?

3 SENATOR KRUEGER: Yes, I will.

4 ACTING PRESIDENT PERSAUD: Senator
5 Krueger yields.

6 SENATOR STEC: Thank you,
7 Madam President.

8 So how will the PSC determine what
9 is an unreasonable or unsustainable financial --
10 I mean, that's not defined in the bill. The PSC
11 is going to decide what each individual provider
12 can sustain? I mean, they're an expert on
13 everyone's balance sheet and -- or is there a
14 process for the company to object if the PSC says
15 no, this isn't unreasonable for you, is there a
16 process for them to object?

17 SENATOR KRUEGER: Apparently they
18 will provide an application process. And I'm
19 going to guess there will be some kind of an
20 appeal system within that process if you disagree
21 with PSC.

22 You know, I'm not PSC, but I don't
23 want to decrease the number of providers in
24 New York State. I'm actually looking to see more
25 providers out there cover larger geographic areas

1 and cover more people. So I don't think it's in
2 PSC's best interests to want to actually see
3 providers fail to be able to remain in business.

4 And I think that that would heavily
5 factor into their determination of whether they
6 need to make exceptions for you as long as
7 they're getting coverage for everyone,
8 ultimately. Because that's our goal, to make
9 sure that every New Yorker has coverage through
10 broadband, that it's fast enough and affordable
11 enough for people to use.

12 SENATOR STEC: Thank you,
13 Madam President. If the sponsor would continue
14 to yield.

15 ACTING PRESIDENT PERSAUD: Senator
16 Krueger, will you yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT PERSAUD: Senator
19 Krueger yields.

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

22 So what if a company provides a
23 service to more than 20,000 households but
24 operates on a margin where \$15 a month just
25 financially isn't going to make it, and it will

1 put them out of business? Then what happens?
2 And what happens to those that are being provided
3 by that company if they're the only company in
4 the area that's providing that service?

5 SENATOR KRUEGER: So at this point
6 PSC believes that the larger companies can
7 definitely afford to do this at the price set. I
8 suppose if it wasn't working, they would come
9 back to either us or through their own internal
10 process be able to determine a different formula.

11 Because again, we know why we want
12 to do this. We want to have everyone in New York
13 be able to have access to broadband that is both
14 fast enough and cheap enough to afford.

15 That's worked better in some places
16 than others. And surprisingly, not necessarily
17 in upstate New York where it's very rural being
18 the hardest. In New York City, we have enormous
19 problems in some of the poorest communities; in
20 some of our public housing communities, for
21 example.

22 But it's also been true that this
23 model is not so different than the lifeline phone
24 service that phone companies have been offering
25 to low-income New Yorkers for decades and

1 decades. And I remember early on the phone
2 company saying, We can't afford to do this, and
3 then lo and behold, we discovered actually they
4 really could.

5 Because once you have your system in
6 place, the marginal cost to you as a company for
7 additional clients is not particularly large.
8 And actually, the greater their -- their -- the
9 greater their market share, the better it is for
10 their company's future. So it can actually be a
11 win/win for them if this actually allows them to
12 expand services, because they are trying to serve
13 lower-income communities where, if people can't
14 buy the service for \$15 a month, they're not
15 going to buy the service at all.

16 So maybe it sounds a little
17 counterintuitive, but actually having the
18 lower-income option may actually be able to
19 assure them of faster expansion of the business
20 that they are trying to grow.

21 SENATOR STEC: Thank you,
22 Madam President. If the sponsor would continue
23 to yield, please.

24 ACTING PRESIDENT PERSAUD: Senator
25 Krueger, will you yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT PERSAUD: Senator
3 Krueger yields.

4 SENATOR STEC: Thanks,
5 Madam President. Through you.

6 Who determined that 60 days would be
7 enough time from the enactment for companies to
8 prepare to change their financial modeling to
9 provide this service to low-income customers?

10 And which providers were consulted
11 in the development of this plan? Because I'm not
12 aware of any in my large area of the northern
13 part of our state that were.

14 SENATOR KRUEGER: Three points.

15 One, apparently it was the larger
16 providers who were consulted.

17 But a lot of the providers already
18 offer a lower-cost option, so this isn't really
19 new to them. And we have experience based on the
20 fact that they are already doing this business.

21 And of course because of COVID and
22 children having to home-school and so many of us
23 literally surviving in the world because we had
24 access to the internet, there was a desire to try
25 to move this into reality as quickly as possible.

1 SENATOR STEC: Thank you,
2 Madam President. On the bill.

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

5 SENATOR STEC: Thank you.

6 I appreciate Senator Krueger's time
7 and her staff's time on this. This is a very
8 important issue in the northern part of our
9 state, and I appreciate your appreciation of
10 that.

11 These two sections next to each
12 other, MM and NN, perfect. Because I think it
13 highlights the challenge that I see, is that
14 we've pivoted from access to affordability. And
15 we still have an access problem in the
16 North Country. We have an access problem.

17 And while I'm not surprised that it
18 was very easy and convenient and valuable for the
19 state to talk to the bigger providers, the bigger
20 providers are not operating in the -- they've
21 taken the low-hanging fruit where the money is
22 easy, the economies of scale are there. They
23 have opted not to chase the business in the
24 North Country.

25 Now, they've created a niche for

1 smaller companies to do that, but their model is
2 different. And I'm sure that the small providers
3 that operate in my area resent that the big guys
4 that passed over this are calling the shots as to
5 how to define, you know, the future of their own
6 businesses.

7 Now, that's a business concern I
8 have. But my broader concern is the individual
9 families, the school kids that need it, the
10 people that want to telecommute. The economy is
11 evolving and pivoting, and we're going to need
12 more of this. And there's an opportunity to my
13 part of the state -- and frankly, to everyone,
14 because there's a lot of people from your part of
15 the state that would love to spend more time
16 telecommuting from the North Country.

17 So I want to focus on this, but if
18 we keep making it harder for these small
19 providers to make a living -- again, this is the
20 hard-to-serve areas that the big companies have
21 passed over. They're not interested in it. And
22 so the margins are smaller, but there's still
23 money -- there was money to be made, and there
24 are people that are making a go of it.

25 But now we are changing their

1 economic model. On top of that, and as an aside,
2 we've got the fiber tax on state roads -- that we
3 are discouraging, with this bill and other things
4 like the fiber tax I just mentioned, any
5 investment and expansion in the North Country.

6 And we are not at 98 or 99 percent
7 in the North Country. In a state of 19.5 million
8 people, maybe we're at 99 percent, but that's
9 because your part of the state is pulling that
10 number up. My part of the state is pulling that
11 number down. We are not at 99 percent. And so
12 we are in fear of getting left behind, which is
13 why the bill that was pocket-vetoed was so
14 frustrating to us.

15 So these two parts of this bill do
16 not do it for me or where I represent, and this
17 is a very important issue, broadband is a very
18 important issue. I will be voting against this
19 bill largely because of what we did on broadband.

20 But I appreciate your interest, and
21 I'd be looking forward to continuing to work on
22 this and take you up on your offer, Senator.

23 Thank you. Thank you, Madam
24 President.

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator Stec.

2 Senator Martucci.

3 SENATOR MARTUCCI: Thank you,
4 Madam President. Will the sponsor yield for a
5 question?

6 SENATOR GIANARIS: Madam President,
7 I believe Senator Martucci is going to be asking
8 about the rent relief program, if I'm --

9 SENATOR MARTUCCI: That's correct.

10 SENATOR GIANARIS: So Senator
11 Kavanagh, who unfortunately just stepped out for
12 a moment, will be in to answer those questions.

13 SENATOR MARTUCCI: Yes.

14 SENATOR KRUEGER: If you have
15 another question to ask me, go right ahead.

16 SENATOR MARTUCCI: I'm sorry,
17 Senator, I do not.

18 (Laughter.)

19 ACTING PRESIDENT PERSAUD: Senator
20 Kavanagh, will you yield?

21 SENATOR KAVANAGH: Now that I'm
22 here, I will, Madam President.

23 ACTING PRESIDENT PERSAUD: Senator
24 Kavanagh yields.

25 SENATOR MARTUCCI: Good morning,

1 Senator.

2 SENATOR KAVANAGH: How are you?

3 SENATOR MARTUCCI: I'm doing well,
4 thank you.

5 So this morning I just have a couple
6 of questions on the COVID-19 Emergency Rental
7 Assistance Program.

8 My first question for you,
9 Senator -- through you, Madam President -- how
10 much federal funding is expected to be directed
11 to this program?

12 SENATOR KAVANAGH: Through you,
13 Madam President, there's \$2.35 billion of federal
14 money that is available. And there's an
15 additional -- that's federal money. And there's
16 an additional \$100 million of state money that's
17 being made available for this purpose for people
18 who may not be eligible for this program.

19 SENATOR MARTUCCI: Madam President,
20 will the sponsor continue to yield.

21 ACTING PRESIDENT PERSAUD: Senator
22 Kavanagh, will you yield?

23 SENATOR KAVANAGH: Yes.

24 ACTING PRESIDENT PERSAUD: Senator
25 Kavanagh yields.

1 SENATOR MARTUCCI: How long does
2 the sponsor expect this program to operate? And
3 what happens if the funds run out?

4 SENATOR KAVANAGH: Through you,
5 Madam President. You know, it's hard to say for
6 sure. I mean, we are -- there's some uncertainty
7 as to exactly how many households there might be
8 out there that have rent arrears, and of course
9 how long it will take to process.

10 But the bill requires that the
11 Office of Temporary -- sorry, the OTDA create --
12 get the program up and running as soon as
13 possible. And we would hope that they're
14 processing applications as quickly as possible.

15 By some estimates there might be as
16 many as 800,000 to 1.2 million households in the
17 state who are behind on rent. So obviously it
18 will take some time to process those.

19 And in terms of the money running
20 out, two things. First of all, this is a very
21 substantial money even relative to the very
22 substantial arrears that have built up. By one
23 estimate, the total arrears in the state through
24 the end of January ranged from 1.4 to
25 \$2.2 billion. So this money is slightly higher

1 than the upper range of that.

2 But in addition, the federal
3 legislation that allocated that \$2.35 billion has
4 a provision that says if a state has spent more
5 than 50 percent of its money by a certain date,
6 and if other states have not done so, that there
7 maybe additional money reallocated from other
8 states to the states that have demonstrated their
9 need by, you know, spending the money
10 effectively.

11 So, you know, it's hard to know
12 how -- like a lot of things with COVID, it's hard
13 to know exactly how long it's going to take us to
14 dig out of that. But as soon as this money
15 begins to flow, landlords will start seeing the
16 resources they need to maintain their buildings;
17 tenants will obviously be relieved of this
18 enormous stress of having rent arrears built up
19 over the past year.

20 SENATOR MARTUCCI: Madam President,
21 will the Senator continue to yield.

22 ACTING PRESIDENT PERSAUD: Senator
23 Kavanagh, will you yield?

24 SENATOR KAVANAGH: Yes, Madam
25 President.

1 ACTING PRESIDENT PERSAUD: Senator
2 Kavanagh yields.

3 SENATOR MARTUCCI: So, Senator, I
4 would certainly -- through you, Madam
5 President -- certainly agree, and my colleagues
6 and I are very supportive of this program.

7 But do you believe that it will be
8 possible to have 65 percent of this money out
9 within the deadline so the federal government
10 does not take it back? Because I think that
11 there are certainly concerns -- I personally have
12 concerns, because I think that this state has
13 displayed a habitual inability to distribute
14 these funds.

15 As we know, millions of dollars came
16 in in December from the federal government that
17 still haven't been disbursed. We just received a
18 new set of money in March. So my question to the
19 sponsor is, do we believe that we can make those
20 deadlines?

21 SENATOR KAVANAGH: Through you,
22 Madam President, it is correct that the initial
23 money was allocated -- it was on December 28th,
24 if I'm not mistaken, and a subsequent allocation
25 came. There was a decision -- you know, I -- I,

1 Madam President, and many of my colleagues had
2 introduced a bill such that the state would be
3 ready to spend this money. I think the initial
4 bill was introduced as early as March 30th of
5 last year, and was updated at various times as
6 the federal legislation that might provide money
7 was changed.

8 But there was a decision to run this
9 through the budget process. And we've now had a,
10 you know, lengthy and thorough three-way
11 negotiation. This bill, of course, like most of
12 the things we're doing tonight, are the subject
13 of a three-way agreement. So we do expect that
14 the Executive is now prepared to implement this
15 program as written. We know that OTDA has spent
16 a lot of time already talking to contractors
17 about how to create the infrastructure necessary
18 to do this.

19 One precedent for this program,
20 Madam President, is the prior program we did. We
21 did an Emergency Rental Assistance Program in the
22 summer. We did that with very little prior
23 notice to anybody, including HCR, the agency that
24 needed to do it. We thought it was an emergency
25 and it was important to get some money out there.

1 But they had to create that program overnight
2 with very little administrative support.

3 This programs provides for
4 administrative support for the agencies that need
5 to run it, and also substantial money for
6 outreach to get the word out to both landlords
7 and tenants that the program is available. So we
8 hope to get folks in the door.

9 We're also dealing, in OTDA, with an
10 agency that has a social service district -- you
11 know, an agency in each county in the state, and
12 obviously has a lot of experience processing
13 really large volumes of checks to many, many
14 people. So we have some reason for confidence.

15 But having said that, we're going to
16 be paying very close attention to the
17 administration of this program.

18 SENATOR MARTUCCI: Madam President,
19 will the Senator continue to yield?

20 ACTING PRESIDENT PERSAUD: Senator
21 Kavanagh, will you yield?

22 SENATOR KAVANAGH: Happily,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: Senator
25 Kavanagh yields.

1 SENATOR MARTUCCI: Thank you.

2 So in the past when we've discussed
3 this program, there were many times strings
4 attached, particularly to the rental relief.
5 Does this budget have any such conditions
6 included in it, such as requiring the tenant to
7 stay in the apartment for a period of time, or
8 rent increase freezes or anything like that?

9 SENATOR KAVANAGH: Through you,
10 Madam President, there's not a requirement on the
11 tenant, there's a requirement -- so the tenant
12 applies for the program, they have to meet
13 certain eligibility criteria. The landlord in
14 most cases will have to participate in that
15 process in order to receive the money.

16 The program is designed such that
17 tenants and landlords can actively participate in
18 that. Once an application is submitted, the
19 landlord will have an ability to track that
20 application until there's a determination made
21 about the eligibility.

22 I think what my colleague is
23 referring to is the obligations that ensue when
24 the landlord accepts the money from this program.
25 And what those obligations are is if the landlord

1 accepts money for arrears under this program,
2 they must agree, first of all, not to charge the
3 state late fees on that money for this period,
4 and also to keep the rent steady at the amount
5 that it was as of the date of the application,
6 and to forego the opportunity to evict the tenant
7 for a holdover or for not having a lease for the
8 ensuing year.

9 Now, that of course does not apply
10 to prospective nonpayment cases. If the tenant,
11 you know, fails to pay the rent in the future,
12 the landlord would have their normal rights and
13 remedies under that circumstance. And also --
14 we've gotten this question a lot -- it does not
15 apply, it's not intended to apply to a situation
16 where the tenant is causing danger to others,
17 they're unreasonably violating their lease and
18 causing harm or fear or destruction. Even with
19 our current eviction moratorium, those cases have
20 been allowed to proceed, and they will be allowed
21 to proceed under these restrictions as well.

22 SENATOR MARTUCCI: Thank you,
23 Madam President. On the bill.

24 ACTING PRESIDENT PERSAUD: Senator
25 Martucci on the bill.

1 SENATOR MARTUCCI: So I certainly
2 want to start by thanking my colleague
3 Senator Kavanaugh. Thank you so much for your
4 very comprehensive answers at this very early
5 hour in the morning.

6 I guess the only thing that I really
7 want to underscore is just the importance of
8 getting this rent relief directly in the hands of
9 our tenants and our landlords as fast as
10 possible. There has been tremendous delay. In
11 fact, I remember in our very first committee
12 meeting, you as the chairman brought forward a
13 bill of yours that did exactly this. So
14 certainly I know that I'm hearing from landlords
15 and tenants alike in my district that it's time
16 that we address this, and I certainly hope that
17 this budget will do exactly that and do it very
18 fast.

19 The second thing I want to say is
20 that, you know, I stand here proudly in support
21 of this budget bill. First, this bill does some
22 important things, like we just talked about, with
23 respect to relief for our landlords and for our
24 tenants.

25 But it also does an important thing

1 in my district which keeps the Goshen Secure
2 Center open. I've been working to stop this
3 closure since the day it was announced, and I was
4 proud to work with my colleagues in this chamber,
5 Senator Skoufis and Senator Mannion, to do
6 exactly that and get this legislation over the
7 line.

8 Saving Goshen was not just about
9 saving jobs, but it was about doing the right
10 thing for the people in my district and it was
11 about doing the right thing for the people of
12 New York. Keeping Goshen Secure open is a big
13 win for all of us.

14 The second reason I'm voting for
15 this bill is because Goshen Secure has some great
16 programming. During this journey I got to meet a
17 young man whose life was changed because of the
18 great work that happens at Goshen Secure Center.

19 Second, this bill provides some
20 important labor protections on renewable energy
21 projects. This is going to protect hardworking
22 union members in my district. And third and
23 finally, as many of my colleagues pointed out
24 earlier in the debate on this bill, it takes
25 important steps to finally address a broadband

1 problem that exists in our state. Because
2 broadband is no longer a luxury, it's in fact a
3 necessity.

4 For those reasons, I proudly vote
5 aye. Thank you, Madam President.

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Senator.

8 Are there any other Senators wishing
9 to be heard?

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

12 Read the last section.

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

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Senator
19 Kavanagh to explain his vote.

20 SENATOR KAVANAGH: Thank you,
21 Madam President. And I thank my colleagues
22 across the aisle for the discussion of this bill
23 and the many issues we've discussed today.

24 I rise to note that, you know, this
25 bill comes after a year where so many phenomena

1 have happened that we've lost sort of superlative
2 adjectives for them. This has been an incredibly
3 challenging year for so many of us, and in
4 housing and in homelessness is really no
5 exception. You know, we already had an
6 affordable housing crisis. We had a housing
7 quality crisis in many parts of the state even
8 before COVID. But COVID has in many ways
9 stretched our systems to their limits. It's
10 caused enormous hardship for tenants and, it
11 should be acknowledged, for the many landlords
12 who have tried to do the right thing during this
13 very difficult circumstance.

14 This is a bill that really will --
15 hopefully very rapidly, as my colleague across
16 the aisle noted is an important part of this, but
17 hopefully very rapidly this will begin to undo
18 that damage, to make sure that -- we've already
19 taken many steps to make sure people stay in
20 their homes, both homeowners and renters, but
21 this is a program that will make sure that people
22 don't suffer long-term economic damage from this
23 with what is, for most people, their biggest
24 expense, their housing costs.

25 I just want to end by thanking the

1 many people that were involved in this bill.
2 It's been a long road to this point. But Andra
3 Stanley, from my own staff, who did the initial
4 drafts of this, and Adriele Douglas and
5 Nic Rangel and Chris Friend and Allison Bradley
6 and Lonnie Threatte and Tamara Frazier and David
7 Friedfel and Shontell Smith. Because this cut
8 across a couple of committees, there are a lot of
9 folks involved; I hope I didn't leave anybody
10 out.

11 And of course our leader, Andrea
12 Stewart-Cousins, and you, Madam President,
13 Senator Roxanne Persaud, who was the co-prime
14 sponsor of the bill as chair of our Social
15 Services Committee, and 35 cosponsors of this
16 bill.

17 And of course, you know, our
18 Assemblymember, Steve Cymbrowitz, who is the
19 Assembly sponsor, and the Executive Chamber and
20 OTDA, who have been negotiating and are going to
21 have to implement this.

22 We got a lot of input from the City
23 of New York, from tenant organizations like Legal
24 Aid Society, Make the Road, Citizen Action,
25 Enterprise, the Housing Conference, NYSAFAH and

1 ANHD. And yes, we also had a lot of constructive
2 input on this one from landlord organizations,
3 including REBNY and Community Housing Improvement
4 Program, or CHIP, and SPONY, the Small Property
5 Owners of New York, and many others.

6 This is again an area where a lot of
7 people have recognized that tenants and landlords
8 do have common cause, and we're going to try to
9 address the needs of all of them with this very
10 important program.

11 And with that, Madam President, I
12 vote aye.

13 ACTING PRESIDENT PERSAUD: Senator
14 Kavanagh to be recorded in the affirmative.

15 Senator Myrie to explain his vote.

16 SENATOR MYRIE: Thank you,
17 Madam President. And good morning. It is good
18 to be back in the chamber.

19 I'd be remiss if I didn't start off
20 with thanking our Majority Leader, Andrea
21 Stewart-Cousins, Shontell Smith, Jessica Persaud,
22 Donovan Borington, a number of our anti-gun
23 violence organizations, and our champion in the
24 other house, Assemblymember Diana Richardson, for
25 helping to make this bill become a reality today.

1 In 2019, on the last day of this
2 legislative session, when I was in this chamber,
3 I got a call from the Mayor's Office, and they
4 told me that an 11-year-old in my district was
5 shot with a stray bullet -- pierced his chest,
6 broke his spine.

7 And that young king, Jayden Grant,
8 thankfully survived. But his life was forever
9 changed that day; his family, our community,
10 forever traumatized by that incident of gun
11 violence.

12 And I wish, Madam President, that I
13 could stand before you today and say that that's
14 an isolated incident. But the unfortunate
15 reality is that this happens every day in our
16 communities. Shootings are up in New York City
17 257 percent. And I wish I could say it's just a
18 New York City problem. But the top five counties
19 in the state, three of them -- Erie, Onondaga and
20 Monroe -- are outside of New York City.

21 And of course I wish I could say
22 this is just a New York problem, but this is a
23 scourge that is happening across the nation. One
24 hundred nine Americans die daily from gun
25 violence. Seventy-five percent of homicides

1 across this nation, gun violence. The leading
2 cause of death for children and teenagers in this
3 country, gun violence. Half of the Black
4 teenagers that died in 2019 died from gun
5 violence.

6 And just like many of society's
7 ills, gun violence disproportionately affects
8 Black people. If you are a Black man in this
9 country, you are eight times more likely to die
10 from gun homicide than any other category. And
11 although young Black men only constitute
12 2 percent of our population, they make up
13 37 percent of gun homicides.

14 And I know what you're thinking,
15 Madam President. Not here in New York, we have
16 some of the strongest gun safety laws in the
17 nation. But Black people in this great state are
18 15 times more likely to die from the bullet of a
19 gun than their white counterparts.

20 And if that human cost doesn't move
21 you, gun violence costs this state \$3 billion a
22 year.

23 So today, Madam President, we say
24 enough is enough. We will become the first state
25 in the nation to declare gun violence what it is:

1 A public health crisis that demands a
2 crisis-level response. The Community Violence
3 Intervention Act will provide resources for
4 community and hospital-based programs that can
5 show the country that with evidence-based and
6 non-police solutions, we can collectively fight
7 for our public safety.

8 And while gun violence has robbed
9 thousands of years off of the lives of
10 New Yorkers, this act today is a deposit in the
11 future of New Yorkers like Jayden Grant, the
12 future of New Yorkers like the 9-year-old
13 daughter of Brownsville who just last night
14 watched her father kill her entire family and
15 turn the gun on himself. We are making a deposit
16 today for that daughter of Brownsville.

17 From Brownsville to Buffalo, this is
18 a deposit for peace. It is a deposit for our
19 grieving mothers, a deposit for our hurting
20 families. A deposit for a New York that will one
21 day, Madam President, be free from gun violence.

22 So for all of those reasons, I
23 proudly vote in the affirmative.

24 Thank you.

25 ACTING PRESIDENT PERSAUD: Senator

1 Myrie to be recorded in the affirmative.

2 Senator Mannion to explain his vote.

3 SENATOR MANNION: Thank you,
4 Madam President.

5 I was a high school educator for
6 almost 30 years, and I was a teacher union
7 president for nearly a decade. I'm the parent of
8 three kids who attended public schools in Central
9 New York. And today I'm a State Senator who has
10 delivered on his promise to help fix a broken
11 system of funding schools.

12 Until this budget, Foundation Aid
13 was inequitable and underfunded. While a lot of
14 work remains to be done, we are now beginning a
15 three-year phase-in of fully funding the
16 Foundation Aid formula. After many years, the
17 state will finally hold up its end of the deal.

18 Who are the winners? That's our
19 students and our teachers, our communities.

20 I also want to highlight the
21 expansion of universal pre-K. The data shows
22 that prekindergarten is vital to early childhood
23 learning. It can put kids on the right path for
24 the rest of their lives, but it was not
25 accessible in many school districts.

1 Because of the hard work of many of
2 my colleagues across government, that changes
3 today. Families in more than 200 school
4 districts across New York will have the benefit
5 of UPK, and I hope that expands further next
6 year.

7 Madam President, our education plan
8 will make a college degree more attainable. We
9 are closing the so-called TAP gap, the difference
10 between public education tuition and TAP awards.
11 We are also raising the maximum TAP award by over
12 \$500. This will strengthen SUNY and CUNY and
13 will open the doors to a college education for
14 many. In the State of New York, you can pursue
15 any path, any career, with the vibrant and vast
16 programs that exist within these institutions.

17 If ever New York State was making a
18 down payment on its future, it is with smart and
19 impactful educational practices and policies like
20 Foundation Aid reform, UPK, and closing the TAP
21 gap.

22 As I said, I've been a teacher for
23 30 years -- almost 30 years -- and my wife for
24 about the same period of time. I have watched
25 her engage her students, inspire her students.

1 But beyond being able to engage and inspire, she
2 is a masterful tactician in how to get to the
3 root of how children learn to read, which is
4 essential in anyone's success.

5 I stand here today as an advocate
6 for public education, as a father who has seen
7 the good that occurs in it, and the spouse of a
8 person who changes the lives of children. I
9 proudly vote in the affirmative.

10 Thank you, Madam President.

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

13 Senator Mayer to explain her vote.

14 SENATOR MAYER: Thank you,
15 Madam President.

16 I rise today to proudly explain my
17 vote for an education budget that is truly
18 transformational.

19 This budget reflects the Senate
20 Majority's unwavering commitment to finally fund
21 the state's obligation to public education, and
22 also to ensure that our schools have the
23 resources they need to help students recover from
24 the incredibly disruptive impact of COVID on P-12
25 education.

1 First I want to thank our Majority
2 Leader, Senator Stewart-Cousins, for her
3 unwavering dedication to the principles of
4 educational equity that reflect our values. This
5 historic bill could only happen because of her
6 personal commitment to see it through. She feels
7 these issues with a sense of personal passion
8 that led to this paradigm change, and I am
9 forever grateful for that.

10 In this budget we finally commit to
11 funding the obligation laid out more than a
12 decade -- people don't understand that, a decade
13 ago, in a statutory formula designed to drive
14 greater equity and educational opportunity for
15 all children in New York. Some of us thought
16 this day would never come. But through the work
17 of advocates, parents, my terrific colleague
18 Senator Robert Jackson, who has spent more than a
19 decade leading this fight, our New York City
20 Education chair Senator John Liu, exceptional
21 teachers, administrators, school board
22 superintendents and so many others, including our
23 colleagues on the Board of Regents, we are
24 finally getting this done.

25 But we make these major changes for

1 a purpose, to ensure that every school provides
2 the quality education our kids need, regardless
3 of where they live, the wealth of their
4 neighborhood, or any other factor. That is what
5 drives us and will continue to guide our ongoing
6 obligation to education.

7 In addition, this budget comes to
8 grips with the impact of COVID on our schools and
9 our students. This has been a year of
10 educational turmoil that children, parents and
11 teachers have faced with courage and resilience,
12 but it will have lasting consequences. By
13 rightly allowing the federal COVID funds, which
14 were intended to supplement the state's
15 contribution to education, schools will now have
16 the resources necessary for compensatory
17 learning, mental and emotional growth, and other
18 services to ensure our kids move ahead in the
19 best shape possible.

20 These funds will also fund necessary
21 emotional and support services for thousands of
22 students who have lost loved ones of their own.

23 I'm exceptionally proud of our new
24 initiative to expand pre-K ultimately to every
25 child in New York State. We begin to fully phase

1 it in this year, and more than 200 districts will
2 bring early education opportunities to
3 4-year-olds for the first time. This is a
4 path-breaking development that could ultimately
5 lead and will ultimately lead to full-day pre-K
6 for all 4-year-olds in the state -- another dream
7 we thought could never occur, but which will lead
8 to positive social and academic success for so
9 many of our children.

10 We also continued our fight for
11 New York's special needs children, and I'm proud
12 that schools serving special education students
13 will be protected. And I'm thrilled that our
14 schools for the blind and deaf will receive
15 additional funding, and our 4201 schools will
16 receive \$30 million in capital.

17 It took a lot of fighting and a lot
18 of noise and a lot of partners to make this
19 happen, but we are proud of this effort to
20 provide historic funding for our schools to
21 support our students and affirm our commitment to
22 educate all children regardless of where they
23 reside.

24 We do this, again, for the purpose
25 of ensuring equity and equal opportunity for

1 every child, whether they live in Brooklyn, in my
2 community in Port Chester, in the North Country,
3 the Southern Tier, or any of the cities
4 throughout our state -- and certainly within the
5 City of New York.

6 But we have more to do. Much more
7 needs to be done. We have to press to ensure our
8 kids learn the full story of American history --
9 the richness of our diversity, a greater
10 commitment to civic participation and to the
11 democratic process. We will continue that fight
12 after this bill passes tonight.

13 But for now, I'm incredibly grateful
14 to the exceptional staff that made this happen:
15 Amanda Godkin, Mike Swanson, Lonnie Threatte,
16 Monica Saladi, our committee director Georgia
17 Ascitutto, and certainly Dave Friedfel and
18 Shontell Smith. Without them all, this could
19 never have happened.

20 But for the children of New York,
21 I'm exceptionally proud of this budget. We are
22 making this difference for them, and for that
23 reason I vote in the affirmative.

24 ACTING PRESIDENT PERSAUD: Senator
25 Mayer to be recorded in the affirmative.

1 Senator Reichlin-Melnick to explain
2 his vote.

3 SENATOR REICHLIN-MELNICK: Thank
4 you, Madam President.

5 So I began my career as a public
6 school teacher, and I taught in an inner-city
7 school surrounded by richer suburban districts.
8 And it was clear then that the lack of funding to
9 schools in poorer areas had real consequences for
10 the students that the schools were serving.

11 And so tonight as we are making a
12 renewed commitment to actually deliver on
13 educational equity to the students around
14 New York State, I am proud to support this budget
15 bill. Because the Foundation Aid formula that is
16 funding schools in New York has been broken for a
17 while, and it has been underfunded for even
18 longer -- basically, ever since it was created.
19 And today, finally, this body and this
20 Legislature are saying that we are going to
21 support full phase-in of Foundation Aid for
22 schools in New York State.

23 This is going to make a tremendous
24 difference in the lives of children from
25 Long Island, through my district in the

1 Hudson Valley, and all the way up to the
2 North Country and Western New York and everywhere
3 in between. We're going to be funding schools at
4 60 percent of what they're owed this year,
5 80 percent the following year, and 100 percent
6 two years from now.

7 In my district alone, this year
8 we're seeing a \$22 million increase in Foundation
9 Aid allocation. This is money that will go for
10 teachers, this is money that will go for new
11 education technology. We will be able to reduce
12 class sizes. We'll be able to support
13 extracurriculars, to support counselors for
14 students -- so many things that are vital to the
15 educational success of our kids.

16 And so we need to pass this budget
17 bill. I am proud to be part of this
18 Majority that is supporting this effort and
19 funding our schools at the level that they
20 deserve to be funded. I am proud to be voting
21 yes on this bill.

22 ACTING PRESIDENT PERSAUD: Senator
23 Reichlin-Melnick to be recorded in the
24 affirmative.

25 Senator Hinchey to explain her vote.

1 SENATOR HINCHEY: Thank you,
2 Madam President.

3 There are many things to be
4 incredibly proud of in this budget, from finally
5 keeping our promise to fully fund Foundation Aid,
6 to investing in early childhood education by
7 expanding full-day pre-K -- giving our kids the
8 tools they need to be successful later in life
9 and helping our working families with the support
10 they need for childcare -- to also solving the
11 broadband crisis.

12 To anyone living in upstate
13 New York, you know that the Governor's claim of
14 98 percent coverage is just inaccurate. We
15 struggle every day with reliable access to
16 broadband that has become basically a necessity
17 in life, as opposed to a luxury.

18 This is something that we need to
19 change, and the package in this bill is going to
20 do that. We need accurate household-level data
21 to understand where the gaps are so that we can
22 work collectively to close them.

23 I'm proud to support this bill. I'm
24 proud to bring our constituents the broadband
25 access that they need to be successful in life,

1 and for that, I vote aye.

2 Thank you.

3 ACTING PRESIDENT PERSAUD: Senator
4 Hinchey to be recorded in the affirmative.

5 Senator Liu to explain his vote.

6 SENATOR LIU: Thank you,
7 Madam President.

8 I rise to say that I support this
9 bill wholeheartedly for many different reasons,
10 but especially for the commitment that we're
11 making to education here in New York. We've all
12 known that the Campaign for Fiscal Equity nearly
13 15 years ago required the state to provide a
14 sound, basic education for all kids, all
15 schoolkids in New York. And yet for so long the
16 state has shortchanged these kids.

17 Finally, we have put in place a firm
18 three-year commitment to fully fund that
19 Foundation Aid, with a historic \$1.4 billion
20 increase in school funding this year, another
21 increase next year, and the final increase to
22 fulfill the mandate in Year 3.

23 And not only are we making these
24 promises, but we have also delivered the revenue
25 to back up these promises so that indeed these

1 schoolchildren will get the money they so
2 deserve. They are our future, and we must invest
3 in them.

4 Now, this money, as important as it
5 is, does not come without certain requirements.
6 And I'm very proud that our Legislature has put
7 these requirements onto the school districts that
8 will receive this funding by ensuring that they
9 will seek local input, that the communities and
10 the stakeholders there will collaborate with the
11 school districts to come up with a plan that will
12 ensure student achievement, the eradication of
13 the achievement gap, helping students with
14 special needs. Those are things -- those are the
15 educational services that we are seeking to
16 deliver and fulfill.

17 And beyond public school funding,
18 we're also making a firm commitment to higher
19 education in the form of an elimination of the
20 TAP gap that has plagued our public universities
21 in New York State and New York City for far too
22 long. This firm commitment to finally fund the
23 TAP gap over the next three years will also
24 signal a very strong commitment to public
25 education here in the State of New York.

1 Madam President, I proudly vote aye.

2 ACTING PRESIDENT PERSAUD: Senator
3 Liu to be recorded in the affirmative.

4 Senator Jackson to explain his vote.

5 SENATOR JACKSON: Good morning,
6 Madam President and my colleagues. I say good
7 morning because it's approximately 3:00 a.m.

8 And I stand here as a proud parent,
9 education advocate for three decades, and the
10 lead plaintiff in the Campaign for Fiscal Equity
11 lawsuit against New York State. I walked from
12 New York to Albany in 2003, 150 miles over eight
13 days, and a second time in 2016, with the
14 Alliance for Quality Education, for our
15 children's education.

16 In 1993, Madam President, as
17 president of Community School Board 6, my
18 youngest daughter Sumaya, in the first grade, and
19 my middle child Asmahan, in the seventh grade at
20 PS/IS 187, I launched the Campaign for Fiscal
21 Equity. After 13 years, we won. And in 2007,
22 the Foundation Aid formula was created to
23 guarantee every child the opportunity to get at
24 minimum a sound, basic education.

25 And in 2019, along with AQE, I

1 traveled from Rochester to Brentwood,
2 Long Island, from Schenectady, New York, to
3 Washington Heights, in my district. All of us
4 saw the reality, everywhere -- underfunded
5 schools unable to provide the education
6 guaranteed by the New York State Constitution.

7 Governors have refused to fund the
8 formula while generations completed our education
9 system with promises unfulfilled. Today marks a
10 historic commitment in the landmark decision made
11 more than a decade ago.

12 I believe in the power of education
13 uplifting communities out of poverty. You may
14 have heard me say it before: It doesn't matter
15 if you're rich or poor, Black, white, Latinx or
16 Asian, red, green or blue, education is the key
17 to uplift our children's futures.

18 Madam President, give me one more
19 minute. Let me just tell you some of the names
20 of the plaintiffs in 1993. Besides the Alliance
21 for Quality Education and Class Size Matters,
22 Michael Rebell, the attorney who handled the case
23 in the law firm, pro bono, of Simpson Thacher &
24 Bartlett. Aminisha and Kuzaliawa Black.
25 Innocencia Berges-Taveras, Bienvenido and Tania

1 Taveras. These are the children. Joanne and
2 Erycka DeJesus. Heather Lewis and her children
3 Alina, Shayna and Joshua. Lillian, Sherron and
4 Courtney Paige. Vernice Stevens. Richard
5 Washington. Maria and Jimmy Vega. Dorothy and
6 Blake Young. The Schott family -- I can't tell
7 you how much they meant for this lawsuit. Norm
8 Fructher. And my daughters Sumaya and Asmahan.
9 And of course Cynthia Nixon and other undeterred
10 parent leaders and advocates.

11 CFE was not an upstate versus
12 downstate, urban versus suburban or rural issue.
13 The case was about all New Yorkers and our
14 obligation to millions of children that we are
15 finally honoring.

16 I vote yes, Madam President. Thank
17 you.

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

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar 653, those Senators voting in the
23 negative are Senators Akshar, Borrello, Gallivan,
24 Helming, O'Mara, Ortt, Serino and Stec.

25 Ayes, 55. Nays, 8.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

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

5 SENATOR GIANARIS: Thank you,
6 Madam President.

7 At this time we're going to go back
8 to Calendar 652, which we had previously laid
9 aside temporarily.

10 ACTING PRESIDENT PERSAUD: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 652, Senate Print 2500D, Senate Budget Bill, an
14 act making appropriations for the support of
15 government: STATE OPERATIONS BUDGET.

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

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

20 SENATOR GIANARIS: I move to accept
21 the message of necessity.

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

25 (Response of "Aye.")

1 ACTING PRESIDENT PERSAUD: Opposed?

2 (No response.)

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

6 Read the last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Senator
13 Jackson to explain his vote.

14 SENATOR JACKSON: Thank you,
15 Madam President.

16 My colleagues, I rise to speak on
17 this particular bill regarding the State
18 Operations Disparity Study Tax Credit.

19 Representation matters. Who writes
20 and produces our TV shows matters. The content
21 and tone of these shows matter and can make a
22 tremendous difference in the lives of the
23 millions who watch them.

24 That is why I'm proud to help more
25 people of color and women build careers in the

1 television industry. Their new roles in the
2 industry will make it more vibrant and relevant
3 to every community and will allow the industry to
4 grow stronger in New York, creating thousands of
5 valuable union jobs.

6 This is a major achievement for
7 diversity in the film and television industry.
8 In 2019, we passed important legislation to
9 provide tax credits for the industry to hire
10 women and people of color as directors and
11 writers. In 2020, we passed legislation to
12 create a disparity study, but the COVID-19
13 pandemic created a fiscal calamity and prevented
14 us from funding it.

15 Addressing this problem was not just
16 a matter of social justice but also of the
17 long-term health of this critical job-creating
18 industry in our state. This bill will put money
19 at the point of hire of Black and Brown TV
20 writers and directors for the first time ever,
21 and I thank my colleagues and the thousands of
22 Writers Guild and Directors Guild of America
23 members for their visionary leadership on this
24 issue.

25 And we say to everyone, we must

1 thank our leaders. And Andrea Stewart-Cousins,
2 our Majority Leader, I thank you on behalf of the
3 thousands of members that this will impact, and
4 thank all of the staff that worked on it.

5 But there are two individuals,
6 Lowell Peterson, the Executive Director of the
7 Writers Guild of America East AFL-CIO, and
8 Neil Dudich, Eastern Executive Director of the
9 Directors Guild of America. I thank them for
10 fighting for their members to be represented on
11 the TVs that we watch.

12 Madam President, I vote aye on this
13 bill.

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

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 652, those Senators voting in the
19 negative are Senators Akshar, Borrello, Boyle,
20 Gallivan, Griffio, Helming, Jordan, Lanza,
21 Martucci, Mattera, Oberacker, O'Mara, Ortt,
22 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
23 Weik.

24 Ayes, 43. Nays, 20.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 Senator Gianaris.

3 SENATOR GIANARIS: Thank you,
4 Madam President.

5 At this time we're going to hear
6 from the leaders, beginning with Minority Leader
7 Senator Ortt. Please recognize him.

8 ACTING PRESIDENT PERSAUD: Senator
9 Ortt.

10 SENATOR ORTT: Thank you very much,
11 Madam President.

12 I want to recognize my colleague
13 from across the aisle, Senate Majority Leader
14 Andrea Stewart-Cousins. I want to recognize our
15 deputy, Senator Lanza, as well as his colleague,
16 Senator Gianaris, who have been sitting here all
17 day listening to a lot of speeches, a lot of
18 arguments, a lot of good debates.

19 I also want to thank and recognize
20 Senator O'Mara, who is of course our ranker on
21 the Finance Committee. Not only -- along with
22 Senator Krueger -- did he sit through hours and
23 hours of budget committee hearings, but then of
24 course he sort of is our tip of the spear when it
25 comes to debating, in this case the

1 largest-spending budget in New York State
2 history.

3 And it will come as no surprise to
4 anybody here, he did not, of course, get the
5 bills with a whole lot of advance notice.

6 And neither did our staff. And I'd
7 be remiss if I did not thank our staff. All the
8 staff works very hard and very late hours -- in
9 fact, they're often up till 3:00 a.m. probably
10 most of the month of March. And our staff
11 certainly in the Minority is no different, only
12 they have even less time with the bills and have
13 to brief our conference as quickly and as
14 completely as possible so that we can come out
15 here and not only articulate our positions and
16 debate these bills but also vote in the way that
17 our constituents would want us to.

18 I know it's late, and I will be
19 brief. New York State has led the country in
20 outmigration the past two years. It's an
21 indisputable fact. There's a lot of things that
22 have been talked about tonight. Some of them
23 were facts, some of them were fiction. It is a
24 fact that we have lost more people than we have
25 brought into the state.

1 Two of the states that have taken
2 many of our residents, many of our employers,
3 many of our retirees, many of our children, are
4 the states of Florida and Texas. Ironically,
5 tonight's budget is larger than Florida and Texas
6 combined. Yet we're supposed to believe that
7 what we do here has no bearing on why businesses
8 leave, why employees leave, why retirees leave,
9 why our children leave.

10 But no one actually believes that.
11 Nobody. Nobody back home, nobody in our
12 districts, no one on Wall Street, no reporter, no
13 one paying attention believes for a second that
14 what we do here doesn't matter and doesn't have
15 an impact on where people choose to live. They
16 leave for better opportunities, they leave
17 because New York State's unaffordable.

18 It was said by a member of the
19 Majority tonight that this was a recovery budget.
20 And I thought to myself, How many years will it
21 take the state to recover from this budget? It's
22 going to take long time.

23 We've heard tonight about billions
24 spent to go towards non-U.S. citizens,
25 undocumented immigrants. And I think about only

1 a billion was spent for small business
2 assistance, for relief. Two billion was spent on
3 that fund. Only 500 million was spent for
4 middle-class tax relief, but 2 billion was spent
5 for undocumented immigrants. Only 5 million was
6 spent for veterans' suicide prevention, but
7 2 billion was spent for unemployment benefits for
8 non-U.S. citizens.

9 We haven't been able to rescind one
10 executive order that this Governor -- a Governor
11 who's engulfed in scandal, a Governor who's
12 engulfed in multiple federal and state
13 investigations, we haven't been able to rescind
14 one order -- or we've been unwilling, the
15 Majority has been unwilling to rescind one order,
16 but yet they steamrolled him when it came to
17 raising taxes and increasing spending. He was no
18 match. And he capitulated to the radical
19 progressive left that now runs both houses of the
20 Legislature. And that's why we have a state
21 budget that increases spending by over
22 10 percent, to 212 billion.

23 And I'll sum up, Madam President, by
24 saying that if we think this budget is going to
25 bring people back to New York -- people who pay

1 taxes, people who put their kids in school,
2 people who are looking to invest, to create jobs,
3 or people who are looking for a job -- I heard it
4 was said tonight that we need to spend all this
5 money because New York State is a very expensive
6 place to live. Why don't we try to do something
7 about why it's so expensive to live? Maybe that
8 would be the better answer.

9 But no, we're doubling down on the
10 very policies that have put us in the position
11 we're in. This is going to exacerbate the
12 outmigration. This is going to put New York at a
13 further disadvantage. And who are you
14 disadvantaging? The people who can't leave. Not
15 the millionaires and billionaires who choose to
16 live in Manhattan. My colleagues are probably
17 right; they've been voting for liberal
18 politicians for years, they've been soaked with
19 taxes for years, and they stay anyways. Which
20 just proves that you don't have to be smart to be
21 rich.

22 But I have a lot of constituents in
23 my district who cannot afford to leave. They
24 cannot afford to leave, but they can't afford to
25 stay.

1 So, Madam President, this budget is
2 a bad budget for New Yorkers, it is a bad budget
3 for small business, it is a bad budget for
4 working-class, taxpaying, law-abiding New
5 Yorkers, and that is why I'll be voting no.

6 I thank you for your indulgence. I
7 thank all the staff. I thank my colleagues for
8 their efforts. And I again thank you for the
9 time, but I will be voting nay.

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator Ortt.

12 Senator Gianaris.

13 SENATOR GIANARIS: Thank you,
14 Madam President.

15 Can we now hear from our great
16 Majority Leader, Andrea Stewart-Cousins.

17 ACTING PRESIDENT PERSAUD: Majority
18 Leader Andrea Stewart-Cousins.

19 SENATOR STEWART-COUSINS: Thank
20 you, Madam President. And thank you for
21 presiding over this very long debate. And the
22 hour is late, so, you know, I will finish my
23 remarks quickly.

24 I do want to acknowledge Leader
25 Senator Ortt. It's been nice working with you

1 during this process.

2 And of course I want to acknowledge
3 Senator Krueger, who, you know, has done just an
4 incredible job with all of these budget hearings
5 and certainly during this budget process, and of
6 course her colleague Senator O'Mara for his work.

7 Also I want to acknowledge my
8 deputy, Senator Gianaris. I know you're so happy
9 to continue to be here for this. But you've come
10 this far, so you might as well take the
11 acknowledgment. Thank you so much for leading
12 the debate and making sure that our voices are
13 heard in an orderly fashion. And of course your
14 counterpart, Senator Lanza, thank you so much as
15 well.

16 I really also want to thank my
17 Counsel and Finance staff. They are just
18 incredible people who are dedicated to doing the
19 work of New Yorkers, and that's on both sides of
20 the aisle. This work of the staff to make us all
21 prepared is not easy, so it is very, very much
22 appreciated. And of course a special shout-out
23 to my chief of staff, the unflappable Shontell
24 Smith; my Finance Secretary, David Friedfel;
25 Communications Director Mike Murphy, and Director

1 of Intergovernmental Affairs Loren Amor for all
2 that they have done throughout this process.

3 And of course the amazing members of
4 the Democratic Majority Conference for their
5 tenacity, their advocacy, and all that they've
6 accomplished.

7 And I also want to thank the
8 countless organizations and grassroots activists
9 who advocated for equitable, visionary state
10 budgets, and for all those who have started to
11 understand that democracy works best when we work
12 together.

13 I'm grateful for today. But I do
14 miss the days when this chamber, even at
15 3:00 a.m., was filled with people and energy.
16 And I do hope that we are on the cusp of that
17 happening again sometime soon.

18 But being here in this empty chamber
19 is a reminder again of the awful toll that this
20 virus has taken over the last year. Over 50,000
21 New Yorkers have died from COVID-19. Countless
22 parents, grandparents, siblings, friends have
23 spent more than a year separated from their loved
24 once. Thousands of small businesses have seen
25 their life's work dissipate and their doors

1 shuttered, while even more hardworking
2 New Yorkers have lost their jobs or seen their
3 incomes plummet.

4 Children all over the state have
5 lost precious moments to learn, to grow and form
6 friendships. And our front-line health workers
7 are still doing heroic work while carrying the
8 trauma of seeing their workplaces overwhelmed and
9 colleagues lost due to this terrible disease.

10 These are human tragedies that we as
11 legislators can never erase from our state's
12 shared experience.

13 However, many of the deep issues
14 that have been exposed by this virus existed in
15 our society beforehand. That's why so much
16 happened during this past year -- during so much
17 of this past year we've acknowledged the need for
18 a reckoning, and this budget is a reflection of
19 that reckoning.

20 We took bold steps to ease the
21 suffering of our neighbors who are still
22 struggling. We chipped away at structural
23 injustices that made this pandemic even worse for
24 some New Yorkers than others. And we invested in
25 a stronger and a more equitable future for our

1 state so that all of us are better equipped for
2 the next crisis and all of us have access to
3 affordable housing and quality healthcare and
4 good public schools and decent wages that every
5 New Yorker deserves.

6 This budget represents a light at
7 the end of the tunnel and shows us a path forward
8 that will lead New York State through this
9 pandemic and beyond. The task we faced in
10 constructing this budget was a daunting one, but
11 it would have been even more challenging were it
12 not for the new Democratic Congress that
13 delivered on President Biden's promise to provide
14 critical funding through the American Rescue
15 Plan. That will help our economy, our families,
16 our schools and our small businesses. Thank you,
17 President Biden, Senate Majority Leader -- our
18 own New Yorker -- Chuck Schumer, Speaker Nancy
19 Pelosi, and those from our New York congressional
20 delegation who showed moral leadership in
21 supporting this needed recovery.

22 This federal support was desperately
23 needed, and it creates a bridge to the future by
24 offsetting so much of the economic damage caused
25 by the COVID-19 pandemic. It gives us the

1 opportunity to look at the other side of that
2 bridge and chart a new, more equitable path
3 forward.

4 Here's what we did with that
5 opportunity. In 2019 we passed the strongest
6 housing and tenant protections in the history of
7 New York State. However, the pandemic has
8 further exposed the thin line for so many between
9 having a roof over their head or homelessness.
10 Too often the difference is just a single
11 paycheck. This budget will help provide renters
12 who can't afford their rents and struggling
13 landlords and homeowners across the state some
14 security.

15 New York State's students and
16 educators have navigated tough times, adapting to
17 remote learning and safely reopening our schools.
18 This Senate Majority is moving forward with a
19 transformational increase in state and federal
20 resources to create better educational
21 opportunities for our students and provide the
22 resources our teachers need to do their job.

23 Our commitment to educating all of
24 our children, from pre-K to the senior year of
25 college, has never been more evident than it is

1 today. We are expanding pre-K for more than 200
2 school districts and will be committing to
3 universal pre-K statewide in the next three
4 years.

5 We're finally giving our schools the
6 funding that was owed for years -- in fact, when
7 I first ran, it was about CFE in many ways. And
8 so we're committing to a three-year phase-in of
9 fully funded Foundation Aid.

10 And we're investing in higher
11 education like never before, with higher
12 scholarships, hundreds of millions in new funding
13 for CUNY and SUNY, including eliminating the TAP
14 gap after three years.

15 This budget helps New Yorkers from
16 young children in pre-K throughout the entire
17 education system to those seeking a higher
18 education to improve their opportunities in life.
19 Investing in students at all points in their
20 education is how we ensure a better future for
21 both them and all of us.

22 The COVID-19 pandemic shuttered so
23 many of our small businesses, and we mourn the
24 restaurants and the stores and the theaters in
25 our communities that will never come back. But

1 there are others that are hanging on but are
2 still struggling, and today the Senate Majority
3 is telling them that we have their back. This
4 budget adds a billion in direct state aid for
5 small business in addition to the 2.3 billion of
6 federal funding that will be available.

7 It also funds nonprofits, arts
8 organizations that will be vital to life in
9 New York returning to the vibrant, dynamic normal
10 we all remember.

11 We're also committed to building an
12 infrastructure worthy of the 21st century, and
13 that's why we're spending more than a billion
14 dollars on infrastructure investments, including
15 hundreds of millions on our local roads and
16 expanding access to affordable broadband
17 throughout the state.

18 And as the emerging debate in
19 Washington has made clear, we can't tackle
20 infrastructure without also taking on climate
21 change. This budget takes historic action to
22 authorize 3 billion for the Environmental Bond
23 Act of 2021 -- Clean Water, Green Jobs, Green
24 New York -- to fund environmental improvements
25 that preserve, enhance and restore New York's

1 natural resources and reduces the impact of
2 climate change.

3 The pandemic highlighted gaps in our
4 healthcare system. This budget is committed to
5 ensuring that New Yorkers receive quality and
6 affordable healthcare by restoring billions of
7 dollars to cuts in our system and other services,
8 increasing access to healthcare for everyone,
9 including our most vulnerable residents.

10 So many hardworking people in
11 New York have faced economic hardship and
12 challenges in employment opportunities during
13 this pandemic, and that's why we're creating a
14 new, one-time-only Excluded Worker Fund to
15 provide financial resources to workers who lost
16 their jobs during the COVID-19 pandemic but were
17 ineligible for any aid. Despite even some of the
18 dehumanizing rhetoric, the fact that this money
19 is going to people who work jobs, pay taxes and
20 kept our economy running and our families fed --
21 at great risk to their health and lives -- but
22 didn't get any help in return, we need to make
23 sure that we are helping people.

24 The fearmongers won't tell
25 New Yorkers this story on their Twitter accounts.

1 Again, you heard it before: Undocumented
2 immigrants in New York paid an estimated
3 \$3.6 billion in taxes in 2019, 1.4 billion in
4 state taxes alone. They put 19.2 billion into
5 our state's economy.

6 It is in everyone's best interests
7 that all unemployed New Yorkers get back on their
8 feet regardless of their immigration status.
9 Let's be clear, this money is stimulus money --
10 it will be going right back into our local
11 economies.

12 And, sadly, we have seen a rash of
13 hate crimes against our Asian brothers and
14 sisters, something that we must put an end to
15 immediately. This budget provides much-needed
16 funding to combat hate crimes, offer protections
17 to communities, and also provides educational
18 tools to combat hate in schools.

19 New York has a robust and expansive
20 agriculture industry that is crucial to the
21 state's economy. This budget provides help for
22 our family farmers who kept food on our tables at
23 the height of pandemic.

24 These historic investments are not
25 only vital to our current recovery, they are the

1 foundation for shared prosperity and broad
2 opportunity. Which is why we're not just
3 plugging today's deficits and leaving the
4 problems of the future for another time.
5 Instead, we are asking those who have done the
6 best during this pandemic to give a little more
7 so we can truly rebuild our state in a
8 sustainable way.

9 Despite what our colleagues across
10 the aisle may say, the facts are that if you are
11 a New Yorker not making over a million dollars
12 annually -- that's net -- this does not impact
13 you.

14 In fact, today we delivered
15 much-needed tax breaks for working and
16 middle-class New Yorkers, including a new
17 \$440 million property tax circuit breaker and
18 guaranteeing \$400 million in middle-class
19 personal income tax cuts.

20 We also legalized mobile sports
21 wagering to create jobs and bring hundreds of
22 millions of dollars in revenue to our state.
23 What this revenue will do is to help all
24 New Yorkers -- our families, friends and
25 neighbors.

1 This is all pretty incredible when
2 you take a moment to remember the many challenges
3 this budget brought with it: A preexisting
4 deficit, a global pandemic, and questions about
5 how to best take advantage of this federal aid
6 package and not lead to a fiscal cliff.

7 While this budget may not hit upon
8 the absolute wants of every individual person or
9 group, it helps all of us move forward together.
10 This is a bold budget and takes historic action
11 during unprecedented times, and for that I'm
12 proud and ready to continue this momentum in the
13 coming months of the legislative session.

14 Again, I want to thank all my
15 Senators, all of our Senators on both sides of
16 the aisle, all the staff, for their extraordinary
17 work.

18 So we have a little break. You can
19 get back to your districts, your families safely
20 and enjoy a little bit of spring. And of course
21 when we come back, we'll continue to do the
22 people's work.

23 So thank you, and of course I vote
24 aye.

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Madam Leader.

2 Senator Gianaris.

3 SENATOR GIANARIS: Madam President,
4 is there any further business at the desk?

5 ACTING PRESIDENT PERSAUD: There is
6 no further business at the desk.

7 SENATOR GIANARIS: I move to
8 adjourn until Monday, April 19th, at 3:00 p.m.,
9 intervening days being legislative days.

10 ACTING PRESIDENT PERSAUD: On
11 motion, the Senate stands adjourned until Monday,
12 April 19th, at 3:00 p.m., intervening days being
13 legislative days.

14 (Whereupon, at 3:27 a.m., the Senate
15 adjourned.)

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